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Tracey Rizzo, *A Certain Emancipation of Women: Gender, Citizenship, and the Causes Célèbres of Eighteenth-Century France*. Selinsgrove, PA: Susquehanna University Press, 2004. 132 pp. Bibliography and index. \$34.50 U.S. (cl.). ISBN 1-57591-087-X.

Review by Mita Choudhury, Vassar College.

Over the last several decades, historians have successfully used legal *causes célèbres* to uncover how relatively obscure individuals negotiated the demands and crises of early modern life. Most famously, Natalie Zemon Davis has investigated the trial of Martin Guerre to shed light on the more intimate aspects of sixteenth-century peasant families and their communities. Davis's narrative and Judith Brown's study of a lesbian nun have contributed to women's history by providing important examples of how women could achieve varying degrees of independence within a patriarchal society. Such *causes célèbres* were important cultural moments that often highlighted disruptions in the social order and therefore generated anxiety. At the same time, they also represented an opportunity for lawyers and social theorists to reevaluate social and political norms. In her work on pre-revolutionary *causes célèbres*, Sarah Maza has argued that lawyers used private conflicts to make political points and thus contributed to the emergence of a new political culture. [1]

Tracey Rizzo's study of *causes célèbres* seeks to bring together the different approaches found in the work of Davis, Brown, and Maza. Through a close textual analysis of Nicolas Des Essart's *Causes Célèbres*, the most famous eighteenth-century compendium of trials, Rizzo investigates how the litigation process of the 1770s and 1780s afforded women the opportunity to claim certain rights for themselves. According to Rizzo, lawyers who defended women in cases involving seduction, separation, and rape, maintained that their clients' virtue had been compromised by the tyranny of selfish men, errant laws, and even public opinion itself. Rizzo thus seeks to complicate the place of women in the emergent public sphere. Building on the scholarship of Joan Scott and Carla Hesse, who have examined female citizenship during the French Revolution, she argues that the exclusion of women from citizenship was not automatic and non-negotiable in the pre-revolutionary period.

Rizzo identifies the "certain emancipation of women" as a "liberatory moment, an opening, in which late eighteenth-century constructions of female citizenship offered virtuous women, regardless of rank or even race, 'strategic possibilities' for establishing modern identities"(p. 12). This "moment" was the result of the confluence of three major cultural and political developments in the late eighteenth century. First, lawyers who espoused Enlightenment ideas of natural law began reevaluating family law that traditionally privileged masculine authority. Second, the period witnessed a relentless critique against paternal and monarchical authority. And last, "as readers and subjects, as representations and as historical actors, but more directly as authors and consumers," women participated in a cult of *sensibilité* through their reading of sentimental fiction, which featured endless images of tormented, self-sacrificing virtue (p. 15). Within these broader cultural trends, women were able to achieve a modern identity through the help of their lawyers who portrayed them as capable of reason, moral judgment, and virtue, the same qualities that merited citizenship.

Virtue was a recurrent theme in the forensic arguments made on behalf of women, but its meaning was contained within what Rizzo describes as a complex and paradoxical "narrative and counternarrative." On the one hand, women, as mothers and wives, exercised a form of virtue that influenced those around them and therefore the larger polity. These contributions qualified them as citizens; moreover, they

were, in fact, the beneficiaries of progressive legislation, particularly in the early years of the French Revolution. However, even as legal and political opportunities opened up for women during the early Republic, representations of sexual difference and the prescription of domesticity severely limited women's participation in the public arena, and led to women being rhetorically and then more literally confined to the private sphere. While the Revolution dramatically illustrates the tensions inherent in this construction of virtue, Rizzo argues that the "lived experiences" of women in prerevolutionary France, as revealed in Des Essarts' *Causes Célèbres*, indicate that many women were able to assert themselves precisely because of the complex understanding of virtue and the fluid definitions of citizenship.

The *causes célèbres* reveal these possibilities. At the center of Rizzo's discussion is Nicolas Toussaint le Moyne Des Essarts' *Les Causes célèbres, curieuses et intéressantes de toutes les cours souveraines du Royaume avec les jugements qui les ont décidées*, published between 1773 and 1789. Distributed to subscribers on a monthly basis, Des Essarts' journal totaled ninety-eight volumes and included accounts of nearly 700 trials. In the litigious world of pre-revolutionary France, court cases were food for discussion throughout society. According to Rizzo, the readership was diverse, encompassing a variety of social classes, which included women and men from both urban and rural areas. What drew them to the periodical were the compelling narratives of trials not of the rich and famous, but of obscure men and women of all ranks. Readers encountered an emotionally-packed narrative that incorporated large (sometimes unattributed) quotes from the *mémoires judiciaires* and other sources as well as Des Essarts' own moral pronouncements. Despite the obscurity of the individuals, these cases "could scarcely be read as apolitical in the 1780s," especially given the challenges to patriarchal authority permeated the legal process (p. 32). According to Rizzo, "the terms honor and virtue recur throughout the *Causes Célèbres* and the contestation over their meaning and relation fuels an explosive discussion, one of the outcomes of which is the Republic of Virtue" (p. 36). Rizzo draws her conclusion from a sampling of 223 cases from the *Causes Célèbres*, and provides statistics with respect to the topic, location, and social background of the litigants. Her exploration of virtue and honor are found in her analysis of trials that involved seduction, separation, and rape, topics that are explored in the three central chapters of the book.

In the chapter examining trials of seduction, Rizzo focuses on three cases, including the 1784 affair of Catherine Noailles who was defended by Barère de Vieuzac, the high-profile lawyer from Toulouse and future regicide. The lawyers who defended their female clients in all three trials targeted male authority that had become tyrannical. According to lawyers and Des Essarts, fathers who refused to countenance a love match because of their own social aspirations were ultimately responsible for the "seduction." Such abuses of power were also the product of social rank. The "villains" in the Noailles and Thérèse Martin case were aristocratic men who used their privileged status to undermine the virtue of the young women involved. On behalf of their female clients, Barère and other lawyers argued for "natural" unions based on love and for punishment of self-interested power. Operating within the complex social prism of the Old Regime, honor and virtue become contested categories in all three cases. For members of the aristocracy, honor was tied to family and lineage and was to be maintained at the expense of others. But lawyers for the women held the men in the trials up to a new standard of honor that required keeping promises. Honor then became linked to character as well as reputation. By reconfiguring honor as an individual attribute and not a socially determined virtue, lawyers imbued the notion of honor with "democratic" value. Within the pages of Des Essarts and the *mémoires judiciaires*, the women demonstrated their virtue through expressions of faithfulness. Rizzo asserts that the theme of virtue and the ability to put the common good above one's own interest foreshadowed the requirements of citizenship in the Republic of Virtue.

Rizzo continues to explore these themes in the following chapter on marital separation, the most common case involving female litigants. She examines three marriages that unraveled, two because of spousal abuse and one because of a union forced on the couple by their parents. All three women in these

trials won their suit, reflecting a trend in the courts that favored separation. As in the cases laid out in the previous chapter, virtue and honor again featured in the lawyers' arguments. Two of the women filed for separation from husbands who had committed financial malfeasance, abused them, and had brought dishonor upon them. According to their lawyers, although these women invited condemnation for publicizing their troubles, they would incur further dishonor by attempting to hide their husbands' criminal behavior. Within these narratives, women were virtuous as a result of innate qualities *and* upbringing, and therefore, did not deserve to be dishonored because of their husbands' perfidy. Such arguments reveal that the right to separation was one granted to women from the middle and upper classes. Rizzo concludes that "the modern individualism to which women were called in the late-eighteenth century was class-specific" (p. 67). The absence of any sustained call for women's rights with respect to marriage and divorce, Rizzo argues, resulted from this class bias. Nevertheless, the victory of each individual woman incrementally amounted to a "certain emancipation of women" as women were acknowledged as citizens with rights.

The tenuous nature of this citizenship is examined in the chapter on rape and infanticide. Des Essarts' commentary on rape trials indicate that rape was not just about sexual violence but also included violence done to a woman's reputation. In making such a claim, Des Essart suggested that the rapist was not the only one to blame for a woman's problems, but rather that public opinion also bore responsibility. Like many of his contemporaries, Des Essart differentiated between the people and the public, comprised of "reasoning enlightened individuals." Despite this distinction, he did not trust public opinion because according to Rizzo, "though the man commits the first crime against a woman, it is "opinion" that ruins her reputation, with its power to confer honor or shame" (p. 95). The fear of losing one's reputation, despite one's innocence and virtue, led a woman to concealment and tragic acts. Moreover, the importance of reputation in early modern society undermined a woman's potential to assert herself: "Thus the narrative of liberation is undercut by a counternarrative that maintains women's subservience to their constructed reputations" (p. 99). As Rizzo points out in her conclusion, Manon Roland, whom Des Essarts idolized in a post-revolutionary version of the *Causes Célèbres*, fell victim to public opinion (manipulated by the Jacobins) even as she attempted to exercise feminine republican virtue. Roland's claims to being a disinterested citizen loyal to her country were ignored in an atmosphere in which any woman who put herself before the public was regarded as a monster.

In her investigation of the precarious place of female agency in the eighteenth century, Rizzo focuses exclusively on Des Essarts' *Causes Célèbres* and argues that "it uniquely bridges the gap between representation and lived experience, enabling an analysis of the degree to which one influenced the other" (p. 108). Undoubtedly, Des Essarts' criticism of patriarchal authority echoed the ethos of the period. However, despite the popularity and influence of Des Essarts' narratives, we must ask the extent to which the cases in the *Causes Célèbres* revealed the typical, "lived" experiences of women in the French legal system. Or were these accounts just a reflection of Des Essarts' selection process and his own personal and political agenda? Moreover, as Rizzo herself notes, the *Causes Célèbres* were a few steps removed from the actual trials, especially given Des Essarts' inconsistency in attribution and use of quotation marks. Thus, while Rizzo allows us to see the possibilities available to women through the use of legal channels, her claims that women asserted themselves as moral and reasonable citizens remain somewhat tenuous. The voices of unknown women are difficult to uncover. Nevertheless, Rizzo's conclusions would have been strengthened by engaging material beyond the *Causes célèbres*, such as the legal documents from the trials themselves and contemporary reactions to the specific trials or similar ones.

As Rizzo rightly notes, the legal arguments made on behalf of women were heavily politicized by the lawyers who bolstered their clients' position within a critique of patriarchal authority that ultimately extended to the monarchy. It is within this volatile political climate that women of the Old Regime achieved some form of citizenship. How then does the story of female citizenship described by Rizzo fit

into the larger historical discussion of citizenship, especially given that notions of male as well as female citizenship were hardly stable in the Old Regime? The discussion of female virtue, honor, and citizenship would have been stronger with more sustained and concrete attention to other relevant contemporary debates and events, including the highly publicized trials in Sarah Maza's work.

This study on the place of women in the Old Regime's litigation process adds to our understanding of the importance of family and gender within pre-revolutionary political discourse. Rizzo's work raise significant questions about the ways in which women asserted themselves despite the limitations of a patriarchal society, on the one hand, and emerging ideals about female functionality and space, on the other. She provides an important perspective by discussing class and how it shaped the legal process and rhetoric; it is unfortunate that she did not include the arguments made in her article on colonial subjectivity in the *Causes Célèbres*.^[2] Moreover, Rizzo also provides us with a different perspective on public opinion, one that problematizes the Habermasian paradigm of "enlightened" public opinion. Rizzo reminds us that as important as public opinion was in the legal world, even as late as the 1780s, it was regarded with apprehension. And for women, enlightened public opinion was difficult to navigate, as were the treacherous waters of the Old Regime's patriarchal order. Women could profit from the opportunities created by a universalist discourse on liberty and rights, but they remained burdened by the gender particularities assigned to their sex.

NOTES

[1] Natalie Zemon Davis, *The Return of Martin Guerre* (Cambridge, Mass.: Harvard University Press, 1981); Judith C. Brown, *Immodest Acts: The Life of a Lesbian Nun in Renaissance Italy* (New York: Oxford University Press, 1986); Sarah Maza, *Private Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993).

[2] Tracey Rizzo, "A Lascivious Climate': Representations of Colonial Subjectivity in the Causes Célèbres of Eighteenth-Century France," *Journal of Caribbean History* 34, 1&2 (2000): 157-177.

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