
H-France Review Vol. 6 (September 2006), No. 100

Jennifer Ngaire Heuer, *The Family and the Nation: Gender and Citizenship in Revolutionary France, 1789-1830*. Ithaca and London: Cornell University Press, 2005. x + 256 pp. Notes, bibliography, and index. \$34.95 U.S. (cl). ISBN: 0-8014-4286-9.

Review by Sarah Maza, Northwestern University.

The most important contribution of Jennifer Heuer's monograph is expressed in its subtitle: gender and citizenship. These concepts have been paired before, of course, but usually in the context of broader studies of political culture. Much has been written about the exclusion of women from citizenship during and after the French Revolution, but no historian until now has shown us what happened when ordinary French men and women, and the legislators who governed them, had to struggle with the competing legal claims of family and nation. In France, at the end of the eighteenth-century, traditional assumptions about familial duty and brand-new notions of patriotic loyalty were at times on a collision course. There is much to be learnt about the articulation of public and private authority in those years from the cases that resulted from this situation.

When Marie-Antoinette was on trial before the Revolutionary Tribunal, she argued that she could not be held responsible for actions she committed as an obedient wife. In the case of the former queen, agency and responsibility were clearer to her accusers than in those many instances when obscure women, charged with far less serious crimes, offered a similar defense. In the 1790s an estimated fourteen thousand women accompanied their husbands abroad. Was a woman to be considered personally guilty for following her husband into emigration? Successive legislative bodies of the Revolution, the Directory, and Empire grappled with the claims of women (and less frequently, minors) who argued on various counts that they should not be held liable for the contradiction between the duties of a wife or child and those of a citizen.

While the solutions to such dilemmas were never, as Heuer abundantly demonstrates, self-evident to legislators, assumptions did shift significantly with the changes in political and ideological regimes. Under the traditional monarchy, such issues did not arise in this form, of course, because the subjection of women and minors to the sovereign was mediated by patriarchal authority: an institution like the *lettre de cachet* captures the presumed congruence between paternal and monarchical power. In establishing the theory of an unmediated relationship between the state and each citizen, even a "passive" one, the Revolution opened up a Pandora's box of legal conundrums. Once emigration was criminalized, was a woman guilty for leaving with her spouse? Could the wife of a *ci-devant* escape the civil and criminal penalties attached to aristocracy on the grounds that her marriage had been paternally coerced? Could a woman unilaterally divorce an *émigré* stricken with *mort civile*, or even be considered patriotically "widowed"?

Although Heuer's approach is resolutely empirical, her research offers an intriguing challenge to Carole Pateman's influential theory of the "sexual contract." [1] Revolutionary legislators did not turn out to be a band of contractually-bound brothers exercising private authority over subjected wives and sisters. Rather, they tried to re-script the nation as a great patriotic family, for instance through the practice of adopting the orphaned offspring of notable patriots as "children of the nation". One such adoptee, Suzanne Lepeletier, daughter of the famed revolutionary "martyr", in 1796 successfully petitioned the state as her "parent" to override her uncles' objections to her marriage with a foreigner. While legislators did, in many cases, uphold the rights of husbands and fathers, Heuer offers enough evidence

of successful petitions by women to complicate Pateman's thesis that the birth of the modern social contract entailed the political erasure of women.

Jacobin radicalism with respect to family law did not, as we know, last into the following century, and Heuer chronicles the predictable rollback. Under the Directory, as Suzanne Desan has also shown, legislators moved towards defining families rather than individuals as the social foundation of the nation.^[2] This was no simple return to the status quo ante, however. As the revival of laws against, and debates around, emigration in the later 1790s shows, the idea that women had individual rights and duties as citizens endured even into the midst of the Napoleonic backlash after the passage of the Napoleonic Code. And as Heuer's final chapter on naturalization practices in post-imperial Alsace demonstrates, there could be significant variation between laws (which granted citizenship only to the foreign wives of citizens), and practices (which allowed for the naturalization of immigrant men who married Frenchwomen.)

Readers should be warned that Heuer's is very much a work of legal and political, rather than social and cultural history. While several famous cases involving family strife are discussed in some detail, the author focuses on legal and constitutional issues mostly to the exclusion of external factors, except for a brief foray into social history in the last chapter. The legislators and writers who addressed these issues of marriage and family remain disconcertingly abstract entities, not real men with a stake in the matter. Neither does the author make any real attempt to connect their opinions, or the claims of petitioners, to contemporary normative or imaginative writings about marriage and family. Granted, this is not Heuer's stated purpose, but it does make the book narrower in scope and harder to read than it could otherwise have been. If lengthy and inconclusive accounts of debates on emigration law occasionally try the reader's patience, Heuer's imaginative and skillful research succeeds nonetheless in overturning many unexamined clichés about gender and public life during France's transition into political modernity.

NOTES

[1] Carole Pateman, *The Sexual Contract* (Stanford, CA: Stanford University Press, 1988). Lynn Hunt famously applied Pateman's theory to the political culture of the Revolution in *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1992).

[2] Suzanne Desan, *The Family on Trial in Revolutionary France* (Berkeley: University of California Press, 2004).

Sarah Maza
Northwestern University
scm@northwestern.edu

Copyright © 2006 by the Society for French Historical Studies, all rights reserved. The Society for French Historical Studies permits the electronic distribution of individual reviews for nonprofit educational purposes, provided that full and accurate credit is given to the author, the date of publication, and the location of the review on the H-France website. The Society for French Historical Studies reserves the right to withdraw the license for redistribution/republication of individual reviews

at any time and for any specific case. Neither bulk redistribution/republication in electronic form of more than five percent of the contents of *H-France Review* nor re-publication of any amount in print form will be permitted without permission. For any other proposed uses, contact the Editor-in-Chief of *H-France*. The views posted on *H-France Review* are not necessarily the views of the Society for French Historical Studies.

ISSN 1553-9172