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Leslie Tuttle, *Conceiving the Old Regime: Pronatalism and the Politics of Reproduction in Early Modern France*. Oxford and New York: Oxford University Press, 2010. x + 247 pp. Figures, appendix, notes, bibliography, and index. \$49.95 U.S. (cl). ISBN 978-0-19-538160-3.

Review essay by Matthew D. Gerber, University of Colorado at Boulder.

In an impeccably researched, cogently argued, and fluidly written book, Leslie Tuttle probes the history of Louis XIV's Edict on Marriage (1666) in an effort to reveal "the changing relationship between family and state during a pivotal era of French history" (p. 4). Enacted at the behest of Jean-Baptiste Colbert, the Edict on Marriage offered fiscal incentives to French subjects who married young or who produced ten or more living offspring. Tuttle astutely notes that the pronatalist tenor of this legislation ran counter to demographic trends wherein French couples turned increasingly to contraceptive techniques to limit family size, leading the Edict on Marriage to inaugurate an ongoing political contest "over which earthly power—the state or the individual—had the more compelling claim to control [procreation]" (p. 12). As Tuttle deftly unfolds the history of this contest, she shows how the Bourbon monarchy actively attempted to reshape French families. She also demonstrates that many of these families turned royal pronatalism toward their own ends, ultimately transforming the nature the French state.

The first half of the book is devoted to an analysis of the political and ideological stakes at play in the Edict on Marriage. Chapter one explores the myriad ways that contemporaries ascribed political significance to procreation. In the absence of quantitative data, political discussions of fertility were dominated by qualitative cultural assumptions. Particularly significant in this context were the commonplace notions that fecundity was a blessing from God and that the king was responsible for the moral health of the realm. The king's own sexuality was particularly freighted with meaning because political stability depended in part on the orderly perpetuation of the royal line. Tuttle argues that Louis XIV effectively reestablished royal authority after the Fronde in part by siring a male heir early in his reign. More broadly, the axiom that "men are the true riches of a kingdom" invited the royal regulation of marriage and sexuality. Seventeenth-century elites ascribed problems of poverty, infanticide, and child abandonment to moral disorder rather than to overpopulation, and they viewed marriage as a remedy. They consequently called upon Louis XIV to repress vagrancy, to encourage marriage, and to oppose all forms of illicit sexuality, including his own.[1] While contemporary intellectuals acknowledged the historical and geographical diversity of human sexual practices, "they remained embedded within a Catholic religious culture that recognized marriage's supernatural goal of sacramental grace as equally important to nature's goal of procreation" (p. 36). Because male elites unanimously concurred that "the conjugal household defined by indissoluble, monogamous marriage was the foundation of French political order" (p. 19), Tuttle concludes that royal pronatalist policy could only encourage fertility within wedlock.

The second chapter examines the legislative construction of the Edict on Marriage. Tuttle shows that Colbert and his advisors faced an essential dilemma: While they wished to bolster fatherhood as the fundamental basis of political authority, this desire arguably clashed with the perceived need to increase

French fertility. Between 1556 and 1639, the French monarchy safeguarded elite families by enacting legislation that granted them veto power over the marriage choices of their offspring.[2] While parental control over marriage formation allowed families to pursue social reproduction and upward mobility through delayed nuptials and enforced celibacy, these strategies potentially undermined French fertility. Wishing neither to undermine patriarchal authority nor to tamper with inheritance rights governed by customary law, Colbert and his advisors turned to tax breaks and pensions as inducements to early marriage and greater fecundity. Even so, the Parisian Cour des Aides refused to register a section of the edict that imposed a punitive tax on individuals who failed to marry by age twenty-five. As Tuttle observes, the judges thereby “checked the king’s ability to pressure his subjects into youthful unions, and effectively shored up the principle of parental control over the timing of marriage” (p. 53). A second pronatalist initiative—a project to increase the minimum age required to take monastic vows—was scuttled by pious opposition even before it could be enacted into law.

If religious values represented one constraint on pronatalist legislation, contemporary assumptions about gender constituted another. Chapter three unpacks the patriarchal assumptions at the heart of the Edict on Marriage. Noting that the legislation failed to mention “mothers” (*mères*), Tuttle argues that the edict “rendered invisible the female reproductive labor on which fatherhood...depended” (p. 65). French legal traditions insisted on defining the family as “an institution built exclusively through biological filiation within marriage” (p. 70). In this context, paternity could only be assured through the restriction of female sexuality to the household. This theoretically necessitated the disciplinary power of fathers over children and husbands over wives. Although it was the wife’s age at marriage that could most readily influence the extent of a couple’s fecundity, the Edict on Marriage “addressed rewards for reproduction to fathers rather than to wives or mothers, reflecting the emphasis on fatherhood as the determinant of childrens’ civil status, and by extension, of political order” (p. 72).

Chapter four demonstrates that royal officials insisted on encouraging fertility exclusively within the confines of Catholic marriage even in the exotic environment of New France. Jesuit missionaries paved the way, denigrating the informal sexual unions of the native population as savage while construing adherence to indissoluble monogamy as a marker of true Christian conversion. Royal administrators followed suit by rejecting the informal unions between natives and French fur traders as a viable basis for the growth of the colony. Royal policy insisted instead on the encouragement of formal, indissoluble marriage as an institution with a power “to discipline individuals and mark the boundaries between civilization and savagery” (p. 97). Colonial administrators offered pensions to fathers of large households, and the king paid for the trans-Atlantic transportation of over seven hundred *filles du roi*, unmarried orphans recruited from charitable institutions in and around Paris. Some readers might wish that Tuttle had extended her analysis to France’s Caribbean colonies. Did colonial administrators pursue pronatalist policies there as well? Did they attempt to mobilize marriage to rein in buccaneers and freebooters, much as Canadian officials had attempted to civilize Native Americans and French *coureurs du bois*? Or were such policies somehow incompatible with the widespread practice of slavery?

Having thoroughly established the political and ideological significance of the Edict on Marriage, Tuttle devotes the remainder of her book to an analysis of the legislation’s practical consequences. Chapter five brilliantly reveals how France’s complex tax system undermined the implementation of the edict. Only here does Tuttle reveal that “France’s first national pronatalist program” (p. 4) was actually limited to the *pays d’élection*, provinces where tax burdens were apportioned by venal officers (*élus*) rather than provincial estates (*états*) and where the *taille* was personal rather than real. Because *élus* fixed the burden of each parish before a local assessor apportioned it among individual households, personal exemptions were borne not by the royal treasury, but rather by other members of the parish community. Tuttle explains, “it was the privileged subject’s neighbors, not the king, who most directly paid the bill” (p. 112). The Edict on Marriage consequently prompted widespread litigation between local communities and the fathers of ten or more offspring. Staffed by venal officers, the tax courts generally ruled in favor of the fathers, expanding royal privilege beyond what Colbert had intended. Contrary to the text of the

edict, some fathers even managed to claim exemptions after having placed some of their offspring in religious careers. Consistent with revisionist historiography on absolutism, Tuttle concludes not only that “the French king’s ability to implement his policies was limited by the cooperation he did or did not receive from subordinate officials,” but also that French fathers effectively failed to conform themselves to royal will, “taking advantage where they could of the king’s expressed interest in their fertility to improve the fortunes of their households” (p. 123). Faced with both resistance to and excessive exploitation of his pronatalist policies, Louis XIV revoked the Edict on Marriage in 1683.

Chapter six takes a closer look at the *familles nombreuses* who profited from pronatalist legislation. Reconstructing case studies from Romans and Auxerre, Tuttle establishes that exceptional fecundity depended above all on the capacity of families to farm out breast-feeding to professional wet-nurses in the countryside. *Familles nombreuses* were thus most often found among urban classes engaged in commerce or manufacturing. Because these professions did not heavily depend on economies of scale, urban families were better positioned to divide family capital equitably among multiple heirs without impoverishing all offspring. Tuttle concludes that most of these families would have been large even in the absence of pronatalist incentives. Their procreative decisions depended less on royal legislation than on economic calculations made in conjunction with religious and affective considerations.

Tuttle’s final chapter examines the revival of pronatalist policies in the 1760s and 1770s. Even as *philosophes* such as Montesquieu ridiculed the practical ineffectiveness of Louis XIV’s Edict on Marriage, provincial *intendants* quietly emulated its dispositions by distributing pensions and tax breaks to needy fathers of numerous offspring. Having learned from the failure of the Edict on Marriage, royal officials now bypassed the tax courts, furthering the interests of administrative monarchy. Because the *intendants* now “doled out aid rather than outright legal privilege,...communities evinced much less hostility to the revived pronatalist program” (p. 176). Indeed, the persistence of pronatalist ideology beyond the Edict on Marriage ironically allowed fathers and their communities to frame new requests for royal aid. Having failed as a legislative policy through which the king might impose his will upon French families, pronatalism survived as a basis for families to intensify their demands on the French state.[3]

A book as rich as Tuttle’s invariably invites questions, but the caution, intelligence, and nuance of her analysis make one feel especially pedantic for quibbling with particular points. Nevertheless, given the profound regional and institutional pluralism of early modern French law, I found myself wondering whether Tuttle does not ascribe too much ideological coherence to French patriarchy in chapter three. Colbert’s legal advisors may have admired Roman patriarchy, but other early modern jurists argued that *patria potestas* was incompatible with French mores and customary law.[4] It is also not clear to me that the Edict on Marriage textually occluded female reproductive labor. The legislation failed to mention “mothers,” but it promised pensions to “nobles and their wives who will have had ten children born in legitimate wedlock.”[5] To be sure, this formulation subsumed mothers into subordinate identities as wives, but if the edict intended to ignore their reproductive contribution to the household, why mention them at all? As for the restriction of tax benefits to *pères de famille*, it might be easily attributed to the prior *de jure* exemption of wives from the *taille personnelle*. [6] While patriarchalist assumptions no doubt underwrote the Edict on Marriage, Tuttle’s claim that the legislation “addressed rewards for reproduction to fathers rather than to wives or mothers” (p. 72) not only is slightly inaccurate, it also arguably underplays the corporatist nature of early modern households. Would it not be more precise to say that the legislation addressed its rewards to couples (“nobles and their wives”) and households (*pères de famille*) rather than to individual men or women? [7]

One might also question Tuttle’s reading of the eighteenth-century revival of pronatalist policy. If the *intendants* distributed aid on the basis of need rather than numeracy, one wonders whether they truly modeled their actions on the Edict on Marriage. Did the inspiration rather not come from decentralized traditions of local charity and tax relief? Did any ministerial circular encourage the actions of the

intendants “from the center”? In short, was the aid to fathers truly a revival of seventeenth-century pronatalist policy, or was it merely the result of a broader shift from charity to welfare (*bienfaisance*) as the state increasingly assumed social functions traditionally administered by local communities and the church?

Further, was royal pronatalism truly limited to legitimate wedlock? Tuttle alludes in passing to child abandonment (pp. 176-177), but deeper examination of state responses to the problem is revealing. In June 1670, a mere four years after the Edict on Marriage, Louis XIV issued an edict that placed the administration of the Paris Foundling Hospital under the secular jurisdiction of the Hôpital-Général. In the edict’s preamble, the king rhetorically married Catholic piety with pronatalist concern, declaring the preservation of foundlings to be beneficial to the state because “some can become soldiers and serve in our troops, while others can become workers or inhabitants of the colonies that we are establishing for the commercial good of our realm.”[7] The edict’s emphasis on preservation might strictly be described as “propopulationist” rather than “pronatalist” because the king clearly did not intend to encourage extramarital births. Still, a similar anxiety over mortality was embedded in the Edict on Marriage’s requirement that the ten or more offspring of claimants be currently alive.

If I pose so many questions, it is partly to emphasize the extent to which Leslie Tuttle’s excellent book has blazed new paths of research for future scholars. While Sarah Hanley has already established the centrality of marriage to early modern state-building and political culture, Tuttle offers a new dimension to the story. In the sixteenth century, royal legislation on marriage formation came at the behest of France’s upwardly mobile office-holding elite. By contrast, the Edict on Marriage (1666) inaugurated a more proactive approach to marriage and sexuality on the part of an increasingly administrative monarchy. For what it reveals about the general development of royal government, Tuttle’s book should be required reading not only for those interested in gender, marriage and sexuality, but also for anyone interested in the political history of early modern France.

NOTES

[1] As Tuttle notes, Louis XIV sired over a dozen extramarital offspring. His tendency to favor those who survived bred substantial political controversy by the end of his reign.

[2] Sarah Hanley, “Engendering the State: Family Formation and State-Building in Early Modern France,” *French Historical Studies* 16 (1989): 4-27; and *idem*, “The Jurisprudence of the Arrêts: Marital Union, Civil Society, and State Formation in France, 1550-1650,” *Law and History Review* 21 (2003): 1-40.

[3] The conclusion is consistent with findings of André Burguière, “L’Etat monarchique et la famille (XVIe-XVIIIe siècle),” *Annales* 56 (2001): 313-335.

[4] Barthélemy-Joseph Bretonnier, *Recueil par ordre alphabétique des principales questions de droit...*, ed. A.-G. Boucher d’Argis (Paris: Pierre-Alexandre Martin, 1753), s.v. “*puissance paternelle*,” 218-244.

[5] François-André Isambert et al., eds., *Recueil générale des anciennes lois françaises depuis l’an 420 jusqu’à la révolution de 1789* (Paris, 1821-1833), 18:91 [my emphasis].

[6] Case law jurisprudence established that wives were exempt from the *taille personnelle* even when legally separated from their husbands. Pierre Vieuille, *Nouveau traité des Élections* (Paris: Prault, 1739), 540-545.

[7] Isambert et al. (18:371) allude to the edict but fail to provide its content. The act is reprinted in Jehanne Charpentier, *Le Droit de l'enfance abandonnée: son évolution sous l'influence de la Psychologie (1552-1791)* (Paris: P.U.F., 1967), 230-231.

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