

ENDNOTES

1. William M. Reddy, *The Navigation of Feeling: A Framework for the History of Emotions* (Cambridge, UK, 2001).
2. Michael D. Sibalís, "The Regulation of Male Homosexuality in Revolutionary and Napoleonic France, 1789–1815," in Jeffrey Merrick and Bryant T. Ragan, eds., *Homosexuality in Modern France* (New York, 1996), 80–101.
3. Joan B. Landes, *Women and the Public Sphere in the Age of the French Revolution* (Ithaca, N.Y., 1988); Dominique Godineau, *The Women of Paris and their French Revolution*, trans. Katherine Streip (Berkeley, CA, 1998) (orig. 1988).
4. On the restoration of slavery under Napoleon, see Yves Bénot and Marcel Dorigny, eds., *Rétablissement de l'esclavage dans les colonies françaises. Aux origines de Haïti* (Paris, 2003).
5. A sampling of recent publications reflecting this emphasis on the period's positive accomplishments includes James Livesey, *Making Democracy in the French Revolution* (Cambridge, MA, 2002); Howard G. Brown and Judith A. Miller, eds., *Taking Liberties: Problems of the New Order from the French Revolution to Napoleon* (Manchester, UK, 2002); Charles Coulston Gillispie, *Science and Polity in France: The Revolutionary and Napoleonic Years* (Princeton, N.J., 2004); and Laurent Dubois, *A Colony of Citizens: Revolution and Slave Emancipation in the French Caribbean, 1787–1804* (Chapel Hill, N.C., 2004).
6. See, for example, Margaret H. Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775–1825* (Princeton, N.J., 1988) and Jacques Dupâquier et al., *Histoire de la population française*, t. III (1789–1914) (Paris, 1988).
7. Alyssa Sepinwall, *The Abbé Grégoire and the French Revolution: The Making of Modern Universalism* (Berkeley, CA, 2005), 190–3; Dubois, *Colony of Citizens*, 251–3.
8. See Ronald Schechter, *Obstinate Hebrews: Representations of Jews in France, 1715–1815* (Berkeley, CA, 2003).
9. Ithaca, N.Y., 2005.

THE SOCIAL REVOLUTION IN FRENCH REVOLUTIONARY FAMILIES

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"We were so accustomed to see our daughters, only as a portion, so to speak, of our beings . . . that we cannot resolve without pain to treat them as equals of their brothers . . . {But}by birthright, *all the children of the same father merit his affection and aid equally*; . . . the new law does not so much offer daughters an additional benefit, as it restores a right, which the old law had taken away from them out of contempt for nature."¹ With these claims, four Norman lawyers,

servicing as arbiters in a family court, justified the revolutionary move of granting daughters an equal share in their fathers' legacies. Their words betray ambivalence about recognizing the "restored rights" of daughters once seen "as a portion, so to speak, of our beings," but at the same time, their legal position endorses the Revolution's "new law" and espouses a model of egalitarian affection and property within the family.

This court case, like many others, suggests three themes of my book which Jeremy Popkin highlights. First, although family and politics were already intertwined in the Old Regime, the French Revolution infused politics into the most intimate family relationships and provoked family members to introduce revolutionary ideals, such as liberty or equality, into their domestic lives. Second, this struggle over how to "regenerate the family" took place as a continual dialogue, a negotiation between men and women at all levels of society: lawmakers and jurists, pamphleteers and journalists, younger sons and desperate wives, judges and lawyers, they all took part. Like these four Norman arbiters, they strove to negotiate their way between new reforms and old customs, in dialogue with revolutionary politics. Third, studying the family challenges the dominant interpretation of the French Revolution's impact on women; this theory holds that the Revolution primarily encouraged domesticity by confining women to the "private sphere." On the contrary, like the Norman daughters in this court case, certain women won unprecedented opportunities to gain property, power, or independence; yet, as I will discuss below, the Revolution left a complex legacy for women as well as men.

I am grateful to Popkin for discussing these arguments, but the Norman arbiters' willingness to reallocate property and overturn gendered family strategies suggests a fourth theme that Popkin has overlooked or underplayed: the lived experience of social revolution within households. My response will focus on this strand within my work. For although Popkin initially acknowledges my attempt to envision a new social interpretation, his review is strangely dismissive about the intensive social history work that underpins my analysis of family reform. My book is definitely in dialogue with older scholarship on the family as well as with newer work on gender and political culture. Far from privileging "passions" over "actual impact" (Popkin, 995), *The Family on Trial in Revolutionary France* seeks to show how fundamentally revolutionary passions and new social practices influenced one another as they together recast intimate relations between the genders and generations.

Methodologically, this book aims at bridging the false dichotomy between social "experience" and discursive "construction." Deeply influenced by cultural forces, the family is also a socioeconomic institution, a network of individuals engaged in negotiation and conflict over resources, gender roles, legal status, and domestic authority. In addition to the petitions, debates, and laws mentioned by Popkin, I draw extensively on classic social history sources—including hundreds of court cases, *état civil* records, pregnancy declarations, and notarized property donations—to analyze the domestic impact of controversial laws mandating egalitarian inheritance, legalizing divorce, endowing illegitimate children with rights, implicitly outlawing paternity suits by unwed mothers, and reducing parental authority over adult children's property and marital choices. The four

central chapters of the book incorporate a case study of the Norman department of the Calvados to peer into households and assess the transformations wrought by both new cultural ideals about the family and changes in family law.

I argue that many individuals experienced the tumultuous 1790s as a social revolution as well as a political one. Rather than simply promoting domesticity, the Revolution rocked the economic, legal, and cultural bases of the patriarchal, lineage family. Two striking transformations stand out: the decline of parental, especially paternal, authority; and the challenge to marital indissolubility and male authority within marriage. These changes demanded new family strategies for the long term. At the same time, new laws, institutions, and cultural expectations enabled all sorts of individuals—such as illegitimate daughters, younger sons, or ill-suited wives and husbands—to defy traditional family practices and remake their positions within their families.

Access to revolutionary changes such as divorce or rights for natural children was markedly uneven, and *The Family on Trial* attempts to sort out how numerous factors, from geography to class to family position to politics, informed the ability of individual women and men to reshape or defend their domestic experiences. For example, class, gender, geography, and access to revolutionary political ideas all had a significant impact on couples' ability to divorce. When Marie Anne Maurice, a boatbuilder's daughter, divorced her candle-maker husband for incompatibility in Caen in the spring of 1793, the couple fit the profile of a typical divorcing couple, at least in statistical terms. More frequently initiated by women than men, divorce became primarily an urban phenomenon, used most readily by couples from artisanal, commercial, or bourgeois backgrounds. Yet my case study of 468 divorces in the Calvados also sheds light on the previously unexamined question of rural divorce. Although rural divorce was always hard to come by, it nonetheless made inroads in certain pockets, in the livestock-producing Pays d'Auge for example. Here divorce was most likely facilitated by various factors, such as lower rates of religious practice, a relatively wealthy peasantry, greater exposure to revolutionary ideology, proximity to urban culture, and access to legal practitioners. In stark contrast, divorce remained virtually unheard of in the poorest, most Catholic, most counter-revolutionary areas of the Calvados, such as the Bocage Virois.

Grassroots struggles over divorce illustrate again and again one of the main themes of my book: social forces and the new political culture collided and interacted, and revolutionary politics informed the most intimate relationships. Not only was divorce more common in communities with Jacobin clubs, but more broadly, unhappily married couples saw their conflicts through the lens of revolutionary politics. Angered by her husband's infidelity, Marie-Françoise Godefroy tapped into the ambient revolutionary language and declared to the family tribunal that she "could no longer convince herself to sacrifice her liberty and put herself into slavery." While wives were more likely to decry "marital despotism" or critique "tyranny" within marriage, husbands too employed the imagery of "irons" or "chains" binding them "as slaves to Hymen." One inhabitant of Caen begged lawmakers to let him set an example "of liberty by breaking these cruel chains and living forever free in the bosom of loving friendship and happiness, invaluable for the life of every good French patriot."²

Just as divorce became more conceivable and more available to certain groups

for cultural and social reasons, inheritance reform and the assault on paternal prerogative had a much stronger impact among certain populations, notably in Normandy, where customary law privileged sons over daughters, and in the Midi, where fathers wielded authority over adult offspring and could craft their legacies at will, often favoring the eldest son. Egalitarian inheritance laws wreaked havoc with property arrangements, disturbed long-standing lineage strategies, and uprooted gender patterns. In the family tribunals within the district of Caen in the early to mid 1790s, contests between siblings made up sixty percent of the 143 inheritance cases in my sample, and sisters beat out their brothers 78% of the time. Realigning property not only gave certain women more power within households, it also provoked politicized debate about relationships among parents, children, and siblings. The language of both courts and petitions revealed a profound dispute over the revolutionary meaning of "equality" within the home, as brothers claimed to have earned their larger shares through merit and labor, while sisters idealized the egalitarian, affectionate family and denounced the "despotism and tyranny" of hard-hearted fathers and greedy brothers.

These domestic conflicts over property and affection produced a speedy backlash but also had a long-term impact on family strategies into the nineteenth century. Although the Civil Code tempered the strictness of egalitarian inheritance, it continued to mandate much greater equality than in the Old Regime. These revolutionary and Napoleonic innovations nudged Norman families toward downplaying their customary law emphasis on lineage. Placing increased focus on the conjugal family, more couples embraced communal marital property in their marriage contracts, not only because of changes in property law, but also because the region's modernizing economy made the liberation of capital more appealing. Families in certain social groups in the Midi also edged toward the communal property system in the early nineteenth century.³ It is not easy to assess how these changes affected relations between spouses, but arguably they gave the couple more autonomy from kin networks, augmented their shared interest in financial ventures, and could increase a widow's benefits if the couple had done well. In short, I argue that, as part of a much longer term trajectory, the revolutionary era encouraged the shift toward conjugal families and what André Burguière has called "the invention of the couple."⁴

The social revolution also reached outside the legal bonds of marriage and had a wide-ranging influence on courtship, illegitimacy patterns, and the rights of natural children and their unwed mothers and fathers. Illegitimacy rates continued to rise in the Calvados and elsewhere in France during the Revolution. Using pregnancy declarations and paternity suits, *The Family on Trial* analyzes how the Revolution loosened the practice of courtship in the early 1790s. Young couples found themselves suspended between two worlds. On the one hand, marriage and family continued as always to be crucial for survival, and young women were keenly aware of the need to preserve their sexual virtue and honor in order to marry well. But on the other hand, the Revolution brought structural and cultural changes. War and economic distress led to an escalation in male mobility. New laws and practices undercut the moral authority of the Church and, even more importantly, reduced parental control over marriage choices and the property of their adult children. At the same time, revolutionary rhetoric reinforced the language of love and affection; the new politics proclaiming "freedom of the

heart" built on the Old Regime's celebration of sentiment in novels, songs, and legal briefs. Many an unmarried mother, pressing her paternity suit in the Calvados, testified to her lover's "most sincere love," "friendship," or "captivation" of her heart. While seduction obviously had certain timeless qualities, the shifting circumstances of Revolution changed the rules and expectations of courtship, and illegitimacy rates rose.

Worried about this trend, revolutionary lawmakers developed a complex plan, built on faith in the power of the state and a deeply gendered vision of equality. To deal with illegitimacy, they strove to destigmatize unwed mothers as patriotic producers, build a poor relief system for these women and their offspring, and mandate equal inheritance rights for illegitimate children who were recognized by their parents. Keenly aware of the coercive power of older fathers and of the state on adult young men, the deputies also chose to liberate putative fathers from possible false accusations of paternity. But although the deputies vaguely abolished paternity suits as part of their law offering rights to natural children, judges at the grassroots level continued to award damages, lying-in expenses, and child support to unwed mothers. In the Calvados, two-thirds of natural mothers won their paternity suits in the early 1790s, and even after the implicit abolition of paternity suits in 1793, local judges awarded damages into 1795 when the Committee of Legislation finally interpreted the ambiguous law in favor of alleged fathers.⁵

The fate of natural mothers and children reveals most markedly how the revolutionaries' intentions could fall short of their goals and also how deeply politics affected the social impact of attempted reforms. According to the deputies' vision, these illegitimate children and unwed mothers who lost the traditional support of paternity suits should either be cared for by the state or, in the children's case, gain new benefits as heirs to their fathers' legacies. But, in fact, the state was too impoverished to offer adequate aid; and furthermore, over the late 1790s, the courts gradually became resistant to allotting inheritance to illegitimate children. Assuming that fathers would naturally and willingly recognize their children, the legislators had decreed that fatherhood must be "voluntary," freely chosen, and clearly demonstrated by active care for the child. But the shifting course of revolutionary politics allowed this poorly written and controversial law to be subverted in practice. In the conservative climate of the Thermidorian Directory, judges at the appeals court level made fatherhood ever more difficult to prove and increasingly defined both illegitimate children and unwed mothers as threats to the property and stability of the legitimate family. As these judges undercut the attempt to grant rights to natural children, they also contributed to crafting a more conservative model of the family, now defined not by the "natural" bonds of affection, but rather bound by legal ties aimed at protecting property and honor.

The authors of the Civil Code would amplify this family model, as they reacted against the most controversial and egalitarian aspects of revolutionary family law and reinstated male authority over women and children. As the Napoleonic jurists enlisted legitimate fathers as guarantors of social stability and of the family's name and goods, they simultaneously undercut the radical revolution's vision of masculinity. That ideal had certainly encouraged men to be dynamic and even militant activists on behalf of the new nation, but it had also

urged them to be humane and sensitive, open to affection and equality within the natural ties of family and nation. Republican wives should cultivate this male sensitivity, since it also made men more capable of making moral, political judgments for the *bien public*, the general good. The Napoleonic backlash redefined masculinity in a patriarchal mold and validated stability over equality and sentiment within families: fathers should use their renewed authority to defend the honor, property, and order of their households.

This summary of the social revolution within households would be incomplete without highlighting its complex impact on women. The French Revolution left three intertwined, and at times contradictory, legacies for women. It fostered strong discourses that emphasized female domestic powers and moral responsibilities, often framed in Rousseauist terms. But at the same time, legal reforms enabled women to claim greater autonomy, property, or authority within households, and to use the state to make civil rights claims as legal individuals. Over the course of the nineteenth century, the gradual construction of domesticity drew upon the Revolution's endorsement of women's moral power, but also developed as a *reaction against* the gender turmoil of the Revolution and *against* women's impressive political and legal power in the 1790s. Third, the Revolution generated political practices and ideologies of rights and equality that enabled women to criticize gender inequities and lobby for feminist reforms. Nineteenth-century feminists appropriated and transformed these political tools and arguments. Clearly, the Revolution's impact on women was not simply "good" or "bad," and it varied immensely for individual women according to family position, geography, class, religion, etc. Further studies of groups within the French population will help us develop a clearer portrait of the diverse meanings and experiences for women as well as men, including Jews in various parts of France and people of color in Saint-Domingue, as suggested by Popkin.⁶

Recognizing the multi-faceted impact of the Revolution on women also has implications for thinking about female political activism. Rather than focusing primarily on collective or official forms of politics, I define politics broadly to include a range of activities, such as going to court, refusing the caresses of a counter-revolutionary suitor, petitioning the state, creating a civil marriage festival, or posting a placard to demand female property rights. By politicizing everyday life, the French revolutionaries generated new forms of power.⁷ As various women invented and exercised these new forms of power, their actions often transcended the division between "public" and "private." Without downplaying the significance of women's exclusion from formal political power, such as the vote, I aim to understand and analyze their extensive informal power as well as their new access to revolutionary institutions and rights. As Popkin notes, by exploring the varying political attitudes of women toward family reform, I break down any assumption that "women" as a whole shared the same set of political (or familial) interests. However, my book is meant to complement not contradict Godineau's excellent study of Parisian women's political activism,⁸ nor do I deny the presence of a feminist movement in revolutionary France. On the contrary, revolutionary ideology and new political practices fostered a feminist critique of the family. Acting sometimes collectively, but often individually, the women (and men) who forged this feminist critique took part in a collective

cultural movement demanding greater rights for women in both the household and the state, and their feminism undoubtedly influenced nineteenth-century activists.

Finally, if *The Family on Trial* seeks to show the continual interplay between everyday social experiences and political culture, it also demonstrates that gender was central to the construction of the French state and citizenship. Beyond the more readily acceptable idea that political shifts affected family reform, I argue that revolutionary state-builders could not invent a secular state and a rights-bearing citizen without addressing the legal rights of women and adult children. In addition, since the family underpinned the state, lawmakers continually attempted to rebuild the political and social order in sync, and were deeply influenced by the ordinary citizens who sought to reform or defend family practices. To give a salient example, when Thermidorian and Directorial politicians reacted against the radical revolution and tried to stabilize society in the aftermath of the Terror, they drew on the outpouring of conservative petitions that bemoaned the gender chaos and confusion over property wrought by new family laws. Conservative politicians essentially appropriated this popular defense of traditional family property and gender hierarchy in order to legitimize a political order based on class and to edge France toward the more patriarchal gender order that the Napoleonic era would promote. Throughout the revolutionary era, family and state shaped one another in tandem with the changing course of politics.

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1. Emphasis mine. Archives nationales DIII 339, *Question de droit. Consultation. De la succession des filles normandes, délibéré à Caen, 22 décembre 1792*, by hommes de loi Thome, Regnault, Pelvey, et Chrétien (Caen, 1792).
2. Archives départementales du Calvados, 3L 616, Sentences arbitrales du district de Caen, 8 prairial–6 messidor an III (27 May–24 Jun. 1795); Archives nationales, DIII 33, Pétition d'un citoyen de Caen aux dignes représentants du peuple, 8 Sep. 1792.
3. Charles Alline, *De l'ancien régime matrimonial normand et de sa survivance dans la pratique notariale sous le droit intermédiaire et sous le code civil*, Université de Caen, Thèse de droit (Paris, 1908); Jean-Pierre Chaline, *Les bourgeois de Rouen. Une élite urbaine du XIXe siècle* (Paris, 1982). Beyond Normandy, see Nicole Arnaud-Duc, *Droit, mentalités et changement social en Provence occidentale. Une étude sur les stratégies et la pratique notariale en matière de régime matrimonial de 1785 à 1855* (Saint-Etienne, 1985); Alain Collomp, *La maison du père: Famille et village en Haute-Provence aux XVIIe et XVIIIe siècles* (Paris, 1983); Margaret Darrow, *The Revolution in the House: Family, Class, and Inheritance in Southern France, 1775–1825* (Princeton, NJ, 1989); Adeline Daumard, *La bourgeoisie parisienne de 1815 à 1848* (Paris, 1963), chap. 4; David Garrioch, *The Formation of the Parisian Bourgeoisie, 1690–1830* (Cambridge, MA, 1996). For a more complete discussion of these trends, see Desan, *Family on Trial*, Chap. 4 & Conclusion.

4. André Burguière, "Les fondements d'une culture familiale," in *Histoire de la France. Les formes de la culture*, ed. André Burguière (Paris, 1993), 25–118.
5. The law of 12 brumaire an II (2 Nov. 1793) outlawed paternity suits by offspring in pursuit of inheritance. It eventually came to be interpreted as outlawing paternity suits by unwed mothers as well. Only with the Civil Code did the abolition of paternity suits by mothers become definitively codified into law.
6. Elizabeth Colwill is currently using état civil records and other archival material to study marriage of former slaves and free people of color in Saint-Domingue. "Fêtes de l'Hymen, Fêtes de la Liberté": Matrimony, Emancipation, and the Creation of 'New Men' in *The Haitian Revolution: 200 Years After*, ed. David Geggus and Norman Fiering (forthcoming).
7. Lynn Hunt, *Politics, Culture, and Class in the French Revolution* (Berkeley, CA, 1984).
8. Dominique Godineau, *The Women of Paris and Their French Revolution*, trans. Katherine Streip (Berkeley, CA, 1998, orig. ed. 1988) does not argue that women's clubs, and esp. the Parisian Citoyennes républicaines révolutionnaires, acted collectively in favor of family law reforms. They lobbied primarily for other goals, such as improved work conditions, price controls, the right to bear arms, the overthrow of the Girondins, etc. At the same time they articulated a defense of women's rights within a world view emphasizing gender complementarity of the two sexes. I found similar patterns in the collective action of the sixty provincial women's clubs that I studied for my book: although they did not often lobby the state for family law reform, women's clubs criticized the subjugation of women within marriage and played a crucial role in cultivating women's moral and political power as republican wives and mothers. *Family on Trial*, 67–92. See also Suzanne Desan, "Constitutional Amazons': Jacobin Women's Clubs in the French Revolution," in *Re-creating Authority in Revolutionary France*, ed. Bryant T. Ragan and Elizabeth A. Williams (New Brunswick, NJ, 1992), 11–35.

"FORUM: *The Family on Trial in Revolutionary France*. By Suzanne Desan (Berkeley: CA: University of California Press, 2004)"

Family Ties in Revolutionary Perspective by Jeremy D. Popkin

Suzanne Desan's *The Family on Trial in Revolutionary France* traces the two-way flow of influence between revolutionary legislators and the members of the country's millions of family units. The Revolution's redefinition of the marriage and inheritance rights affected the entire population, and the attempt to structure the family so that it would reinforce the values of liberty and equality was one of the revolutionaries' major preoccupations. Desan argues against interpretations of the Revolution as fundamentally misogynist, and insists that even in its conservative post-thermidorian phase, the movement still offered women considerably more rights than they retained under Napoleon's Civil Code. Desan's work is thus a major contribution to revolutionary history, and offers a new approach to the understanding of the connections between revolutionary politics and society.

The Social Revolution in French Revolutionary Families by Suzanne Desan

This piece responds to Jeremy Popkin by emphasizing a central theme in *The Family on Trial in Revolutionary France*: many French individuals experienced the tumultuous 1790s as a social revolution as well as a political one. This social revolution took place within households as all sorts of family members attempted to apply revolutionary political ideals, such as "liberty" or "equality", to their intimate relationships and also to implement or resist reforms in family law. By drawing on a regional study of family court cases in Normandy, this response summarizes how various factors—including class, geography, family position, and politics— Influenced the ability of various family members to divorce, press paternity suits, or gain access to egalitarian inheritance, as decreed for legitimate and illegitimate children alike. In grassroots practice within families, two patterns stand out: the decline of parental, especially paternal, authority, and the challenge to marital indissolubility and male authority within marriage. This piece also addresses the complex and varied impact of the French Revolution on women and highlights how political culture, law, and social forces interacted to create this social revolution within families.