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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 Sarah Hanley, The University of Iowa

Leslie Tuttle's book, *Conceiving the Old Regime: Pronatalism and the Politics of Reproduction in Early Modern France*, traces how the French government of Louis XIV and his minister Colbert developed, by legislative means, a socio-political policy on familial reproduction—an early form of male-oriented “pronatalism”—and exported the policy to New France. It then turns to how the French government recalibrated pronatalist ideas to fit changing historical contexts. Tuttle recounts the vigorous contests that attended the politicized pronatalist agenda crowning men as procreators. First, she discusses the different reactions of men and women, husbands and wives, unevenly situated in procreation. Second, she observes the great cultural distance between French subjects at home and Amerindian peoples abroad schooled in opposing mores. Third, she traces the important alternate strategies employed by spouses in households that bypassed the state's pronatalist directives (featuring fathers) and redesigned family bonds (spotlighting mothers). Fourth, she discusses the difficulties faced by kings (and ministers), who depended on the privileges awarded subjects to exact their cooperation in enacting social and political policies. Throughout this study, she closely links the politics attending the reproductive policies in families with the politics of monarchic state building from the 1660s through the 1700s, while charting the changes in social, political, and intellectual contexts that effectively redressed the law as a social policy retained in the Republic.

As Tuttle states in the “Introduction,” this is a study of political culture in early modern France, not one on historical demography (p. 8): it shows the political attempts to shape marital reproductive behavior in the interest of state making, as well as the familial attempts to shape household interests, thus tracking the changing relationships between family and state from the mid-1600s into the 1700s. The legislation of pronatalist laws did not address a population crisis; in fact, there was no crisis. But there were legal precedents for state intervention in marital matters. She securely roots this round of state legislation treating familial reproduction—starting with the pronatal edict of 1666—in studies that have traced an earlier pattern of marital legislation touching family formation and state building through family-state negotiations—the marital law compact requiring parental consent for a valid marriage (1550s-1650s).[1] Moving forward from this earlier base, Tuttle expands our historical understanding of an extended French legislative campaign mounted in the service of state building. That is, she captures a second phase of the campaign: the edict of 1666 and declaration of 1672, which fashioned a pronatalist policy for the family likewise directed toward state interests.[2] Tuttle's challenging thesis—connecting the politics of reproduction in families to the politics of state centralization and development underway—stands on a thick base of multi-layered printed and manuscript sources, including minutes of government bureaus, legislation, legal cases taken to courts, family records, treatises, letters, novels, poems, engravings, paintings, and more. This rich documentation allows her to identify the pronatalist ideology as it was invented, displaced, and revived, as well as the contests over its provisions and its future form. Readers will appreciate the scholarly expertise, elegant prose, and tightly constructed arguments.

In discussing “The Politics of Fertility” in seventeenth-century France in chapter one, Tuttle points out three ways that procreation in legitimate marriage was credited with “political significance” (p. 19). First, the system of dynasticism, or “reproducing the monarch,” tied procreation to political stability and power in the kingdom. Second, the notion of a divine gift, or biblical “peopling” of the kingdom, constituted a blessing the king had to police to assure. Third, the social view of fertility as a historical and cultural variable was given luster by admired Roman precedents. These politicized notions of reproduction meshed with an incontrovertible theme defining the “conjugal household” as the foundation of the “French political order” (p. 19). Displayed in royal family portraits, Louis XIV’s potency was a focused attribute upholding the dynastic political order through the traditional French model of a fruitful marriage. How best to enhance this politicized theme in the service of state interests?

Getting to the heart of the topic in chapter two, entitled “Making Pronatalist Law,” Tuttle explores the “social, religious, and political ramifications” of the French government’s decision to use “legislative power to promote marriage and childbearing” (p. 42). While preparing the *Code Louis* (1665-1672), Colbert enlisted for the Royal Council of Justice experts on marital rules, taxation policies, and Roman precedents on procreation measures. In 1665 and 1666, those jurists, Jean de Gomont, Barthelemy Auzanet, Nicolas Le Camus, and Daniel Voison, discussed ways in which the king might direct family reproductive strategies. Tapping legislative power, they altered tax laws to encourage young men to marry and married men to become fathers of large families. As Tuttle reminds us, these jurists had solid legal precedents for state intervention in marital and family matters of interest to state building dating back to the marital laws of the 1550s and refurbished through the 1650s. Standing solidly on precedent, they moved to direct the reproductive strategies of families in the 1660s.

In the pronatalist edict of 1666 (sometimes called the edict on marriage) as originally proposed, they attempted to direct reproductive decisions by offering rewards. First, men who married before age twenty would receive a tax exemption to age twenty-five and those who remained single would be subject to taxes at age twenty-one. Second, fathers with ten living legitimate children would be exempt from chores of tax collecting, troop billets, the *tutelle* and *curatelle*, the *guet* and *garde*. Third, fathers with twelve living children would be granted those privileges plus a full exemption from royal direct taxation. Noble and bourgeois fathers would receive pensions. The caveats: living children under clerical vows could not be counted, but those dead in military service would be. At the outset conflicts arose. Before registering the edict of 1666, the Parisian Cour des Aides voided the tax penalty for single men who were minors, thus refusing to undo parental rights already legislated; and religious officials, vehemently objecting, stemmed the limitations on religious professions. Still, as registered, the edict of 1666 legally defined fatherhood as an important public function of interest to state formation. What about the female side of this male reproductive coin? [3]

In chapter three, “Gendering Reproduction,” Tuttle looks at the new pronatalist measure within the context of current debates about “gender roles and conjugal power” (p. 64). The edict of 1666 publicly declared a “patriarchal definition of politics” whereby “fathering” in legitimate marriage bestowed “legitimate political authority;” whereas “mothering” in marriage was passed over (p. 64). In this way, fathers played a social, religious, and political role as “father of the family” (*père de famille*) (p. 65), an official term connecting male reproductive rule with male exercise of family authority. By contrast, mothers carried out a nurturing role given to health and moral education but not connected to public power. Oddities appear within this framework. How was it possible for a husband to claim paternity? Unlike a wife’s childbearing marked by visible reproductive labor, the husband’s procreative action remained invisible, with no witness but the wife. Thus it was that husbands depended on the legal act of legitimate marriage to claim biological paternity. In the pronatalist edict of 1666, therefore, fatherhood (in legitimate marriage) biologically defined the status of children, and fathers were allowed to add children from previous marriages to the official number, whereas mothers were not. To be sure, women did not necessarily fall in line with the legal call of 1666 to promote reproduction by rewarding the

procreative prowess of fathers. As expressed by the outspoken Madame de Sévigné, as well as by women in the impressive salons of the 1600s,<sup>[4]</sup> some Parisian women found the logic of Colbert's edict twisted, even dangerous, and many of them, in any case, limited reproduction for good reasons. Still, Colbert exported his edict to New France.

Tuttle looks at two periods in New France in chapter four, "Domesticating New France." During the first period, the 1630s through the 1660s, before the French government directly controlled the colony, she traces the ways Jesuits tried to replace Amerindian—Huron, Algonquin, Iroquois—local marriage practices, including pre-marital sex, polygamy, and divorce, with the French model, including indissoluble and monogamous unions bearing a sacramental stamp. While Jesuits, armed with Tridentine marriage manuals, promoted the French model as an "antidote to savagery" (p. 81), some of the local peoples stood their ground, or ran away. Soon ambivalent about conducting interethnic unions, the Jesuits began to segregate the two peoples, marrying French settler men and Indian women only to avoid concubinage. The Jesuits' failure on the marriage front called for new tactics. During the second period, ranging from 1663 to 1690, Tuttle recounts how the French government, now in control, directly intervened in the conjugal matters of New France. Aware of problems—harsh climate, lack of settlers, labor shortages, a skewed sex ratio, and fear of Iroquois raids—the French government appointed officials who reported to Colbert (and later to his son) on state efforts at "colony-building" (1665) (p. 93). Armed with a census, the minister subsidized emigration and applied the pronatalist law. First, Colbert sent to the colony 770 young women (the *filles du roi*), orphans who were given dowries and quickly married (1663 to 1673). Second, he offered to the 1,200 soldiers sent to quell the Iroquois raids (1665) fiscal incentives and land grants, and 400 men stayed. Third, he extended the pronatalist policy (the edict of 1666) through a legal decision of 1670 which offered pensions to reward men for contracting early marriages and fathering large families, and now he added a penalty for unmarried men and a fine for fathers who postponed the marriages of children. Fourth, Colbert provided dowries for poor girls in the colony. Fifth, his officials did not promote interethnic marriages (settler and Indian). By the 1660s and 1670s, marriage and fatherhood were tools used to bind French emigrants to the colony, not to integrate Amerindians. The population of New France tripled between 1663 and 1680, but even after state subsidies stopped, rapid growth continued through the 1700s. In New France, therefore, the marriage market, not the pronatalist policy, drove marriages at an early age and high reproduction rates, and many more families there than in Paris did have twelve children. The government stopped the rewards. By the 1700s, the government realized that the use of family incentives to attain social discipline at home and abroad had not been all that successful. How to implement those directives was a problem.

In chapter five, entitled "Implementing Pronatalist Policy," Tuttle considers how difficult it was for the government to implement the policy in France when faced with smart familial maneuvering in households and in courtrooms. By 1671, the government was tinkering with the policy to limit the fiscal privileges. But the system of privilege itself was deeply woven into early modern governance where kings, with only a fledgling bureaucracy, had to grant privileges in order to gain the cooperation of subjects. Tinkering points to the dilemma: the government counted on the weight of royal privileges to enact social and economic policies, but conversely, the system of privilege itself posed risks to orderly tax collection in towns. As Tuttle points out, communities had an interest in resisting tax exemptions because the neighbors, not the king or the government, ultimately paid for them; and the demands on both sides fuelled expensive litigation for towns. By the 1670s, for example, in Aurillac, Auvergne, at least four former fathers of twelve (after a child died or took vows) launched lawsuits and appeals to retain tax exemptions opposed by their neighbors. A vexing legal example was on the docket in 1672: should prolific fathers of twelve, when one child dies, lose the tax exemption? From the parishes, to the towns, on up to Paris, officials realized pronatal policies were hampering tax collection. To be sure, while the early modern ideological commitment to the family as an economic and political unit led by men appeared to justify the pronatalist policy of rewards manifested in law, the same logic was used to criticize the policy for favoring the wealthy: that is, for shifting funds from needy households to those

less needy. Yet in 1672, when the judges ruled that the father of twelve who had just lost a child could keep his tax exemption and thus settled the numbers question, they set a legal precedent treating the pronatalist reward as a perpetual privilege, hence a very valuable one, in a move bound to fuel resentments of tax-payer families. The great pressure that arose from those grievances was made manifest when the royal declaration of 1683 revoked the legal decision of 1672. In this shift, the king was referred to as the “protector of tax justice,” not the “benefactor of prolific fathers” (p. 120). Although the government did not grant new tax exemptions after 1699, pronatalist ideas survived. On Colbert’s seventeen-year pronatalist experiment to alter reproductive patterns in families, Tuttle draws two conclusions. First, the experiment shows the dangers inherent in a system of privileges where the king offered tax exemptions for subjects in order to gain their support for royal policies. As she notes, despite allegations of Louis XIV’s “so-called ‘absolute’ power” (p. 123), the monarch had to negotiate with subjects to implement government policies. Second, the experiment shows the king’s ability to influence family strategies, but it also shows the ability of families to redirect their own interests. What went on in households?

In chapter six, Tuttle steps “Inside the Famille Nombreuse,” the households with large families, to find out what marital fertility meant to wedded couples who on the whole were urban dwellers of middling and elite ranks. In the later seventeenth century, families in this upper level of society had an edge in shaping reproductive patterns. In these families, the spouses tended to marry young, to be close in age, and to employ wet nurses for newborns, all factors affecting family size. These families also possessed enough wealth to make a tax claim worth the trouble. As they weighed social expectations and economic pressures in familial decision making, these wedded couples were already limiting family size by conscious choice. Adding cultural and religious factors to economic ones, Tuttle casts light on insider family strategies at work. When a husband and wife in the town of Romans wrote testaments naming each other as universal heirs, they invoked the strategy of timing, a huge variable in large families where siblings were fifteen years or more apart in age. In the end, their estate disposition slightly favored sons and grandsons but also provided well for daughters, as French inheritance law required. By postponing the final testamentary decision, moreover, the surviving spouse (in this case the wife) was able to readjust estate shares fairly; and in doing so, this mother publicly exercised the household authority ideally accorded to fathers in the pronatalist law. Other departures from father-oriented authority took place as well. Parents named older siblings as godparents for younger ones, whereupon siblings, rather than fathers, bound families, even blended ones, together. Parents also aided children’s religious professions by setting aside funds for that choice. As Tuttle points out, religious and affective factors inside the household (as well as economic concerns) shaped the way parents responded to pronatalist calls. Although we do not know exactly why couples in France began to practice family limitation before other European states, the canny familial strategies carried out show their ability to choose; that is, to follow, mitigate, bypass, or trump the pronatalist policy legislated in 1666 and 1670, extended in 1672 and revoked in 1683. A flagging practice by 1699, when the state ceased the rewards, the notion of pronatalism nevertheless stuck in mind long enough to be revived as a policy.

Tuttle accounts for the French government’s revival of a pronatalist program (1760-1789) in chapter seven, “Depopulation and the Revival of Pronatalism in the Eighteenth Century.” The pronatalist policy, marginalized from 1699 into the early 1700s, owed its revival to writings during the later Enlightenment period that purportedly addressed a population crisis. There was, in fact, no population crisis; France was growing in the 1700s. Yet discussion of a supposed “depopulation” crisis became a potent political weapon to attack bad governance and to discuss political reforms. Some well-known writers denounced the old pronatalist laws. For Montesquieu, the laws failed by “rewarding prodigies” (p. 152). For Mirabeau, the fruitless legal efforts “treat[ed] an illness without understanding its cause” (p. 157). For Orfeuil, “these laws revolt me,” for they are “very ridiculous and very absurd” (p. 157). Contrarily, other writers, such as Diderot and Restif de la Bretonne, and the painter Greuze, indulged in “enlightenment nostalgia” (p. 163) for the idealized large families in the past. By the 1760s, however, “large” indicated five or six (not twelve) children, and “fooling nature” (p. 162), voluntary birth control,

had been a family strategy for some time. From the 1760s through the 1770s and 1780s, the government revived a pronatalist policy now hedged with new rules. Treating children as a national asset, royal officials doled out rewards at will, not by legal privilege, to some needy “deserving fathers” (p. 171). With child abandonment on the rise and foundling homes overwhelmed, government help was encouraged. As a result, the pronatalist policy related to political ideology in the 1660s was transformed into a social policy tied to indigence in the 1760s. Yet the aid granted still focused on fathers. To the end, the potent male symbols of father and king that assured familial stability and political order in the monarchic state colored the social policy offering charity.

In her “Conclusion,” Tuttle reminds us that rewards for “fathers of large families” came to serve other purposes, testifying to the “evolution of relations between families and the state” (p. 179). From the 1760s through the 1770s, father figures moved out of the realm of “wise princely leadership” praised for “procreative output” into one of “needy” men who were “deserving” candidates for “social welfare” (pp. 179-180). Yet the concept of rewarding fathers of large families, even reinterpreted as charity, persisted for over a century because royal officials unflinchingly subscribed to the powerful political ideology linking the authority of kings and fathers. The symbolic recognition of the king’s “paternal concern” (p. 180) for his subjects in a well-governed state, tied to the political significance of “fatherhood” (p. 181) for upholding stable families and raising exemplary subjects, continued to serve the Republic in fostering familial reproduction in male terms for the good of the new nation. Tuttle calls attention to two key arguments. First, reaching back to the 1660s, it is clear that reproduction was a fundamental concern of civil government, hence a legitimate target for legislation. As she notes, “[t]he recognition that marrying and forming a family is a matter of political, economic, and moral significance for the commonwealth accompanied the process of state formation in Europe” (p. 182). This is why leaders regulated marital acts (from 1556 through the 1650s) and marriage and procreation (from 1666-1699 with variants in the 1700s). Second, the reason pronatalist arguments did not result in more reforms in early modern France points to the serious “limitations” on “state power” exercised by kings that the “secularizing Revolution” (p. 183) would sweep aside in revamping laws in 1791. Finally, the gaping political hole left over from the evolution of pronatalist policies variously serving family and state interests is jarring. In the monarchy and the Republic, “the authority of women exercised as mothers did not legitimize them as political actors in the way fatherhood had empowered men as fathers;” and even when politics was reformulated as “a contract that bound individuals free and equal by birth, women were excluded from citizenship” (pp. 185-186). In this historical trajectory it was the “natural purpose” of “sexual difference” that blocked all efforts to establish the “fundamental equality” of persons as individuals (p. 186). What questions might this book raise?

Leslie Tuttle adroitly makes big arguments. As mentioned above, her conclusion highlights two key arguments: first, the persistence of pronatalist policy in France (1650s-1780s) confirms that familial reproduction was a fundamental concern of civil government and a target for legislation as far back as the 1660s; and second, the limitations on the exercise of royal power prevented the extension of pronatalist reforms in the later 1700s. In my view, these arguments, while informative, are far too modest notes on which to end. From my perspective, admittedly related to the juridical negotiation of family-state relationships that proved critical to the twin processes of family formation and state building, Tuttle’s arguments pointing to the political value of legal directives on procreation in families from the 1660s to the 1780s actually enables historians to apprehend a much fuller picture of the legislative edge of early modern state formation. Her important contribution, in fact, reveals a second phase of the French state-building process which stood, as she points out, on the earlier round of marital laws given from the 1550s to the 1650s. So we are able to identify two related phases of what may be called an extended “French juridical project” (captured in the maxim, “our French law”) that unwound in the service of state building for three centuries.[5] And very soon we will be able to consider a third phase also rooted in family law in the eighteenth century.[6]

The prospect of identifying a big historical picture that spotlights the interwoven negotiations between families and the state across time raises queries. First, what accounts for the differing formats used for politicizing family affairs in the interests of households and the state, both under male authority? During the first phase of state building from the 1550s to the 1650s, as we know, jurists were pushed by family interests, including parental consent to marriage, to render precedent-setting case-law decisions, called the “jurisprudence of the *arrest*.” Case law piled up, and kings promulgated the innovative marital edicts. Parents, jurists, and kings, once sitting securely on an emerging body of French law, fattened legal holdings and refused to give in to church opposition enshrined in Tridentine rules, instead holding that “The pope is a foreigner in France.” In this juridical effort to create a French body of law, they did not waver. By the mid 1600s, they had recorded, printed, and repeatedly praised that marital law compact as a national marker identifying the state of France. Yet differences surfaced in Tuttle’s second phase, from the 1660s to the 1780s. The ministers, jurists, and kings who established pronatalist family laws backed down when faced with church outcries in the 1660s. They soon redressed pronatalist law as a social policy from the 1680s into the 1780s. They wiggled on the rules, first offering rewards by privilege and then only aid by grace. In the end, however, the pronatalist program, revived in the 1790s, outlived the marital law compact. Why? Could the royal transfer of pronatalist directives into a social venue have resituated the policy as a French custom? Since custom proved more malleable than French law, could this change have better assured the pronatalist lifeline crossing into the Republic?

Second, to be sure, symbolizing succession to the crown and rule in France in biogenetic male terms was a given from the mid 1500s, when jurists developed the theory of male right to replace the fraudulent Salic Law, admittedly a forgery and treated as a joke by the mid-1600s. But was this symbolism losing potency by this time? This was the era of the *femmes fortes*, three queen-mothers who publicly wielded governing authority as regents for minor kings, who were not yet potent since unmarried. Wives took lawsuits against husbands to courts and flooded “the public” with printed accounts in the streets. A very bold woman in high aristocratic circles, with the finest jurists in her employ, sued in 1672 for the right to rule a French principality, generating reams of print in France and Europe that juxtaposed “natural rights” to “male right” and infuriating Louis XIV.[7] In this context of challenges to male authority, is it possible that Colbert saw in pronatalist measures a wedge for shoring up male symbolism because, in fact, it was flagging? Whatever the reason for promoting male procreative powers in the mid-1600s, Tuttle’s variety of ingenious give-and-take actions deployed by governments and by families provides historical examples that strongly support Pierre Bourdieu’s “theory of action” wherein the exercise of power involves negotiations by parties undertaken for practical reasons across social and political venues, not one that is impressed top down by a ruler on subjects.[8]

Third, Tuttle’s expanded picture of the practices underlying family and state negotiations in the service of state building raises the issue of whether the concept of “absolutism,” or “absolutist,” as applied to royal power practiced in early modern France, should be relegated to the dustbin of history? To the best argument along those lines, her book adds considerable weight.[9] The ability to identify a substantial juridical project focused on family law that was negotiated, not dictated, for three centuries to foster family formation and state building requires historians to recalibrate the categories used to judge whether kings wielded “absolute” authority, or sought collaborative relations, to establish public policies. To be sure, the a-historical notion of “absolutism” holds little sway among historians these days, albeit retaining purchase among literary scholars. But the historical notion of “collaboration” which now holds steady lacks analytical diligence. When studying the collaborative nature of royal power manifested in give-and-take with various social groups, a huge field for political action, the categories of analysis advanced often fail fully to include a major group in society: the men and women in French families who were adept at negotiating and whose cooperation the government needed to install social policies in the state.[10] Whether Leslie Tuttle would lend her formidable study to the task of elaborating these “collaborative” efforts that must include the family as a category for analysis, thereby underwriting Bourdieu’s latest “theory of political action” based on “rational practice,” only she can say.

## NOTES

[1] See Tuttle, *Conceiving the Old Regime*, 14-16, 42-43, 53, for a discussion of Sarah Hanley, "Engendering the State: Family Formation and State Building in Early Modern France," *French Historical Studies* 16, no. 1 (1989): 4-27 (French trans., "Engendrer l'Etat. Formation familiale et construction de l'Etat dans la France du début de l'époque moderne," *Politix: Revue des Sciences Sociales du Politique, Sorbonne* 32 (1995):45-65; and *idem*, "The 'Jurisprudence of the Arrêts:' Marital Union, Civil Society, and State Formation in France, 1550-1650," *Law and History Review* 21, no. 1 (2003): 1-40. These works track the first phase linking family formation to state building. These laws, first rendered through precedent-setting case law (or law on the ground), then put forth by kings in edicts (or black letter law), required parental consent, raised the age of majority, allowed civil courts to evoke disputed cases out of church courts, exacted penalties for non-compliance, and sidelined church marriage rules drawn up by the Council of Trent, which urged, but did not require parental consent, in favor of "our French law." So Romeos and Juliettes could find shelter in most of Europe but not in France (a factor noted in a French rendition of that Italian tale in 1556). For Pierre Bourdieu's adoption of this model of "family-state" negotiations that produced the marital law compact to explicate his own theoretical view of the way power is practiced, see below, n. 8.

[2] As Tuttle notes, the "logic" of the new pronatalist edict of 1666 "built upon the growing tradition of royal law regulating marriage and family formation" (p. 43); and the edict of 1666, she points out, shored up the earlier edicts asserting "parental control" (p. 53). So her study of legal mandates on familial reproduction in the seventeenth and eighteenth centuries should be credited with identifying a second phase of an extended juridical effort that served family formation and state making in this era.

[3] On efforts made to bypass wives and mothers in family affairs, see Christopher Corley's study of guardianship issues, "Gender, Kin, and Guardianship in Early Modern Burgundy," in Jeffrey Merrick and Suzanne Desan, eds., *Family, Gender, and Law in Early Modern France* (University Park: Pennsylvania State University Press, 2009), 183-222. Corley recounts the two-way process: the attempts of jurists to transfer "authority over children from mothers to fathers" (p. 183) countered by actions whereby "widows used their families, their working knowledge of the law, and their negotiation skills to defend their interests in the courtroom" (p. 209).

[4] In noting that some women spoke against pronatalist ideas, Tuttle cites, among other works on salons, Faith Beasley, *Salons, History and the Creation of Seventeenth Century France* (Burlington, Vt.: Ashgate, 2006). Beasley's striking study of salon women of the 1600s deserves added comment because it not only resurrects those formidable women writers of the 1600s, but also traces why they and their era fared badly in modern literary history. In the 1600s, many salon women were authors themselves who regularly outsold the main male authors of their time; they were avid discussants in salons crowded with interested participants, both men and women. In contrast, during the 1700s, most salon women did not write, nor did they debate; rather, they served the men who did. Beasley takes up the vexed historical question: why have literary scholars until quite recently, the late-twentieth century, persistently valorized the salons of the 1700s and marginalized those of the 1600s, identifying the later era with the "Enlightenment," while sidelining the earlier one? By resurrecting the French government records that designed the modern school curriculum in the 1800s, she shows the decisions made to teach students (most of them male) through a curriculum that featured the less active women salon leaders of the 1700s, who did not compete with the male writers spotlighted, rather than the more active women writers and salon leaders of the 1600s, who vigorously competed with male cohorts. In this way the authors of the modern curriculum for the study of French literature blotted out a century of prominent women writers because the vision did not fit notions of women's place in the 1800s. Beasley's findings thus stress the outspoken stances of these women in Tuttle's era.

[5] On this maxim, as well as another, “The pope is a foreigner in France,” see Sarah Hanley, “What is In a Name? ‘Our French Law,’” *Law and History Review* 28 (2010): 827-836.

[6] For a third phase with its own nuances, see Matthew Gerber, *The End of Bastardy: Politics, Family and the Law in Early Modern France* (Oxford: Oxford University Press, forthcoming), who looks at family demands and state responses to legitimating “extramarital children;” meanwhile, see his chapter, “On the Contested Margins of the Family: Bastardy and Legitimation by Royal Rescript in Eighteenth-century France,” in Merrick and Desan, eds., *Family, Gender, and Law*, 223-264.

[7] Marie de Nemours (born Longueville) legally demanded the right to rule the French principality of Neuchatel, which infuriated Louis XIV, especially because she argued for disposing of biogenetic notions of “male right” (privileging sons) and supporting “natural rights” (of sons and daughters) while flooding Europe with written pieces on this topic, all long before the issue was taken up in the Revolution. See Sarah Hanley, “The Family, the State, and the Law in Seventeenth- and Eighteenth-Century France: The Political Ideology of Male Right versus an Early Theory of Natural Rights,” *Journal of Modern History* 78, no. 2 (2006): 289-332.

[8] In *Practical Reason: On the Theory of Action*, trans. Randal Johnson, et al (Palo Alto, Cal.: Stanford University Press, 1998); French ed., *Raisons pratiques...* (Paris: Le Seuil, 1994), Pierre Bourdieu comments, in retrospect, on his theoretical stance put forward in *Outline of a Theory of Practice* and *The Logic of Practice*, by further ruminating on the practice of state power. In *Practical Reason*, as in early work, he takes account of the practical logic of agents that disposes them to action, as well as the structured situations in which they act. So his “theory of action” is defined by a two-way relationship between the objective structures of the social fields and the actions of the agents who people them (accepting, modifying, and rejecting frameworks and thus affirming or changing them in turn). And here he supports his theoretical stance with a historical example of how states and families negotiated rules and actions: that is, the one put forward in Hanley, “Engendering the State.” Tuttle’s account of family and state negotiations via the pronatalist policy, it should be noted, surely would have pleased Bourdieu (d. 2002) in his effort to find historical models to elucidate his theoretical stand.

[9] For the best argument, see Robert Descimon and Fanny Cosandey, *L’Absolutisme en France. Histoire et historiographie* (Paris: Le Seuil, 2002), who conclude that nowhere in the relevant archives will historians find the thing called “absolutism,” nor will they find evidence that kings practiced unfettered “absolute” power. Clearly the questions posed must be revamped in order to avoid perpetuating a misleading concept that skews history. We can no longer ask: “How did family members accept and resist absolutist visions of social order and attempts to enforce new royal legislation?” (as do Merrick and Desan in their “Introduction,” in *Family, Gender, and Law*, xvi). In fact, the answer that is already built into the question presumes that “absolutist visions” somehow were realized in royal legislation, that the king’s laws dominated, and that families merely reacted to the laws. Instead, we should acknowledge the vigorous interaction of family-state negotiations in time, through which the families subject to the laws had as keen a hand in formulating them as they did in accepting, modifying, or rejecting them over time.

[10] As listed in William Beik’s review article, “The Absolutism of Louis XIV as Social Collaboration,” *Past and Present* 188 (2005): 195-224, for example, the categories that historians have used to study royal power practiced in terms of a “collaboration” that considers “community interests” include the following: provincial elites, corporate entities, the nobility, social classes, parlements, patrons and brokers, and the church. To these the family must be added.

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