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Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France*. Oxford and New York: Oxford University Press, 2012. 288 pp. \$74.00 U.S. (cl). ISBN-10: 019975537X.

Review by Janine Lanza, Wayne State University.

At a moment when the definition of marriage and family has become a point of political debate, Matthew Gerber's excellent book on illegitimacy in early modern France shows that such arguments have a long pedigree. Beginning in the sixteenth century, the nature and practical impact of illegitimacy formed part of a larger discussion of sexuality and family, one that tied into the relationship between the patriarchal monarchy and the patriarchal family. Gerber shows how the changes in attitudes toward and rights of illegitimate children from the sixteenth to the eighteenth centuries reveal shifts in both the form of the monarchical state and the relationship of French people to their government.

Gerber examines the issue of illegitimacy mainly in terms of two related issues: the claims illegitimate children could make on family resources, both material and moral, and attitudes toward illegitimacy. Broadly speaking, these two factors moved in tandem, with illegitimate children having greater claim on family resources at moments when the stigma of illegitimacy was considered less burdensome. Gerber's account begins in the sixteenth century with an overview of "the rights and disabilities of extramarital offspring" (p. 24). Starting with the influence of Roman law precepts toward such children, the author proceeds to show how French jurists developed a distinctive legal tradition rooted in the needs of the developing French monarchy and patriarchal family. Central to these two institutions was the protection of lineal family interests. Echoing Sarah Hanley, Gerber considers royal concern as key in creating demands for parental control of marriage and the application of penalties to those children who did not obey. Such laws served the goal of creating elite, upwardly mobile families. The disposition of illegitimate children resided at the heart of this concern since acknowledgment of extramarital offspring diluted both the fortune and reputation of the family, undercutting its ability to advance.

At the start of the early modern period, which Gerber sees as stretching from the early sixteenth century through the French Revolution, illegitimate children were seen as having "criminal origins" and deemed "unworthy of family membership," but they could nonetheless make claims for basic support from their parents (p. 27). Beyond this basic support, such children could expect no further gifts and certainly were not considered worthy to inherit from their families. As Gerber shows, however, despite the general consensus about illegitimate children, individual families attempted to name natural children as heirs and incorporate them into their households. This rift in French society between those who sought to brand natural children as degenerate and polluting and those who wished to treat them humanely and even legitimize and incorporate them as heirs, touched all levels of society. From Louis XIV, who caused a dynastic crisis by attempting to insinuate his illegitimate sons into the line of succession, to poor French unwed mothers who abandoned their children at the Parisian foundling hospital, the issues of illegitimacy vexed and challenged the entire kingdom.

Gerber resorts primarily to legal sources, which in the early modern era comprised an enormous range of material including, but not limited to, royal edicts, canon law and the decisions of bishop's courts, regional customary law (*coutumes*), decisions of the Parlements, and *mémoires judiciaires*. He also

examines requests for legitimation and the records of the vast Hôpital des Enfants Trouvés in Paris. The prevalence of legal sources underscores his assertion that legal debate both reflected and shaped social practice. They also allow him to show clearly how attitudes and policies toward illegitimate children changed over time. As edicts and other legal mandates allowed for natural children to make greater claims against their families, attitudes toward these offspring changed as well. One clear manifestation of that shift was the language jurists used to discuss illegitimate children which shifted from a lexicon that emphasized their bad blood and impure origins to one that called them "unfortunate individuals who suffer for a crime not their own" (p. 176). It is Gerber's commitment to examining a broad sweep of time and his focus on these legal sources that allows him to show convincingly this change in attitude.

Gerber devotes an entire chapter to the institution of the Hôtel Dieu in Paris and its transformation from a private religious charity meant to deal with the issue of foundling care to a royal institution funded by the government and charged with handling the exploding numbers of abandoned children. In this section, the author provides invaluable information about the large increases in costs and the massive increase in residents from the mid-seventeenth to the end of the eighteenth century. As such, he shows that the numbers of unwanted children, most illegitimate in his reckoning, presented a substantial social problem. Rather than using his examination of this institution to show how non-elite segments of French society understood and coped with illegitimacy, Gerber's interest in this chapter revolves around government policy and the ways the foundling crisis shaped broad attitudes toward extramarital offspring. The rapid increase in the numbers at the Hôtel Dieu, according to Gerber, reflected the lack of resources at the village or provincial level to deal with abandoned children. Further, he shows that new notions of marriage and the push to require parental consent limited the ability of women to force men either to marry them or to provide them with support in the instance of an unwanted marriage. Such women found themselves with no option but to turn their children over to the state for care.

The examination of the Hôtel-Dieu shows how the increasingly unsustainable burden placed on the royal purse by the vast numbers of abandoned children contributed significantly to the destigmatization of illegitimate children. Royal ministers eventually dubbed them "children of the state" and looked for ways they could contribute toward France's well-being (p. 126). In the process, Gerber shows how the strain of providing this care compelled the reconsideration of the rights of illegitimate children. The eighteenth century saw a swing away from the exclusion of illegitimate children from familial gifts and bequests. Rather, illegitimate children were absolved of their parents' crime and allowed to receive greater resources from their families. This move away from stigmatization came at a price, however. Mothers of illegitimate offspring were judged guilty of violating community norms and mores. It was only with the legislation of the French Revolution that illegitimate children gained equal rights to inheritance and their mothers found their stigma lessened, advances pushed aside by the Code Civil.

Gerber demonstrates a masterful grasp of the often difficult field of pre-Revolutionary French law, and his book will serve as an essential source for understanding the ways that different legal jurisdictions and codes intersected, contradicted and functioned more or less as a system. He shows how a number of French families hashed out the problems they faced when they had to deal with illegitimate children and their material and moral claims on family assets. It is important to note that the cases and examples Gerber uses are drawn almost exclusively from the ranks of the noble and non-noble elite. The nature of his cases is not surprising, given the substantial investment of time and money required to engage in litigation such as the claims at stake in *Jourdan v. Jourdan* or *Raymond v. Casse*, two legal disputes that involved substantial inheritances and which took years to adjudicate.

Most French men and women, however, could not afford the lawyers, briefs and time required to push for recognition and support of illegitimate children in the face of opposition. The parties he discusses seem to represent a rather small sliver of the French population, given the kinds of property questions

they brought to court. It would be instructive to know something about the behavior of families of modest wealth and what their attitudes were toward both illegitimacy and the responsibility of fathers to support all of their offspring. It might also be the case that families without much wealth to protect from an outsider like an illegitimate child might use different language and categories to describe and understand the situation. For example, rather than employing the language of “bad blood” or seeing illegitimate children as usurpers, might modest families have simply seen such children as representing different kinds of family members? This supposition might be entirely incorrect, but one cannot be sure based on the analysis Gerber has presented. Arlette Farge suggests that for working men and women “[m]arriage was to be seen as a later stage.... In the meantime, concubinage or living together seemed a perfectly natural state.”[1] For such couples, the status of their children as illegitimate would seem to be immaterial, particularly since they were unlikely to have much property to bequeath. More attention to social and economic difference, and the ways that could shape attitudes and behavior, would provide a broader sense of the role and experiences of illegitimate children.

By ending with the provisions of the Civil Code, Gerber shows how the experiences of illegitimate children did not follow a smooth path of progress from the unenlightened days of the sixteenth century to the enlightened nineteenth century. Rather, in demonstrating how attitudes and behavior toward illegitimate children shifted over several centuries by responding to changing social and economic conditions, Gerber presents his readers with a nuanced and enlightening picture of how families responded to changing times.

NOTE

[1] Arlette Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*, trans. Carol Shelton (Cambridge: Harvard University Press, 1993), 22-23.

Janine Lanza
Wayne State University
jmlanza@wayne.edu

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