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The Family on Trial in Revolutionary France (review)

Jack Richard Censer

Journal of Social History, Volume 39, Number 1, Fall 2005, pp. 280-282
(Review)

Published by Oxford University Press
DOI: <https://doi.org/10.1353/jsh.2005.0097>



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Conquest: Gendered Violence, Political Order, and the European Conquest of the Americas (Ithaca, 1995).

2. M. Roche, *Forbidden Friendships: Homosexuality and Male Culture in Renaissance Florence* (New York, 1996).

The Family on Trial in Revolutionary France. By Suzanne Desan (Berkeley and Los Angeles: University of California Press, 2004. xiv plus 456 pp. \$50.00).

A book review can scarcely begin to explain the significance of Suzanne Desan's *The Family on Trial in Revolutionary France*. In short, this work, though it almost completely eschews a polemical style, takes on three major positions developed since the early 1970's regarding the French Revolution. First, despite an early commitment to social history, revolutionary scholars abandoned it even sooner than many other historians for the linguistic turn. Although Desan uses discourse, especially regarding the construction of gender, she remains committed to social history, in order to explore behaviors. In large part, this study relies on techniques used by family historians. Second, the book challenges the main substantive assertions by François Furet and others that the Revolution, despite a nod to libertarianism, became quickly absorbed in egalitarian concerns that led directly to the Terror. To the contrary, Desan believes that the revolutionaries initiated a radical individualism in policy and practice concerning the family that would, despite a retreat in the nineteenth century, never be completely undone. And as many scholars before her have done, she finds that views of family were central to the entire eighteenth-century project of change: While the Old Regime depended on a king and patriarchy, the new would be democratic and egalitarian in family interactions.

Finally, and more openly here than for the other themes already noted, the work confronts the dominant thesis regarding the revolution and gender announced first by Joan Landes in 1988 and still largely triumphant. In the reigning approach, the Enlightenment and Revolution from the start were hostile to women. The nineteenth century cult of domesticity located its origin in this revolutionary development. Instead, for Desan, the Enlightenment attacked the paternalism of the Old Regime and the Revolution and replaced it with a system raising the individual to new heights. In short, marriage—sounding very modern—became the contract between two free people who could dissolve it at will. In this version, domesticity emerged as a reaction against this revolutionary endeavor.

A brief review can only give a summary and outline of the structure and arguments of *The Family on Trial*. The initial chapters analyze the Enlightenment's assault on the patriarchal Old Regime and the development of the revolutionaries' new vision. Desan assumes that one can generally speak of a revolutionary approach to constructing the family that began in 1789 and persisted through the decade. From this view emerges a revolutionary definition of family relations. Desan finds three essential characteristics. First, as part of the new definition of the autonomous individual, men and women freely entered marriage

and were thus entitled to break such vows through divorce. Families were made up of individuals, so that the revolutionaries allowed partners to manage their own financial resources.

Second, such rampant libertarianism was not, however, supposed to dissolve the family or society. Just as the revolutionaries expected political freedom would produce social attachment, so they also expected individuals to generate stronger families. Desan argues that "... the natural bonds of conjugal love and family unity assumed ever greater importance as an imagined source of political transformation as well as social cohesion" (p. 90) Marriage could then harmonize liberty and social bonds.

It was this second principle of integration that led rather naturally to the third. For the revolutionaries, the love that was essential to the social compact implied complementarity between men and women. Thus, notions of masculinity and femininity in their differences were meant to benefit society. Men were to be energetic, dedicated to the nation, humane and sensitive. Wives were to cultivate these tendencies in men through their domestic virtues. In fact, asserts Desan, men could not play the role assigned to them without the support of women. Where other scholars have believed the place assigned to women demeaning, Desan repeatedly focuses on the individual power given to women in creating and dissolving marriages and in other domestic matters. In her weighing of revolutionary rhetoric, she emphasizes individualism.

Although the author begins her work by defining the revolutionary discourse, her next several chapters consider the "real" playing out of the implications of companionate and individualistic marriage. With an extraordinary command of the secondary literature and significant archival work as well, Desan painstakingly charts the practice of divorce, the use of egalitarian inheritance, the place for "natural" [illegitimate] children and unwed mothers, and the role of paternity. Although the author treats these subjects in case studies that tell the social response to revolutionary legal possibilities, sometimes she documents the discourses emanating from various rungs of society. While some scholars elide the latter with the "social," others do not. Nonetheless, Desan offers a plethora of evidence indicating the family practices and behaviors of French men and women.

Overwhelmingly, Desan finds that contemporaries used the new legislation as it was intended. And against much scholarship to the contrary, she asserts that the revolution and its individualism mainly liberated and benefited women. The one notable exception was in paternity suits. In the Old Regime, an unwed mother could name the father of her child, and the authorities would help her win support. But as relationships were between those freely consenting, some revolutionary jurists found that fathers could not be forced to recognize illegitimate children. This practice, of course, did not redound to the benefit of the women or children. Nonetheless, Desan argues that overall law, discourse, and practice significantly undermined beliefs in female inferiority and created women emboldened with their own civil rights.

This analysis—which clearly rehabilitates social history, shows a powerful libertarian impulse, and attacks those who equate the revolution with anti-feminism—has yet another problem to address—the nineteenth century. In fact, many regard the nineteenth century to be a long travail for women, begin-

ning with Napoleon's Civil Code and concluding with the ideology of separate spheres which confined women to domestic life. If the revolution so favored women, how then did things end up so poorly? To this, Desan offers two answers. First, Desan argues that the nineteenth century was not as bleak as has been rendered because the revolutionary legacy was still evident, especially in the independent marital choices made by women. Additionally, Desan sees the drift away from revolutionary theory and practice as a reaction to the revolution beginning under Thermidor. Conservatives unsuccessfully objected then, but later under Napoleon the change was institutionalized. Desan vacillates here, it seems to me, wavering between arguing that Napoleon held conservative views and contending that he merely wished to ensure order. Nonetheless, the Civil Code and legal and social disabilities for women were a reaction rather than a continuation or entrenchment of revolutionary sentiment.

Desan's departure from current interpretations will draw substantial fire. But critics will have to work hard because her research is so thorough and her interpretation as developed throughout the book is subtle and also counters many arguments that might be used against it. But some positions remain vulnerable to criticism. Undeniably the Revolution saw rampant sexism and, to some extent, the repression of women in the political—even if not the familial—sphere. That these latter spheres of activity could differ so markedly does point up possible contradictions, especially in light of Desan's desire to link the Revolution's politics and family policies. Perhaps, ironically enough, Desan's detractors will end up separating politics from family relationships and discourses about it, even though many of them place gender, and thus masculinity and femininity, at the center of the analysis. Although the density of the analysis and repetitiousness of some arguments will make this book accessible only to specialists and advanced students, *The Family on Trial* will loom large in discussions about the history of the revolution. Because of all the issues it raises, it could not be more timely.

George Mason University

Jack Censer

"Faire les nocés": Le mariage de la noblesse française (1375–1475). By Geneviève Ribordy (Toronto: Pontifical Institute of Mediaeval Studies, 2004).

This is an excellent study that does even more than what it claims to do: investigate the practice and celebration of marriage among the French nobility from 1375–1475. The sources used are not the usual ecclesiastical court cases, but those generated by criminal cases in the Parlement of Paris between 1375 and 1474 (for which Ribordy found 48 cases concerning marriage from all parts of France). This was the court to which the great lords might have recourse in situations of murder or rape and its records concern the most aristocratic stratum. She also uses requests for letters of remission to have cases dismissed from the courts (52 new cases found by reading every other year through the same period, plus 11 requests providing more information on the 48 cases before Parlement),