

Sylvia Schafer, *Children in Moral Danger and the Problem of Government in Third Republic France*. Princeton: Princeton University Press, 1997. 232 pp. Notes, bibliography, and index. \$49.50 US (cl). ISBN 0-691-01612-7.

Review by Gail Braybon, Independent historian, Brighton, England, for H-France, April 1999.

The dust jacket leads the reader to believe that this book is a major revisionist text. We are told that the author "offers a fresh perspective on the self-fashioning of a new governmental order". And it continues:

Drawing on insights from feminist theory, literary studies, and the work of Michel Foucault, Schafer reveals the cultural complexity of civil justice and social administration in both their formal and everyday incarnations. In demonstrating the centrality of ambivalence as a condition of liberal government and governmental representations, she fundamentally recasts the history of the early Third Republic and, more widely, issues a powerful challenge to conventional view of the modern state and its history.

Sylvia Schafer herself, in the introduction, writes that her book on *abandon moral* -- loosely interpreted as the moral endangerment of children at the hands of their parents-- "... explores how this new category... entered history and left its mark on the identity and institutional infrastructure of modern France" (p. 3). She goes on to claim that her canvas will be broader still: "What, I will ask, were the wider implications of this multiple sited opacity and instability? What might we learn of the reading practices of public officials who had to identify *abandon moral* and act on it? What did the 'negative fact' of moral danger mean for the relationship between law, the language of moral order, and the practice of governance in late nineteenth century France?" (p. 5).

These are very interesting questions, but does the author succeed in answering them? The book contains a great deal of intriguing information about the introduction and administration of the law of *abandon moral* of 1889. It is divided into three sections. Part I (three chapters) is entitled "Paternal authority, parental obligation, and the state: Legislating Protection in the late nineteenth century". In this section, Schafer looks at the history of "paternal power", concentrating on the century following the 1789 Revolution, and the Napoleonic Code, which enshrined the father's "natural right" to rule his family. The author moves on to consider state intervention in family life and various key laws of 1874. These included one restricting the labour of women and girls in industry, another on children in the itinerant trades, and a third imposing state regulations on the practice of wet nursing. She also describes in detail the law of 1889, on *abandon moral*, legislation which allowed civil magistrates to "strip both fathers and mothers of *la puissance paternelle* in order to protect the moral interests of their offspring" (p. 67). Not only did this law potentially undermine the concept of a

truly "private" home, it invited the state's administrative and legal servants to examine suspect families, and pass judgement on the behaviour of parents and children alike-- the latter being viewed as both the victims of the present, and the potential criminals of the future.

In Part II, "The Machinery of Justice: the Investigation and Prosecution of *Abandon Moral*", Schafer reaches the substance of her research, the 44 dossiers on *abandon moral* held in Paris archives. These files, dating from 1890 to 1910, contain an unknown percentage of the public prosecutor's cases. She provides excerpts from these files, from the first letters of complaint to interviews and submissions by neighbours and officials, to the procureur's final case, and the judgement of the civil court. This is fascinating material, albeit tantalisingly incomplete. We do not know why these particular cases were preserved, or how typical they were. Nor do we know what became of many subjects under investigation when cases were dropped. Until 1921, when the concept of "partial divestiture" was introduced, the choice for the courts was stark. Either children were removed and parents lost all their legal rights, or they stayed in the family, no matter how unsatisfactory. Extra supervision, education, or partial protection were not available options.

In Part III, "*Petits Parisiens* into peasants: the Guardian State and the Child in Moral Danger", Schafer turns to the concept of "a population at risk", the administrative structure required to investigate these families, and what could be done with those children who were removed. In this section, Schafer is at her best. She ranges over a wide area, bringing in contemporary arguments about child protection, attitudes towards young offenders and penal reform, education, and the dilemma of nature v. nurture. Were children from vicious parents inherently vicious, or could they be changed? At what age did it become "too late" to improve them? Attempts to use apprenticeship and training for young people taken into care within Paris were often doomed. As officials themselves eventually realised, there was little point in training "at risk" girls in dressmaking and millinery, when these irregular trades provided the majority of prostitutes. Rural placements, foster parents and special schools offered few solutions. By 1904 legislation rationalised an assortment of laws on children, and the "*enfant moralement abandonne*" became one category amongst many others, as instead attention shifted to the "*pupille vicieux*" who required particular education and supervision.

This book covers a wide range of issues, and there is no difficulty in accepting that this particular law raises numerous questions about the role of the state in family matters, and deserves detailed analysis. However, it is the scope of this analysis which is troubling. Contrary to the claims of the subtitle and introduction, there is actually very little about the "problem" of "government" during this period. Nor does Schafer even begin to make a case for connecting this legislation, and the debates which

surrounded its formation and practise, to the Third Republic in particular. Certainly, any new political regime seeks to legitimise its position, and over the past 150 years the physical and moral health of "the family" has increasingly been used as a measure of the health of the nation state. The language of this concern, and the nature of the legislation which may follow, will inevitably vary from nation to nation, but what is striking to the comparative historian is the similarity of the anxiety.

Nor is there much "feminist theory" in this book, although Schafer discusses some aspects of the legislation and its enactment which relate particularly to women. For example, she refers to the fact that more single mothers faced tribunals than men. Within this sample, did a higher proportion actually lose their children or not? The author mentions some of the most common reasons for court action, including suspicion of prostitution, but unfortunately she provides no figures. Were women in particular trades affected? How many were widows? It is true that statistical analysis of a limited selection of records may be unreliable, but the reader needs some numbers here. Later in the book, Schafer mentions the fact that more boys were removed from their parents than girls. Many might find the author's conclusion to be surprising, and suppose that girls would have been regarded as more "endangered". Further analysis of this imbalance, with more figures, would have been useful. Then there is the matter of class. Schafer mentions that the law was also sometimes used by the middle classes to settle issues of custody. What reasons were given for taking these families before the courts? Who gave evidence for and against them? Many other questions occur. What about the reaction of political and social groups, including feminists and socialists, to this legislation? And how did the newspapers she mentions (for example, *Le Petit Parisien*) actually report cases, and to what effect? Were employers or unions pulled into the arguments? Schafer mentions critics of the legislation, but should we not hear more about the context of these complaints?

More excerpts from the files would have been useful, given Schafer's interest in the language of letter writing and interviews, for example. The "pared down" feeling of the book is frustrating, given the obvious richness of the dossiers and other material from the period. Furthermore, although the book is packed with footnotes referring to the work of others, Schafer fails to bring the arguments and evidence of fellow specialists into her main arguments, leaving the reader to work out the historiographical context. This is a pity as there are many connections which could be made, in the text, with the voluminous body of work existing on the French state, policing, criminality, urban life, the professionalisation of the civil service and social work. Such discussion would have been interesting for specialists and non-specialists alike. It might also explain in what way she sees herself as reading "against the grain" (p. ix), a comment which left this reviewer perplexed.

There appears to be an excellent volume, twice the size, trying to get out of Schafer's very densely written book (one wonders whether the publisher had some influence here in encouraging the author not to write at greater length). In its current form, the book is well worth reading, but leaves many of Schafer's own claims unsupported--and other questions unasked. Schafer is, however, an erudite writer and anyone working on this field of European--or indeed American--history will find it a thought-provoking addition to current literature.

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