

balanced approach—a middle ground between excessive lenience and excessive rigour” (62). This search for the harmonious middle marked the attitudes of eighteenth-century lawyers, a change from earlier hard attitudes about marital separations. In showing how prominent and well-regarded lawyers moved in their opinions about the acceptability of marital violence, Trouille also buttresses her argument about a broader shift in understanding of wife abuse.

Trouille analyzes the languages of legal memoirs in her discussion of specific separation cases, but it is in Part III of her book that she engages in literary study. Here Trouille examines three novels with the theme of marital violence. The authors’ gothic portrayals of abuse go beyond any evidence presented in separation cases, but Trouille shows how these literary works pushed back against a romantic view of companionable family life promoted in sentimentalist literature. Drawing from real-life events, the Marquis de Sade, Stéphanie de Genlis, and Nicolas Restif de la Bretonne show the hidden and dangerous side of married life, revealing the grotesque level of violence husbands could inflict on their wives. Trouille uses these portrayals to make two points: first, that violence was woven into the fabric of married life in this period, and two, that looking at abuse can also shed light on appropriate spousal relations.

In her conclusion, Trouille reasserts her claim that considering the legal and the literary together show how married life evolved at this time. Trouille is largely effective at making her argument, although her small body of source material renders her particularly beholden to the work of social historians. That said, her close and sensitive readings of sources provides depth and nuance to her conclusions, although readers who do not read French may struggle with some of the extended quotes Trouille analyzes. By juxtaposing legal and literary sources, Trouille succeeds in demonstrating how much social and legal historians can learn from each other.

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Rachel G. Fuchs, *Contested Paternity: Constructing Families in Modern France*, Baltimore: Johns Hopkins University Press, 2008. Pp. 368. \$55.00 (ISBN 978-0-801-88832-8).
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In this excellent book, Rachel Fuchs explores legal and social constructions of fatherhood. Her starting point is the infamous ban on paternity searches in France’s 1804 Civil Code, a ban that was overturned only in 1912. To illuminate the origins of the ban, its effects, and the eventual legalization of *recherche de paternité*, Fuchs follows a broad chronological canvas. She

explores not only legislative decisions but also eighteenth-century and Revolutionary practices, ways of circumventing the ban in the nineteenth century, and changing sexual mores and definitions of fatherhood through the twentieth and early twentieth-first centuries.

Several of her arguments are likely to interest readers of this journal. Fuchs emphasizes that “activist judges are not a recent phenomenon” (10). Many works on gender in France have stressed the patriarchal aspects of the Civil Code; Fuchs does not dispute these, but she also shows that creative women and sympathetic judges found ways to mitigate the letter of the law. One of the most common means was to seek damages for false or broken marriage promises; even as the Code bolstered male authority, it promised possible reparations for breach of contract. In this light, Fuchs introduces a concept likely to seem unusual to modern readers—the divisibility of paternity. Proponents of the concept separated reparations and subsidies for food and basic support from full recognition of a child.

In analyzing changing attitudes towards paternity, Fuchs provides a model for looking at both specific moments of legal innovation and long-term developments. She shows how the French Revolution transformed ideas about family and guides her readers through its shifting laws, as well as the process that led to the repressive Civil Code. Fuchs identifies several landmark judicial decisions in subsequent decades, especially a critical shift in legal practice starting in the 1840s, when judges became increasingly flexible in interpreting the Code. Although she cannot prove what prompted this shift, she makes convincing connections to broader social changes. She then turns to the end of the century and investigates the process that led to the legalization of paternity searches, after seven legislative proposals and twenty-five years of episodic debate. Fuchs links legalization in 1912 to the number of court decisions that rendered old prohibitions ineffective by increasingly awarding child support and damages for seduction and abandonment. She also reveals other critical factors, from specific initiatives to general feminist activism and a growing consensus that children had their own rights.

Following her story into the courtrooms of the twentieth century, Fuchs shows the increasing acceptance of *concubinage*, couples who lived together without marriage. She contends that although a women’s morality was still central, it was increasingly redefined to emphasize fidelity to one man rather than sexual innocence. Fuchs wraps up her study by contrasting paternity searches to other aspects of legal fatherhood. She shows that married men who suspected their wives of adultery could disavow paternity, a strategy that worked best if a woman’s infidelity was public and she had abandoned their marital home. She juxtaposes the rejection of children to the deprivation of paternal authority. An 1889 law allowed the state to remove “morally endangered children” from their fathers. Noting that the law was used primarily against working-class families, Fuchs contends that it represented a serious

rupture with the Code's general emphasis on paternal power. Adoption provides another interesting counterpoint: although child adoption was not legalized until 1923 (the Code only permitted adoption of adults), foster parentage and kinship networks often created de facto adoptions that could be regularized once a child reached the age of majority. In assessing these cases, Fuchs emphasizes both individual honor and community views on what constituted viable families. She suggests that laws on adoption and the deprivation of paternal authority helped erode definitions of family based on property and lineage. More generally, she traces longer-term developments stressing the voluntary and emotional ties of parenthood.

The lucidity and scope of Fuchs's book invite international comparisons. Some of the dynamics she examines are distinct to French history. But others may be connected to broader European or transatlantic developments. For example, mid-century shifts in France intriguingly parallel the 1844 amendment to the British Bastardy Clause, which potentially allowed women to seek support from the putative fathers of their children.

Fuchs herself notes that during second half of the nineteenth century, Spain, Portugal, and Germany legalized paternity searches, at least in limited circumstances. It would be revealing to know more about why France maintained a ban while neighboring countries did not, what effect international precedents had on the decision to legalize searches in France, and how both law and practice compared elsewhere.

Overall, this is a wonderful book, which balances aspects of social, cultural, legal, and gender history. One of its many strengths is Fuchs's ability to combine vivid individual stories with broad analysis. She has carefully sampled judicial archives and the legal press to unearth the concerns and struggles of particular women and men. But she also gives a compelling story of changes in both ideas and laws over the sweep of two centuries. She demonstrates convincingly that following the seemingly small question of *recherche de paternité* can illuminate fundamental social and cultural transformations.

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Wilfrid Prest, *William Blackstone: Law and Letters in the Eighteenth Century*, Oxford: Oxford University Press, 2008. Pp. 355. \$65.00 (ISBN 978-0-199-55029-6).

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By virtue of his *Commentaries on the Laws of England*, William Blackstone continues to occupy an active place in the popular consciousness of the