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Susan Desan, *The Family on Trial in Revolutionary France*. Berkeley, Los Angeles and London: University of California Press, 2004. xiv + 456 pp. List of primary sources and index. \$50.00 (cl) ISBN 0-520-23859-1.

Review by Peter McPhee, University of Melbourne.

Few generalizations about the French Revolution have been echoed with such certainty than that it was a thoroughly negative experience for women, a turning-point in the rhetoric and practice of domesticity and the private sphere. Apparent reforms to family law were transitory: the liberal 1792 divorce law, for example, was sharply curtailed by Napoleon and finally abolished in 1816. Indeed, Lynn Hunt, Joan Landes and others have argued that, despite the political claims made by radical women in 1789-93, the transition from absolutism, under which all were subjects of the king, to a republican fraternity of male citizens ultimately served to reinforce the subordinate political position of women.[1]

Social historians, on the other hand, have continued to emphasize the revolutionary transformation of rural social relations with the abolition of seigneurialism and the challenge to social deference. Their dialogue with cultural historians has, however, been a dialogue of the deaf: cultural historians' concerns with discursive and visual representation have largely ignored the mass of urban and rural working people, as surely as social historians have seen debates about individual rights as elite concerns.

In contrast, the most brilliant historical work over the past few decades has been at the intersection of social history and cultural practice: one thinks quickly of Alain Corbin inside France or Dipesh Chakrabarty outside it.[2] The most significant methodological statement in Suzanne Desan's book places it at that intersection: "one can understand the relationship between family and Revolution, between gender and politics, only by continually exploring the interactions between social practices and cultural construction" (p. 5). That is, men who made laws about the family, and peasant woman who used or sidestepped them, were part of a central debate of the Revolution, how the new State would interact with its citizenry about suffrage, property and the embodiment of a new order: "the family became a practical terrain for wrestling with the most fundamental questions of the French Revolution" (p. 3).

At the peak of royalist reaction in 1816, Louis, vicomte de Bonald, *émigré* and theorist of theocratic monarchy, warned in the debates which led to the abolition of divorce that, just as political democracy "allows the people, the weak part of political society, to rise against the established power", so divorce, "veritable domestic democracy", allows the wife, "the weak part, to rebel against marital authority." Thus, he argued, "in order to keep the state out of the hands of the people, it is necessary to keep the family out of the hands of wives and children." Like the political rights of working people of town and country, those of women within the family were understood by Bonald to be at the heart of debates about the social order.

Bonald's frankness is ideal evidence for the premises of Desan's book, which addresses the fundamental issues relating to the politics of the family and citizenship: the nature of the "regenerated" family, the basis of rights to divorce, the rights of daughters and sons to property, and the ideal nature of maternity and paternity. Bonald made his statement about the politics of family relationships at the end of twenty years of backlash against the Revolution's attempts to create a family in the image of the new nation. In particular, revolutionary legislation on divorce and inheritance was the basis on which developed

Bonald's counter-revolutionary charge that the Revolution had been an attack on the family. As Desan shows, however, revolutionaries saw themselves as instead "regenerating" the family as the basis of a new social harmony (chapters 1-2). Conservatives like Bonald identified the Revolution with the erosion of traditional authority within the family and, from a sharply different perspective, Desan agrees: rather than the Revolution creating an idealized role of the masculine citizen, the common postulate of the historiography, Desan sees debates over citizenship actually as opening up spaces for women.[3]

The most important reforms to family law were those enabling divorce (20 September 1792) and enforcing equal inheritance between children (8-13 April 1791). But debates about the limits to active citizenship and the ideal nature of the family necessarily involved the rights of children born outside marriage, and on 4 June 1793 inheritance rights were extended to children born outside wedlock. In chapters 5 and 6 Desan lays out in innovative and instructive fashion this most threatening questioning for paternal power. The principle of the right of women and children to initiate paternity suits was unnerving for men until the law of 12 Brumaire Year II (2 November 1793), which limited the rights of single mothers to initiate paternity suits until 1912. The imperatives of domesticity in male discourse were a reaction against the Revolution, not its result. In chapters 7-8, Desan tracks the conservative revision of notions of maternity and paternity; the requirement in the Constitution of the Year III that deputies be married men or widowers over 40 years of age exemplified this reaction. No régime, however, tampered with the fundamental principle of equal inheritance, although the Restoration sought to.

There were for Desan three conflicting legacies of the Revolution concerning family rights:

first, a powerful discourse on woman's moral power and her ability to shape citizenship; second, a potent set of political practices, ideologies, and legal precedents for attacking gender hierarchy or other forms of inequality in the family; and third, a deep wariness about social disorder and a tendency to see both family and politics through the lens of the Terror and gender chaos. Over the course of the nineteenth century, republicans juggled and weighed these three different components in complex ways... (p. 317). The trope of a nineteenth-century republican patriarchy angrily rebuffing brave but solitary feminists is thus dissolved by the author into a more nuanced, open-ended set of debates. Desan moves with apparent ease between pamphlet wars, debates in revolutionary assemblies, and 'wars between brothers and sisters' in towns and villages: "This revolutionary challenge to domestic practices took place not just in the cultural and political imagination, but also in the texture of interpersonal relations and in the very partition of family goods" (p. 174). Central to the book is a case-study of the Norman department of Calvados, chosen because it was in a region of equal division of property between sons before the Revolution and thus a battleground for the Revolution's introduction of equal inheritance between children, later extended to children born outside marriage before the Thermidorian Convention and Directory wound back the rights of children and single mothers to investigate paternity.

In Normandy, parents had had testamentary freedom before 1791, but could not endow daughters with more than one-third of their property. "A father can dower his daughter with a bouquet of roses", went one adage; "he owes his daughter a husband and nothing more" (p. 151). Even though a desire to undermine the patriarchal power of the great nobles (and not concern for women's rights) lay behind attacks on the propertied basis of "puissance paternelle", rural women as well as their urban sisters welcomed revolutionary legislation on inheritance in Normandy (chapter 4). Of eight-three court-cases in Caen over wills contested between siblings between 1790 and 1796, forty-five were won by sisters.

The impact of divorce legislation was explosive in Normandy and in much of the south of France where testamentary freedom had been the norm. The impact of divorce legislation was more nuanced. Between 70,000 and 100,000 people were divorced 1792-1803, overwhelmingly in cities such as Paris and Rouen

and in country towns like Vire, Bayeux, and Honfleur. It was usually women who initiated the divorce, to escape marriages that had ended in desertion, violence, or misery. In 1795, for example, *citoyenne* Jacquette of the commune of Fervaques expressed her own reasons:

To save my life from the fury of my spouse; to keep me from sharing his infamy when he is condemned for a criminal act; to shield me from his cruelty, crimes, and harsh insults; to avoid witnessing his derangement; to punish him for his ingratitude when he has been cruel enough to abandon me; finally, to keep me from being blamed as the accomplice of his emigration or tyrannized when his crime is turned against me; I find salvation only in the law of divorce (pp 103-104).

The incidence of divorce varied by social class and locale: in general, the smaller the community, the lower the divorce rate. In the department of the Meuse, the 413 of 586 communes which had no divorce were mostly small (p. 377). But there were specific factors, too: Orbec, a town of about 3,000 people in the Pays d'Auge, had twenty-four divorces and a remarkably high divorce/marriage ratio of about one to ten. The comparably sized town of Vassy in the Bocage Virois, in contrast, did not have a single divorce during the revolutionary period. (p. 124)

Like revolutionaries before and since, those of the French Revolution were to find that attempts to extend "regeneration" into the heart of the family relations and cultural practice would be profoundly controversial, with responses marked by gender, class and regional cultures. In Calvados, for example, whereas urban women of all classes seized on the divorce legislation of 1791, many rural women opposed it as destructive for the family.

There is one serious silence. Desan has written an instructive, closely detailed analysis of the use made of the divorce decree in Caen and its rural hinterland, noting the contrast between urban and rural rates of divorce. But she does not explain convincingly why devout rural women found divorce a profoundly disturbing prospect. They had, after all, sworn before God and their parish that this was a union for life. The high divorce rates in towns have much to tell us about urban spirituality; the low rural rates, too, tell us something important. Her own explanation is a political one, that "high levels of religious practice and the presence of strong counter-revolutionary sentiment and *chouan* warfare mitigated against divorce. ...Central to making divorce possible was exposure to revolutionary political culture" (p. 127).

This is a curiously contemporary view of marriage. Desan's sympathies are plainly with women who used the divorce law to leave an unhappy marriage or took advantage of the inheritance law to insist on division of the family holding, but there is little evident understanding for the devout Catholic peasant who put the household before herself. For Basque and Catalan peasants in the Pyrenées, for example, the principle of equal inheritance undermined the central element of the continuity of the extended family and its house.[4]

As Desan herself acknowledges, her insights are not totally novel; a previous generation of legal and social historians had noted the significance of revolutionary family legislation.[5] What is truly original, however, is the way she has articulated--and documented--a multi-layered debate about the essentials of the new order which linked men, women and children, legislators and local officials, peasants and townsfolk.

This is a controversial as well as brilliant book from one of a stellar generation of American women of revolutionary and post-revolutionary France--Margaret Darrow, Carla Hesse, Sheryl Kroen, and Laura Mason, among others--all influenced by Lynn Hunt. Judicious and courteous as she is, Desan is forced to recognize that the experience of French women was fundamentally at odds with that described by two generations of feminist historians, especially her compatriots. Standard feminist interpretations of

the Revolution--by Joan Landes, Karen Offen, Madelyn Gutwirth, among others--are no longer tenable. Even Hunt herself is not completely spared. However, Desan refuses to be drawn into a sterile debate about whether this was a 'good' rather than 'bad' revolution.

Like her earlier book on popular religiosity [6], this one is based on a formidable body of research and richness of historiographical context. Desan moves with confidence between debates in revolutionary assemblies and the minutiae of local government *états civils* and the family tribunals. She places her painstaking archival and manuscript research within a series of contexts: local history, the history of women, comparative history, and feminist, cultural and legal theory. Ninety-nine pages of notes are a treasure-trove of detail, reflection and bibliography, and a lengthy chronology of family legislation will long serve social historians of the Revolution. University of California Press has done Suzanne Desan proud. This is publishing of high order: it is a good book to hold as one reads a prose that is fluent and engaging.

The people we know least about during the French Revolution--or in all of human history for that matter--are the women of the countryside and small towns. While much of Desan's evidence is, necessarily, the words of lawmakers, husbands and local officials, she has nonetheless succeeded in restoring agency to women of the people. It is therefore one of the most significant contributions to our understanding of the Revolution in many years. As an example of the possibilities of cultural history grounded in social practice, it is a cause for celebration.

NOTES

[1] Lynn Hunt, *The Family Romance of the French Revolution* (Berkeley, Cal.: University of California Press, 1992); Joan Landes, *Women and the Public Sphere in the Age of the French Revolution* (Ithaca, N.Y.: Cornell University Press, 1988); Christine Fauré, *Democracy without Women: Feminism and the Rise of Liberal Individualism in France*, trans by Claudia Gorbman and John Berks (Bloomington, Ind.: Indiana University Press, 1991); Madelyn Gutwirth, *The Twilight of the Goddesses: Women and Representation in the French Revolutionary Era* (New Brunswick, N.J.: Rutgers University Press, 1992); Dorinda Outram, *The Body and the French Revolution: Sex, Class and Political Culture* (New Haven, Conn.: Yale University Press, 1989).

[2] See, for example, Corbin, *Le temps, le désir et l'horreur: essais sur le dix-neuvième siècle* (Paris: Aubier, 1991); translated by Jean Birrell as *Time, Desire, and Horror: towards a History of the Senses* (Cambridge, Mass.: Harvard University Press, 1995); Chakrabarty, *Rethinking Working-Class History: Bengal 1890-1940* (Princeton, N.J.: Princeton University Press, 1989).

[3] As does Carla Hesse, *The Other Enlightenment: How French Women Became Modern* (Princeton, N.J.: Princeton University Press, 2001); and "The Cultural Contradictions of Feminism in the French Revolution", in Colin Jones and Dror Wahrman, eds., *The Age of Cultural Revolutions: Britain and France 1750-1820* (Berkeley, Cal.: University of California Press, 2002).

[4] Desan might have extended her analysis to refer to evidence of the impact of the inheritance laws on birth rates: see, for example, Paul Spagnoli, "The Unique Decline of Mortality in Revolutionary France", *Journal of Family History* 22(1997):425-61; Peter McPhee, *A Social History of France, 1780-1914* (London and New York: Palgrave Macmillan, 2004), pp. 103-105, 153.

[5] See, for example, Roderick Phillips, *Family Breakdown in Late-Eighteenth Century France: Divorces in Rouen, 1792-1803* (Oxford: Clarendon Press, 1980); Margaret H. Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775-1825* (Princeton, N.J.: Princeton University Press, 1989); James R. Lehning, *The Peasants of Marlihes. Economic Development and Family Organization in Nineteenth-Century France* (Chapel Hill, N.C.: University of North Carolina Press, 1980); Irène Thery and Christian Biet, eds., *La Famille, la loi, l'État. De la Révolution au Code Civil* (Paris: Imprimerie Nationale, 1989); Louis Assier-Andrieu, "Custom and Law in the Social Order: Some Reflections upon French Catalan peasant communities", *Law and History Review* 1(1984):86-94.

[6] Suzanne Desan, *Reclaiming the Sacred: Lay Religion and Popular Politics in Revolutionary France* (Ithaca, N.Y.: Cornell University Press, 1990).

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