Seduction:
Sexuality, Authority, and Enlightenment in Eighteenth-Century France

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Introduction

By her 30s, Thérèse Chaubert occupied a literal no man's land. For want of a husband and lack of a father, she remained unmoored from immediate forms of male authority. Change materialized when she met and charmed Monsieur Chandri, a local doctor who signed a written marriage promise to her in January 1775. But Chandri failed to deliver on that promise, and by late that year, Chaubert's infant child served as a public memento of illicit private behavior. [1]

Like women before and after her, Thérèse Chaubert wielded criminal charges of seduction against her lover much like a paternity suit. To its advocates, seduction law served as a necessary safeguard of female honor. Its lax application, one critic warned, only encouraged reckless sexual behavior among men. "One man thinks he can seduce without fear of the Laws," wrote François Menassier de l'Estre in 1784, "and another that he can corrupt without risk of losing his HONOR." [2] Legal deterrents were imperative, he continued, to combat a crime that injured not only women like Thérèse Chaubert, but society and its morals by extension. [3]

Against those claims, Monsieur Chandri *agreed* that the outcome of seduction cases bore on the fate of society. However, *his* defense trained attacks away from seducers and toward seductresses: scheming women determined to squeeze money out of unsuspecting men. Chaubert, his lawyer argued, had swindled judges into sentencing a handsome 16,000 *livres* in damages. That outcome, he continued, spelled the downfall of marriage itself. "Will a girl wish

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[1] Chaubert made a living renting rooms to pensioners in Baugency, some 140 kilometers from Paris. *Mémoire pour messire François Gourdinau,… sieur de Chandry,… ancien échevin de la ville de Beaugency…contre demoiselle Thérèse Chaubert, fille majeure, se disant avoir été séduite, âgée de 42 ans, Intimée* (Paris: Lormel, 1776), 25. Bibliothèque nationale de France (BNF) 4-FM-14156.

[2] François Menassier de l'Estre, *De l'Honneur des deux sexes, et principes généraux sur les différentes espèces de rapts, de sédution, de subornation & de la violence* (Paris: Noyon, 1784), 11. BNF FP-2022.

[3] For that reason, he considered seduction a public, rather than private, offense. Menassier de l'Estre, *De l'Honneur des deux sexes,* 18.

to yield to a man's control, endure his moods and whims, when, without forfeiting her freedom she can hold her own in the world?" Unwed women might recognize seduction law as a means to secure financial stability without the "tiresome domestic chores" of married life.[4] Its abuse threatened to overrun France with proto-prostitutes, women who willingly exchanged their virtue for money.[5] Despite their differences, both sides of this case associated seduction with sexual chaos. Both sides attributed seduction with the power to rent the bonds that held society together.

This dissertation uses the crime of seduction as a lens to examine intersecting contests of authority within French society across the eighteenth century. Unlettered servants and seamstresses, masters and apprentices, midwives and doctors – these men and women converged at court to settle personal scores, but they participated in broader dialogue about *who* could legitimately exercise authority over themselves or others. Accordingly, I address these cases as terrain on which four important social, cultural, and intellectual developments converged: declining community control, mounting intergenerational conflict, new models of companionate marriage, and emergent theories of female autonomy. This last development acts as a through line connecting the other three, as the shifting sands of community, family, and marriage opened (or foreclosed) new possibilities for female autonomy. To investigate those possibilities, I examine seduction as both a legal category and a set of social anxieties about the causes and consequences of unrestrained sexuality.

As a legal category, seduction took shape from the sixteenth century to mean the marriage of young adults against the will of either or both parents. Nobles who helped craft the law sought to prevent social-climbing inferiors from wedding their sons and daughters and

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[4] *Mémoire pour messire François Gourdinau,* 41.

[5] Ultimately, Chandri's lawyer was successful in reducing damages from 16,000 *livres* to 2,000 *livres* plus additional expenses for the baby's upbringing.

disrupting marital strategies designed to join land and titles. Commoners also worried about mismatched marriage or *mésalliance*, suspicious of upstarts who might blemish a family's honor into subsequent generations. By the eighteenth century, French subjects deployed the term seduction broadly and flexibly.[6] Parents still used the law to prevent or annul unwanted marriage, but unwed women now regarded it as a means to gain support from their babies' fathers, directing allegations of seduction against lovers who had abandoned them after they became pregnant.

As a set of social anxieties, seduction encompassed uneasy responses to sweeping societal changes and their moral consequences. Urbanization, migration, and rising rates of illegitimacy compounded fears that family and community no longer exerted due control over young people; that fewer men and women exercised sexuality within the bounds of marriage; and that escalating numbers of single women would weaken marriage and family as institutions. These changes were foremost in the minds of claimants and defendants in eighteenth-century seduction cases, as well as the lawyers, prosecutors, and judges who served as their interlocutors. Beyond the courtroom, these men and women deployed the word seduction expansively, referring to speech or actions that compelled someone to act against their better judgment. As an example, jurist Boucher d'Argis defined seduction as a form of fraud used to "make [someone] consent to an act or step contrary to their honor or interests."[7] Accordingly, the word encompassed uneasiness about the susceptibility of individuals to be swayed to behave in ways that endangered themselves or society at large. Such concerns fell disproportionately on young

[6] The term *rapt de séduction* originally meant seduction accompanied by abduction, i.e. displacement from the paternal home, but by this period, these cases rarely involved such displacement.

[7] André-Jean-Baptiste Boucher d'Argis, "Séduction," in *Encyclopédie, Ou Dictionnaire Raisonné Des Sciences, Des Arts et Des Métiers*, ed. Denis Diderot and Jean le Rond d'Alembert (Paris: Briasson, 1751–1772), 14:887.

women, whose perceived weaknesses not only rendered them more vulnerable, but whose pregnant bodies announced the deleterious consequences of seduction.

Centuries later, seduction remains a central facet of French identity, an "unofficial ideology" that designates the capacity to influence people through charm.[8] But today, the word's usage positions seduction as a benign rather than malignant force, as a playful rather than nefarious form of power. Advertisers and editors employ it liberally to describe anything from yoghurt to statesmen. During my research year, I caught the headline of a discarded newspaper on the metro floor during François Hollande's February 2014 visit to the White House: "Hollande veut séduire l'Amérique." But seduction also forms the cornerstone of contemporary theories of gender dynamics that idealize male-female relations from a distant aristocratic past. Over the past three decades, various French feminists have argued that seventeenth-century women civilized and controlled men through seduction.[9] Ample scholarship on seduction within seventeenth and eighteenth-century literary contexts reinforces this vision of seduction as a means of empowerment, lavishing attention on the female seductress as a threat to bourgeois morals and enlightened principles alike.[10] Joan Scott has rebutted this version of history as a "fantasy" intended to justify "traditional" gender roles against perceived threats like lesbianism and radical Islam. According to Scott, analyzing the fantasy itself supplies the most powerful means of exposing its fallacies: "It's not enough, though, to try to correct the factual record;

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[8] Elaine Sciolino, *La Seduction: How the French Play the Game of Life* (New York: Times Books, 2011), 7.
[9] Mona Ozouf, *Women's Words: Essay on French Singularity*, Trans. Jane Marie Todd (Chicago: Chicago University Press, 1997); Claude Habib, *Galanterie française* (Paris: Gallimard, 2006); Elisabeth Badinter, *Fausse route* (Paris: Odile Jacob, 2003).
[10] Pierre Saint-Amand , *The Libertine's Progress* (Lebanon, NH: University Press of New England, 1994); Catherine Cusset, *No Tomorrow: The Ethics of Pleasure in the French Enlightenment* (Charlottesville, VA: University of Virginia Press, 1999); Paul Young, *Seducing the Eighteenth-Century French Reader* (Burlington, VT: Ashgate, 2008); Thomas DiPiero, *Dangerous Truths & Criminal Passions: The Evolution of the French Novel, 1569-1791* (Stanford: Stanford University Press, 1992).

more accurate history does not compete easily with the allure of fantasy."[11] To this end, Scott turns this fantasy on its side and examines it from all angles to better grasp its significance for French national identity and French feminism.

I share Scott's position that the myth of seduction has overshadowed its realities, however, I contend that there remains value in attempting to amend "the factual record." Revisiting the history of seduction allows us to access a more complete understanding of how early modern people understood gender and sexuality, and how those understandings contributed to French identity. With Ozouf and others, I share the claim that seduction constituted a central aspect of male-female relations throughout the eighteenth century, however, I reject the use of seduction to signal a static and harmonious state of pre-revolutionary gender relations. To most eighteenth-century men and women, the mere word conjured thoughts of bitter conflicts that severed social bonds and endangered social stability. To me, likewise, the word serves as an emblem of the traumatic reordering of relationships within the couple, family, and community in the decades before 1789. It encompassed ex-lovers fighting over the meaning of their liaison; children squaring off against their parents for the right to pick marriage partners; community members staking claims to the social reputations of their neighbors; and the state asserting its prerogative to intervene in its subjects' intimate lives. In examining seduction, I do not simply propose that we 'correct' historical record with a more accurate picture of male-female relations. Rather, I intend to tell a larger story about how those relations existed and transformed within a nexus of other power relationships – between state and subjects, communities and individuals, and parents and daughters.

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[11] Joan Wallach Scott, *The Fantasy of Feminist History* (Durham: Duke University Press, 2011), 119.

That story turns around female autonomy, a hub connecting changes in community control, generational conflict, and models of marriage. In these three arenas, seduction conflicts became terrain on which women and men experimented with new theories of female autonomy. By autonomy, I do not designate complete independence or self-control. Rather, I gesture to the ways by which women could conceivably diverge from the idealized dependence expected of them. Long before this century, society regarded women in relation to others – as daughters, wives, and mothers – who merited admiration in proportion to the support they provided. By contrast, women who lived alone were more likely to face damning accusations of prostitution and witchcraft.[12] Even as Enlightenment thinkers re-envisioned gender roles, they denied women the status men enjoyed "as autonomous individual actors."[13]

Granted, most early modern people – men *and* women – wielded minimal control over their lives and operated within a narrow range of choices. As Nina Kushner argues, coercion was "a basic part of the fabric of eighteenth-century life," and thus interpreting decisions within a "choice/coercion formula" is pointless.[14] Dena Goodman stresses similar complexity in her work on women's letter writing as a means of achieving gendered consciousness. As she points out, correspondence hardly granted women "absolute" autonomy, but rather "moments and degrees of autonomy within the context of human relationships."[15] Her position proceeds from feminist theories that recognize partial or incremental – rather than total – autonomy.[16] With these points

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[12] See Judith M. Bennett and Amy M. Froide, eds., *Singlewomen in the European Past, 1250-1800* (Philadelphia: University of Pennsylvania Press, 1999); Henry Kamen, *Early Modern European Society* (London: Routledge, 2000); Merry E. Wiesner, *Women and Gender in Early Modern Europe* (Cambridge: Cambridge University Press, 2000); Cissie Fairchilds, *Women in Early Modern Europe, 1500-1700* (London: Pearson/Longman, 2007).
[13] Dorinda Outram, *The Enlightenment* (Cambridge: Cambrdige University Press, 1995), 81.
[14] Nina Kushner, *Erotic Exchanges: The World of Elite Prostitution in Eighteenth-Century Paris* (Ithaca: Cornell University Press, 2013), 220.
[15] Dena Goodman, *Becoming a Woman in the Age of Letters* (Ithaca: Cornell University Press, 2009), 3.
[16] See Catriona Mackenzie and Natalie Stoljar, eds., *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self* (Oxford: Oxford University Press, 2000).

in mind, I consider female autonomy by examining the ways historical actors defined and defended women's range of action within existing structures and relationships.

To this end, I deploy feminist theories of intersectionality to grasp how women pushed back against relational identities and the constraints those identities imposed. Women involved in seduction cases often appeared alone at court to act on their own behalf – decisions born of necessity that nonetheless challenged expectations that men represent women in all matters of importance. Moreover, these women often staked contentious claims to authority that challenged their subordinate status within the context of gendered and generational hierarchies. Against former lovers, unwed mothers asserted their right to recognition or support. Against abusive parents, runaways defended their right to live, work, or marry as they pleased. And against the state, minors declared their right to act on their own behalf. In short, they used the law to negotiate multiple identities and resist "changing configurations of inequality along multiple and conflicting dimensions."[17]

This approach diverges from existing scholarship on unwed mothers by situating their interactions with the law as grassroots sites of intellectual change where new notions of autonomy took shape. Scholars have long plumbed seduction cases to address rising illegitimacy rates, diagnosing them as evidence of either the persistence of traditional attitudes toward intimacy or the emergence of more modern individualist stances.[18] But whether underscoring or

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[17] Leslie McCall, "The Complexity of Intersectionality," *Signs* 30 (2005): 1,771-1,800, 1773. On intersecting vectors of oppression and marginality, also see Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *Stanford Law Review* 43 (1991): 1241-1299.

[18] See for example Edward Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe," *Journal of Interdisciplinary History* 2 (1971): 241-244; Louise A. Tilly, Joan W. Scott, and Miriam Cohen, "Women's Work and European Fertility Patterns." *Journal of Interdisciplinary History* 6 (1976): 447-476; JL Flandrin, "Repression and Change in the Sexual Life of Young People in Medieval and Early Modern Times," in *Family and Sexuality in French History*, eds. André Burgière, Tamara Hareven, and Robert Wheaton (Philadelphia: University of Pennsylvania Press, 1980); Cissie Fairchilds, "Sexual Attitudes and the Rise of Illegitimacy: A Case Study," *Journal of Interdisciplinary* History 8 (1978): 627-667; Marie-Claude Phan, *Les amours illégitimes:*

downplaying change, most social historians based their conclusions on conjecture, using evidence to work backwards to "what sexual attitudes *must have been*."[19] By contrast, this dissertation does not work backwards from sources, telescoping from them into the minds of unwed mothers and fathers. Instead, it does the opposite, understanding seduction cases as focal points from which broader dialogue emanated. Rather than regard the profusion of conflicts around illegitimacy as symptoms of changing mentalities, I understand them as instigators of mental change in their own right.

Specifically, I demonstrate how women and men strategically experimented with language of autonomy and independence to win court cases. Here, I broaden scholarship of Enlightenment by expanding consideration of key concepts beyond elite thinkers to everyday people and interactions.[20] In Paris, claimants and lawyers developed a notion of consent that staked a collective claim to women's right to deny or consent to sex while simultaneously advancing the possibility that women exercised primary control over their bodies and reputations. In more widely publicized cases that played out before the public, lawyers and their clients also experimented with notions of autonomy. They praised courageous young women who risked arrest in rejecting their parents and eloping with lovers. This rhetoric reveals seduction as a unique arena in which non-elite actors engaged with Enlightenment terms to explore and valorize new ways for women to exercise autonomy. Accordingly, I show how

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histoires de séduction en Languedoc (1676-1786) (Paris: Editions du Centre National de la Recherche Scientifique, 1986).

[19] Fairchilds, "Sexual Attitudes and the Rise of Illegitimacy," 629.

[20] See for example James Farr and David Lay Williams, *The General Will: The Evolution of a Concept* (Cambridge: Cambridge University Press, 2015); Thomas W. Merrill, *Hume and the Politics of Enlightenment* (Cambridge: Cambridge University Press, 2015); David C. Rasmussen, *The Pragmatic Enlightenment* (Cambridge: Cambridge University Press, 2013).

intellectual concepts took shape through everyday social practice, particularly within the realms of marriage and intimacy.[21]

Next, I examine community dynamics to investigate the context within which conflicts over seduction took place. Here, I consider how declining community control reshaped the way unwed men and women understood and practiced sexual norms over the course of the century. Rather than examine young lovers exclusively, I place these people within a larger frame to understand when and how communities prevented, interrupted, or resolved contentious relationships. Mechanics of social surveillance and control shifted over the course of the century, influencing illicit relationships and their outcomes. My more holistic approach to those relationships recognizes that changing community dynamics, rather than changing mentalities alone, contributed to increases in illegitimate pregnancy.[22]

Here, I employ a comparative approach to consider how communities operated in two very different regions of France under two separate legal codes. During this period, those codes cut France into two distinct legal systems, which in turn reinforced significant social and cultural divisions. To the south, Roman laws privileged paternal will, whereas to the north, customary law proffered some protections against it. [23] (Accordingly, Margaret Darrow has described northern, customary law as a "republic in miniature" and southern, Roman law as "a benevolent monarchy." [24]) My study compares seduction cases in Paris with those in Grasse, a small

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[21] Carole Pateman makes an important case for investigating how matters of practical importance shape consent. Carole Pateman, "Women and Consent," *Political Theory* 8 (May 1980): 149-168, 150.
[22] Studies above (see FN 15) focus primarily on unwed mothers, devoting some attention to their alleged lovers, but disregarding their surrounding communities.
[23] Emmanuel Le Roy Ladurie, "A System of Customary Law: Family Structures and Inheritance Customs in Sixteenth-Century France," in *Family and Society: Selections from the Annales, économies, sociétés, civilisations*, ed. Robert Forster (Baltimore: The Johns Hopkins University Press, 1976): 75-103, 76.
[24] Margaret H. Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775-1825* (Princeton, N.J.: Princeton University Press, 1989), 7. See also, Suzanne Desan, "Making and Breaking Marriage:

Mediterranean city a day's walk west from Nice. Within Paris, my sample consists of 275 cases heard mostly in higher courses between 1730 and 1790, and within Grasse, my sample comprises all 46 seduction cases heard in that same interval. This comparison enables me to assess how community and family control functioned in places like Grasse where more patriarchal principles held sway. Moreover, it enables me to gauge how mechanisms of control differed between small towns and villages (St. Paul and Cannes, whose cases were tried in Grasse), small cities (Grasse), and large cities (Paris).

In both places, seduction cases increased in frequency as communities became less effective in reinforcing shared standards of sexual honor. In Grasse, neighbors and friends less easily pressured young men to marry their pregnant lovers and thus restore communal order. Over time, communal pressure carried less and less weight against the force of royal law, which enshrined parental control and prohibited coerced marriage. In Paris, communities were not just ineffective but also uninterested in enforcing norms. There, working women became increasingly alienated from networks of support and surveillance, and were more likely to engage in high-risk liaisons that ended poorly. Afterwards, few advocates intervened on their behalf to defend or attempt to reclaim their honor. On the whole, this comparison reveals diminishing community control in both locales, whether traditional and rural or rapidly changing and urban. Whether women resided under their parents' roof or exercised relative independence, they felt fewer protections and less surveillance as the century progressed.

From community dynamics, I shift to family dynamics, using seduction to look more closely at intergenerational conflict between young women and their parents. Historians of this

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An Overview of Old Regime Marriage As a Social Practice," in *Family, Gender, and Law in Early Modern France*, eds. Suzanne Desan and Jeffrey Merrick (University Park, PA: Pennsylvania State University Press, 2009), 1–25.

period have charted how fathers fell in stature over the course of this century as affection supplanted force as the source and substance of paternal power. This development accelerated during the Revolution, as sons and subjects rejected their benevolent father-king in favor of more egalitarian social relationships. But these scholars have oriented discussions of anti-paternal rhetoric around adult *sons*, highlighting its emancipatory potential for men like Mirabeau who suffered under cruel fathers during the Old Regime. Historians do not consider how *daughters* figured within new formulations of family hierarchy.[25] By contrast, I analyze the gendered dimensions of intergenerational conflicts, investigating ways that adult daughters posed real and symbolic challenges to parental power.

To this end, I examine cases in which women ran away from home and their parents characterized their disappearances as seductions. First, I look at grassroots pushback against parental authority among families in Paris. There, seduction allegations often covered up a daughter's decision to run away from home and make her life elsewhere. Parents attributed these decisions to nefarious seducers, presuming their daughters' powerlessness against strong-willed lovers. But women often rejected those explanations, citing parental abuse or neglect as reasons to run away.

Second, I look at the strategies elite parents adopted in notorious cases, argued in both actual courts and the court of public opinion. To do so, I rely on published legal briefs (*mémoires* or *factums*) that dramatized these conflicts for the reading public. These briefs were the only form of uncensored literature and, as such, became a powerful instrument of public opinion and

[25] Lynn Hunt, *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1992), xiv; Jeffrey Merrick, "Fathers and kings: patriarchalism and absolutism in eighteenth-century French politics," *Studies on Voltaire and the eighteenth century* 308 (1993): 281-303.

political opposition from the 1760s onward.[26] In reading these sources, I recognize their "more self-consciously literary" style, paying greater attention to rhetorical strategy than to substance.[27] While parents clung to depictions of their daughters as powerless people, alleged seducers and their lawyers made striking arguments for female autonomy, defending a young woman's right to reject her parents and marry the man she loved. They offered a novel portrait of unruly daughters as stand-ins for the abstract political subject who pushed back against both domestic despotism and its monarchical analog.

Despite these symbolic attacks on despotic governments, lawyers did not necessarily chip away at monarchical power. In fact, challenges to actual parents enhanced the power of the monarchy by placing more aspects of private life under the jurisdiction of royal law. Moreover, women in most ordinary cases lived apart from their fathers and increasingly relied on agents of royal justice as proxy paternal figures. That reliance points to the fact that the power of fathers and the monarch rose and fell in different measures, with the power of the latter gaining at the expense of the former. Recognizing that fact necessarily prompts a reexamination of the 'family model' of governance and its deceptive simplicity. As Jeffrey Merrick describes this schema, "The father ruled his wife, children, and servants like a domestic monarch, and the divinely ordained monarch ruled his subjects like a royal father." By extension, Merrick argues, disorders in the domestic sphere amounted to no less than "public offenses."[28] The power of the monarch, I contend, did not depend on the success of patriarchal practices. And although lawyers linked it

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[26] Sarah Maza provides helpful background on the publication of legal briefs as well as compendia compiled by François Gayot de Pitaval and Nicolas Le Moyne Des Essarts. Sarah Maza, *Private Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993).
[27] David Bell, *Lawyers and Citizens: The Making of a Political Élite in Old Regime France* (Oxford: Oxford University Press, 1994), 136.
[28] Jeffrey Merrick, "Sexual Politics and Public Order in Late Eighteenth-Century France: The Mémoires Secrets and the Correspondance Secrète," *Journal of the History of Sexuality* 1 (1990): 68-84, 68.

to criticisms of despotism, the egalitarian family model did not necessarily herald the coming of more egalitarian government.

Finally, I use seduction to offer a new perspective on the emergent ideal of companionate marriage. This ideal, like the more egalitarian model of family, meant something different for women than men. Notably, it soothed anxieties that unwed women might reject marriage as well as family. The very same lawyers who defended disobedient daughters against despotic parents raised the dangerous possibility that such women might choose to lead their lives wholly independent of male authority. To foreclose that problem, these men argued that runaway women desired marriage above all else, channeling the popularity of novelistic romance to this end. In so doing, they penned legal briefs that reassured their reading public that unruly women would be restored to the bonds of family through their husbands.[29] But women themselves remain strikingly silent throughout these cases, as lawyers, parents, and seducers claimed to speak for them. For this reason, I consider what goes *unsaid* in briefs. Were women allowed to speak, I contend, they risked articulating more complex motivations for leaving home than companionate marriage alone.

Ultimately, the outcomes of *causes célèbres* reveal choice – a central component of companionate marriage – to be a gendered prerogative. Cases fought over marriage for love nearly universally concerned higher born women who eloped with lower born men, even if only

[29] André Burguière, *Les formes de la culture*, edited by André Burguière and Jacques Revel (Paris: Seuil, 1993); Allan Pasco, *Revolutionary Love in Eighteenth- and Early Nineteenth-Century France* (Burlington, VT: Ashgate, 2009); Meghan K. Roberts, *Sentimental Savants: Philosophical Families in Enlightenment France* (Chicago: University of Chicago Press, 2016); Melissa M. Adams-Campbell, *New World Courtships: Transatlantic Alternatives to Companionate Marriage* (Hanover, NH: Dartmouth College Press, 2015); Anne Verjus, *Le bon mari: une histoire politique des hommes et des femmes à l'époque révolutionnaire* (Fayard: Paris, 2010); Maurice Daumas, *Le mariage amoureux: Histoire du lien conjugal sous l'Ancien Régime* (Paris: Armand Colin, 2004); Agnès Walch, *Histoire du couple en France de la Renaissance à nos jours* (Rennes: Éditions Ouest, France, 2000); Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (London: Weidenfeld & Nicolson, 1977).

incrementally lower in status. Judges increasingly crowned lawyers' attempts to acknowledge these bonds despite parents' objections. But while judges allowed elite women to wed their inferiors, the reverse case rarely occurred. (Women rarely ascended socially through mismatched marriage, for lower status women who engaged in affairs with men of higher status were readily assumed to be prostitutes.) New models of marriage that valued companionship and choice favored the aspirations of men over those of women. Just as "some families became more equal than others" with new models of the egalitarian family, some spouses exercised a wider range of choice with free marriage.[30]

The first three chapters (1-3) concern laws around seduction and the circumstances that prompted people to use them. These chapters lay out how changing social contexts resulted in broad and flexible use of seduction law throughout France. The final three chapters (4-6) focus on specific legal strategies, their significance, and their rates of success. They focus on women, parents, alleged seducers, and lawyers, demonstrating how these actors used seduction cases as venues for arguments about female autonomy, parental control, and companionate marriage.

Chapter 1 traces the evolution of seduction law in theory and practice from its inception in 1556 to its final significant revision in 1730. It also outlines the legal procedures that seduction cases followed after 1730 and until 1790. Here, I demonstrate how laws crafted by and for the state and its male elites were increasingly mobilized by and for pregnant women of modest means. I also begin to show how seduction cases became sites of contestation over norms governing how unwed women and men should live, and how and when families, communities, and the state should intervene in their affairs.

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[30] Margaret H Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775-1825* (Princeton, N.J.: Princeton University Press, 1989), 248.

Chapter 2 builds on the previous chapter to examine how those norms shifted within Grasse, where close-knit communities remained largely intact throughout the period under study (1730-1790). I show how royal law gradually supplanted extrajudicial community action, and men offered money, rather than marriage, as a means to repair female honor. This outcome showcases the diminished capacity of communities to police sexual standards and resolve conflicts from within.

Chapter 3 turns to Paris to chart a similar, albeit more accelerated decline in community control. There, mobile and migratory women lived apart from protective networks of surveillance and support. Although they enjoyed relative independence as a result, that independence came at the cost of social alienation and sexual vulnerability. High rates of illegitimate pregnancy, in turn, cemented a classed association between poverty and prostitution, rousing suspicions that women who claimed seduction were seductresses in their own right. At their core, those suspicions spoke to more generalized anxieties about the growing number of women living apart from male authority in Paris and other cities in France.

Against this backdrop, Chapter 4 addresses women's efforts to assert their innocence and victimhood before the law. It shows how claimants and their lawyers used the word consent to argue that alleged seducers had unlawfully coerced sex. In so doing, they strategically deployed an Enlightenment concept to advance the notion that women exercised primary control over their bodies and reputations. Nevertheless, I suggest that this assertion of female autonomy was limited at best, supporting women's claims to victimhood but stopping short of defending their sexual agency.

Chapter 5 turns to the strategies parents adopted when launching seduction charges against their daughters' supposed lovers. It centers on elopement cases that played out before the

public in *causes célèbres*, thanks to the high profile lawyers who dramatized their significance and stakes. Here, I show how shifts in the legal profession related to the Maupeou Revolution enabled seduction cases to become referenda on family and marriage. Elite lawyers used them to critique parental despotism and champion companionate marriage. In the process, they made striking cases for female autonomy, defending a woman's right to reject her parents. Nevertheless, they positioned affectionate husbands as fathers-by-proxy for young women, whose marriages restored them to relationships of authority with men.

Chapter 6 concerns similar cases that did *not* play out before the public. In this final chapter, I focus specifically on Parisian women who ran away from home, bewildering fathers and mothers who characterized their disappearances as evidence of seduction. In these cases, parents shifted blame for domestic disorder onto criminal outsiders: seducers. But in reality, these women rarely ran away to simply elope. Instead, they claimed to have acted on dissatisfaction with family life, demonstrating that eighteenth-century criticisms of parental despotism were not merely academic in nature, but practiced at significant personal risk.

Seduction cases assembled men and women of all stripes at court, where they articulated new notions of autonomy and authority within the contexts of community, family, and marriage. Lawyers played a pivotal role in shaping the contours of these debates. With their help, laws intended to bolster a certain hierarchical vision of society furnished space to defend behavior that deviated from that vision. In unnoticed cases, lawyers crafted arguments for female consent, and in celebrated cases, they advocated for new models of family and marriage. These publicized conflicts imparted practical, pedagogical lessons to the reading public.[31] Moreover, those lessons

[31] Like the *Longueville v* Nemours (1674) case, these conflicts "taught the interested 'public' legal lessons on family strategies to emulate – or avoid [...]." Sarah Hanley, "The Family, the State, and the Law in Seventeenth- and

were not limited to the elite, but extended into a broader public that became more and more familiar with the Enlightenment and its politicized terminology. [32]

Over time, lawyers, claimants, defendants, witnesses, and judges reshaped both the laws and their underlying principles as well. As Zoë Schneider puts it, the law operated at turns as "a form of dialogue, a means of advancement, a weapon of choice, or a tool of survival by many other individuals, classes, and orders in the community."[33] In other words, it did not function solely as a top-down tool of repression. As envisioned, seduction law advanced the interests of elites, but as practiced, it became the "weapon of choice" of the last group it aimed to protect: women who boasted no name, status, or fortune. This weapon came at a cost, making unwed women the focal point of anxieties about perceived sexual and social chaos. All the same, the law's evolution made poor women central players in broad debates about the fate of family and marriage in France.

Eighteenth‐Century France: The Political Ideology of Male Right versus an Early Theory of Natural Rights," *The Journal of Modern History* 78 (2006): 289–332, 324.

[32] Merrick has demonstrated how men and women in domestic disputes increasingly deployed language associated with "well-publicized fiscal, religious and constitutional conflicts." Jeffrey Merrick, *Order and Disorder under the Ancien Régime* (Newcastle: Cambridge Scholars Publishing, 2007), 191.

[33] Zoë A. Schneider, *The King's Bench: Bailiwick Magistrates and Local Governance in Normandy, 1670-1740* (Rochester, NY: University of Rochester Press, 2008), 194.

Chapter 1
The Evolution of Seduction Law

Early in 1769, a freshly printed folio found its way to the offices of all 48 police commissioners of Paris, courtesy of chief of police Antoine Gabriel de Sartine. Several of these men likely laid their hands on the administrative document, only to consign it to the trash within days or weeks. But one man preserved it among his papers until his retirement over 15 years later. François Bourgeois would have surveyed its contents closely in the interim, for they deeply implicated his daily work. The document contained a month-to-month tally of all the Parisians who had perished in the prior year, as well as the infants who survived the perils of birth to take their places. Deaths (20,898) still outpaced baptisms (18,578), but foundling figures told another story. To the chagrin of *lieutenant de police* Sartine and other officials, the number of abandoned children had risen from the previous year to a total of 6,025 in 1768.[1]

As he scanned these figures, Commissioner Bourgeois might have wondered how many mothers of those abandoned infants had passed through his doors. It was impossible to say with certainty, as women came from all corners of Paris to lodge declarations of pregnancies and complaints of seduction before him. From the Faubourg Saint Antoine to the Latin Quarter, they trekked to his office on rue Quinquempoix, Quartier du Saint Jacques de la Boucherie. His popularity owed, perhaps, to his proximity to the markets of les Halles, or perhaps to the reputation he had garnered over the course of his long tenure (1749-1785) as police commissioner there. (His immediate predecessor and successor in the same neighborhood would

[1] Archives nationales (AN) Y11956. "Recapitulation Generale des Baptemes, Mariages, Mortuaires & Enfans Trouvez de la Ville & Fauxbourgs de Paris, & de toutes les Maisons Religieuses d'Hommes & de Filles, pendant l'année 1768" (Paris: L. F. Delatour, 1769) [Document 8], 1768, Paris [Commissaire Bourgeois].

serve only 7 and 6 years respectively.)[2] Pregnant seamstresses and servants might have spread word that Bourgeois often waived the cost of complaints, or that complaints lodged with him led more frequently to financial settlements with the baby's father. Whatever the case, more young, unmarried pregnant women sought out Bourgeois to lodge seduction complaints than any other commissioner in this interval.

Most notably, these women arrived unaccompanied to launch legal procedures on their own behalf. It was a far cry from the intended purpose of *rapt de séduction* – a legal instrument that elite fathers wielded in defense of familial honor against sons, daughters, and their unsanctioned lovers. Such fathers were nowhere to be found in Bourgeois' office. Instead, women who lived *apart* from fathers and families increasingly appeared alone, making highly personal, individualized claims to honor. They revealed how seduction law operated in practice by a wholly different logic than the one laid out in theory. Their presence, in turn, exposed the fraying fabric of paternalism after decades of dramatic demographic change. Female claimants not only appeared before Bourgeois without fathers, but also mothered children who would not likely know their fathers either. These women were unfixed within a weakening force field of male authority, one that commissioners like Bourgeois attempted to uphold through their intervention.

This chapter traces the early evolution of seduction law to show how French subjects shaped the state's paternalist policies in unpredictable ways. It demonstrates how, in legislating marriage, the monarchy unintentionally provided its subjects with space to assert their own claims about the institution and gendered authority within it. Those claims were more public –

[2] Henri Stein, "Répertoire numérique des archives du Châtelet de Paris Série Y, Tome 2: les commissaires" (unpublished archival reference, Archives nationales, 2013), 64.

and more powerful – than comparable ones made in ecclesiastical or seigniorial courts.[3] And as a result, rather than consolidate parental control over marriage and other matters, legal contests only seemed to chip away at it. Police commissioners and judges played increasingly prominent roles in the lives of female claimants whose interests traditional male authorities (fathers, family members, and community figures) had failed to protect. Paradoxically, the paternal power of the state over unmarried women grew as actual fathers' power over the same women receded.

Between these competing but supposedly complementary sources of authority, female claimants in seduction cases wielded the law as a tool of empowerment. This tool helped women negotiate between their own personal prerogatives and "larger structural imperatives," chief among them the maintenance of social order through hierarchical marriage and family practices.[4] Ultimately, to borrow from Gayle Brunelle, their behavior before commissioners and judges drew attention to "the failures and mutations resulting from state efforts to manipulate behavior," rather than the success of those efforts. Claimants used the very instrument of state power over marriage and family, i.e. the law, to contest the monarchy's vision of legitimacy and illegitimacy within those entities. [5]

Early Modern Marriage & the Invention of *Rapt de Séduction*

Seduction law not only evolved through contestation; it owed its very existence to a prolonged contest between Church and state. The crux of this conflict was the issue of consent within marriage. Whereas the Church enshrined individual consent as the defining feature of

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[3] See Sarah Hanley, "Engendering the State: Family Formation and State Building in Early Modern France," *French Historical Studies* 16 (1989): 4-27; Carol Blum, *Strength in Numbers: Population, Reproduction, and Power in Eighteenth-century France* (Baltimore: Johns Hopkins University Press, 2002).

[4] In this respect, the commissioners' offices functioned much like notaries' households in early modern Nantes, as detailed by Julie Hardwick. Julie Hardwick, *The Practice of Patriarchy: Gender and the Politics of Household Authority in Early Modern France* (University Park, PA: Pennsylvania State University Press, 1998), 221.

[5] Gayle K. Brunelle, "Dangerous Liaisons: Mesalliance and Early Modern French Noblewomen," *French Historical Studies* 19, no. 1 (Spring 1995): 75-103, 76.

matrimony, French monarchs of the sixteenth and seventeenth centuries increasingly recognized their interest in privileging parental consent as a requisite component of marriage. Parental authority over marriage helped consolidate social elites and, by extension, the power of the monarch himself. Accordingly, over the course of two centuries, French kings maneuvered to claim exclusive control over marriage. Through legislation, they constructed a "marital ethic" that would constitute the "mortar" of patriarchal society. [6] This section traces the construction of that marital ethic and suggests how its cracks began to show by the start of the eighteenth century.

Three centuries earlier, late medieval French kings had left marriage to the Catholic Church, which exercised minimal control over the sacrament. Early Christian law selectively adopted classical Roman law to enshrine the consent of the parties, who could make or break bonds by mutual consent, even in private and in absence of a priest. [7] (It broke with Roman law only in making marriage indissoluble.[8]) Throughout the Middle Ages, parental consent was desirable, but not strictly necessary. [9] But clergy complied largely with the customs of their flock, for whom marriage practices remained a hybrid of long-held traditions and newly germinating Christian ones. And in practice, fathers and social superiors held sway over their children's and vassals' marriages.[10] Although canon law empowered adult children to marry against their parents' will, few dared do so. As Beatrice Gottlieb remarks, "it was a weapon only

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[6] James Richard Farr, *Authority and Sexuality in Early Modern Burgundy (1550-1730*) (New York: Oxford University Press, 1995), 91.

[7] By contrast, early Roman law framed marriage as a transfer of power from a woman's father to her husband. See James F. Traer, *Marriage and the Family in Eighteenth-century France* (Ithaca, NY: Cornell University Press, 1980), 25. See also Steven Ozment, *When Fathers Ruled: Family Life in Reformation Europe* (Cambridge: Harvard University Press, 1983), 25.

[8] Traer, *Marriage and the Family,* 26-27.

[9] Pope Innocent III himself conceded in 1200 that even the marriage of an abducted bride proved legitimate if she had freely assented to be "ravished." See Léon Duguit, "Étude historique sur le rapt de séduction," *Nouvelle revue historique de droit français et étranger* 10 (1886): 587-625, 593-4.

[10] See Traer, *Marriage and the Family*, 28.

for the intrepid."[11] From her sample of fifteenth-century ecclesiastical courts in Champagne, Gottlieb has shown that courtships collapsed under the weight of parental disapproval: "Parental approval was part of normal marriage procedure."[12] Rather than resist the push of familial pressure, the Church tolerated it, only gently guiding its adherents toward marriages of higher "spiritual quality."[13]

By the sixteenth century, the Church's hands-off approach became cause for complaint, and within decades, calls for reform culminated in royal edicts enshrining parental consent. The sharpest critiques sprang from the mouths of Martin Luther and his adherents. By 1522, Luther bemoaned that "marriage has universally fallen into awful disrepute."[14] In his view, canon law enabled hasty matches while discouraging sensible ones.[15] Moreover, Luther alleged, the Church purposefully raised obstacles to marriage to encourage celibacy. In response, he argued for parental consent over marriage and encouraged the transfer of authority over marriage to secular courts.[16]

The Church had no choice but to respond to these claims when the Council of Trent (1545-1563) first convened. Although Church leaders reaffirmed the validity of marriage contracted without parental consent, they incorporated publicity as a component of marriage.[17] Thenceforth, the parish priest would not only preside over the ceremony, but would publicize it in the preceding weeks. In theory, such publicity would prevent adultery, bigamy, incest, and

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[11] Beatrice Gottlieb, "The Meaning of Clandestine Marriage" in *Family and Sexuality in French History*, eds. André Burguière, Tamara Hareven, and Robert Wheaton (Philadelphia: University of Pennsylvania Press, 1980): 49-83, 70.
[12] Gottlieb, "The Meaning of Clandestine Marriage," 70.
[13] Gottlieb, "The Meaning of Clandestine Marriage," 50.
[14] Ozment, *When Fathers Ruled,* 3.
[15] Ozment, *When Fathers Ruled,* 1-3.
[16] Ozment, *When Fathers Ruled,* 31.
[17] Duguit, "Etude historique sur le rapt de séduction," 610-611.

secret marriage by supplying time to protest impending marriages. The presence of witnesses likewise sought to undermine secrecy.[18]

Even if these concessions had appeased religious reformers (they did not), the Church faced formidable challenges from secular corners. Luther's critiques had inspired French nobles who recognized paternal power over marriage as a means to maintain their elite status.[19] From the sixteenth century onward, aristocratic families solidified strategic alliances by uniting their sons and daughters in marriage. Women in particular served as "lineage pawns," joining prestigious names with commercial fortunes.[20] Whereas arranged marriages strategically consolidated land, wealth, and titles, clandestine bonds threw these calculations off kilter. Accordingly, judges and jurists launched a "parental counteroffensive" against the independence of adult children within marriage.[21] As early as the 1520s, they manipulated customary laws to this end, threatening financial penalties against young men and women who wed without their parents' consent.[22]

Meanwhile, judicial activists maneuvered to remake royal law to further elevate paternal power. Here, elites' stake in the matter surpassed that of monarchs themselves. As Mark Cummings points out, kings were more reactive than proactive, issuing marriage laws only in response to scandals among "persons of special interest to themselves."[23] One such controversy supplied the occasion for nobles to exert influence over marriage law. In 1556, Henri II issued his Edict against Clandestine Marriages as a means to extricate François de Montmorency from

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[18] Traer, *Marriage and the Family,* 30-31.
[19] Duguit, "Etude historique sur le rapt de séduction," 604.
[20] Olwen Hufton, *The Prospect Before Her: A History of Women in Western Europe, 1500-1800* (London: Harper-Collins, 1995), 112.
[21] Farr, *Authority in Sexuality*, 92.
[22] Duguit, "Etude historique sur le rapt de séduction," 590.
[23] Mark Cummings, "Elopement, Family, and the Courts: The Crime of Rapt in Early Modern France," *Proceedings of the Western Society for French History* 4 (1976): 118-125, 120.

an illicit bond in order to wed Diane de France, Henri's illegitimate daughter.[24] The Edict not only outlawed clandestine marriages among minors, but raised the age of majority to 30 for men and 25 for women.[25] The crown could not annul such marriages – that remained the Church's prerogative – but it could enable disinheritance.[26]

While the king's imposing voice resounds in the text of the edict,[27] archival sources reveal that elite judges supplied and shaped his script.[28] Why had Henri II allowed the nobility to set the agenda? Sarah Hanley's concept of the "Family-State compact" helps explain why the monarchy enshrined parents' and Parlements' control over marriage. As Hanley explains, the increasingly centralizing state relied on elites to meet its "staffing" needs through the purchase and maintenance of offices. Conversely, these elites relied on those offices for their own enrichment, present and future. This mutually beneficial deal motivated both parties to "remold a society" that favored their entwined aspirations. Doing so entailed ensuring the success of elite marital strategies.[29]

But royal intervention into marriage law placed Church and crown at an impasse. The former still defined marriage by mutual consent, whereas the latter privileged parental consent. To resolve contradictions between ecclesiastical and royal law, the crown would "invent" a legal concept that would paper over the problem: *rapt*.[30] As defined at the Council of Trent, *rapt*

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[24] Duguit, "Etude historique sur le rapt de séduction," 605. For a brief synopsis of the controversy, see Janine M. Lanza, *From Wives to Widows in Early Modern Paris: Gender, Economy, and Law* (Burlington, VT: Ashgate, 2007), 27-29.
[25] According to Sarah Hanley, it was age 20 for men and 17 for women before this point. Sarah Hanley, "Engendering the State."
[26] Traer, *Marriage and the Family,* 33.
[27] Farr, *Authority and Sexuality,* 94.
[28] During the verification process, members of the Parlement of Paris pressed for elevated ages of majority, as well as language that privileged the consent of fathers over all other guardians. Cummings, "Elopement, Family, and the Courts," 120-121.
[29] Hanley, "Engendering the State," 6-8.
[30] Duguit, "Etude historique sur le rapt de séduction," 615.

designated "the violent and forced abduction of a woman from her established place of residence for the purpose of marriage," and was grounds for annulment.[31] Following 1556, kings and councilors would apply that rule flexibly to prosecute clandestine marriages. In short, it reconceived *rapt* to extend beyond violent abduction to include *any* form of coercion, subtle or overt, employed to induce marriage without parental consent. James Farr calls the resulting concept, *rapt de séduction,* a "legal fiction" designed to herald the equally illusory harmony between the state and the Catholic Church.[32] That fiction crystallized in the decades following 1556.[33] Subsequent laws imposed penalties on priests who celebrated clandestine marriages, affirmed capital punishment for offenders, and empowered royal courts' jurisdiction over marriage.[34]

Throughout this process, magistrates participated in drafting royal law and enhancing the power of fathers.[35] But kings, too, increasingly recognized their own stake in *rapt*. Theories of absolutism relied on an analogy between state and family that positioned the king as a father to his subjects.[36] That analogy harmonized with the principle of parental control that marriage law now enshrined. As one 1639 piece of legislation put it, "the natural reverence of children toward

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[31] Cummings, "Elopement, Family, and the Courts," 118.
[32] Farr, *Authority and Sexuality,* 98.
[33] On Charles IX's ordinance against *rapt* (1561) and Henri III's edict on *rapt* (1568), see Farr, *Authority and Sexuality,* 94-98. See also Duguit, "Etude historique sur le rapt de séduction," 618. Subsequent laws consolidated these moves by empowering royal courts' jurisdiction over marriage, raising the number of required witnesses from two to four, and imposing penalties on priests who celebrated clandestine marriages.
[34] See Isambert et al, *Receuil général des anciennes lois françaises, depuis l'an 420 jusqu'à la révolution de 1789* (Paris: Berlin-Le-Prieur, 1821), 13:469-71 & 16:234. See also Hanley, "Engendering."
[35] On the role of Jérôme Bignon, *avocat général* of the Parlement of Paris, in crafting the comprehensive 1639 legislation, *Déclaration sur les formalités de mariage, les qualités requises, le crime de rapt*, see Cummings, "Elopement, Family, and the Courts," 120.
[36] Lynn Hunt, *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1992), xiv/3. See also Suzanne Desan, *The Family On Trial in Revolutionary France* (Berkeley: University of California Press, 2004); Jeffrey Merrick, "Fathers and kings: patriarchalism and absolutism in eighteenth-century French politics," *Studies on Voltaire and the eighteenth century* 308 (1993): 281-303. Merrick points to Bodin, Bossuet, and Moreau in particular as allying kings and fathers.

their parents is the link to the legitimate obedience of subjects toward their sovereign."[37] Fathers, like kings, demanded and deserved obedience. For monarchs like Louis XIV, recognizing the rights of fathers reaffirmed their own rights as monarchs.

In practice, the crown's agents and allies only selectively policed parental rights. Nobles figured disproportionately within late sixteenth- and early seventeenth-century cases of *rapt*, and most claimants were connected to royal judges in some way.[38] In short, elite magistrates protected paternal power only where they themselves felt the effects of challenges to it. Among their peers, judges punished filial disobedience harshly, not only annulling clandestine marriages, but ordering the formal humiliation of offending children before their families.[39] As for the *menu peuple,* magistrates spared them paternalistic sermons. Clandestine marriages seemed less consequential among Frenchmen without status, land, or title. Clearly, the importance of parental will gained in proportion to social status.

The weight of parental will also fell unevenly on men and women. Early on, judges applied similar punishments to male and female offenders: they ranged from formalized demonstrations of submission to their parents, to banishment or seclusion for life. (Judges rarely realized or even entertained the law's threat of capital punishment.) Seduced women assumed the same guilt as their seducers, for, above all, judges considered the family of the higher status partner to be the "injured party."[40] But if punishments applied evenly, broader concerns around marriage did not. Petty noble families more often demanded their daughters' assent to arranged marriages that imperiled their personal interests. These nominal elites kept lineages afloat by

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[37] Isambert et al, *Receuil général*, 16:520.
[38] For details of notable seventeenth-century *rapt* cases, see Danielle Haase-Dubosc, *Ravie et enlevée: de l'enlèvement des femmes comme stratégie matrimoniale au XVII siècle* (Paris: Albin Michel, 1999). For another seventeenth-century sample, see Cummings, "Elopement, Family, and the Courts," 121-123.
[39] Cummings, "Elopement, Family, and the Courts," 121-123.
[40] Cummings, "Elopement, Family, and the Courts," 123.

wedding daughters to wealthy commoners, thus obliging them to forfeit their noble status. As Gayle Brunelle points out, parents rarely placed sons in the same predicament.[41] Moreover, marriage contracts disadvantaged daughters by including dowry clauses that "rerouted" inheritance to male heirs. Coerced to consent to ruinous marriages, elite women bore the brunt of parental power even more so than their brothers.[42] Mismatched marriage or *mésalliance* meant something quite different for daughters because they did not carry family names.

But whereas women carried no names, they carried children. An unsanctioned bond, however brief, risked resulting in pregnancy that memorialized a family's dishonor. "These encounters," Sarah Hanley remarks, "created a marginal caste of delinquents who resided in the bosom of reputable families."[43] Control over familial honor, wealth, and titles was intimately tied to reproduction. Accordingly, parents increasingly recognized men as more likely trespassers against their titles and fortunes. By the mid-seventeenth century, the cases of *rapt de séduction* that loomed large in public imagination more often concerned elite women carried off by men of lesser means. Reports of forced abductions raised alarm among elite fathers that their daughters would be ravished or raped for the sake of social ascendance.[44] This shift opened the possibility that *rapt* was not solely a crime against family honor, but an offense against female honor. Women, in addition to their families, could be construed as victims of the crime. By the late seventeenth century, family names and fortunes were no longer the sole issues at stake in

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[41] Brunelle examines *mésalliances* in Rouen, 1560-1650. Gayle K. Brunelle, "Dangerous Liaisons: Mésalliance and Early Modern French Noblewomen," *French Historical Studies* 19 (1995): 75-103, 98-99.
[42] See, for example, the *Longueville v Nemours* case of 1674. 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," *The Journal of Modern History* 78 (2006): 289-332, 298-300.
[43] Sarah Hanley, "Engendering the State," 25.
[44] See Haase-Dubosc, *Ravie et enlevée.*

rapt cases. The stage was set for seduction to become the focal point of conflicts around illicit sexuality and reproduction among elites and commoners alike.

From Theory to Practice: *Rapt de Séduction* to 1730

Elites had devised seduction law to serve their own interests, however, non-elite actors soon recognized the law as a means to pursue their own interests. By legislating marriage and family, the crown supplied *all* its subjects with the means to defend their personal prerogatives. The law was ripe for interpretive use, and unintended actors would increasingly mobilize it in their defense. That usage shaped the law in turn. As a result, the crime's center of orbit shifted between the mid-seventeenth century and the recapitulation of seduction laws in 1730. Women, rather than parents, claimed themselves as victims of the crime, and they did so in increasing numbers across a broad swathe of French society. Their complaints more closely resembled paternity suits, transforming the crime from a contravention of parental power to an offense against female sexual honor. Seducers – almost universally male – broke codes of courtship by abandoning would-be brides after they became pregnant. Keen to curb this new use and interpretation of the law, Louis XV issued a new edict on seduction in 1730, but by then, the crown could do little to stem the tide of change.

These changes in legal practice had developed alongside demographic shifts that brought unsanctioned female sexuality to the fore. Illegitimate pregnancy had long been a concern for the crown for both ideological and practical reasons. Christianity confined female sexuality to marriage, and concerns around property and paternity reaffirmed this imperative. Social shame reinforced taboos against premarital sex, but by the late sixteenth century, shame produced a new problem: infanticide. Unwed mothers became more likely to conceal their pregnancies and smother their newborns to avoid paralyzing social stigma. Unsurprisingly, poor women more

often sought out this grisly solution. For their bourgeois peers, handsome dowries posed a powerful counterweight to the shame of unwed motherhood; an enterprising suitor might readily ignore his bride's premarital pregnancy for the promise of a profitable match.[45] Moreover, wealthy families could conceal shame by secluding their pregnant daughters. (Social status had usually more effectively insulated these women from unsanctioned sex to begin with.[46]) Nevertheless, elites were no less concerned about the causes and consequences of unsanctioned sex as the "infanticide craze" (about 1565 to 1690) swept French towns and cities.[47]

As with marriage law, practical concerns shaped royal responses to infanticide. How could the crown control female sexuality and thereby reduce the number of fatherless French children who relied on the charity of their communities? The same year Henri II published his edict on clandestine marriage (1556), he issued an edict on clandestine pregnancy that rendered infanticide a capital crime and compelled unwed women to make formal declarations of pregnancy (*déclarations de grossesse*) before any local official.[48] This procedure had three goals. First, among unwed women who gave birth to stillborn babies, it protected those who declared and incriminated those who did not.[49] Second, it alleviated the pressure on communities to support bastard children by exposing putative fathers to potential financial

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[45] Yves Castan, *Honnêteté et relations sociales en Languedoc (1715-1780)* (Paris: Plon, 1974), 378-9.
[46] Cissie Fairchilds, "Female Sexual Attitudes and the Rise of Illegitimacy: A Case Study," *Journal of Interdisciplinary History* 8 (1978): 627-667, 634. Claude Grimmer argues that illegitimacy declined among the nobility as it climbed among other sectors of society in the eighteenth century. Claude Grimmer, *La femme et le bâtard: amours illégitimes et secrètes dans l'ancienne France* (Paris: Presses de la Renaissance, 1983), 195.
[47] Alfred Soman gave the period this name. Alfred Soman, "Anatomy of an Infanticide Trial: The Case of Marie-Jeanne Bartonnet (1742)" in *Changing Identities in Early Modern France*, ed. Michael Wolfe (Durham, NC: Duke University Press: 1997): 248-272.
[48] For a brief overview of the evolution of laws on illegitimacy, see Rachel Fuchs, *Foundlings and Child Welfare in Nineteenth-Century France* (Albany, NY: State University of New York Press, 1984). For more extensive analysis, see Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (Oxford: Oxford University Press, 2012).
[49] While declarations enabled the prosecution of infanticide, they did not discourage the practice itself at first. Infanticides continued unabated from them mid-sixteenth century onward. See Soman, "Anatomy of an Infanticide Trial."

damages. By obliging women to name their lovers, the procedure passed the buck for supporting illegitimate infants to these men. Third, it sought to discourage premarital sex among women by institutionalizing shame in a semi-public pronouncement of pregnancy. This last goal was paramount, linking the edict on infanticide to a broader project to control and contain female sexuality.

Despite the law's repressive purpose, women found unforeseen advantages in revealing their pregnancies before local officials. On the one hand, the declaration of pregnancy enforced "the sexual double standard" by selectively stigmatizing premarital sex among women alone. On the other, it supplied a powerful legal instrument to identify and incriminate would-be fathers and solicit their support – not only for illegitimate children, but their mothers as well. "Whatever the intentions of those writing the laws," Jeremy Hayhoe points out, "ordinary women finding themselves pregnant outside marriage could use the courts and turn repressive laws to their own advantage."[50] Some wielded the mere threat of a declaration to solicit sums that exceeded court-ordered support payments. From their former lovers, many requested money to travel beyond the bounds of their town to give birth in seclusion. (While the shame of illegitimacy fell disproportionately on women, many men met these demands, hoping to avoid scandal.) Still more women won court-ordered support for their infants from former lovers. Such sums were hardly extravagant, but made life more manageable for women of meager means.

Most importantly, women and their families increasingly used the declaration as a springboard to levy claims of *rapt de séduction* over the course of the seventeenth century. While the law had not linked clandestine pregnancy to seduction whatsoever, the *déclaration de*

[50] Jeremy Hayhoe, "Illegitimacy, Inter-Generational Conflict and Legal Practice in Eighteenth-Century Northern Burgundy," *Journal of Social History* 38 (2005): 673-684, 673-4.

grossesse would join the two problems in practice. By their own admission, claimants construed *rapt de séduction* to mean breach of an informal marriage contract, sealed through sex. Accordingly, accusations of seduction functioned as paternity suits whose stakes were higher than that of the declaration of pregnancy alone. This construction diverged considerably from the letter of the law, demonstrating the wide gap that persisted between popular and elite understandings of marriage. Where the state labored to make parental consent the essential component of marriage, its subjects still considered mutual consent its cornerstone. Moreover, while the state regarded sons and daughters alike as potential seducers, the entanglement of pregnancy, illegitimacy, and seduction positioned women as more likely victims.

To the crown's consternation, seventeenth-century judges proved receptive to these legal innovations. Their unpredictable enforcement of the law hinged on the perception that alleged seducers were more often men who shirked, rather than sought, marriage to their sexual partners. In this respect, judges positioned themselves as regulators of a marriage market within which female sexual honor functioned as a "commodity" of sorts.[51] Where men ran roughshod over female honor without fear of repercussion, that economy collapsed. Accordingly, judges obliged men to repair female honor by marrying the mother of their children, making moot the threat of capital punishment. Judges in Brittany, for example, allowed convicted seducers the choice to marry their victims – the very outcome elites feared would facilitate the schemes of social climbers.[52] Likewise, judges in Burgundy found capital punishment "too severe" and "counterproductive" for obstructing marriages that might create social stability. [53] What good did the law do by executing a prospective groom, abandoning his erstwhile bride to shame, and

[51] Farr, *Authority and Sexuality* 102.
[52] Traer, *Marriage and the Family* 36.
[53] Farr, *Authority and Sexuality*, 91.

saddling the community with an illegitimate child? In short, "social utility" dictated judicial decisions, which more often frustrated parental power than bolstering it. [54] In turn, judicial practice solidified the conception of seduction as an abuse of familial *and* female honor.

But by the early eighteenth century, judges and jurists began to suspect that women easily exploited this new schema of seduction. One pamphlet published in 1730 encapsulated this position in a diatribe against the Parlement de Bretagne's practice of the law. Presenting accused men with a choice between marriage and death, the author protested, wholly undermined the authority of parents, who were powerless to halt court-compelled unions. Furthermore, this choice enabled women to use *rapt de séduction* as a means of marital entrapment. As the author noted, women rarely accused *lower* status men of seduction, underscoring the law's utility as a "pretext" for "fraud, lies, and deception."[55] Judges themselves seemed to share these misgivings. By 1730, judicial practice had shifted to look more charitably on alleged seducers, whom judges now regarded as potential victims in their own right. To this end, James Farr cites declines in both punishments for *rapt* and the volume of cases handled by royal prosecutors in the first decades of the eighteenth century.[56]

What prompted this about-face? Whether or not women's intentions were as nefarious as judges and jurists now imagined, many women indeed regarded seduction as a means to secure marriage. In general, female marital strategies had become entangled with sex from the close of the seventeenth century onwards. Scholars have traced this connection through the study of

[54] Farr, *Authority and Sexuality*, 106.
[55] Daniel Bargeton, *Mémoire sur l'article 497 de la Coutume de Bretagne, au sujet de la subornation des filles mineures* (Paris: Knapen, 1730), 7-12. Bibliothèque nationale de France (BNF) FP-5706.
[56] Farr, *Authority and Sexuality*, 91-92.

illegitimacy rates that accelerated during the eighteenth century.[57] Rejecting the conclusion that the "explosion of bastardy" represented a "great liberalization" in sexual attitudes, [58] several scholars have proposed that women regarded sex as a "means to an end rather than an end in itself." [59] Specifically, women understood premarital sex as an opportunity to secure or seal marriage promises from a sexual partner.[60] This equation had hitherto worked in reverse, with families and communities sanctioning premarital sex among couples slated to wed.[61] (For this reason, many early modern brides were pregnant – or had already given birth – by the time they reached the altar. [62]) But women desperate to wed sought to transpose this sequence, deploying sex in a bid to secure marriage promises.

Such promises proved crucial against the backdrop of a worsening marriage market for women. Despite the perception of pervasive bachelorhood, single women overwhelmingly outnumbered single men (and thus prospective partners) by the eighteenth century.[63] The surplus of marriageable women varied by region, but amounted to as much as 40% in some places in

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[57] By Fairchilds' estimates, illegitimate pregnancy doubled (from 1-2% to 5% of births) between 1750 and the century's close. Fairchilds, "Female Sexual Attitudes," 627.

[58] Edward Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe," *Journal of Interdisciplinary History* 2(1971): 237-272, 241-244. Flandrin proposes (on the basis of very little evidence) that rates of illegitimacy were lower in the seventeenth century largely because people participated in masturbation, same-sex interactions, and bestiality. Jean-Louis Flandrin, "Mariage tardif et vie sexuelle: Discussions et hypothèses de recherche," *Annales. Histoire, Sciences sociales* 27 (1972): 1351-1378.

[59] Fairchilds examines 3,001 declarations from Aix-en-Provence btwn 1727 and 1789. Fairchilds, "Female Sexual Attitudes," 648.

[60] Louise A. Tilly, Joan W. Scott, and Miriam Cohen. "Women's Work and European Fertility Patterns," *Journal of Interdisciplinary History* 6 (1976): 447-476, 473.

[61] André Burguière, *Les Formes de la culture* (Paris: Editions du Seuil, 1993): 4:97.

[62] See the example of Aix-en-Provence. Fairchilds, "Sexual Attitudes," 642-643.

[63] Jacques Houdaille lays out figures for 1730-1744 and 1825-1829 that place the population of female *célibataires* as significantly in excess of male *célibataires* and rising substantially in the second half of the eighteenth century. Single women were even more numerous (2-3x) in the city than the country. Jacques Houdaille, "Célibat et age au mariage aux XVIIIe et XIXe siècles en France," *Population* 33 (1978): 43-84. See also Katherine A. Lynch, "The European Marriage Pattern in the Cities: Variations on a Theme by Hajnal," *Journal of Family History* 16 (1991): 79-96. See Carol Blum, *Strength in Numbers,* on perceptions of bachelorhood.

France.[64] Migration patterns only enhanced gender "disequilibrium" within cities, as the disproportion of unattached women became a defining feature of preindustrial urbanization.[65] As I'll discuss in Chapter 3, this surplus not only raised barriers to marriage for migrant women, but made them more sexually vulnerable by detaching them from support networks. Moreover, single women waited even longer to wed, as the average age at marriage climbed from 21-22 in the mid-sixteenth century to 27-29 by the mid-eighteenth century in some parts of France. Although its causes are unclear, this development meant that the window before marriage widened for single women, exposing them to great risks of unwed pregnancy.[66]

As proliferating illegitimacy figures make clear, the sex-as-marital-strategy frequently failed. Over time, women who launched seduction charges found that judges were less and less likely to compel men to marry. This trend did little to reassure Louis XV, who issued his own edict on *rapt* to block judges from assigning men the choice between marriage and death. The young king, like the *breton* pamphleteer above, wished to eliminate the possibility, however slim, for men to be forced into marriages their parents opposed, particularly to women of lower social status. In November 1730, he reproduced the terms of earlier laws, assimilating clandestine marriage and *rapt* for all minors below 25 (for women) or 30 (for men).[67] But *unlike* those earlier laws, this edict explicitly forbade coerced marriage, leaving only two consequences for convicted seducers: financial damages or death.

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[64] Specifically, 123 women to 100 men in 1762 (Fécamp), 133 in 1762 (Gisors), 138 in 1774 (Bayeux) etc. These figures owed in part to male mortality rates due to wars. Antoinette Fauve-Chamoux, "Le surplus urbain des femmes en France préindustrielle et le rôle de la domesticité," *Population* 53 (1998): 359-377, 364.
[65] Fauve-Chamoux, "Le surplus urbain," 366-68
[66] Burgière addresses Lyon, proposing that enhanced life expectancy contributed to late marriage. André Burguière, "De Malthus à Max Weber: le mariage tardif et l'esprit d'entreprise," *Annales. Histoire, Sciences Sociales* 27 (1972): 1128-1138. Kowaleski cites employment for women in professions that discouraged marriage (like domestic service). Maryanne Kowaleski, "Singlewomen in Medieval and Early Modern Europe: The Demographic Perspective" in *Singlewomen in the European Past, 1250-1800*, eds. Judith M. Bennett and Amy M. Froide (Philadelphia: University of Pennsylvania Press, 1999): 38-81.
[67] Duguit, "Etude historique sur le rapt de séduction," 622.

Like his predecessors, Louis XV proved reactive in his revision of the law. Whereas the legal activism of elites had prompted earlier kings to create *rapt* law, legal innovations among elites and non-elites alike had prompted Louis' edict. And whereas earlier kings had used the law to reaffirm the interests of a select group, Louis used the edict to block the interests of another: non-elite, unwed women.

But the edict proved problematic for the very same reason judges had ignored the terms of its earlier iterations. Compelled marriage had turned seduction law into a means of entrapment, however, it effectively restored order within communities. In nudging so-called seducers to the altar, judges retroactively legitimized unsanctioned sex by transforming illicit lovers into lawful man and wife. They applied the veneer of respectability to otherwise disreputable relationships. Such a solution enshrined social stability by minimizing the number of unwed mothers. But Louis XV eliminated marriage as a means of resolution, foreclosing opportunities to forge families for stability's sake.

In so doing, the young king only enhanced the specter that female sexuality posed to the marital ethic so carefully crafted over the past two centuries. His revision of the law neither allayed nor addressed growing anxieties about the causes and consequences of illegitimate pregnancy. By then, the number of unwed mothers had risen dramatically, and would only continue to do so. The edict insured that these women would *not* become wives, and would consequently exist outside male authority entirely. That fact raised alarm. As James Farr says of the early modern period more broadly, "Women who were free from male control were a contemporary metaphor for disorder."[68] Eyeing such disorder, jurists one again looked to the law to enhance parental authority. On the eve of the 1730 edict, one writer argued that "fathers and

[68] Farr, *Authority and Sexuality,* 109.

mothers must be ordered to shut away their daughters and keep watch over them."[69] By 1730, discourses of parental power again encircled seduction, however, those discourses were decidedly gendered. By the early eighteenth-century, seduction became a theater of anxieties about disorderly women detached from the authority of men, marriage, family, and community.

Legal Procedures around Seduction, post-1730

Despite royal efforts to disarm women who wielded *rapt de séduction* as a legal weapon, claimants continued to do so. They recognized the value of royal justice above extralegal resolution, requesting financial damages from former lovers in greater numbers than ever. In the absence of claimants' fathers, many police commissioners functioned as paternal figures by proxy, acting as advocates for women who lived and worked apart from parents and wider family networks. Even as judgments in these cases reinforced the importance of traditional models of marriage and family, royal justice enabled the existence of women who lived apart from both fathers and husbands, supplying the one single reliable structure in their lives: justice.

By the eighteenth century, royal justice had insinuated itself into the lives of French men and women more than ever before. Some four hundred royal courts or *sénéchaussées* dotted the country, with local notables presiding in the name of the king.[70] Their stature as *lieutenant général* or *criminel* derived as much from titles as from their enhanced social status within the community. At the *palais royal* in Grasse, for example, Albert Fanton d'Andon (1697-1787) and his son François (1728-1813) presided over several generations of *provençal* peasants, artisans,

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[69] Daniel Bargeton, *Mémoire sur l'article 497 de la Coutume de Bretagne, au sujet de la subornation des filles mineures* (Paris: Knapen, 1730), 12. Bibliothèque nationale de France (BNF) FP-5706.
[70] Julius Ralph Ruff, *Crime, Justice, and Public Order in Old Regime France* (Bazas, France: Croom Helm, 1983), 28-30.

bourgeois, and nobles. [71] People from the larger region – including Cannes, Antibes, and Vence – looked to these men to resolve disputes once settled through extralegal negotiation or violence. Although these officials possessed ancestral lands in Andon and Thorenc, they elected to live in Grasse instead, venturing out into smaller towns to take testimony from bedridden mothers-to-be in the course of seduction cases.[72] The centrality of their home – directly across from the cathedral in this industrial city of nearly 10,000 souls – mirrored their roles within Grasse as representatives of the crown. Residing in Grasse was essential to retaining their social position, as François Fanton's wife Marie-Jeanne de Surian (1749-1786) held a literary salon that rivaled that of Mirabeau's sister.[73]

City dwellers more directly felt the influence of royal law. Parisians lived in particularly close proximity to police, who accounted for one man out of every 200 inhabitants. The law, more broadly, employed one man for every 85 residents. Accordingly, the courts served as the city's center of gravity, with the Palais de Justice exerting a more forceful pull over everyday life than the Palais Royal.[74] Even its physical location mirrored its centrality in the minds of most Parisians. The courts occupied Île de la Cité, only a stone's throw from Notre Dame. As Richard Mowery Andrews remarks of the island, "Any geographical and political survey of judicial Paris

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[71] Paul Gonnet, ed. *Histoire de Grasse et de sa région* (Le Coteau: Éditions Horvath, 1984), 163/50. The following is a list of all magistrates involved in the criminal justice in this period: François Calvy, juge royal de Grasse, 1734; Louis de Villeneuve, sénéchal, 1750; François Fanton, lieutenant particulier civil et assesseur aux soumissions, 1753; Honoré de Martigny, procureur du Roi, 1760; François de Fanton d'Andon, lieutenant général civil criminel et des soumissions, 1766; Jean Maximin Reboul, lieutenant particulier criminel et premier conseiller en la sénéchaussée, 1778; Etienne Spitalier de Seillans, avocat du Roi, 1778; Antoine Honoré Ricord, procureur du Roi, 1785. Ernest Hildesheimer and Constant Bianchi, *Archives des Alpes-Maritimes, Répertoire de la Série B, Sénat de Nice (Supplément) et 2B-25B* (Nice: Pierotti, n.d.), 8.

[72] Claude-François Achard, *Description historique, géographique et topographique des villes, bourgs... de la Provence ancienne et moderne, du Comté-Venaissin, de la principauté d'Orange, du comté de Nice, etc., pour servir de suite au Dictionnaire de la Provence* (Aix: Calmen, 1787), 213.

[73] Gonnet, *Histoire de Grasse et de sa région*, 163.

[74] J.H. Shennan, *The Parlement of Paris* (Ithaca, NY: Cornell University Press, 1968), 98.

must begin there."[75] For seduced women, the reverse would be true; their stories ended there, either before judges at the Châtelet or among midwives at Hôtel Dieu.

Long before then, these women would rely on the police commissioners who populated each part of the city, the most readily accessible "agents of the Crown."[76] Unlike other such agents, their duties demanded that they live among, rather than apart from, the people they served.[77] This proximity demoted them in the estimation of fellow elites, disdainful of men who "dirtied their hands" in fulfilling their duties.[78] Yet as Steven Kaplan notes, this perception points to the commissioners' successful "penetration into the complicated banalities of everyday life within the neighborhood."[79] Such success demanded diligence and devotion, making the position no mere stepping-stone to the *noblesse de robe*. As Justine Berlière argues, it was a true calling. Men who heeded that call became daily participants in the lives of those around them.[80]

François Bourgeois exemplified this model of integration, keeping a detailed chronological ledger of the cases he dealt with on a day-to-day basis. As he transcribed the constant to-and-fro of men and women in his office, he attempted to transform the intangible goings-on of the neighborhood into text. Here, the commissioner bore close resemblance to the notaries described in Julie Hardwick's study of early modern Nantes. Like them, Bourgeois and

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[75] For commentary on the centrality of the justice system, see Richard Mowery Andrew, *Law, Magistracy, and Crime in Old Regime Paris, 1735-1789* (Cambridge: Cambridge University Press, 1994), 29/33. For figures, see Alan Williams, *The Police of Paris, 1718-1789* (Baton Rouge, LA: Louisiana State University Press, 1979). Williams estimates police presence at about 3,114 in 1788 (or 1 for 193 residents), comparing it to the size of the Boston police force in the late 1960s and early 1970s.

[76] Andrews, *Magistracy*, 42

[77] See Williams, *Police of Paris.* See also Justine Berlière, *Policer Paris au siècle des Lumières* (Paris: École des Chartres, 2012).

[78] This reputation persisted despite the price of the position, which escalated over the course of the eighteenth century (from 4,000 livres around 1750 to as much as 60,000 livres in the 1770s). Steven L. Kaplan, "Notes sur les commissaires de police de Paris au XVIIIe siècle," *Revue de l'histoire moderne et contemporaine* 28 (1981): 669-686, 670-1.

[79] Kaplan, "Notes sur les commissaires de police," 680.

[80] Justine Berlière focusses particularly on Chénon *père*, who like Bourgeois, served a long tenure (1743-1791) and a diverse clientele in one neighborhood. Berlière, *Policer Paris*. Kaplan says much the same.

his peers served as "mediators between state and subject, between literate and oral cultures."[81] Moreover, they acted as conduits between a paternalist king and his metaphorical family. In this capacity, commissioners intervened in Parisians' lives to preserve familial stability as a safeguard against wider social chaos. [82] With respect to unwed women, this task entailed performing a quasi-paternal role on behalf of the state. First, commissioners acted as advocates for young women whose fathers remained absent or had failed to effectively defend their daughters' honor. Second, they sought to determine the sexual partners of seduced women so that these men might fulfill their own paternal obligations, albeit in an admittedly limited capacity.

By contrast, royal judges in Grasse encountered claimants accompanied by their fathers, as *provençal* families remained comparatively intact over the course of the century. Moreover, fathers played outsized roles in personal identification, as claimants, defendants, and witnesses typically distinguished themselves based on their parentage and parents' professions. Nevertheless, judicial officials frequently negotiated *between* fathers in ways that superseded the authority of individual fathers. As I'll discuss in greater detail in Chapter 2, Albert and François Fanton decided the outcomes of contentious courtships in ways that showcased their unmatched power as proxy fathers versus that of real fathers.

Whether in Paris or Grasse, seduction cases began with a formal complaint, like all criminal cases. For most women, however, the process began with a declaration of pregnancy –

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[81] Julie Hardwick, *The Practice of Patriarchy: Gender and the Politics of Household Authority in Early Modern France* (University Park, PA: Pennsylvania State University Press, 1998), ix.

[82] Sometimes their actions to this end seemed contradictory or counter-productive; Alan William notes that police officials sometimes helped concerned wives conceal their affairs for the sake of order. Williams, *The Police of Paris*, 227.

a civil procedure that persisted despite the decline of infanticide.[83] In Paris especially, women transformed obligatory declarations into opportunities to pursue criminal charges against former lovers, and commissioners labeled resulting paperwork as "declaration and complaint." After all, the content of a declaration and a complaint of seduction hardly differed. Both contained a narrative of the sexual experience that resulted in pregnancy, though the amount of details varied "depending on the patience and/or prurience of the official recording the statement."[84] In general, a claimant included the following details: the name and profession of the man who had impregnated her; the time and circumstance of their first acquaintance; the time and circumstance of their first sexual encounter; the man's reaction to news of her pregnancy; and the approximate extent of her pregnancy. Some complaints filled the space of the page, and others extended across several pages.[85]

These documents also varied by region. In Grasse, claimants identified themselves and their lovers by their fathers' professions. Both declarations and complaints typically concluded with a brief interrogation of the woman, during which the judge asked whether she had "known" anyone else but the accused man. (These women universally answered in the negative, aware that the affirmative damned their case before it even began.) This line of questioning reinforced the expectation that women should only engage in intimacy with their husbands or intended husbands. Following it, the clerk formally entrusted the woman to the care of a community member, typically one of her parents or a midwife if her pregnancy had already advanced.

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[83] Some scholars have called the declaration a dead letter by the eve of the Revolution, a position that does not reflect large volumes of these documents in departmental and national archives. See Joseph Barou, "Aspects de la vie sociale sous l'Ancien Régime: les filles séduites et abandonnées dans le Montbrisonnais au XVIIIe siècle, d'après les déclarations de grossesse," *Recueil de Memoires & documents sur Le Forez publies par la Société de la Diana* 29 (Lyon: 2000).
[84] Grimmer, *La femme et le bâtard*, 630.
[85] For an exceptionally long complaint, see that of Marie Thiellé, Archives nationales (AN) Y9653.

The content of declarations and complaints were often indistinguishable, but cost set them apart. The latter demanded as much as a week or a month's worth of work, and accordingly, women did not lodge them lightly, waiting until they had exhausted other options or their pregnancy had progressed very far.[86] Those options included pressuring former lovers to marry them or, barring that, to pledge support for their lying-in. To that end, women recruited friends and neighbors to settle conflicts by extrajudicial intervention.[87] Their partners, likewise, sometimes preferred discrete settlement to the possibility of police intervention, and enlisted lawyers as intermediaries to this end. [88] From this perspective, the complaint was only one component of intersecting judicial and extrajudicial solutions. Jeffrey Merrick has illustrated how women frequently relied on both neighbors *and* men of the law.[89] Likewise, Justine Berlière contends that Parisians regarded commissioners as something more than a last resort, seeking their assistance with regularity by the latter half of the eighteenth century.[90] Elsewhere in France, confidence in royal justice remained lukewarm. As we will see in the case of Grasse (Chapter 2), stronger family networks meant greater reliance on inter-family negotiation and violence; women and their parents resorted to royal justice only when those methods of resolution failed.

By contrast, many Parisian women lacked strong social connections and advocates to act on their behalf. Even for those who *did* enjoy strong connections, ease of movement within the city enabled men to evade pressure to wed former lovers or pay them support. Against the

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[86] Berlière, *Policer Paris,* 223-224

[87] Other scholars have used the term "infrajustice." See Benoît Garnot, *Justice et société en France* (Paris: Ophrys, 2000); Martin Dinges, "Négocier son honneur dans le peuple parisien au XVIIIe siècle: la rue, l'infrajustice et la justice" in *L'infrajudiciaire du Moyen Age à l'époque contemporaine*, eds. Benoît Garnot and Rosine Fry (Dijon, 1996).

[88] See, for example, the case of Marguerite Moreau against the abbé Danse. Danse allegedly recruited a *procureur* named Jurien to settle their affair, however negotiations caved when the sum she proposed surpassed his expectations. AN Y11963, Plainte [Document 4], 30 March 1774, Paris [Commissaire Bourgeois].

[89] Jeffrey Merrick, "Domestic Violence in Paris, 1775," *Journal of Family History* 37 (2012): 417-427, 424.

[90] Berlière, *Policer Paris,* 230.

diminishing clout of extra-legal justice, the commissioner became a primary recourse for seduced women. In fact, the same circumstances that made a complaint's cost so prohibitive were those that made it all the more urgent. A successful case promised survival for women whose pregnancies pushed them to the edge of already precarious existences. Claimants were mostly servants, seamstresses, apprentices, or midwives in training. Many were self-described orphans or lodged complaints without mention of either parent. These women faced the dilemma of eventual dismissal and cessation of what minimal wages they required to pay rent and procure food. Those who declined to pursue damages made as great a gamble as those who sunk the cost of a complaint.

Moreover, the same women likely surmised that their lovers were men of means who could afford to pay damages. Accused men often enjoyed higher social standing and greater economic stability – traits that made them appealing partners in the first place. (Chapter 3 addresses the reasons for this imbalance between partners.) Arlette Farge has argued the contrary, asserting that the majority of seductions involved partners of equivalent "socio-professional" status, despite differences in age and economic stability.[91] But her figures reflect only cases that proceeded to the higher courts, concealing a larger body of cases that stopped cold in earlier stages. Examining lower-level commissioners' files reveals obvious imbalances. Where accusers' professions were more uniform, the men they accused ran the gamut, ranging from lackeys and clerks, tailors and bakers, notaries and doctors, to knights and dukes. Bourgeois' files for one year (1778), for example, reveal a servant filing against an ambassador's secretary and a shop girl filing against a master saddler.[92]

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[91] Arlette Farge, *Fragile Lives: Violence, Power, and Solidarity in Eighteenth-century Paris,* Trans. Carol Shelton (Cambridge: Harvard University Press, 1993), 29.
[92] See Archives nationales (AN) Y11969.

The scales of justice tipped to favor the higher status partner – a reality that Commissioner Bourgeois seemed to acknowledge and even attempted to counteract. His files indicate that he often waived the costs of complaints and allowed women to launch seduction cases free of charge.[93] (That practice may account for his popularity. Other studies suggest that commissioners' positive reputation – and with it, their tendency to draw claimants from far outside their neighborhood – related to the frequency with which they waived fees.[94]) Moreover, Bourgeois and his peers also turned a blind eye toward rules requiring women under 25 to appear alongside a parent, guardian, or court-appointed prosecutor.[95] Few such cases would gain traction without further funds to hire a lawyer, however, these gestures remain significant all the same. In accommodating claimants, Bourgeois positioned himself as a surrogate father and sole advocate for the disproportionate number of unaccompanied women who approached him for help. Unfortunately, sources offer little indication of *why* or *how* women chose Bourgeois above colleagues who lived closer by. Word of his charitable approach toward claimants may have passed imperceptibly through circuits of communication among servants, shop girls, and other working poor.

Similar uncertainties surround the content of complaints themselves. Continuities across complaints raise the possibility that women shared strategies on how best to present their claims in ways that earned the sympathy of the presiding commissioner. Formulaic language featured in two keys parts of the complaint: first, the description of the initial sexual encounter, and

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[93] See, for ex., Madelaine Voye, January 1778 (AN Y11969); Marie Julie Allest, October 1778 (AN Y11969); Marie Anne Darche, May 1778 (AN Y11969), Anne Marie Portier, November 1769 (AN Y11956); Marie Jeanne Lacroix, May 1775, two consecutive complaints unpaid (AN Y11963).

[94] Such was the case for Pierre Chénon, who took as many as 2/3 of all complaints from neighborhood outsiders by the end of his career. Berlière, *Policer Paris*, 238, 255.

[95] Marie-Claude Phan, *Les amours illégitimes, histoires de séduction en Languedoc (1676-1786)* (Paris: Éditions du CNRS, 1986), 8.

second, the description of eventual abandonment. Women depicted that first moment as the culmination of a longstanding process of pressure and persuasion (see Chapter 4). As one servant described it, "After about a year and a half of attack and defense, he succeeded in having sex with her."[96] Most often, this process entailed marriage promises and professions of undying love that, together, conspired to weaken the woman's defenses. Another typical complaint read, "Seduced by his beautiful and incessant promises to make her his wife, and after much resistance, she succumbed to his violence and knew him carnally."[97] Marriage promises were key to this narrative because they signaled that the claimant envisioned herself as a future spouse and reconciled her behavior as conforming to rules restricting sex to engaged or married couples. As the above complaints also indicate, women just as often depicted sex in violent terms, as rape regularized by concurrent or retroactive promises of marriage.

In this first part of the complaint, sex figured as the culmination of force, whether subtle or direct. This characterization conformed to claimants' strategic self-presentation as sexual naïfs and victims of male lust – a key component to their cases' success. But Cissie Fairchilds offers an alternative explanation, proposing that these narratives were not necessarily attempts to game the system per se, but reflected interiorized guilt for having contravened moral laws concerning chastity. "Notions of female modesty and masculine initiative in sexual matters," Fairchilds explains, informed women's feelings of regret and remorse.[98] In turn, those sentiments shaped depictions of sex that upheld gendered standards of sexual initiative.

After consummation, the next watershed moment was abandonment. Claimants related how once robust relationships petered off precipitously following news of their pregnancy. Some

[96] AN Y11969, Plainte [Document 8], 4 May 1778, Paris [Bourgeois].
[97] AN Y11969, Plainte [Document 5], 16 December 1778, Paris [Bourgeois].
[98] Cissie Fairchilds, "Female Sexual Attitudes," 657

former partners opted for avoidance, while others adopted more offensive stances. One woman, for example, shared her outrage that her lover had not only abandoned her, but also advised her to abort the baby and accused her of theft.[99] Yet she and others dwelled little on the emotional toll of abandonment, focusing on its material consequences instead. As one woman complained, she found herself "deprived of everything" and "in arrears several months on rent." She, like most other claimants, capped these comments with a stock phrase centering on her concern for the care of her unborn baby: "She has interest to appeal to obtain damages for the cost of lying in and to condemn [the accused] to take care of the child with which she is pregnant."[100] Operating from a similar script, another complaint culminated in this final statement: "It is her duty to provide for the child with which she is pregnant."[101] However much claimants highlighted their own victimization, they ultimately positioned their babies as wronged parties who would suffer from their fathers' neglect.

Of course, accused men saw this situation otherwise, recognizing narratives of victimhood as a ploy to entrap them as potential husbands. Some men even seem convinced that commissioners sided with claimants and coached them to frame their accusations in the most favorable way possible. One man under interrogation in 1770 accused the presiding commissioner of colluding with the girls' parents to plant words in her mouth:

> Being before the commissioners, where her parents brought her to make her complaint, and said parents having inserted mention of marriage promises, she wished to remove them, but only consented to their inclusion because the commissioner told her that without that she dishonored herself.[102]

Were these allegations of collusion true, they would reveal the commissioner standing firmly on the side of the claimant, assuming a protective role. Historians have made much of the marriage

[99] AN Y11969, Plainte [Document 13], 6 February 1778, Paris [Bourgeois].
[100] AN Y11969, Plainte [Document 12], 20 March 1778, Paris [Bourgeois].
[101] AN Y11969, Plainte [Document 14], 19 January 1778, Paris [Bourgeois].
[102] AN Y9975, Interrogatoire [Document 1c], 20 December 1770, Paris [Petit Criminel].

promises mentioned in declarations of pregnancy, but it remains uncertain whether women or commissioners fabricated these promises to dutifully adhere to tradition that rendered premarital sex respectable if marriage lay in the couple's immediate future.[103]

More certain is that police commissioners and clerks indelibly altered complaints and the narratives they contained. Marie-Claude Phan has pointed out how clerks not only transcribed, but also translated oral testimony. In her sample of declarations of pregnancy in Languedoc, clerks omitted certain details and inserted stock phrases so the outcome would fit "a preformed mold." Later stages of seduction procedures reflected the tone and tenor of particular commissioners.[104] In my own sample, complaints reflect clerks' preference for certain words above others, with some choosing *jouir* to indicate sex and others electing to use the more euphemistic *voir*. Their *provençal* peers in Grasse described men who sought *dernières faveurs* (last favors) from a claimant, or to *la connaitre charnellement* (carnally know her). Clerks made such choices throughout their transcription, making resulting documents mediated representations of experience at best.

However much women and police tailored complaints, most cases ground to a halt after this stage. For the most part, lack of funds frustrated claimants' efforts to pursue matters further. But on some occasions, cessation meant that the complaint had functioned effectively as a threat or "parajudicial" action, a legal means of reaching extralegal settlement. [105] In these instances, claimants returned days, weeks, or even months after their declaration and complaint to announce that the unborn baby's father had pledged his support. Commissioners then annotated the original case files to note withdrawal or *désistement.* Occasionally, these annotations also

[103] See Phan, *Les amours illégitimes*; Fairchilds, "Female Sexual Attitudes and the Rise of Illegitimacy"; Tilly, Scott and Cohen, "Women's Work and European Fertility Patterns."
[104] Phan, *Amours illégitimes,* 17, 23.
[105] Berlière, *Policer Paris,* 231.

indicated that the man deposited the funds in question to the commissioner until the claimant had given birth. (By implication, the same man would revoke the funds were the baby to die in childbirth.)[106] Other records indicate that lawyers oversaw the exchange of funds.[107]

What role, if any, did individual commissioners play in arranging these settlements? This question remains difficult, it not impossible, to answer. Still, some commissioners recorded withdrawals with staggering frequency, whereas others recorded non at all. This disparity suggests that some commissioners may have actively sought reconciliation – or, at very least, they goaded some men into settlement based on their reputation for successfully pursuing seduction complaints. Whatever the reason, this disparity underscores the importance of looking at commissioners' files, rather than simply higher court cases.[108] Doing so reveals that many conflicts were settled before they escalated, demonstrating many commissioners' commitment to resolving problems within couples for the sake of social order.

Still, settlements often proved to be pyrrhic victories. Commissioners sometimes annotated complaints to include sums exchanged, which were modest at best, paltry at worst. In 1775, for example, Commissioner Bourgeois recorded sums of 96 *livres*, 144 *livres*, and 300 *livres*.[109] That same year, Commissioner Charpentier recorded a settlement of a mere 100 *livres* for a woman then bearing her fourth child over a span of 5 years, each one sired by the same man.[110] That sum would barely cover the costs of lying-in, let alone raising her children into adulthood. Indeed, these settlements both presumed and guaranteed that unwed mothers would

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[106] See notations made under the claim of Marie Rozalie Rocher against Sieur de Laville (April 1775) to commissioner Bourgeois (AN Y11963).
[107] See the following case in which the claimant lodged a new complaint against her former lover, charging that despite providing her with an agreed upon sum, he refused to include his name on the child's baptismal certificate. AN Y9956, Déclaration/Plainte [Document 3c], 14 September 1785, Paris [Petit Criminel].
[108] See Farge, *Fragile Lives*. Farge examines the Petit Criminel archives exclusively.
[109] See AN Y11963, Commissioner Bourgeois' files for the year 1775.
[110] See AN Y12062, Commissioner Charpentier's files for November 1775.

abandon their infants at the foundling hospital soon after birth. Nevertheless, this outcome was a considerable gain on the cost of the complaint (if paid), guaranteeing subsistence in the short term.

Where reconciliation failed, many women dropped complaints entirely. "Limited resources" forced their hand, as they did for female claimants making any charge. As Jeff Merrick concludes of claimants in domestic abuse cases launched in 1775, "the majority of them probably did not take the next step."[111] For these women, successful continuation required funds to hire a lawyer. In the case of criminal seduction, women were *not* obligated to proceed with counsel. But as Marie-Claude Phan points out, lawyers proved essential, however "onerous" their fees. Lawyers were capable of crafting persuasive petitions and requests (*plaidoyer* or *requête*) that would ensure the continuation of their cases.[112] Those documents increased the likelihood that cases would proceed to witness testimony. [113] Only rarely did lawyers mark motions as "gratis," indicating they had waived their fees.[114] Without doubt, lawyers supplied an advantage, however cost restricted their services to a select set of claimants.

Cost aside, claimants needed connections to meet the attorneys (*procureurs*) who would assist them. The means by which they made these connections elude official documentation, however, sparse cases indicate that neighborhood acquaintances were key. Lawyers' clerks in particular were likely conduits between seduced women and men of the law, as they were more likely to occupy the same apartment buildings and neighborhoods as the former group. In witness testimony for one case, for example, a 21-year-old lawyer's clerk recounted how he had

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[111] Jeffrey Merrick, "Domestic Violence in Paris, 1775," *Journal of Family History* 37 (2012): 417-427, 420-421.
[112] Phan, *Amours illégitimes,* 8.
[113] Most of these requests are signed by someone other than the claimant (or family member) and were most likely written by lawyers, although technically anyone could write them. See, for ex., requêtes submitted on behalf of Françoise-Anne Leclerc (signed by Descarie) and Jeanne Benoist (signed by Le Sacher) (AN Y9832).
[114] See requête submitted for Marie Anne Massé to commissioner Chenon, AN Y9826.

learned of the claimant's pregnancy while walking in on a conversation between her and the local grocer. Following that conversation, the young woman enlisted him to "make arrangements" with her former lover. However promising those arrangements were at first, the man failed to provide the agreed-upon sum and the young woman proceeded with her case, assisted by a *procureur*. Although the connection between the clerk and lawyer remained unstated, this case and ones like it point to the importance of clerks.[115] Alternately, women may have formed connections with lawyers in the course of extra-legal reconciliations. During that process, men sometimes summoned former lovers to the office of a lawyer who acted as referee. After negotiations failed, women may have returned to the same offices to seek legal counsel. [116]

In crafting requests, lawyers largely reproduced the content of their client's original complaint. Some elected to embroider otherwise unadorned tales, accentuating the accused man's manifest affection for the claimant and the extent of his promises. Others opted for brevity, simply stating the seriousness of the claimant's accusations and asking to proceed to witness testimony or *informations*. Although claimants could technically proceed to this stage without written requests, such formalities usually ensured continuation of the case. Judges who granted requests then summoned a doctor or midwife to examine the claimant in question. These experts verified the stage of the woman's pregnancy, estimating its approximate duration, and taking note of any signs of venereal disease. This process owed primarily to mistrust of women's accounts of their own bodies, ensuring that women who were *not* pregnant did not falsely accuse

[115] AN Y9947, Informations [Document 2b], 25 February 1785, Paris [Petit Criminel]. In his interrogation, Jolliot alleged that the clerk himself was leading an affair with his accuser, attempting to discredit her for her association with another man. "Observe que c'est un clerc de procureur au Parlement *[qui vit avec elle] qui lui suscite cette affaire." Interrogatoire [Document 2d], 19 April 1785, Paris [Petit Criminel].

[116] See, for ex., remarks on a meeting at the office of one M. Jurien, *procureur au Châtelet*. AN Y11963, Plainte [Document 4], 30 March 1775, Paris [Bourgeois].

innocent men.[117] Moreover, it stood to corroborate or undermine the claimant's account of her conception.

Given go-ahead to proceed by his lieutenant of police, the presiding commissioner summoned witnesses at the claimant's behest. In seduction cases, witnesses were men and women who had encountered the contested couple together and could comment on signs of friendship, familiarity, and physical affection they exhibited. Ideally, witnesses had heard the accused make marriage promises or acknowledge himself as the father – and were willing to repeat those words. (Often, that meant they lived and worked within the same neighborhood as the claimant or accused.) Above all, claimants chose witnesses "strategically," aiming for those who would supply "reliable and persuasive testimony."[118] For claimants, ideal witnesses attested to their moral rectitude while lamenting the failed duties of the accused.

Still, witnesses rarely stayed on script or limited themselves to evidence alone. Neighbors, friends, and acquaintances shared their individual and collective impressions of the couple and of each partner's perceived shortcomings or strengths. As Jeffrey Merrick notes, testimonies are as useful for their "silences and absences" as they are for "reconstruction of events and confirmation of details."[119] Why did some witnesses decline to describe the claimant's moral standing? Why did others decide against intervening on her behalf before her case reached the court? Together, these inclusions and omissions evoke a feeling of déja-vu. After all, witnesses convened in the cramped hallways of the police commissioner's *hôtel*, where they overheard each other's testimony and repeated elements of it in their own. Moreover, they

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[117] Cathy McClive, *Menstruation and Procreation in Early Modern France* (Burlington, VT: Ashgate, 2015), 161.
[118] Julie Hardwick, "Between State and Street: Witnesses and the Family Politics of Litigation in Early Modern France" in *Family, Gender, and Law in Early Modern France*, eds. Suzanne Desan & Jeffrey Merrick (Pennsylvania State University Press, 2009): 101-136, 106.
[119] Merrick, "Domestic Violence in Paris," 423.

relied on the same "standard narrative tropes" to tell their stories. [120] The net effect is a mosaic-like picture of the community's perception of the couple in question.

This picture, however dizzying and ill-formed, determined whether the case would proceed further. This decision lay with the public prosecutor (*procureur du roi*) and the lieutnant of police (*lieutenant général de police*). [121] The former would preside over cases that continued, and the latter would terminate remaining cases with swift sentences. [122] For lack of time, both men based their determinations off those of the presiding commissioner, granting him an important role in the reckoning of each case. [123] This dependence points to another possible reason that women strategically selected commissioners outside their home neighborhoods. More sympathetic officials like François Bourgeois guaranteed the continuation of cases that might have halted in other men's hands.

Up to this point, claimants framed the narrative of seduction. Under interrogation, however, the accused man offered his own perspective in ways that might determine the direction of the case.[124] At this stage, the accused answered questions without recourse to counsel or knowledge of the charges against him, yet he might quickly glean those charges from the initial line of questioning; how long had he known the claimant? Had he participated in "criminal commerce" with her, and was she pregnant by him? Had he deployed marriage promises to seduce her? Confronted with these questions, as well as details culled from witness

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[120] Hardwick, "Between State and Street," 108/115.
[121] Williams, *The Police of Paris.*
[122] He rendered as many as 200 decisions in a single three hour session. Michèle Bimbenet-Privat, "Série Y, Châtelet de Paris, Répertoire numérique détaillé. Chambre de Police, Chambre Criminelle (Y9397 à 10718)" (unpublished archival guide, Paris, n.d.); Williams, *The Police of Paris*, 30-33.
[123] Williams, *The Police of Paris*, 119-121.
[124] The lieutenant rendered a summons for the accused party to appear and be interrogated. Most often, summons in seduction cases did not involve seizure, but voluntary appearance. For a summary of the three types of summons or *décrets* issued, see Gérard Aubry, *La Jurisprudence Criminelle du Chatelet de Paris Sous le Règne de Louis XVI* (Paris: R. Pichon et R. Durand-Auzias, 1971), 31; Schneider, *The King's Bench,* 231.

testimony, men seldom confessed. In Paris, only in rare instances did an accused man argue that he had indeed intended to wed the claimant, but his parents had revoked their consent. (As I will discuss in Chapter 2, this line of argument was more common in towns and smaller cities like Grasse.)[125] Overall, denial proved vastly more popular than acknowledgement. For some men, that meant keeping mum, simply responding "That is false" to an interrogator's questions.[126] Other defendants, by contrast, constructed a counter-narrative that followed the same sequence of events as the initial complaint, but whose content revealed a radically different interpretation of those events.

Together, complaints and interrogation records served as the template for broader dialogue about seduction and its stakes. Like many documents in these cases, they were "laden with the vocabulary of victimhood," and proffered two opposing objects of sympathy: "The innocent maiden seduced and betrayed" and "the likeable young man coldly chosen to raise children he did not father."[127] Over time, where women depicted themselves as victims of a single man's deception, men more often blamed female sexuality writ large, as I'll discuss in greater detail in Chapter 3. Both sides spoke strategically, aiming to stir the sympathies of officials against the backdrop of rising rates of illegitimate pregnancy. Some commissioners, like Bourgeois, seemed to show concern for abandoned women who, as social theorist Simon-Nicolas Linguet bemoaned, "die on the dung-heap!" [128] For others, compassion for unwed mothers

[125] More often, accused parties told their lovers that distant parents disapproved and would need to be brought around, but the same men did not mention family as barriers in their interrogations. As an example, see AN Y9896. Interrogatoire [Document 1d], 20 March 1781, Paris [Petit Criminel].
[126] AN Y9895, Interrogatoire [Document 3d], 29 May 1781, Paris [Petit Criminel].
[127] Hayhoe, "Illegitimacy, Inter-Generational Conflict," 679.
[128] Cited from Linguet, *Du plus heureux gouvernmenet,* in Blum, *Strength in Numbers,* 29.

declined alongside the perceived drain these women placed on the state, whose foundling hospitals cared for their abandoned babies.[129]

Often, the degree to which the royal prosecutor dug into the accused seemed to indicate where his sympathies stood by that point in the case. A dogged interrogator often doubled back on prior questions, producing pieces of evidence to "remind" the accused that "he is not telling the truth." Elsewhere, the commissioner condensed the accusations into one dry and desultory question. One interrogator (Cocuelle) began (and promptly ended) the session by asking, "whether he knew [the claimant] and did not abuse his relationship with her parents to take steps toward marriage and to seduce this young person whom he impregnated."[130] That case advanced no further. At this stage, the length of an interrogation alone served as an indicator of the prosecutor's commitment to the case and likelihood of pursuing it.

Following interrogation, the prosecutor either offered his recommendations to the judges, or opted to proceed further with the case. In the latter case, witnesses would be recalled to verify their testimony (*récolement)* and later to confront the accused (*confrontation*), who could dispute their testimony.[131] Although still denied formal counsel, the accused could dispute each witness's testimony, or provide grounds for which that testimony should be excluded. Here, his only hope was to trip up witnesses by asking them questions that would lead them to contradict prior statements. [132] Still, it remained difficult for the accused to launch an effective defense at this

[129] From the end of the seventeenth century onward, Paris and other cities saw a sharp rise in child abandonment that vastly outpaced rising fertility rates. See Claude Delasselle, "Abandoned Children in Eighteenth-Century Paris," in *Deviants and the Abandoned in French Society: Selections from the Annales. Vol. 4,* eds. Robert Forster and Orest Ranum, Trans. Eborg Forster and Patricia M. Ranum (Baltimore: Johns Hopkins University Press, 1978).
[130] AN Y9867, Interrogatoire [Document 2d], 14 December 1778, Paris [Petit Criminel].
[131] Schneider, *The King's Bench*, 231.
[132] Aubry, *La Jurisprudence Criminelle*, 32-35.

stage. [133] Thereafter, all information was forwarded to the *procureur général* who could either look into the defendant's responses, or establish a verdict. (He might also consider further requests by the claimant's counsel, which often specified a precise amount of financial damages desired.[134]) Then his report was filed and "put aside" until the judges of the *Tournelle* or *Grand' Chambre* handed down a verdict based on the prosecutor's recommendations. [135]

As sources, verdicts are problematic for a variety of reasons. First, records of them are scarce, available for only a small sample of cases documented in the Y Series of the National Archives (less than 5%). Second, sentences are an unreliable indicator of judges' sympathy – or disdain – for seduced women and their partners. To start, sentences did not merely decide guilt or innocence. In rendering verdicts, judges had recourse to a range of different determinations, some of which suspended definitive innocence or guilt.[136] Practically speaking, they could assign financial damages for either party, the most likely outcome for successful claimants in seduction cases.

The significance of such damages depended on their size relative to the status of both the claimant and the accused. In his study of Burgundy, Jeremey Hayhoe points out that 600 *livres* was a "staggering" sum for laborers who earned a small fraction of that sum (50 *livres*) each year. Among his sample, he places that amount at the top end of a spectrum on which payments

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[133] Shennan, *The Parlement of Paris*, 69-70.
[134] Lawyers sometimes submitted multiple requests to this end, revising the amount specified as the facts of the case seemed to sway for or against their favor. In one case, for ex., a *procureur* lowered the amount requested from 1500 to 1200 *livres*. AN Y9713, Requeste [Document 3f], n.d. [1765], Paris [Petit Criminel].
[135] Shennan, *The Parlement of Paris,* 70.
[136] Judges opt to defer decisive guilt or innocence by ordering the prolonged imprisonment of the accused while the prosecutor amassed more evidence (*plus amplement informé à temps) or* decline to affirm guilt or innocence entirely (*plus amplement informé*), freeing the accused without fully clearing his name, *or* acquit in an ambiguous way that would still cloud the accused's reputation. Schneider, *The King's Bench*, 231. Gérard Aubry seems to think that more often than not, judges working on appeals simply confirmed earlier sentences. Aubry, *La Jurisprudence Criminelle*.

of about 50-60 *livres* were more common. [137] By contrast, such an amount may have seemed like a mere pittance to Parisian claimants who paid higher rents on rooms and apartments, and who surmised that well-heeled lovers could pay sums more proportional to their status.

Moreover, monetary damages were symbolic as well as instrumental. Substantial damages not only supported the claimant and her baby, but also bolstered her reputation within her community. That restitution of honor was particularly important against the inconvenient reality that many men simply could not pay up. Hayhoe notes that the court could not guarantee timely or complete payment of damages; "Of course it's one thing to order a penniless 22 year-old to pay child support or damages, and another thing trying to collect." Here, he cites a high percentage of seducers among the occupants of debtors' prisons in the latter part of the eighteenth century. [138] Against that backdrop, sentences leave scholars to wonder whether declining damages owed to increasingly pessimistic expectations of men's capacity to pay *or* to diminishing concern for seduced women (See Chapters 3 & 4).

Sums aside, case classification supplies another means of deciphering which claimants prosecutors and judges took the most seriously. The Petit Criminel houses cases heard on appeal, some of which garnered considerable attention as *causes célèbres*; however these cases resulted in financial damages alone, with no threat of corporeal or capital punishment.[139] By contrast, the most serious cases of *rapt de séduction* that might merit such punishment were those that remain housed under the heading of the Grand Criminel in the Châtelet archives. These were often those select cases that proceeded to the confrontation stage.[140] They also resulted in larger financial

[137] Hayhoe, "Illegitimacy, Inter-Generational Conflict," 675-7.
[138] Specifically, 18 among 230 prisoners in 1784. Hayhoe, "Illegitimacy, Inter-Generational Conflict," 677-8.
[139] Shennan, *The Parlement of Paris*, 41
[140] Michèle Bimbenet-Privat, "Série Y, Châtelet de Paris, Répertoire numérique détaillé. Chambre de Police, Chambre Criminelle (Y9397 à 10718)." Archives nationales de France.

damages than cases heard elsewhere, establishing the topmost limit for women's hopes in enduring months (or years) of legal contestation. [141] Whatever their outcome, these cases warranted the most attention from prosecutors and judges alike, identifying the conflicts these men considered worthy of royal intervention.

Finally, case volume proves equally important as outcome. Over time, the number of seduction cases heard yearly in Paris' higher courts rose from single digits in the 1740s, to the mid and high twenties by the 1780s.[142] Likewise, the volume of seduction cases by decade in Grasse doubled between the 1740s and 1780s. By the eve of the Revolution, women regularly assumed financial and social risk to stake claims to sexual honor and make bids for restitution from former lovers. Their willingness to do so speaks volumes about the use of seduction law as a personal tool among women. Even as stigma rose and damages declined, royal justice remained an attractive channel for subjects seeking solutions to their problems. As this chapter begins to show, law served as a means for women to enlist the support of police commissioners, lawyers, prosecutors, and judges as advocates and paternal figures by proxy.

Conclusion

By the time François Bourgeois assumed his position in 1749, unwed pregnancy had long eclipsed elopement in the daily roster of police commissioners' concerns. Seduction laws designed to uphold family hierarchy and consolidate social status rarely operated toward those ends in cities like Paris. Instead, they only underscored the tenuous position of parental power for the vast majority of French men and women. Their parents dead or distant, many women launched complaints on their own behalf. Where fathers did accompany daughters to lodge

[141] Gérard Aubry says that most reparations in cases decided in the Grand Criminel ranged between 400 and 900 livres. Aubry, *La Jurisprudence Criminelle*, 84.
[142] Sample taken at 5 year intervals.

complaints, they spoke apologetically, rather than indignantly, admitting the impossibility of both protecting and providing for their adult children. As one father complained to Bourgeois, he had sought the best education possible for his daughter, but doing so required placing her as an apprentice. Within months, a man in his daughter's workshop had impregnated her. The father sighed in resignation, asking rhetorically "to what does human weakness remain unexposed?"[143] By the mid-eighteenth century, seduction no longer revolved around parental power over marriage, but around anxieties about the apparent failure of parents and their proxies to protect young women from the weaknesses of their own sex.

Accordingly, the legal evolution of seduction law from the sixteenth century onward made resultant contests fertile terrain for debates about women's proper place within the family and society at large. How could the state effectively control women who lived apart from men as fathers or husbands? And how could it constrain female sexuality in the absence of strong families and community networks? These questions assumed enlarged importance against demographic changes that brought unsanctioned sex and its consequences to the fore. The following chapters examine how French subjects used seduction law to answer these questions and advance new models of gendered authority in the process. Moreover, they will demonstrate how the extension of royal justice over marriage and family did *not* result in more effective enforcement of royal prerogatives. Instead, it simply set the stage for subjects to use the law toward their own ends.

[143] AN Y11048, Requeste [Document 6], 14 November 1761, Paris [Bourgeois].

Chapter 2
Marital Conflict and Community in Southern France

In the 1970s, historian Edward Shorter mobilized an iceberg metaphor to depict early modern sexuality: frigid, immobile, and immune to change. "Frozen by the command of custom," Shorter wrote, this behemoth only slowly began to "thaw" from the mid-eighteenth century onward. [1] That thaw precipitated a sea change in society – away from communalism, strategic marriage, and stem families, toward individualism, sentimental marriage, and the bourgeois nuclear family. In France, Shorter situated an eighteenth-century spike in illegitimate pregnancy within this frame, seeing it as evidence of more permissive attitudes towards sexuality. Young men bridled against overbearing parental power, young women dissociated desire from marriage, and all parties seemed to assert their individualism through sex.[2] Other scholars challenged this interpretation, countering that women especially did not seek pleasure in sex, but rather marriage and the social and economic stability it afforded.[3] Yet both opposing assessments too neatly parsed the motives and aspirations of young people. Moreover, both

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[1] Edward Shorter, "Illegitimacy, Sexual Revolution, and Social Change in Modern Europe," *Journal of Interdisciplinary History* 2 (1971): 237-272, 237. Jean-Louis Flandrin and André Burguière also pick up on the iceberg metaphor. Jean-Louis Flandrin, *Families in former times: Kinship, household and sexuality*, trans. Richard Southern (Cambridge: Cambridge University Press, 1976); André Burguière and Jacques Revel, *Les formes de la culture* (Paris: Editions du Seuil, 1993).

[2] Jean-Louis Flandrin has posited premarital sex as a reaction to "growing parental tyranny," and the sixteenth- and seventeenth-century laws that reinforced parental power. Jean-Louis Flandrin, "Repression and Change in the Sexual Life of Young People in Medieval and Early Modern Times," in *Family and Sexuality in French History*, eds. André Burgière, Tamara Hareven, and Robert Wheaton (Philadelphia: University of Pennsylvania Press, 1980), 38. Jacques Depauw reads in some declarations of pregnancy "a new mentality" among young couples, who pursued pleasure through sex and, in so doing, pushed back against religious and familial demands. Jacques Depauw, "Illicit Sexual Activity and Society in Eighteenth-Century Nantes," trans. Elborg Forster, in *Family and society: selections from the Annales, économies, sociétés, civilisations,* ed. Robert Forster **(**Baltimore: The Johns Hopkins University Press, 1976), 145-191: 173.

[3] Louise A. Tilly, Joan W. Scott, Miriam Cohen, "Women's Work and European Fertility Patterns," *Journal of Interdisciplinary History* 6 (1976), 447-476: 467. See also: Cissie Fairchilds, "Sexual Attitudes and the Rise of Illegitimacy: A Case Study," *Journal of Interdisciplinary* History 8 (1978), 627-667; Marie-Claude Phan, *Les Amours illégitimes: histoires de séduction en Languedoc (1676-1786)* (Paris: Editions du Centre National de la Recherche Scientifique, 1986); Alain Lottin, "Naissances illégitimes et filles-mères à Lille au XVIIIe siècle," *Revue d'histoire moderne et contemporaine* 17 (1970), 278-322.

conserved the problematic presumption that sexuality advances or retreats along a single, fixed axis between tradition and modernity.

This chapter considers early modern sexuality not as an iceberg, but as a series of tectonic plates. In this schema, the patchwork of plates that comprise the earth's shell corresponds to a similar patchwork of influences over sexuality in eighteenth-century France: royal authority, community pressure, and parental control. Like the plates, these forces – although seemingly rigid and mutually reinforcing – ground together at stress points to produce seismic change. More precisely, Louis XV's 1730 edict on seduction created a rift between communal and parental expectations of marriage. After 1730, young men in particular sought desperately to satisfy these competing expectations, but – barring that – broke communal norms to better obey parental command. In short, they refused friends and neighbors who urged them to wed their pregnant lovers, and, in so doing, bucked once-shared expectations of courtship and marriage. But these men were by no means ardent individualists. Many simply struggled to adapt to new laws that diminished the power of communities over marital decisions. The unintended result of their actions was a widening gap between more permissive standards of male sexuality and increasingly unforgiving standards of female sexuality. Overall, the conflicting interests of states, communities, and parents conspired to produce unpredictable changes, changes with the appearance – if not the substance – of novelty. Sexuality did not lurch forward from tradition to modernity, but operated more erratically.

To illustrate this development, I look beyond men and women who engaged in illicit sex to the families and communities who shaped the outcomes of unsanctioned relationships. Past studies of illegitimacy have focused squarely on unwed mothers and their sexual partners, leaving little indication of how others around them observed and intervened in conflicts between

contested couples.[4] By contrast, I seek to understand the broader contexts within which young people made decisions about sex and defended those decisions before the law. This task entails examining declarations of pregnancy that developed into formal, criminal charges of seduction and incorporated witness testimony. As Julie Hardwick argues, witnesses merit greater attention from early modern historians for their "inherently political" testimony: "They discussed power relations in the social context of the family, and they participated in judicial institutions that have often been regarded as the local embodiment of the French state."[5] Within seduction cases, witnesses articulated and asserted notions of reputation and sexual honor that sometimes directly contravened royal prerogatives. Their testimonies present a more nuanced picture of the pressures operating on young men and women who found themselves at the center of these criminal cases.

Following Hardwick's cues, this chapter constructs a case study of seduction in the small city of Grasse between 1730 and 1790 to argue that royal law and parental initiative hastened the breakdown of traditional courtship and marriage after 1730. Before this date, community members *and* royal agents often stood by seduced women, pressuring young men to fulfill unmet marriage promises in the wake of unwed pregnancies.[6] These men and women acted out of obedience to order, even if maintaining order meant superseding parental control over marriage. But Louis XV's edict on seduction strictly forbade coerced marriage, leaving judges with only two options for convicted seducers: financial damages or death. This change reaffirmed parental authority, enabling fathers and mothers to block a son's marriage to his accuser. In so doing, the

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[4] See FN 2 above.
[5] Julie Hardwick, "Between State and Street: Witnesses and the Family Politics of Litigation in Early Modern France" in *Family, Gender, and Law in Early Modern France*, eds. Suzanne Desan and Jeffrey Merrick (University Park, PA: Pennsylvania State University, 2009): 101-136, 103.
[6] James Richard Farr, *Authority and Sexuality in Early Modern Burgundy (1550-1730*) (New York: Oxford University Press, 1995).

edict disrupted "old prenuptial logics" that had emboldened community members to hold young men accountable for their actions, whether in cooperation with the law or outside of it.[7] It simultaneously dissatisfied women and their families who refused to recognize money as an appropriate recompense for lost honor and held on to vain hopes of reaching marriage settlements.

In the wake of the 1730 edict, a new pattern emerged: young men cited parental objections as an excuse – real or genuine – to extricate themselves from unwanted marriages. Over a quarter of seduction cases considered after 1760 hinged directly on the problem of parental consent on the male side. To these fathers and mothers, sons had overstepped the bounds of parental authority to initiate undesirable, socially disadvantageous marriage matches. Acquiescing to those matches meant relinquishing their own authority and status. Instead, they preferred to endure court battles and pay handsome legal damages. This stance placed them increasingly at odds with friends, neighbors, and colleagues whose interests lay in reconciling couples. As a result, judges not only arbitrated between two distinct parties, but between the competing forces of communal influence and paternal power. On the one side, witnesses demonstrated their commitment to shared standards of honor by advocating for the accused man to marry his pregnant lover. On the other, parents of the accused man reasserted their control over marriage choice.

These standoffs suggest that young men in *ancien régime* France followed a more paradoxical path toward personal autonomy than scholars have acknowledged. Historians of this

[7] Isidro Dubert charts a similar development in inland Galicia, where the Spanish monarchy disrupted traditional mechanisms for pressuring young men to wed their former lovers. This change precipitated a spike in illegitimate births in the late eighteenth century. Isidro Dubert, "Église, monarchie, mariage et contrôle sociale dans la Galice rurale, XVIIIe et XIXe siècles" in *Familles et justice à l'époque moderne*, ed. Vincent Gourdon (Paris: Belin, 2009): 101-121, 121.

period often point to father-son friction as both source and expression of escalating protest against the hierarchical family model and the dependence it imposed on young adults. According to Maurice Daumas, "the disruption of sons" was the chief concern of eighteenth-century society, whose writers struggled to sublimate their own youthful frustrations with their fathers into new ideals of parenthood. Denis Diderot, Jean-Jacques Rousseau, and Abbé Prévost, he argues, created characters who endorsed paternal affection above authority, as well as greater independence for adult sons.[8] These sentiments surely resonated with readers from the Midi, where Roman law privileged fathers, who consequently exerted a stronger hold on sons than their northern counterparts. In this region, marriage often provided the sole means for a young man to gain some degree of autonomy by leaving his father's household and becoming the master of his own.[9] Together, scholars contend, the experience and literary expression of father-son friction culminated in revolutionary laws devised by men like Mirabeau whose strove establish more egalitarian families.[10]

By contrast, this chapter reveals how *grassois* men achieved some semblance of autonomy by cooperating *with* their parents, rather than rebelling *against* them. Specifically, young men sided with their parents to resist community-compelled marriage, and in the process, they gained greater leeway to enjoy intimacy without marital commitment. This development

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[8] Maurice Daumas, *Le syndrome des Grieux: la relation père/fils au XVIIIe siècle* (Paris: Seuil, 1990), 8.
[9] Alain Collomp, *La maison du père: famille et village en Haute-Provence aux XVIIE et XVIIIe siècles* (Paris: Presses universitaires de France, 1983); Alain Collomp, "Tensions, Dissensions, and Ruptures Inside the Family in Seventeenth- and Eighteenth-century Haute-Provence," in *Interest and Emotion: Essays on the Study of Family and Kinship,* eds. Hans Medick and David Warren Sabean (Cambridge: Cambridge University Press, 1984), 145-170; Elisabeth Claverie and Pierre Lamaison, *L'impossible mariage: violence et parenté en Gévaudan: XVIIe, XVIIIe et XIXe siècles* (Paris: Hachette, 1982); J. Delumeau and D. Roche, eds., *Histoire des pères et de la paternité* (Paris: Larousse, 1990); Emmanuel Le Roy Ladurie, "Système de la coutume. Structures familiales et coutume d'héritage en France au XVIe siècle," *Annales. Histoire, Sciences Sociales* 27 (1972): 825-846.
[10] Margaret H. Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775-1825* (Princeton: Princeton University Press, 1989); Lynn Hunt, *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1992); Suzanne Desan, *The Family On Trial in Revolutionary France* (Berkeley: University of California Press, 2004).

cannot be shoehorned into a straightforward narrative like the one detailed above. Both royal law and commercial society reinforced traditional impulses like parental control over their adult children, but those impulses unexpectedly produced modern outcomes, like more permissive standards of male sexuality.

Where men stood to gain from these developments, women did not. The edict of 1730 and its subsequent practice privileged parental consent along gendered lines. It enshrined the autonomy of men and their parents to make or refuse marriage bonds, but constrained the power of women and their parents to press their own claims. This significant change undermined a communal model of marriage that afforded young women partial autonomy over sexual and marital decisions. By pressuring men to fulfill publicly recognized promises, community members reaffirmed the capacity of young women to make marriage pacts independent of their parents. [11] But by 1730, royal law reminded women that control over such decisions lay not in their own hands, but those of parents and judges. In its wake, seduction cases elevated male autonomy in matters of intimacy and marriage while reinforcing the requisite dependence of women.

Grasse and its Region in the Eighteenth Century

Proximity to France's borders, accelerating economic enrichment in this period, and the tight hold of patriarchal law and custom there make Grasse a particularly rich example of how *rapt de séduction* functioned in pre-revolutionary Provence. The city skirted France's border with Savoy at the Var river, with a population hovering near 10,000 inhabitants in the latter half of the century. During this period, Grasse and its region benefitted from success in industries

[11] Dena Goodman, *Becoming a Woman in the Age of Letters* (Ithaca: Cornell University Press, 2009), 3.

such as leather and perfume.[12] "Half Europe is supplied with essences from hence," remarked Arthur Young, marveling at the "rosemary, lavender, bergamot, and oranges" growing in prodigious quantities there.[13] With these advances, the city developed robust notarial activity and a "litigious spirit," in evidence by its high proportion of lawyers.[14] In contrast to their Parisian confreres, these lawyers practiced Roman law in lieu of customary law. This system privileged paternal will, reflecting a more patriarchal society over all.[15] Parents reserved the right to dictate their daughters' and sons' marriage partners – a right they often exercised as a means to consolidate or enhance their own social standing or wealth by strategically aligning themselves with another family.

By the start of this period, the city's financial enrichment began to influence these marriage customs. What Gail Bossenga identifies as a "monetization of social relationships" occurred in Grasse, as expanding markets transformed the way men and women envisioned status, reputation, and relations.[16] More and more, French "middling families" resembled their English counterparts as Margaret Hunt describes them, i.e. "thoroughly embedded in the

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12 A 1765 survey carried out by the *procureurs du Pays* at the request of the Abbé d'Expilly put the population at 9 465 people. A 1790 survey marked the population at 11,875. For a useful survey of Grasse through early modern and modern history, see *Histoire de Grasse et de sa région*, ed. Paul Gonnet (Le Coteau: Éditions Horvath, 1984).

13 Arthur Young, *Arthur Young's Travels in France During the years 1787, 1788, 1789*, ed. Matilda Bentham-Edwards (London: George Bell and Sons, 1909), 4:107. For details on *grassois* exports like olive oil and orange essence, see Jacques Savary des Bruslons, *Dictionnaire universel de commerce, contenant tout ce qui concerne le commerce qui se fait dans les quartres parties du monde* (Geneva: 1744), 2:812/1551.

14 Gonnet, "Grasse aux temps modernes," in *Histoire de Grasse et de sa région,* 41.

15 See Emmanuel Le Roy Ladurie, "A System of Customary Law: Family Structures and Inheritance Customs in Sixteenth-Century France," in *Family and Society: Selections from the Annales, économies, Sociétés, Civilisations*, ed. Robert Forster (Baltimore: The Johns Hopkins University Press, 1976): 75-103; Suzanne Desan, "Making and Breaking Marriage: An Overview of Old Regime Marriage As a Social Practice," in *Family, Gender, and Law in Early Modern France*, eds. Suzanne Desan and Jeffrey Merrick (University Park, PA: Pennsylvania State University Press, 2009), 1–25.

16 Gail Bossenga, "Society" in *Old Regime France: 1648-1788*, ed. William Doyle (Oxford: Oxford University Press, 2001), 42-77: 76.

marketplace."[17] Parents of bachelors assessed a son's potential spouse in monetary terms, giving shorter shrift to her status and sexual reputation. Conversely, parents sacrificed a daughter's future to ensure brighter prospects for an elder brother. Demographic data on marriage in Grasse confirms that daughters married below their born station more often than sons during this period. While merchants' daughters sometimes wed artisans, the opposite scenario rarely occurred; by Roman law, inheritance favored eldest sons, thus prioritizing their marriage matches. [18] Gendered financial concerns framed women's futures, whatever their station in life.

So, too, did illicit sexuality. Like most cities large and small, Grasse witnessed a rise in unwed pregnancy over the course of the eighteenth century. The rate of illegitimacy doubled between the 1750s and 1780s, as illegitimate births accounted for 3.56% of all baptisms by the close of this period. Although bastard children suffered the presumption of "criminal or spiritual defect" elsewhere in France, that stigma stung even more sharply in a region where patriarchal relationships dictated all claims to property and identity.[19] Some mothers elected to abandon illegitimate babies rather than serve witness to their shame first hand. Over the same period mentioned above, Michelle Pollet charts a similar rise in infant abandonment, confirming the ill fate of illegitimate children "in a region where women's honor is so important."[20] Whether or not she kept her baby, a woman's pregnancy severely damaged marriage prospects upon which both her own and her family's economic wellbeing rested.

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[17] Margaret R. Hunt, *The Middling Sort: Commerce, Gender, and the Family in England, 1680*-1780 (Berkeley: University of California Press, 1996), 15.
[18] See Desan and Merrick, eds., *Family, Gender, and Law in Early Modern France*.
[19] Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (Oxford: Oxford University Press, 2012), 28.
[20] Abandonments rose from 3.14% to 5.3% of all baptisms over the same period. Michelle Pollet, "Les enfants abandonnés de Grasse au XVIIIe siècle," in *Enfance abandonnée et société en Europe, XVIe-XXe siècle. Actes du colloque international de Rome, 30 et 31 janvier 1787* (Rome: Publications de l'École Française de Rome, 1991), 897-903: 900.

The case study that follows consists of seduction trials that unfolded against this backdrop before the *lieutenant criminel* of Grasse, who also heard cases from neighboring villages and towns, including Antibes, Cannes, and Vence.[21] Their number increased consistently from mid-century onward, rising from one sole case during the 1740s to ten in the 1770s and sixteen in the 1780s, for a total of 46 cases.[22] By then, the *lieutenant criminel* heard one seduction case for every 50 or so marriages celebrated in the city.[23] Although significantly smaller in number than my Parisian sample, this sample is remarkably voluminous. Each case involves vastly more documentation and witness testimony that provide astounding details about the couples in question and the communities to which they belonged. While the sample does not include similar cases brought to ecclesiastical courts, those cases would have been few during this period; Church authorities could neither assign monetary damages, nor compel marriage – the two outcomes claimants sought most.

One crucial demographic difference sets this sample apart from both its predecessors and my larger Parisian sample: Whereas most Parisian claimants lived apart from their parents, the vast majority of *grassois* claimants lived beneath their parents' roof and approached the court accompanied by one or both parents. This crucial detail demonstrates the extent to which parental power remained robust in Grasse, whereas poverty and migration fractured familial hierarchies in more densely populated cities. Such a stark contrast, in turn, positions Grasse as ideal terrain to investigate how contests over courtship and marriage functioned in both rural and

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[21] For a full list of towns under *grassois* jurisdiction, see Claude-François Achard, *Description historique, géographique et topographique des villes, bourges... de la Provence ancienne et moderne* (Calmen: Aix, 1787).

[22] In addition to this sample, I examined all rape cases during the same period to gauge comparable descriptions of contested sexual encounters. (I do not discuss those cases in this chapter.) Also for comparison's sake, I examined seduction cases from the decade before the 1730 edict, as well as a representative sample of post-1730 declarations of pregnancy that did *not* result in formal seduction charges.

[23] This figure is based on Michelle Pollet's estimates of marriage frequency in the second half of the century. Michelle Pollet, "Les Mariages à Grasse de 1751 à 1760 et de 1781 à 1789," *Alpes-Maritimes et Contrées Limitrophes* 18 (1978).

urban settings where parent-child relationships endured more or less intact.[24] In these places, we cannot attribute changes in sexual practice to broken homes. Nor can we characterize them as consequences of more permissive attitudes. By their own admission, *grassois* women engaged in sex with the expectation of marriage. All claimed to have engaged in formal, publicly-condoned courtships with the men they accused, eligible bachelors who lived nearby and often plied the same trades as the claimants' fathers.

Honor as Social Currency

Within Grasse and far beyond its borders, honor or *honnêteté* was the hub around which society turned for most of the *Ancien Régime*. The word designed reputation or standing with a community of peers who interacted daily, whether in workshops or fields, at mass or shop counters. These same people regulated reputation as a form of currency, rewarding those who conformed to shared codes of conduct and penalizing those who diverged from them. Accordingly, pregnant women pointed to those codes when they protested unmet marriage promises at court. Erstwhile suitors, they explained, had abused their trust for nefarious purposes, contravening codes of courtship. Legal action constituted a bid to reclaim honor, not only by advertising the alleged seducer's offense, but also by publicly rejecting his rationale for refusing marriage (and goading him into marriage by consequence). Above all, claimants and their families asserted a communal vision of marriage in which a family's honor mattered as much as its material assets.

[24] Of the studies mentioned in FN 2, Marie-Claude Phan is the sole scholar to examine seduction outside of larger cities.

The criteria of reputation varied, but above all, diverged along gendered lines. For men, honor took shape from adherence to standards of professionalism, trustworthiness, and honesty.[25] A bad reputation invited material consequences, as accusations of theft, unpaid debts, or *cabaret* carousal could result in job dismissal, refusal to rent a room, or dismal marriage prospects. In short, honor carried social capital.[26] While elites imagined they held a monopoly on honor, ordinary people were even more acutely aware of reputation and its stakes. For artisans, laborers, farmers, seamstresses, and servants, reputation was often one's most valuable possession. Thomas Brennan has called a man's reputation "his public asset, his public persona."[27]

For women, by contrast, honor hinged on sexual propriety - easily lost and rarely regained. Throughout Europe, state and ecclesiastical authorities situated sex within marriage to press home its practical purpose: reproduction. Accordingly, efforts to rein in female sexuality stemmed from concerns for paternity. Unsanctioned sex risked pregnancy that disrupted inheritance and family lines.[28] For this reason, law and social custom dictated abstinence outside marriage for women. Women who disregarded those codes, if exposed, placed their social and economic future in grave danger.

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[25] As David Garrioch points out, men often took flack for improper treatment of (or failed control) over their wives, however these insults stung less than professionally-oriented jabs. David Garrioch, *Neighborhood and community in Paris, 1740-1790* (Cambridge: Cambridge University Press, 1986); Yves Castan, *Honnêteté et relations sociales en Languedoc, 1715-1780* (Paris: Plon, 1974); Thomas Brennan, *Public Drinking and Popular Culture in Eighteenth-Century Paris* (Princeton: Princeton University Press, 1988); Arlette Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*. Trans, Carol Shelton (Cambridge, MA: Harvard University Press, 1993).
[26] Arlette Farge, "The Honor and Secrecy of Families," trans. Arthur Goldhammer in *A History of Private Life. Vol. III: Passions of the Renasisance*, ed. Roger Chartier (Cambridge: Belknap Press of Harvard University Press, 1989), 585.
[27] Thomas Brennan, *Public Drinking*, 71.
[28] See Katherine Crawford, *European Sexualities, 1400-1800* (Cambridge: Cambridge University Press, 2007).

To an unwed mother during this period, a swelling belly manifested shame rather than joy.[29] Whether or not she had taken pleasure in the act of sex, its consequences left her "riddled with guilt."[30] Her body publicly advertised her breach of sexual honor. And as a result, she might abandon her home and community to conceal her guilt and escape public humiliation.[31] As one nineteen-year-old explained in a 1729 seduction complaint, her father (a minor noble) became so "irritated" when he learned of her pregnancy "that he hasn't wished to see her since that day."[32] The decision to leave home likely reflected both internalized shame and external pressures. Laws requiring unwed women to publicly register their pregnancies intensified those pressures with the threat of publicity. While originally devised to discourage infanticide, this act of public inscription institutionalized the shame of unwed motherhood.[33] Noble and bourgeois families often sidestepped this process by settling affairs discretely, either secluding daughters or hastily arranging their nuptials before they began to show.[34] Those who *did* appear in court, like the woman mentioned above, signaled either familial discord or the failure of strategies to deter attention.

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[29] Alfred Soman explains that an unwed mother regarded her infant as "evidence of her shame and dishonor." Alfred Soman, "Anatomy of an Infanticide Trial: The Case of Marie-Jeanne Bartonnet (1742)," in *Changing Identities in Early Modern France*, ed. Michael Wolfe (Raleigh, NC: Duke University Press, 1997), 249.

[30] Cissie Fairchilds, "Sexual Attitudes and the Rise of Illegitimacy: A Case Study," 656.

[31] In the seventeenth century, a spate of unwed mothers smothered their illegitimate newborns. The crown more aggressively enforced declarations of pregnancy as a result. The subsequent decline in infanticide after 1690 does not indicate gentler attitudes toward unwed mothers; mothers simply abandoned their children at foundling hospitals in greater numbers. See Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (Oxford: Oxford University Press, 2012).

[32] Archives départementales des Alpes-Maritimes (ADAM) 7B882. Document 1 [Exposition en Rapt], 29 January 1729 [Antibes].

[33] King Henri II issued an 'Edict Against the Concealment of Pregnancy and Birth' in 1556, responding to what Alfred Soman has termed the "infanticide craze." By obliging pregnant women to announce their pregnancies, municipal authorities embraced this process as a practical means of determining the unborn child's father and thereupon inducing him to marry the women in question so the burden of raising the child did not fall to the community. Alfred Soman, "Anatomy of an Infanticide Trial"; Matthew Gerber, *Bastards.*

[34] Yves Castan, *Honnêteté et relations sociales en Languedoc (1715-1780)* (Paris: Plon, 1974), 378-9; Cissie Fairchilds, "Female Sexual Attitudes and the Rise of Illegitimacy: A Case Study," 634; Claude Grimmer, *La femme et le bâtard: amours illégitimes et secrètes dans l'ancienne France* (Paris: Presses de la Renaissance, 1983), 195.

Nevertheless, publicity possessed equal power to alleviate the shame of illegitimate pregnancy for those who could not shroud scandal. Pregnant women recognized that by publicly addressing a breach of sexual codes at court, they might reconfigure that breach as a seducer's offense. What kinds of women gambled on this potential outcome? In cities like Paris, as I'll discuss in Chapter 3, claimants were orphans or migrants who lived hand-to-mouth on meager salaries as servants or laundresses. They launched charges to rescue their reputations precisely because they possessed little or nothing else. By contrast, their *grassois* counterparts demonstrated no such desperation. Nearly all came to court accompanied by one or both parents, and so few worked away from home that clerks typically recorded their fathers' professions in lieu of the claimants' own. These fathers were of humble but respectable status, many of them master artisans (see Figure 1). A handful were perfumers or merchants, men whose fortunes and social ambition might have rivaled those of their bourgeois peers as the perfume industry matured over the second half of the century.[35] Those who lived outside the city were often independent farmers (*ménagers*) who owned or managed large properties.[36] Whatever their wealth or social standing, claimants and their families recognized legal action as a form of strategic publicity that might pressure an erstwhile suitor and his family to rethink their choices.

Year	Status of accuser's father	Status of alleged seducer
1761	Glazier	Apothecary
1762	Tailor	Tailor
1764	Tailor	Perfumer's boy/apprentice

[35] Maurice Agulhon provides a helpful schema of social groups in Provence in this period, discussing in depth distinctions among artisans in Grasse. Men who appended *ménager* to their profession had higher social standing and more closely resembled *bourgeois* in wealth and aspiration. Maurice Agulhon, *La vie sociale en Provence intérieure au lendemain de la révolution* (Paris: Société des Études Robespierristes, 1970), 123-140.

[36] Agulhon devotes attention to the question of whether *ménager* necessarily designated someone who *owned*, rather than simply controlled, large tracts of land. Use of the term points to no definite answer, but Agulhon concludes that the term generally denoted independence and stability in contrast to the salaried and unstable *paysan* or *travailleur.* Agulhon, *La vie sociale*, 153-162.

1764	Perfumer	Lawyer
1764	Notary	Sergeant
1766	Perfumer	Perfumer
1768	Doctor/Surgeon	Prosecutor
1769	Merchant	Baker
1769	Bourgeois	Noble

Figure 1 – Sample: Backgrounds of claimants and defendants in seduction cases heard across the 1760s in Grasse.

Strategic calculations aside, the act of divulging intimate behavior before the *lieutenant général* very likely traumatized those who pursued legal action. The men who occupied this post stood at the pinnacle of the *grassois* social universe, After decades as a *lieutenant* at the *palais royal*, nobleman Albert Fanton d'Andon (1697-1787) ceded his place to son François, who served an equally formidable tenure. The latter eschewed his family's ancestral lands in Andon and elected to live in Grasse instead, his wife presiding over an esteemed literary salon in their home as he judged criminal cases a short walk away.[37] Father and son were intimately familiar with the city, its residents, and the conflicts among them. So too were other officials of the local jurisdiction or *sénéchaussée.*[38] All these men were likely to have appeared prominently in official events and processions.

As such, the *lieutenants'* stature may have played some part in women's reluctance to come forward. However, more likely, these women articulated their trepidation in a bid to cast themselves as virtuous women who preferred obscurity and silence over scandal. In their complaints, women consistently cited their hesitation to press charges, as if still unsure of their

[37] His predecessor, Lombard de Gourdon, came from an equally established noble family. Paul Gonnet, ed., *Histoire de Grasse et de sa région* (Le Coteau: Éditions Horvath, 1984), 163/50. Under the Revolution, the Fanton home became the *mairie* of Grasse. Pierre-Jacques de Castel, *Si Grasse... Provence et France: de la préhistoire à l'année 1958* (Cagnes-sur-Mer, EDICA, 1985), 255.

[38] When first established in 1574, the *sénéchaussée* consisted of two *lieutenant principal* (civil and criminal), two *lieutenant particuliers* (civil and criminal), one judge, two prosecutors, and one inquisitor. Two centuries later, few new positions existed. Pierre-Jacques de Castel, *Si Grasse,* 189.

decision to do so. One woman professed in 1764 that "she does not know how to keep silent about the darkness, treachery, and seductive maneuvers" committed against her. [39] Five years later, another woman began with an explanation that she was "born to an honest family with irreproachable morals," adding that "she never would have believed" she would launch present charges.[40] A third accusation from 1777 began similarly, noting that "It is with great pain that [she] tells the story of her misfortune before the court, but she finds herself reduced to this cruel necessity because it pertains to her honor." [41] Whether authentic or performed, these prefaces advertised claimants' self-identification as discreet women who avoided scandal at all costs *until* they felt duty bound to divulge the truth.

Those caveats covered, the claimant typically directed attention toward her alleged seducer. What wrong had he committed? Complaints alleged that seducers had reaped the privileges of courtship without fulfilling their ultimate obligation: marriage. To be precise, those privileges implied sexual access to the intended bride. Courtships spanned months or years as women and their families pieced together suitable dowries. Although not nearly as elevated as in other parts of France, the average age at marriage rose to 23 for women and 27 for men in this period.[42] During these extended courtships, parents and communities often turned a blind eye to premarital sex among couples whose future nuptials seemed assured. [43]

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[39] ADAM 7B816, Requette en informations [Document 1], 6 September 1764 [Grasse].
[40] ADAM 14B130, Requette en information [Document 2], 20 July 1769 [Cannes].
[41] ADAM 7B1000, Requette en information [Document 1], 7 June 1775 [Grasse].
[42] Paul Gonnet, "Grasse aux temps modernes," in *Histoire de Grasse et de sa région*, ed. Paul Gonnet (Le Coteau: Éditions Horvath, 1984), 51.
[43] André Burguière comments that peasants were lax on sexual codes for practical reasons: they allowed a certain sexual "permissiveness" because they recognized that it would bring rebellious youth on board with their families' marital strategies. Burguière, *Histoire de la France,* 97. Elsewhere, like nearby Aix-en-Provence and its region, a significant number of brides were pregnant at the altar – and some had already given birth. Cissie Fairchilds places the rate of "premarital conceptions" at around 34% for Loumarin by the 1790s. Fairchilds, "Sexual Attitudes and the Rise of Illegitimacy," 642-643.

Such tacit tolerance backfired when intended bonds dissolved. In some instances, if a suitor threatened to abandon his intended after she became pregnant, community recognition of the couple operated as a safety valve, impelling the young man to keep his promise.[44] Elsewhere, those efforts failed and unwed mothers elected to take legal action. In lodging initial complaints, pregnant women presented detailed portraits of accused men as insistent suitors who made clear their intentions to marry. They traced the evolution of courtships that spanned several seasons or even years. Many peppered their complaints with mentioned of *amour*, often describing the accused as "making love" to her, i.e. showering her with attention and compliments.[45] Others cited "protestations of love," often joined with explicit marriage promises that women believed in "good faith."[46] Still more described these men as "in love" or "lost in love," as if to dispel doubts about the sincerity of their aborted bond. [47]

According to claimants, the same men combined flattery and force to overcome the innate modesty of their intended brides. Obliged to address the moment of conception, claimants overwhelmingly described their first sexual encounter as a violent affair. These encounters were the culmination of a months- or years-long period over which men solicited sex and women summarily refused it as a matter of modesty. One woman explained that her suitor of over one year exclaimed in frustration that "he wanted to have sex with her, whether voluntarily or forcefully," before promptly pursuing the latter course.[48] Another woman characterized her lover

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[44] Or, as Alain Lottin points out, pregnant women registered formal objections only when their formal lovers were on the verge of marrying other women. Lottin looks at the case of Cambrai (where ecclesiastical courts presided). Alain Lottin and K. Pasquier, "Les Fiançailles rompues ou empêchées" in *La Désunion du couple sous l'Ancien Régime: l'exemple du Nord*, ed. Alain Lottin (Paris: Éditions universitaires, 1975), 62.
[45] ADAM 7B922, Exposition du rapt [Document 1], 20 December 1751, 7 January 1752 [Grasse].
[46] See, for example, ADAM 7B929, Extrait de la Requete de querrelle [Document 2], 2 July 1756 [Grasse]. See also ADAM 7B1018, Extrait de requette en information [Document 2], 9 March 1780.
[47] See Marie Suzanne Clement and Anne Hutre: ADAM 7B 981, Requette de querelle [Document 1], 23 June 1772 [Grasse].; ADAM 7B943, Requette en Information [Document 2], 23 December 1760.
[48] ADAM 7B1024, Requette de plainte [Document 2], 10 May 1781 [Grasse].

as "joining force with the most tender and loving expressions" as she struggled to resist him.[49] To be sure, claimants depicted sex as rape to dispel any notion that they had willingly assented to behavior that besmirched their own honor, even within the context of courtship. But they also did so to shift blame toward an alleged seducer, suggesting his inability to control himself. Men who stuffed handkerchiefs in their lovers' mouths or threw them to the ground furnished a portrait of masculine self-mastery gone awry.[50]

Claimants reminded the *lieutenant général* that they suffered these abuses silently only in expectation of marriage. However much her suitor's behavior unsettled her, one woman explained, he had reassuringly produced a written marriage promise from his pocket after taking her by force.[51] Those who failed to mention force cited the word "promise" incessantly, as Anne Hutre did six times in a 1772 request of fewer than 500 words. [52] These women stated explicitly or implicitly that they regarded their lovers as future husbands and obeyed them accordingly. One woman described herself as "too in love to resist the transports of a man whom she regarded as the husband the heavens destined for her." [53] Another woman explained that the accused had claimed and exercised "the rights of a husband" every since their families had drafted their *articles de mariage* and settled on a sum for her dowry. [54] In short, she and other women framed their behavior as lawful conduct within the context of nearly formalized unions.

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[49] ADAM 14B151, Exposition de grossesse [Document 1], 16 January 1785 [Cannes].
[50] The Bertrand case (1756) provides a representative description of handkerchief claims. ADAM 7B943, Exposition de Grossesse [Document 1], 22 December 1760 [Grasse]. She mentions a handkerchief again in her subsequent request. ADAM 7B943, Requette en Information [Document 2], 23 December 1760 [Grasse].. Françoise Isnard's complaint is typical of the many women who claimed to have been thrown to the ground. ADAM 7B922, Exposition du rapt [Document 1], 20 December 1751, 7 January 1752 [Grasse].
[51] ADAM 7B1000, Requette en information [Document 1], 7 June 1775 [Grasse].
[52] ADAM 7B981, Requette de querelle [Document 1], 23 June 1772 [Grasse].
[53] ADAM 7B1018, Extrait de requette en information [Document 2], 9 March 1780 [Grasse].
[54] ADAM 14B151, Requette en information [Document 7], 1 November 1784 [Cannes].

Moreover, claimants contended that they enjoyed equivalent social status as the accused, granting them every reason to expect their marriages would come to fruition. One woman explained that her parents regarded her suitor without suspicion, due to "the conformity of profession" between their families. (Both fathers were *parfumeurs*.) Although his maternal grandfather registered some opposition, the suitor remarked no dissent on the part of his parents.[55] Another woman likewise asserted the competing parties' "proportional" status. [56] Others even suggested their own superior status to that of the alleged seducer, as Anne Niel did in 1775. When her suitor's father refused his consent to their marriage, she scoffed indignantly, "as if the son of a crate maker had more to hope for than marrying a girl who, despite not being rich, was no less honorable and even above the status her seducer could claim." [57] Equally galled, Veronique Gautier noted in 1780 that the accused "was of an inferior status to her and to the family she has the honor to belong to."[58]

Money earned no mention among these criteria of well-matched marriages. Instead, claimants assessed potential partners on the basis of status, reputation, and profession. When men broke their bond, failing to deliver on marriage promises, they challenged this conception of honor and its function within the context of courtship. Veronique, above, was shocked by her erstwhile suitor's "cheek" when he offered her money as an enticement to drop charges against him. As she explained, she hadn't given her "last favors" for money, but on the condition of a good faith marriage promise.[59] Most claimants had made the same gamble, and would file formal charges of seduction in vain hope that their suitors would relent to pressure and marry them.

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[55] ADAM 7B963, Requette en information [Document 2], 13 August 1766 [Grasse].
[56] ADAM 14B130, Requette en information [Document 2], 20 July 1767 [Cannes].
[57] ADAM 7B1000, Requette en information [Document 1], 7 June 1775 [Grasse].
[58] ADAM 7B1019, Requette en information [Document 4], December 1780 [Grasse].
[59] ADAM 7B1019, Requette en information [Document 4], December 1780 [Grasse].

However unlikely that outcome, community members would willingly defend claimants' vision of courtship of marriage and their conception of honor therein.

Surveillance, Intervention, and the Enforcement of Communal Values

Studies of illegitimacy have emphasized the alienation of unwed mothers within their communities, but witness testimonies in *grassois* seduction cases tell another story.[60] At court, neighbors, co-workers, and friends overwhelmingly found men at fault for contravening rules of courtship and marriage, as well as the broader system of honor those rules undergirded. While I do not wish to understate the shame and stigma unwed mothers felt, I do propose that tight-knit communities offered solidarity and support to those women. Rather than reinforcing repressive or unrealistic gender norms for women, surveillance served as an asset to women who had – in the eyes of the community – fallen victim to seducers. Moreover, active intervention and negotiation between contested couples reveals witnesses' commitment to enforcing their shared values. In sum, witnesses showcase the strength of social cohesion operating in service of seduced women.

Testimony collected during the fact finding or *informations* stage furnishes a complex portrait of *provençal* life. Judges culled everything neighbors, friends, and family saw or heard about the couple in question. Witnesses did not simply testify; they constructed narratives about whether and how the claimant and accused had adhered to – or diverged from – standards of gendered honor. After all, honor did not inhere in individuals, but proceeded externally from the

[60] Louise A. Tilly, Joan W. Scott, Miriam Cohen, "Women's Work and European Fertility Patterns," *Journal of Interdisciplinary History* 6 (1976), 447-476: 467. See also: Cissie Fairchilds, "Sexual Attitudes and the Rise of Illegitimacy: A Case Study," *Journal of Interdisciplinary* History 8 (1978), 627-667; Marie-Claude Phan, *Les amours illégitimes: Histoires de séduction en Languedoc (1676-1786)* (Paris: Editions du Centre National de la Recherche Scientifique, 1986); Alain Lottin, "Naissances illégitimes et filles-mères à Lille au XVIIIe siècle," *Revue d'histoire moderne et contemporaine* 17 (1970), 278-322.

surveillance and judgment of community members.[61] Accordingly, success within the court room relied on the well-placed words of men and women who would advocate for one's good reputation and behavior.

To their fortune, claimants chose their own witnesses. Although their age, sex, and professional status varied, witnesses typically came from the same neighborhood and social group. This "spatial and socioeconomic clustering" indicates how complainants mobilized witnesses who would confirm the breach of honor under dispute.[62] They deliberately sought out community members who interpreted that breach in their own favor (or at least to the alleged seducer's detriment). This system effectively licensed unwed mothers and their families to present a selective narrative of the couple, as well as an equally selective vision of communal gender norms. Parents of unwed mothers impelled the community to throw its weight behind fallen women, rather than dishonorable men who broke their word in promising marriage.

Above all, claimants asserted that the young man had misled the community by falsely assuming the appearance of a suitor. They labored to prove that the community regarded the couple as such and recognized their intention to wed. In their formal requests, young women emphasized the public nature of their relationship with the accused. Catherine, the daughter of a shopkeeper, explained in a 1785 complaint that seventeen-year-old Claude had approached her "in view of marriage" over a year prior, whereupon her father formally received him at their home. Claude professed his love and intention to marry her "in such a way that they passed in the public for people who loved each other reciprocally and who would unite in marriage."[63] In

[61] "Honor was dependent on what others thought." William Beik, *A Social and Cultural History of Early Modern France* (Cambridge: Cambridge University Press, 2009), 269.
[62] Hardwick, "Between State and Street," 108.
[63] ADAM 14B151, Exposition de grossesse [Document 1], 16 January 1785 [Cannes].

claimants' estimation, they did not make private matters public, but simply requested formal recognition of a publicly recognized and sanctioned relationship.

Witnesses followed suit by relating the publicly visible behaviors that marked two people as a courting couple. As an example, one witness in the case above commented that Claude's affection for Catherine "made them pass as two people who loved each other." Another neighbor said it was known *en public* that they were to wed. Even the *curé* confirmed that their relationship was "publicly known" in his parish and that everyone expected their marriage.[64] Whether or not witnesses knew of informal, verbal marriage promises, the community validated the couple through its watchful eye. The appearance of a relationship – "passing" as a couple – substantiated its existence.

What did "passing" entail? Witnesses pinpointed moments of intimacy shared in open, visible spaces. Communal codes dictated appropriate spaces of courtship, much more vigilantly enforced here than in larger cities like Paris. Although unseemly for a young woman to receive male guests at home in the absence of her father or brothers, couples convened at the threshold of the home. Witnesses most often reported spying couples chatting in doorways or on communal steps. Carnaval and other feast days supplied opportunities for unmarried women to "escape the family bastion," albeit dancing and flirting before the prying eyes of family and neighbors alike.[65] (An inordinate number of claimants in Grasse pinpointed the inaugural moment of intimacy around Carnaval or Noël.) In one 1767 case, for example, witnesses reported the couple whispering at the threshold of her father's house, sharing *beignets* during Carnaval,

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[64] In this case, the mother of the accused proved to be the greatest stumbling block for the claimant. She opposed her son's marriage and, even after purportedly relenting, helped her son to escape the town on horseback. ADAM 14B151, Caier d'information [Document 3], 23 April 1785 [Cannes].

[65] Nicole Castan, "The Public and the Private" in Roger Chartier, ed. *A History of Private Life. Vol. III: Passions of the Renaissance* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1989), 414.

dancing together at a neighborhood *bal*, and walking in the public square.[66] Parents who informally recognized a young man as a suitor would receive him in the home, but might also condone unsupervised walks. However 'unsupervised' these walks were, they were publicly visible (and verifiable) encounters that affirmed the couple's existence in the eyes of the community and bound the suitor to his word. Community members could not supply proof of sexual intimacy but could positively attest to the visible, social intimacy the couple enjoyed.

Why did the community observe couples so closely? Historians often anthropomorphize the early modern neighborhood, gesturing to its attentive "eyes" to emphasize the extent of scrutiny.[67] "The surveillance was unremitting," David Garrioch has written of this period, "the curiosity of the neighbours insatiable." In southern France especially, villagers exercised "aggressive curiosity" towards friends and neighbors.[68] As Yves Castan demonstrates in his pivotal study of the Languedoc region, surveillance served as the principal instrument by which community members upheld standards of honor.[69] Witnesses who testified imagined themselves as sentinels standing guard against social disorder. The obscure details they catalogued - and later recounted at court – speak volumes about the behaviors they believed presaged breaches of communal norms around gender, sexuality, and courtship.

In Grasse, the sheer number of witnesses underscores this communal commitment to order. Men and women testified in greater numbers than in Parisian seduction cases and in criminal cases in general. Judges sometimes heard several dozen witnesses over a span of weeks

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[66] Parents who informally recognized a young man as a suitor would receive him in the home or condone unsupervised walk in public spaces to signal their approval. ADAM 14B130, Caier d'information [Document 3], 22-24 July 1767 [Cannes].
[67] Arlette Farge, *Fragile Lives*, 19.
[68] Collomp focuses on the nearby town of Saint-André-les-Alpes, just north of Grasse. Alain Collomp, *La maison du père: famille et village en Haute-Provence aux XVIIe et XVIIIe siècles* (Paris: Presses universitaires de France, 1983), 175.
[69] Yves Castan, *Honnêteté et relations sociales en Languedoc (1715-1780)* (Paris: Plon, 1974).

and, in one exceptional case, as many as 121.[70] Moreover, men and women testified in fairly even numbers. Granted, the scenery against which these testimonies took place was markedly different. Women more often detailed events that transpired in decidedly female spaces, such as around wells, ovens, fountains, or at the thresholds of homes. Men, by contrast, testified about notable encounters in the field, on the road, inside cabarets, or in neighboring villages.[71] Despite this gendered spatial schema, men and women shared equal concern for behaviors that spelled potential impropriety and perpetually stood on guard against them.

This premium on identifying disorder made *grassois* men and women active window-watchers. When Marguerite accused Claude of seduction in 1767, two neighbors reported that they had spied Claude and Marguerite cozily perched on a settee in Marguerite's bedroom.[72] (Their gazes penetrated not one, but two windows, implying that any interaction that people did *not* take pains to hide was open to the witnessing and interpretation of others.) Each woman took care to imply that her surveillance of the house opposite was incidental, rather than intentional. In one unusual case, an older bourgeois man spied the couple in question making "large movements […] that led the witness to believe that [the accused] knew [the claimant] carnally."[73] His clinical account of lovemaking dispelled any notion that he watched out of

[70] Françoise Bayard cites an average of 3-5 witnesses in criminal cases in Lyon during this period. Françoise Bayard, "Témoins et témoignages aux XVIIe et XVIIIe siècles: Le cas lyonnais" in *Les témoins devant la justice: une histoire des statuts et des comportements,* ed. Benoît Garnot (Rennes: Presses Universitaires de Rennes, 2003), 197-208: 200.
[71] Jean Quéniart estimates that, on average, 4 women testified for every 6 men, but that there was more of an equilibrium in rural settings (248). Jean Quéniart, "Sexe et témoignage: Sociabilités et solidarités féminines et masculines dans les témoignages en justice" in *Les témoins devant la justice: une histoire des statuts et des comportements,* ed. Benoît Garnot (Rennes: Presses Universitaires de Rennes, 2003), 247-255.
[72] ADAM 14B130, Caier d'information [Document 3], 22-24 July 1767 [Cannes].
[73] ADAM 7B1019, Extrait du cayer d'Information [Document 3], 13 August 1780 [St. Paul].

prurience or idle curiosity. Few witnesses directly described salacious details.[74] Universally, they insisted that obligations to communal order motivated their surveillance.

To this end, neighbors paid particular attention to behavior that skirted the boundaries of acceptable courtship. Any interaction that seemed engineered to evade or sidestep attention seemed suspect and would be noted in testimony. In one case, a mason noted that he saw the couple alone together; the young woman cried and her alleged seducer consoled her.[75] Above all, late night activity warranted suspicion. Jeanne Marie Bertrand reported spying Claude Roustan leaving his father's house around 4 a.m. and heading toward Marguerite Girard's home. Jeanne Marie lingered nearby, noting that Claude did not emerge for some time. (The witness did not mention why *she* was wandering about so early.) Only months later did she recall these pre-dawn peregrinations after rumors flew surrounding Marguerite's pregnancy and its attribution to Claude.[76] In another case, a witness plumbed his memory for a suspect scene that had occurred nearly two years prior in 1773. The wigmaker noticed the accused enter the claimant's house before midnight, only to leave before daylight, "something that always made him think that he spent the night with [her]." Later, gossip confirmed his suspicions when he learned that the pair had absconded to live together (and raise their illegitimate children) in the countryside.[77]

Surveillance was not just a collective enterprise, but a collaborative one. Witnesses freely mixed direct and indirect knowledge, experience and gossip, cobbling together myriad information in common narratives. As a result, witness testimony sometimes assumed a suspiciously uniform quality. In one case, six witnesses claimed to have spotted Marguerite and Pierre (the claimant and the accused) arranging a vase of flowers together before the window of

[74] By contrast, Parisian witnesses confessed to watching in on sex acts through windows and keyholes, etc.
[75] ADAM 7B1024, Cayer d'information [Document 3], 10 May 1781 [Grasse].
[76] ADAM 14B130, Caier d'information [Document 3], 22-24 July 1767 [Grasse].
[77] ADAM 7B1000, Cayer d'information respective [Document 6], 8 June 1775 [Grasse].

her father's house five months prior.[78] Either a troupe of people had passed the window simultaneously, or Marguerite and Pierre had slowly and painstakingly assembled the alleged bouquet. It is pointless and impossible to prove these witnesses perjurers. But it is reasonable to suspect that women within a neighborhood claimed the first-hand knowledge of close acquaintances as their own. And in relating this shared knowledge, they effectively formed and disseminated "collective hypotheses" about certain events and their significance.[79] In this instance, they did so to validate a greater truth – that Pierre enjoyed entry into Marguerite's home and the two demonstrated a degree of intimacy there. To reinforce this narrative, each of the six witnesses mentioned another incident when she had encountered the couple together, whether whispering at his door, walking alone in the field, dancing at a *bal*, or pressed up against a pine tree.

As the testimonies above suggest, the neighborhood's mouth was as active as its eyes. Tongues wagged especially when community members veered outside unspoken but well-established norms. Gossip was no mere idle pastime. It publicized breaches of honor and impelled offending parties to correct their behavior. By exposing secrets or spreading sensitive information, women especially acted as agents of "social control" who punished those who transgressed norms. Wielded properly, rumors functioned as "powerful weapons" that could destroy reputations.[80] And, across France, rumors were woven into the fabric of witness testimonies. As Karine Lambert points out, female witnesses sometimes spoke in a seemingly collective voice, not only recounting their personal memory of an event, but its larger meaning

[78] ADAM 7B1036, Extrait d'Information [Document 3], 2-9 September 1784 [Antibes].
[79] Quéniart suggests that women were more liable to form such collective hypotheses than men. Quéniart, "Sexe et témoignage," 254.
[80] Nicole Castan, "The Public and the Private" in Roger Chartier, ed. *A History of Private Life*, 418.

within a group or community. Their words were rarely neutral, Lambert continues, and often suffused with "ulterior motives."[81]

But while historians sometimes emphasize how women gossiped or surveyed to the detriment of other women, their testimony in seduction cases demonstrates female solidarity. In one case, two nearly identical testimonies highlight the likelihood that witnesses had embellished or appropriated personal experiences to conform to collective impressions of the contested couple. Catherine Abbo paid a visit to the Marion home but stopped short outside, recognizing the voices of Margueritte Marion and an unidentified man. They were arguing, Abbo surmised, lingering at the threshold. "Jean François, you are a wretch, let me go, don't force me," Margueritte cried, repeating "my father will beat me if he learns." Jean François replied, "I absolutely want to impregnate you because I want you as my wife." Thereupon Abbo burst into the room and saw Margueritte "very surprised" and Jean François Roque "disheveled."[82] It is unlikely that Abbo stumbled upon this crucial exchange. And it is doubly unlikely that Catherine Regnaud overheard the very same conversation, the very same day. More probable is that both women reconstructed dialogue to dramatize the larger conflict of honor at hand: that Roque pressured Marion into sex and Marion performed to gendered expectations by rejecting his advances as best she could. Here and elsewhere, collective narratives emphasized female innocence and male aggression.

Likewise, witnesses repeated rumors that called attention to an alleged seducer's deception. Court testimony catalogued the minutiae of village gossip about the couple, for

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[81] Karine Lambert, "La société des voisins: un outil du contrôle social? Témoignages et criminalité féminine à travers des procédures judiciaires provençales (1730-1850)" in *Les témoins devant la justice: une histoire des statuts et des comportements,* ed. Benoît Garnot (Rennes: Presses Universitaires de Rennes, 2003), 361-372: 362.
[82] Court documents employ variant spellings (Marion and Marrian). ADAM 7B1024, Cayer d'information [Document 3], 10 May 1781 [Grasse].

knowledge about them was as important as their actual behavior.[83] Community members secreted away snippets of conversation that revealed the accused party's dishonorable or dissimulating intentions toward the claimant. Above all, they took stock of indications of his attitudes toward marriage. When Antoine Lautier faced seduction charges in 1784, various witnesses dwelled on his indiscreet boasts about his sexual triumph over Felicité Dony. One noted that he had bragged that "Felicité Dony did everything he told her to, that he made her grab his virile parts and that he made love to her but would not marry her."[84] Antoine's planned disavowal was crucial. It exposed his decision to pursue sexual relations with Felicité despite his awareness that she expected marriage in return. Furthermore, another witness reported, Antoine threatened to break Felicité's arm if she declared against him. Witnesses delivered an unflattering portrait of Antoine: lustful, violent, and incapable of keeping his word. A seducer's deliberate disregard for female honor earned him few allies within the community whose constituents depicted the breach of honor as his, rather than hers.

These allies intervened to protect a young woman when confrontations erupted within couples. Men and women did not stockpile observations about friends and neighbors in anticipation of future court appearance, but in case duty compelled them to take action. Ideally, they might resolve "transgressions against the principles of establish order" before disorder even reared its ugly head.[85] In the realm of courtship, friends and acquaintances interceded to prevent illegitimate pregnancy by disengaging couples whose marriage seemed uncertain. Later, they

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[83] Nearly universally, witnesses began their testimony by mentioning when and how they heard gossip [*bruit public*] of the claimant's pregnancy. They also noted whether villagers had immediately associated the name of the accused with said gossip, a connection that was implicitly incriminating.
[84] ADAM 7B1035, Extrait de procedure [Document 7], 11 August 1784 [St. Paul].
[85] Collomp focuses on the nearby town of Saint-André-les-Alpes, just north of Grasse. Alain Collomp, *La maison du père: famille et village en Haute-Provence aux XVIIe et XVIIIe siècles* (Paris: Presses universitaires de France, 1983), 175.

would negotiate with young men to pressure them to wed mothers-to-be as a means of restoring female honor. Above all, interventions at various stages of seduction demonstrate that witnesses placed a priority on protecting and preserving the reputations of their peers.

In the immediate term, neighbors opted to intervene when they gauged a situation capable of erupting into violence. They stepped in to protect vulnerable people from physical attack, or to reprimand the offending parties after the fact. One such violent confrontation became the focus of Manon Stable's 1763 case against her brother-in-law, Jacques Cronier, for seduction and attempted rape. A host of neighbors watched the altercation begin, whether peering through a convenient hole in the wall or listening from windows. Many noted that they ran to the window and trained their ears precisely upon hearing raised voices. All claimed to recognize the voices of both claimant and accused, reconstructing their dialogue with few variations. Cronier snapped, "Go, you whore, I want to destroy you," to which Stable responded, "You would like for me to behave like a slut but I am an honorable girl." [86] Following this exchange, a number of witnesses reached out to Stable, one offering to let her sleep in her bed for the night. (Stable accepted.) Another witness confronted Cronier's wife, chiding her for failing to stop her husband from abusing his sister-in-law. (She barked back that the girl had stolen one *Louis d'or* from him.) In this instance, neighbors witnessed a breach of honor – a man's mistreatment of his wife's sister – and interfered to forestall its intensification.

More often, intervention took the form of preemptive warnings. Friends and family policed the boundaries of acceptable courtship, confronting couples when their behavior exceeded those bounds and risked harming reputations. When Marianne Lambert discovered

[86] "va f. gueuse avec le mot sale, je veus te faire toute nuire"; "tu voudrais que je fis la gueuse, mais je suis honnête fille." ADAM 7B951, Cayer d'information [Document 2], 16 December 1763 [Grasse].

Veronique Gautier engaging in a tête-à-tête with Joseph Rougon behind closed doors, she protested, "It was not honorable for a girl to let herself be alone in a room with a young man." Joseph claimed to have simply delivered lemonade to Veronique, with whom he hastily departed.[87] Neighbors chided couples for inappropriate public, as well as private, interactions. Henry Pons felt the sharp tongue of the baker's wife when she spotted him kissing and hugging Marie Guizol by a fountain at the fringes of town. The woman told him, "He must not do such things," to which Pons replied that "it was none of her business, he would stay there as long as Guizol remained."[88] Witnesses likely related these interventions to demonstrate their good faith efforts to enforce proper courtship by reining in improper behavior.

When young men and women ignored these warnings, community members no longer confronted the offending parties, but cautioned their parents. One witness noticed Pierre Maure disappear with François Bertrand into a shed one day and promptly instructed Maure's father "that he should watch over his daughter's conduct."[89] Such a warning, repeated at court, subtly indicated the witness's impression of a failure on parents' behalf. The community must not share blame in a young woman's seduction when her father or mother, duly warned, made little effort to stem the tide.

While mere acquaintances reprimanded young people for poor conduct, intimate friends intervened to warn against sexual relationships with uncertain marriage prospects. Young women, especially, registered their wariness of supposed suitors whose promises seemed suspect. Marie cautioned her cousin Françoise that Pierre Antoine Guizol was on the verge of seducing her. But Françoise refused several attractive marriage offers in Pierre's favor, reasoning

[87] ADAM 7B1019, Cayer d'information [Document 5], 9 December 1780 [Grasse].
[88] ADAM 7B929, Cayer d'Information [Document 3], 15 February 1756 [Grasse].
[89] ADAM 7B1003, Cayer d'information [Document 3], 27 June 1776 [Grasse].

that "the good Lord commanded to know only one." Marie thought otherwise, advising her friend not to repeat such a foolhardy idea for "people would laugh at her if she talked that way." Françoise ignored this advice, informing another suitor's go-between that "she had a lover and that she did not want two."[90] The court later found Guizol at fault to the tune of 4,000 *livres* in damages – a considerable sum. However no marriage prospects remained for Françoise. As Marie was keenly aware, her cousin's transgression of sexual norms jeopardized her reputation, and her social and financial future along with it.

Similarly, men confronted peers who risked damaging a woman's reputation by publicly pressing for her hand in marriage despite his parents' objections. A wigmaker reported that he challenged François Albert Isnard for falsely claiming to have married Anne-Marie Debezieux.[91] The local priest also confronted him about "the irregularity of his conduct towards Debezieux," advising François Albert to cease his courtship since he had no hope of marrying her. As the priest explained, "murmurs" about an illicit relationship might damage both his reputation and conscience.[92] In instances like this one, witnesses asserted that they acted out of concern for the young woman who risked abandonment – not out of deference to parental authority.

Community members continued to press their opinions on young men when news of their lovers' pregnancy began to publicly circulate. Having learned her friend Veronique Gautier was pregnant, Marianne Lambert recalled discovering Veronique in an indiscrete position with Joseph Rougon months earlier. She proceeded to march directly to Joseph's house to urge him to marry her.[93] Most often, neighbors verbally admonished alleged seducers. A wigmaker's wife chided her husband's colleague that "he would bear the mark of a dishonorable man if he did not

[90] ADAM 7B1018, Extrait de Cayer d'information [Document 4], 10-14 March 1780 [Coursegoulles].
[91] ADAM 7B956, Cayer d'Information [Document 1], 7 September 1764 [Grasse].
[92] ADAM 7B956, Cayer d'Information [Document 1], 7 September 1764 [Grasse].
[93] ADAM 7B929, Cayer d'Information [Document 3], 15 February 1756 [Grasse].

repair her honor."[94] Another scolded a man who planned to skip town once his baby was born, saying such behavior "was not the mark of an honorable man."[95] Community members did not report reprimanding unwed mothers this way, for they could do little to reclaim their honor. But they sharply criticized young men for possessing the capacity to repair a young woman's honor through marriage and refraining from doing so.

Seduction law distinctly changed when Louis XV outlawed coerced marriage in 1730, however, communities exercised extralegal action as they had before the king's edict. Men and women called to testify at court vigorously defended standards of honor that held men at their word and urged them to restore injured sexual honor. By their own admission, witnesses acted in direct contravention of royal law. Where they could not preempt contentious relationships, they endeavored to pressure reluctant bachelors into marriage with the mothers of their children. As we will see, they faced significant obstacles to this end.

Parents, Sons, and Stumbling Blocks to Honor

Why *didn't* young men cave to pressure and simply repair their lovers' honor? Answering this question in the case of Burgundy, Jeremy Hayhoe proposes that parents led the charge against their sons' accusers, taking center stage in the "public arguing, fighting and disputing" seduction charges provoked.[96] The same was true for the Alpes-Maritimes. *Grassois* defendants did not necessarily oppose marriage outright. Instead, their parents disapproved of marriages these men contracted informally by mutual consent. Money was often their chief

[94] "qu'il fairait le trait d'un malhonete homme s'il ne luy reparait pas son honneur." ADAM 7B1003, Cayer d'information [Document 3], 27 June 1776 [Grasse].
[95] "que ce ne serait pas là le trait d'un honnête homme." ADAM 7B1019, Extrait du cayer d'Information [Document 3], 13 August 1780 [Saint Paul].
[96] Jeremy Hayhoe, "Illegitimacy, Inter-Generational Conflict and Legal Practice in Eighteenth-Century Northern Burgundy," *Journal of Social History* 38 (2005): 673-684, 679.

concern, as would-be brides could not deliver the dowries of which these families esteemed themselves worthy. In the 1760s and 1770s, nearly half of seduction cases entailed parents initially at odds with their own sons. Witness testimonies shed light on these intergenerational conflicts, as well as the failed dowry negotiations that followed. These contentious interactions reveal two visions of marriage at odds: one that balanced considerations of status and fortune against premiums on honor and order, and a second that seemingly undermined honor and order for the sake of money within a market economy.

Caught between these two visions were young men who attempted to select their own spouses, whether by caprice or concerted choice. In so doing, these men aggressively laid claim to intervene in decisions typically reserved for parents. Like their female peers, they envisioned premarital sex as a prelude to lawful marriage, a pact sealing a couple's commitment to each other. Such pacts seem flimsy and unenforceable in retrospect, but many couples reinforced them with crudely scrawled written pledges.[97] The extent to which a couple shared news of its commitment with friends also seemed to demonstrate the seriousness of their intentions. One couple planned to marry "by mutual agreement" in 1732, a claim that four fellow textile workers confirmed verbatim under oath. [98] (In that case, the woman filed seduction charges after mistakenly thinking her lover had abandoned her; he returned to town to carry out his pledge.) Whether verbal or written, marriage pledges tacitly acknowledged the potential opposition of outside parties.

Another unconventional strategy demonstrated a young man's acute awareness or anxiety that his parents might contest his choice; prospective suitors suggested to their intended brides

[97] See, for example, Debezieux v. Isnard, 1764 (ADAM 7B956); Fournel/Niel v. Reybaud, 1775-6 (ADAM 7B1000).
[98] ADAM 9B277, Caier d'information [Document 4], 24 March 1734 [Grasse].

that pregnancy could force reluctant parents' consent to marriage. As Nicolas Guizol reportedly explained to Marie Anne Barbe, "If she became pregnant, his father would be obliged to consent to the marriage."[99] (Marie Anne's eventual predicament demonstrated how much Guizol had overstated the power of communal pressure to force his father's hand.)[100] Margueritte Marrian reported in 1781 that her lover had cited this strategy during the very act of consummation, remarking, "That's the only way to obtain my relatives' consent." By her telling, the same man shared his strategy with as many people who would listen. As Marrian alleged, he "[told] his friends that he wished to impregnate her to more easily succeed in marrying her."[101] Was this strategy simply an enticement to sex, a hook designed to persuade hesitant lovers? It does merit some suspicion; however, third party testimony suggests the sincerity with which men harbored this idea.[102]

Unfortunately, sources fail to show whether this strategy ever succeeded, goading parents into accepting their sons' choices. Instead, seduction cases reflect its frequent failures, whose consequences fell on young women who risked their sexual honor to secure attractive marriage prospects. These women discovered just how little sympathy their lovers' parents harbored for them. Claudine Aubanel, for example, may have assumed that the widow Picard tacitly accepted Aubanel's relationship with her son, Antoine Joseph. Neighbors and friends had alerted the widow to "this inclination," but she did nothing in response, even continuing to receive Claudine

[99] ADAM 9B284, Exposition en Rapt [Document 1], 10 March 1739 [Grasse].
[100] ADAM 14B130, Exposition de grossesse [Document 1], 29 June 1767 [Cannes]. See also Girard v. Roustan, 1769 [Cannes] (ADAM 14B130).
[101] ADAM 7B1024, Requette de plainte [Document 2], 10 May 1781 [Grasse].
[102] See for example ADAM 7B1024, Cayer d'Information [Document 3], 10 May 1781 [Grasse]; ADAM 7B1000, Requette respective de querelle [Document 3], 19 June 1775 [Grasse].

in her home. [103] But the same woman stung Claudine with social rejection after learning of her pregnancy. From Claudine's vantage point, Picard's failure to assert authority over her son implicated her in his guilt. Claudine alleged that Picard had even facilitated the seduction by absenting herself on the day her son first approached her. [104] Mistakenly, she assumed that parents would intervene to preempt unwanted relationships (as community members often did).

Contrary to that assumption, parents like Picard implied that the onus fell on young women to recognize and refrain from pursuing unreasonable matches. Often they aired their disapproval publicly, as if to make it clear that the woman in question proceeded at her own risk. Boutiques were loci for gossip, which exchanged hands along with bread and other provisions. There, parents registered disapproval, whether in offhand remarks or direct criticism, perhaps counting on those present to publicize their protestations. Jean-François Roque's mother griped to the baker's wife that "[her son] courted Margueritte Marrian [Marion], a prospect she must not entertain."[105] The baker himself heard both Roque parents complain of their son's affections, each vowing to refuse consent to such a match.[106] In a similar case, a weaver and his wife reported on parents who vocally objected to their son's inclinations in their shop.[107]

For the parents mentioned above, money constituted the crux of their opposition. Among the 121 witnesses who testified about the alleged relationship of Anne Niel and Antoine Raynaud, many confirmed that the match was "out of the question" for Raynaud's father. One

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[103] "Je scais que lad Aubarel a une dot considerable mais cela ne faira pas que je consente jamais que mon fils epouse une servant." Unlike most claimants, Aubanel was likely an orphan. She made no mention of either parent or family member intervening in her emergent relationship, suggesting a degree of social alienation. ADAM 7B 1006, Cayer d'Information [Document 3], 20 February 1777 [Grasse].
[104] ADAM 7B1006, Requete de querelle [Document 2], 19 February 1777 [Grasse].
[105] ADAM 7B1024, Cayer d'information [Document 3], 10 May 1781 [Grasse].
[106] ADAM 7B1024, Cayer d'information [Document 3], 10 May 1781 [Grasse].
[107] The same woman also attested to having seen Antoine sneak away from Anne Niel's home with her undergarments in hand. (How she knew they belonged to Niel is another story.) ADAM 7B1000, Cayer d'information respective [Document 6], 8 June 1775 [Grasse].

witness recalled that Raynaud *père* had explained his stance with a derisive, singsong rhyme about Niel's measly fortune: "*parce que son fils avait du Bien et que ladite Niel n'avait rien*" (roughly: "Because he had a lot and she had squat"). [108] Like many people of their times, the Raynaud parents intimately allied marriage and economic strategy. These sentiments hardly seem new, however, demographic shifts suggest economic concerns intensified in the latter half of the century. Michelle Pollet points to a sharp decline in masterships (44%) between the 1750s and 1780s to argue that artisans increasingly closed ranks to "safeguard their standard of living."[109] Fewer masterships made the men who possessed or stood to inherit them more handsome suitors who might leverage their enviable position to attract bride of their choice. These developments may have also inspired parents to seek more lucrative marriages to women whose family fortunes matched or exceeded their personal charms.

Conversely, some parents turned up their noses at women with meager or insufficient dowries. Witness testimony often confirmed complaints that described long courtships ending chaotically over dowry disputes. Marie Barbe informed the court their two families had drafted a marriage agreement before her suitor's father objected to her *dot*. [110] Witness testimony in the same case confirmed that he drove a hard bargain, demanding 1,000 *livres* to the 500 her father had offered. [111] Many families could not afford to compromise, having fronted larger sums to dower other daughters. In one 1764 case, the claimant's father had exhausted his means

[108] ADAM 7B1000, Cayer d'information respective [Document 6], 8 June 1775 [Grasse].
[109] Pollet notes that exact data remains elusive, as marriage records often omitted professions of either spouses or their parents. Michelle Pollet, "Les Mariages à Grasse de 1751 à 1760 et de 1781 à 1781," *Alpes-Maritimes et Contrées limitrophes* 18 (1978): 13.
[110] ADAM 9B284, Exposition en Rapt [Document 1], 10 March 1739 [Grasse].
[111] ADAM 9B284, Cayer d'information [Document 4], 20 March 1739 [Grasse].

arranging her sisters' respective marriages to a perfumer and a doctor, leaving little to satisfy the lawyer who demanded more for his son.[112]

Confronted with these dilemmas, some claimants suggested that their lovers' parents deliberately exploited their vulnerabilities to demand larger dowries. In 1776, Pierre Maure explained that her parents frequently received her suitor's parents at home, recognizing them as *comperes* and *commeres* (godfathers and godmothers). After she became pregnant, the same couple belittled those symbolic bonds by insisting on a higher sum. [113] Similarly, in 1784, François Issantier sought to diffuse scandal by arranging his daughter's marriage to her suitor after discovering him in her bedroom. While "several people of distinction" assisted him during negotiations, the man's parents requested a dowry well above his means or *facultés.* [114] That same year, yet another man alleged that his daughter's suitor had deliberately doctored the *articles de mariage* to increase the agreed-upon dowry by as much as 5,000 *livres*.[115] In all these instances, women and their parents identified what they believed to be underhanded tactics that transgressed traditional ways of conducting marital settlements.

By contrast, the parents of alleged seducers accused their adversaries of equally malicious maneuvers. According to Raynaud *père,* the Niel family was large, lacked any fortune, and disliked work.[116] His 1774 countersuit explains how Niel *mère* aimed to entrap the Raynauds by entangling their son in an undesirable liaison. This woman, Raynaud *père* complained, "[created] contempt for paternal authority" and transformed his son into a "prodigal

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[112] ADAM 7B956, Cayer d'information [Document 1], 7 September 1764 [Grasse].
[113] By Maure's account, Bertrand *père* had manipulated a delay in their marriage plans to "demand a dowry that exceeded their *facultés*." ADAM 7B1003, Requette de querelle [Document 2], 26 June 1776 [Grasse].
[114] ADAM 7B1035, Requette de querelle [Document 2], 28 January 1784 [Grasse].
[115] ADAM14B151, Requette en information [Document 7], 1 November 1784 [Cannes].
[116] ADAM 7B1000, Requette respective de querelle [Document 3], 19 June 1775 [Grasse].

child."[117] An alleged seducer's mother launched similar claims in a 1785 case, decrying attacks against her authority. To the local priest, she railed against the claimant's father, who had purportedly boasted "[their marriage] will take place whether you like it or not." [118] Parents like these insisted that claimants' families doggedly pursued bachelor sons for the sole purpose of social ascension.

The allegations above rested on presumptions of claimants' social inferiority. However many matches were not so clearly uneven. Parents of accused seducers and their victims often exercised the same professions and inhabited the same neighborhoods – a sharp contrast to the deep divides between Parisian claimants and defendants. Case outcomes may indicate whether judges like François Fanton d'Andon shared one particular side's interpretation of its relative social status, but sentences are frustratingly scant and reflect factors beyond social position. For example, judges sided with a bourgeois mother in one 1769 case whose considerable damages reflected the fact that her daughter's noble seducer had taken her by force (see Figure 2 below). Those caveats aside, judges seemed to order damages proportional to the status of an accuser's father and his perceived equivalence or superiority to the accused. Some of the heftiest sums (1,000 *livres* or more) fell on convicted seducers who occupied a similar station as claimants (see cases from 1731, 1780, and 1784). (These figures also seem to confirm Nicole Castan's conclusion that damages echoed social position, amounting to "sums analog to the dowry [the women] might hope for."[119]) Smaller sums likely reflected the convicted man's perceived inability to pay more. For example, the paltry amount (60 *livres*) won by a worker's daughter did

[117] ADAM 7B1000, Requette respective de querelle [Document 3], 19 June 1775 [Grasse].
[118] ADAM 14B151, Caier d'information [Document 3], 28 April 1785 [Cannes].
[119] Nicole Castan, *Les criminels de Languedoc: les exigences d'ordre et les voies du ressentiment dans une société pré-révolutionnaire, 1750-1790* (Toulouse: Association des Publications de l'Université de Toulouse-Le Mirail, 1980), 174.

not necessarily reflect her failure to convince the judge of her lover's indiscretions; instead, it reflected the judge's awareness that soliciting any higher sum from a mule driver was close to impossible.[120] Overall, conclusions based on sentencing are tentative at best, but demonstrate the importance of social position.

Year	Profession/status of accuser's father	Alleged seducer's profession	Damages to accuser	Damages to court	Other
1731	Noble	Noble	1000	500	
1733	Mule driver	Cobbler's boy	0	0	
1746	Fish seller	Carpenter	500	0	
1753	Cabaret owner	Son of independent farmer (*Ménager*)	700	50	
1755	Salaried worker (*Travailleur*)	Son of independent farmer (*Ménager*)	300	0	
1755	Cobbler	Soldier	300	0	
1764	Tailor	Perfumer's boy/apprentice	0	0	Banishment
1769	Merchant	Baker	1500	300	
1769	Bourgeois	Noble	6000	0	Hanging
1772	Worker (*Travailleur*)	Mule driver	60	0	
1776	Worker (*Travailleur*)	Mason	300	0	
1777	Sailor	Cobbler's boy	20	0	
1780	Independent farmer (*Ménager*)	Son of independent farmer (*Ménager*)	4000	0	
1780	Farrier	Coppersmith's boy	700	0	
1783	Independent farmer *(Ménager*)	Wigmaker	100	0	
1784	Merchant	Merchant	10000	0	

Figure 2 – Sentences available for Grasse seduction cases

Equally problematic, sentencing records fail to account for extrajudicial settlements that took place beyond the *palais royal*, leaving no official traces. In all likelihood, some claimants probably dropped charges after successfully pressuring accused parties into marriage or monetary demands. Even if records of these settlements no longer exist, witness testimonies

[120] Jeremy Hayhoe points out that 600 *livres* was an incredible sum for workers who earned about 50 *livres* yearly. Jeremy Hayhoe, "Illegitimacy, Inter-Generational Conflict and Legal Practice in Eighteenth-Century Northern Burgundy," *Journal of Social History* 38 (2005): 673-684.

bear traces of earlier attempts at reconciliation. Community efforts to negotiate between couples and their families indicate some credence in the idea that whatever social differences existed, they were ultimately surmountable. Nevertheless, appeals to honor failed to sway parents who objected to potential brides on the basis of insufficient dowry. After Pierre Maure became pregnant but before she pressed formal charges against François Bertrand, community members attempted an extralegal reconciliation. Wigmaker Lazare explained that he had accompanied François's father to Maure's house, where the men settled on a sum for the girl's dowry. But her father subsequently reneged and the agreement dissolved. [121]

Similarly, farmer Joseph Raymond acted as an intermediary in a 1776 dispute between neighbors Françoise Serrein and Jean Honnoré Laugier, nicknamed "the handsome peasant." The girl's father requested Raymond's presence "to settle his daughter's affair" after appointing a lawyer to serve as witness to the subsequent dowry negotiations. But when the dowry fell short, the marriage fell through as well. [122] These instances of intervention suggest that community members believed small barriers of fortune could be overcome. As a result, they were actively invested in restoring breaches of honor through marriage. [123]

On occasion, those intermediaries directly contravened paternal authority by helping a young man to contest parental will. In one case, a parish priest described how the alleged seducer's mother approached him to ask whether her son, then only seventeen, could legally

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[121] ADAM 7B 1003, Cayer d'information [Document 3], 27 June 1776 [Grasse]. Whereas Nicole Castan suggests that "influential men" like clergymen, bourgeois, and noble lords were often selected as intermediaries or *entremetteurs* in other legal confrontations, intermediaries in seduction cases often ran the gamut, potentially chosen on the basis of personal relationships rather than social position. Nicole Castan, *Justice et répression en Languedoc à l'époque des lumières* (Paris: Flammarion, 1980), 26-36.

[122] ADAM 7B1005, Cayer d'information [Document 2], 27 January 1777 [Grasse].

[123] By contrast, go-betweens in Paris more often performed the opposite role, offering women paltry sums to quietly rescind their claims and drop their insistence on repairing honor through marriage. The case of Jerosme Gazan and Marie Bernard is one of few *grassois* cases resembling the Paris model. Gazan offered Bertrand two *Louis d'or* after she requested 50 *livres*. ADAM 7B929, Extrait d'Information [Document 3], 6 July 1753 [Vallauris].

marry without her consent. The priest replied that legally he could not. Nevertheless, the cleric refused to discourage the girl's father from seeking to pressure marriage. Later, he even supplied a letter to the archbishop that would facilitate the marriage *without* the consent of the boy's mother.[124] Here and elsewhere, community members weighed the risks and rewards of facilitating a marriage that subverted parental authority. They viewed parents as obstacles to suitable matches that served social order in some way.

More precisely, neighbors and spiritual guides may have sought to prevent prolonged intra-familial feuds. All were keenly aware that conflicts over seduction could develop into long acrimonious disputes punctuated by bouts of violence. The aftermath of a failed case between Catherine Gras and Pierre Girard is a case in point. By 1787, Pierre claimed that Catherine's siblings had savagely beaten him on multiple occasions, and while he had tried to avoid the family altogether, they declined to do the same: one of her sisters, he alleged, had drugged his casserole at a local inn.[125] Called to substantiate Pierre's claims, witnesses elaborated on numerous altercations spanning several years. Some detailed intentional provocations that incurred violent reprisals, like the time Pierre accosted Catherine, thrust herbs into her hands, and informed her that they would heal the clap. Others described a more recent fight that erupted after Catherine's illegitimate daughter approached Pierre in the market and asked "Father, where are you going?" to which he reportedly replied, "Shut up, bitch." By then, some neighbors were wary of this seemingly unending cycle of violence. One man admitted that he had once literally turned his back on the couple "so as not to witness the altercation."[126] Perhaps he – and others among the 37 who testified – preferred that families preemptively settle disagreements with the

[124] ADAM 14B151, Caier d'information [Document 3], 23 April 1785 [Cannes].
[125] ADAM 7B1046, Requette respective de querelle [Document 2], 24 April 1787 [Grasse].
[126] ADAM 7B1035, Cayer d'information [Document 4], 1/30 May 1787 [Grasse].

help of intermediaries. Conflicts like these demonstrate how couples and their parents were not the only stakeholders in marriage: the community itself shared an interest in the successful resolution of contested relationships.

Pinpointing why and how courtships degenerated into seduction charges reveals intersecting conflicts over the meaning and function of marriage. Where young men sought to establish bonds based on personal preference, their parents cared increasingly about dowry amounts. Alleged seducers found themselves pinned between these commercial considerations and communal expectations that they wed their former lovers.

Shifting Standards of Male Sexuality

Some men seemed to only begrudgingly join their parents in opposing marriage, whereas others simply employed rhetoric of parental authority as a strategic shield; they had perhaps never intended to wed whatsoever. Deciphering each man's motivations or emotional state is impossible given the available sources. Whatever the case, parental authority and permissive sexuality became strange bedfellows in *grassois* defense strategies. Accused men combined professions of respect for parental power with denunciations of female sexuality gone awry to justify broken promises and blemished honor. Granted, accused men had levied accusations of libertinage and prostitution against claimants in the past. However these charges now accompanied defenses of parental authority that excused young men from the consequences of pre-marital sex. Ultimately, judges meted out sentences that reinforced the importance of parental consent to marriage and, in turn, tolerated less stringent limits on male sexuality, often to the detriment of young women.

Why did men go along with their parents? When their partners became pregnant, they found themselves caught between conflicting expectations: to act honorably while betraying their

parents, or to obey their parents while running roughshod over community standards. Initially, many men chose the first course, attempting to orchestrate reconciliations or protesting their parents' position. Evidence of friction manifests in witness testimony. A witness in one case recalled how the alleged seducer had threatened to set fire to his father's house if he declined to consent to the marriage.[127] In other cases, signed marriage promises and flowery love letters attested to the couple's mutual affection and solidarity against parental disapproval.[128] Even men who failed to express love or affection cited their duty to restore female honor. As Antoine Isnard said of the woman he impregnated, "She was not pretty, but good manners obliged him to marry her." Isnard had reached this decision after consulting the Holy Spirit, as well as four doctors from the Sorbonne.[129] Further witnesses noted that he had resolved to stand by her, despite his parents.[130] And indeed, for several months he refused to abandon her.

But most of the men who once stood by their would-be brides adopted their parents' line and, in the process, participated in scathing attacks against their former lovers. During protracted cases, they performed sudden about-faces, initially vowing loyalty to would-be brides and later standing by their parents. Jeremy Hayhoe recognizes a similar pattern in the case of Burgundy, where young men migrated swiftly from "acceptance of the child and even continued assurances to marry the woman, to open contempt and insults by the time the case came to court."[131] Such was the case for Antoine Raynaud in 1776. Having tried and failed to do "everything possible to obtain his father's consent," Raynaud joined his parents' campaign to depict his longtime lover's

[127] ADAM 7B1000, Cayer d'information respective [Document 6], 8 June 1775 [Grasse].
[128] See for example, ADAM 7B956, Requette en continuation d'information [Document 2], 11 October 1764 [Grasse].
[129] ADAM 7B956, Cayer de Continuation Information [Document 3], 23-24 October 1764 [Grasse].
[130] ADAM 7B956, Cayer d'Information [Document 1], 7 September 1764 [Grasse].
[131] Jeremy Hayhoe, "Illegitimacy, Inter-Generational Conflict and Legal Practice in Eighteenth-Century Northern Burgundy," *Journal of Social History* 38 (2005): 673-684, 679.

mother as a procuress who had swindled him into courting her daughter. [132] Another young man scrambled to depict his efforts to wed the claimant as the fruits of coercion: the girl's father, he explained in 1785, had threatened him with a baton to solicit a letter of support for their marriage from the local priest. [133] If conflicts between sons and parents were the seedlings of sentimental love and marriage, those seedlings did not always flower.

Collectively, alleged seducers and their parents depicted claimants as wanton women to discredit them and dispute outright any claims to courtship. They often opposed seduction charges with allegations of their own: defamation, prostitution, and libertinage. Countersuits necessarily upheld a binary between honorable women who deserved the law's protection and dishonorable women who did not. Women proven to have entertained more than one sexual partner, or to have accepted remuneration for sex, deserved no such protection. Here, alleged seducers took their cues from judicial precedent that harshly condemned women who regarded sex as a means of entertainment or profit. When Marie Antonio faced charges of feigning her own pregnancy to bribe would-be fathers, a slew of young men testified to the fourteen-year-old's unsavory pastimes. Several stated that Antonio had lurked about the Cathedral, sidling up to male churchgoers before plunging her hands down their pants, inquiring "*tu bandes?*" (Do you have a hard on?), and beckoning them to the crypt.[134] Although these men claimed to have refused her solicitations, Marie earned the designation of prostitute for her flagrant advances. (Indeed, she was accordingly branded with the *fleur de lys* and perpetually banished.)

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[132] Raynaud had not also produced a written and signed marriage promise. ADAM 7B1000, Interrogats et reponses [Document 7], 4 April 1776 [Grasse]; ADAM 7B1000, Requette en information [Document 1], 7 June 1775 [Grasse].
[133] ADAM 14B151, Interrogation [Document 4], 28 April 1785 [Cannes].
[134] ADAM 7B950, Requette en Information [Document A], 19 January 1763 [Grasse].

Alleged seducers who could not deny their relationship with the claimant portrayed her as a tawdry slut.[135] They slung insults like *putain* or *garce* (whore or bitch), epithets that designated women who seemed to invite sex, whether or not they were proven to have multiple partners. After Angelique Charlotte Macarry identified Jacques Maure as the author of her pregnancy in 1789, he fired back with a countersuit that charged her with *libertinage*. Witnesses to his defense confirmed only one sexual liaison. Descriptions of this encounter – during which she reputedly lost her virginity – hardly made her out to be experienced in, or desirous of, sex. But Macarry's attitude toward this encounter proved incriminating. One witness reported that Macarry had "laughed like a madwoman" when asked about her rumored lover.[136] Her behavior diverged from the dictum that honorable women not only refused sex, but blushed at its mere mention.

Concern for paternity undergirded claims of promiscuity. If impelled to marry their accusers, defendants implied, alleged seducers risked raising another man's child. Such a fate was "humiliating" but not uncommon. According to Nicole Castan's study of the Languedoc, bourgeois families of considerable rank and fortune preferred to negotiate extralegal settlements by which "a poor and defenseless man" accepted marriage in exchange for a dowry larger than he might otherwise expect. However compelling the offer, it proved a source of shame for the man's family and his own personal pride: one man described it as willfully becoming the local "laughing stock."[137] Still, men accepted such dowries for fear of an unwanted trial and its incalculable expenses.[138] In Grasse, butcher Antoine Ricord implied as much when he filed a

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[135] A few examples: ADAM 7B 929 (Vallauris, 1756), ADAM 7B 943 (Grasse, 1761), ADAM 7B 1020 (Euziere, 1780).
[136] ADAM 7B1053, Informations [Document 3], 16 December 1789 [Saint-Cézaire].
[137] Castan, *Criminels de Languedoc*, 175.
[138] Nicole Castan cites several sayings common to this period that express general antipathy toward involvement in legal battles: "Mieux vaut garder son argent que plaider" and "Un mauvais accord vaut mieux qu'un bon procès." Castan, *Justice et répression en Languedoc,* 15

formal suit of prostitution against his wife Anne in 1786. Seventeen years before, he protested, Anne's parents threatened to slap him with seduction charges if he did not wed her. Despite his compliance, Antoine complained that he could no longer keep silence about a woman who acted as "a communal oven where everyone cooks his bread."[139] The practice of seduction law increasingly favored defendants over the course of the eighteenth century but many alleged fathers perceived the opposite to be true. In their estimation, seduction was a form of fraud by which enterprising parents pressured bachelors into marrying dishonorable women and fathering their bastard children.

Accordingly, many accused seducers pointed the finger at other potential fathers in an effort to sow doubt both among the community and within the court. When Anne Marie Bertrand accused Jerosme Gazan in 1756, one witness stated that Gazan had confided in him that he had slept with Bertrand three times, but the timing of her pregnancy did not match those liaisons. He remarked that Bertrand chatted frequently with the neighboring surgeon, Picard, who even visited her home. Finally, Gazan said offhand of their first encounter, "The breach had been made by someone else."[140] By questioning the state of her virginity, the accused attempted to divert attention from himself by drawing it toward the claimant's failed abstinence. In another case, an alleged seducer adopted the same strategy – this time relying on testimony that another man had attempted to rape the claimant. The alleged rapist himself even obliquely confirmed this claim.[141] Sidestepping any allegation of the claimant's moral failings, the accused nevertheless opened the possibility that another man had benefitted from an opportunity to father the child in question.

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[139] ADAM 7B1042, Requette de Plainte [Document 1a], 4 May 1786 [Grasse].
[140] "faitte au métier et que la Breche avait été faitte par quelqu'un autre." ADAM 7B929, Extrait d'Informations respectives [Document 3], 6 July 1753 [Vallauris].
[141] ADAM 7B990, Informations [Document 4], 15 November 1774 [Chateauneuf].

More often, alleged seducers gestured to the claimant's multiple, unnamed – and unsubstantiated - sexual partners. Louis François Jaume alleged that his accuser was the true seducer, and had sought to make him "a victim of her debauches." Marie Suzanne Clement lived with her blind aunt, carrying out a life of libertinage before her unseeing eyes with "several young men and even married men."[142] Pressed to identify those men, Jaume demurred. Others like Jaume relied on this tactic, admitting to sexual relationships with claimants, but implicating these women in various other relationships. In one case, a score of witnesses related conversations in which the accused acknowledged having slept with his accuser, but claimed of her pregnancy, "He did not start or finish the job." This oft-repeated statement might attest to his imperfect knowledge of the human reproductive system. But it also implied that the existence of multiple sexual partners exonerated him.[143] Blame belonged with the accuser for having treated her sexual honor so lightly by sleeping with multiple men.

Unlike their female counterparts, unmarried men implied they were not beholden to premarital abstinence - or limited to one sexual partner. Jean Joseph Cresp saw little danger in his dalliances with Marie Clere Girard. When pressed for details of his relationship with her, Cresp replied to his interrogator, "If from time to time he fooled around with Dlle Girard, everything was in fun and games and he had no intention to ravish her of her honor."[144] But "fun and games" for Cresp spelled potential ruin for Girard. A double standard clearly prevailed. One piece of testimony neatly encapsulates these uneven expectations. "He could not deny that he could be the author of Girard's pregnancy," Antoine Isnard reportedly told one witness, "but if a young man had to marry all the girls he had relations with, that would be a great deal of

[142] ADAM 7B943, Requette en Information [Document 5], 29 December 1763 [Grasse].
[143]ADAM 7B963, Informations [Document 3], 14 August 1766 [Grasse].
[144] ADAM 7B986, Interrogats et reponses [Document 4], 18 December 1773 [Grasse].

work."[145] Here and elsewhere, Isnard's tacit admission of having had multiple sexual partners seems an object of pride, rather than shame. His primary purpose was to pursue pleasure while avoiding incrimination. However most men lacked knowledge of basic birth control methods like *coitus interruptus*.[146] Consequently, young men struck a tenuous balance between following their fancy and avoiding the thorny consequences of pregnancy.

When those consequences reared their heads, these men manipulated rhetoric of parental power and standards of sexual honor to justify their own behavior and condemn that of their accusers. This route promised considerable rewards and few risks. At most, an alleged seducer suffered financial damages and momentary public embarrassment, but "his sin did not cloud his future." [147] By contrast, for the unwed mother, past sexual indiscretions cast a pall over both present and future. In the past, community members had rectified this imbalance by reconciling couples and thus restoring female honor. But the 1730 edict on seduction expressly forbade coerced marriage, and judges' staunch adherence to the law translated to de facto toleration of premarital sex among young men. Meanwhile, unwed mothers received no such clemency: they could *not* deploy rhetoric of parental power to press their own claims, and accordingly bore the brunt of social stigma surrounding unwed pregnancy.

Conclusion

In his account of everyday life in eighteenth-century France, André Burguière depicts communal and familial pressures operating toward the same ends. Both promoted obedience to

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[145] "Antoine Isnard dit au deposant qu'il ne pouvait pas nier qu'il ne feut l'auteur de la grossesse de lad Girard, mais que sil fallait Epouser toutes les filles avec lesquelles un jeune homme peut avoir afaire on aurait bien de la besogne." ADAM 7B 963, Informations [Document 3], 14 August 1766 [Grasse].

[146] A neighbor in the case chided Isnard for failing to employ these precautionary measures. ADAM 7B 963, Informations [Document 3], 14 August 1766 [Grasse].

[147] Olwen Hufton, *The Prospect Before Her: a History of Women in Western Europe* (New York: Alfred Knoft, 1996), 302.

authority at the expense of personal whim or pleasure. As a result, only porous boundaries separated early modern families from surrounding communities.[148] However seduction suits betray more friction between families and communities than this portrait allows. Community expectations of how courtship should function clashed with parental expectations of how sons should conform to strategic marriage plans. Honor remained at the fore of community expectations of marriage, but receded in the calculations of the parents of eligible bachelors. In turn, neighbors and friends proved less capable of forcing marriage as a mechanism for repairing honor, not necessarily because men pushed back, but because their parents did. The communal model of the couple – which owed its existence to external surveillance and affirmation – receded only because parents more stubbornly asserted their priorities, and the law empowered them to do so.

The men who evaded community pressures bore the appearance of bucking traditional expectations and pursuing individual priorities. However, many simply leveraged parental expectations against communal ones. *Provençal* tradition had long enshrined patriarchal authority, but royal law expressly prohibited marriage without parental consent in 1730. From then on, young men wielded parental objection as a rationale to justify their failure to fulfill informal marriage pacts. In this new context, the consequences of pre-marital sex for young men were primarily material and comparatively light: payment of damages.

Granted, women *did* reap handsome financial rewards when they pursued seduction charges successfully. Sentences are available for only a third of all cases, but the average amount exceeded 1,000 *livres*; although a few large settlements skew this sum, most damages won

[148] André Burguière and Jacques Revel, *Histoire de la France: Les formes de la culture (*Paris: Editions du Seuil, 1993), 47.

exceeded the amount any Parisian claimant could possibly hope for. All the same, those outcomes only confirmed the notion that reputations and relationships might be reduced to monetary terms. Judges permitted men to engage in pre-marital sex if they paid for it eventually, a message that flew in the face of community members who envisioned marriage as the sole means to repair injured honor. In the long run, forces typically associated with tradition – including royal law, community surveillance, and parental authority – exerted competing and contradictory pressures that produced an apparent change in mentalities: newly permissive standards of male sexuality that turned a blind eye to the indiscretions of bachelors. Young men gained sexual autonomy as the century progressed, but they did so at the cost of their female peers, who found themselves subject to renewed (and increasingly unforgiving) expectations of chastity.

This development suggests that one change associated with the Revolution was already well underway in France long before 1789. Jacques Mulliez and Marie-Claude Phan have shown how revolutionary law liberated men from paternal responsibility unless they intentionally chose it. As Mulliez explains, marriage and fatherhood were tightly entwined under the Old Regime, but by contrast, revolutionaries endorsed an affective vision of fatherhood that existed independently of marital bonds. But a child could not simply claim a man his father based on "the simple fact of birth" alone: "the biological father needed to declare himself a father."[149] By this logic, revolutionaries effectively discontinued the practice of paternity suits, whose outcomes contravened the will of fathers. Phan characterizes these changes as "nothing revolutionary," since jurists had long criticized the power of paternity suits to saddle the

[149] Jacques Mulliez, "La volonté d'un homme" (289-327) in *Histoire des pères et de la paternité,* eds. J. Delumeau & D. Roche (Paris: Larousse, 2000), 289-327: 292/296.

responsibilities of fatherhood on the wrong man.[150] However inevitable these changes were, their origins are fairly surprising. This chapter proposes that the monarchy itself helped to detach marriage from paternity and ally paternity with personal will. With the edict of 1730, Louis XV prevented communities from enforcing standards of honor that demanded men marry women they had impregnated. A law designed to empower parents effectively emboldened their sons to refuse fatherhood (or marriage) that they had not willingly elected.

Motherhood, by contrast, was certainly no question of will, either during the Revolution or before it. Unwed mothers could not stave off the consequences of sex with the same ease that their erstwhile lovers did. These women suffered from the fallout of misplaced faith that honor obliged young men to fulfill marriage pacts sealed with sex. On the basis of this miscalculation, they appeared at court, sheepishly demanding damages. These sums (which far surpassed those awarded in Paris) provided some recompense for these women and their families.

Still, royal law placed marriage beyond their reach. This disappointment must have blindsided women who had engaged in long, public courtships, confident that community recognition would function as a kind of insurance were their suitors to abandon them. Royal law flew in the face of justice as they knew it, granting men leverage to refuse a marriage that had existed in all but name. It toppled women's expectations of courtship and reined in their partial autonomy to make informal, mutual bonds with the expectation of their enforcement. In short, as the competing interests of state, community, and parents edged up against each other, these women felt the ground shift beneath their feet.

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[150] Marie-Claude Phan, "La Séduction impunie, ou La fin des actions en recherche de paternité" in *Les Femmes et la révolution française : actes du colloque international, 12-13-14 avril 1989 Université de Toulouse-Le Mirail*, ed. Marie-France Brive (Toulouse: Presses Universitaires du Mirail, 1990), 2:53-64: 60.

Chapter 3
City of Seduction:
Mobility, Migration, and Moral Chaos in Paris

To Louis-Sébastien Mercier, desire and danger conspired together behind Parisian corners. "Woe to the innocent heart," he warned, "who dares visit this city of seduction without friend or mentor." Everywhere, traps were laid to snare the solitary newcomer. Life in the provinces had in no ways prepared him to distinguish between authenticity and artifice, or – more precisely – between honorable women and whores. "In place of love," Mercier wrote euphemistically, "he will find only simulacrum." Gesturing more directly to the traveler's inevitable brush with prostitution, Mercier remarked that "pleasure is mercenary and misleading."[1] Everywhere in this vignette from *Tableau de Paris*, the archetypal outsider remained male – and the deceptions perpetrated against him implicitly female. By Mercier's account, women adeptly manoeuvered the urban landscape to manipulate men whose alienation rendered them defenseless. This portrait played on a familiar theme: that the capital city severed the bonds of solidarity that unified French villages and even smaller cities like Grasse. Urban space inverted social and sexual order, and in this dystopic scenario, men became the improbable victims of seduction.

But to historian David Garrioch, Mercier's hellish portrait of Paris is mere hyperbole. "The real Paris," Garrioch asserts, boasted remarkable social cohesion. Urban neighbors were as close as their rural counterparts. "Each neighborhood was a little like a village," Garrioch writes. "Its residents," he continues, "were familiar with everyone's habits, moods, and daily

[1] Louis-Sébastien Mercier, "Dangers," *Tableau de Paris,* 12 vols. (Amsterdam: 1782-1783), I:34.

movements."[2] Familiarity bred solidarity, and solidarity reinforced the role of reputation in turn.[3] In short, urban life did *not* spell social chaos. Family and community extended and interlaced protective hands around the young men and women among them. For Garrioch, this picture of the "real Paris" reminds historians not to take contemporaries at their word, to avoid mistaking eighteenth-century perceptions of reality for reality itself.

All the same, Mercier's vignette merits closer examination. Even if exaggerated, it encapsulates deep disquiet about the moral consequences of migration and mobility. Throughout, Mercier associates danger with women who live apart from family, operate outside paternal control, and defy traditional rules of reputation. Such women were plentiful in late eighteenth-century Paris. Economic need beckoned poor, provincial women toward Paris to work and amass dowries. Meanwhile, their Parisian-born peers also pursued opportunities beyond their parents' roofs and amongst unfamiliar faces. Members of both groups existed at the fringes of tightknit neighborhoods where reputation was difficult to establish and even more difficult to defend. Their expanding geographic orbits wholly destabilized family and community as safeguards against seduction, shame, and scandal.

Against this backdrop, Paris indeed became the "city of seduction" of Mercier's description, but its gendered dynamics operated in direct opposition to Mercier's schema. This chapter investigates how seduction assumed new substance and significance as a direct consequence of migration and mobility. It draws from over 275 court cases from all neighborhoods of Paris classified as *séduction* or *rapt de séduction* between 1730 and 1790, including all cases heard at the Châtelet at five year intervals, as well as a selection from

[2] David Garrioch, *The Making of Revolutionary Paris* (Berkeley: University of California Press, 2002), 28-29.
[3] Garrioch, *The Making of Revolutionary Paris*, 28-29.

individual police files that did not reach the higher courts. The bulk of these cases (about 250) did not remotely resemble *rapt* as royal lawmakers intended it. Instead, most were paternity suits by another name, as women elected to pursue criminal charges in lieu of civil ones, which necessitated greater expense.[4]

Unlike their *provençal* peers, these claimants lived and work away from home. Whether hailing from Paris or the provinces, they went to police commissioners unaccompanied by parents or guardians. Pinning down the precise proportion of migrant-to-native claimants is nearly impossible; clerks typically recorded current residences, remarking on country of origins only when women volunteered this information. But case files make clear that the vast majority of Parisian claimants were detached from protective social networks, whether they had travelled leagues from home, or simply to the other side of the Seine. Rarely ever would window-watchers supply incriminating proof against alleged seducers as they had in Grasse. And rarely ever would they register protest against uneven relationships; wide social gaps separated Parisian claimants from the men they accused, but in sharp contrast to Grasse, witness testimony reveals no collective effort to preempt poor matches or hold men to unmet promises. Certainly, community support likely coalesced around some women, insiders whose successful out-of-court settlements remain invisible to the historian. But for outsiders, the law remained their sole reliable recourse, not simply an alternative or complement to extrajudicial action.

As a whole, these cases reveal that urban geography *did* deal a blow to the power of community, despite the apparent continuities that Garrioch identifies. Women felt this shock acutely, as social alienation compounded their sexual vulnerability. By comparison, men who

[4] Marie-Claude Phan, *Les amours illégitimes, histoires de séduction en Languedoc (1676-1786)* (Paris: Éditions du CNRS, 1986), 8. See also Chapter 1 of this dissertation for an explanation of legal costs.

sought sex without marriage could ably manipulate the urban landscape to their personal advantage. Some set their sights on migrant women, whose isolation from familial and community networks minimized unwanted scrutiny. Others conducted affairs with Parisian-born women in far-flung locales to skirt neighborhood surveillance. Cheaply rented rooms or *chambres garnies* enabled discrete liaisons and left only threadbare proof of their existence. In sum, ease of movement facilitated anonymity and unencumbered sexual encounters, changes that worked to the detriment of migrant and mobile women in Paris.

Why, then, did Mercier view men as the principal victims of this shift? His position reveals the widening gulf that separated standards of honor from the realities of life in Paris and other urban centers. Despite the escalating frequency of work beyond the home, no model illustrated how unmarried women might live honorably apart from their parents, friends, and neighbors. Instead, their economic and social vulnerability simply cemented a classed association between spatial mobility and sexual dissolution. Accused seducers pointed to claimants' unsteady employment, independent lodgings, and acceptance of material gifts as evidence of their prostitution – rather than their poverty. From this vantage point, these men had not exploited their accusers' tenuous social position as a means to solicit sex. Instead, women deployed sex to secure material support from men of superior wealth and social standing. This calculus encouraged men of means to envision themselves as victims of venal sex, rather than perpetrators of seduction. How could their behavior breach codes of honor when the women who levied accusations against them possessed no honor of their own? This argument diverged sharply from those employed by *grassois* men, which revolved around rhetoric of parental power. But the two strategies proved complementary, each endorsing male sexual autonomy and condemning its female counterpart.

Ironically, women assumed considerable risks to attain reputation and respectability, but such risks mounted obstacles to these very goals. Marriage prospects never materialized for many women who left home for the sake of work. Instead, unwed pregnancies followed from unmet promises, further jeopardizing their futures. As a result, work increasingly reinforced boundaries between poor, mobile women and their highborn, sedentary peers. Those distinctions would become even sharper in subsequent decades alongside the consolidation of bourgeois standards of sex, gender, and family. In the interim, the promises that prompted women to work beyond the home proved ever more elusive.

Migration & Moral Chaos

The section of *Tableau de Paris* entitled "Physiognomy of the Great City" began with an uninspiring metaphor: Louis-Sébastien Mercier likened Paris to a pumpkin to evoke its *rondeur*. But comparison to an inert mass belied the city's sheer force and dynamism. Paris was at once a vortex of opportunity and danger. It pulled poor, provincial women and girls toward itself irrevocably. As young as twelve-years-old, they migrated there to contribute to family economies or to cobble together dowries.[5] "For most," Olwen Hufton notes, "there can have been no element of choice at all," as young women of this period hardly faced "a dazzling array of options."[6] The "push factor" of economic necessity motivated migration more so than the "pull factor" of making a new life in the swelling capital city.[7] Or, as one woman put it in 1785,

[5] See Chapter 2 ("The Strategic Plan: Marriage as Goal") in Olwen Hufton, *The Prospect Before Her: A History of Women in Western Europe* (New York: Alfred A. Knopf, 1996). See also Sabine Juratic, "Solitude féminine et travail des femmes à Paris à la fin du XVIIIe siècle," *Mélanges de l'Ecole française de Rome. Moyen-Age, Temps modernes* 99 (1987): 879-900.
[6] Hufton, *The Prospect Before Her*, 79.
[7] Sarah Maza argues this point for domestic service in cities, but I apply it to most work performed by migrant women in Paris who sought wages and shelter. Maza, *Servants and Masters*, 45-6.

"the misfortunes that befell her family" prompted her to abandon her *patrie* for Paris.[8] All migrant women assumed significant risks in taking this step. Distance from home isolated young women from their families, as well as wider networks of kin and community. Beyond the protective embrace of family and neighbors, migrants experienced alienation that exposed them, in turn, to attacks on their sexual honor. This vulnerability imperiled the very goal these women sought to accomplish through their work in Paris: stability through work and marriage.

Even the most meticulously made plans unraveled from the very moment migrants left home. Such was the case for Jeanne Marie Grillon, who launched seduction charges in December 1785. Barely a year before, she had waved her widowed mother goodbye, leaving Bretagne to establish herself in Tours. Like most migrant women, Jeanne Marie did not "sally off into the totally unknown." Relatives and neighbors would likely have sought suitable work based on their contacts and her perceived skills.[9] Her decision to surpass the closer cities of Nantes and Rennes is curious, but likely owed to familial or professional connections in Tours. Whatever the case, Jeanne Marie entered into service there as a governess to the children of an English gentleman. After only four months, she decamped for Paris, entering the service of a bourgeois gentleman near the *porte Saint Denis* (See Figure 1). Jeanne Marie followed the path of many migrants who clustered in domestic service. For the most part, "floaters" performed less skilled work than their "truly Parisian counterparts."[10] Service particularly appealed to migrant women as a "shelter profession" that provided lodgings as well as wages in a city where they boasted few or no

[8] Archives nationales (AN) Y13977, Plainte [Document 3], 26 October 1785, Paris [Joron].
[9] Hufton, *The Prospect Before Her*, 74-75.
[10] Jeffry Kaplow, *The Names of Kings: The Parisian Laboring Poor in the Eighteenth Century* (New York: Basic Books, 1972), 30.

contacts.[11] But Jeanne Marie's prompt dismissal within a mere fortnight left the newcomer in dire straights.

In situations like these, alienation and the threat of poverty prompted migrant women to solicit help in ways that sometimes exposed them to sexual exploitation. Following her dismissal, Jeanne Marie did what many migrants had done before her: she sought out sympathy and support based on regional affiliation. Paris was a patchwork of the provinces, with countrymen clustered together in particular neighborhoods or professions. There, they followed common customs and spoke the same *patois*.[12] Jeanne Marie thought to employ these geographic affinities, setting her sights on the city's prune vendors, a group associated with Tours.[13] Her strategy proved successful; the vendors welcomed her to a warm meal at their preferred cabaret.[14] However subsequent events demonstrate the gendered limitations of regional affinity as a resource for newcomers in Paris. Although her new association made Jeanne Marie less socially vulnerable in the short term, it rendered her sexually vulnerable. As she would later argue, one prune vendor profited from her desperation by seducing and impregnating her. [15] By then, her passage to the center of the vortex was complete. Pulled from the provinces to Paris, from the city's outskirts to its very heart, she gave birth on Île de la Cité at Hôtel Dieu. The women in beds to her left and right very likely followed a similar path. [16]

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[11] Sarah Maza estimates that the number of servants in Paris to be 50,000 in a total population of about 500,000 in 1754. Maza, *Servants and Masters in Eighteenth-Century France* (Princeton: Princeton University Press, 1983), 29.
[12] Kaplow, *The Names of Kings*, 31. See also Garrioch, *The Making of Revolutionary Paris,* 30.
[13] To this end, she consulted the *bureau des épiciers* on the *rue des Lombards* to glean the after-work whereabouts of the prune vendors. For the location and functions of this office, see Maurice Bouvet, "Le bureau des apothicaires-épiciers et des épiciers de Paris rue des Lombards," *Revue d'histoire de la pharmacie* 48 (1960): 267-271.
[14] AN Y9956, Plainte [Document 1a], 19 August 1785, Paris [Petit Criminel].
[15] AN Y9956, Plainte [Document 1a], 19 August 1785, Paris [Petit Criminel].
[16] In his study of eighteenth-century Lille (a city of about 60,000 inhabitants), Alain Lottin attributes about half of illegitimate pregnancies to migrant women, most of whom had lost one or both of their parents. Alain Lottin, "Naissances illégitimes et filles-mères à Lille au XIIIe siècle," *Revue d'histoire moderne et contemporaine* 17 (1970): 278-322.

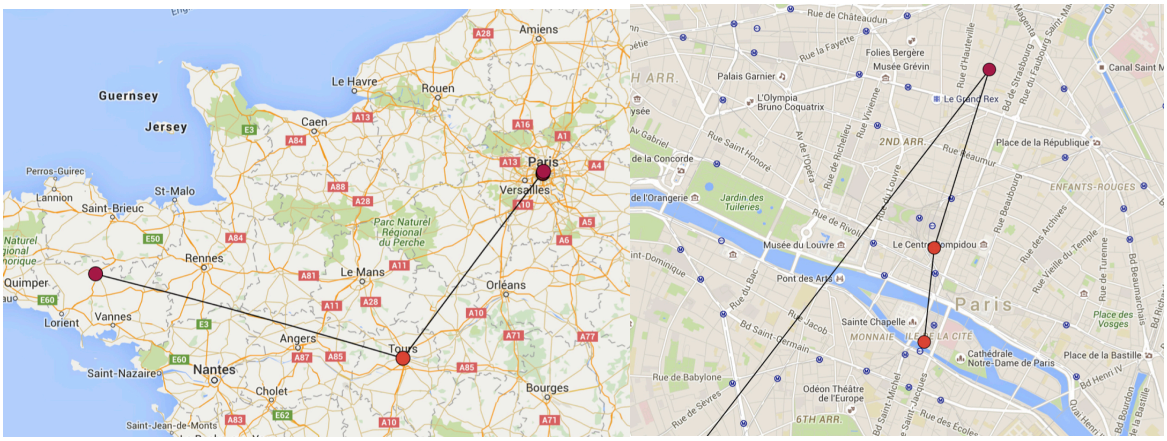


Figure 1 – Path of Jeanne-Marie Grillon



Hôtel Dieu from Quai Saint Michel, c. 1867. Photograph by Charles Marville, Bibliothèque de l'Hôtel de Ville.

Although many outsiders succeeded in becoming Parisians, Jeanne Marie's pattern – provinces to Paris to Hôtel Dieu – repeated itself often. It even did so within individual families: in 1759, Catherine Chailliot du Chansay was dispatched by her parents to Paris to settle the affairs of an older sister who had migrated to the city and died there. Catherine was nineteen at the time, but never returned, becoming pregnant several times by a man who consistently refused

to marry her.[17] Migration exposed her, like Jeanne Marie, to entwined social and sexual vulnerability, poverty and pregnancy.

Even steady employment did not guarantee stability and safety, as many migrant women remained shadowy entities to their fellow workers. When one kitchen maid launched seduction charges in 1760, her fellow servants could scarcely say from whence she had come to Paris. They referred to her arrival from "her country," proffering no details apart from noting plainly that "she knew no one in Paris." None seemed keen to warn her about the male servant who took a shine to her and soon became her sole companion. Out of pity, they helped conceal her eventual pregnancy from her employers as long as possible. However none attempted to broker a reconciliation with her seducer.[18] Lack of solidarity likely stemmed from instability within unskilled professions. As Michael Sonenscher has demonstrated, a yawning gap separated idealized and real forms of labor in the eighteenth century. Despite official regulation, he writes, the world of work was one of "short-term arrangements, fleeting opportunities and brief associations."[19] Although Sonensher's comments speak to the world of skilled artisans, they apply equally to the volatility of work for most men and women. In the realm of domestic service, average terms of employment lasted only about 6 months to one year. [20] Such rapid turnover prevented many migrant women from establishing durable relationships at work and in surrounding neighborhoods.[21]

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[17] AN Y9650, Plainte [Document 3a], 8 February 1760, Paris [Petit Criminel].
[18] AN Y9948, Informations [Document 1b], 19 April 1785, Paris [Petit Criminel].
[19] Michael Sonensher, *Work and Wages: Natural Law, Politics and the Eighteenth-Century French Trades* (Cambridge: Cambridge University Press, 1989), 23.
[20] Maza, *Servants and Masters*, 126.
[21] Sabine Juratic notes that domestic service constituted "the most common form of integration for young women [in Paris]," but that women nevertheless faced more obstacles to effective integration than migrant journeymen who benefitted from more durable "structures of professional welcome." Juratic, "Solitude féminine," 899.

In turn, feeble connections failed women who attempted to assemble witnesses to support seduction charges. Anne Odot is a remarkable case in point. From her home in Champagne, Anne traced a path to Paris, north to Gisors, back to Paris, and myriad places within Paris (see Figure 2). In the span of only three years, she worked as a ladies' maid for four different employers, with terms of service ranging between 1 and 18 months. She also lodged in four separate rooms between periods of employment.[22] The outcome? No single coworker testified on her behalf when she launched seduction charges against the *valet de chambre* Claude Philippe Antoine Grosse in 1785.[23] Instead, three witnesses who worked in service with Grosse testified, for he had served the same person throughout the span of their relationship.[24] (At very least, Odot benefitted from the remarkable durability of her lover's employment.) The majority of witnesses heard (6 of 11) lived in the Hôtel d'Angoulême, where Odot lodged at the time of her complaint. All testified to a violent confrontation between the couple, but knew little else about their relationship. Of the remaining witnesses, only two spoke to their relationship: a fellow lodger from the rue de Sêves, as well as a friend from Champagne who happened to be in Paris on business.[25] Her employers were conspicuously absent from the process, underscoring Sarah

[22] Madame la Comtesse de St Père (*femme de chambre*, unknown duration, near Gisors, France); Dame de Verité (lodger, unknown duration, unspecified location); Madame la Marquise de la Cenille (*femme de chambre,* 6 months, unspecified location), Madame de la Luille (*femme de chambre,* unspecified location, 6 months), Dame Cayou (lodger, 5 months, rue St André des Arts), where she gave birth to a first child; Madame la Marquise de Pardieu (*femme de chambre,* rue neuve du Luxembourg, 18 months); Unstated (lodger, rue de Grenelle, 1 month); Hôtel d'Angoulême (lodger, rue du vieux colombier, unspecified time), where she was pregnant with a second child. Complaint given to Commissioner Nicolas François Boin, rue de la Vieille boucherie, quartier de Saint André des Arts.

[23] She'd met him when his employer visited hers outside of Paris, but having become pregnant twice by him, was now convinced "she was his dupe." ANY9956, Plainte [Document 4a], 26 September 1785, Paris [Petit Criminel].

[24] Grosse remained in the service of the Chevalier de Vauréal. By the time of his interrogation, the Chevalier had died and the Prince de Conti rewarded Grosse with a position for his faithful service to his friend. ANY9956, Interrogatoire [Document 4d], 7 January 1786, Paris [Petit Criminel].

[25] This is curiously the only part of the case that mentions Odot's origins (Champigny sous Varenne in Champagne) and the circumstances of her move to Paris (the death of her mother). Typically complaints mention the complainant's place of origin – as they do for Grosse in this case (Lorraine). ANY9956, Informations [Document 4c], 17 November 1785, Paris [Petit Criminel].

Maza's claim that employers played less protective, benevolent roles in their servants' lives by the latter half of the century.[26] Whereas masters and mistresses regularly testified in Grasse, their Parisian peers rarely intervened to assist pregnant servants. Lines of allegiances did *not* extend across class in Paris as they did in smaller cities and villages.

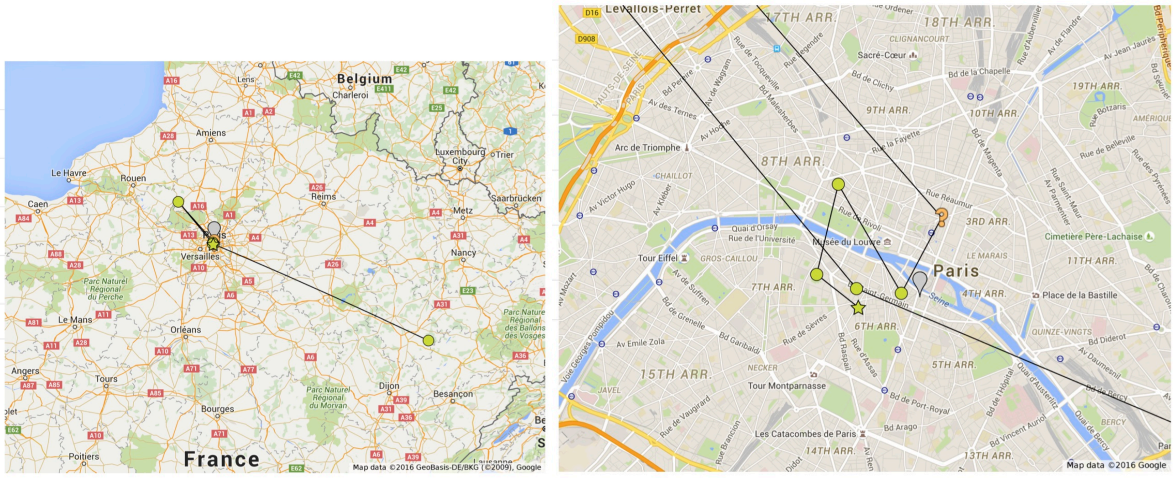


Figure 2 – Path of Anne Odot. Green circles indicate the claimant's lodgings, and the green star her final lodging. A gray balloon indicates the commissioner at which her complaint was made.

Also unlike their homebound peers, migrant women could not count on the intrusive gazes of nosy neighbors to constitute their relationships. Many migrants lived in relative anonymity in contrast to the dense networks of surveillance that governed village life. One mid-century visitor to Paris commented that people lodged "right up to the roofs" but rarely recognized their neighbors: "If friends are rare everywhere, they are even more so in Paris than elsewhere."[27] This writer surely exaggerated the contrast between village and city life. However migrant women would have keenly felt such a contrast. For them, close quarters did not guarantee intimacy or solidarity. First, many spent minimal time in their living quarters. For the

[26] See Maza, *Servants and Masters,* 14. Matthew Gerber also points out that by the eighteenth century, "the definition of 'family' was increasingly restricted to the nuclear network of blood relations," though it had once included servants. Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (Oxford: Oxford University Press, 2012).

[27] Lapeyre, *Les Moeurs de Paris* (Amsterdam: 1747), 163. Quoted in Kaplow, *The Names of Kings,* 70. For a similar description, see also Mercier's section on "Voisinage" in vol. 1 of *Tableau de Paris,* 64.

most part, they worked to live and lived to work, possessing little money or time to spend on leisure. Jeffrey Kaplow's comments on laboring men apply as easily to their female counterparts: "Their homes were too small to serve as anything other than places to sleep."[28] Second, women could easily remain unmoored from neighborhood networks if they moved as frequently as did Anne Odot. Recall that most witnesses were culled from her most current residence, but barely knew her.

Some women sought such anonymity, moving to Paris to shirk surveillance and shame at home. As one woman explained, she became pregnant and "everyone knew about it soon after." When reconciliation attempts failed, she left for Paris.[29] But she and others who launched seduction charges from afar faced little hope of success. Unhitched from extrajudicial action, legal measures did not wield as significant a threat to alleged seducers as they did in Grasse and elsewhere. Parisian police commissioners could not exert pressure on distant communities far outside their purview. Conducted from a distance, efforts to goad men into marriage failed. [30]

Moreover, anonymity was hardly neutral. Without family and neighbors to vouch for them, women of few financial and social resources were particularly vulnerable to rumor. Neighbors often knew little about newcomers but nevertheless deployed damning information about them. Such was the case for Marie Mangin, who had trekked 300 kilometers from the outskirts of Metz to arrive in Paris in February 1779. The twenty-two-year-old secured a position as a maid, and within months met the man whom she claimed seduced her. However witnesses called to testify on her behalf resuscitated rumors that Mangin had come from Montdidier, some 100 kilometers north of Paris, in the arms of an officer from the regiment of Poitou. Others

[28] Kaplow, *The Names of Kings,* 108.
[29] AN Y9895, Plainte [Document 2a], 10 November 1780, Paris [Petit Criminel].
[30] See the case of Marie Jeanne Richard (1777). Although from Cremery, she filed against her alleged seducer, Mouton, from Paris. AN Y9861, Plainte [Document 2a], 5 August 1777, Paris [Petit Criminel].

placed her arrival earlier, but despite their contradictory timelines, neighbors staked the same claim: that the latest lodger in their apartment building had come to Paris to deal discreetly with an illegitimate pregnancy.[31] (Evidently, they believed she had not been discreet enough.) Collective uncertainty about Marie Mangin's background made her sexual honor suspect. Neighbors may have mentally merged unknown women with prostitutes because both operated from positions of vulnerability. But rather than pity that vulnerability, they recognized it as a source of disorder and consequently distanced themselves. As Nina Kushner points out, police inspectors were alone in considering migrant women "victims." In their estimation, these women were "completely unprepared" for life in Paris.[32]

These women might have agreed: from their vantage point, seducers had purposefully exploited their outsider status and naiveté. Some female claimants explained that they had migrated to Paris at the insistence of young men who convincingly touted the city's opportunities. These seducers, they argued, sought specifically to isolate unmarried women from their parents and families with the goal of gaining sexual access. Marie Thiellet, for example, faulted her alleged seducer for luring her to Paris in about 1753 to circumvent her parents' supervision. Louis Pacotte had frequently passed her father's pastry shop window in Burgundy during his apprenticeship for a neighboring surgeon. According to Thiellet, her parents posed obstacles to his nefarious designs. Pacotte persuaded Marie to leave home for a position as a ladies' maid in Paris, and gained her mother's blessing. But Marie had barely passed through the Porte St. Michel when Pacotte's attentions intensified and his promises of employment

[31] AN Y9893, Informations [Document 2], 19 September 1780, Paris [Petit Criminel].
[32] Nina Kushner, *Erotic Exchanges: The World of Elite Prostitution in Eighteenth-Century Paris* (Ithaca: Cornell University Press, 2013), 59.

disintegrated.[33] By then, Pacotte was at once her source of her alienation and her sole resource for survival. Facing homelessness and dependence, Marie chose the latter course.

Alienation from her home in Burgundy was not the sole source of Marie's misfortune. Her constant relocation within a succession of furnished rooms or *chambres garnies* prevented her from putting down roots in Paris (See Figure 3). These small, Spartan quarters were ubiquitous in eighteenth-century Paris. Merchants and wigmakers rented them on short-term basis to travelers at exorbitant rates. According to Mercier, they also housed women of ill repute. Prostitutes, he jauntily noted, kept nearly half these rooms constantly occupied.[34] Historian David Garrioch confirms Mercier's view, noting that "a young unmarried woman could not live alone in eighteenth-century Paris" without warranting shame or scandal.[35] But the frequency with which both migrant and Parisian-born women occupied these rooms suggests a more complex picture than either Mercier or Garrioch allow (and one I'll discuss in the subsequent section). Alternatively, Mercier's definition of wanton women was extraordinarily broad. Whatever the case, men of moderate means paid rent on these rooms in a mock-charitable move designed to secure unrestricted sexual access to vulnerable women. By her own account, Marie Thiellet inhabited 14 separate rooms during her time in Paris, about 6-7 years. (Witness testimony substantiates her claims.) Over the course of this period, she gave birth to three children.[36] Proprietors and fellow lodgers would later explain that they took Pacotte at his word when he introduced himself and Thiellet as man and wife.[37] However witness testimony makes

[33] AN Y9653, Plainte [Document 1a], 20 March 1760, Paris [Petit Criminel].
[34] Mercier, *Tableau de Paris,* I:149-150.
[35] Garrioch, *The Making of Revolutionary Paris,* 30.
[36] AN Y9653, Plainte [Document 1a], 20 March 1760, Paris [Petit Criminel].
[37] AN Y9653, Informations [Document 1b], 10 May 1760, Paris [Petit Criminel].

clear that Marie's near-constant movement prevented her from reproducing the allegiances she enjoyed back home; no neighbor or acquaintance intervened in her relationship with Pacotte.

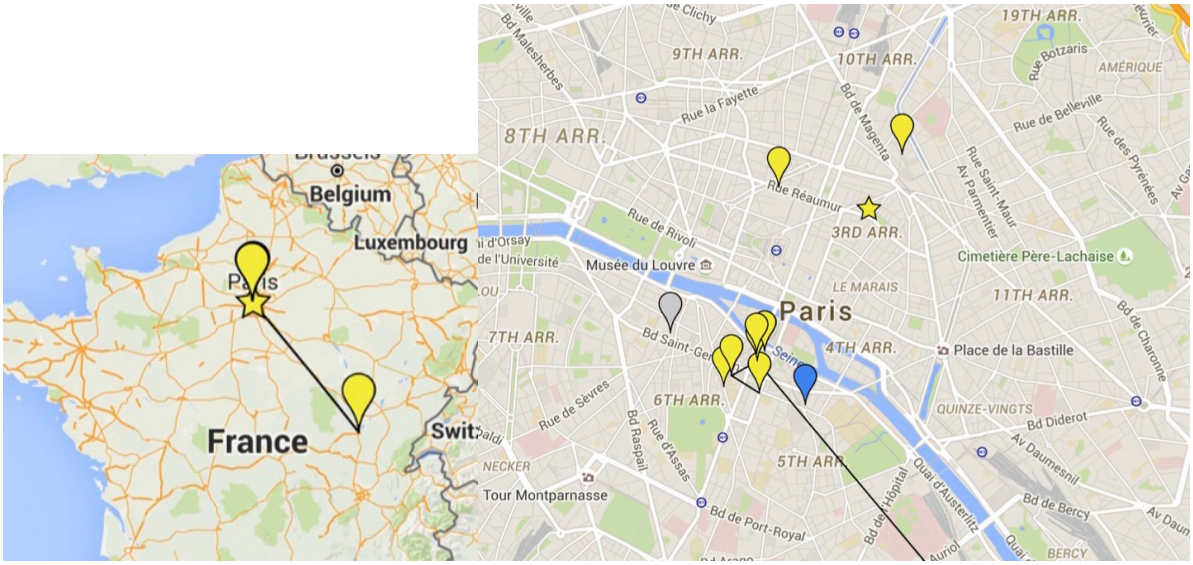


Figure 3 – Path of Marie Thiellet. Yellow balloons indicate the claimant's lodgings, and the yellow star her final lodging; a blue balloon indicates the alleged seducer's residence, and a gray balloon the commissioner at which the complaint was made.

Similar cases suggest that men in socially uneven relationships kept their mistresses on the move to intentionally shirk surveillance and scrutiny. Anne Roussel took a similar path as Thiellet, living with her parents in Versailles until Antoine Huguet, a *graveur de musique* and a Parisian, encouraged her to seek a position in Paris in 1767. (Her parents consented to her departure.) From there, Roussel occupied various rooms paid for by Huguet: from the rue de Bourbon, to the rue Beaurepaire, rue de Grenelle, rue de la Jussienne, rue du Four Sainte Honnoré, back in Versailles for a spell, and then back again to rue de la Jussienne (See Figure 4).[38] In the space of these 3 years, she became pregnant twice, both times unbeknownst to her parents. Her constant movement not only kept *them* in the dark; it concealed the relationship from Huguet's mother. As one witness speculated, Huguet moved Roussel about to diffuse

[38] AN Y9773, Plainte [Document 1a], 8 October 1770, Paris [Petit Criminel].

tension with his relatives, to whom he could claim that he had dissolved the relationship once-and-for-all.[39] Like other men, Huguet manipulated ease of mobility to stymy both his lover's social networks *and* his own.

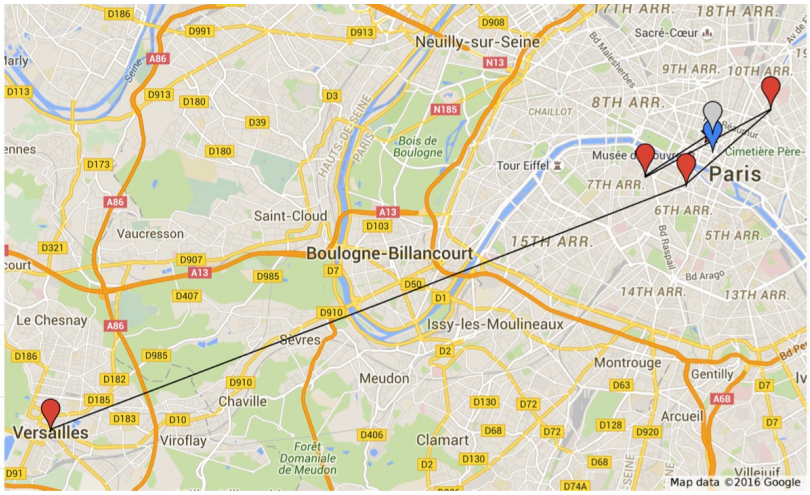


Figure 4 – Path of Anne Roussel. Red balloons indicate the claimant's lodgings, and the red star her final lodging; a blue balloon indicates the alleged seducer's residence; a gray balloon indicates the commissioner at which the complaint was made.

Nevertheless, some men took few pains to conceal their sexual relationships, aware that migrant women lacked the contacts, know-how, and financial resources to pursue a police complaint. The case of Catherine Lafuge is remarkable for her persistence in pursuing seduction charges despite her near-total alienation. After her widowed mother remarried, sixteen-year-old Lafuge accepted a position as a maid to a lottery clerk named Delalande who hailed from her hometown in southwest France. On their journey to Paris in 1779, Delalande attacked Lafuge. As Lafuge later explained, she had no recourse to help, "finding herself in a city far from her country, without relatives, without acquaintances, deprived of all resources, having no money."[40] Perhaps Lafuge resolved to amass her earnings while suffering her employer's advances, eventually finding work elsewhere. However that plan dissolved once she became pregnant and

[39] AN Y9773, Informations [Document 1b], 18 October 1770, Paris [Petit Criminel].
[40] AN Y9894, Plainte [Document 2a], 4 September 1780, Paris [Petit Criminel].

Delalande fired her while withholding her wages. Once again, Lafuge lamented, "she found herself on the street without acquaintances, without money, and denied of all resources." Luckily, a generous neighbor elected to shelter and share her bed with Catherine. However her charity ran short after two months when the woman was obliged to lodge a distant relative who had just arrived in Paris.[41] Documentation of her case does not indicate how Lafuge managed to make her complaint; however, it demonstrates how the odds were stacked against her.

Furthermore, the case suggests that Delalande distinguished migrant women from their Parisian peers and identified them as sexual targets. During witness testimony, neighbors murmured that Delalande hired provincial maids for the express purpose of sleeping with them in place of his wife. He did so at his wife's request, they added, for she feared childbirth and thus denied her husband conjugal rights.[42] In the couple's estimation, economic dependence made poor women easy marks. However geographic and social alienation sealed their vulnerability, as Dame Delalande discovered when she solicited a Parisian-born replacement for Lafuge. A resident of the same neighborhood, Louise Veronique reported that Dame Lafuge offered her the position while hinting that "she counted on her to do as her former servants had." By her own account, Louise Veronique turned on her heel upon hearing such a "dishonest proposition."[43] Her reaction underscores how Parisian women regarded themselves in opposition to their migrant peers. Embedded within family and neighborhood networks, they enjoyed a greater degree of choice. Namely, they exercised the capacity to reject "dishonest propositions" without fear of descending into abject poverty. Moreover, they considered themselves better equipped to deal

[41] Lafuge's employers had called her "Marianne." AN Y9894, Informations [Document 2c], 16 October 1780, Paris [Petit Criminel].
[42] AN Y9894, Informations [Document 2c], 16 October 1780, Paris [Petit Criminel].
[43] AN Y9894, Informations [Document 2c], 16 October 1780, Paris [Petit Criminel].

with sexual dangers associated with urban life, unlike migrant women who presented easy prey for sexual predators.

Parisian Women Beyond the Boundaries of Home

Nevertheless, native women were not free from social and sexual vulnerability. Much like their migrant sisters, Parisian-born working women travelled wide orbits within Paris, with tasks taking them between neighborhoods, across the Seine, and into unfamiliar households. Both in the street and behind closed doors, they met men of all stripes, from apprentices and police clerks to knights and counts. (One woman, for example, met her lover while buying bread for her employer's household.[44]) For such women, these interactions took place "beyond the gaze of [their] direct community."[45] As a safeguard of feminine virtue, community surveillance suffered as a result. Some unsanctioned encounters led to lasting relationships – as in the notable case of Thérèse Levasseur and Jean Jacques Rousseau. However, many more were coercive and socially imbalanced.[46] Over time, the ease and frequency of these interactions proved injurious to working women, both migrant *and* native, by solidifying broader associations between female labor and sexual availability.

Whatever connotations it carried, work beyond the home was a necessary precondition of economic survival for many unwed Parisian women. For servants and apprentices, work also entailed lodging in another household. Distance from their families, however small, exposed them to sexual advances within the space of the home. In particular, male employers capitalized on their positions of authority to pressure dependents into sustained sexual contact. Such was the case for Julie Lalouette, who entered into apprenticeship with a dressmaker at age fourteen and

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[44] AN Y9832, Plainte [Document 4a], 28 August 1775, Paris [Petit Criminel].
[45] Kushner, *Erotic Exchanges,* 61.
[46] Levasseur's long partnership with the *philosophe* began during the course of her duties as a washerwoman. Kushner, *Erotic Exchanges,* 61.

became pregnant by her mistress's husband at seventeen.[47] Meanwhile, servants and apprentices not only fielded the attentions of their masters or mistresses' husbands, but those of their adults sons, journeymen, apprentices, servants, or other male lodgers. These men often had "no scruples" about abusing sustained and unsupervised contact with women who occupied "no secure position within the household."[48] As a result, the majority of seduction cases launched by Parisian women alongside their fathers concerned relationships that stemmed from work outside the father's household[49]

The failure of heads-of-household to preempt their dependents' dishonor points to the deterioration of paternalist obligations governing apprenticeship over the course of this period. When their daughters became pregnant, fathers faulted masters and mistresses for having failed in their professional obligations, obligations that they understood to include moral supervision.[50] In 1775, a clockmaker named Leclerc directed his anger at both his daughter's seducer *and* her mistress. The widowed jewelry maker "did not have all the care that she should have for her apprentice" and "even aided her plunge into the frightful precipice into which she fell."[51] Leclerc censured her for failing to thwart the girl's budding relationship with another pensioner, a Swiss artist of the reformed faith (a detail that caused Leclerc even more consternation). Although his daughter's domicile stood just across the Seine from his own, he understood the widow as having assumed parental as well as professional guardianship of his daughter. But many employers did not share this expectation. In one instance, a couple profited from the death

[47] AN Y9887, Informations [Document 1b], 2 March 1780, Paris [Petit Criminel].
[48] Garrioch, *The Making of Revolutionary Paris,* 38.
[49] See for example, ANY10144 (1751), ANY9887 (1780), ANY9914 (1782).
[50] These complaints are muted or absence in cases where daughters were seduced while serving apprenticeship in the home of relatives. See the case of Marie Alliot, placed with her cousin, a *doreur*, and seduced by another lodger there. AN Y9716, Plainte [Document 2a], 24 November 1765, Paris [Petit Criminel].
[51] AN Y9832, Plainte [Document 3a], 25 July 1775, Paris [Petit Criminel].

of their apprentice's parents in 1775 to relieve themselves of the inconvenience of lodging her. No longer beholden to the same standards of propriety, they rented a room for the seventeen-year-old from a neighbor who had openly harassed her in the past. The girl later alleged rape against this neighbor, but the couple nevertheless declined to welcome her back into their home.[52] Masters and mistresses took fewer pains to safeguard their servants' and apprentices' sexual honor than they would that of their own daughters. Accordingly, spatial dislocation from the paternal home weakened the protections afforded by family.

The same problem was more pronounced within domestic service. Unlike apprentices, servants' fathers were less likely to share professional connections with their masters, who often enjoyed higher social status. Many servants were keenly aware that their inferior standing within the household obliged them to diplomatically discourage their masters' attentions if they wished to remain employed. In 1780, one claimant described the difficulty she faced in such a situation. Her employer, a lawyer, had appeared nude in her bedroom after her second day as a cook in his household. In her eventual complaint, she explained how she refused his wishes whilst remaining mindful of his superior social position: "She made all the objections to him that an honest girl and a servant should towards a person to whom she finds herself subordinate to."[53] But in this case as in others, employers rarely backed down.

Although the "visibility" of such relationships declined during this period among domestic servants, their actual occurence did not necessarily drop. Sara Maza proposes that women perceived diminishing returns in reporting sexual exploitation at the hands of employers.[54] Perhaps employers promised discreet support – or threatened to ruin their

[52] AN Y9836, Plainte [Document 1a], 24 November 1775, Paris [Petit Criminel].
[53] Plainte [Document 1a], n.d. [June/July 1780], Paris [Petit Criminel]. ANY9892.
[54] Maza, *Servants and Masters*, 257.

reputations if they cried foul, as the lawyer did in the case above. While privately acknowledging the cook's newborn as his own, he spread word that he only paid for her lying-in out of "humanity" and that her baby was the fruit of liaisons with a coachman.[55] Identification of the coachman was hardly accidental. Masters likely pinned pregnancies on servants because they considered romance among social equals more plausible and acceptable in the eyes of commissioners and judges alike.

Although relationships between servants were indeed common, work exposed female servants to the potential of socially uneven sexual relationships. These women not only lived apart from their parents, but often from popular neighborhoods entirely. Staffing noble households in the *beaux quartiers*, they lived in "spatial limbo," interlopers interspersed among elites.[56] Work in these environs placed servants – as well as laundresses, shop girls, and other workers – in the presence of highborn gentlemen who fixed them as sites of sexual conquest.

Overall, my sample reveals wider social disparities between Parisian claimants and defendants than their *grassois* counterparts. An isolated sample of seduction cases from 1765 (See Figure 5) shows that while many alleged seducers came from the same social stratum as their accusers (including servants, bakers, and day laborers), a great deal did not. The same year witnessed several relationships characterized by significant social gaps: a laundress and a dealer in second-hand goods; a seamstress and a municipal official; a shop girl and a master artisan; an embroiderer and a bourgeois; a laundress and a municipal employee; a seamstress and a royal official. These divides stand in sharp contrast to Grasse (See Chapter 2, Figure 1), where

[55] Inside his home, the lawyer recognized the child as his own before multiple servants. While complaining that "what came out of his trousers would cost him," he allegedly declared that when the boy grew up "they would have lots of fun" and go promenading together in Luxembourg. AN Y9892, Informations [Document 1b], 31 July 1780, Paris [Petit Criminel].
[56] Maza, *Servants and Masters*, 137.

seduction conflicts occurred between families of comparable status, skill, or fortune. Such difference suggests that while *grassois* bachelors may have earnestly seen their sexual partners as future spouses, Parisian men likely harbored no such intentions. Urban space not only placed men and women of disparate status in closer contact, but also encouraged men of higher standing to regard working women as expendible commodities.

Year	Accuser's profession/status	Defendant's profession/status
1765	Daughter of a deceased coachman; step-daughter to a pastry maker	Swiss guardsman at royal residence (Marly)
1765	Seamstress	Municipal official
1765	Daughter of a deceased baker's boy	Son of a baker
1765	Servant	Servant
1765	Daughter of fireman for Hôtel Dieu	Day laborer
1765	Laundress	Dealer in second-hand goods
1765	Bookstore shop girl	Master coppersmith
1765	Daughter of a convent superintendent	Royal employee
1765	Enamel worker	Journeyman gold leaf maker
1765	Embroiderer	Bourgeois
1765	Servant	Master surgeon
1765	Daughter of a day laborer	Day laborer
1765	Laundress	Municipal employee
1765	Seamstress	Royal official
1765	Daughter of a journeyman painter	Upholsterer's boy
1765	Butcher's shop girl	Butcher

Figure 5 – Sample: Backgrounds of all claimants and defendants in seduction cases heard in Paris in the year 1765. Compare to Chapter 2, Figure 1.

Nevertheless, these men were keenly aware that they could not pursue affairs with such women so long as they remained under the gazes of employers, colleagues, and acquaintances. Elites looked upon indiscreet affairs with distaste, as one particular seduction case shows. The secretary of the Prince of Marsan found himself fined with 1000 *livres* in damages for impregnating his friend's cook and having thus "so little respected the home of [his host]" (never

mind the cook herself).[57] By contrast, more circumspect men of means endeavored to separate the objects of their affection from networks of surveillance. To this end, they coupled cautious attentions with promises to provide for these women if they abandoned their positions. If successful, they installed lovers in furnished rooms or *chambres garnies.* The widespread availability of these rooms through Paris enabled men of status to conduct illicit affairs and escape their consequences.

The path of Denise Richard, who launched a seduction complaint in 1780, underscores the versatility of *chambres garnies* as a means of manipulating urban geography to male advantage. Richard worked as a maid at the Hôtel de Lusignan, where she encountered Sr. Legris de la Bastide, a Marseillais friend of her employer who lodged at the nearby Hôtel de la Paix. After some time, La Bastide convinced Richard to abandon her position and relocate to a room at the Hôtel de Larignan (See Figure 6). This move was strategic; it eliminated the surveillance of her colleagues and acquaintances and sealed her dependence on her lover. Later, La Bastide reestablished Richard in a room closer to his home on the rue Grenier St. Lazare where they met more easily. But close proximity proved dangerous as her belly slowly began to protrude, and the Marseillais sought more distant quarters on the left bank.[58] By then, the *chambre garnie* served to create distance between La Bastide and his lover, whom he now wished to avoid. Richard herself was aware of this strategy, commenting to a neighbor that "Labastide found that she was too close to him."[59] To her lover's cruel relief, Richard lost her baby in labor, whereupon Labastide discontinued rent payments entirely.[60] By then, her frequent movement had reduced

[57] Servants had reported that he openly showered the cook with kisses and serenaded her with his mandolin. ANY9887, Interrogatoire [Document 2b], 3 May 1780, Paris [Petit Criminel].
[58] AN Y9891, Requeste [Document 1a], June 1780, Paris [Petit Criminel].
[59] AN Y9891, Informations [Document 1b], 14 July 1780, Paris [Petit Criminel].
[60] AN Y9891, Juré sage femme [Document 1c], 3 July 1780, Paris [Petit Criminel].

the number of witnesses who could confirm her relationship with La Bastide. She reaped a mere forty *livres* in damages.[61]

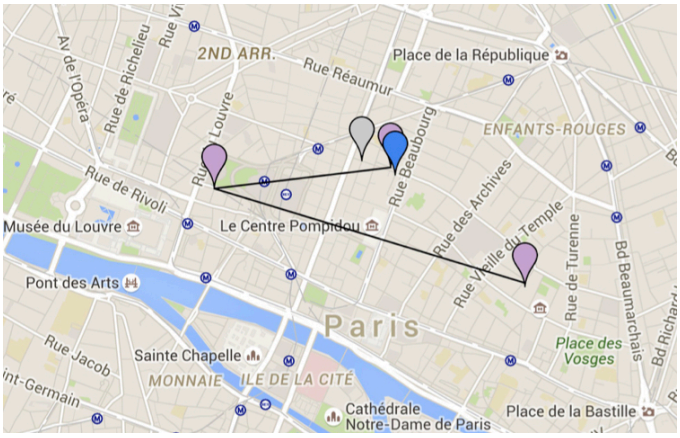


Figure 6 – Path of Denise Richard. Purple baloons indicate the claimant's lodgings; a blue balloon indicates the alleged seducer's lodgings; a gray balloon indicates the grey balloons commissioner at which the complaint was made.

Why did women like Richard relocate to rented rooms at the risk of upending networks of support and surveillance? Strategic sexual relationships promised lodging, food, and even pleasure. Meanwhile, formal employment seemed to fail women who crept only incrementally closer to their dowries each day while constantly deflecting sexual advances that imperiled their marriage prospects. The purported path to honor was laid with snares, snares that traditional networks increasingly could not forestall. As Nina Kushner remarks, this grim reality led some women to realize that sexuality was their "most valuable possession."[62] Some elected to enter the world of elite prostitution, a move that marked "the failure of the very institutions that were meant to shepherd girls to a life of married respectability."[63] Although by no means prostitutes, working women nevertheless operated within a spectrum of transactional sex. A broad range of

[61] AN Y9891, Requeste [Document 1e], 31 July 1780, Paris [Petit Criminel].
[62] Kushner, *Erotic Exchanges*, 71.
[63] Kushner, *Erotic Exchanges*, 70-71. Clyde Plumauzille likewise underscores how prostitutes during the Revolution were women "maneuvering between autonomy and instability," relying on themselves (rather than parents or wider family networks) to meet their needs and navigate the path to marriage and stability. Clyde Plumauzille, *Prostitution et révolution: Les femmes publiques dans la cité républicaine* (Paris: Champ Vallon, 2016), 39-40.

behaviors separated two prominent extremes: "the careful (and chaste) cycle of working and saving that was to lead to marriage and its putative antithesis, streetwalking."[64] Along that scale, some women leveraged sex for lodgings as one means to "maintain their precarious equilibrium."[65] Just as economic opportunity lured migrants *to* Paris, similar calculations motivated Parisian natives to move *within* Paris – and to assume considerable risks by taking *chambres garnies*.

Nevertheless, some women described circumambulation as the product of pressure, rather than positive decision-making. Their narratives demonstrate their limited range of choices, and the extent to which coercion was "a basic part of the fabric of eighteenth-century life."[66] In one case, language of confinement underscored the claimant's sense of isolation and feelings of helplessness as the object of a nobleman's attractions. It is impossible to guage the nature of the relationship that began in August 1774 between Joseph Clotilde Duval and the Duc de Durfort. However Duval described herself as a "captive" at the duke's *château*, where she had accompanied her noble mistress that summer.[67] At considerable distance from Paris, "She was surrounded by strange and unknown persons, all attached to the duke and devoted to his wishes." From Duval's perspective, the duke invoked his status as a threat, meeting her refusals with reminders that "he was master at the *Château*." Eventually, Duval's mistress dismissed her, and she returned to Paris under the duke's care.[68] Whether their relationship was consensual or not,

[64] Kushner, *Erotic Exchanges*, 49.
[65] Juratic, "Solitude féminine," 880.
[66] Kushner, *Erotic Exchanges*, 220.
[67] AN Y9829, Plainte [Document 2a], 14 March 1775, Paris [Petit Criminel].
[68] The Dame de Ouvet suspected Duval of liaisons with lackeys at the château. Other witness testimony suggests that the Duc de Durfort may have intentionally insinuated those liaisons. AN Y9829, Informations [Document 2c], 29 May 1775, Paris [Petit Criminel].

Duval retrospectively depicted her dependence on the duke as a form of imprisonment.[69] She alleged that after her return to Paris, he kept her confined to a *chambre garnie*, delivering food through an intermediary entrusted with an identical key. (Eventually, she explained, he concluded their relationship by selling her furniture and ceasing payment to her *traiteur*. [70]) Here and elsewhere, captivity narratives dramatized the process by which working women became reliant on high status lovers. These uneven sexual relationships severed social relationships and jeopardized stable employment. Duval and others realized too late that men who sought their dependence would eventually seal their destitution.

Still, many seduction cases indicate that women believed men to value their dependence and view it as a prerequisite to marriage or its proxy. In various instances, claimants reported surrendering employment as a necessary sacrifice for the sake of a promising relationship. One woman explained to Commissioner Convers Desormeaux in 1775 that she worked as a maid "in a house where it was not possible for her to marry." But her prospective spouse pressured her to take lodgings elsewhere to "wrap up their marriage preparations." She eventually agreed to abandon her livelihood, relocating to a *chambre garnie* where her suitor visited daily.[71] Within months, she became pregnant, and he had left for Lyon to secure his parents' consent. Buoyed by his assurances of their forthcoming nuptials, she remained in her room, complaining in letters that she took in laundry to ameliorate what her lover admitted to be her state of "poverty."[72] He never returned to Paris. Her consequently dire circumstances resulted, in part, from uneven

[69] The château's stable master and maids who worked with Duval confirmed the relationship but did not comment on whether they perceived the duke to be engaged with Duval against her will. AN Y9829, Informations [Document 2c], 29 May 1775, Paris [Petit Criminel].
[70] AN Y9829, Continuation de Plainte [Document 2b], 29 March 1775, Paris [Petit Criminel].
[71] Etienne Jullet rejoined his family in Lyon, claiming that he would return to wed Edmée Therese Bisson as soon as he recovered from a prolonged illness and his parents granted their permission. Although his letters vowed that "only death can separate me from you," he did not return to Paris. AN Y9829, Declaration [Document 1a], 10 May 1775, Paris [Petit Criminel].
[72] AN Y9829, Letters [Document 1c], 27 April 1775 & n.d., Paris [Petit Criminel].

expectations about her forfeiture of work and relocation to the *chambre garnie.* Where the young woman construed the move as proof of her commitment, her supposed suitor may have simply sought easier sexual access.

Similarly uneven expectations governed the whirlwind romance between Marie Anne Thaunat and the Chevalier de St. Etienne in 1780. After continued pressure, Thaunat took an apartment closer to the Chevalier where the pair shared an "intimate life," shocking servants and hairdressers by appearing together in mere dressing gowns.[73] But neighbors and acquaintances clearly registered Marie Anne's discomfort with her lover's unimpeded access to her body and his control over her singing career. One recalled her being "annoyed" because "she was not free to receive anyone, and he didn't allow her to go to the Opera as she ought to have." The same neighbor appended that the Chevalier failed to deliver on his promises to "recompense her for all the losses and sacrifices she made for him." Another acquaintance concurred that he "made himself her complete master" and often forbade her from singing at the Opera. A third speculated that his "excessive jealousy" was to blame.[74] After an abandoned Thaunat filed charges of seduction, the Chevalier quickly categorized her as a prostitute.

Indeed, her career and the transactional nature of their affair easily matched those of many *dames entretenues* or "kept women," i.e. long-term mistresses who accepted material support from their lovers. According to Jacques Depauw, the *dame entretenue* became a more frequent phenomenon from mid-century onward, and sometimes an intermediary step on the path to prostitution.[75] The Chevalier likely read his relationship through this lens, construing Marie

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[73] AN Y9896, Requeste & Plainte [Document 2a], n.d., Paris [Petit Criminel].
[74] AN Y9896, Informations [Document 2b], 18 December 1780, Paris [Petit Criminel].
[75] Jacques Depauw, "Illicit Sexual Activity and Society in Eighteenth-Century Nantes," trans. Elborg Forsters, pp. 145-191 of Robert Forster, *Family and society: selections from the Annales, économies, sociétés, civilisations* (Baltimore: The Johns Hopkins University Press, 1976).

Anne as the kind of "mercenary and misleading" lover that Louis-Sébastien Mercier warned about. However Thaunat presented *herself* as the true victim of seduction, the partner who discovered "simulacrum" in place of love. Because their relationship mimicked marriage and her devotion that of a dutiful wife, she assumed that her sacrifices secured his loyalty. (By this logic, legal title alone separated wives from supposed whores.) However her lover attached little significance to their domestic performance. As he protested, neither the law nor the neighborhood confirmed them as a couple, whether or not they "passed" as such.

Elsewhere in France, in towns and smaller cities like Grasse, the appearance of a relationship substantiated its existence. Within this context, a seducer abused both his victim and the broader community he willfully deceived. But the urban landscape of Paris disrupted this dynamic, and displaced women no longer felt the protective influences of family and community. Furthermore, work placed women in increased contact with men of higher status with the means to pursue discreet sexual affairs. These alleged seducers easily circumvented surveillance and other mechanisms of collective control that constrained male sexuality. Over the long term, mobility and attendant social alienation conspired to compound the sexual vulnerability of working women.

Women at the Fringes: Outsiders as Potential Prostitutes

Against this backdrop, abandoned women found recourse in the law where community intervention proved weak or nonexistent. Both migrant and Parisian-born occupants of *chambres garnies* were relatively unknown to neighbors who regarded them as outsiders. Those neighbors were accordingly reluctant to stand up for women whose reputations remained uncertain. For their part, accused seducers drew attention to claimants' outsider status as probable proof of prostitution. Pointing to both their poverty and detachment from family, these men elided urban

working women with prostitutes. Although witnesses in seduction cases sometimes pushed back against these claims, they likewise reinforced a spatial scheme of gendered honor that privileged sedentary women.

Neighbors acknowledged and tolerated occupants of *chambres garnies* who lived simultaneously among and apart from them. However toleration stopped short of inclusion. When apartment dwellers knew little, they rarely pressed to learn more. Men who paid rent on these rooms introduced their lovers to landlords and lodgers as nieces, cousins, or wives. Those explanations were rarely convincing.[76] As one woman explained, she very quickly "disabused herself" of the notion that a kindly uncle footed the bill for her newest neighbor, unless an exceptional intimacy reigned within their family.[77] Still, she and others rarely challenged the purported identity of newcomers. After the doctor Pacotte introduced Marie Thiellet as his wife, her new neighbors addressed her courteously as "Madame Pacotte," honoring his word.[78] Whatever doubts they had, neighbors shelved them.

Communities did not demand that so-called spouses substantiate their identity. A persuasive *performance* of marital respectability would suffice. 'Passing' as a man's lawful wife entailed specific domestic behaviors: speaking informally (using *tu* rather than *vous*), occupying the same bed, and suffering the occasional harsh word or blow.[79] Neighbors looked to a purported husband to fulfill his responsibilities as such, paying bills to his wife's dressmaker,

[76] See the following cases for women skeptically received as cousins. Informations [Document 1b], 26 July 1770, Paris [Petit Criminel]. Y9770. Informations [Document 1b], 18 October 1770, Paris [Petit Criminel]. ANY9773.
[77] AN Y9952, Informations [Document 1a], 30 July 1785, Paris [Petit Criminel].
[78] AN Y9653, Informations [Document 1b], 10 May 1760, Paris [Petit Criminel].
[79] AN Y9938, Informations [Document 1c], 1 June 1784, Paris [Petit Criminel].

maid, and laundress. [80] More convincing was his wife's adoption of his name, within and beyond the apartment building. As one witness explained in 1784 of the woman in question – and others confirmed, "she publicly wore [his name] with his knowledge, and she passed in the whole neighborhood as his wife."[81] Here and elsewhere, use of the verb *passer* indicates that neighbors recognized performances as such. Nevertheless, the same witnesses expressed shock upon learning the couple was not lawfully wed, as in the case above. Parisians were clearly ambivalent - desirous to know the identity of others around them, but doubtful of their capacity to fully do so. Urban neighborhoods were porous and penetrable, with newcomers appearing and disappearing within the span of weeks or months. That reality warped the form and function of reputation as a standard of social interaction.

Within this context, Parisians prioritized order, provisionally accepting unknown women so long as they did not disturb neighborhood equilibrium. This policy occurred alongside the increasing tolerance of cohabitation outside wedlock over the course of the eighteenth century.[82] According to Dominique Godineau, the successful performance of marriage trumped "the existence of an official document" in many Parisian neighborhoods of this period.[83] Arlette Farge tempers Godineau's claims, noting that neighbors accepted only those unwed couples

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[80] In this case, Christophe Pierre Silvain de la Molere had even rented a contiguous room, joining his with that of his lover, Marie Anne Frossard, who assumed his last name. AN Y9961, Informations [Document 3b], 26 April 1786, Paris [Petit Criminel].

[81] AN Y9938, Informations [Document 1c], 1 June 1784, Paris [Petit Criminel]. In his interrogation, Jacquemain would attempt to deny her use of his name, complaining that "this girl took his name against his wishes." AN Y9938, Interrogatoire [Document 1g], 26 June 1784, Paris [Petit Criminel].

[82] The practice remained illegal. Arlette Farge and Michel Foucault demonstrated that cohabitation (or *concubinage*) was the impetus for many *lettres de cachet* requested by parents or other families who saw their reputations jeopardized by kin who lived in sin. Arlette Farge and Michel Foucault, *Désordre des familles: lettres de cachet des archives de la Bastille au XVIIIe Siècle* (Paris: Éditions Gallimard, Julliard, 1982).

[83] Dominique Godineau, *The Women of Paris and their French Revolution*, trans. Katherine Streip (Berkeley: University of California Press, 1988), 18.

whose unions were stable, durable, and posed no "social danger."[84] The same tolerance often extended to kept women, whose neighbors declined to report them to police because they lived quietly alongside their clients.[85] Parisians did not probe or police the reputations of women who existed at the fringes of their communities. To preserve order at the center, they turned a blind eye to moral transgressions at the periphery. This treatment reinforced outsiders' position as such by excluding them from the same standards of honor as the core of the community.

Moreover, community members rarely intervened to preempt problematic relationships as they did in Grasse. Fellow lodgers did little more than register personal disapproval. In one instance, a man deemed his new neighbor "dangerous" upon learning that he had secretly abandoned his newborn child without first informing its mother or baptizing the infant. Nevertheless, he declined to alert the mother to her baby's fate, only airing his grievances when summoned to testify in 1760.[86]

More often, intervention occurred when violence erupted within the couple. Usually, such scenes coincided with advancing pregnancies and disputes over support. In 1765, one claimant described a violent confrontation precipitated by her demands that her lover deliver on promises to support their baby. As she received blows to the head and stomach, "the neighborhood came to their windows," stopping the man in his tracks.[87] Neighbors who assembled advised her to lodge a complaint with the local commissioner, and they verified both physical violence and verbal insults.[88] In another case, the claimant reported that the father of her child had beaten her

[84] Farge, *Fragile Lives,* 75-80.
[85] Kushner, *Erotic Exchances,* 47.
[86] AN Y9653, Informations [Document 1b], 10 May 1760, Paris [Petit Criminel].
[87] AN Y9709, Plainte [Document 2a], 26 March 1765, Paris [Petit Criminel].
[88] AN Y9709, Informations [Document 2b], 19 & 20 April 1765, Paris [Petit Criminel].

with a cane until neighbors "ran to [her] cries."[89] Frequent references to neighbors in the plural underscore how collective presence proved more effective in halting attacks than the concerted action of one or two individuals.

Nevertheless, bystanders failed to intervene or did so half-heartedly when they judged a situation unsafe or unclear. In one case, a host of witnesses reported the barrage of blows and insults that the alleged seducer fired upon the claimant. Some saw him deliver a punch to her face and noted the profuse blood that spewed from her mouth thereafter. But however "shocked by this scene," none intervened to stop it.[90] A similar scene unfolded at the Hôtel d'Angoulême, where Claude Philippe Antoine Grosse confronted Anne Odot to pressure her against pursuing seduction charges against him. While detailing the circumstances of Odot's beating, most witnesses admitted to making no attempt to enter the room.[91] Only one man summoned the resolve to do so, "knowing that this woman was pregnant and on the verge of giving birth and fearing that something bad might happen." The man took Grosse by the collar and ordered neighbors to call for the guard.[92] In a comparable case, neighbors heard and ignored the cries of Reine Gronnerad in 1770, whose lover had arrived at her room to demand that she pay him money toward the rent. Only a jeweler who lived below her intervened, lending her 3 *livres* that her lover had demanded.[93] This act of altruism proved immensely significant to Odot, however

[89] Already months pregnant, Margueritte Launay discovered from a neighbor that her lover had "debauched" another woman and placed her in a *chambre garnie* just weeks before. When he (Rattier) got wind of their conspiratorial conversation, he promptly marched to her room and thereupon commenced beating her. AN Y9950, Plainte [Document 1a], 7 June 1785, Paris [Petit Criminel].
[90] AN Y9950, Informations [Document 1b], 12 June 1785, Paris [Petit Criminel].
[91] AN Y9956, Informations [Document 4c], 17 November 1785, Paris [Petit Criminel].
[92] AN Y9956, Informations [Document 4c], 17 November 1785, Paris [Petit Criminel].
[93] AN Y9770, Informations [Document 1b], 26 July 1770, Paris [Petit Criminel].

small. In the main, failure to intervene did not demonstrate personal or communal defect. Rather, it revealed reluctance for individuals to put themselves as risk for the sake of an outsider.[94]

Against this backdrop, self-preservation most often motivated acts of preemptive intervention. Apartment owners or proprietors in particular took action when bad behavior put their own reputations at risk. One 1786 countersuit to a seduction charge reveals that the claimant's former landlord evicted her only after neighbors continually complained that her place was practically a "whorehouse." Fellow lodgers had already protested her noisy sexual escapades, proclivity for *Thérèse Philosophe*, and trade in lascivious texts.[95] Concern for their personal and professional reputation moved proprietors to act; however such action was often limited to eviction. Its consequences thus fell on female occupants of *chambres garnies,* rather than their lovers.

One case stands against this pattern, while also emphasizing the widely held expectation that apartment owners turn a blind eye to occupants of *chambres garnies*. When seventeen-year-old Adelaide de Boulet appeared at her apartment building in 1784, Suzanne de Bay was reluctant to lodge "so young a girl" without first meeting the uncle who promised to pay her way (See Figure 7). She relented with the assurances of the uncle's intermediary, but soon realized her mistake. The "supposed uncle" was a doctor named Jolliot who had lured Boulet from her work with promises of employment as a ladies' maid. De Bay promptly confronted Jolliot, registering her "repugnance" and chastising him for the state of poverty and hunger in which Adelaide lived.[96] Although likely concerned for her own reputation, De Bay demonstrated clear

[94] For other cases of failed or reluctant intervention, see: AN Y9650 (1760), AN Y9837 (1775), and AN Y9889 (1780).
[95] AN Y9961, Informations [Document 2b], 17 May 1786, Paris [Petit Criminel].
[96] AN Y9947, Plainte [Document 2a], 1 February 1785, Paris [Petit Criminel]; AN Y9947, Informations [Document 2b], 25 February 1785, Paris [Petit Criminel].

compassion. Rather than pass judgment on her tenant, she reserved moral rebuke for the dissimulating doctor. This stance was unusual; however, its response was not. Jolliot countered that "as long as she was paid her rent, that should suffice," warning De Bay not to meddle in affairs that did not concern her.[97] (Case files fail to indicate whether Adelaide de Boulet remained *chez* De Bay.) This response illustrates the expectation that rent on *chambre garnies* secured not only space for illicit liaisons, but silence surrounding them. In Jolliot's estimation, money exempted outsiders from codes of conduct governing cohesive Parisian communities.

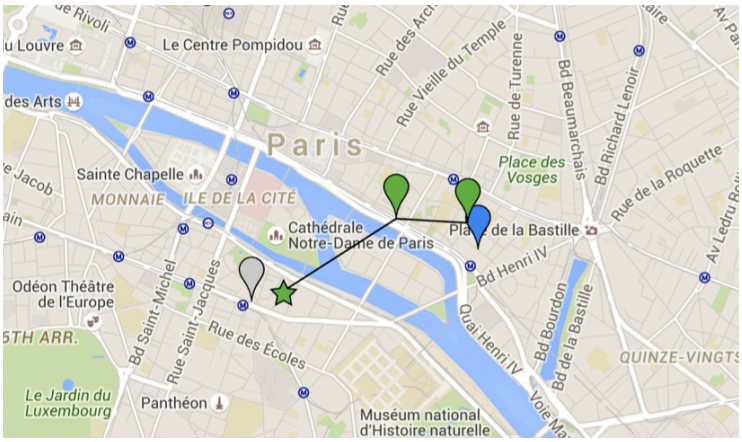


Figure 7 – Path of Adelaide de Boulet. Green balloons indicate the claimant's lodgings, and a green star her final lodgings; a blue balloon indicates the alleged seducer's lodgings; a gray balloon indicates the commissioner at which the complaint was made.

Moreover, men like Jolliot would leverage their lovers' social isolation from cohesive communities to depict them as prostitutes. Alleged seducers wielded accusations of prostitution to great effect, making this strategy the defense *de rigueur* against claimants who lived apart from their families and among other working women. This characterization depended directly on a class-based connection between mobility and morality, one that questioned the sexual honor of working women based on their daily movement beyond the bounds of family and community networks. Simultaneously, this schema upheld the honor of elite women, for whom status

[97] AN Y9947, Informations [Document 2b], 25 February 1785, Paris [Petit Criminel].

supplied a shield against unsupervised encounters with men. Even bourgeois women covered minimal ground and faced few strangers on a daily basis.[98] Accordingly, the association of mobility and sexual availability fell squarely on the shoulders of servants, seamstresses, and laundresses. Their vulnerability became grounds for men of all stripes to regard them as prostitutes and treat them accordingly.

To this end, a woman's decision to inhabit a *chambre garnie* became evidence of her moral failure and sexual dissolution. Alleged seducers depicted these rooms as loci of illicit sexual activity. In the case above, Jolliot would allege – contrary to the landlady's own testimony – that his accuser "lived a scandalous life at [De Bay's] house."[99] Other men facing seduction charges told more elaborate tales. One frantically spread rumors that he had not secured the claimant's room, but in fact she had. "This room," he fumed, "exuded [...] perfumes and inspired pleasure." There, she hosted parties with various gentlemen.[100] But his drive to depict her as a kept woman failed, as witnesses identified him as the sole guest of her purported "room of pleasures."[101] Judges likewise sided with the claimant, awarding her a sizeable sum.[102] However that outcome proved uncommon – the result of a wide range of witnesses who knew both accusing and accused parties. More often, emphasis on the *chambre garnie* raised sufficient suspicion of venal sex, rather than economic need or marital aspirations.

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[98] Discussing how couples formed among the bourgeois families of the Saint Médard parish, Garrioch writes, "For many of the local children, particularly the girls, the range of contacts with eligible partners was limited. On day-to-day errands young people would meet shopkeepers and neighbors, but many of them were already relatives – a factor that limited their marriage potential." David Garrioch, *The Formation of the Parisian Bourgeoisie*, *1690-1830* (Cambridge: Harvard University Press, 1996), 74-75.

[99] AN Y9947, Interrogatoire [Document 2d], 19 April 1785, Paris [Petit Criminel].

[100] AN Y10376, Informations en Addition [Document 4], 27 January 1776, Paris [Grand Criminel].

[101] AN Y10376, Interrogatoire [Document 5], 10 March 1776, Paris [Grand Criminel].

[102] Judges stated that he had lured the minor from her mother's home and fined him an astounding sum of 2,400 *livres.* AN Y10376, Sentence [Document 18a], 13 May 1777, Paris [Grand Criminel].

Similar suspicions arose around women who did not inhabit *chambres garnies* but lived in absence of male authority figures. When fifteen-year-old Marie Louise Leconte filed suit in 1786 alongside her mother, Marie Anne Clément, the object of her allegations barely hesitated before characterizing the mother and daughter as a madam and her whore.[103] In due course, Louis Dominique de Bauchet, Baron de Faucon, filed a countersuit and called his own witnesses.[104] Departing from earlier testimonies, newly summoned neighbors attested to the duo's poor conduct, which "scandalized everyone" in their building. Various witnesses implied that their toyshop doubled as a brothel, and others more explicitly stated that the two "passed for prostitutes."[105] Whether they held merit or not, these assertions gained legitimacy from fears that women who lived outside male control were subject to no sexual constraints.

Apart from her living arrangements, the claimant's place of encounter with the accused might also mark her as a prostitute. The location of Leconte and Clément's toyshop positioned them at the reputed center of venal sex: the Palais Royal.[106] Louis-Sébastien Mercier had identified this neighborhood as a popular pick-up spot for *femmes du monde*. "These unfortunate creatures," he wrote, "stop you on the cobblestones as you leave shows." From there, they lured their unsuspecting customers to *chambres garnies*.[107] The association of prostitution with the theater and its environs related to its reputation as a space of nighttime sociability. However it owed likewise to the sexual connotations attached to women in theater. Mercier summed up the attitude of his contemporaries when he explained that a woman was effectively lost "once her

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[103] AN Y9961, Plainte [Document 1a], 21 April 1786, Paris [Petit Criminel]; AN Y9961, Informations [Document 1b], 8 May 1786, Paris [Petit Criminel].
[104] AN Y9961, Plainte [Document 2a], 11 May 1786, Paris [Petit Criminel].
[105] AN Y9961, Informations [Document 2b], 17 May 1786, Paris [Petit Criminel].
[106] Erica-Marie Benabou classifies the Palais Royal as a hot spot of prostitution where a "*mère de famille* would not dare walk with her daughters at night" due to the presence of dishonorable women. Erica-Marie Benabou, *La prostitution et la police des moeurs au XVIIIe siècle* (Paris: Perrin, 1987), 197.
[107] Mercier, *Tableau de Paris,* I:149.

foot touched the floorboards of the theater." There, she became "a cold priestess of love."[108] This association was so powerful as to prevent actresses from lodging charges of seduction. (None appear in my sample.) Nevertheless, some men pointed to the claimant's employment at either the Opéra or Comédie française as evidence of her status as a prostitute.[109]

More often, accused men reproduced the narrative that Mercier sketched above. For example, one man explained how the claimant had followed him from the Palais Royal, proposing that he accompany her home, which he did. Like others in his position, Silvain de la Molere maneuvered to depict Marie Anne Frossard as a prostitute – but labored to characterize himself as anything but a client. He would relate his eventual shock in discovering that, based on close observation of the company she kept, she was indeed a *femme du monde*. (Frossard vociferously disputed this charge later on.) Nevertheless, they continued to maintain a relationship, which he attributed to his charity, bestowed in hopes she would cease her "bad behavior."[110] By contrast, other men were more direct, signaling their clear expectations of women who congregated near the Palais Royal. Under interrogation, one man explained that he had treated the claimant to a show at the Comédie française, after which he paid for supper. Later, they had intercourse, the sensational details of which he supplied as evidence of her dissolution. Based on that encounter, he said plainly, "he saw her as a *fille publique* and paid her each time."[111] In similar cases, men presumed their partners' identities based on a set of expectations about how prostitutes behaved and where they assembled. Granted, it is possible (and probable) that some men knew these women *not* to be prostitutes, but deliberately

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[108] Mercier, *Tableau de Paris,* III:104.
[109] AN Y9896, Informations [Document 2b], 18 December 1780, Paris [Petit Criminel].
[110] AN Y9961, Interrogatoire [Document 3d], 30 May 1786, Paris [Petit Criminel].
[111] He reported that they had sex "standing up near the chimney such that her skirts were burned up to the waist." AN Y9956, Interrogatoire [Document 4d], 7 January 1786, Paris [Petit Criminel].

mislabeled them as such after the fact. But both possibilities implicitly shaped opposing expectations of honorable women, *viz* that they did not go unsupervised at night beyond the bounds of their neighborhoods.

The same presumptions posited sex accompanied by material transaction as clear evidence of prostitution, rather than poverty. What claimants interpreted as gifts, alleged seducers construed as payment for services.[112] Even when they declined to label their lovers whores, men sometimes cited the exchange of money to position them as such. In one instance, the accused faulted the claimant for her mere association with him. "It always appeared to him that this girl was badly behaved," he remarked in his interrogation, "to come seek him out as she did." He proceeded to explain how, upon first meeting her, pity inspired him to feed her, sleep with her, and give her some coins as she left. [113] From his superior position, the woman's pitiable state rendered her sexuality a purchasable commodity. As one butcher explained under interrogation, the claimant's inferior social status meant that sex between them could only constitute a transactional exchange. "It was true that he was intimate with that girl," he admitted, but "he paid her as one does with girls who prostitute themselves."[114] Whether or not she was truly a prostitute, his lover degraded herself by accepting his spare coins; an honorable woman, he implied, would have indignantly refused the gesture and its implications.

Moreover, defendants drew attention to their lovers' inferior status to undercut claims that they had employed marriage promises to solicit sex. Given the wide social gap between them, the butcher above explained, the mere mention of marriage was preposterous. As a shop

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[112] Ruth Mazo Karras points out how "gifts of exchange" were an expected part of late Medieval and Early Modern courtship, but could be alternately construed as payment for services within contested sexual encounters. Ruth Mazo Karras, "Sex and the Singlewoman," in *Singlewomen in the European Past, 1250-1800*, eds. Judith M. Bennett and Amy M. Froide (Philadelphia: University of Pennsylvania Press, 1999), 135.
[113] AN Y9956, Interrogatoire [Document 1c], 30 January 1786, Paris [Petit Criminel].
[114] AN Y9716, Interrogatoire [Document 3d], 14 January 1766, Paris [Petit Criminel].

girl for his stepmother, the claimant surely recognized he would only conceive of marrying a lady butcher to consolidate their businesses.[115] Other defendants vociferously denied similar promises, including a stableman detained for the seduction of a servant in 1770. The man cited her reputation as a runaway, a rumored relationship with an employer, and her "hardly honest behavior" to deflect the charges against him. But pressed to explain purported marriage promises, he wavered a bit: "If he said those words, it was only in gest, but had never even thought about marrying this girl."[116] Here, the stableman highlighted how the meaning of marriage promises was wholly contextual. They assumed significance only when offered to a woman of comparable status, and meant nothing when uttered before women whose inferiority disqualified them from serious consideration as spouses. This logic, brought to its logical conclusion, granted the status and stigma of *fille publique* to any woman who engaged in sex with men above her status.

These criteria for prostitution – based largely on space and status – broadened the category so much as to draw many working women under its heading. The frequency with which men "misread" – or retroactively characterized – women as prostitutes demonstrates the breadth of behaviors encapsulated by this term. In two salient instances, foreigners found themselves in the prisons of Châtelet for relationships based on miscalculations. One Brussels native seemed openly apologetic for having mistaken a Spanish noblewoman for a whore. Charles Guillain Joseph explained under interrogation in 1770 "that he believed [her] to be an *avanturière*." From their first meeting, subsequent encounters at Thuilleries and Luxembourg gardens had only reaffirmed his opinion of her as a *femme galante*.[117] In a similar case in 1779, a man from

[115] AN Y9716, Informations [Document 3b], 27 December 1765, Paris [Petit Criminel].
[116] AN Y9766, Interrogatoire [Document 2d], 1 March 1770, Paris [Petit Criminel].
[117] AN Y9766, Decret [Document 1a], 9 April 1770, Paris [Petit Criminel].

Constantinople likewise pointed to the public nature of their encounter to support his assumptions. The claimant and a friend had "accosted" him on the street, both dressed as *femmes du monde* in his estimation. Throughout the case, he repeatedly described her as having "hooked" him (*la racrochée*) deploying a term typically reserved for prostitutes.[118] Appearances and behaviors that served as barometers for prostitution may have functioned reliably for Parisian men, but their misuse among outsiders reveals their nearly all-encompassing scope.

When Parisians themselves misjudged a woman, members of their community quickly disabused them of their mistake. In one instance, a police official sharply reprimanded the accused for treating the claimant as one would a prostitute. "One pays a whore," he scolded, "but not girls the likes of [her]." He urged him to settle the affair before it reached court.[119] In another case, friends of the accused likewise pressured him to make arrangements with his former lover. Jean Baptiste Gervais had described Anne Elizabeth Guildault as having "hooked" him on the street, after which "he always regarded her – and still regards her – as a prostitute."[120] Yet others clearly disagreed, and rumors flew that Gervais had impregnated "a neighborhood girl" (*une fille du quartier*). Her identification as such merits mention, for it designated her as an insider and worthy of the neighbors' protection. Indeed, Gervais' friends promptly cornered him in a café, pressuring him to answer to the rumors and urging him to relent. Nevertheless, Gervais ignored them, boasting that "he had nothing to fear from a girl of this sort."[121] He would eventually be fined 60 *livres* in damages – a small but not insignificant sum.[122]

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[118] AN Y10403, Interrogatoire [Document 4], 1 September 1779; AN Y10403, Confrontation [Document 9], 29 September 1779, Paris [Grand Criminel].
[119] AN Y9707, Informations [Document 1c], 9 March 1765, Paris [Petit Criminel].
[120] AN Y9708, Interrogatoire [Document 1e], 7 May 1765, Paris [Petit Criminel].
[121] AN Y9708, Informations [Document 1b], 27 April 1765, Paris [Petit Criminel].
[122] AN Y9708, Sentence [Document 1f], 7 May 1765, Paris [Petit Criminel].

In most instances, a man's classification or treatment of a woman as a prostitute reflected his estimation of her status as a protected insider or an exposed outsider. It hinged on a distinction between women of reputation who warranted respect, and unknown women who did not. In 1751, one alleged seducer expressed this taxonomy in an abnormally long, meandering request countering the charges against him. Before proceeding to outline the details of this case, he complained that "[he] knows nothing of the country she is from nor of her relatives." Moreover, her employment under his parents was merely a calculated effort to entrap them by marrying one of their sons. To consider her innocent would be to put undue trust in "dissolute girls without condition, birth, fortune, or family to oversee their conduct." For women like her, i.e. outsiders, deployed "seductive artifice" to corrupt innocent young men. [123] Upending the claimant's self-portrait as a sexual naïf, the accused depicted her as a seductress who abused the law to reap rewards from innocent men. In the process, he contested the presumed victimhood of all claimants; rather than endangering honorable women, the city enabled their depraved sisters to leave bad reputations behind and insinuate themselves in decent families and neighborhoods.

Not all Parisians shared this scheme of morality, and some pushed back against it. In many instances, neighbors called to testify in seduction cases defended claimants' honor despite their unclear reputations and distance from home. In their estimation, a woman qualified as well-behaved (*sage*) and honorable (*honnête*) if she conformed to basic standards of modesty that dictated that she receive no male guests apart from her purported husband or male guardian. (By these standards, neighbors even considered an opera singer *honnête* "despite" her profession.[124]) Where neighbors universally approved, they sang the claimant's praises, as was

[123] AN Y10142, Requeste [Document 4], n.d. [April 1751], Paris [Grand Criminel].
[124] AN Y9896, Informations [Document 2b], 18 December 1780, Paris [Petit Criminel].

the case for Angelique Rigal in 1776. One summed up their collective attitude as follows: "All the neighbors can attest to the honor and good behavior of Demoiselle Rigal." Only the girl's protector, Saint Leger, entered her room.[125] Rigal's pregnancy, witnesses assured, owed to her protector's abuse, rather than her own error. [126] Neighbors demonstrated similar support in the 1784 case of Nicole Genevieve Filleul, whom they confirmed received no visitors apart from her purported husband. "She conducted herself well in her house," one woman noted, "and behaved like the most economical of wives." Meanwhile, her supposed husband gave her "cause for suffering," leaving barely enough money for her to scrape by.[127] In both cases, neighbors qualified claimants as honorable women, despite their status as unwed mothers. By contrast, they cast suspicion on men who moved without restraint, effortlessly appearing in and disappearing from their field of vision.

Nevertheless, this more forgiving scheme of honor still stigmatized mobility by reserving praise for women who remained mostly sedentary. Neighbors often pointed to the infrequency with which women left their rooms as evidence of their honor. In the case above, neighbors remarked that the claimant never left the building in the space of three months, except to go to mass on *fête* days and Sundays. [128] One case exemplifies this tendency to an astonishing degree. When twenty-one-year-old Anne Moyset filed her 1760 complaint against Sieur Villepaille, the king's stable master, few neighbors knew her name, but all attested to her irreproachable conduct.[129] As the landlady put it, "to pay homage to the truth, [the witness] felt herself obliged to sing the praises of her lodger, who saw no one else but [Villepaille]." Others praised Moyset's

[125] AN Y9844, Informations [Document 3b], 18 June 1776, Paris [Petit Criminel].
[126] Ultimately, this collective judgment paid dividends for Rigal, who reaped an unusually large sum in damages (1,500 *livres*). AN Y9844, Sentence [Document 3d], 16 July 1776, Paris [Petit Criminel].
[127] AN Y9938, Informations [Document 1c], 1 June 1784, Paris [Petit Criminel].
[128] AN Y9938, Informations [Document 1c], 1 June 1784, Paris [Petit Criminel].
[129] AN Y9651, Plainte [Document 1a], 6 March 1760, Paris [Petit Criminel].

"sweetness and good conduct" and emphasized the fact that she was "always very sedentary," never leaving the house – not even to attend mass. To this point, they deployed metaphors that underscored Moyset's innocence. One commented that "she lived like a nun," whereas another said that "[she] left no more than a bird does its cage." A third registered his regret that Moyset, "sweet as a sheep," had been impregnated and abandoned by her highborn lover.[130] In short, a woman's virtue relied on her staying put. Yet that maxim was at odds with the realities of most working women who regularly left their lodgings in the course of any given day. However compassionate their praise, it simultaneously reaffirmed a spatially mapped system of morality.

Meanwhile, claimants themselves often reaffirmed the gendered importance of remaining within the parental home, despite their own dislocation from home. In the above case, Anne Moyset herself qualified her seducer's crime as an abuse of the sanctified space of the home. She explained that Villepaille had undermined her parents' authority by insinuating himself into her parents' home without their knowledge. [131] She retired to the furnished room that Villepaille had rented for her precisely because she feared "the disgrace of her relatives." After relating her story, she rooted the rationale of her complaint in this familial rupture. Villepaille had "put the plaintiff in the necessity of abandoning the paternal home." Here, she paid lip service to the alignment of female honor with confinement to the paternal home, whose boundaries her seducer had breached. That breach, she concluded, was irreversible. Indeed, she had not returned home and submitted the complaint with a court-assigned attorney, rather than her father. [132] Similarly, another claimant alleged that her seducer's crime resided in his effort "to make her leave her well-established and well-reputed parents and to make her lose her honor and her hopes of

[130] AN Y9651, Informations [Document 1c], 15 March 1760, Paris [Petit Criminel].
[131] AN Y9651, Plainte [Document 1a], 6 March 1760, Paris [Petit Criminel].
[132] AN Y9651, Plainte [Document 1a], 6 March 1760, Paris [Petit Criminel].

establishment."[133] She did not contest her abandonment after bearing three of his children, but rather his initial subversion of parental power. Clearly, her argument aimed to divert attention from the duration of their relationship and refocus it on that relationship's unsavory origins. However, her strategy plainly recognized the idealized location of unmarried women within their fathers' homes.

Even as claimants contested their characterization as prostitutes, they reaffirmed standards of womanhood that worked against them. By invoking the sanctity of the paternal home as a means to condemn seducers, they undermined women like themselves who struggled to assert their honor despite living apart from their parents. However strategic, these appeals paid lip service to ideals that became increasingly improbable within the economic and social contexts of their time. Those ideals enabled alleged seducers to read working women as prostitutes, associating their outsider status with sexual dissolution. Whether or not they truly believed their lovers to be prostitutes, these men recognized social stigma as their best defense against legal charges, and by leveling poor, working women to this status, they sought to minimize the sexual honor at stake in seduction cases writ large.

Conclusion

Closing his commentary on *filles publiques* in *Tableau de Paris*, Mercier turned to the lucky reader who did not call Paris his home:

> You, happy resident of the Alps, far from the cities, who peacefully breathes the mountain air! You see around you beauties who are innocent, pure, and intact, like the snow that crowns the resplendent summits of these mountains that circle the horizon.[134]

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[133] AN Y9653, Plainte [Document 1a], 20 March 1760, Paris [Petit Criminel].

[134] "O toi qui, loin des villes, respires en paix l'air des monts, heureux habitant des Alpes! Tu ne vois autour de toi que des beautés innocentes, pures, intactes, comme la neige qui couronne les sommets resplendissans de ces montagnes qui ceintrent l'horizon." Mercier, *Tableau de Paris,* III.117.

The reader's alpine home was a safe haven from "the rude pleasures of the capital" and their degrading effects on all women.[135] To Mercier, the conspicuous presence of an estimated 30,000 prostitutes (and some 10,000 *dames entretenues*) sullied the women around them, tempting them to join their ranks. Moreover, their ubiquity reduced all men to inferior manners, treating women of honor as they would *femmes du monde*. His hyperbole aside, Mercier was correct in surmising that the urban landscape facilitated sexual encounters, and that male-female relationships transformed as a result. However prostitutes were not necessarily at the center of such changes. Rather, the increased presence of mobile and migratory women redrew the dynamics of family and community control, dealing a severe blow to the role of sexual reputation and honor.

David Garrioch is correct to assert that, even in Paris, "The respect of the neighborhood made life tolerable, despite its uncertainties, despite abject dependence and often grinding poverty."[136] However neighbors did not lend the same recognition to outsiders in their midst. Migrant women and their Parisian-born peers who lived and worked in unfamiliar locales forfeited ties to family and community for the sake of economic opportunity. Those decisions alienated them from networks of support. As a result, geographical displacement and spatial mobility often compounded their social and sexual vulnerability. Under these circumstances, men found fewer obstacles to initiating (and terminating) intimate relationships. Nosy neighbors were less likely to preemptively quash inappropriate affairs as they did elsewhere, whether in Grasse or in Mercier's idyllic alpine village.

In the long term, these developments undercut the gendered premises of seduction law. By questioning the victimhood of female claimants, accused seducers disputed the presumption

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[135] Mercier, *Tableau of Paris*, III:117.
[136] Garrioch, *The Making of Revolutionary Paris*, 28-29.

that men necessarily wielded sexual power over women. Instead, they urged recognition of the seductress who manipulated her male victim to exploit his superior status and wealth. This position relied directly on the elision of working women with prostitutes. Faced with seduction charges, accused men liberally levied accusations of prostitution on the basis of a claimant's poverty, unstable employment, presence in public spaces, and displacement from family and community. In sum, the very risks a servant or laundress assumed to secure her future – relocating to or within Paris for work – counted as marks against her honor. As one defense lawyer put it in 1775, "virtue is not ambulatory" and "respectable girls do not run from town to town."[137] These allegations reveal the extent to which defendants regarded seduction laws as a means for dissolute women to reap rewards from moral indiscretions. From this vantage point, the law advantaged (and even empowered) women.

But sentences tell another story. As in the case of Grasse, outcomes are *not* available for the vast majority of cases, reflecting only about one fifth of the approximate 250 cases resembling paternity suits. But despite their limitations, these data confirm the devastating effects of mobility and migration on social networks that shielded unwed women from sexual disgrace (See Appendix 1, pp. 157-8). Where *provençal* judges endeavored to align damages with prospective dowries, their Parisian peers did not. Many claimants earned no damages whatsoever, or just enough to live hand-to-mouth until they could work again: 100 *livres* or less. The average sum awarded over this period (1730-1790) was about 600 *livres* – half that of the average amount in Grasse. Even still, one spectacular sum (over 22,000 *livres* in 1775) significantly skews this figure. By contrast, the median amount was 50 *livres.*

[137] "Une fille qui se respecte ne court pas de ville en ville, ne passe pas des extrêmeités du Royaume à l'autre; la vertue n'est pas ambulante, elle trouve toujours un asyle." *Mémoire pour le sieur Latouloubre-Lévêque, ci-devant maître de pension, appelant, contre la demoiselle Peloux, du village de Saint-Remy, en Provence, intimée* (Paris: Louis Cellot, 1775), 17. BNF 4-FM-17793.

While damages appear to rise on average, these outcomes are deceptive and do not necessarily indicate enhanced sympathy toward seduced women. Two cases from 1780 that resulted in larger sums of 1,000 and 1,600 *livres* were atypical, both involving royal officials whose punishment reflected failure to address personal problems discreetly and thereby causing scandal. A third case that year yielded substantial damages (1,000 *livres*) because the alleged seducer, a wine merchant's son, had encouraged his lover, an army officer's daughter, to leave her father's home. Later in the 1780s, two similar causes involving geographic displacement from the paternal home resulted in corporal punishment. In these instances, as in the case of the wine merchant's son, harsh penalties reflected perceived abuses against parental authority, as I'll discuss in greater detail in Chapters 5 & 6. Beyond these specific circumstances, other sizeable damages in the 1770s and 1780s may reflect the increased selectivity of cases heard in higher courts, as well as pronounced gaps in sentencing between higher status claimants and their lower status peers. For the latter women, paltry damages confirmed the likelihood that they would abandon their babies.

Moreover, men who 'lost' seduction cases forfeited very little, whether measured in wealth or reputation. In one instance, for example, a young bourgeois kept his job as a police clerk, even after being found guilty of seducing a woman whom he met in his official capacity in 1750.[138] Louis Armand Jouan was eventually fined 300 *livres* for the care of the baby, a punishment that potentially reflected his professional indiscretion and the claimant's young age (15-years-old). [139] Still, the outcome barely blemished his professional career: files for another commissioner reveal that Jouan played a pivotal role in another investigation while awaiting his

[138] Louis Armand Jouan assisted in drawing up a will for the girl's father. Although he denied any sexual encounter with the claimant, he could not disprove that he had placed her with a midwife where she eventually gave birth. AN Y10148, Decret [Document 5], 8 October 1751, Paris [Grand Criminel].
[139] AN Y10148, Sentence [Document 13], 22 December 1751, Paris [Grand Criminel].

interrogation for seduction in prison. The commissioner in question commended the clerk's success in identifying (and questioning) an important witness among his fellow prisoners.[140] Quite unlike defendants such as Jouan, most claimants found themselves unemployed as soon as they began to show, for few employers wished to stoke the scandal of unwed pregnancy within their homes. From that point forward, they scrambled to find lodgings and a means of subsistence. Social stigma accelerated the downward trajectory of seduced women, whose increasingly precarious existence made them even more likely to become prostitutes.[141]

Without realizing it, these women compelled criticism because they posed collective, albeit unintentional, threats to marriage and family as institutions. However much claimants yearned to form families of their own, they boasted no "wifely identity," no clear submission to a husband or father. Accordingly, Ruth Karras explains, the unwed woman who lived alone posed a "threat to social order" because she sidestepped those relationships of authority. "Conflating her with a prostitute," Karras continues, "at least gave her a familiar identity and, depending on local regulations and their enforcement, a means for controlling her."[142] In short, to label a woman a prostitute was to castigate her for not clinging closely to male authority of some kind, to penalize her for exercising some small degree of autonomy. This impulse to categorize unattached women was not timeless, but sprang from specific anxieties about the increasing numbers of women who left home in this period. Olwen Hufton has shown that the spinster became a central stereotype in eighteenth-century literature in direct response to the noticeable

[140] AN Y10165, Letter [Document 1], 13 August 1752, Paris [Grand Criminel].
[141] Sabine Juratic says that by 1790, only 1 of 4 prostitutes was Parisian born, and the rest largely came from the *classes laborieuses*. As such, the social composition of prostitutes closely resembles that of claimants in seduction cases. Juratic, "Solitude féminine," 899.
[142] Karras, "Sex and the Singlewoman," 134.

rise of "never-married persons." But prevalence did not yield tolerance, and the spinster was no sympathetic character, but "one to be despised, pitied and avoided."[143]

Against this backdrop, singledom and sexuality proved a toxic combination, one that spelled the demise of marriage itself. Alleged seducers and their allies raised this alarm as one line of defense. What women, one lawyer asked, would choose to suffer under the "yoke" of marriage were she able to reap financial rewards from fleeting sexual encounters? Eyeing claimants' successes, other women would willingly forfeit their virtue to spare themselves the drudgery of domestic life and secure their livelihoods by legal means.[144] This warning unwittingly contained a critique of marriage by illuminating women's exchange of domestic labor for financial security. But rather than question that exchange, the lawyer vilified women who refused it, or were unable to attain it despite their best efforts. The broader tendency to equate working women with prostitutes encapsulated wider anxieties about what would become of women who never succeeded in marrying, whether by accident or intention.

In the even longer term, the identification of working women as prostitutes informed class-based standards of gender well into the nineteenth century.[145] By then, the laboring woman would stand in sharp contrast to the bourgeois wife who passed her days indoors, at arm's length from the world of work in which her husband was necessarily entrenched.[146] Despite the

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[143] Olwen Hufton, "Women Without Men: Widows and Spinsters in Britain and France in the Eighteenth Century," *Journal of Family History* (Winter, 1984): 355-376, 356-7.

[144] *Mémoire pour messire François Gourdinau,… sieur de Chandry,… ancien échevin de la ville de Beaugency…contre demoiselle Thérèse Chaubert, fille majeure, se disant avoir été séduite, âgée de 42 ans, Intimée* (Paris : Lormel, 1776), 41. Bibliothèque nationale de France (BNF) 4-FM-14156.

[145] Police approaches to prostitution in the late Old Regime also reaffirmed the association of prostitution, poverty, and disease. Clyde Plumauzille shows how this association persisted during the Revolution, when police, hospitals, and prisons became the "three pillars" of a system designed to control and contain prostitution. See Benabou, *La prostitution et la police des moeurs*, 429; Plumauzille, *Prostitution et révolution*, 29.

[146] Bonnie G. Smith, *Ladies of the Leisure Class: The Bourgeoises of Northern France in the Nineteenth Century* (Princeton, N.J.: Princeton University Press, 1981).

indispensability of domestic labor, the appearance of female dependence remained paramount.[147] Working women felt the adverse effects of that ideal. As Jill Harsin has shown in her study of nineteenth-century prostitution, the police frequently treated working women and prostitutes as one and the same.[148] Occupying the space of the street – rather than remaining sequestered in the home – rendered them suspect. As Jann Matlock notes, some theorists estimated that vulnerable women performed a positive social function by absorbing dangerous male desire and thus protecting "good girls."[149] In short, nineteenth-century bourgeois morality cemented eighteenth-century standards that dictated which women merited protection from sexual threats. As we will see in the next chapter, some women and their advocates preemptively pushed back against those standards by staking strategic claims to victimhood using language of Enlightenment.

	Accuser status/profession	**Defendant status/profession**	**Damages (*livres*)**
1750	Widow of a Master dyer	Royal official (Directeur des aides)	60
1751	Gilt worker	Journeyman mason	300
1751	Servant	Servant	300
1751	Bread deliverer	Master gardener	50
1751	Daughter of a Master locksmith	Journeyman locksmith	0
1751	Servant	Master baker's son	0*
1751	Apprentice darner	Wine merchant	0*
1751	Daughter of Master butcher	Police clerk	300
1752	Governess [English]	Army officer [English]	0
1753	Hunting inspector for the Louvre and Saint-Germain	Supervisor of pages at the Royal Stables	0
1753	Shop girl (*fille de boutique*)	Journeyman dyer	220
1754	Daughter of a shoemaker	Unknown	0*
1754	Daughter of a boarding house keeper for mental patients	Saddler	0
1758	Salaried worker (*ouvriere*)	Journeyman glazier	60
1759	Daughter of an oyster merchant and a vegetable seller	Tailor	0
1760	Servant	Jewelry maker	100

[147] Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and women of the English middle class, 1780-1850* (Chicago: University of Chicago Press, 1987).
[148] Jill Harsin, *Policing Prostitution in Nineteenth-Century Paris* (Princeton: Princeton University Press, 1985).
[149] Jann Matlock, *Scenes of Seduction: Prostitution, Hysteria, and Reading Difference in Nineteenth-Century France* (New York: Columbia University Press, 1994), 8.

1760	Servant	Journeyman painter	0
1765	Seamstress	Municipal official (Controlleur en rentes à l'Hôtel de Ville)	60
1765	Servant	Servant	50
1765	Laundress	Dealer in second-hand goods	50
1765	Laundress	Municipal employee (Commis au bureau de 20e)	60
1766	Daughter of a bourgeois and a mistress dressmaker	Engineer	0
1766	Daughter of a minor noble	Cavalry master	0
1775	Servant	Lawyer's clerk	0
1775	Servant	Servant	300
1775	Laundress	Upholstery worker	40
1775	Lace worker	Merchant	150
1775	Seamstress	Master tailor	120
1775	NA	School master	22,183
1776	Hairdresser	Wine merchant	0
1776	Daughter of a Merchant gem-cutter	Merchant goldsmith	20
1776	Shop girl (*fille de boutique*)	Son of a dyer	0
1776	NA	Bourgeois	100
1776	Apprentice midwife	Surgeon	400
1776	Linen seller	Master cratemaker	60
1777	Daughter of a baker	Grain merchant	2400
1777	Daughter of a haberdasher	Journeyman upholsterer/café owner	0
1779	Daughter of a wine-grower	Son of a laborer	400
1779	NA	NA	0
1779	Mistress candle-maker	Master potter	150
1780	Daughter of clothes merchant (*marchande de modes*)	Royal employee (*employé aux fermes du roy*)	1600
1780	Cook	Royal official (*Secretaire des commandements du Prince de Marsan*)	1000
1780	Lady's maid	NA	40
1780	Daughter of an army officer	Son of a wine merchant	1000
1784	Daughter of a water carrier	Royal official (*Gouverneur de l'hôpital de Quinze Vingts*)	0
1785	Fish seller at *la halle*	Locksmith's boy	60
1786	Servant	Priest	0
1787	Servant	Baker's boy	0
1787	Seamstress	Porcelain maker	Stocks, banishment, branding
1789	Daughter of a Master shoemaker	Student painter	3000; Branding, galleys

Appendix 1 – Summary of available sentences (1730-1790). Asterisk indicates where judges delayed definitive decisions.

Chapter 4
Consent and Resistance in the Courtroom

When twenty-eight-year-old Louis-Charles-Philippes stood trial for rape in 1769, his lawyer gambled on an unusual defense. Rather than refute the evidence against his noble client, Monsieur Perron disputed the very possibility of rape. Nature, he argued, programmed women to repel rapists. Under attack, a woman's weaknesses transformed into weapons: "Her prayers, if they have a decided tone, become orders; her tears, her sobs crush the most firm resolution."[1] The accused barely stood a chance against his victim. Marie Plou was a plucky fifteen year old for whom nature summoned extraordinary strength; Louis-Charles-Philippes was an enfeebled veteran whose service in the Seven Years' War had left one arm limp. Even if he *had* assaulted the plaintiff, her failure to resist would have suggested complicity in the act. As Perron put it, "Rape is […] impossible without the consent of the person attacked."[2] To Perron, resistance to sex paradoxically implied desire for it.

Anne Aubry staked an opposing position when she petitioned the criminal courts of Paris just six years later. With her attorney's assistance, the lace maker recounted how Germain Antoine Sabatteau had lured her to his apartment under pretense of piecework. There, he seized Aubry and pinned her to a settee, whereupon she "fainted from the shock Mr. Sabatteau's brutality had occasioned." After a prolonged period of unconsciousness, Aubry awoke to discover that "he had sex with her without her giving any consent."[3] Quite unlike Perron, Aubry and her attorney rejected the notion that resistance disguised desire. Instead, they argued, it testified to the egregiousness of the assault. Furthermore, consummation of the act did *not*

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[1] Perron, *Mémoire pour messire Louis-Charles Philippes, Chevalier, Seigneur de Barc, accuse de viol* (Paris: P.F. Gueffier, 1769), 2. Bibliothèque nationale de France (BNF) 4-FM-25834.
[2] Ibid., 17-18.
[3] Archives Nationales (AN) Y9832, Requete [Document 2a], 12 September 1775, Paris [Petit Criminel].

indicate consent. Nevertheless, the young Parisian did not file rape charges against her attacker; she alleged seduction.

These episodes showcase the problematic place of consent or *consentement* in legal disputes over contested sexual encounters. Old regime judges rarely scrutinized consent in cases of rape. Their rulings reinforced the notion of sexual assault as a primarily physical violation. Rapists transgressed personal will or *volonté* only insofar as they infringed on husbands' and fathers' control over their wives and daughters. Accordingly, prosecution hinged on physical evidence – bruises, torn clothing, or screams – to confirm rape. Taking their cues from classical jurists, judges evaluated the extent to which women physically resisted attackers. But they rarely weighed women's words to assess their assent or refusal. As historian Georges Vigarello puts it, a woman's "non-consent" existed exclusively in its "material traces."[4] Defense attorneys like Perron mobilized these traces to contradict women's verbal claims to non-consent. They deployed details of the victim's social and sexual history to bolster the idea that she had welcomed sexual advances. Regret or ruse, they intimated, motivated her to retroactively cast a sexual encounter as rape. This strategy effectively circumscribed the conditions under which adult women could be understood to refuse sex. Its success amplified the stigma felt by accusers, making rape allegations rare.[5]

But while consent receded from rape prosecution, it crept into legal conflicts over seduction. From its inception, seduction law intersected with issues of consent, specifically within the realm of marriage. As I explain in Chapter 1, sixteenth-century laws around *rapt de séduction* expressly nullified individual consent to marriage while safeguarding parental control

[4] Georges Vigarello, *Histoire du viol, XVIe-XXe siècle* (Paris: Éditions du Seuil, 1998), 3.
[5] Ibid. Convictions were rare and stigma fell on victims, rather than perpetrators. My own research at the Archives Nationales confirms that the vast majority of rape cases tried in Paris concerned prepubescent girls beneath the age of 12.

in its place. Marriage – rather than sex – anchored the issue of consent, which formed the lynchpin of conflicts between individual autonomy and parental authority. But control over marriage was moot to the majority of eighteenth-century claimants who launched seduction charges, like the subjects of Chapter 3. These women did *not* come to court to assert their right to decide their own marriages against the will of their parents, but rather to protest against men who would not wed, parental approval or disapproval aside.

Nevertheless, these women revived questions of personal autonomy imbedded in seduction law, albeit in new ways. With the help of their lawyers, they deployed the word consent to contend that alleged seducers had unlawfully coerced their assent to sex or had ignored their refusals. These men, claimants argued, should shoulder the consequences of illicit liaisons precisely because they had not obtained consent or had procured it by force. Thus by implication, these women positioned female consent as a requisite component of lawful sex. By extension, they asserted women's rights within the arena of sex, as well as their possession of partial autonomy within the same arena, manifested by their capacity to refuse male advances. Granted, this rhetoric was counterintuitive at best; it staked a claim to women's decision-making power in intimate matters, but simultaneously insisted on their powerlessness against insistent male lovers.

Such assertions make criminal prosecution of *rapt de séduction* and *séduction* a crucial venue to explore the genealogy of female consent within eighteenth-century society. This chapter considers the same sample as Chapter 3, i.e. 250 of a total of 275 seduction cases heard at the Châtelet between 1730 and 1790 that closely resembled paternity suits. In this interval,

higher criminal courts in Paris tried as many as twenty such cases per year.[6] Supplementing this sample, I also examine about a dozen cases within that same period that defied stable categorization. Whereas early complaints bore the heading 'rape,' later documentation fell under the cateory 'seduction,' or vacilated unpredictably between the two designations over time. Finally, I parse the legal briefs or *mémoires* that publicized the most notorious of these cases for the entertainment of the reading public. Whether infamous or obscure, contests over seduction became showcases for debates about female will and decision-making power within the realm of sex. How much control did women exercise over their own bodies? Whom should the courts fault for breaches of female sexual honor? Responses to these questions ran the gamut, however they demonstrate how women, lawyers, and jurists strategically engaged with key Enlightenment questions concerning the self, will, virtue, and sexuality. These questions coalesced around the question of consent.

By orienting the question of consent around the courtroom, I contend that ordinary actors crafted Enlightenment concepts by accommodating them to everyday experience. Historians of Enlightenment too often trace the evolution of its key concepts through elite thinkers like Locke, Montesquieu, Hume, and Rousseau. They limit the concept of consent to its political iterations, anchoring their analysis on the notion of the consent of the governed.[7] But consent possessed significance beyond the sphere of politics.[8] While *philosophes* spilled ink over its meaning in the

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[6] The beginning of this period (1730) marks the year that Louis XV issued his edict reaffirming *rapt* as a crime, a decision I will discuss in the following section.

[7] See for example James Farr and David Lay Williams, *The General Will: The Evolution of a Concept* (Cambridge: Cambridge University Press, 2015); Thomas W. Merrill, *Hume and the Politics of Enlightenment* (Cambridge: Cambridge University Press, 2015); David C. Rasmussen, *The Pragmatic Enlightenment* (Cambridge: Cambridge University Press, 2013).

[8] Indeed, historians of the family have signaled its importance within burgeoning critiques of arranged marriage and calls for choice in its place. See James Traer, *Marriage and the Family in Eighteenth-century France* (Ithaca: Cornell University Press, 1980); Sarah Maza, *Private Lives and Public Affairs: the Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993); Carol Blum, *Strength in Numbers:*

abstract, claimants in seduction cases recognized its role within day-to-day life. They wielded the word *consentement* to push back against coercive behavior that infringed on a woman's control over her body and reputation. In so doing, they radically reconfigured *rapt de séduction* – a crime conceived as an abuse of parental consent in marriage – as an abuse of female consent within the context of sex and marriage. More broadly, they advanced grassroots theories of consent that transformed the meaning and implications of unsanctioned sex.

The notion of consent that emerged from this dialogue was highly problematic. Women and their lawyers deployed the word consent to suggest female decision-making capacity within the realm of sex, while simultaneously decrying women who exercised that capacity. This problem underscores the key constraints against which claimants operated; under no conceivable circumstance could unwed women claim to have *freely* consented to sex. Such an admission branded a woman promiscuous, dishonorable, and unworthy of the court's protection. Paradoxically, the same stigma beset women who claimed to *refuse* sex. Rape allegations cast suspicion, rather than pity, on women who failed to repulse their attackers. The rarity of conviction, together with the reclassification of rape as seduction, concealed the reality of sexual violence perpetrated on unmarried adult women. However these obstacles only made seduction an even more important site of conflict. Within these cases, women manipulated language to maneuver within constrictive sexual standards. They re-construed sex-related crimes as offenses against their own will and person, rather than those of their male guardians. In so doing, they introduced female consent as a chief problem within the context of sex, even if this problem was far from resolved.

Population, Reproduction, and Power in Eighteenth-Century France (Baltimore: Johns Hopkins University Press, 2002); Katherine Crawford, *European Sexualities, 1400-1800* (Cambridge: Cambridge University Press, 2007); Allan Pasco, *Revolutionary Love in Eighteenth- and Early Nineteenth-Century France* (Burlington, VT: Ashgate, 2009).

Rape & the Foreclosure of Consent

Consent would take shape within seduction trials in large part because rape cases excluded it entirely. On balance, eighteenth-century judges ignored consent as a criterion in judging rape. Instead, they prioritized context. Where and when had the encounter occurred? Was violence involved? Who were the victim and alleged attacker, and what social positions did they occupy? Within this framework, judges paid particular attention to the physical status of victims, assessing them according to age and sexual maturity. Their categorization of sexual encounters as rape versus seduction reveals a complex taxonomy of victimhood based on perceived capacity to resist unwanted advances. As I will show, agents of the law nearly universally deemed prepubescent girls rape victims. Meanwhile, they characterized adult women as seduction victims, even when sexual encounters took place under unambiguously violent circumstances. This scheme obscured the existence of sexual violence and stigmatized its victims. Furthermore, it bolstered the notion that rape constituted a corporeal violation – one that adult women were capable of preventing, while foreclosing the possibility that it also constituted a violation of female will.

The very idea of rape as a purely physical transgression marked a departure from earlier conceptions of the crime. Prior to the eighteenth century, jurists viewed rape as a form of theft. Rape deprived fathers of their daughters' sexual purity, destroying reputations and marriage prospects in turn.[9] Whereas seventeenth-century French judges had sometimes compelled rapists to marry their victims to 'repair' the damage, eighteenth-century jurists looked distastefully on

[9] Katherine Crawford, *European Sexualities, 1400-1800* (Cambridge: Cambridge University Press, 2007), 152-155.

such a solution.[10] These men gradually moved away from theories of rape as theft. Instead, they construed the crime as a corporeal violation, and women as its victims (rather than fathers or husbands). Most defined rape in simple terms as the use of force to "carnally know" a woman, widow, or girl. Conviction required proof of direct violence inflicted upon victims. Physical intimidation or "intermediary violence," such as breaking down a door, did not suffice.[11]

But medical experts found violence difficult to prove, posing further impediments to conviction. Doctors depicted the female body as "inherently deceptive" and emphasized the limits of their expertise in deciphering it.[12] In *Tableau d'amour conjugal* (1702), Nicolas Venette described the near impossibility of identifying rape. A doctor could only confirm rape with certainty were he to "find [the woman in question] in the arms of a man and examine her at that very instant."[13] Further complicating this task was the belief that women deliberately manipulated their bodies to mislead doctors. Some experts proposed that women trafficked menstrual blood to feign genital injury. [14] Other writers raised the possibility that women ingested drugs to induce vaginal bleeding.[15] Such theories discredited women's bodies as evidence to support rape accusations, narrowing the potential for successful rape prosecution.

Moreover, conviction also required proof of resistance. The *Encyclopédie* defined rape as the use of force to obtain sex "despite the strong and persevering resistance of [the victim] to

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[10] Delacroix wrote the earlier segment of the entry and Boucher d'Argis produced the second part. André-Jean-Baptiste Boucher d'Argis and Jacques-Vincent Delacroix, "Viol," *Encyclopédie méthodique*, ed. Lerasle et al (Paris: Panckoucke, 1782–1791), 8:245-246.
[11] "Viol," in *Encyclopédie, Ou Dictionnaire Raisonné Des Sciences, Des Arts et Des Métiers*, ed. Denis Diderot and Jean le Rond d'Alembert (Paris: Briasson, 1751–1772), 17:310.
[12] Cathy McClive, "Blood and Expertise: The Trials of the Female Medical Expert in the Ancien-Régime Courtroom," *Bulletin of the History of Medicine* 82 (2008): 86-108, 90.
[13] Nicolas Venette, *De la generation de l'homme, ou tableau d'amour conjugal* (Cologne: Claude Joly, 1702), 87.
[14] McClive, "Blood and Expertise," 96.
[15] Boucher d'Argis cited Joseph Jakob von Plenck to this effect. "Viol," *Encyclopédie méthodique*, 8:247.

defend herself." [16] Likewise, the *Encyclopédie methodique* showcased the behavior of the victim "who constantly refused" and ceded *only* to force.[17] These definitions encouraged judges to scrutinize the behavior of victims as thoroughly as aggressors. They hinted that inadequate or unsuccessful resistance could indicate some semblance of sexual reciprocation – and thus implied the victim's complicity in the act.[18] In short, failed resistance became a viable indicator of implied consent.

But the same theorists proposed that victims' ability to resist depended on their age and state of sexual development. A pre-pubescent or "non nubile" girl experienced difficulty resisting "a strong and vigorous man" seeking to impose his "unbridled desires" on her. By contrast, the "well conformed" (i.e. sexually mature) woman was quite capable of repulsing her rapist. Moreover, she could even "predict the trap he set for her."[19] (She accordingly shared blame for stepping into that trap.) Failure to resist rendered an adult woman suspect. In his entry on rape for the *Encyclopédie methodique*, lawyer and jurist Boucher d'Argis stated that consummation necessarily cast the victim's honor in doubt, for "an honorable woman can be outraged, but she is rarely vanquished." Men rarely triumphed over "real resistance," he added, implying that unsuccessful resistance was feigned.[20]

These writers mobilized medical theories to shore up this scheme of resistance. Boucher d'Argis cited anatomists who claimed that only incapacitated adult women – whether by

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[16] Ibid.
[17] "Consentement," *Encyclopédie Methodique*, 8:245.
[18] By this logic, prostitutes could not claim rape, having forfeited right of refusal in perpetuity by their very choice of profession. Jean-Baptiste Denisart, *Collection de décisions nouvelles et de notions relatives à la jurisprudence actuelle* (Paris: Desaint, 1766–1771), 3:291.
[19] "Viol," *Encyclopédie Methodique*, 8:245.
[20] Boucher d'Argis penned this portion of the article: "Viol," *Encyclopédie methodique*, 8:246.

intoxication or mental illness – could conceivably fail to resist.[21] Similarly, the *Encyclopédie* entry for rape rehashed the well-worn theory that conception required orgasm. Pregnant women could not conceivably claim rape, for their bodies attested to the pleasure they had experienced in the act. [22] These biological theories encouraged judges to look for signs of consent and coercion on women's bodies, rather than relying on their spoken testimony. They narrowed the possibilities for adult women to levy rape accusations, reaffirming their position at the bottom tier of a hierarchy of victims.

Uneven punishments confirmed this hierarchy. Rape of prepubescent or "non nubile" girls warranted severe punishment: death on the wheel. Likewise, rape of virgins (no matter their age) warranted death.[23] Severity of punishment dropped incrementally according to the victim's perceived sexual maturity. Only in extreme circumstances did rape of non-virginal, adult women merit death penalty (e.g. rape under force of arms or on the highway).[24] Of course, this hierarchy correlated to notions of the sanctity of virginity. But it also corresponded to theories of resistance that held pre-pubescent girls to be less capable of fending off sexual threats and thus more deserving of the law's protection.

In practice, Parisian police commissioners and prosecutors used age and sexual maturity as criteria to categorize sexual encounters. Puberty marked the dividing line between seduction and rape. But this model proved impractical in classifying incidents involving young teens of about 11 to 15 years old. As in comparable cases in England, these plaintiffs occupied a "grey

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[21] "Viol," *Encyclopédie Methodique*, 8:246.
[22] The *Encyclopédie* entry on rape cites Boerius as the originator of this theory. "Viol," *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers*, 17:310.
[23] Ibid.
[24] Pierre-François Muyart de Vouglans, *Les Loix criminelles de France dans leur ordre naturel* (Paris: Morin, 1780), 241-242.

area" with respect to puberty and law. [25] Terminology wavered unsteadily in these cases, which officials filed alternately as rape, seduction, and abduction. For example, the police commissioner Delaporte initially labeled 13-year-old Adelaide Pilleul's case a seduction. But subsequent paperwork betrays the official's uncertainty. The word "seduced" (*séduite*) replaces a scribbled over "raped" (*violée*). Case files also include the royal prosecutor's order for physicians to visit the victim to learn "whether she was raped." Nevertheless, interrogators steered clear of the term rape entirely, even while referring to the victim as a child. [26]

Like Pilleul, the Courtois girl (case files curiously omit her first name) occupied an ambiguous space between childhood and womanhood. Her grandfather sought out the police after the twelve year-old spent the night with an older man named Lemaire at an inn. The girl recounted how Lemaire had "made various propositions that she did not wish to hear" and eventually had "wet her." This testimony earned Lemaire a trip to jail for the crime of seduction. When the royal prosecutor later reopened the case, he classified it as "attempted Rape" and ordered a medical examination to determine whether the girl had been "deflowered."[27] In both Pilleul and Courtois cases, police officials looked to medical examination as a means of settling uncertainty about the status of the victim and thus the appropriate designation of the act.

Curiously, neither police commissioners nor appointed medical experts directly asked claimants whether or not they had experienced their first period. (It is unclear whether propriety precluded this line of questioning, or whether experts were not willing to take claimants at their

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[25] In England, as Sarah Toulalan shows, the law was more specific than in France, classifying all encounters with girls under age 10 as rape, and all unconsented encounters above age 10 as rape. Sarah Toulalan, "Child Victims of Rape and Sexual Assault: Compromised Chastity, Marginalized Lives?" in *The Place of the Social Margins, 1350-1750*, eds. Andrew Spicer and Jane L. Stevens Crawshaw (New York: Routledge, 2017), 181-202: 182.
[26] AN Y9948, Plainte [Document 1a], 25 July 1785; Informations [Document 1b], 13 September 1785]; Informations [Document 2a], 17 September 1785; P'val [Document 2b], 10 August 1785; Interogatoire [Document 2c], 11 August 1785, Paris [Petit Criminel].
[27] AN Y10004, Plainte [Document 1], 19 December 1789, Paris [Petit Criminel].

word.[28]) Instead, claimants often volunteered this information to assert their sexual innocence and posit blood as evidence of violence. For example, a fifteen-year-old laundress stated that "she was not yet developed" in presenting her bloodied chemise, petticoat, and apron as evidence of rape.[29] In other cases, family members explained that they had failed to recognize the significance of girls' bloodstained garments, mistaking them as remnants of nosebleeds or first periods.[30] Blood performed an important function for these girls and their parents, substantiating both their pre-pubescence and previously intact virginity.

More often than not, police relied on appearance to decide whether to treat a victim as a child or an adult woman. Although police commissioners rarely ever noted plaintiffs' physicality, commissioner Alix made an exception in the case of thirteen-year-old Anne François Forget. The girl and her parents had just related the tortuous tale of her abduction and rape by a journeyman painter when the commissioner noted in an aside, "Here it is observed that Anne François Forget is of a small stature and appears to be around 9 to 10 years old such that she appears to have no signs that indicate puberty."[31] This highly unusual notation hints that Alix considered Forget's exceptional immaturity an important factor for the prosecutor to consider in examining the case.

Police officials also drew attention to childlike language to underscore a victim's youth and consequent innocence. In the Forget case above, commissioner Alix recorded Anne

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[28] Doctors operating outside the judicial system may have directly asked their patients' state of puberty, as English practitioners often did. Wendy Churchill, "The Medical Practice of the Sexed Body: Women, Men, and Disease in Britain, *circa* 1600-1740," *Social History of Medicine* 18 (2005), 3-22: 14.
[29] AN Y9890, Declaration [Document 1a], 20 June 1780, Paris [Petit Criminel].
[30] AN Y11973, Informations [Document 7], 15 March 1781 [Commissaire Bourgeois]; AN Y9713, Procés Verbal [Document 2a], 21 September 1765, Paris [Petit Criminel].
[31] Declaration de Viol [Document 1a], 26 July 1785, Paris [Petit Criminel]. AN Y9952.

François' words verbatim, noting "We believe we should conserve the child's language."[32] Forget's narrative is frantic, direct, and unadorned: "He […] forced me and I screamed again and he swore at me and did that to me and he wanted to do it again, but because I screamed louder he withdrew."[33] This transcription underscores the girl's inadequate vocabulary to describe the assault and its aftermath. In a similar case, eleven-year-old Marie Magdeleine Race reluctantly reported to commissioner Bourgeois that her parents' colleague had placed "something hard she couldn't name" between her thighs. An elderly neighbor reported hearing "the voice of a child" screaming persistently for 15 minutes and feared "someone had delivered a hard blow to a child." Although she did nothing to prevent the assault, the neighbor's testimony underscored Marie Magdeleine's status as a child and consequent inability to resist a grown man.[34] In both cases, police commissioners showcased girls' poverty of language to position them as undeniable victims.

Conversely, defendants pointed to the physical maturity of supposed victims to cast their innocence in doubt. Perron defended his client by disputing the plaintiff's claims to pre-pubescence. By a "general rule," he argued, girls reached puberty at age 12. Even if country girls lagged behind city girls in this arena, Marie Plou was 14 to 15 years old at the time of the attack and most certainly pubescent. That in turn meant she was in prime physical health: "This girl is very advanced for her age […]. She enjoys robust health; she already announces a fiery

[32] This case is – remarkably – the single case of seduction transcribed in first person of all the cases I examined. It is both unusual and difficult to read.
[33] *Ibid*.
[34] "violentée par un membre viril." AN Y11973, Plainte [Document 1], 15 October 1781; Information [Document 2], 23 October 1781, Paris [Bourgeois].

temperament." The state of Plou's health rendered any rape attempt "imaginary and physically impossible" as she was capable of repelling any assailant.[35]

Among mature women, defendants claimed, resistance was merely performance, designed to provoke rather than deter. The Chevalier Delacroix insisted this to be the case in recounting his affair with Margueritte Terasse in 1770. Having made her acquaintance, Delacroix met the fourteen-year-old hat maker in a borrowed apartment. While chatting together, he stroked her throat, and "she made some pro forma resistance." Under interrogation, Delacroix admitted that he was "taken in by this feigned resistance, which aroused him even more." Within the context of mercenary sex, a world in which Delacroix professed to possess a great deal of experience, Delacroix understood resistance as pure ruse, a trick employed to tantalize men. (Later in this chapter, I will discuss that notion at greater length.) His ease in consummating the act further convinced the knight of Margueritte's willingness. What's more, he told his interrogator, her orgasm exposed her initial opposition as a sham.[36] From Margueritte's vantage point, the scene appeared quite differently. Her descriptions of the ordeal are worthy of the Marquis de Sade, including kidnapping at the hands of a wealthy procuress and subsequent sexual torture.[37] Nevertheless, Delacroix's testimony conformed to notions of resistance that judges clearly embraced. He and the alleged procuress convincingly positioned Margueritte as a prostitute who deployed rape allegations to gain financial damages from a wealthy customer. Against this daunting defense, Margueritte and her guardian dropped charges.

The burden of proof for an accuser like Margueritte meant that the mere classification of her case as rape was exceptional. For the most part, rape accusations for victims over the age of

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[35] Perron, *Mémoire pour messire Louis-Charles Philippes*, 13-14. BNF 4-FM-25834
[36] AN Y9771, Interrogatoire [Document 8f], 23 August 1770, Paris [Petit Criminel].
[37] AN Y9971, Plainte [Document 1], 15 August 1770, Paris [Petit Criminel].

thirteen were scarce. Convictions were even scarcer. Standards of proof were spectacularly high, requiring evidence of the victim's resistance, the aggressor's superior strength, cries for help, and bodily traces of the aggressor's violence. [38] To legal theorists, these standards served as a necessary protection against scheming women who sought to abuse the legal system. Lascivious women who succumbed voluntarily would almost certainly cry rape – "modesty's last refuge" – to cover their shame.[39] They might even tamper with physical evidence. Boucher d'Argis alleged that some women masked their sexual misadventures with drugs that induced vulval bleeding and inflammation. [40] Moreover, many theorists disputed the reliability of medical examinations in attesting to a pubescent woman's state of virginity. They intimated that women could manipulate their bodies to conceal the truth from court-appointed doctors. [41]

Even when a claimant came close to meeting the standards outlined above, officials hesitated to apply the term rape. The case of Catherine Demar in 1785 illustrates how age-based theories of resistance disguised the fact that the law implicitly faulted unmarried, adult women who fell victim to rape, whatever the circumstances. In this case, emphasis on the victim's failure to resist masked the failure of male bystanders to intervene. Demar was tending to her employer's cabaret in St. Denis when Vincent and Michel, a butcher and butcher's apprentice, sauntered in, ordering wine and food. Within moments, Michel fell upon Demar, threw her on a table, lifted her skirts over her head, and sexually assaulted her. Demar briefly escaped his clutches, but Michel and Vincent chased the maid around the cabaret in a scene that she claimed lasted four hours. The entire spectacle unfolded before the eyes of several patrons.

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[38] Muyart de Vouglans, *Les Loix criminelles de France,* 242.
[39] "Viol," *Encyclopédie méthodique*, 8:246.
[40] Boucher d'Argis cited the work of Joseph Jakob von Plenck to this effect. "Viol," *Encyclopédie méthodique*, 8:247.
[41] Ibid; Perron *Mémoire pour messire Louis-Charles Philippes,* 13-14. BNF 4-FM-25834 13.

The police commissioner who took Demar's complaint did not categorize it as rape. He referred to the incident as "violences" and later "insults and violences."[42] Why? First, both patrons and police alike potentially assumed the maid's reciprocation and considered openly bawdy behavior marginally acceptable within a space of male sociability. One patron present explained that while "he didn't approve of the things he saw [Michel] do to [Demar]," he thought the man was simply trying to "have a laugh with this maid."[43] The witness did not think their interaction far out of the ordinary within the context of the cabaret. Neither did Vincent, Michel's alleged accomplice, who depicted Michel's actions as harmless mischief: "Michel played with the cabaret girl but not to the extent that he wanted to sexually violate her, who, besides, was of the age and strength to defend herself."[44] Vincent recruited resistance theory to suggest that a sturdy cabaret maid could defend herself, if she so wished.

Second, a rape designation did not accuse Michel alone; it threatened to indict every person who stood by. Other patrons sheepishly verified their presence that day, but claimed themselves too outnumbered to defend the girl. A fruit merchant said he had heard Demar scream but dared not intervene when he saw two men at her heels. Another man confessed that he lowered his eyes in shame when Michel lifted Demar's skirts and exposed her nude body, but that he had left rather than intervene in those "villainies." A third man stood by as Demar "struggled with all her might" and watched as Michel held her pubic hairs aloft.[45] Paradoxically, the condition that should have sealed Demar's case – the public nature of the attack – doomed it. Onlookers' testimony betrayed their belief that Demar should have anticipated and better

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[42] AN Y10468, Procès verbal [Document 1a], 3 October 1785, Paris [Grand Criminel].
[43] AN Y10468, Information [Document 1b], 29 October 1785, Paris [Grand Criminel].
[44] AN Y10468, Interrogatoire [Document 1g], 25 November 1785, Paris [Grand Criminel].
[45] AN Y10468, Information [Document 1b], 29 October 1785; Interrogatoire [Document 1h], 28 November 1785, Paris [Grand Criminel].

defended herself against this type of attack as a woman alone in a cabaret. Her presence in that space, as well as the exposure of her nude body, damaged her sexual honor in the eyes of her would-be protectors. In short, they deemed her an unworthy victim. Unfortunately we do not know whether the judge was more sympathetic: Demar dropped the charges.[46]

The case of Marie Canard followed a similar pattern. The nineteen-year-old worked as a maid at an inn where one tenant, a doctor named Bellaire, harassed her consistently. On Christmas day in 1787, he attempted to have his way with her. Canard repulsed Bellaire, but suffered several blows to the head in the process. While the innkeeper's wife tended to the victim, her husband ran to fetch the local police commissioner. Bellaire scrambled to escape, but a troupe of water carriers chased him down and dragged him to the commissioner. Canard's case seemed to match all the standards for proof of attempted rape. A timorous law student had witnessed the confrontation from a keyhole. The innkeeper's wife and another lodger confirmed Canard's face was "covered with blood," which spilled in clots from her nose. According to the innkeeper, Bellaire exclaimed that he wished he had thrown Canard out the window. Nevertheless, the commissioner designated the crime "violent seduction," later revising the charge to "attempted seduction made with violence and considerable mistreatments."[47] Bellaire's earlier sexual advances should have stopped the victim from entering his bedroom alone, although her job depended on making lodgers' beds. But she did so despite her better judgment. That contravention of interest, combined with their prior interactions, smelled of seduction – rather than rape – to the presiding commissioner.

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[46] Demar desisted on the condition that Michel pay an unspecified sum to her. A sentence given on the same day (though unclear whether before or after her desistment) found Michel guilty, fining him the small sum of 3 livres of *amende* to the King.

[47] "mauvais traitements." AN Y12820, Proces verbal de garde [Document 1], 25 December 1787, Paris [Dupuy]; Information [Document 3], 3 January 1788, Paris [Dupuy].

But in this case and others, women themselves possibly shied away from claiming rape, which typically cast more shame on victims than convicted aggressors.[48] Communities elicited little sympathy, even if convinced of a rapist's guilt. Long before Catherine Renier brought an official complaint against Benjamin Cuvillier in 1782, the neighborhood handed down an unofficial sentence. Renier's peers later testified to gossip that Cuvillier had raped Renier. Indeed the fifteen year old alleged in her official complaint that Renier had often "kept a look out for her" as she walked home from work, and had raped her behind a woodpile one such evening. But rather than evince sympathy for Renier, teenagers from the neighborhood teased her. They collectively renamed her Madame Benjamin and addressed her as such.[49] In other words, they callously referred to her as her rapist's wife.

In a more severe case, community members reduced one teen from model child to social outcast within a matter of weeks. Villagers in Marly la Ville knew Marie Anne Benit to be "a respectable girl raised Christianly." She had earned an admirer in Jean Baptiste Morin, and their fathers settled on a January 1776 wedding. But that agreement dissolved instantaneously when a neighbor named Autin forced himself on Marie Anne one day in August 1775. There was no shadow of doubt: Autin's wife walked in on the crime and immediately told the girl's parents. In a bizarre twist, Autin offered to marry his victim after his wife promptly died. Autin interpreted her passing as a sign from God: "It was the heavens undoubtedly that wanted him to repair the fault he had committed." (In fact, she died from her husband's beatings.) Marie Anne's parents accepted the offer, viewing the match as a means of recovering from the blow their family's name suffered from both the rape and the resultant pregnancy. As Marie Anne explained in her

[48] Georges Vigarello, *Histoire du viol, XVIe-XXe siècle* (Paris: Éditions du Seuil, 1998).
[49] AN Y11975, Infos, viol [Document 5], 15 June 1782, Paris [Bourgeois].

eventual complaint (after Autin reneged on his promise), she faced "the ignominy of her countrymen" and their "perpetual scorn" if she remained raped, unwed, and pregnant in Marly.[50]

Those concerns were well founded. Although community members insisted upon her unblemished reputation prior to that August day – as well as the unlikelihood that she succumbed voluntarily, they willfully participated in her alienation. All witnesses employed words connoting violence and brutality (*violenter, abuser, subtiliser*) to describe the incident, underscoring Autin's wrongdoing and dispelling Benit's complicity. Laceworker Catherine Bourgeois speculated that Autin must have employed tricks or force to "abuse" the girl because "Benit was not a girl to act like a libertine of her own free will."[51] Another witness stated confidently that had Autin failed, the girl "would still be sensible and probably married to the younger Morin." The father of Marie Anne's former fiancé even attested to her innocence. Nevertheless, he canceled the wedding. The very same people who acknowledged Autin as a rapist, wifebeater, and witness tamperer reinforced Morin's decision and distanced themselves from the Benit family.[52]

In rare cases where community members and officials recognized and condemned the rape of an unmarried, adult woman, they bestowed little compassion on the victim. Such cases were unusual to begin with, largely due to the narrow conditions under which plaintiffs could legally support their accusations. Judges relied on corporeal criteria to judge sexual encounters and found few instances in which adult women's bodies could be understood to refuse sex. Physical maturity was tantamount to implied consent, trumping all other evidence of violence or

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[50] AN Y9844, Plainte [Document 4a], 13 December 1775; Plainte [Document 4c], 5 March 1776, Paris [Petit Criminel].
[51] AN Y9844, Infos [Document 4d], 15 May 1776, Paris [Petit Criminel]; AN Y9845, Infos par Addition [Document 3b], 7 July 1778, Paris [Petit Criminel].
[52] Unfortunately the case runs cold after July 1776.

resistance. These evidentiary standards reinforced the notion of rape as a physical violation and foreclosed any consideration of the crime as a transgression of female will. This constricted conception of rape demonstrated official reluctance to acknowledge the existence of coerced or unconsented sex among adult women. Furthermore, the shame cast on rape victims made women wary of bringing such charges, a tendency that only further concealed the reality of sexual violence.

Seduction Law – An Unlikely Seedbed for Consent

While largely absent from rape prosecution, language of consent would increasingly figure within laws governing marriage, and clandestine marriage in particular. As I show in Chapter 1, the crime of *rapt de séduction* emerged from competing state and church claims to authority over marriage from the sixteenth century onward.[53] Where the Catholic Church saw a union of souls, the crown saw a means of strategic social consolidation among elites. For that system to work, parents needed to exercise legal control over their children up to the age of 25. Mutual consent of bride and groom was antithetical to this vision of marriage, but it remained the cornerstone of the Catholic sacrament, and ecclesiastical law allowed minors to wed in the presence of a priest.[54] To French kings, those laws spelled chaos. Freely chosen marriage empowered unruly young men to woo women of higher rank and convince - or coerce - them to elope, throwing calculated marriage strategies off kilter. Over the course of the sixteenth and seventeenth centuries, the monarchy issued laws against *rapt* to eliminate marriage by mutual consent and assert its authority against that of the Church. Men proven to have employed deception or force to obtain an unlawful marriage warranted death by hanging.

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[53] See Traer, *Marriage and the Family*.
[54] Danielle Haase-Dubosc, *Ravie et enlevée: De l'enlèvement des femmes comme stratégie matrimoniale au XVIIe siècle* (Paris: Éditions Albin Michel, 1999).

When Louis XV issued his own edict on *rapt de séduction* in 1730, he did not simply echo his predecessors. The monarch reaffirmed the law's core purpose in reaction to judicial application that only seemed to undermine it. Specifically, he took aim at judges who had hesitated to mete out death sentences to convicted seducers in decades prior. These men recognized the social utility of reconciling couples, and more often arranged marital or financial settlements between seducers and their victims.[55] Critics of this practice argued that it simply crowned the seducer's intentions, and invited unwed mothers to manipulate the law by entrapping men of high status into marriage.[56] According to this view, judicial practice surrounding *rapt* ran roughshod over parental control.

Louis XV pushed back against these abuses of parental consent, but went a step farther. His declaration not only denied the right of bride and groom to marry by mutual consent; it made moot women's consent to participation in the crime. The text did not differentiate between elopement (*rapt de séduction*) and violent abduction (*rapt de violence*).[57] Whether a young man conspired to elope with his intended or whether he kidnapped and raped her made no difference. Both exploits warranted capital punishment. Here, the monarch endorsed earlier judicial practice that sidelined female will entirely in cases of abduction or elopement. The law consequently confirmed parental authority while ignoring questions of consent and coercion within the unlawful couple itself.

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[55] James Richard Farr, *Authority and Sexuality in Early Modern Burgundy (1500-1730)* (New York: Oxford University Press, 1995).
[56] Daniel Bargeton, *Mémoire sur l'article 497 de la coutume de Bretagne, au sujet de la subornation des filles mineures* (1730), 2. BNF FP-5706.
[57] Edict [22 November 1730], Marly; Reg. P. de Rennes 9 avril 1731. James Farr explains that the edict's conflation of terms helped resolved conflicts between the Church and the monarchy over consent within the context of marriage. Farr, *Authority and* Sexuality, 98.

But if Louis XV meant to definitively put questions of consent to rest, the edict had the opposite effect. Lawyers hotly debated the actions and intentions of women in *causes célèbres* or highly publicized cases of abduction and elopement that followed 1730. Did a woman's complicity in her own flight constitute an extenuating circumstance for her so-called seducer? Defending the Marquis de Tavannes against charges of *rapt* in 1735, Pierre de Saulx argued in the affirmative. "If [the seducer] had her consent," he wrote, "we must investigate the circumstances that accompanied or followed the abduction." He continued, concluding that "these circumstances aggravate or diminish the crime." In brief, the seducer who enjoyed his victim's acquiescence did not merit death. To this end, de Saulx cited instances in which the Parlement of Paris or Louis XIV himself had granted clemency to non-violent seducers.[58]

In staking this claim, de Saulx paid lip service to prevailing notions of female passivity while simultaneously arguing for recognition of women who transcended those standards. "Every man who leaves the realm with a girl who has run away from her parents," he granted, "is justly presumed to have kidnapped her." Why justly? Because the "timid and weak sex is not ordinarily suspected of forming such bold plans alone."[59] But where the law rightly recognized feminine dependence, it should also acknowledge women who broke the mold and demonstrated some degree of independence. As for the Tavanes case, de Saulx complained that the charges would crumble were the so-called victim, Mademoiselle de Brun, allowed to explain herself.[60] It was common knowledge, he commented, that Mademoiselle de Brun was "cruelly tormented" by her family and "absolutely wanted" to leave them, soliciting the Marquis de Tavanes to this end.

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[58] Pierre de Saulx, *Observations sommaires sur le crime de rapt* (Paris, 1735), 4. BNF MFICHE 4-FM-30800.
[59] Pierre de Saulx, *Lettre de M... P... à M. le chevalier de C... Au sujet de poursuites exercées pour crime de rapt contre le marquis de Tavanes* (1742), 10. BNF MFICHE 4-FM-23642.
[60] De Saulx, *Lettre de M... P... à M. le chevalier de C...,* 10.

Against this backdrop, his actions were not criminal, but "generous."[61] (Another anonymous pamphlet writer went as far to suggest that it was not Tavanes who seduced de Brun, but she who seduced him.[62]) Past pardons of such savior-seducers, de Saulx contended, set a precedent for leniency in cases like these, where daughters fled only to escape abusive parents.[63]

In short, the ink on the 1730 edict was barely dry when jurists began disputing the text of the law versus its intentions. Men like de Saulx placed the question of female consent front and center in these debates. Granted, the notion of *consentement* he advanced was limited at best. As de Saulx explained, consent was consequential only insofar as the woman who exercised it did so in her best interest. (Of course, male judges were best equipped to decipher what her best interest constituted.) A bourgeois or noble *demoiselle* who eloped with a male servant in her household did not legitimately consent because such a choice was unfathomable.[64] Nevertheless, the very notion that a woman's will constituted an extenuating circumstance in cases of seduction transformed the terms on which these cases were argued from this point onward.

Indeed, de Saulx's line of argument developed into the defense *de rigueur* for accused seducers, as I will discuss in Chapter 5. By mid-century, lawyers regularly portrayed their clients, alleged seducers, as mere accomplices to adventuresome young women who had not only consented to illicit liaisons, but had contrived them in the first place.[65] Legal briefs in these cases proffered a portrait of female independence and agency to diminish the presumption of female passivity that undergirded harsh penalties for seducers. Blame belonged equally between the

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[61] De Saulx, *Observations sommaires*, 1.
[62] *Lettres au sujet du différend de M. le Marquis de Tavanes, Brigadier des Armées de l'Empereur, avec M. le Marquis de Brun, Maréchal des Camps & Armées du Roi* (Paris, 1743), 6. BNF MFICHE 8-LN27-3145.
[63] De Saulx, *Lettre de M... P... à M. le chevalier de C...*, 6.
[64] De Saulx, *Lettre de M... P... à M. le chevalier de C...,* 5.
[65] See for example the Caire c. Démarchis case, discussed in detail in Chapter 5. *Mémoire à consulter pour M. Démarchis, citoyen de Lucques, contre M. Caire, bourgeois de Strasbourg* (1783), 10-11. BNF 8-FM-3580.

seducer and his supposed victim, lawyers implied; both had consented to their unsanctioned bond. Although strategic and self-serving, this rhetoric reframed disputes over culpability around the question of female consent.

Moreover, the same rhetoric challenged parental authority over marriage and endorsed mutual consent as the essence of the marital contract – a position that implicitly acknowledged and valorized female consent.[66] Of course, noble parents resisted these arguments, denying the relevance of female consent to seduction in hopes of legally dissolving a socially undesirable marriage. As a lawyer for one couple explained, the only consent that mattered was parental consent, "the essence of the [marriage] contract." Of the seduced daughter's own will or *volonté,* he stated, "This will is hardly her own."[67] Parental will superseded that of children who remained legal minors.

Ultimately, the legal strategies outlined above pertained exclusively to noble daughters and their nearly equally high-born lovers. Underlying these claims was the presumption that young women of status could not credibly condescend to elope with a man of inferior standing. As De Saulx had put it, "a girl of condition" would never grant "full consent to such a shameful step."[68] Did he esteem servants and laundresses similarly? More likely, he regarded them as the authors of their own disgrace. Nevertheless, working women would deploy similar rhetoric in their allegations against seducers.

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[66] To this end, defense lawyers depicted the victim's parents as tyrannical or depraved to justify their daughters' departure and subsequent elopement See for example the Hamilton c. Beresford case, discussed in detail in Chapter 5. *Réflexions sur une affaire qui occupe au palais tous les amateurs, par un vieux pilier d'audience qui dans sa jeunesse a couru le monde, et qui n'a point cessé d'être homme en fréquentant la grande salle et lieux circonvoisins* (1782), 94. BNF 8-FM-3197. See also BNF and Archives Nationales (AN) documents pertaining to Jean-Jacques Rousseau versus Huet et al (1777-17778): AN Y11969; AN Y15287; BNF 4-FM-28478; BNF 4-FM-28479; BNF 4-FM-28480.

[67] Chaumette des Fossés, *Question du droit public. Plaidoyer pour Messire Gawen Hamilton* (Paris: Knapen et fils, 1782), 94, 116.

[68] Pierre de Saulx, *Lettre de M... P... à M. le chevalier de C...* (1742), 6. BNF 4-FM-23642.

Consent at Court in the Châtelet of Paris

By the time Louis XV published his edict on *rapt,* practice and theory of the crime rarely bore resemblance to one another. Few seduction cases concerned young men who had abducted or eloped with brides-to-be, as illustrated in Chapters 1 through 3.[69] Instead, the majority involved men who had waved the prospect of advantageous marriage before women as an enticement to sex, and subsequently abandoned those women when they became pregnant. Claimants were no longer parents objecting to a mismatched marriage. They were women who *sought* marriage, or at very least modest financial damages, in order to repair the dishonor of unwed pregnancy. These legal contests were vastly different from the *causes célèbres* described above. However the lawyers involved came from the same circles, counting Pétion de Villeneuve and Fouquier-Tinville among their ranks. These men likely served as conduits between idioms of the salon and the street, prompting clients to tailor their narratives to broader legal and intellectual trends. As a result, claimants in these cases deployed the word "consent" in innovative ways that contributed to the transformation of *rapt* and to thinking about sex more broadly.

Outside the courtroom, claimants may have rarely encountered the concept of consent, although it would become an empowering legal weapon in their hands. These women, constituting the same sample as in Chapter 3, mostly belonged to Paris' masses of laboring poor. Many were migrants who moved to Paris in hopes of accumulting a dowry to attract a handsome marriage partner back home, or even land one in the city itself. Their Parisian-born peers were

[69] James Farr's study of Burgundy demonstrates that by the late seventeenth century, *rapt de séduction* served primary as recourse for unwed pregnant women to pursue marriage or financial aid from their former sexual partners. Farr, *Authority and Sexuality*, 110-123. My own samples of Paris and Grass reveal fewer than ten (Paris) and four (Grasse) cases over a span of forty years involving the geographic displacement of a couple with the intention to wed.

likewise motivated by marriage and the stability it afforded, both social and economic. For all these women, honor constituted a prize possession, albeit one difficult to hold on to. As I explained in Chapter 3, distance from families, neighborhoods, or hometowns afforded women unprecedented independence from surveillance and pressure, but such separation simultaneously alienated them and sabotaged their modest goals. Many became unwed mothers and found themselves forced to publicize their dishonor in order to demand support from their former sexual partners. But unlike the *grassois* women of Chapter 2, these women could not easily claim that they had assented to sex because their lovers had promised to marry them; in Paris, unlike Grasse, wide social gaps often separated claimants from the men they accused. While many women mentioned purported marriage promises despite this implausibility, they also deployed another slightly different strategy; these women alleged they had *not* assented to sex, or assented only under duress.

Strikingly, these women harnessed the notion that young women could not consent to their personal dishonor. Just as a seducer's pernicious influence invalidated a minor's consent to her elopement, that very same influence invalidated her consent to sex.[70] Most claimants detailed the long-term process of pressure and persuasion that preceded an initial sexual encounter, often referred to as the moment a woman "consented to" a suitor's desires.[71] As an example, chambermaid Felicité was 18 when she drew the attention of Roger, a cook in the same household. "Sentiments of honor" had always guided her actions and "distanced her from consenting to what he desired." But those sentiments ultimately proved too weak. Roger assured Felicité that sex would not besmirch her honor because they planned to wed. His will eclipsed

[70] Interestingly, claimants above the age of 25 still asserted this logic, despite the fact that they exceeded the legal age of consent to marriage.
[71] See for example AN Y11943 (Document 6a, 1759); Y11962 (Document 1, 1774); AN Y11969 (Document 11, 1778); Y11963 (Document 5, 1775).

her own and she "had the weakness to consent to [sex]."[72] For Felicité, the word consent foregrounded competing pressures to obey 'sentiments of honor' and please potential suitors. Her bestowal of consent marked her moral forfeiture and the triumph of Roger's will over her own.

Other claimants similarly pinpointed sex not simply as the locus of sexual dishonor, but as the loss of self-determination and control. Corporeal metaphors played on this idea. Claimants frequently evoked the language of blindness – whether they were "blinded by love" or felt "blind confidence" in their seducers – to emphasize their vulnerability.[73] Crucially, that vulnerability rendered violence unnecessary. To explain why his client bore no marks of physical struggle, one lawyer asked rhetorically, "Is one obliged to take by force a woman whom one has seduced?"[74] Persuasion alone placed a victim under her seducer's power.

Plaintiffs intimated that seducers targeted them precisely for their helplessness and susceptibility to alluring promises, however modest. Claudine Grandjean described a chance encounter with Sieur Perret, a secretary to the Ambassador from Naples, who promptly swore to provide for her indefinitely. On the basis of these vague assurances (and Perret's higher social position), she granted "consent to his propositions" and decided to leave her job.[75] Grandjean staked everything on sex, only to find herself without a suitor, lodging, or position. As she described it, consent was a zero sum game. Once he obtained consent, a seducer imposed his will completely. In another case, witnesses emphasized how the accused seducer exerted total control over the claimant. He adopted a "master's tone" in speaking to her, addressed her

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[72] AN Y9835, Plainte [Document 2a], 15 August 1775, Saint Germain en Laye [Petit Criminel].
[73] See for example: AN Y9889, Plainte [Document 1a], 17 March 1780, Paris [Petit Criminel]; AN Y9835, Plainte [Document 2a], 15 August 1775, Saint Germain en Laye [Petit Criminel].
[74] The factum was likely published in 1753. Damours, *Replique pour la Demoiselle de Veaux, Epouse de M Passerat contre le Marquis de Bandol. Et Madame la Présidente de Bandol* (Paris: n.d.), 8. BNF 4-FM-25231.
[75] AN Y11969, Déclaration de grossesse [Document 1], 17 March 1778, Paris [Bourgeois].

informally, and took control of her finances. In short, he unjustly claimed the authority of a husband.[76] These broader consequences followed directly from his victim's sexual submission. This use of consent seems counterintuitive. It did not stake a claim to women's decision-making power in the realm of sex. Rather, it emphasized their powerlessness in the face of conniving lovers.

While many women foregrounded lovers' promises and persuasions, seduction narratives frequently involved violence. Women likely embellished details of brutality to garner sympathy from the officials judging their cases. These claims, whether truthful or not, constituted a legal strategy predicated on definitions of consent. As Denisart's definition of *consentement* stipulated, "Nothing is more contrary to consent than that which is accomplished by force or fear." Equally invalid, he added, was presumed consent based on the absence of signs of dissent.[77] Accordingly, claimants foregrounded circumstances that invalidated their consent to sex. One servant who lived alone with the farmer who employed her described how he "solicited her to consent to his passions [...] by surprising her various times in her room at night."[78] The man's unannounced nocturnal visits more closely resembled intimidation than seduction. Even claimants who did not describe sex in great detail noted that the defendant succeeded "by force," "with recourse to violence," or "despite her resistance."[79] In short, women argued that they had succumbed to sex only under duress.

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[76] AN Y9889, Informations [Document 1b], 5 April 1780, Paris [Petit Criminel].
[77] Jean-Baptiste Denisart, *Collection de décisions nouvelles et de notions relatives à la jurisprudence actuelle. 2nd Suppl.* (Paris: Desaint, 1771), 46; "Consentement" in *Encyclopédie, Ou Dictionnaire Raisonné Des Sciences, Des Arts et Des Métiers*, ed. Denis Diderot and Jean le Rond d'Alembert (Paris: Briasson, 1751–1772), 4:32.
[78] AN Y12441, Plainte [Document 4a], 13 May 1761, Paris [Dorival].
[79] See for example AN Y9893 (Document 3, 1780); AN Y11969 (Document 5, 1778); AN Y11963 (Document 1, 1775); AN Y11943 (Document 6e, 1759).

Moreover, various claimants detailed fainting spells or forced intoxication that rendered them incapable of legitimately resisting or assenting to sex. The valet Lebeau wooed cook Rosalie with his mandolin and told her "she was pretty and fresh as a rose," before enjoining her to have sex with him. When she refused, he seized her and threw her on the bed. "Totally distressed," she fainted, whereupon he had sex with her.[80] In another instance, chambermaid Henriette described how her employer's son-in-law had dragged her to the room he shared with his wife. This trauma prompted a fainting spell and the count "did what he wanted" with her.[81] Pushing back against notions of feigned resistance advanced in rape prosecutions, Rosalie and others alleged that women's bodies did *not* summon extraordinary strength in the face of sexual aggression. To the contrary, verbal and physical resistance so exhausted a victim that they sealed her inevitable submission.

In some instances, claimants likely contrived loss of consciousness to dissociate themselves from the sexual acts (and sexual knowledge) their pregnant bodies betrayed. In her 1775 complaint, Anne Aubry reported that Germain Antoine Sabatteau had cornered her in his apartment and announced "that she would not return as she had come." When Germain threw her down on the settee, Anne "fainted from the shock Mr Sabatteau's brutality had occasioned." But she nonetheless reported that her seducer experienced difficulty in consummating the act – and that he eventually moved her to another room under the pretext of reviving his still unconscious victim. In that room, "He took advantage of the time she was unconscious to have sex with her."[82] Two hours later, she reclaimed her senses. Anne's narrative balanced incongruous claims to loss of consciousness *and* detailed knowledge of her seducer's offenses. This protracted state

[80] AN Y9887, Plainte [Document 2a], 14 March 1780, Paris [Petit Criminel]; more files for the same case are located in AN Y13004A.
[81] AN Y9885, Plainte [Document 1b], 24 December 1779, Paris [Petit Criminel].
[82] AN Y9832, Requete [Document 2a], 12 September 1775, Paris [Petit Criminel].

of unconsciousness enabled Anne to claim her sexual innocence and insist that Germain acted against her will. Later in her complaint, she stated outright that, "He had sex with her without her giving any consent."[83] Anne, like many other women facing the same predicament, construed seduction an abuse of female will, rather than a contravention of parental authority.

This reconfiguration directly contested the notion, articulated by Perron in the rape defense mentioned at the start of this chapter, that consummation implied consent. Accordingly, it challenged broader theories of sex and violence that had emerged by the mid-eighteenth century. Among others, Jean-Jacques Rousseau believed rape unnatural, characterizing sexual aggression as a consequence of artificial society. Within this context, he argued, resistance was not a response to masculine aggression, but an instrument of feminine control. "Phony, enticing refusals" reflected a natural predisposition to deception among females of all species, whether hens or humans.[84] Women pushed men away to draw them closer. Many theorists agreed. "Like drops of water intensifying a flame," physician Pierre Roussel argued, women simultaneously stimulated and quelled desire. Feigned resistance was but another weapon among an arsenal of diabolical feminine enticements. The very tenor of a woman's laugh, the pamphleteer Cerfvol noted, could "lend to *no* all the force of *yes*."[85] Women's behavior exactly contradicted their innermost intentions. For men like Cerfvol, Roussel, and Rousseau, resistance meant anything but.

These ideas fit into a broader tendency to characterize courtship as conflict – one in which women exercised the upper hand. Pierre Roussel described feminine attractions in military terms. He depicted coquetry as a form of "combat" that women intentionally prolonged "to

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[83] Ibid.
[84] Jean-Jacques Rousseau, *Émile, Ou de L'éducation* (Francfort [London]: 1762), 4:4.
[85] Cerfvol, *Le Radoteur* (Paris: Bastien, 1777), T1:13-14.

render victory sweeter and defeat more honorable."[86] Women withheld sex both to enhance their lovers' pleasure and alleviate the shame of surrender. Likewise, Rousseau spoke of "attack and defense" as key elements of relationships between the sexes. Wily women made men wonder whether they submitted to force or ceded voluntarily: "The cleverness (*ruse ordinaire)* of women is to leave room for doubt."[87] Ambiguous consent was a key element of normal relationships between men and women. So, too, was the specter of coercion. Neither signaled male belligerence, but rather both demonstrated female control over sexual encounters.

Women lodging seduction suits rejected these claims to control. They deployed combat metaphors to opposite ends, depicting seducers as aggressors against whom defense proved nearly impossible. In her complaint, twenty-two-year-old Marie Cécile Prevost detailed the calculated campaign of thirty-three-year-old Jacques Copreau, a fellow servant in her master's household. Prevost explained that while Copreau first respected "the boundaries of moderation and honor," his passion escalated daily. He resolved to crown his seduction and believed "victory" would easily be his.[88] At this point in her narrative, Prevost gestured to her advanced pregnancy as proof of her "defeat." In defeat, Prevost forfeited her only asset in life: her innocence. To that point, she had guarded it "like a precious treasure."[89] The spoils of war weighed heavily upon the losers in this scheme of courtship as conflict. Claimants characterized "attack and defense" as evidence of egregious, unwanted attempts to debase their honor. They spurned notions of resistance as parlor room coquetry. Instead, they presented it as an authentic response to violent, insatiable male sexuality. Certainly, women adopted this stance strategically,

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[86] Pierre Roussel, *Système physique et moral de la femme* (Paris: Vincent, 1795), 169.
[87] Rousseau, *Émile, Ou de L'éducation*, 4:306.
[88] "Il crut qu'il était temps de mettre le comble à la seduction et que la victoire serait pour lui aisée a remporter." AN Y9831, Requeste [Document 1b], n.d. [1775], Paris [Petit Criminel].
[89] "Privée des avantage de la fortune, elle ne possedait point d'autres richesses que son innocence, elle l'avait toujours consérvée précieusement comme un trésor précieux." Ibid.

attempting to dispel the notion that they desired or invited sex. However this position had weighty ideological implications, as it brought the notion of female consent to the fore in contests over unsanctioned sexual relationships.

Furthermore, jurists recognized this strategy and incorporated it within treatises that addressed *rapt* and *séduction*. It is difficult, if not impossible, to determine whether changes in practice produced changes in theory, or vice versa. However I would like to suggest that both developments occurred concurrently and in dialogue with each other. Like claimants, theorists ignored the letter of the law and reframed *rapt de séduction*. Definitions of seduction focused on deceit but did not limit its object to unsanctioned marriage, in contrast to the edict of 1730. For example, the *Encyclopédie* defined seduction as "a deceitful fraud or trickery used to exploit someone and make them consent to an act or step against their honor or interests."[90] Other definitions resembled this one, depicting seduction as the slow erosion of the victim's will over time. The archetypal seducer wore down his victim's moral defenses to convince her to have sex with him.

Without such an effort, many theorists argued, women were unlikely to willingly succumb to sex. Lawyer Jérome Pétion de Villeneuve explained that "[t]here must be a very powerful appeal for women to consent to an act whose consequences, embarrassments, and dangers she carries alone."[91] Fellow lawyer Menassier de l'Estre echoed this sentiment, arguing that no woman would "consent to a humiliating fault" without considerable pressure or

[90] Antoine-Gaspard Boucher d'Argis, "Séduction" in *Encyclopédie, Ou Dictionnaire Raisonné Des Sciences, Des Arts et Des Métiers*, ed. Denis Diderot and Jean le Rond d'Alembert (Paris: Briasson, 1751–1772), 14:887.
[91] Jérome Pétion de Villeneuve, "Essaie sur le mariage" in *Oeuvres de Jerôme Petion. Discours et opuscules politiques* (Paris: Garnery, 1793), 1:263.

interference. He criticized jurists who blamed seduction on women's "insufficient virtue."[92] Seduced women did not merit criticism; they commanded defense. Judges who ignored their plight left feminine virtue exposed to attack.

Accordingly, jurists concluded, the task of judges was to distinguish between women who were genuinely seduced and those who had abandoned themselves voluntarily. A true seducer deployed "fraud, willful misrepresentation, or confidence trick" to procure his victim's consent. A woman who was *not* subject to such trickery could blame only herself for succumbing to sex. "If it is the effect of her full consent," Jean-François Fournel explained, "she cannot complain except of the shortfall of her own virtue."[93] In brief, a seducer's guilt depended on his victim's innocence. The word "consent" simultaneously acknowledged women's capacity to make decisions about sex *and* condemned them for exercising that capacity. According to Fournel, judges were supposed to reward only those women who did not exercise consent and were simply passive victims of male trickery.

These standards of culpability point to the problematic nature of consent as it took shape in both theory and practice. The word itself did not stake a claim to women's decision-making power in the realm of sex. Instead, it re-inscribed female passivity in the face of insistent lovers. Women at court showcased nonconsensual or coerced sex because assertions of the alternative would only condemn their cases. Under no circumstance could an unwed woman freely consent to sex without forfeiting her claims to virtue, and with them her worthiness of the court's protection. Such behavior made her a wanton woman in the eyes of judges and community members alike. Claimants declined to challenge this presumption. Even while positioning

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[92] François Menassier de l'Estre, *De l'Honneur des deux sexes, et principes généraux sur les différentes espèces de rapts, de séduction, de subornation & de la violence* (Paris: NH Noyon, 1785), 15. BNF FP-2022.
[93] Jean-François Fournel, *Traité de la séduction considérée dans l'ordre judiciaire* (Paris: 1781), 7.

consent as a criterion of lawful sex, they did so in the negative. Ultimately, this rhetorical strategy circumscribed the possibilities of consent as much as rape prosecution did.

Conclusion

Implications aside, discursive wrangling within the courts demonstrates how concepts like consent and resistance took shape through everyday practice. As Carole Pateman has argued, scholars too often limit intellectual discussions of consent to the political sphere, ignoring "those areas of social life where consent is of practical importance to individuals" – marriage and intimacy chief among them.[94] Eighteenth-century women and men mobilized words like consent, will, force, and resistance because those words were relevant to conflicts they faced in their day-to-day lives. Accordingly, historians must recognize those lives as laboratories of intellectual change about gender and sexuality.

One such intellectual change was the reconfiguration of *rapt* as a transgression of female will, rather than a contravention of parental authority. This development straddled various spheres within French society, with lawyers serving as intermediaries between elite and ordinary actors. Together, they recast women as the principal victims of seduction in lieu of their parents. Abuse of female sexuality mattered beyond the injury it posed to parental prerogative. The word consent was the linchpin of this shift. Its mere mention pushed back against royal law by which fathers and mothers monopolized control over their children below the age of legal majority. For better or worse, claimants and their lawyers placed the capacity to consent to sex – along with the consequences for doing so – in women's hands.

The infiltration of consent within these contests demonstrates how lawyers recognized seduction as fertile ground for experimentation with Enlightenment concepts within the context

[94] Carole Pateman, "Women and Consent," *Political Theory* 8 (May 1980): 150.

of traditional legal and social structures. As we will see in Chapter 5, a handful of lawyers would even use seduction cases as public venues to dispute the very principles these structures upheld, parental authority chief among them. However the prevalence of the word consent in initial, unassisted complaints also gestures to the development of theories of female autonomy at the grassroots level. Broader changes in ways of thinking about sex and gender did not simply trickle down from a discrete group of educated elites. Rather, they evolved from complex and unpredictable interactions between myriad actors – state and non-state, elite and ordinary, literate and illiterate, male and female.

Chapter 5
"In love with her liberty":
Rebellious Daughters & the Erosion of Parental Authority

In March 1782, Benjamin Franklin received an apologetic note from his friend Jean-Baptiste-Jacques Élie de Beaumont. The French lawyer lamented that their respective work on behalf of "suffering individuals" had kept the pair apart. As evidence of his own industriousness, Élie de Beaumont enclosed a copy of his most recent legal brief, "whose subject is likely to interest you."[1] It concerned the seduction of Sidney Hamilton, an English teen who had eloped with her family minister, Benjamin Beresford. Sidney's mother, Jane Rowan, had subsequently abducted her daughter to France in hopes of using Gallic laws – which enshrined parental control over marriage – to annul the clandestine union. [2] But Rowan found no satisfaction in French justice. Instead, the trial invited public humiliation that far surpassed any embarrassment the elopement had caused. Beresford's defenders vilified Rowan, transforming the case into a referendum on her failures as a mother and a critique of parental power more broadly. Writing on Beresford's behalf, Beaumont went further still. He used the case to challenge the meaning of marriage and to criticize French attitudes toward authority. [3]

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[1] "To Benjamin Franklin from Jean-Baptiste-Jacques Elie de Beaumont, 24 March 1782," Founders Online, National Archives (http://founders.archives.gov/documents/Franklin/01-37-02-0027 [last update: 2015-11-02]). Source: *The Papers of Benjamin Franklin,* vol. 37, *March 16 through August 15, 1782*, ed. Ellen R. Cohn. New Haven and London: Yale University Press, 2003, pp. 47–48.

[2] Sources fail to illuminate Rowan's connection to France or Lille specifically (where she and Sidney stayed upon arrival). Her lawyers later cited earlier cases as precedents for the principle that "criminals must be judged where they are found" – and, presumably, according to the laws of the country that captures them. Philippe-Antoine Merlin, *Recueil alphabétique de questions de droit* (Brussels: Tarlier, 1828), 7:10.

[3] The following source refers to Jane Rowan as Jeanne. Jean-Baptiste-Jacques Élie de Beaumont, *Mémoire POUR le sieur BENJAMIN BERESFORD, Prêtre de l'Eglise Anglicane, Chapelain du Duc de Bedford, Recteur des deux Paroisses de la Ville de Bedford ; CONTRE Monsieur le PROCUREUR-GÉNÉRAL, ET encore contre la dame SYDNEY HAMILTON, épouse dudit sieur Beresford, Plaignante, Dénonciatrice, & Témoin ; ET contre la dame GAWEN HAMILTON, femme du sieur Hamilton, Ecuyer, Instigatrice, Plaignante, Dénonciatrice, & Témoin* (Paris: 1782). Bibliothèque nationale française (BNF) 4-FM-2580.

By the 1770s, the same lawyers who had mobilized behind Voltaire under the banner of religious toleration saw seduction scandals as equally viable venues for social criticism and reform.[4] Thanks to Sarah Maza, scholars now grasp the significance of these scandals, which exposed overlapping grounds of public and private concerns in pre-revolutionary France. As Maza explains, lawyers applied "grand principles of ethical and political reasoning" to the not-so-grand particulars of personal disputes.[5] In seduction cases specifically, they found fault with parental despotism as a symbol and symptom of oppressive government. Lawyers like Beaumont flocked to the side of alleged seducers, arguing that their supposed victims were merely runaways who abandoned home to flee tyrannical mothers and fathers. As Beaumont wrote of Sidney Hamilton, she acted of her own volition and "left with the greatest liberty."[6] The famed jurist not only defended the teenage girl's disobedience; he glorified it as a justifiable response to household disorder.

In staking this position, lawyers participated in a broader effort to expose fault lines in the twin edifices of patriarchal and monarchical power. Throughout early modern France, patriarchal power served as the model and basis for all relationships of authority. Theories of absolutism established an express parallel between the state and the family.[7] This analogy strengthened the position of both monarch and patriarch by imbricating their power; the monarchy naturalized subjects' duty to the crown as filial obligation, and fathers solidified their command over their

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[4] I consider Beaumont a representative figure within this world, following David Bell's assertion that he "epitomized an increasingly important figure in the world of the law: the barrister as *homme de lettres*." David Bell, *Lawyers and Citizens: The Making of a Political Élite in Old Regime France* (Oxford: Oxford University Press, 1994), 133.
[5] Sarah Maza, "Domestic Melodrama as Political Ideology: The Case of the Comte de Sanois," *American Historical Review* 94 (1989): 1249-1264, 1263-4.
[6] Élie de Beaumont, *Mémoire pour le sieur Benjamin Beresford,* 6.
[7] Lynn Hunt, *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1992), xiv; 3. See also: Suzanne Desan, *The Family On Trial in Revolutionary France* (Berkeley: University of California Press, 2004); Jeffrey Merrick, "Fathers and kings: patriarchalism and absolutism in eighteenth-century French politics," *Studies on Voltaire and the eighteenth century* 308 (1993): 281-303. Merrick points to Bodin, Bossuet, and Moreau in particular as allying kings and fathers.

children's labor and marriage. Even more broadly, this "family model" upheld a hierarchical social structure that enshrined inequality and dependence as natural preconditions of order.[8] Accordingly, revisions to this model challenged kings and fathers alike.

Scholars have addressed how French subjects self-consciously manipulated this family model in challenging the authority of the crown. However, they have focused primarily on self-styled sons who pushed back against their father-king. Jeffrey Merrick describes how rebellious *parlementaires* addressed Louis XIV and Louis XV as overbearing fathers during conflicts over Jansenism.[9] Similarly, Lynn Hunt positions revolutionaries as recalcitrant sons who fantasized about overthrowing the hierarchical family and instating an egalitarian version in its place: "a different kind of family, one in which the parents were effaced and the children, especially the brothers, acted autonomously." Reimagined through the lens of Freud's "family romance," Louis XVI's execution figures as symbolic patricide. [10] But revolutionaries were more than symbolic sons. Real familial friction motivated men like Mirabeau to push for new laws that restrained the rights of fathers and augmented those of their adult sons.

Meanwhile, scholars have ignored the consequences of challenges to the family model for *adult daughters*. As Hunt concedes, the evolution of family ideals across the eighteenth century proved less significant for women. In fiction, female characters remained subservient to their fathers and dependent on their mothers – quite unlike their male siblings.[11] Their obedience was hardly incidental. It suggests unspoken anxieties about the gendered implications of emergent models of parenthood. How much control would unmarried women wield over their

[8] Merrick explains that the "family model" drew its force from both the Bible and every day experience. Merrick, "Fathers and kings," 283.
[9] Merrick, "Fathers and kings."
[10] Hunt, *The Family Romance*, xiv.
[11] Hunt, *The Family Romance,* 25.

own lives as that of fathers and mothers receded? Was female resistance to parents ever justifiable? Criticisms of parental authority had radically different dimensions for unmarried young women than for their male counterparts. Nevertheless, young women remain strikingly absent from reconfigurations of the family model.

Notorious seduction cases constitute ideal terrain to explore the gendered implications of debates about parental despotism because disobedient daughters anchored these debates. Highly publicized cases or *causes célèbres* concerned elite women who abandoned the familial home to elope, and whose parents promptly sought to annul their new marital bonds. These *causes célèbres* differed sharply from the vast majority of seduction cases, like those described in previous chapters. In those cases, women – and parents where they remained in the picture – *demanded* marriage to repair the dishonor of unwed pregnancy. Few if any concerned women who had eloped. By contrast, parents in these publicized cases hailed from the upper echelons of French society. As nobles, they sought to preserve their status by strategically marrying their daughters to bachelors of comparable status or fortune. Accordingly, when these women eloped, their parents hastened to the courts to sever distasteful ties with bourgeois or petty noblemen for whom elopement promised social ascension, however slight.[12] This chapter considers a sample of thirteen such cases heard between 1753 and 1785, with the majority (10) heard after 1770, representing the entirety of seduction briefs housed at the Bibliothèque nationale de France. Complementing this sample, I refer to briefs excerpted in published legal compendia that captured the attention of the reading public.

[12] In my larger sample of over 250 seduction cases that did *not* become *causes célèbres*, only one set of parents initially objected to their daughter's marriage to a man with whom she had eloped. (They later relented.) Archives Nationales (AN) Y9654, Interrogatoire [Document 1f], 8 June 1763, Paris [Petit Criminel].

By the 1770s, these cases achieved unrivaled notoriety in the context of a new legal culture. Addressing both judges *and* the reading public, enlightened lawyers transformed seduction cases into platforms to condemn parental power and champion choice in marriage. Their politicized arguments depended directly on the figure of the rebellious daughter who resisted her parents, defense lawyers argued, for love of liberty and desire for independence. But these men did not ennoble runaways to endorse female autonomy writ large. Rather, they did so *only* to chip away at familial authority and advance the cause of marital freedom. Like runaways' parents, they, too, were fearful of authorizing the wholesale elimination of parental power over young women. Acknowledging this undesirable outcome, they strategically positioned alleged seducers as parental figures by proxy who reinstated male authority over unruly women through marriage based in love.

This legal strategy reveals the limitations of critiques of parental authority for women, about whom campaigners remained cautious. What would become of society if young women not only liberated themselves from parental authority, but from authority entirely? Marriage supplied a solution to this problem. By reassuring themselves and readers that disobedient daughters desired marriage above all else, men like Beaumont satisfied an impulse to ensure that women remained moored to male authority in some form. In this way, legal battles around seduction shaped attempts to reform the family, but simultaneously circumscribed women by making marriage their sole means of liberation. Such constraints suggest that "modern" models of marriage and family conserved old hierarchies under new guises, calling into question the emancipatory possibilities of revolutionary laws that enshrined these new models.

Legal Culture & the Birth of Public Opinion

As Beaumont was keenly aware, the notoriety of seduction cases depended on the legal brief as an instrument of publicity. Legal briefs or *mémoires* stood apart from eighteenth-century publications in one signal way: they enjoyed almost complete freedom from censorship. As a result, they constituted the single transparent part of the judicial process. Their publication allowed the public to peer into the workings of an otherwise closed and highly secretive system. As Sarah Maza puts it, briefs were "the only substantial link between the courtroom and the outside world."[13] That link rendered briefs a source of entertainment as much as edification, for their pages promised to disclose the inner workings of sensational affairs involving notable people. (For that reason, briefs functioned as pre-modern predecessors of *People* or *OK!* magazines.) Curious readers could also purchase compiled volumes of notable cases or *causes célèbres.* However these compendia cost a pretty penny: over a month's worth of wages for a skilled artisan.[14]

With its appeal already firmly established, the legal brief would become a powerful instrument of public opinion and political opposition in the 1760s. Above all, the Calas affair would embolden a generation of lawyers to capitalize on the legal brief's near-immunity from censorship. Voltaire set this process in motion when he rallied to the cause of Jean Calas, a Protestant wrongfully executed for his son's murder in March 1762. [15] To exonerate Calas and drum up support for religious toleration, the *philosophe* assembled a team of lawyers to construct

[13] Sarah Maza, *Private Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993), 36.
[14] Maza, *Private Lives*, 25. This volume provides helpful background on the publication of legal briefs as well as compendia compiled by François Gayot de Pitaval and Nicolas Le Moyne Des Essarts.
[15] For a succint summary of the case see Maza, *Private Lives,* 27-33. For a longer account, see David Bien, *The Calas Affair* (Princeton: Princeton University Press, 1960).

an unassailable legal defense that would stir the sentiments of judges and lay readers alike.[16] The successful campaign that followed showcased the legal brief's potential to manipulate public opinion. In its wake, David Bell argues, lawyers would "see the appeal of fighting cases that could electrify the 'enlightened' reading public throughout Europe."[17] Bell cites a tendency to conflate the lawyer and the "man of letters" from this point onward. By Voltaire's own admission, Élie de Beaumont's prose in defense of Calas had "joined philosophy to jurisprudence."[18] Nevertheless, only a handful of lawyers – Beaumont among them – capitalized on this turn, for the conventions of their professional order prevented them from fully immersing themselves in a "more self-consciously literary approach to the law."[19] Accordingly, most lawyers continued to direct their arguments toward judges, rather than the broader public.

After 1770, conflicts between the crown and the royal courts or *parlements* provided an opening for enterprising lawyers to access their full potential as men of letters. From the late seventeenth century onward, the French crown faced perennial friction from royal magistrates. Jansenism was the source of these disputes, re-ignited by the papal bull *Unigenitus* in 1713. In subsequent decades, crown-led persecution of Jansenists not only politicized the people of Paris, but also mobilized opposition within the *parlements.* Men of the law feared that the king's trespass on religious liberties presaged similar encroachments on privileges writ large. By the 1730s, their defenses of Jansenism became entwined with theories of constitutionalism that asserted the necessary limits of monarchical power and positioned the *parlements* as a "minority

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[16] This team also included Loyseau [Loiseau] de Mauléon, another well-known lawyer who would side with an alleged seducer in the Valdahon/Monnier case described later in this chapter.
[17] Here, Bell gestures specifically to Élie de Beaumont, Guy-Jean-Baptiste Target, and Pierre-Jean-Baptiste Gerbier. Bell, *Lawyers and Citizens*, 131.
[18] Bell, *Lawyers and Citizens,*131.
[19] Bell, *Lawyers and Citizens,* 136.

mouthpiece" against the threat of despotism.[20] With the refusal of sacraments to Jansenists in the late 1740s, what began as a confessional conflict culminated in a "full-fledged constitutional [crisis]."[21] As Dane Van Kley argues, political opposition had crystalized around Jansenism, but it increasingly "[assumed] a more secular cast" and aligned more broadly with Enlightenment causes.[22] By the 1760s, arguments between Louis XV and the *parlementaires* amounted to a "dress rehearsal" of revolutionary debates about monarchical authority.[23] These arguments came to a head in the Maupeou Revolution (1771-1774) which David Bell calls "the greatest political upheaval in France since the Fronde" and a foreshadowing of 1789.[24] As in some earlier cases, magistrates went on strike over a dispute with the crown, with lawyers striking in solidarity. But this time, the crown unexpectedly took a hard line. Louis XV's chancellor, René-Nicolas-Charles-Augustin de Maupeou, exiled the magistrates and scouted for men to replace them. In short order, he radically reconfigured the *parlement* of Paris and suppressed lawyers' professional order.[25]

Maupeou's swift restructuring of the courts had unintended and deleterious effects for the crown, transforming legal culture in ways that brought public opinion and vigorous political opposition into being.[26] With their professional order in limbo, lawyers were no longer privy to internal rules and censorship. As a result, they shifted their gazes from professionalism to

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[20] Dale Van Kley, "The Religious Origins of the French Revolution, 1560-1791" in *From Deficit to Deluge: The Origins of the French Revolution*, eds. Dale K. Van Kley and Thomas E. Kaiser (Stanford: Stanford University Press, 2011), 125.
[21] Bell, *Lawyers and Citizens,* 115.
[22] Van Kley, "The Religious Origins of the French Revolution," 133.
[23] Van Kley, "The Religious Origins of the French Revolution," 128.
[24] Bell, *Lawyers and Citizens,* 138.
[25] Bell, *Lawyers and Citizens*, 138-140. See Bell for an excellent, concise description of the Maupeou affair.
[26] Shanti Singham, "The Correspondance secrète: Forging Patriote Public Opinion during the Maupeou Years," *Historical Reflections* 18 (1992): 65-100.

publicity, harnessing the popularity of the brief in the process.[27] After 1771, lawyers began catering to readers who eagerly consumed *mémoires* that were radical in both style and substance. As Bell explains, "Every case they fought had two audiences, the judges and 'public opinion,' and two purposes, the vindication of their clients and the implementation of enlightened reform."[28] In other words, rather than simply arguing a client's innocence against charges like murder or adultery, lawyers inflected their discussions of facts (*faits*) and legal precedents (*moyens*) around controversial, 'enlightened' causes, as I'll discuss in greater detail below. Along the way, they borrowed tropes from fiction to craft a hybrid genre that balanced literary and legal conventions. As a result, Sarah Maza contends, legal briefs became "possibly the single most popular form of ephemeral literature circulating in Paris in the two decades before the Revolution."[29] Periodicals like the *Gazette des tribunaux*, founded in 1775, capitalized on the rising popularity of legal literature, publishing summaries of court cases and juridical treatises.[30] A diverse range of readers, men and women alike, read and retold the dramas these texts detailed.[31] The result was that court conflicts now played out before audiences of unprecedented size and scope.

Seduction, *Causes Célèbres*, and Critiques of Parental Power

Conflicts over seduction assumed outsized popularity and political significance in this new context. To be sure, some pre-1771 defenses invoked politicized language; however, the Maupeou Revolution triggered more overtly radical arguments. The most widely read and hotly

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[27] See Chapter 5 ("The Profession Transformed") and Chapter 6 ("The Vanguard of Reform") in David Bell, *Lawyers and Citizens*.
[28] Bell, *Lawyers and Citizens,* 164.
[29] Maza, *Private Lives and Public Affairs*, 122.
[30] Maza, *Private Lives and Public Affairs,* 26.
[31] Tracey Rizzo, *A Certain Emancipation of Women: Gender, Citizenship, and the Causes Célèbres of Eighteenth-Century France* (Selinsgrove, PA: Susquehanna University Press, 2004), 28.

debated seduction scandals are clustered between the mid-1770s and late 1780s.[32] At issue in these disputes was more than the fate of the couple in question. Legal contests over seduction dramatized intersecting debates about the autonomy of adult children, choice in marriage, and the nature, extent, and limitations of parental authority.

These debates took place against the backdrop of new ideals of fatherhood that tended toward lessening the power of fathers in particular and parents in general. Scholars have identified a shift in familial expectations over this period, arguing that love supplanted duty as the ideological anchor of parent-child relationships.[33] Where earlier treatises on fatherhood had once railed against "excessive paternal leniency," eighteenth-century texts cautioned against "excessive paternal severity."[34] Enlightenment *philosophes* elevated a new vision of patriarchy that valorized affection and recognized limitations.[35] This vision would have felt foreign to most French children for whom hits, slaps, and verbal invective remained acceptable forms of "parental correction."[36] But however far from reality, the burgeoning ideal had adverse consequences for fathers, whose power it symbolically circumscribed.

Moreover, this ideal implicitly threatened French kings, for critiques of family hierarchy and monarchical government were inextricably intertwined. Nowhere were these twinned critiques more apparent than within the *parlement* of Paris. From their earliest conflicts with the crown over Jansenism, the restive magistrates addressed the king with filial language, stressing their father-king's obligation to his children-subjects. In short, the *parlementaires* mobilized new

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[32] Three notable exceptions are Thiernu v. Coetquin de la Tour (1753), De Buigne v. Bessonet (1762), De Monnier v. Valdahon (1763).
[33] Margaret Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775-1825* (Princeton: Princeton University Press, 1989).
[34] Merrick, "Fathers and kings," 287.
[35] Hunt, *The Family Romance*.
[36] Julie Doyon, "Le 'Père dénaturé' au siècle des lumières," *Annales de démographie historique* 118 (2009): 143-165, 150.

ideals of benevolent fatherhood to constrain the crown.[37] Judicial practice also advanced this agenda. *Parlementaires* recognized that court cases involving "disobedience and despotism" within the family could serve as proxies for similar dynamics at the level of the state.[38] By 1760, they penalized abusive parents as harshly as they had punished violent, insubordinate children a century before. Judges claimed they did not necessarily seek to strip fathers of their authority. Rather, Julie Doyon argues, they professed to elevate fatherhood by establishing and enforcing its boundaries. Whatever the *parlementaires'* agenda, parental power was no longer "immune" to legal challenge.[39]

With the Maupeou affair, such challenges proliferated, and periodicals showcased intense legal debates over the appropriate extent and exercise of parental control over adult children. For example, one case synopsis in the *Gazette des Tribunaux* honed in on the defense attorney's argument that the law outlined circumstances under which a father's resistance to his daughter's marriage constituted "an abuse of his authority." Another lawyer interjected in support of his colleague, pointing to precedents by which the law obliged fathers to cede to their adult children's wishes.[40] This very questioning of patriarchal authority prompted vigorous defense on its adherents' behalf, and a flurry of theoretical pamphlets in defense of fathers also earned mentions in the pages of the *Gazette.* One anonymous author countered the claims above, asserting that adult children were both legally and morally obligated to attain their parents' consent to marriage. To this end, his treatise refuted "Mr. Rousseau of Geneva" who envisioned the eventual dissolution of bonds between children and their father once their dependence on him

[37] Merrick, "Fathers and kings." 285.
[38] Merrick, "Fathers and kings." 285.
[39] Julie Doyon, "Le 'Père dénaturé' au siècle des lumières," 157-158.
[40] *Gazette des tribunaux, ouvrage périodique, contenant les nouvelles des tribunaux,* ed. Mars (Paris: Le Jay, 1775), 1:86.

ceased.[41] Although sometimes mired in dense legal jargon, both sides of the debate revealed intense aspirations and anxieties about the fate of familial bonds.

Seduction trials dramatized those hopes and fears before attentive audiences. In the legal climate engendered by the Maupeou Revolution, lawyers who represented fathers and mothers no longer pleaded solely on behalf of their clients. They felt equally compelled to justify their clients' very authority before the broader public. Accordingly, these men framed elopement as a grave threat to parental authority writ large, speaking in hyperbolic terms to enlarge the significance of the crime. A daughter's seducer did not merely transgress an individual parent's will, one brief explained, but that of all parents.[42] "The fathers of all countries, the mothers of all nations," another *mémoire* declared dramatically, demanded swift judgment of "an attack that threatens them all."[43] The authority of parents everywhere hung in the balance. Here and elsewhere, lawyers enlarged the consequences of unsanctioned marriage to play on fears of the disruption of family hierarchy. Furthermore, they appealed to judges as fathers, implicitly aligning them with the maligned parent in question. The pamphlet quoted above conveyed confidence in the law, for, its author explained, "you will find a father in the heart of each magistrate."[44] Another extended this analogy even further, praising justice that emanated from a king who acted as "father" to the people in his realm.[45] As a group, these pamphlets associated paternal authority with higher powers to argue that disruption within the family presaged

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[41] *Gazette des tribunaux*, ed. Mars (Paris: 1777), 3:404.
[42] Excerpted from M. Feart's defense of Sieur Düel in *Gazette des tribunaux*, ed. Mars (Paris: 1779), 7:164-154.
[43] Chaumette des Fossés, *Question de droit public. Plaidoyer pour Messire Gawen Hamilton, des Comtes de Clambrasil; & Madame Jeanne Rowan, son Epouse. Contre le Sieur Benjamin Beresford, Chapelain Anglican. En présence de M. le Procureur Générale; Et de Miss Sidney Hamilton, leur Fille* (Paris: Knapen, 1782), 127. BNF 4-FM-15024.
[44] Chaumette des Fossés, *Question de droit public,* 25.
[45] Nicolas Toussaint Le Moyne Des Essarts, *Causes célèbres, curieuses et intéressantes de toutes les cours souveraines du royaume, avec les jugemens qui les ont décidées* (Paris: 1779), 51:113.

disorder within society at large. Parental control over marriage, it followed, was the linchpin of order in both spheres.

Defense attorneys countered these arguments with claims that seduction charges concealed criminal parental abuse. In so doing, they transformed these trials into referendums on parental authority. Their briefs recast the young woman in question as the victim of her parents, rather than her alleged seducer. One defense attorney followed a familiar formula when he described the young woman in question as an "unfortunate victim of the abuse of paternal power."[46] Another attorney condemned fathers who behaved like "despots," depriving their children of "liberty" and rendering them slaves.[47] Fathers alone did not attract these criticisms, as lawyers levied allegations of "maternal despotism"[48] and "tyranny"[49] against mothers who launched seduction charges. These pamphlets brazenly evoked a parallel between familial and monarchical disorder to amplify the consequences of parental abuse. If justice bowed blindly to fathers and mothers, it effectively sanctioned despotism and slavery on a broader plane.

In place of parental absolutism, defense lawyers advocated for a conditional model of parental authority. They mobilized Enlightenment language to declare that parents' rights as such should not supersede the rights of their adult children as individuals.[50] One *mémoire* began with a paean to "the sacred rights of fathers," but appended the caveat that "these rights demand our

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[46] *Souscription pour un acte de bienfaisance, et mémoire à consulter pour un enfant sans état civil, dont la mère est privée de sa liberté & le père menacé d'un procès criminel* (1783), 10-12. BNF 8-FM-3580.
[47] Des Essarts, *Causes célèbres* (Paris: 1780): 63:27.
[48] *Réflexions sur une affaire qui occupe au Palais tous les amateurs, par un vieux pilier d'audience qui dans sa jeunesse a couru le monde, et qui n'a point cessé d'être homme en fréquentant la grande salle et les lieux circonvoisins. (Concernant la demande en nullité formée par madame Hamilton au sujet du mariage de sa fille, Sidney Hamilton, avec le sieur Beresford.)*, (1782), 9. BNF 8-FM-3197.
[49] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 55.
[50] Here they fashioned themselves as the inheritors of Locke, Pufendorf, and Rousseau, who had each suggested limits to paternal power. Hunt, *Family Romance*, 18. The same language would later animate revolutionary calls for marriage on the basis of choice. See Desan, *Family on Trial*.

respect when they are justly exercised."[51] Then the author gestured to an obscure past when fathers held complete control over their children. No longer entitled to this "tyrannical right," contemporary fathers of an enlightened ilk strove to exercise power judiciously. They observed boundaries placed on them by "individual liberty, humanity, reason, and even justice."[52] Similar language echoed in other defenses, many of which promoted a balance between paternal authority and "the liberty of man."[53] Here, Enlightenment language underpinned lawyers' justification of elopement where parents exceeded their own rights and infringed on those of their children.

Beyond fulfilling this specific strategic function, language of rights hitched seduction cases to a broader political agenda. In the brief he gave to Benjamin Franklin, Beaumont went so far as to argue that French law itself underestimated individual liberty. This critique hinged on an analysis of French and English law, two systems that enshrined opposite attitudes towards authority. "Far from being on guard against authority," he said of the French, "we throw ourselves in its arms, like children in the arms of their father." By contrast, centuries of political conflict led the English to adopt a different posture. Eager to prevent despotism at all costs, Englishmen used law as a protection *against* authority. They valued individual liberty so highly, Beaumont continued, they preferred guilty men to go free rather than imprison an innocent man.[54] With this comparison, the veteran lawyer implied that French laws improperly elevated authority above liberty.

Defending alleged seducers was thus no mere diversion. To Beaumont, his defense of an alleged seducer was the logical extension of his defense of Jean Calas. Both campaigns pushed

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[51] *Souscription pour un acte de bienfaisance*, 3-4.
[52] *Souscription pour un acte de bienfaisance*, 3-4; 32-33.
[53] Brief by Loiseau de Mauléon as excerpted in Des Essarts, *Causes célèbres* (Paris: 1780), 61:57.
[54] Élie de Beaumont, *Mémoire pour le sieur Benjamin Beresford,* 42-44.

back against the tyrannical overextension of authority. By framing his work this way, Beaumont and lawyers like him successfully raised the ideological stakes of seduction, portraying it as a contest between authority and liberty, between domestic despots and their oppressed daughters.

Domestic Despots and Unloved Daughters

Having established the stakes of seduction, defense lawyers proceeded to detail the qualities that rendered fathers and mothers domestic despots. These shortcomings coalesced around authority in absence of love and revealed fissures in the hierarchical family model. Authoritarian parenting not only failed to command obedience, but also pushed daughters to seek affection elsewhere, i.e. in the arms of a seducer. Although defense lawyers acknowledged the allure of romantic love, they presented poor parenting as a more influential factor in women's decisions to abandon home. Which precise conditions justified the breach of parental authority that such decisions entailed? Defense lawyers focused on parents' practical and affective defects. These faults upset the balance of parental rights and responsibilities and thereby constituted abuse.

On the practical plane, defense lawyers pointed to parents' poor administration of their daughters' reputation and establishment. These accusations beset Jean-Jacques Rousseau, a Parisian lawyer whose reputation hardly flattered the philosopher of the same name. According to his detractors, Rousseau was a nightmarish inversion of his namesake's novel *Émile.* The lawyer had christened his 16-year-old daughter Sophie but paid no heed to the pedagogical precepts framed around her fictional counterpart. In 1778, Rousseau accused a cabal of relatives and professional rivals of *rapt de séduction,* claiming that they orchestrated his daughter's disappearance from the paternal home. These relatives alleged in turn that Rousseau had sexually abused sixteen-year-old Sophie for years. But incest alone did not render Jean-Jacques Rousseau

a bad father. According to his detractors, Rousseau had dissipated his family fortune, forced his wife to obtain a separation, and thereupon lived publicly with a *dame entretenue* or kept woman.[55] Rousseau further imperiled his daughter's reputation and endangered her marriage prospects by allowing the seduction scandal to surface rather than settling it discretely.[56] Other defense *mémoires* adopted the same line. One, for example, described the complainant as a "barbarous" and "insensitive" mother for pursuing legal action that besmirched her daughter's honor.[57] Across social class, safeguarding a daughter's sexual honor predominated among the responsibilities of parenthood. Defense attorneys argued that claimants had failed in this respect, and had accordingly jeopardized their daughters' sexual reputation and social standing.

These charges fell even harder on mothers than fathers. Defense pamphlets often took aim at mothers' failures to stand in as effective heads-of-household for their absentee husbands, portraying female-dominated homes as chaotic spaces. In the absence of the singular, authoritative hand of her father, one young woman suffered abuse from all corners: she escaped "all bloody" from her mother and brothers' beatings.[58] In another household, the father's dementia left him powerless against his overbearing wife. Defense lawyers asked suspiciously why she had filed charges without his participation.[59] Although Beaumont did not fully indulge in character assassination, he, too, noted that his legal adversary, Jane Rowan, lived separately

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[55] Desmarais, *Mémoire signifié pour le sieur Huet, huissier aux Requêtes du Palais, accusé,... contre le sieur Rousseau, aussi huissier aux Requêtes du Palais, accusateur* (Paris: Delaguette, 1779), 21. BNF 4-FM-15642.
[56] Dodin, *Réponse pour le sieur Lebrun, principal clerc au Palais, au mémoire de M. Rousseau, huissier des Requêtes au Palais* (Paris: Delaguette, 1779), 1-2. BNF 4-FM-18277.
[57] Des Essarts, *Causes célèbres* (Paris: 1781), 78:38. See also Des Essarts, *Causes célèbres* (Paris: 1779), 51:88.
[58] *Au Roi. Pour le sieur Derugy, avocat à Arras, condamné aux galères comme séducteur de la demoiselle Ferco* (1778), 2-3. BNF 4-FM-9460.
[59] Bidault, *Requeste produite au procès d'entre le Sieur Paul-Victor Coetquin de la Tour contre les Sieur & Dame de Thiernu & la Demoiselle de Thiernu. A Monsieur le Lieutenant Criminel* (Paris: Knapen, 1753), 2. Joly de Fleury Manuscrits, no. 1890, fol. 277.

from her husband and enjoyed exclusive influence over her daughter Sidney.[60] According to these defenses, mothers had sown the seeds of domestic disorder by improperly claiming their husband's positions.

Undue maternal authority not only endangered children, but defeminized mothers to their own detriment. One pamphlet described how one such mother accordingly lacked the "gentleness or sensitivity" required of women.[61] Her want of these qualities precluded her from inculcating them in her daughter. Indeed, these mothers bore the brunt of charges of inadequate education. One lawyer lamented the "deplorable" education the complainant bestowed on her daughter.[62] Another pushed this accusation further, describing the alleged victim as "raised under the eyes of a mother without education [...] incapable of bestowing on her principles that she never knew nor followed."[63] Proper parental authority, these lawyers argued, required its gendered exercise.

Pamphlets mobilized gendered binaries to this effect, depicting mothers governed by emotion and ill suited for more than childbearing. Here, they questioned women's capacity to reason, an exercise better left to male heads of households.[64] Lady Jane Rowan, or "Dame Hamilton" within the French press, frequently found herself on the receiving end of these critiques. Beaumont's defense of Benjamin Beresford followed on the heels of another brief that vilified Rowan and transformed her into a pastiche of despotic stereotypes. A "schemer"

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[60] Élie de Beaumont, *Mémoire pour le sieur Benjamin Beresford*, 5.
[61] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 68.
[62] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 13-15.
[63] Bidault, *Requeste produite au procès*, 11
[64] Lieselotte Steinbrügge, *The Moral Sex: Woman's Nature in the French Enlightenment*. Trans., Pamela E. Selwyn (Oxford: Oxford University Press, 1992); Londa Schiebinger. *The Mind Has No Sex? Women in the Origins of Modern Science* (Cambridge: Harvard University Press, 1989).

consumed by household intrigues, she deprived her daughter of attention and affection. [65] Moreover, "Imagination dominates in her more so than judgment." [66] The same defense mobilized national stereotypes to this point, branding her a "hot-headed Irishwoman."[67] By this account, Rowan's behavior bore evidence of passion rather than reason. This portrait of Rowan's arbitrariness and its dastardly consequences mirrored Montesquieu's critique of absolute monarchy in *The Persian Letters.* Like Usbek's harem, her household acted as an "analogue for absolutism," one that magnified her failures by associating them with political despotism.[68] Passion and fear, the defense lawyer implied, ruled ineffectively within the home as at the level of state.

In their place, lawyers endorsed parenthood based on love and duty. This stance reflected a broader tendency to valorize sentimental family relationships during this period: "fathers were no longer to rule but only to persuade with affection, reason, and good example."[69] Defense pamphlets faulted fathers who fell short of these ideals. One characteristic *mémoire* described the daughter in question as the object of her father's "anger" and "hatred," subject to his intimidation and mistreatment.[70] Another adopted her voice, directly addressing her father. Having meekly accepted "the blows dealt by the paternal hand," she pleaded with him to reform his "inflexible heart."[71] Rather than soften, he "repulsed her from his arms with indignation.[72] Here and elsewhere, lawyers did not limit allegations of the abuse to the physical, as in ordinary

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[65] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 13
[66] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 68
[67] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 21.
[68] Mary Lyndon Shanley and Peter G. Stillman, "Political and Marital Despotism: Montesquieu's *Persian Letters,*" in *The Family in Political Thought*, ed. Jean Bethke Elshtain (Amherst, MA: University of Massachusetts Press, 1982), 66.
[69] Darrow, *Revolution in the House,* 3-4.
[70] *Souscription pour un acte de bienfaisance,* 10-12.
[71] Brief by Loiseau de Mauléon as excerpted in Des Essarts, *Causes célèbres* (Paris: 1780)*,* 61:43-45.
[72] Des Essarts, *Causes célèbres* (Paris: 1780)*,* 63:19.

cases that drew no public attention, but posited poor parenting as a matter of affective failure. Love warranted praise not necessarily for its own sake, but as a more effective instrument of authority. One lawyer showcased how the claimant was such a stranger to love that he remained wholly inattentive to the relationship burgeoning between his daughter and her alleged seducer.[73] Hardhearted fathers sought vainly to command by force and fear. As a result, they invited their daughters' disloyalty.

When their daughters invariably disobeyed, these unloving fathers inflicted punishment, further demonstrating their despotic power. Men who sequestered their daughters to preempt or terminate unsanctioned relationships were rewarded with harsh criticism. Some defenses likened confinement to prison, claiming fathers deprived their daughters of all but bread and water.[74] This father-as-jailor trope was particularly salient in cases involving convents, spaces already associated with despotism and subject to criticism as a result.[75] Charles Honoré Düel secluded his daughter to quash her affair with his former lodger, but the girl escaped over a convent wall and into her lover's arms.[76] Rather than condemn the escape, press accounts endorsed it, depicting Düel as a tyrant who only fueled his daughter's passion in confining her. The *Gazette des tribunaux* proposed that seclusion emboldened the couple's illicit love and earned them supporters, among them the Mother Superior who allegedly urged Düel to consent to the marriage.[77] But Düel stubbornly refused, and as the alleged seducer's defense later claimed, he enclosed his daughter in "an airless room" where she consumed only black bread and water for

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[73] *Souscription pour un acte de bienfaisance*, 39

[74] *Gazette des tribunaux, ouvrage périodique, contenant les nouvelles des tribunaux,* ed. Mars (Paris: Le Jay, 1779) 7:161-163. See also Candon de Sarry, *Précis pour la dame veuve Ripert, horloger, accusée... contre Jean-Jacques Rousseau huissier aux Requêtes du Palais, accusateur* (Paris: Delaguette, 1779), 3. BNF 4-FM-27798.

[75] Mita Choudhury, *Convents and Nuns in Eighteenth-Century French Politics and Culture* (Ithaca: Cornell University Press, 2004).

[76] AN Y9865, Plainte & Informations [Document 1], 6-10 February 1778, Paris [Petit Criminel].

[77] Later she escaped to her friend's place at the Tuilleries, where she gave birth to the baby. *Gazette des tribunaux* (Paris: 1779), 7:161-163.

three days. [78] In another instance, editors of the *Gazette des tribunaux* censured a father who confined his daughter to a *maison de force* while her lover languished in jail for upwards of ten years. [79] Not merely deaf to his daughter's wishes, he also deprived her of her liberty. Language of imprisonment effectively dramatized fathers' affective failures and amplified their consequences. Moreover, captivity narratives shifted sympathy towards daughters and their star-crossed lovers.

Similar accusations assailed mothers; however, defense attorneys adapted these charges to expectations of motherhood. Chiefly, they accused women like Jane Rowan of an unnatural dearth of maternal feeling. Rowan allegedly felt "indifferent" to her daughter Sidney – apart from the jealousy the girl inspired in the aging matron. [80] In lieu of pity or concern, the teen's elopement inspired only anger and vengeance. Nowhere in her heart, one hyperbolic pamphlet proclaimed, did Rowan possess "the least vestige of the sacred, tender marks of maternity."[81] The same author shoehorned each turn of events to fit this characterization. Rowan's reconciliation with Sidney did not demonstrate genuine motherly concern. Rather, it was the work of a "denatured hand" that wrenched Sidney from her lawful husband.[82] Rowan's subsequent decision to subject her pregnant daughter to travel further proved her devoid of maternal feeling.[83] Rowan could only be, the piece concluded, a "monster."[84] The claimant in another case – Dame Massiye – underwent similarly hyperbolic editorial treatment. She, too, her opponents averred, deceptively reconciled with her daughter with the sole purpose of confining

[78] Des Essarts, *Causes célèbres* (Paris: 1779), 51:134.
[79] *Gazette des tribunaux,* ed. Mars (Paris: Le Jay, 1783) 16:285-288.
[80] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 13-15.
[81] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 26.
[82] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 33.
[83] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 51.
[84] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 54.

her to a convent.[85] For this reason, the seducer's defense labeled her a "barbarous mother."[86] Mothers who deprived their daughters of love were not only poor parents, but aberrations against nature.

Nature likewise formed the rhetorical core of defendants' attacks on fathers. Men who ignored their daughters' happiness, they alleged, had ignored or contravened nature. Addressing Monsieur Henry's opposition to his daughter's budding relationship, a lawyer named Ader stated that "a reasonable father would have ceded to nature's cries." [87] Thus, by vehemently opposing the match, Henry proved himself both unreasonable and denatured. So too did Monsieur Démarchis, who remained unmoved even after his dear wife's death. His daughter found her hopes dashed that "nature, mute so long, will finally speak to you on your daughter's behalf." [88] Like their female counterparts, inadequate fathers lacked or suppressed natural paternal sentiment. As a result, this line of argument implied, they did disservice to nature, the entity from which their authority emanated.

Against these men and women, defense lawyers advocated for a conditional model of parental authority, marshaling language of nature to authorize filial disobedience. The case of Jean-Jacques Rousseau serves as a heightened example of how legal opponents cited denatured paternal love in their defense. In this instance, Rousseau's adversaries signaled the perversion of natural affection, rather than its absence. By their account, Rousseau had forced his daughter Sophie to sleep with him since she reached puberty – four years in total. He was, one brief

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[85] M. Doillot and M. De Gaule, *Mémoire pour le sieur Brun, intervenant; contre Marie-Magdeleine Anquetin, veuve d'Antoine Michet et Barthélémy-Joseph Massiye, orfèvre-joaillier, son second mari, appelans; Et contre M le Procureur Général, Intimé; En présence de Marie-Thérese... & de M. Bernault, Procureur en la Cour, son Curateur, également intervenans* (Paris: Cellot, 1777), 17-18. BNF 4-FM-7514.
[86] M. Doillot and M. De Gaule, *Mémoire pour le sieur Brun, intervenant*, 28.
[87] Des Essarts, *Causes célèbres* (Paris: 1779), 51:88.
[88] Des Essarts, *Causes célèbres* (Paris: 1780), 63:52.

concluded, simply a "bad father" whose morals "insult nature, religion, and laws." [89] This defense held that fathers like Rousseau forfeited their natural authority in committing such unnatural acts. Monsieur Huet, accused of orchestrating the seduction, clearly laid out this logic: "My brother-in-law rendered himself unworthy of exercising the rights over his daughter that nature gave him because he insulted nature in this respect."[90] What Rousseau had construed as seduction, one lawyer averred, was merely his relatives' attempt to redress his poor parenting. To this end, they had helped secure a *lettre de cachet* to facilitate his daughter's removal by the state and subsequent placement in a convent. (Although usually considered an instrument wielded by parents against children, here the *lettre de cachet* worked inversely.) Later, these same relatives justified her emancipation as further protection against her father. [91]

For the most part, parents offered only cursory responses to these barefaced denunciations. Instead, they staked strictly legal claims and appealed to the sanctity of paternal and maternal authority. However some parents actually conceded to the standards enunciated in seducers' defenses to argue their conformity to them. Dame de Buigne disputed claims to emotional neglect to dispel the notion that inattentive parenting had driven her daughter away. On the contrary, she boasted, "she [treated] her daughters as friends."[92] The same pamphlet later characterized her fury as evidence of affection, awkwardly explaining that "if her anger is extreme, it is only because she loves to excess."[93] This assertion and others rang hollow. Jane Rowan offered an equally unconvincing tribute to her superior parenting. Her defense touted her as an ideal mother; she was "tender, but serious," a faithful adherent to John Locke's principles

[89] Desmarais, *Mémoire signifié pour le sieur Huet*, 24.
[90] Desmarais, *Mémoire signifié pour le sieur Huet*, 9.
[91] Desmarais, *Mémoire signifié pour le sieur Huet*, 2.
[92] Dandasne, *Mémoire pour la Dame de Buigne contre le sieur Bessonnet* (1762), 23. BNF 4-FM-4727.
[93] Dandasne, *Mémoire pour la Dame de Buigne*, 27.

of education. Accordingly, she forbade distractions such as balls, spectacles, and public walks.[94] Here, her opponents easily recognized a radically different portrait of Sidney's leisure activities than her mother painted in her inaugural complaint. In this new picture, Beaumont wryly noted, the household was "sadder than that of a Presbyterian in the time of Charles I."[95] Readers, he noted, would recognize her change of tune as a halfhearted attempt to conceal her poor parenting.

Whatever their approach, parents found themselves on the defensive against lawyers who represented alleged seducers. Armed with critiques of parental authority, these men diverted attention away from the seducer and toward the despotic father or mother. The former had not lured his victim; the latter had repulsed her. Most importantly, defense lawyers authorized young women's contravention of parental power under the condition of its abuse. But the same men would carefully maneuver to rein in this position's threatening implications.

Reconciling Disobedient Daughters

However convincing defense lawyers could be, one inconvenient fact risked upending their arguments about parental authority; disappeared daughters had indeed eloped – or at very least attempted to. Defense lawyers could not deny that unsanctioned marriage clearly motivated these women. These men thus faced two formidable tasks: first, addressing the accused's romantic relationship with his supposed victim in an exculpatory manner; second, explaining their escape in a way that incriminated neither party. On the first score, *mémoires* hurriedly gestured to poor parenting, blaming unsanctioned relationships on emotional neglect and abuse. On the second, they cast victims of seduction as mere runaways. In so doing, they constructed a

[94] Chaumette des Fossés, *Question de droit public,* 13.
[95] Élie de Beaumont, *Examen des clauses de l'Acte de la vingt-sixieme année de Georges II, relatives au mariage des Mineurs en Angleterre, & Discussion sommaire de plusieurs faits de la Cause, sur lesquels la Dame Hamilton n'est pas bien d'accord avec elle-même* (Paris: Imprimerie Cellot, 1782), 10. BNF 4-FM-15023.

curiously reasonable, resolute, and independent portrait of womanhood. These daughters were determined to be free from their parents and undeterred by the risks they ran in leaving home. Their decision to elope was secondary at best. With this equation, defense briefs siphoned attention away from seducers and toward alleged victims who may not have merited that appellation.

The same briefs that depicted daughters as pitiable objects of abuse pivoted swiftly to portray the same women as pro-active runaways. Defendants consistently argued that their so-called victims had independently devised plans to escape and elope. One accused seducer argued that his lover left home after discovering that her parents had shrouded the secret of her illegitimate birth.[96] Another man flatly disputed the characterization of the girl's disappearance as seduction, gesturing to several prior escape attempts.[97] Her mother's failings, he explained, had produced a daughter "in love with her liberty" and determined to procure it at any cost.[98] Similarly, Monsieur Henry attributed his lover's multiple escapes to "free will," spurred by poor paternal treatment.[99] Defenses frequently invoked the language of will, describing women who left "of their own volition" and mocking the powerlessness that the term seduction presumed on their part.[100] Young women, they implied, were capable of contravening paternal power on their own behalf and without external influence.

While amplifying women's will, alleged seducers denied central roles in their own elopements. The tutor Démarchis avowed no forewarning of Philippine Caire's nocturnal escape

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[96] M. Doillot and M. De Gaule, *Mémoire pour le sieur Brun, intervenant*, 11-12.
[97] Bidault, *Requeste produite au procès,* 1-3.
[98] Bidault, *Requeste produite au procès,* 1-3.
[99] Des Essarts, *Causes célèbres* (Paris: 1779), 51:142.
[100] Informations [Document 2c], 26 January 1766, Paris [Grand Criminel]. ANY10280. See also one defense of Benjamin Beresford that contends there is "no shadow of a doubt" as to the "full liberty" with which Sidney elected to elope. *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 17.

and subsequent appearance at his lodgings.[101] Instead, he positioned himself as an accomplice after-the-fact to dispel any notion that he had encouraged his lover's actions. To explain their eventual compliance, men like Démarchis assumed postures of passivity. Seducers were weak young men whose resistance to elopement quickly dissolved when confronted with headstrong women. One man bent to his beloved's demands realizing "it was useless" to attempt to persuade her otherwise. [102] Another said he was "too weak" to contradict his lover.[103] This posture turned the typical portrait of the seducer on its head. Rather than convincing a woman to run away against her better interests, *she* had convinced him to do so. This reversal of gender roles flouted standards of both masculine strength and feminine weakness.

The arguments above ascribed an astounding degree of agency to young women; however, they did not necessarily reflect renewed credence in female autonomy. Instead, they constituted a calculated legal strategy that defendants employed in scores of seduction cases, infamous and obscure. Across France, alleged seducers argued that women deserved equal blame for the "burdensome consequences" of illicit relationships. [104] (Some men even depicted their accusers as prostitutes to argue that blame for sexual indiscretions rested *entirely* with these women.) This strategy confirmed a tendency to stigmatize victims as much (or more) than their alleged seducers, and its success within the courtroom meant that women reaped diminishing damages over the course of the century. (After 1789, revolutionary laws – and later, the Napoleonic Civil Code – gradually abolished seduction cases and paternity suits, winning "total

[101] *Souscription pour un acte de bienfaisance*, 10.
[102] M. Doillot and M. De Gaule, *Mémoire pour le sieur Brun, intervenant*, 11-12.
[103] Des Essarts, *Causes célèbres* (Paris: 1781): 78:15, 37.
[104] Yves Castan, *Honnêteté et relations sociales en Languedoc, 1715-1780* (Paris: Plon, 1974) 167-8.

impunity" for men. [105]) Nevertheless, defendants in *causes célèbres* stood apart from their peers, for despite overstating their lovers' responsibility, they did *not* seek to disparage these women. Quite the contrary, the success of men like Démarchis relied on depicting women like Philippine as romantic heroines who fought bravely against parental despotism.

Paradoxically, the same defenses paid lip service to both paternal authority and standards of honor that stigmatized runaways. To better claim they protected their lovers' best interests, accused men insisted on their initial opposition to elopement. Coetquin de la Tour delivered a veritable lecture on honor and filial obedience in urging Marie Elisabeth Marc Antoine de Preseaux de Thiernu to return home. First he pointed to "the danger a person of her age and sex exposed herself to in a city." (She had ridden to Paris in a hired coach.) Then he gestured to the dishonor her flight cast upon her family. Finally, while professing no love for the girl's mother, he affirmed his allegiance to her father and to the principle of paternal authority in general, urging her go home. [106] In short, he refrained from endorsing her decision to run away. Other briefs followed a similar pattern, assiduously noting the alleged seducer's efforts to convince his lover that her best interests lay in returning home.[107] One described a letter the defendant had penned in which he urged her to "throw herself at her father's feet" to beg forgiveness.[108] While railing against parental despotism elsewhere, these defenses depicted alleged seducers as respectful servants of paternal power. The two positions did not necessarily contradict. In

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[105] Marie-Claude Phan, "La Séduction impunie, ou La fin des actions en recherche de paternité," in *Les Femmes et la révolution française: actes du colloque international, 12-13-14 avril 1989 Université de Toulouse-Le Mirail*, ed. Marie-France Brive (Toulouse: Presses Universitaires du Mirail, 1990), 2:53-64: 62; Marie-Claude Phan, *Les amours illégitimes: histoires de séduction en Languedoc (1676-1786)* (Paris: Éditions du CNRS, 1986); Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (Oxford: Oxford University Press, 2012).
[106] Bidault, *Requeste produite au procès*, 4.
[107] M. Doillot and M. De Gaule, *Mémoire pour le sieur Brun, intervenant*, 11-12 ; Des Essarts, *Causes célèbres,* 78:34; Des Essarts, *Causes célèbres* (Paris: 1780), 63:32; *Souscription pour un acte de bienfaisance*, 10.
[108] Des Essarts, *Causes célèbres* (Paris: 1780), 63:35.

claiming deference to patriarchal authority, they confined the spirit of rebellion to disobedient daughters while absolving themselves of guilt as outsiders.

This strategy responded directly to claimants' assertions that seducers had dictated their victims' decisions. Parents' interest lay in shielding daughters from blame by portraying them as passive participants to their elopements. Their seducers figured as captors, rather than companions.[109] Claimants commonly referred to a teenage daughter as the "prey" or "easy victim" of scheming social climbers.[110] Jane Rowan characterized Sidney as weak, naive, and easily susceptible to her seducer's aspirations. Benjamin Beresford and his accomplice, she alleged, had dangerously cultivated her daughter's imagination with tales of romance. They had likewise instilled in Sidney a misguided "desire for liberty" that facilitated Beresford's nefarious plans for her.[111] Like Rowan, other parents described daughters as immature and incapable of independent decision. One father attributed his daughter's elopement to weakness, but he remained hopeful that "all sentiments of honor had not yet been extinguished in her heart."[112] In his telling, the seducer threatened to morally unmake this undeveloped woman. Genuine concern surely animated these elegies to feminine virtue. However these pronouncements also positioned the seducer as an opportunist who abused women's weakness for personal gain. To deepen that impression, parents necessarily represented their daughters as weak-willed innocents.

Defenses counted that description as yet another strike against parents who underestimated their daughters' intelligence and capability. One *mémoire* took aim at a claimant who clung to his daughter's passivity in assuming that "foreign influence" had provoked her

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[109] See for ex. Deroy v. Noailles, *Gazette des tribunaux,* ed. Mars (Paris: Le Jay, 1785): 19:186-201.
[110] Chaumette des Fossés, *Question de droit public,* 11/23.
[111] Mentions of misguided liberty appear several times throughout the text. Chaumette des Fossés, *Question de droit public,* 14, 20, 23.
[112] *Reflexions du sieur Caire, Négociant, Bourgeois de Strasbourg, et consultation, Servant de réponse au Mémoire à consulter pour le Sr Démarchis, soi-disant citoyen de Lucques* (Metz: Collignon, 1783), 9. BNF 8-FM-3580.

escape. [113] Beaumont's *mémoire* similarly lampooned Jane Rowan's portrayal of her hapless daughter. By her account, Sidney had been placed in a carriage, transported to Scotland, and wed by a priest before realizing she had eloped.[114] By contrast, Beresford's defenders cited the "mature deliberation" with which Sidney planned and carried out the couple's plan.[115] Her role in the affair vastly exceeded the one her mother allotted to her. So, too, did that of Sophie Rousseau, whose defenders described her as spearheading efforts to emancipate herself from her father. "She knew perfectly well what she asked through emancipation," one brief asserted. [116] Her fathers' claims to the contrary were "but mere verbiage."[117] This exculpatory strategy challenged parents' characterization of daughters as victims by depicting them as architects of elopement schemes. What's more, it validated those schemes by praising their mature deliberation and execution.

But defenses often tacked sharply, jettisoning these characterizations when they conflicted with critiques of parental despotism. Portraits of weak-willed men and strong-minded women were, after all, strategic and situational. One defense of Benjamin Beresford vacillated erratically between opposing descriptions of Sidney as an empowered and downtrodden daughter. Having established Sidney's clear, calculated, and well-executed plans to escape her mother, the *mémoire* abruptly assumed a different tone to explain her subsequent flight to France alongside the same woman. Its author dubbed her a "credulous daughter," poisoned by her mother's nefarious influence. [118] When and how had Sidney's demeanor changed? Other defenses also veered abruptly and inexplicably. Coetquin de la Tour's attorney first described

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[113] Des Essarts, *Causes célèbres* (Paris: 1780), 63:28.
[114] Élie de Beaumont, *Examen des clauses*, 10.
[115] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 17.
[116] Desmarais, *Mémoire signifié pour le sieur Huet*, 9.
[117] Desmarais, *Mémoire signifié pour le sieur Huet*, 10.
[118] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 33.

Marie Elisabeth Thiernu as a veritable adventurer who sought the thrill of independence. But later he reduced her to a passive victim, muzzled by her overbearing mother, who terrorized her into testifying against de la Tour.[119] With threat of force, Dame Thiernu extorted a statement from her daughter declaring that de la Tour had seduced her – a pure fabrication, he insisted.[120] As these reversals make clear, seducers and their defenders advanced claims about rational, decisive, and independent young women only when those claims served their interests. These men rapidly retracted the same claims as soon as they proved impractical. Within the context of these cases, the very notion of female agency existed solely to serve the interests of alleged seducers. Within the wider context of eighteenth-century politics, rhetoric of female autonomy also performed an instrumental purpose: advancing attacks on abusive paternal power on the levels of both family and state.

Romantic Love as Product & Panacea for Parental Abuse

Defense lawyers pointed to parental despotism as the primary cause of daughters' disappearance from home. Why did they risk undercutting this argument by drawing attention to the romantic relationships that – in all likelihood - lured these women away from their parents? Here, lawyers performed an elaborate dance, linking praise of romantic love to their case against parental authority. Parents who denied love, they held, impelled their daughters to seek affection elsewhere and relinquished their right to control daughters' bonds. This line of argument allied seducers with steadily mounting critiques of arranged marriage and calls for choice in its place. In turn, this association performed an important, albeit less apparent purpose. It soothed anxieties that disobedient daughters threatened social order by rejecting its key

[119] Bidault, *Requeste produite au procès,* 5.
[120] Bidault, *Requeste produite au procès,* 2.

institution: family. Having cast off their families, would these women spurn marriage and male authority along with it? Defense lawyers insisted that loving bonds restored the social ruptures that daughterly disobedience had created. Marriage reinstated male authority over young women, albeit in a different form. Husbands replaced parents, romantic love supplanted filial neglect, and the family recovered its honored place.

This rhetorical strategy obliged seducers in *causes célèbres* to assume a radically different posture than their peers in unpublicized cases. In the latter cases, most men obeyed the mantra "deny everything." Here, by contrast, the alleged seducer rarely denied his relationship with the supposed victim of his crime. Instead, he freely avowed it, claiming that he had stepped forward to fill an affective void left by her parents. This logic joined accusations of parental despotism with valorizations of romantic love. Minister Benjamin Beresford described how his compassion for Sidney Hamilton grew as he witnessed her "visible and daily suffering" at the hands of her mother.[121] "Touched by her pain," Beaumont explained, the minister felt pity that metamorphosed into passion. Although careful to quash any suggestion of carnal lust, Beaumont conceded that Beresford failed to master his feelings.[122] Joseph-Louis Démarchis likewise characterized emotional neglect as the nucleus of his relationship with his employer's daughter, Philippine. His defense intertwined descriptions of his budding affection for Philippine with scenes of her father's brutality. Referring to that treatment, Démarchis remarked, "our love intensified from it."[123] Cold, despotic parents created the conditions for the very relationships they contested at court. Their unloved daughters inspired chaste compassion that easily

[121] *Réflexions sur une affaire qui occupe au Palais tous les amateurs*, 14
[122] Elie Beaumont, *Mémoire pour le sieur Benjamin Beresford,* 5-6.
[123] *Souscription pour un acte de bienfaisance*, 10.

transformed into friendship and, later, romantic love. Good parenting, these defenses implied, foreclosed both desire and opportunity for unsanctioned relationships.

Love was not only the product of bad parenting, but its panacea. When daughters fled from home, they sought out men who met the emotional needs their parents had left unfulfilled. A seducer's sympathy often stood in stark contrast to a mother or father's coldness. Démarchis' defense strategically evoked this opposition to explain why Philippine went directly to his living quarters both times she disappeared from home. Fleeing her father's "anger" and "hatred," the young man explained, "She came in tears and threw herself in my arms."[124] Only there did she find the affection she sought in vain from her father. Other briefs symbolically supplanted fathers and positioned alleged seducers in their place. For example, according to another defense attorney, the runaway in question saw in her lover "her only protector, her last support."[125] This tactic reassured readers that young women who fled their father or mother were not wholly detached from authority; they enjoyed the care and concern of men who acted as paternal figures by proxy.

Unlike the real parents they opposed, these self-proclaimed paternal figures eschewed bullying and intimidation. Defendants accentuated this contrast to dispel the notion that they had manipulated their supposed victims and artificially inspired their love. Here, they pushed back against two key assumptions imbedded in seduction law; first, that unsanctioned couples necessarily involved an imbalanced power dynamic, and second, that men universally exercised the upper hand within these couples. A musketeer named Valdahon disputed these presumptions about power in a brief he wrote on his own behalf in 1763. Valdahon had been discovered in the

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[124] *Souscription pour un acte de bienfaisance*, 10.
[125] *Gazette des tribunaux,* ed. Mars (Paris: Le Jay, 1783) 16:121-122.

bedchambers of his beloved Sophie, whose parents' subsequent legal pursuit forced him to flee. "If one complains that I was a seducer," he wrote from exile in Geneva, "I must complain of having been seduced." The musketeer proceeded to question the legal assumption that men necessarily exercised emotional control over their lovers. Was it so inconceivable, he continued, that a seventeen-year-old girl and a twenty-one-year-old man fall in love? "And to explain this mystery," he continued, "is it necessary to fall back on seduction?"[126] With these words, Valdahon insisted that elopement was not the fruit of coercion, but that of mutually inspired love.

Language of reciprocity reinforced this argument, and alleged seducers invoked it as often as possible. One characteristic brief gestured to the couple's "mutual regard" to counter allegations of one-sided influence. [127] More often, lawyers elaborated on this "regard" with flowery prose to prove the depth of the couple's sentiment. One brief for Benjamin Beresford deployed language of reciprocity in euphemistically gesturing to the defendant's consummation of his relationship with Sidney Hamilton. "It was only after mutual professions, frequent and passionate," it stated, "that the lovers gave themselves to each other."[128] Lawyers embroidered grandiloquent quotes into their narratives, often plucking them directly from the couple's correspondence. No one surpassed the musketeer Valdahon in this respect. As the author of his own brief, he poured out his soul directly to the public. "Our hearts felt the need to love," he wrote, "[believing] themselves made for each other." [129] The young man waxed poetic on the

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[126] Jacques-Marie Lebeuf deValdahon, *Mémoire du sieur Lebeuf de Valdahon, mousquetaire gris* (1763), 8-9. BNF MFICHE 4-FM-18187.
[127] Des Essarts, *Causes célèbres* (Paris: 1780): 61:7-8.
[128] *Réflexions sur une affaire qui occupe au Palais tous les Amateurs,* 16.
[129] Valdahon, *Mémoire du sieur Lebeuf de Valdahon, mousquetaire gris*, 2.

special bond that Sophie's parents had since interrupted: "We hardly knew what love was, but we felt it intensely."[130]

On the basis of professions like these, some Parisians saw the hand of the *philosophe* Jean-Jacques Rousseau at work in Valdahon's brief. Never before, they claimed, had the Genevan written something "so touching." Such praise speaks volumes when one considers that *Julie, ou la nouvelle Héloïse* had published to astounding acclaim only two years before. Readers may have recognized Julie in Valdahon's beloved Sophie, whose father likewise sought a strategic and loveless bond for his unhappy daughter. But *philosophe* Friedrich Melchior Grimm enjoyed a laugh at the expense of these ill-informed enthusiasts; he knew that Rousseau played no part in the affair and that the "poor devil" Valdahon had indeed penned his own defense.[131] Nevertheless, these theories of authorship demonstrate readers' convictions that philosophical and literary luminaries regarded legal scandal as a viable vehicle for their ideas and causes.

Clearly, one such cause was marriage unrestrained by parental authority and governed only by individual choice, or *mariage libre*. Defense lawyers enthusiastically endorsed this kind of marriage as a means to sow sympathy for their clients among the reading public; in so doing, they embodied a wider shift in legal strategy following the Maupeou Revolution. By the mid-1770s, many lawyers ceased arguing cases on strictly legal grounds. Instead, they used cases as a means to criticize laws outright.[132] In this instance, lawyers used seduction cases to condemn the very principles that seduction law enshrined. The Edict of 1730 had positioned marriage for love

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[130] Valdahon, *Mémoire du sieur Lebeuf de Valdahon*, 2.
[131] See Grimm's entry from 15 March 1765. Friedrich Melchior Grimm and Denis Diderot, *Correspondance littéraire, philosophique et critique de Grimm et de Diderot depuis 1753 jusqu'en 1790,* ed. Jules-Antoine Taschereau & A. Chaudé (Paris: Furne, 1829), 4:217.
[132] Bell, *Lawyers and Citizens,* 175.

as a social poison and parental authority as its "antidote."[133] Forty years on, lawyers sought to show judges *and* the wider public that free choice in marriage posed little or no danger whatsoever.

To do so, they elevated their clients to the status of romantic heroes. Besieged by parents and police, these men steadfastly stood by the women they loved. This narrative strategically framed the seducer's feelings as his core offense. To this end, each brief touted some variant of the claim that "[the couple's] only crime was to love each other."[134] As one defense brief put it, the accused and his lover were guilty only of "virtuous tenderness."[135] By this logic, disapproving parents sought to criminalize sentiment by blocking the bonds it inspired. Seduction charges, by extension, constituted attacks on love writ large.

Paeans to love performed another important purpose for defense lawyers. These tributes rhetorically fused the seducer and his supposed victim, subtly cajoling readers into believing that both stood trial together. By focusing on the couple, lawyers positioned runaway daughters alongside lovers and against parents who claimed to act on their behalf. For example, one brief referred to the couple jointly as "two unfortunate lovers" under siege by her parents.[136] Likewise, Valdahon consistently invoked "we" to insist on his enduring bond with Sophie, despite their lengthy physical separation.[137] Emphasis on the cohesive couple aimed to convince readers that defendants had not acted alone, but with the support and cooperation of their would-be brides.

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[133] Yves Jeanclos, "Consentement matrimonial et rapt de séduction en France d'après quelques actes de la seconde moitié du XVIIIe siècle," in *Le Droit de la famille en Europe: Son evolution depuis l'antiquité jusqu'à nos jours*, ed. Roland Ganghofer (Strasbourg: Presses Universitaires de Strasbourg, 1992), 271.
[134] See M. Ader's defense in the Duel/Henry case, as excerpted in *Gazette des tribunaux,* ed. Mars (Paris: Le Jay, 1779): 7:163.
[135] See excerpts of the Duel/Henry case in Des Essarts, *Causes célèbres*, vol. 51 (Paris: 1779).
[136] M. Doillot and M. De Gaule, *Mémoire pour le sieur Brun, intervenant*, 1-2.
[137] Valdahon, *Mémoire du sieur Lebeuf de Valdahon*, 2.

Moreover, alleged seducers' lawyers insisted that these women more ardently desired a love match than their lovers did. Once again, lawyers deflected attention away from their clients by focusing on disobedient daughters and attributing them with agency and initiative. To this effect, they mobilized language of Enlightenment to assert female desire for autonomy in marriage. One pamphlet, for instance, described how the daughter in question yearned for "the freedom to marry someone whom she loved."[138] Many others invoked happiness or *bonheur* to suggest that arranged marriage impeded the aspirations of young women as much or more than young men. These lawyers lamented stubborn parents who failed to weigh emotional well-being in considering their daughters' marriage matches.[139] The ubiquity of *bonheur* in briefs attests to the growing "currency" of happiness as a consideration in social relationships.[140] Against this backdrop, lawyers adroitly framed loving marriage as the primary guarantor of female happiness.

Furthermore, they proposed that love itself held the potential to resolve the problem of parental despotism entirely. This line of argument harnessed the popularity of romance to underscore the harmlessness of seduction. As one lawyer put it, "the weaknesses of love" are not "crimes that disturb the social order."[141] Moreover, love could serve as a safeguard against pernicious uses of parental power that *did* disturb the social order. Free choice in marriage prevented parents from posing obstacles to their daughters' happiness. By situating their happiness firmly within marriage, defense lawyers assured the public that disobedient daughters posed no threats to family authority – only to its abuse.

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[138] Des Essarts, *Causes célèbres* (Paris: 1780), 63:37-38.
[139] *Réflexions sur une affaire qui occupe au Palais tous les Amateurs,* 27; Des Essarts, *Causes célèbres,* vol. 51 (Paris: 1780); Des Essarts, *Causes célèbres,* vol. 63 (Paris: 1780); Testulat des Charmieres, *Mémoire pour Catherine-Josephe-Marie Jublin, fille majeure, Intimée; contre le sieur Benoit Jublin, Notaire & Huissier & Pousages, Appellant* (1786). BNF Manuscrits Joly de Fleury 2113 fol. 16.
[140] Allan Pasco, *Revolutionary Love in Eighteenth- and Early Nineteenth-Century France* (Burlington, VT: Ashgate, 2009), 62.
[141] *Gazette des tribunaux*, ed. Mars (Paris: 1779) 7:164.

Disobedient Daughters & Strategic Silence

Although young women stood at the center of these conflicts, understanding their desires and motivations proves an elusive task. Runaway daughters remained mostly mute as parents and lovers made diametrically opposed arguments about their actions and motives. This silence was not incidental, but compulsory. In speaking freely, these women risked presenting themselves as something *other* than victims of despotic parents or nefarious seducers. Their speech also raised the possibility that young women made decisions for complex reasons that extended beyond romantic love and filial obligation. Accordingly, claimants and defendants alike sidelined young women. Their position thus resembled that of a deaf mute woman in one symbolically charged case. In that dispute, the woman's guardians had blocked her desired marriage, judging their ward incapable of articulating an independent choice. As they reasoned, "One cannot know her intentions, her tastes, and her choice."[142] Likewise, claimants and defendants spoke on behalf of women whose words would jeopardize the narratives they had established.

On occasion, defense lawyers protested these silences when they spoke volumes against the accused. In one instance, Coetquin de la Tour protested that his victim's voice – if heard – would easily instruct his judges of the truth. To this end, his lawyer railed against Marie Elisabeth's mother for silencing her daughter, lest she contradict the established narrative. "Overcome by the weight of threats," the lawyer intoned, "her weak voice was obliged to restrain itself against the silence imposed on her."[143] Only in a subsequent confrontation, "now free and without constraint," could she speak the truth. [144] De la Tour's attorney surely invoked Dame Thiernu's intimidation to reinforce the portrait of despotic motherhood he had so carefully

[142] Her guardians won their case. *Gazette des tribunaux*, ed. Mars (Paris: Le Jay, 1776): 2:87.
[143] Bidault, *Requeste produite au procès,* 5.
[144] Bidault, *Requeste produite au procès,* 6.

constructed. However, his assertions proved accurate. Marie Elisabeth Thiernu eventually recanted her initial testimony, attributing it to her mother's influence. This frank avowal was exceptional. Cases rarely turned on the testimony of disappeared daughters.

More often, lawyers disputed the authenticity of women's testimony when it undercut their claims. Defenders of Benjamin Beresford, for example, faced the problematic fact that charges against him listed Sidney Hamilton as a claimant alongside her mother, Jane Rowan. But Beaumont attributed Sidney's failure to defend her contested husband to coercion. "She swore that she loved him, and that she still loves him," he wrote. Her heart, he concluded, spoke volumes over the "terror" her mother inspired. [145] According to Beaumont, Sidney's sentiments trumped her actions. Even as her hand signed statements against him, her heart dictated unrelenting allegiance to the man she loved. Statements like these showcase lawyers' presumption that they better understood and evaluated women's intentions than the women did themselves.

Where female voices *did* feature in defense briefs, they were the work of strategic ventriloquism. One attorney assumed the stance of Valdahon's beloved Sophie to advance his arguments.[146] First person narrative not only dramatized the events in question; it also bolstered claims to the young woman's complicity. "It was I who opened the doors of the entryway, and those of the room," Sophie confessed, concluding later, "I alone committed the crime."[147] Issued from her mouth, assertions of parental despotism assumed enlarged significance. Sophie waxed at length about her tortured decision to disobey her father in a desperate effort to avoid becoming

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[145] Élie de Beaumont, *Mémoire le sieur Benjamin Beresford,* 16.
[146] Loiseau de Mauléon authored the mémoire on behalf of M. de V... and Mlle de M... against the latter's father. The text is excerpted in Des Essarts, *Causes célèbres* (Paris: 1780), 61:3-158. See also Testulat des Charmieres, *Mémoire pour Catherine-Josephe-Marie Jublin, fille majeure, Intimée; contre le sieur Benoit Jublin, Notaire & Huissier & Pousages, Appellant* (1786). BNF Manuscrits Joly de Fleury 2113 fol. 16.
[147] Des Essarts, *Causes célèbres* (Paris: 1780), 61:3-158, 65, 70.

"a slave to paternal authority."[148] Furthermore, direct appeals to her father dramatized his cruelty and cultivated sympathy for his daughter and the musketeer she wished to wed. Other defense attorneys deployed women's words toward the same goal, often excerpting their love letters to prove both their good intentions and the authenticity of their love.[149] But briefs incorporated women's words selectively at best. Their speech threatened to defy the categories on which opposing parties relied: seduction, romantic love, and parental despotism. Given vent, any full expression of their motives introduced dangerous ambiguity. Their disappearances owed, perhaps, to a complex combination of factors.

Whatever the case, real women receded from these conflicts. Claimants and defendants replaced them with stylized models of disobedient daughters. One asserted their passivity while the other laid claim to their agency. But both typologies soothed anxieties around the threat these women posed to family, social, and gender order. Parents deflected that threat by shifting blame to the so-called seducer. Alleged seducers effaced it by classifying runaways' actions as justifiable responses to parental despotism. Neither side acknowledged the capacity of young women to leave the familial home to pursue their own desires *without* extreme provocation. That acknowledgement risked revealing sharp fissures in the edifice of family hierarchy, as well as the critiques levied against it.

The Limits of Free Marriage

Critiques of family hierarchy and calls for free choice in marriage proved to be useful tools in the hands of adept defense lawyers. However their success was not predetermined. It depended on the premise that greater autonomy among adult children would not invite social

[148] Des Essarts, *Causes célèbres* (Paris: 1780), 63:25.
[149] Complainants similarly excerpted letters to show the daughter's innocence. See: Dupressois, *Pour M. Rousseau, Avocat en Parlement & Huissier des Requêtes du Palais, Accusateur & Demandeur. Contre Louis-Hervé Lebrun, Principal Clerc du Palais. Et contre la dame Ripert, Accusés & Défendeurs* (1778 [?]). BNF 4-FM-28479.

chaos. Specifically, it necessitated reassurances that *mariage libre* would not result in mismatched bonds or *mésalliances* between men and women of radically different status. Elites – who depended on arranged marriage to consolidate land and wealth - feared such an outcome. Mismatched bonds threatened to throw these finely calibrated marriage strategies into disarray and thus upend the hierarchies that gave form to French society.

Quite contentiously, Beaumont addressed these concerns by refuting their validity altogether. Rather than quell fears of *mésalliance*, the lawyer sang its praises. He did so by contrasting English and French marriage law, lavishing praise on the former for its sense and efficacy. Sidney Hamilton and Benjamin Beresford, he asserted, had wed lawfully within a system that paid no heed to hierarchy. Their bond barely raised eyebrows in a country where "the most disproportionate marriages" were conducted daily. Rather than endanger society, he contended, those bonds benefited it by enhancing commercial competition and assisting population growth.[150] Here, Élie de Beaumont adopted an argument common to divorce advocates: that happier marriages would produce more children and thereby a more numerous populace.[151] A nobleman himself, the lawyer was likely warier of love matches than his brief let on. But this position constituted a logical extension of his efforts on behalf of Jean Calas. In both cases, Beaumont contested the state's incursion into affective, familial relationships.[152] Within

[150] Dupressois, *Pour M. Rousseau*, 46, 51.
[151] See Carol Blum, *Strength in Numbers: Population, Reproduction, and Power in Eighteenth-Century France* (Baltimore: Johns Hopkins University Press, 2002).
[152] Bell situates Beaumont's participation in the Calas case within the frame of his broader efforts on behalf of Protestant marriage. His accomplished wife's status as a Protestant lent him a significant stake in this cause. Bell, *Lawyers and Citizens,* 132.

this frame, the cause of free marriage harmonized with broader efforts to loosen the firm hand that the French state wielded over its subjects' individual lives and affective bonds.[153]

Most lawyers adopted a different approach than Beaumont, seeking to allay rather than deny fears of *mésalliance*. These men were keenly aware that even the most passionate love wilted under the weight of social censure and familial pressure, as it would for the Comte de Mirabeau and Sophie de Monnier.[154] Even as these lawyers celebrated love, they did *not* endorse marriage without regard to status.[155] Instead, they reaffirmed the importance of socially equivalent couples. To square this stance with their defense of *mariage libre*, they disputed the couple's characterization as a *mésalliance* and fought vigorously against claims to the alleged seducer's inferior social position. To this end, lawyers mobilized personal, professional, genealogical, and financial details to place the defendant on equal footing with his contested bride. One brief cited the alleged seducer's income from rents to counter the claimant's assertion of his relative poverty. The defendant and his supposed victim, the lawyer concluded, were simply "two lovers, young, equal, and free."[156] The musketeer Valdahon made similar assertions, declaring of himself and Sophie that "neither fortune nor birth amounted to any considerable inequality between us."[157] Sophie later echoed the same statement through her legal counsel.

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[153] Barère de Vieuzac adopted the same strategy in 1784 before the Parlement of Toulouse, arguing that mixed marriage would augment both individual and state wealth. See Rizzo, *A Certain Emancipation of Women,* 48.
[154] Allan Pasco cites the Comte de Mirabeau and Sophie de Monnier as an example of romantic love that crumbled under fierce resistance: "Numerous novels make clear that the law would have its say, and for this and other reasons, living together without parental approval almost inevitably brought misery to the children of families with means." Allan Pasco, *Revolutionary*, 77.
[155] We necessarily must temper Allan Pasco's claim that most French people desired "the enjoyment of freely selected mates" by the century's close. Pasco, *Revolutionary Love*, 66.
[156] Des Essarts, *Causes célèbres* (Paris: 1779), 51:89.
[157] Valdahon, *Mémoire du sieur Lebeuf de Valdahon*, 2.

"My lover is my equal," wrote Loiseau de Mauléon, assuming his client's voice. [158] Although love was the linchpin of their bond, social equality guaranteed its viability.

Most defendants were careful not to disparage their lovers in advancing claims to equality. However, one alleged seducer, M. Brun, strategically invoked his lover's illegitimate birth to narrow the perceived gap between them. He wanted Marie-Thérèse Anquetin for his wife, Brun declared bombastically, whether or not she was a bastard![159] By publicizing her inauspicious pedigree, Brun exposed himself to charges that he endangered the reputation of his would-be wife. But this unconventional strategy supplied the sole means by which he could both position his status as commensurate to hers and contest her parents' legal authority.

Judges proved increasingly receptive to these arguments. Most sanctioned illicit marriages only insofar as they did not entail a wide gap in social status. The *Gazette des tribunaux* highlights various legal contests in which judges intervened to allow a contested marriage. In these cases, magistrates cited parity or disparity of fortune, condition, and age as the criteria for their decisions. For example, one 1777 verdict overturned a mother's objection to her daughter's marriage. While the reluctant mother-in-law cited the groom's "lack of fortune" and a family tendency toward lunacy, the court rejected these claims based on the young man's status and sanity.[160] In another case nearly a decade later in 1787, the court overruled the objections of legal guardians on similar grounds.[161] Conversely, magistrates did not hesitate to halt mismatched marriages. After months of legal wrangling, a 1779 sentence blocked M. Henry from wedding the daughter of M. Duel. Simply put, Henry was older, poorer, and born a

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[158] Des Essarts, *Causes célèbres* (Paris: 1780), 61:110.
[159] M. Doillot and M. De Gaule, *Mémoire pour le sieur Brun, intervenant*, 19.
[160] The verdict was rendered 6 September 1777. *Gazette des Tribunaux*, ed. Mars (Paris: 1777), 4:261.
[161] *Gazette des Tribunaux*, ed. Mars (Paris: 1787), 23:85.

bastard.[162] Judges still policed marriage law as a means to conserve class lines, even as they disregarded the principle of parental consent.

On the main, fathers and mothers rarely reaped the results they had hoped to receive in their publicly fought contests over authority. Thanks to Beaumont and others, the Parlement of Paris sided with Benjamin Beresford in the Sidney Hamilton case. Judges fined Jane Rowan 50,000 *livres* in damages to her unwanted son-in-law and deferred the question of the marriage's validity to the English courts.[163] Justice would also smile on the Valdahon seven years after the musketeer first published his self-defense. In 1770, judges authorized his beloved Sophie to proceed to the altar without fear of disinheritance by her father.[164] In these notorious cases, justice proved wholly unsatisfying for parents, whose prerogatives it imperiled. Conflict between the crown and the *parlements* had not only supplied an opening for barristers to articulate radical anti-paternal rhetoric. It marked the deterioration of parents' power as judges reaffirmed lawyers' arguments.

Judges, like lawyers, hardly wished to level social hierarchies. Nevertheless, they willingly reexamined and revised familial hierarchies. Their very intervention – even if it did *not* work to the couple's favor – infringed on the power of parents. Moreover, judgments that *did* favor the disputed couple dealt blows to parental authority and marked the success of arguments for free choice in marriage. This success sounded both within and beyond the courtroom. Published compendia of legal briefs relayed and reinforced sympathy for aspiring grooms and contempt for cruel fathers. The editorial voice of Des Essarts' *Causes célèbres* often sided with

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[162] The Arrêt of 27 Janvier 1779 ordered Henry to raise the child and to give alms to the prisoners of the Conciergerie. Duel's daughter was ordered to go to whatever convent pleased the archbishop of Paris. M. l'Avocat Général Seguier decided the case. *Gazette des Tribunaux*, ed. Mars (Paris: 1779), 7:166-167.

[163] The *parlement* deferred to decide on the marriage's validity, relaying that judgment to England. Sentence, 25 March 1782, Paris [Parlement de Paris: Registres d'arrêts transcrits]. ANX2a887.

[164] Des Essarts, *Causes célèbres*, vol. 61 (Paris: 1780).

seducers, reasoning that their feelings were "natural and often irresistible."[165] Who was more to blame? A lover who ceded to nature, or a father who ignored nature in refusing to repair his daughter's honor?[166]

Nevertheless, compassion for so-called seducers was gendered and thus limited. With few exceptions, all alleged seducers involved in *causes célèbres* during this period were men. All stood a rung below their lovers on the social ladder, and all struggled to prove their self worth as a result. The potential for men to socially ascend ever so slightly through the power of love clearly appealed to the reading public, yet its gendered inverse did not. Rarely did seduction center around parents who contested a highborn son's attempt to wed a bride of inferior status.[167] Women who reaped social rewards in romance were – their adversaries claimed - schemers or potential prostitutes. Parisian men often levied this latter charge against working women who launched seduction allegations against them. Public interest failed to coalesce around such couples, whose cases illustrious lawyers rarely took on. While endorsement of choice in marriage provided ideological openings for men of lesser means, it foreclosed similar opportunities for women.

Conclusion

The success of men like Élie de Beaumont constituted a major coup in the campaign against domestic despotism. The Maupeou Revolution (1771-1774) enabled this success by allowing lawyers to harness the publicity of the legal brief. Using this tool, defense lawyers channeled broad popular enthusiasm for romance to sow support for young men and women who

[165] Des Essarts, *Causes célèbres* (Paris: 1779), 51:154-155.
[166] Des Essarts, *Causes célèbres* (Paris: 1779), 51:165.
[167] In one single case did I locate a brief wherein the lawyer acknowledged and defended a significant difference in status that favored the contested groom over his bride. He explained quite uniquely that his bride's education, modesty, and sweetness made up for her lack of fortune and beauty. In July 1777, judges decided in favor of the couple against the wishes of his parents. *Gazette des Tribunaux*, ed. Mars, vol. 16 (Paris: 1783), 120-123.

contravened parental authority and law. These men invited the reading public to forge affective ties with alleged seducers, much as it had with Rousseauean heroines. Lawyers intentionally mobilized professions of love to inspire widespread support. Their tactics oblige us to "look carefully again at the limits and the limitations of Enlightenment rationality."[168] In this instance and others, men of letters stirred emotions to advance reasoned principles.

Their tactics also oblige historians to examine emergent Enlightenment ideals using gender as a tool of analysis. Eighteenth-century challenges to parental authority touted the autonomy of their adult children, however they typically framed those children as male. Rhetoric of autonomy in seduction cases stands out for its focus on young women and its insistence on female agency. By applying Enlightenment language to women – be it *liberté* or *bonheur*, lawyers positioned unruly daughters as stand-ins for the abstract political subject. Against the family model of governance, their disobedience assumed enlarged significance. These women pushed back against domestic despotism *and* its monarchical analog by extension. On a practical plane, this rhetorical strategy struck a serious blow to parental control over marriage. On an ideological plane, it furnished an independent portrait of womanhood.

Nevertheless, this portrait hardly promoted female autonomy. While the courts compromised parental power, they reinforced the value of male authority writ large. Judges and lawyers alike recognized marriage as a means of restoring unruly women to relationships of authority. In wedding her supposed seducer, a woman contravened one man's will while subordinating herself to that of another; love matches transformed disobedient daughters into dutiful wives, bound to their husbands by love and law. This symbolic alchemy protected family

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[168] Colin Jones. Review of *Figures publiques. L'invention de la célébrité (1750-1850)*, by Antoine Lilti, *H-France Forum* 10 (November 2015).

hierarchy by preserving it in marital bonds in lieu of parent-child relationships. Thus while elevating runaways, lawyers simultaneously sought to shore up the entwined authorities of state and family. As Judith Bennett reminds us, patriarchy endured in early modern Europe precisely because state and family "mutually supported the power of men."[169] However much lawyers criticized parental despotism, they wished to conserve social institutions that upheld male power.

These conclusions compel us to reconsider broader narratives about the transition toward 'modern' models of marriage. Among others, André Burguière has pointed to the bourgeois family drama to chart the meteoric rise of marriage for love across the eighteenth century. [170] Other scholars trace a similar trajectory, linking love to enlightened discourses of happiness and individualism.[171] "Love was no longer viewed as a relationship resulting from obedience to obligation," Allan Pasco writes, "but rather it was redefined as extreme affection within or without marriage."[172] To these scholars, discourses of love possessed liberating potential – the capacity to break bonds based in duty alone. By contrast, this chapter proposes that the legacy of marriage for love is more ambiguous than we often allow. In the last decades of the eighteenth century, discourses surrounding love sought to restrain as much as to liberate. Proponents of love confined female fulfillment and sexuality to the realm of marriage alone, a stance that should force a more critical inquiry of so-called "modern" marriage.

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[169] Judith Bennett, *Ale, Beer, and Brewsters in England: Women's Work in a Changing World, 1300-1600* (Oxford: Oxford University Press, 1996), 151.
[170] André Burguière and Jacques Revel, eds., *Les Formes De La Culture* (Paris: Éditions du Seuil, 1993).
[171] See Meghan K. Roberts, *Sentimental Savants: Philosophical Families in Enlightenment France* (Chicago: University of Chicago Press, 2016); Melissa M. Adams-Campbell, *New World Courtships: Transatlantic Alternatives to Companionate Marriage* (Hanover, NH: Dartmouth College Press, 2015); Anne Verjus, *Le bon mari: une histoire politique des hommes et des femmes à l'époque révolutionnaire* (Paris: Fayard, 2010); Maurice Daumas, *Le Mariage amoureux: Histoire du lien conjugal sous l'Ancien Régime* (Paris: Armand Colin, 2004); Agnès Walch, *Histoire du couple en France de la Renaissance à nos jours* (Rennes: Éditions Ouest-France, 2000); Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (London: Weidenfield & Nicolson, 1977).
[172] Pasco, *Revolutionary Love*, 69.

After 1789, revolutionaries aimed to institutionalize this new model of marriage by privileging the individual right to make or break bonds. To this end, they eliminated parental control over marriage and implicitly abolished paternity suits. But as Marie-Claude Phan points out, this second measure implicitly gendered individual right a *male* prerogative. It enabled men to ignore unwanted children but offered women no comparable choice.[173] Moreover, within marriages, old hierarchies persisted in new forms. By the summer of 1792, Anne Verjus writes, the son or *fils de famille* became "king" in his own right. Rather than rule by his side as queen, his wife possessed the mere "illusion" of power gained by dutifully serving her spouse.[174] In short, modern marriage enshrining companionship and choice decidedly favored male aspirations in these arenas. Nevertheless, this model amounted to a "signifier of freedom" that proclaimed the enlightened nature of the law.[175] As I argue in this chapter, *ancien régime* lawyers prefigured this contradiction by establishing the gendered boundaries of marital freedom within the context of seduction cases.

Certainly, these men exalted loving marriage on its merits alone. By all accounts, Beaumont was devoted to his accomplished spouse. A subsequent letter to Benjamin Franklin reveals the lawyer heartsick after the "cruel loss" of his wife in January 1783.[176] Affective bonds were as personally fulfilling as they were politically appealing. However, these new ideals of marriage and family were as problematic as their predecessors. Criticisms of family hierarchy re-inscribed new gendered hierarchies designed to bind women to male authority. This

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[173] Phan, "La Séduction impunie," 2:62.
[174] Verjus, *Le bon mari,* 38.
[175] Adams-Campbell makes this case for England, and I argue that it applies as easily to revolutionary France. Adams Campbell, *New World Courtships,* 5.
[176] Beaumont's wife was the writer and salon hostess Anne-Louis Morin du Mesnil Élie de Beaumont. "To Benjamin Franklin from Jean-Baptiste-Jacques Elie de Beaumont, 14 April 1783," Founders Online, National Archives (http://founders.archives.gov/documents/Franklin/01-39-02-0294 [last update: 2015-11-02]). Source: *The Papers of Benjamin Franklin,* vol. 39, *January 21 through May 15, 1783*, ed. Ellen R. Cohn (New Haven and London: Yale University Press, 2008), 464–465.

reconfiguration points to the ambivalent place of women in the republican model of family that would emerge after 1789. With the fall of the despotic father-king, the disobedient daughter disappeared from the legal landscape. Despotism toppled, she no longer enjoyed just cause to rebel against the family that bound her.

Chapter 6
"She would rather be beaten by strangers than by her mother and father": Parisian Runaways & the Erasure of Domestic Disorder

Cobbler Jean Bingler sought to cultivate his daughter's artistic taste and talent, however limited his means. Each day for nine months, he dutifully escorted seventeen-year-old Marguerite Antoinette from their home on rue des Cordeliers to her drawing lessons.[1] Father and daughter had only to walk the length of their street, between high walls guarding the College of Burgundy and the Order of Cordeliers, and turn right onto the cour du Commerce, where their path took them past the rear entrance of the Café Procope.[2] But Bingler soon began to explore the possibility of private lessons at home "to spare his daughter the exertion of going out daily and to spare himself the trouble of taking her there." Perhaps the path itself unnerved him. Although a mere thousand feet, it exposed Marguerite Antoinette to the "ebb and flow of men of all conditions" who assembled at the Café Procope and spilled through its doors after performances at the nearby Comédie Française.[3] Indeed, this particular meeting place had earned a reputation as "a space for unplanned encounters with strangers."[4] Those were precisely the encounters that Bingler endeavored to avoid, preferring to shield his daughter from the street and its sexual dangers. By pursuing private lessons at significance expense, he marked his intention to differentiate Margueritte Antoinette from the majority of working women who had little choice but to brave the cobblestones daily.[5]

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[1] This street now bears the name rue de l'École de Médecine. It falls between the Musée Dupuytren and the Musée de Cluny, just north of the Luxembourg gardens.
[2] Hilaire Belloc, *Paris* (Paris: Methuen & Company, 1900), 3:253.
[3] In *La Valise Trouvée* (1740), Alain René Lesange satirized the Procope as a gathering ground for "wits and sots" alike. Alain René Lesange, *Oeuvres* (Paris: Chez Antoine-Augustin Renouard, 1821), 12:210.
[4] E. C. Spary, *Eating the Enlightenment: Food and the Sciences in Paris, 1670-1760* (Chicago: University of Chicago Press, 2013), 113.
[5] The painter Desfonds would charge 12 *livres* per month for his instruction.

But Bingler's efforts to protect his daughter proved disastrous. Just months after her private lessons began, Margueritte Antoinette disappeared with her tutor in April 1788. Bingler subsequently filed charges of *rapt de séduction*, his horror coalescing around his daughter's displacement beyond the boundaries of "the paternal home."[6] (This spatial transgression even unsettled one reluctant accomplice, who reported warning the teen of "the risks she ran" as she made her nocturnal flight.[7]) However documents from the subsequent investigation revealed the boundaries of Bingler's home to be porous and penetrable. Journeymen, apprentices, tutors, and friends passed through Bingler's doors daily, enjoying unchaperoned visits with Margueritte Antoinette and her sister. The paternal home provided as ample opportunity for "unplanned encounters" as did the Procope. This reality points to a significant shift in the power of parental authority and its projection onto the home. Still the legal bastion of female honor, "the paternal home" ceased to be a stable, discrete, or defensible geographic entity within urban Paris. Men like Bingler cringed at their incapacity to control their daughters by confining them to this space.

This chapter concerns runaways like Margueritte Antoinette and the parents and guardians who classified them as seduction victims. It focuses on a smaller sample of cases between 1750 and 1790 (28 in total) that more closely resembled the letter of *rapt de séduction* law than the abandonments considered in Chapters 3 and 4, but that did not evolve into *causes célèbres* like the legal battles of Chapter 5. In these instances, parents filed complaints to compel the return of daughters who had disappeared from home and possibly eloped. Like Jane Rowan, these men and women invoked the sanctity of parental authority that had served as the original impetus for seduction law. Unlike Rowan, they hailed from comparatively modest backgrounds –

[6] AN Y10494C, Requeste [Document 1], 12 August 1788, Paris [Grand Criminel].
[7] AN Y10494C, Interrogatoire [Document 3], 9 September 1788, Paris [Grand Criminel].

a factor that made these conflicts less likely to capture public opinion. Moreover, the status of accused men presents another contrast with Chapter 5. Few so-called seducers were highborn (only one was a minor noble), but equally few stood below their alleged victims. The non-existence of social gaps between claimants and defendants suggests that a daughter's disappearance from the parental home terrorized parents more so than the prospect of elopement itself. These concerns underscore claimants' lower status relative to their peers in Chapter 5, for whom *mésalliance* and the dishonor it incurred might cast shadows over an elite family's future.

Nevertheless, claimants stood a step above their counterparts in cases that resembled paternity suits, women teetering on the edge of ruin. Only a small minority (5) were servants or unskilled laborers, but over half were merchants or master artisans like Bingler (15), and some were *bourgeois*, minor nobles, or army officers (5) (See Appendix Figure 1, pp. 279-280). All appeared to be well integrated in neighborhoods and professional associations, and most had shielded their daughters from the world of work. (Few clerks recorded daughters' professions whatsoever, underscoring the similar social profile of their parents and those who launched charges in Grasse.) Even if slight, claimants' comparative status and stability meant that judicial officials investigated their claims seriously and doggedly pursued alleged seducers. After 1760, the highest court at the Châtelet, the Grand Criminel, disproportionately decided these cases, despite their infrequency by comparison to abandonments.

Men and women who launched these charges, I argue, used them to conceal domestic disorder and disobedience, rather than to expose *mésalliance* or sexual misconduct. Women like Margueritte Antoinette were simply runaways, but their parents qualified them as seduction victims to shield themselves and their daughters from the stigma and consequences of this fact. The term "seduction" thus performed semantic sleight of hand, attributing breaches of parental

authority to wicked seducers in lieu of dissatisfied daughters. It concealed the troubling fact that outsiders did not dictate their daughters' decisions, but rather that these women chose to leave home of their own volition. Wielding the word this way, parents adopted a similar strategy as the claimants and lawyers described in both Chapters 4 and 5. They asserted their daughters' victimization rather than acknowledge the possibility of its inverse, i.e. their daughters' capacity to exercise a degree of independence, however much it harmed their honor and reputation.

Why did these women risk so much to leave home? Establishing their exact aspirations is impossible, but marriage rarely seemed to motivate unsanctioned escapes. Runaways seldom framed their decisions in language of personal fulfillment, or identified companionate marriage as a goal – even when they left alongside lovers. In place of those "pull factors," they frequently identified "push factors" that propelled them from home. Above all, they pointed to parental mistreatment as their main impetus. Whether mistreatment designated corporeal punishment, verbal abuse, neglect, unwanted marriage, or threatened confinement, it inspired women to run away. In turn, they assumed significant risk for the promise of very meager rewards. In leaving, these young women identified and defied what they perceived to be abuses of parental power. Their decisions demonstrate that emergent critiques of parental power during this period were not merely academic in nature, but enacted in practice by non-elites.[8] When enlightened lawyers like Élie de Beaumont depicted disobedient daughters who resisted despotism, they had not conjured this trope from the void. If only in the negative, runaways and their sympathizers pushed back against notions of authority rooted in obedience rather than affection.

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[8] Lynn Hunt, *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1992), xiv; 3. See also: Suzanne Desan, *The Family On Trial in Revolutionary France* (Berkeley: University of California Press, 2004); Jeffrey Merrick, "Fathers and kings: patriarchalism and absolutism in eighteenth-century French politics," *Studies on Voltaire and the eighteenth century* 308 (1993): 281-303; Margaret Darrow, *Revolution in the House: Family, Class, and Inheritance in Southern France, 1775-1825* (Princeton: Princeton University Press, 1989).

Still, men like Bingler commanded their daughters' obedience with great difficulty, demonstrating how these new ideals remained wholly impracticable for most families. Just as economic need placed unwed young women outside protective familial and neighborhood networks, it created friction within households. Whatever degree of stability they boasted, Parisian parents and their adolescent or adult children often bristled against each other at close quarters. Unlike most claimants from my larger sample, the daughters discussed here spent the lion's share of their days at home or nearby, privileged enough not to leave these environs however desperate for diversion they might have been. Meanwhile, the urban landscape of Paris exposed aggrieved young women to the lure of life beyond their parents' gaze and grasp. In her densely packed Parisian neighborhood, Margueritte Antoinette likely observed and interacted with young women who lived independently, furnishing her imagination of how her own life might unfold beyond the paternal home. Assessing the risks and returns of running away, she ultimately reasoned that she "could make a living anywhere."[9] Once Margueritte Antoinette made this resolution, the unwieldy city afforded multiple avenues of escape; and her father's home welcomed an array of potential accomplices.

Bingler *père* and men like him would construe these choices as the fruit of coercion. Their qualification of disappearances as "seduction" represented a reactionary effort to reinstate the paternal home as the bastion of female honor. Against these goals, runaways like Margueritte Antoinette countered their parents with new ideals of family authority and individual autonomy that placed personal well-being over perceptions of honor. These opposing positions demonstrate how seduction conflicts were not fought over the question of parental authority alone, but over female autonomy as well. Unsuspecting parents were ill-equipped to understand

[9] AN Y10494C, Interrogatoire [Document 3], 9 September 1788, Paris [Grand Criminel].

their daughters' decisions, and expressed panic in their wake. At court, they characterized expressions of personal will as evidence of seduction. But police commissioners and judges could hardly sustain this fiction. They frequently referred to so-called seductions as outright escapes, and never meted out capital punishment to convicted seducers. As in ordinary abandonment cases, these men exercised considerable leniency. But where leniency disadvantaged pregnant seamstresses and servants, it served women like Margueritte Antoinette, implicitly finding *them,* rather than seducers*,* accountable for their own decisions.

Parents React to Runaways: Seduction as Semantic Strategy

When daughters disappeared, parents were anxious for their safety and, above all, their sexual honor. Most Parisian parents were hard-pressed to supervise their children, however they were no less concerned about their whereabouts and wellbeing. In early 1750, rumor had fueled parental fears of abduction following a spate of police round-ups.[10] As one diarist wrote, "People have been saying that police constables in disguise are roaming around various quarters of Paris, abducting children, boys and girls from five or six years old to ten or more, and loading them into carriages which they have ready waiting nearby."[11] The ensuing surge of violence constituted a strange and singular episode in the city's history. However it attests to broad-based anxieties about the vulnerability of unchaperoned sons and daughters.

Parents seemed to doubly dread the disappearance of a female child, whose sexual honor stood at risk. Some raced to the conclusion that madams or their agents had kidnapped their daughters to place them in houses of prostitution. In truth, girls were rarely kidnapped. More

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[10] See Arlette Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*. Trans, Carol Shelton (Cambridge, MA: Harvard University Press, 1993), 56-57. See also Arlette Farge & Jacques Revel, *The Vanishing Children of Paris: Rumor and Politics before the French Revolution*, trans. Claudia Miéville (Cambridge: Harvard University Press, 1991).

[11] Cited in Farge & Revel, *The Vanishing Children of Paris,* 9.

often, desperate parents voluntarily sold them into the *demimonde*.[12] But however unlikely, this scenario loomed large in parents' imagination, gaining credibility from isolated accounts of its occurrence. One girl's disappearance on her way from school likely alerted other pupils' parents to the possible presence of abductors within their neighborhood.[13] Similar tales circulated of girls kidnapped during the course of work or errands, confined to strange rooms and forced to perform lascivious acts.[14] Nevertheless, the exigencies of work obliged mothers and fathers to entrust their daughters' supervision to others, hoping that friends, neighbors, masters and mistresses would keep close watch. One man placed his daughter as an apprentice following her abduction and confinement in a house of prostitution at the age of 13. Unfortunately, he would learn from her mistress that the same man who had abducted her before did so again.[15] Stories like these only underscored working parents' relative powerlessness to protect their daughters.

After fears of kidnapping, parents shuddered at a second possibility – that a disappeared daughter had willfully elected to leave home. Such a decision reflected poorly on her parents and endangered their reputation within the community. Although unmarried women commonly left home to earn dowries or support their families, they ideally did so with their father's or mother's benediction. A woman's unsanctioned departure from the home constituted a grave contravention of paternal authority, one that carried connotations for her sexual honor in turn. Mysterious or unexplained familial alienation cast suspicion over a woman's reputation, raising

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[12] See Chapter 3 ("Being Sold into the Demimonde" in Kushner, *Erotic Exchanges: The World of Elite Prostitution in Eighteenth-Century Paris* (Ithaca: Cornell University Press, 2013). In one case in my sample, a client indicated broader awareness and expectation that parents consented to their daughters' prostitution. Having arranged for a rendezvous with a pre-teen dressed as a boy, he refused to go through with it after discerning that her parents had not approved and the girl was likely abducted. See Le Fort c. Un Quidam, 1754 (AN Y10164).

[13] See Mottel c. Monroy dite Victoire, 1750 (ANY10133).

[14] One claim bore potential marks of embellishment, including details worthy of the Marquis de Sade. However eventual interrogations of the accused abductor (a madam) and her client confirmed much of the claimant's narrative. The client himself would go unpunished. See Fougere c. de la Croix et al, 1770 (AN Y9771). See also Le Fort c. Un Quidam, 1754 (AN Y10164).

[15] AN Y9845, Rapport de la garde [Document 1a], 1 July 1776, Paris [Petit Criminel].

the possibility that she concealed an illegitimate pregnancy. Whether or not that was the case, women who exceeded their parents' control found themselves exposed to presumptions of promiscuity, as discussed in Chapter 3. As one man put it, his alleged lover was "hardly honest," having reputedly run away from "the paternal home" to live with a policeman.[16] Such attitudes only exacerbated parents' fears that unsanctioned disappearances spelled their daughters' steady descent into the world of venal sex – or at very least lowered their daughters to the status of prostitutes within the eyes of the community.

Aware of the stigma surrounding runaways, parents sought to resolve absences as quietly as possible. Police documentation reveals that parents waited days, weeks, or even months before reporting their daughter missing, and only after exhausting all unofficial channels of discovering her whereabouts. When Marie Louise Douilliet disappeared in 1760, her father and stepmother made inquiries around their neighborhood, to no avail. Within a year, a neighbor remarked, they "considered the girl dead."[17] Whether they truly believed Marie Louise dead or not, the journeyman painter and his wife had laid to rest their hopes of recovering her long before they approached Commissioner Leger in 1763. After such a long interval, parents made declarations to the local police commissioner only as a matter of course. As one bourgeois explained, he and his wife declared their daughter's disappearance after nearly sixteen months only "in the fear that they will be reproached for their silence."[18] Absent any explanation, parents were reluctant to report a disappearance and risk publicizing disorder and disobedience within their household.

When they did do so, parents reported missing daughters to the police as victims of seduction, rather than runaways. Their word choice was strategic; parents strenuously sought to

[16] AN Y9766, Interrogatoire [Document 2d], 1 March 1770, Paris [Petit Criminel].
[17] AN Y14326, Informations [Document 4a], 4 August 1763, Paris [Leger].
[18] AN Y10280, Plainte [Document 1a], 20 May 1765, Paris [Grand Criminel].

prove their daughters had *not* devised their disappearances, but rather nefarious outsiders had planned and executed their abductions. The terms *rapt* and *séduction* deflected blame away from disobedient daughters. In the case of the Douillet parents above, the appearance of a stranger inquiring after their daughter at a nearby cabaret revived their hopes of finding the girl. The man's mere mention of her baptismal certificate only strengthened her parents' conviction that a seducer had lured Marie Louise from home to secretly marry her. Only then – years after her disappearance – did her parents file a complaint that their daughter was "seduced by someone's bad advice," although they could not say whose.[19] The would-be culprit's anonymity hardly mattered to Marie Louise's father and stepmother. At very least, new evidence suggested that an outside party was to blame for her absence. Even where evidence was scant, claimants chalked up disappearance to seduction, leaving the alleged offender unnamed. One man filed a complaint for *rapt de séduction* on behalf of his father after his sister had disappeared, leaving a blank space for a name before the words "who kidnapped [her]."[20] The existence of a presumptive seducer relieved the man of his share in responsibility for his sibling's absence. When they could point to seduction as a likely scenario, family members eagerly sought official assistance.

One case neatly illustrates this reluctance to report runaways and comparative readiness to declare seduction. When Madeleine Tessié failed to return home from work one spring day in 1759, her father made inquiries with friends and neighbors, but never lodged an official complaint. With luck, the oyster vendor retrieved Madeleine after guilt prompted the couple lodging her to contact him and reveal her whereabouts. But when the girl reprised her escape only weeks later, her father immediately lodged a complaint with the local commissioner. Tessié

[19] AN Y14326, Plainte [Document 4], 6 July 1763, Paris [Leger].
[20] AN Y9745, Plainte & Informations [Document 1], 1-8 May 1768, Paris [Petit Criminel].

père pointed the finger at his neighbor as her seducer.[21] To that point, no proof of a sexual relationship could corroborate his claim; however the neighbor's help in facilitating her first flight rendered him suspect after the second.

On the whole, parents framed their daughters' decisions to run away as plans imposed from without. One father followed a much-used formula when he explained that his daughter's seducer "profited from her little experience and her tender age, and engaged her to dessert the paternal home."[22] This father and others like him emphasized young women's passivity. Runaways did not act according to their own will, but under the thrall of seducers. This portrait relieved daughters of culpability by attributing their flights to outsiders who would shoulder the blame for their victim's contravention of paternal authority. When Marguerite Antoinette Bingler disappeared with her drawing instructor, Desfonds, her father found fault only with her instructor. "His daughter was always well behaved," Jean Bingler explained, implying that her upbringing precluded her willing participation in the crime. Violence alone could explain her absence. The fact that she had not brought any belongings with her was further proof "that this kidnapping was not premeditated with her [participation]."[23] Another father similarly presumed foul play, certain that his daughter "would not have consented to such an escape from the paternal home."[24] He and other parents preferred to portray their daughters as passive victims of male seducers, rather than confront the possibility that they had elected to run away.

Refusal to recognize runaways as such persisted even when daughters directly addressed or articulated their motivations for leaving home. In 1751, a butcher's widow received a letter from her distraught 15 year-old just hours following her departure. Anne Chemelard confessed

[21] AN Y10209, Plainte [Document 1], 6 July 1758, Paris [Grand Criminel].
[22] AN Y10146, Plainte [Document 3], 14 October 1750, Paris [Grand Criminel].
[23] AN Y10494C, Requeste [Document 1], n.d. 12 August 1788, Paris [Grand Criminel].
[24] AN Y9833, Plainte [Document 1a], 7 September 1775, Paris [Petit Criminel].

that pregnancy prompted her to leave home "in order to avoid scandal." While the missive made no mention of the presumptive father or his role in her exit, Anne's mother took him for the guilty party. After scrambling to pin down his identity, she eventually filed a complaint for *rapt de séduction* and *enlèvement.*[25] These charges denied the possibility that plans for escape had emanated from Anne Chemelard herself. Instead, they ascribed both decision-making and culpability to an outsider.

Other parents found it more difficult to reconcile their daughters' letters with their own seduction theories. When Antoinette Rosalie Assier Perica disappeared in 1777, her father immediately pointed the finger at his junior colleague and fellow maker of scientific instruments, Pierre Méguié. Although his daughter had not mentioned him in a letter to her father, the complaint stated that "he does not doubt that it was Méguié who determined his daughter to abandon her home."[26] Faced with the contradiction between the content of his daughter's letter and his own convictions, Perica could only believe that her letter was inauthentic. Louise Saran likewise insisted that an unnamed seducer had forged the letters she received from her absentee daughter in 1758. Although Saran submitted the letters as evidence, she undermined their authenticity, referring to them as "alleged letters" that "someone wrote for [her daughter] or made her write."[27] The letters' content may explain her incredulity. They express joy at the prospect of leaving home and gratitude to the person who abetted her escape. However vague and cryptic, her motivations remained unmoored from any mention of a man. But like other parents, Louise Saran preferred to recognize Anne as the victim of a seducer, rather than acknowledge herself a victim of her daughter's duplicity.

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[25] AN Y10148, Plainte [Document 1], 16 August 1751, Paris [Grand Criminel].
[26] AN Y9865, Plainte [Document 2a], 25 December 1777, Paris [Petit Criminel].
[27] AN Y9649B, Déclaration [Document 1], 15 December 1758, Paris [Petit Criminel].

Many claimants stretched the meaning of *séduction* very thin for this reason. They deployed the word to deflect blame from disobedient daughters and to distract from domestic disorder more generally. The widow of a concierge mobilized "seduction" against her daughter's accomplice, who allegedly plotted to murder the girl's sister and rob her mother. [28] Another mother alleged that the accused had seduced her daughter into marshaling her mother's creditors against her with the aim of landing the woman in jail.[29] Finally, one haberdasher framed his daughter's disappearance and theft as the work of two men "in league together to seduce this young person." [30] (The trio had robbed and resold a large quantity of her father's merchandise.) Recasting his daughter's crime as seduction and her accomplices as seducers, Montegut heightened the offense, presenting it as an abuse of female honor and parental authority. [31] Sex played little or no part in these affairs, however parents' categorization of them as "seduction" served to diminish their daughters' roles therein.

In other instances, parents invoked seduction to shift blame away from themselves. Dame Ferry had assented to her daughter's departure from home but would retroactively recast her absence as abduction in 1777. The widowed merchant's wife had allowed her daughter to settle into an apartment with her suitor, who had convincingly explained that the couple had secretly wed, pointing to the wedding ring he had gifted her. (His own mother, the purported spouse explained, objected to the match.) Later, after the groom had impregnated and abandoned his bride without legitimately wedding her, Dame Ferry brought the case to the police, qualifying

[28] AN Y9834, Déclaration [Document 2a], 9 September 1775, Paris [Petit Criminel].
[29] AN Y10406, Requete [Document 10], 14 December 1779, Paris [Grand Criminel].
[30] AN Y10383, Plainte [Document 1], 26 April 1777, Paris [Grand Criminel].
[31] Judges agreed, finding the defendants guilty of having "abused the youth and inexperience of the Montegut girl to make her steal merchandise from her father's store." Damages amounted to 3,000 *livres.* AN Y10526, Conclusion du procureur du roi, 20 December 1777, Paris [Registre de la Chambre du Conseil au criminel].

it as "kidnapping" (*enlèvement*).[32] The word distracted from the part she had played in facilitating her daughter's illegitimate cohabitation and pregnancy. Its use shielded both Ferry and her daughter from suspicion by identifying blame solely with the alleged seducer.

One poignant exception inversely illustrates the strategy outlined above. In only one case (1780) among my sample did a father unambiguously label his daughter's disappearance *évasion* (running away). While pointing the finger at an alleged seducer, the gauze maker insinuated that his daughter willingly complied. [33] Françoise Laporte ultimately underwent interrogation, a rarity in itself; seducers, but never their victims, were questioned.[34] Eventually her father dropped charges, but only after letting Françoise sit in jail for a week. This treatment shocked the girl, who expected her father to protect his tearful, repentant daughter. After all, she had returned home and "made her peace" with him.[35] In contrast to other cases in which parents emphasized their daughters' innocence, Laporte *père* purposefully laid bare his daughter's disobedience, as if to punish her and pressure her to behave upon returning home.

But Laporte stands out against his peers, who hesitated to publicize domestic disorder. His apparent disregard for reputation may have owed to his daughter's rapid return home. By contrast, other daughters remained missing for weeks, months, and sometimes years. Prolonged absences often heightened parents' expressions of alarm, especially when evidence pointed to flight beyond the borders of Paris. Once discomforted by her short stroll past the Café Procope, the cobbler Jean Bingler would learn that his daughter fled from Paris to Pierrefitte-sur-Seine,

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[32] AN Y10376, Plainte [Document 1], 30 September 1775, Paris [Grand Criminel].
[33] Father and son (François Pierre & François Charles Laporte) lodged a complaint against their respective daughter and wife, who disappeared along with a large sum of money. AN Y9893, Plainte [Document 5a], 22 August 1780, Paris [Petit Criminel].
[34] Although his daughter penned an apologetic letter to her father, the missive did not seem to stir compassion on his part. AN Y9893, Letter [Document 5c], 13 September 1780, Paris [Petit Criminel]. ANY9893; Interrogatoires [Document 5d], 22 November 1780, Paris [Petit Criminel].
[35] AN Y9893, Desistement [Document 5e], n.d. [4 December 1780], Paris [Petit Criminel].

from Chantilly to Calais, and eventually to London.[36] Even without substantiated sightings in Calais, the couple's northward path would have left little room for doubt; they intended to breach the boundaries of the paternal home *and* the mother country. For this reason, another mother panicked upon learning the two men who had "abducted" her daughters had hired a coach for Calais. Just a decade before, she had rescued the girls from the reformed faith by relocating them from their bankrupt father's home in London to a secure convent in Paris.[37] Flight to London – or Brussels or Geneva – placed young women beyond the grasp of French justice.[38]

Moreover, extended travel took its toll on the supposed victim's sexual honor. A draper's widow was likely relieved to learn of her daughter's whereabouts in Dijon after her peripatetic path through Brussels, Metz, Nancy, Besançon, Lausanne, and Avignon after disappearing in 1759. This woman's lawyer would argue that this journey rendered the seducer's crime all the more severe, even though the girl remained physically "intact."[39] As it turned out, she had accompanied her alleged "seducer," an indebted draper and former friend of her father, as a nurse during his flight from creditors: "he only brought her as company that he needed in his frightful state of health" in which "his legs barely carried him."[40] This lawyer assumed the position that seduction was *not* primarily an abuse against sexual propriety. Rather, it constituted a breach of parental authority and its corresponding boundaries of home and state. Above all, the girl's displacement was most detrimental to her honor – and that of her family.

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[36] AN Y10494C, Interrogatoire [Document 3], 9 September 1788, Paris [Grand Criminel].
[37] AN Y9946, Informations [Document 2b], 23 November 1784, Paris [Petit Criminel].
[38] Dandasne, *Mémoire pour la Dame de Buigne contre le sieur Bessonnet* (Paris: 1762). Bibliothèque nationale française (BNF) 4-FM-4727.
[39] Dandasne, *Mémoire pour la Dame de Buigne,* 5-6.
[40] "qu'il l'a seulement emmenée comme une Compagnie dont il avait besoin, dans l'état affreux où estait alors sa santé, [...], que ses jambes le portaient à peine, qu'il se trouvait mal frequemment." AN Y9649B, Interrogatoire [Document 5g], 5 June 1762, Paris [Petit Criminel].

Faced with a daughter's disappearance, fathers and mothers reflexively reached for alternative explanations to disobedience. They pointed to seducers to characterize a daughter's decisions as externally imposed rather than homegrown. The contrast between these narratives and other actors' explanations further underscores parents' efforts to deflect blame. Police commissioners sometimes questioned or contradicted parents' categorizations. Case files qualified a young woman as a runaway, even when parents pointed the finger at a nameless seducer.[41] Witnesses likewise referred to girls as having "run away," suggesting more active decision-making on their part. [42] But parents much preferred to publicized their daughters' passivity, their status as victims. They clung tightly to *séduction*, loath to acknowledge daughterly disobedience and the negative implications it cast on their parenting.

Runaways Reveal their Motives: Domestic Discord as "Push Factor"

To be sure, many women did leave home to live with their lovers. However their motivations were myriad and complex, negative and positive. They often entailed some combination of dissatisfaction or abuse at home, shame and scandal surrounding unwed pregnancy, or desire to marry or cohabit with a sexual partner. Whatever their impetus, disappearances rarely conformed to the narratives parents had established. First, parental conflict proved to be a more decisive factor than seduction. Second, young women chose to leave home; they were rarely coerced into doing so. Certainly, the "choice/coercion" binary is unfairly reductive, as Nina Kushner has pointed out. Status and circumstance constrained nearly all men and women of this period, narrowing the range of decisions they could reasonably make.[43] Nevertheless, these women actively opted to push back against parental authority and, by

[41] AN Y14326, Plainte [Document 4], 6 July 1763, Paris [Leger].
[42] AN Y10280, Informations [Document 1b], 3 June 1765, Paris [Grand Criminel]; AN Y10148, Continuation [Document 6], 30 October 1751, Paris [Grand Criminel].
[43] Nina Kushner, *Erotic Exchanges*, 220.

extension, their duties and expectations as daughters. Hardly ever passive victims, runaways actively assumed great risk to wrest control over their lives.

From the start of information gathering, witnesses warped the passive portrait of womanhood that parents had crafted in their initial complaints. The resulting image barely resembled its forebear. Whether witnesses incriminated the accused seducer or not, they just as often suggested the complicity of his so-called victim. Neighbors' impressions of Margueritte Antoinette Bingler diverged radically from the paragon of docility described by her father. Visitors to the house attested to her instructor's obvious affection for his student, her reciprocation, and Bingler *père*'s cluelessness.[44] Although the instructor remained at large, his accomplice admitted all under interrogation, but insisted that they had not coerced Margueritte Antoinette. Instead, he told his questioner, the girl was "very happy" and had gleefully disguised herself as a man to make their nocturnal escape. Her brazenness shocked even the seducer's coconspirator, who cautioned her about the risks she ran in running away; by his account, Margueritte Antoinette replied confidently that she knew how to make shoes and "could make a living anywhere."[45] No matter the risks, Margueritte Antoinette estimated them preferable to the life she led at home. Far from an innocent, she presented herself as a willing and equal participant to her elopement.

Furthermore, her behavior opened the possibility that while positive factors pulled her from home, negative factors had also pushed her. The official record remains mute on this score; Margueritte Antoinette never returned home. However many young women *did*, whether by choice or as the result of parental or police efforts. Their subsequent testimonies are problematic,

[44] AN Y10494C, Informations [Document 2], 22 August 1788, Paris [Grand Criminel].
[45] AN Y10494C, Interrogatoire [Document 3], 9 September 1788, Paris [Grand Criminel].

as women may have recast their motivations to best contain the consequences that followed from their flight. Some adopted postures of obedience toward their parents, like Madeleine Adelaide Thiebaut Durosa after her bold but brief escape in 1780. Durosa had relocated across the Seine, where her father Joseph, an army officer, handily discovered her whereabouts. The police clerk who recorded their subsequent confrontation captured Madeleine's repentant pleas in that moment. Of her lover, she said, "[He] solicited her insistently to leave the paternal home, she never would have decided to do so herself, and she regrets that fault she has committed."[46] Another woman offered a similarly apologetic explanation to her mother in a letter that blamed her alleged seducer for her failure to return home: "As soon as you allow me, dear mother, to throw myself at your feet, I will recount to you in great detail the trickery used to draw me from the house where you last saw me, and the fruitless attempts I made since then to return to you."[47] In this and other cases, daughters hewed to their parents' hopes, blaming absences on reprehensible seducers. Perhaps they judged this argument most amenable to themselves, anticipating their return home and the restoration of parental authority.

Still, testimony was rarely straightforward, and more often rife with contradiction. In the case above, nineteen-year-old Marie Jeanne Margueritte Debuigne originally deflected blame onto her alleged seducer but would later change her tune. Back in Paris, she offered no explanation of the aforementioned "trickery" that led her to leave home. Instead, she described in her testimony how her mother had previously assented to unchaperoned excursions with the accused: "As her mother had never disapproved of the *liaisons* that she had with [the accused], she reasoned that [her mother] would find nothing wrong with the trip she underwent with Mr.

[46] AN Y9893, Plainte [Document 4a], 18 September 1780 [Petit Criminel].
[47] Dandasne, *Mémoire pour la Dame de Buigne*, 10.

Bessonnet."[48] Concluding her testimony, Marie Jeanne attributed her absence to "the liberty her mother gave her to go everywhere with [the accused]," adding that she wrote to her mother everywhere they went.[49] The teen's account is ambiguous at best. She declined to articulate her motivations for leaving home while hesitating to ascribe her actions to male coercion. Moreover, her remarks contain an implicit critique of her mother, finding fault in the "liberty" that verged on lax parenting.

Where Marie Jeanne offered an ambiguous critique of her mother's parenting, others were more explicit. These women did not hesitate to admit that seducers played no part in their disappearance; parents had driven them away. One journeyman painter and his wife vigorously pursued their daughter's seducer, only to discover that she had just as energetically sought to evade them. A prior from another parish had sheltered the girl for months after she fled from home to escape poor treatment. She refused to give her name, so terrified he would send her back home.[50] Another equally fearful woman would return home only after her father himself absconded. Marie Madeleine Tessié explained to the police that his immoral and abusive behavior had prompted her escape. Following his absence, she voluntarily rejoined her mother in 1763.[51] In cases like these, the seducer's conspicuous absence reveals how the charge of *rapt* served to conceal familial discord.

Still, escapes often coincided with unsanctioned affairs. However, young women directly linked these relationships with parental mistreatment. Poor parenting, they implied, impelled

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48 "comme la dame sa mere n'a jamais désaprouvée les liaisons qu'elle avait avec luy, elle a jugée qu'elle ne trouverait pas d'avantage a redire au voyage qu'elle a fait avec ledit Sieur Bessonnet, dont elle na pû cependant la prévenir." AN Y9649B, Informations [Document 5e], 2 July 1762, Paris [Petit Criminel].

[49] AN Y9649B, Informations [Document 5e], 2 July 1762, Paris [Petit Criminel].

[50] AN Y14326, Informations [Document 4a], 4 August 1763, Paris [Leger].

[51] He had threatened to place her as a servant to make room for his mistress in their home. Tessié barely exceeded the bounds of the neighborhood to exceed her father's control; she had only to walk from rue du Bac to rue de la Huchette. AN Y10209, Addition d'information [Document 9], 8 May 1759, Paris [Grand Criminel].

them to pursue the relationships that parents would later qualify as seduction. One runaway situated her disappearance within a long narrative of maternal abuse, obliquely blaming her mother for her pregnancy and eventual disappearance. Marie Anne Houillier informed the police in 1751 that "she received nothing but blows [from her mother]" and had begged her father to let her lodge elsewhere. When the reluctant butcher conceded, she moved to temporary accommodations where she met the police clerk who would later impregnate her.[52] The clerk ultimately played no part in Houillier's disappearance. However Marie Anne drew attention to him nonetheless, not to incriminate him, but to blame her own mother. Forcing her daughter from the paternal home, the woman had planted the seeds of her daughter's sexual dishonor.

Witnesses likewise pointed to the intersection – and mutual exacerbation – of household conflict and illicit relationships. When Constance Roselet disappeared from her brother's home in 1768, most witnesses corroborated her sexual relationship with the libertine draper accused of her seduction. However they emphasized the latter's reputation as a womanizer, suggesting that Constance harbored no illusions of marrying him. Just as important, they estimated, was the violence she suffered as her brother's de facto housekeeper. One woman reported that Constance found living with brother François unbearable. Another recalled comforting Constance after François hit her with a rug for leaving his merchandise in disarray.[53] Had Constance pursued her sexual affair as a means of escaping her poor living situation? It is impossible to tell; she never returned to testify. But witnesses' emphasis on household disorder points to the potency of "push factors." One such factor was the convent, whose mere mention compelled some young women to hastily devise exit strategies. A sixteen-year-old explained that her plans to abscond

[52] AN Y10148, Informations [Document 3], 26 August 1751, Paris [Grand Criminel].
[53] AN Y9745, Plainte & Informations [Document 1], 1-8 May 1768, Paris [Petit Criminel].

with her lover proceeded directly from her eminent confinement. "This was the only way," she reasoned, "to escape the wishes of her father and mother."[54] Although her lover had sketched the details of her escape, the impetus to leave was hers alone. In this case as in others, the alleged seducer served as a catalyst for disappearance, not its root cause.

Pregnancy proved to be an even more immediate catalyst for flight, largely for its potential to rupture a woman's relationship with her parents. While jeweler Claude Beausse glossed over familial friction in declaring his daughter missing in 1765, witnesses exposed their discordant parent-child dynamic. In their estimation, Marie Claude was cowed into submission by her parents' beatings until her pregnancy prompted her to escape home over a large wall – a far cry from her father's claim that she "seemed disposed to follow [his] will."[55] Some even claimed that her parents actually knew of her whereabouts prior to lodging their complaint with the police, but had dragged their feet in retrieving her. [56] All seemed aware of her burgeoning pregnancy, locating it as the breaking point of their relationship.

By their own admission, expectant mothers fled out of fear, rather than shame. Women like Henriette Valentine Coeur were terrified of their parents' reprisals. In 1776, Coeur panicked after becoming pregnant by a surgeon who had once treated her in her parents' home.[57] The surgeon advised her to inform her father, a clockmaker, but she refused, morbidly remarking that she would much prefer plunging into the Seine. Ultimately, she ran away rather than face her mother's fury.[58] That fear never dissipated, even as she maintained a safe distance from home.

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[54] AN Y9893, Plainte [Document 4a], 18 September 1780 [Petit Criminel].
[55] AN Y9708, Plainte [Document 3a], 16 April 1765, Paris [Petit Criminel].
[56] AN Y9708, Informations [Document 3b], 25 April 1765, Paris [Petit Criminel].
[57] Her clockmaker father and his wife found this relationship particularly galling, as the man had abused his professional position – and their trust in him - to debauch their daughter. AN Y11969, Plainte [Document 1], 31 January 1778, Paris [Bourgeois].
[58] AN Y9897, Interrogatoire [Document 1a], 22 May 1778, Paris [Petit Criminel].

One witness described how Henriette Valentine came to her "in the most pitiable state," begging the woman not to reveal her whereabouts to her parents.[59] Eventually her alleged seducer brokered her return home, although her parents seemed reluctant to receive her.

What reprisals did Henriette Valentine and others dread? While most mentioned physical and verbal abuse, some anticipated their confinement or seclusion until the baby's eventual delivery. When Antoinette Rosalie Assier Perica discovered she was pregnant in 1779, she fled out of concern her father would place her at the Hôtel Dieu. Her unborn child's father fueled this fear, but eventually reasoned that Assier Perica *père* was not liable to take such a drastic step. Antoinette Rosalie returned home, however her father quickly revived her fears, and she left once more after Christmas. That same day, she wrote to him: "Do not be surprised if I distance myself from you (*vous*) in the state I am in your strictness convinces me that you will not fail to place me at the Hôtel Dieu."[60] Before the police commissioner in early 1780, Assier Perica *père* staunchly rejected this claim, denying any intention to do so whatsoever. [61] But given the number of women who did indeed deliver there, Antoinette Rosalie was perhaps not unreasonable in her suspicions.

Less common were allegations that parents would force daughters to induce abortion. Runaway Marie Genevieve Chaumette levied these claims against her father and his mistress soon after her father accused Marie Genevieve's suitor of kidnapping her in 1751. [62] The girl acknowledged her relationship with Joseph Bertrand, a journeyman locksmith, but attributed her decision to leave to the "most odious and inhuman abuses" that her father, himself a locksmith,

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[59] AN Y9897, Informations [Document 2], 25 March 1778, Paris [Petit Criminel].
[60] AN Y15854B, Letter [Document 2], December 26 1777, Paris [Thibert].
[61] AN Y9865, Plainte [Document 2a], 25 December 1777, Paris [Petit Criminel].
[62] Simon Chaumette accused Joseph Bertrand Dufaud of absconding with 18-year-old Marie Genevieve Chaumette after negotiations between them fell through and Dufaud had somehow run afoul of his would-be father-in-law. AN Y10146, Plainte [Document 3], 14 October 1750, Paris [Grand Criminel].

committed against her with the help of one Dame Blarue. During her pregnancy, those abuses included force-feeding Marie Genevieve drugs that promised to abort her baby. Even as blood issued forth from her mouth, she claimed, her father beat her to force her continued ingestion of the beverage. Mary Genevieve resolved "to escape from the paternal home" following this traumatic episode.[63] This uncorroborated story may be the work of exaggeration or wholesale fabrication. Whether true or not, it underscores the extent to which daughters met charges of seduction with allegations of their own; they nearly universally emphasized the negative factors that impelled them to leave home, rather than the positive factors the lured them away.

Rarely did women run away to elope with seducers, as parents alleged. In the unusual event that marriage motivated escape, it was more often than not the threat of an unappealing arranged marriage, rather than the promise of a romantic one. In one case, a young woman fled in 1786 to avoid her projected marriage to a "boor." Marie Anne Rosalie said she was "annoyed by her mother" and angry that "[her parents] wanted to marry her to a man who did not suit her."[64] In the wake of Marie Anne's disappearance, her parents falsely assumed she had another man in mind; the cabinetmaker and his wife promptly charged her accomplice with seduction. However the accused simply confirmed that "she did not want to marry a man whom she did not love," wishing instead to find a position as a maid. [65] Here, the word "love" is a red herring; it distracts from the greater likelihood that Marie Anne Rosalie simply sought a more tolerable companion than the one proposed to her. Sizing up her options, no marriage at all seemed preferable to an unpleasant one.

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[63] AN Y10146, Plainte [Document 4], 23 November 1750, Paris [Grand Criminel]. Her alleged seducer, Joseph Bertrand Dufaud, claimed no knowledge of her plans in his subsequent interrogation. AN Y10146, Requeste [Document 6], 19 June 1751, Paris [Grand Criminel].
[64] AN Y10478A, Informations [Document 3], 15 January 1787, Paris [Grand Criminel].
[65] AN Y10478A, Interrogatoire [Document 2], 30 December 1786, Paris [Grand Criminel].

Angelique Honoré Jourdan faced the reverse dilemma; she sought a socially advantageous marriage that her legal guardian had denied outright. The girl's natural father, minor noble Jean Baptiste Jourdan, had granted legal custody over her to a third party when her mother died shortly after childbirth. After years of relative accord, Angelique fled to a convent in 1766, initially explaining her actions in general terms; she pointed to her guardian's "poor treatment"[66] and mentioned that she was "no longer loved" by him or his elderly mother. [67] However, later she explained that he had both "reproached her for her origins" (i.e. her illegitimate birth) and that he had stymied "various opportunities that presented themselves for her future establishment by marriage." More precisely, he had refused her the money entrusted to him as her dowry.[68] As I'll discuss later, this case would illustrate the elasticity of anti-paternal rhetoric. Jourdan's father himself would assert the autonomy of adult children like Angelique to defend his daughter's actions against the claims of her parental proxies. (He would even defend her alleged seducer.) Despite its uncommon tenor, the case underscores the common circumstances that persuaded many young women to run away from home. Broadly speaking, they left out of concern that their parents (or guardians) had undermined, threatened, or failed to guarantee their future well-being.

Runaways hardly ever avowed a desire to marry for love. Like Angelique or Marie Anne Rosalie, these women were not sentimental idealists. They were realists who weighed the tribulations of home life against the risks of escape, gambling on the latter course. Their goals were often modest, practical, and reactive: to separate themselves from overbearing or abusive

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[66] AN Y10280, Déclaration [Document 2a], 26 December, Paris [Grand Criminel].
[67] AN Y10280, Addition d'information [Document 2d], 22 February 1766, Paris [Grand Criminel].
[68] 500 *livres* in total. AN Y10280, Addition d'information [Document 2d], 22 February 1766, Paris [Grand Criminel].

parents. When carried to their conclusion, seduction charges accented friction surrounding parental authority, against the very expectations of the parents who launched these charges.

Staking Sides: Community Deference & Defiance of Parental Authority

Was escape a justifiable response to parental misconduct? Community reactions to runaways reveal ambivalent attitudes on this score. Witnesses' behavior wavered between assistance, indecision, and refusal. Friends and neighbors often sympathized with runaway women but clearly feared the repercussions of abetting their escape. Although accused seducers typically denied involvement, they unfailingly pointed to parental abuse as the true offense at issue. Together with witnesses, their testimony traces the contours of 'good' and 'bad' parenting, revealing that ordinary people mapped out increasing limitations on acceptable parental authority in the latter half of the eighteenth century.

The people from whom women sought aid or shelter found themselves caught between respecting parental power and protecting victims of its abuse. Most were loath to shelter a young, unmarried woman without her father or mother's sanction. Often, they assented only out of debt or allegiance to an intermediary party who pleaded for them to do so: usually the father of the girl's unborn child. Accordingly, some runaways lied, claiming themselves orphans. Even then, their hosts remained suspicious. In one case, a woman pressed her lodger for her real name and eventually took steps to locate her parents.[69]

Witnesses' fears were well founded. Men in particular assumed significant risk in helping runaways. Unlike women, their participation presumed sexual misconduct. One man earned nine years' banishment for assisting a woman desperate to dodge an unappealing marriage arranged by her parents. Although she devised the plan, he took the fall, and would stand in the stocks

[69] AN Y10209, Informations [Document 2], 15 July 1758, Paris [Grand Criminel].

bearing a sign that read "married man who debauched a young woman and took her from her father and mother."[70] As his interrogators reminded him, his marital status exacerbated the crime: he could not repair the injury done to the girl (by marrying her), and thus should not have consented to her plan.[71] This case echoes the common association of running away with sexual dishonor. That association, coupled with transgression of paternal authority, provided a strong disincentive for would-be accomplices.

People who assumed these risks did so begrudgingly or indecisively. Acquaintances often sheltered runaways, only to experience a change of heart later on. A tailor's wife explained that she had lodged Marie Claude Beausse in 1765 out of pity for the cruelties she had suffered at her mother's hands. However she felt "bothered [*embarassé*] to keep this girl and give her half of her bed." The woman eventually approached Beausse's parents, urging them to retrieve their daughter.[72] A man in another case proved equally ambivalent. Although he had assented to lodge his brother's lover for an indeterminate time, he eventually refused to keep her longer than a week, "fearing her father's pursuits against his brother."[73] These equivocal accomplices found their personal allegiances at odds with deference to parental authority. Even while sympathizing with runaways, they were keenly aware of the law's interest in preserving paternal authority and prosecuting those who interfered with it.

Nevertheless, various people judged parental abuse a viable reason to shelter a young woman from her parents. One prior lodged an unknown young girl for months before managing to extract her name and identity. He did not immediately send her home, and instead charged

[70] AN Y10530, Conclusions du procureur du roi, 1 March 1787, Paris [Registre de la Chambre du Conseil au criminel].
[71] AN Y10478A, Interrogatoire [Document 2], 30 December 1786, Paris [Grand Criminel].
[72] AN Y9708, Informations [Document 3b], 25 April 1765, Paris [Petit Criminel].
[73] AN Y15854B, Informations [Document 4], 19 January 1778, Paris [Thibert].

another man to investigate her claims of abuse. (Her presence surely strained the parish's resources, but he did not wish to place her in danger.) Neighbors seemed to authorize her escape, convincing the investigator "that it was charity to save the girl from the furor of her father and step mother." However the parents' subsequent complaint prompted a court order that forced him to disclose their daughter's whereabouts.[74] Other cases reveal similar reluctance to aid parents in retrieving their daughters. One woman allowed a man to visit with his runaway sister only if he promised not to divulge her hiding place to their parents.[75] (He promptly performed an about face, disclosing her location in obedience to her parents' orders to return her home.) Third parties like these actively resisted the restoration of family hierarchy. Their actions demonstrate the duty they felt to protect victims, while outlining the limits they set on parental authority. The transgression of those limits implicitly justified their collaboration.

Although denying their own involvement, accused seducers also drew attention to excessive parental authority. Rhetoric of parental abuse was a crucial defense strategy for these men, although hardly as pronounced in the *causes célèbres* discussed in Chapter 5. It diverted attention away from the accused by asserting that parents themselves were responsible for a daughter's disappearance. As one accused party put it in 1760, his lover's flight was an escape from her mother's "bitterness" – not an elopement.[76] Men on trial often accentuated claims of mistreatment with more dramatic flair than did runaways themselves. While one woman mentioned that she "did not dare" return to her parents once she realized her pregnancy, her lover amplified the extent of her fear.[77] He informed his interrogator of "the cruelties of her mother and father" who made her helplessly unhappy at home. His meeting with her on the day of her

[74] AN Y14326, Informations [Document 4a], 4 August 1763, Paris [Leger].
[75] AN Y11969, Informations [Document 2], 25 March 1778, Paris [Bourgeois].
[76] AN Y9654, Letters [Document 1d], n.d., Paris [Petit Criminel].
[77] AN Y10168, Continuation [Document 7], 27 January 1754, Paris [Grand Criminel].

disappearance was purely accidental. But, he continued, she showed him the parts of her scalp where her mother had pulled out her hair during a beating. She refused to return home, he explained, "saying that she would rather be beaten by strangers than by her mother and father." He, too, had kept her whereabouts concealed, for fear they would kill her.[78] Men like him strategically deployed narratives of abuse to relieve themselves of culpability in supposed kidnappings.

In this context, some men depicted themselves as reluctant accomplices.[79] While staunchly opposing escape plans at first, they eventually complied in a gallant effort to protect lovers.[80] Most adopted this line of argument out of necessity, faced with unimpeachable evidence of their participation. Defendant Pierre Méguié did so when investigators discovered his brother had lodged his disappeared lover, Antoinette Rosalie Assier Perica. From the beginning, Méguié had fed her a script to this end. In giving herself up to the police commissioner, she should say she left home for fear of being "mistreated" after a heated row with her mother.[81] Meanwhile, he remarked to neighbors and acquaintances that Perica *père* was "incapable of giving her a good education" and that she left home in "the fear of being mistreated by her father and mother."[82] That mistreatment had "obliged" Antoinette Rosalie to leave "the paternal home" upwards of three times. [83] Méguié attempted to establish a pattern of domestic disorder to deflect blame. He

[78] AN Y10168, Interrogatoire [Document 9], 4 February 1754, Paris [Grand Criminel].
[79] Julie Doyon writes that ravishers deployed rhetoric of abuse in their favor, citing one case in which the seducer presented himself as a "savior." This wording goes perhaps too far and does not accurately reflect most men's reluctance to admit their active participation. Doyon, "Le 'Père dénaturé,'" 151.
[80] The Chevalier Joinville insisted that he did not abduct his "victim", but rather "*la fille Verry* wished to leave her father and mother's house and came to join him in Rouen to avoid being placed in a convent as her parents had threatened her." AN Y9654, Interrogatoire [Document 1f], 8 June 1763, Paris [Petit Criminel].
[81] AN Y9865, Letters [Document 2c], n.d., Paris [Petit Criminel].
[82] AN Y15854B, Informations [Document 4], 19 January 1778, Paris [Thibert].
[83] AN Y9865, Interrogatoire [Document 2b], 27 February 1778, Paris [Petit Criminel].

had not lured Antoinette Rosalie away; Perica *père* had repulsed her, and Méguié simply answered the call of duty in assisting her.

This strategy took aim at cruel parents, however it did not seek to invalidate parental power entirely. In one singular case mentioned earlier, a natural father, Jean Baptiste Jourdan, twisted anti-paternal rhetoric to wield it against his daughter's legal guardian. To this end, he contrasted his natural and perpetual authority as a father from the arbitrary and conditional authority of her guardian, Sieur Largilliere de Plenneville. Against this backdrop, the minor framed his daughter's decision to run away from Plenneville's home as the direct outcome of abuse: "his daughter told him [...] that she left December 7 of her own volition, without being induced to do so by anyone, and only to escape the harsh treatment and abusive behavior of Sr de Plainneville [sic]."[84] Such treatment, he implied, nullified Plenneville's authority as guardian. Angelique's alleged seducer – the Marquis de Ximinès – adopted the same line, pointing to Plenneville's shortcomings and presenting himself as a paternal figure by proxy. "Far from seeking to seduce her," Ximinès explained, "he had no object than to procure her an establishment or a fortune independent of the caprice of Sr de Plenneville."[85] Accordingly, the marquis asserted the natural rights of Angelique's father over those of her guardian: "[Angelique] could have no other protector than her father and to the magistrates to whose power he [Ximinès] exhorted her to submit."[86] In this deft defense maneuver, the supposed seducer deployed accusations of domestic disorder *alongside* the alleged victim's father. His strategy

[84] Jourdan also argued that her legal guardianship was supposed to cease when she reached the age of 18, however no documentation confirms whether the court sided with him on this claim. AN Y10280, Information [Document 2c], 26 January 1766, Paris [Grand Criminel].
[85] AN Y10280, Interrogatoire [Document 2f], 17 March 1766, Paris [Grand Criminel].
[86] AN Y10280, Interrogatoire [Document 2f], 17 March 1766, Paris [Grand Criminel].

proved successful, as Ximinès was cleared of all charges in November 1766.[87] Similar tactics bore fruit for men of lesser means as well. Judges often blamed accused parties for fathering children by the women in question, but relieved them of kidnapping charges, understanding the women to have run away of their own volition.[88] (Granted, most sentences are not available.)

Despite its strategic strength, criticism of parental abuse was more than mere rhetoric. Accused seducers took credence in their own claims, asserting the boundaries of acceptable authority and pushing back against perceived encroachments. One alleged seducer's letters to his lover indicate that he held stock in the erroneous notion that the law protected children from their parents. He assured her that a daughter could opt to "separate herself" from her father without reprisal if he resumed his harsh treatment following an initial runaway attempt.[89] Another man wrote directly to his lover's parents, simultaneously lobbying for their consent to marry her *and* accusing them of poor parenting. "Am I a criminal," he asked rhetorically, "to have ceded to her requests to find her a refuge from her mother's severity?"[90] The letter's recipients surely answered in the affirmative. But did community members esteem him a criminal? This answer often hinged on the circumstances of escape and the extent of domestic disorder. Yet the very conditional nature of that judgment suggests that eighteenth-century Parisians regarded parental

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[87] With a sentence from 28 November 1766 the case was placed *hors de cour*. AN Y10280, Sentence [Document 2n], 28 November 1766, Paris [Grand Criminel]. See also ANY10521 for confirmation of this verdict. In a perplexing outcome, the alleged seducer would marry Angelique himself, despite contending earlier that he was merely arranging her advantageous marriage to an unnamed third party. Ximinès had earlier set his sights on Voltaire's niece, but the renowned *philosophe* snubbed "the mediocre poet." See *Biographie Universelle, Ancienne et Moderne* (Paris: Éverat, 1828), 51:421. See also Louis Petit de Bachaumont, *Mémoires secrets pour servir à l'histoire de la République des Lettres en France, depuis MDCCLXII, ou Journal d'un observateur, contenant les analyses des pièces de théâtre qui ont paru durant cet intervalle, les relations des assemblée littéraires...* (Paris: 1783-1789), 4:12-13.

[88] Many men, while convicted of having "abused" their supposed victim (e.g. induced her to have sex under false promise of marriage), were not found guilty of abduction or kidnapping. See, for example, sentences rendered against Houillé and Chaumette, respectively; AN Y10148, Sentence [Document 13], 22 December 1751, Paris [Grand Criminel]; AN Y10146, Letter, 13 August 1752, Paris [Grand Criminel]. ANY10165. Sentence [Document 8], 28 September 1751, Paris [Grand Criminel].

[89] AN Y9865, Letters [Document 2c], n.d., Paris [Petit Criminel].

[90] AN Y9654, Letters [Document 1d], n.d., Paris [Petit Criminel].

authority as both limited and conditional. Its excess *could* warrant a daughter's disobedience in their eyes, whether or not judges agreed.

Parents on the Defensive

Witnesses and seducers alike placed parents unexpectedly on the defensive. Countering claims of abuse, they declared having met (or even exceeded) their duties as parents. Some parents adapted to emergent ideals of fathers and mothers that stressed their pedagogical, rather than punitive roles. Their self-presentation mirrored that of parents who sought their children's confinement through *lettres de cachet*: "'good educators' betrayed by their children."[91] But parents' defenses often underscore their own limited expectations of 'good' parenting, which were sharply circumscribed by the restricted time and resources of working people in Paris: to feed, clothe, and protect daughters from sexual dishonor. Affection figured nowhere amongst these criteria. Nevertheless, parents were hardly devoid of feeling. Those who opposed marriage for love did so out of concern for their daughters, rather than insistence on their own authority. They were astutely aware of the frequency with which illicit, highborn lovers abandoned their would-be brides. In this and other arenas, fathers and mothers defended severity in the name of protection. They upheld the traditional model of parental authority as the best means of safeguarding their daughters' interests.

Whatever their shortcomings, most Parisian claimants found ideal parenting impossible as a consequence of their modest means. Merchant and artisan mothers and fathers worked long hours, while also relying on the labor of adolescent and adult children. Young women's essential contributions to the family economy often meant running errands that provided ample opportunity for unsanctioned social interactions. In general, their parents' occupations (and

[91] Doyon, "Le 'Père dénaturé,'" 157.

preoccupations) at the workshop or *boutique* meant many daytime hours without supervision. Among the few poor families in this sample, budding relationships easily escaped parents' notice. One couple swore they had noticed "no familiarities" between their daughter and her alleged abductor, however witness testimony revealed that the girl had bunked with her alleged seducer and his wife for six months after a sibling's return home had displaced her from her sleeping quarters there. Even after retrieving their daughter, her parents proved powerless to stop a second escape, facilitated by the same man.[92] Vigilant surveillance was improbable, if not impossible. In fact, many parents discovered their daughters' disappearance only after significant delay, when they failed to return home from work.[93]

While poverty precluded effective supervision, social stability did not guarantee it either. Parents often discovered to their shock that alleged seductions most often took place within the home and involved men who worked, lived, or frequented the house. This surprising scenario repeated itself often in masters' workshops. Cuckolded fathers found apprentices, journeymen, and tutors responsible for impregnating their daughters right under their noses.[94] In one instance, a man who managed a pension for the mentally unstable (*l'esprit aliéné*) learned that a pensioner had won the affections of his teenage daughter in 1754. Even after the man ejected his pensioner, the clandestine couple kept up a correspondence until she elected to run away.[95] In addition to women's work beyond the home, the overlap between spaces of work and home made strict supervision an unrealistic standard of parenting.

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[92] AN Y10209, Informations [Document 2], 15 July 1758, Paris [Grand Criminel].
[93] See, for example, Méguié c. Assier Perica, 1778 (ANY15854B & ANY9865).
[94] See, for example, Méguié c. Assier Perica, 1778 (AN Y15854B & AN Y9865); Bingler c. Desfonds, 1789 (AN Y10494C); Calliet c. Borde, 1785 (AN Y9948); Chaumette c. Dufaud, 1751 (AN Y10146); George c. Bocher, 1754 (AN Y10168); Cachois c. Brebant, 1751 (AN Y10147).
[95] AN Y10168, Plainte [Document 6], 24 January 1754, Paris [Grand Criminel].

Parents of some means sought to guarantee their daughters' seclusion by retiring them to convents. One mother did so in hopes of terminating her daughter's affair with her husband's apprentice in 1775. The upholsterer's wife hoped that her eldest daughter would reform through "the good example of the convent," but later relocated the girl to Sainte Pélagie when that reformation failed to materialize. She justified these decisions as an appropriate exercise of the authority "that nature and laws have bestowed to fathers and mothers over their children."[96] More often, parents characterized the convent as a protective, rather than punitive, measure. They sought to erect an obstacle between daughters and potential seducers.[97] However the boundaries of the convent sometimes proved as porous as those of the home; in several instances, seducers scaled walls to secret away their lovers.[98] In others, they managed to secure their lovers' release by legitimate means. One mother reported that the mother superior of her daughters' convent had received an order from M. Lenoir, *lieutenant général de police*, facilitating their release.[99] Likewise, Clement Grandin indignantly confronted his local police commissioner after he learned that an unknown person had secured papers for his daughter's discharge from Sainte Pélagie, a "notorious prison for women of ill-repute."[100] Grandin justified lodging the seventeen-year-old there as a means to quash her budding relationship with his apprentice. (He had offered her a chance to retire to a convent, but she had refused.)[101] Even when subject to failure, drastic measures taken to isolate daughters underscore the extent to which parents believed their daughters' honor to be under siege.

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[96] AN Y9834, Plainte [Document 1a], 8 October 1775, Paris [Petit Criminel].
[97] *Cf* ANY9946; ANY10176; ANY10280; ANY9834; ANY9865.
[98] See Düel and Lambert cases, respectively; ANY9865 & ANY9946.
[99] AN Y9946, Informations [Document 2b], 23 November 1784, Paris [Petit Criminel].
[100] Alan Williams, *The Police of Paris : 1718-1789* (Baton Rouge, LA : Louisiana State University Press, 1979), 232; Farge, *Fragile Lives*, 94.
[101] AN Y9834, Plainte [Document 1a], 8 October 1775, Paris [Petit Criminel].

Accordingly, parents armed their daughters with an education that would preclude them from surrendering voluntarily to attacks on their honor. Lawyers, bourgeois, and well-to-do artisans emphasized their children's moral education, seeking to prove they had raised obedient daughters whose disappearance reflected foul play. Some simply noted that they had provided an education suitable to their means.[102] Others entered into greater specifics. Bingler's motion reads as an elegy to the ill-fated sacrifices he made for his children's education. Ironically, the great pains the cobbler took for his eldest daughter led to her seduction. In hiring the painter Desfonds to provide private drawing lessons for Marguerite Antoinette, Binglier afforded her instructor's full attention while obviating the need to chaperone her elsewhere. The modest room that Bingler furnished for this purpose became the locus of Marguerite Antoinette's affair with her tutor. Bingler insisted on his daughter's docility to disabuse judges of the notion that she had voluntarily left home. [103] Claimants in other cases framed disappearances similarly. "She let herself be seduced," Angelique Jourdan's guardian explained, "*despite* the good treatment she received and the education she received" (my emphasis). [104] Education was not simply a standard of good parenting, but a safeguard against seduction. Nevertheless, its failure – parents implied – reflected the seducer's skill, not parental shortcoming.

Love and affection, unlike education, figured nearly nowhere among parents' defenses. This conspicuous absence stands in sharp relief to the *mémoires* of the more famous *causes célèbres*. In only one case among my sample did parents (and siblings) dwell on their affectionate relationships with the disappeared girl, implying that undue severity had not driven her from home. The runaway's older sister swore to her parents' kindness and friendship,

[102] AN Y10148, Plainte [Document 1], 16 August 1751, Paris [Grand Criminel].
[103] AN Y10494C, Requeste [Document 1], n.d. 12 August 1788, Paris [Grand Criminel].
[104] AN Y10280, Déclaration [Document 2a], 26 December, 1765, Paris [Grand Criminel].

protesting that she had "no reason to leave her father and mother's home this way." Neighbors ignored this criterion while touting the girls' superior education and moral standing. Many expressed shock at her disappearance, noting that her parents "watched over her conduct vigilantly."[105] In mentioning education, witnesses seemed not to praise pedagogy in itself, but rather its social effects. Instruction inculcated discipline and obedience that would in turn shield young women from sexual dishonor. In short, they viewed education instrumentally. Together, claimants and witnesses fail to bear out the broader shift away from authoritative parenting and toward obedience bound in love.

Nevertheless, a handful of cases involving true elopements suggest that parents were *not* averse to marriage for love. In one instance, a father paid lip service to free choice in the abstract, but failed to deliver on his promises when their implications for his daughter's honor became clear. In 1775, spice merchant Jean François Cardon fashioned himself an enlightened father who had "nothing at heart but the happiness of his daughter." When two men simultaneously asked for her hand, he consulted his daughter's opinion. She replied that "because she had the freedom of choice, she preferred that of Patry." This choice placed Cardon in a tight spot; he found Patry's conduct "very disturbed" and consequently made the match conditional on the groom's improved conduct. After two years' delay and no significant change, the impatient girl disappeared.[106] Cardon's failure to deliver on his promise demonstrates the difficulty of straddling old and new standards of parenthood. While attempting to adhere to the new ideal of the benevolent father, Cardon felt nonetheless duty-bound to safeguard his

[105] Of course there were some cracks; one witness who attested to the girls' education also noted that his servant told him that the girl planned in advance to leave *la maison paternelle.* The accused suggested that both daughters concealed affairs from their parents. AN Y10280, Informations [Document 1b], 3 June 1765, Paris [Grand Criminel]; AN Y10280, Interrogatoire [Document 1d], 24 July 1765, Paris [Grand Criminel].
[106] AN Y9833, Plainte [Document 1a], 7 September 1775, Paris [Petit Criminel].

daughter's honor and reputation. As he and other fathers discovered, those intentions stood at odds.

In other cases, parents did not necessarily oppose marriage; they simply doubted that their daughter's would-be suitor actually intended to marry her. Parents were especially on their guard against men who professed love for their daughters despite a wide gap in social status. In one such instance, a couple flatly refused a marriage proposal out of well-founded fears of their daughter's abandonment, not in rejection of sentimental marriage. Journeyman printer Henry looked suspiciously on the man of condition who proposed to marry his 18-year-old daughter Victoire in 1760. He and wife Louise put an immediate stop to the relationship, explaining to the Chevalier de Joinville that he was "of a status too high above theirs." Soon after, their daughter disappeared, writing that she had retired to a convent where she would wait for their consent to marriage. [107] Her parents filed a complaint, noting that "[Joinville] loved her passionately and advised her to abandon the paternal home." They referred to the disappearance as a seduction, abduction, kidnapping, and rape,[108] ignoring the reverent tone in which the so-called seducer addressed his would-be mother and father-in-law in his frequent letters.[109] Although the couple's marriage would surely have elevated their own status, Henry and Louise pursued legal action out of concern that no marriage would materialize.

Parents like Henry and Louise desisted from seduction charges once they realized that the alleged seducer actually intended to marry their daughter. The Chevalier de Joinville was, as it turned out, both a man a condition *and* fully determined to wed Victoire, as he had insisted all along. When the police finally executed the warrant for his arrest, her parents desisted from their

[107] AN Y9654, Plainte [Document 1a], 2 September 1760, Paris [Petit Criminel].
[108] AN Y9654, Procés Verbal [Document 1c], 18 September 1760, Paris [Petit Criminel].
[109] The letters are excessively polite, even obsequious. AN Y9654, Letters [Document 1d], n.d., Paris [Petit Criminel].

complaints and consented to the marriage.[110] The duration of the conflict – nearly three years – demonstrates the depths of their misgivings. As another example, gardener Alain launched a complaint against his apprentice Joseph when the latter disappeared with his daughter Marie Louise just months after moving into their home.[111] But by the time the case had proceeded to witness testimony, the father sheepishly explained that the couple had married in the intervening months. They had first traveled to Lille to secure his parents' consent, whereupon Alain and his wife consented as well.[112] The couple's initial disappearance indicates that they anticipated her father's opposition. However Alain's quick retreat suggests that, however much the match disappointed him, he was relieved to secure his daughter's honor unscathed. Similar escapes resulted in disgrace and unwed pregnancy, as he would have been aware. For once resistant parents, marriage proved a better outcome than unwed pregnancy and the dishonor associated with it.

However parents' efforts to recover honor could directly contradict their daughter's wishes. In one singular case, a mother relentlessly pursued her daughter's marriage to her seducer, although no sexual "commerce" had ever occurred between them.[113] Nevertheless, innkeepers' reports that they had shared the same room cast Anne Catherine's honor in question. Her prolonged absence also elicited doubt, despite confirmation that she had served as a de facto nurse to her alleged seducer, Etienne Bessonnet. The pair had been betrothed before their departure, but by her return, Anne Catherine vehemently opposed such a match. As Bessonnet admitted, "She explained herself in no uncertain terms saying she'd rather stay in a convent all

[110] AN Y9654, Interrogatoire [Document 1f], 8 June 1763, Paris [Petit Criminel].
[111] AN Y9948, Plainte [Document 1a], 25 July 1785, Paris [Petit Criminel].
[112] AN Y9948, Informations [Document 1b], 13 September 1785, Paris [Petit Criminel].
[113] AN Y9649B, Informations [Document 5e], 2 July 1762, Paris [Petit Criminel].

her life than to marry him."[114] He suspected that both his age (twice hers) and his demeanor during their trip positioned him as a father figure more so than a husband.[115] After their return to Paris, Bessonnet himself refused the marriage, perhaps unwilling to impose profound unhappiness on Anne Catherine. However sources indicate that Anne Catherine's mother had her way, and the courts compelled Bessonnet to wed his resistant bride in 1762.[116] By then, such a judgment was rare (See Appendix Figure 1, pp. 279-280).[117] However under these unusual circumstances, justice sided with a parent who faithfully pursued the repair of her daughter's honor, having done nothing to compel her departure.

Fear of abandonment and dishonor dictated parents' reactions to a daughter's disappearance. Above all, they sought marriage and the repair of honor it entailed, although legal action rarely guaranteed that outcome. More broadly, parents at court pointed to the protection of daughters' sexual honor as the chief concern and criterion of good parenting. In their estimation, conservation of maternal and paternal authority proved the most effective safeguard of female virtue. But the demands of work – their own and their daughters' – raised obstacles to the enforcement of those authorities beyond the boundaries of the home. Moreover, close quarters and tight economic circumstances heightened domestic tensions and precluded obedience based in love. Against this backdrop, the ease with which daughters disappeared raised alarms about the declining clout of parental authority beyond as well as *within* the space of the home.

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[114] AN Y9649B, Interrogatoire [Document 5g], 5 June 1762, Paris [Petit Criminel].
[115] AN Y9649B, Interrogatoire [Document 5g], 5 June 1762, Paris [Petit Criminel].
[116] Dandasne, *Mémoire pour la Dame de Buigne contre le sieur Bessonnet*, 17, 28.
[117] Such judgments were still rendered into the 1750s, but rarely afterwards. See for example Soulatre c. Bonnaventure, 1750 (AN Y10137).

Conclusion

On the eve of the October Days, the court reached its conclusions in the Bingler case. The painter Desfonds, tried in absentia, was condemned to serve nine years in the galleys. Together, he and his unfortunate accomplice were responsible for 3,000 *livres* in damages toward the cobbler. This spectacular sum was likely impossible for either man to repay, however it reflected the gravity of the crime in the court's estimation. Nevertheless, records described the accomplice's fault as "having indiscreetly accompanied Desfonds and Bingler, *whom he knew was running away from the paternal home*" (my emphasis).[118] In short, the courts could barely sustain the fiction that Margueritte Antoinnette was a victim of seduction, rather than a runaway. Even while meting out sentences to seducers and their accomplices, judges implicitly acknowledged women's decisions to leave home.

Although cases involving geographic displacement reached the higher courts more often,[119] none warranted the death penalty between 1750 and 1789.[120] A growing gulf separated aggressive procedures from gentler punishments, as the impulse to protect paternal prerogative ran up against encroaching recognition that women acted on their own behalf. Out of only a handful of known sentences, only two entailed banishing, branding, or galley service; the remaining cases warranted dismissal (See Appendix Figure 1, pp. 279-280). Against this backdrop, the justice system provided no satisfactory response to fathers who protested the transgression of their authority. Seduction law presumed to protect paternal authority, interlacing

[118] Registre de la Chambre du Conseil au criminel, 24 September 1789, Pierre Antoine Joseph Gregy. ANY10530. The *Procureur-Général* typically recomended a sentence that was confirmed by the judges of either the Tournelle or Grand Chambre of Parlement. For a description of criminal procedure, see J.H. Shennan, *The Parlement of Paris* (Ithaca, NY: Cornell University Press, 1968).

[119] In the higher courts these cases were handled by the *Procureur-Général* and tried in the "extraordinary" e.g. with considerable secrecy that made it difficult for accused parties to mount an effective defense. Shennan, *The Parlement of Paris*, 71-74.

[120] This conclusion is based on examination of parliamentary registers along with examination of Petit Criminel and Grand Criminel files at 5 year intervals.

the king's power with that of individual heads-of-household. However its practice offered no solution to the challenges that urban life posed to the maintenance of the paternal home and its boundaries.

To be sure, these challenges were limited in scope; young women did not run away from home in droves. (If they were, parents were not reporting their disappearances.) However women's evolving explanations for their flight are nonetheless significant. They demonstrate how the lure of marriage exerted decreasing influence on women over time. In its place, "push factors" like domestic discord served as stimuli for decisions to leave home. In this context, seduction provided a narrative structure for parents to deny such discord existed, locating blame with outsiders instead. Their responses attempted to dispel the more disturbing reality that women were willing to abandon the home, voluntarily casting off safeguards to their honor and reputation.

It is tempting to read daughters' defiance as evidence of a clash between traditional, backwards-looking parents and their increasingly modern, self-oriented daughters. However both parties harbored complex motivations. Parents were not necessarily averse to choice in marriage; they were simply suspicious of seducers and concerned for their daughters' sexual honor as a condition of their future establishment. Moreover, young women did not advocate for free marriage – or even articulate coherent visions of their greater aspirations. Their decisions were often desperate, reactive responses to untenable domestic arrangements. Nevertheless, their actions evince a willingness to jeopardize reputation for the possibility of enhanced independence. As the previous chapter shows, this impetus cut across class, joining elite and non-elite women as agents and objects of anti-paternal campaigns. However runaways like Margueritte Antoinette, quite unlike their highborn peers, demonstrate that these contests were

not merely rhetorical in nature. Fathers and daughters enacted these conflicts within their homes and before the law, exposing the façade of the paternal home in a state of disrepair.

Year	Alleged victim's/victims' profession/status	Alleged seducer's/seducers' profession/status	Sentence
1751	Daughter of a widowed butcher	Police clerk	300
1754	Daughter of pension keeper for the mentally unstable	Saddler	0
1755	Daughter of minor noble (*Chevalier seigneur*)	Soldier	NA
1758	Seamstress, daughter of a widowed servant	NA	NA
1759	Daughter of an oyster merchant and a vegetable seller	Tailor	0
1760	Laundress, daughter of journeyman printer	Minor noble	NA
1763	Apprentice lace-worker, daughter of a journeyman painter	Wine merchant	NA
1765	Daughter of wine-grower	Jeweler	NA
1766	Daughter of a *bourgeois* and a mistress dressmaker	Engineer	NA
1766	Daughter of a minor noble (*ecuyer*)	Cavalry master	NA
1768	NA	Merchant draper	NA
1775	Daughter of a widowed wine merchant, remarried to a dealer in second-hand clothing	Police official (*Exempt de Robe Courte et garde du commerce*)	NA
1775	Daughter of a merchant grocer	Metalsmith (*cizeleur*)	NA
1775	Daughter of a merchant upholsterer	Apprentice upholsterer	NA
1775	Daughter of a widowed doorman	NA	NA
1776	Apprentice laundress	Stocking maker and police official (*Cavalier de la Monnoye*)	NA
1777	Daughter of a haberdasher	Journeyman upholsterer and café owner	0
1777	Daughter of a maker of physics instruments	Maker of mathematical instruments	NA
1778	Daughter of a master clockmaker	Master surgeon	NA
1780	Merchant grocer	Merchant haberdasher; former exchange broker (*courtier de*	NA

		change)	
1780	Daughter of an army officer in the regiment of *Bourbon dragons*	Son of a wine seller	1000 potentially reversed on appeal (unclear)
1780	Gauze-maker (*gazier*) and laundress (sisters)	Gauze-maker and journeyman joiner	NA
1785	Daughters of a minor noble (*ecuyer*) (sisters)	Son of a merchant; Prussian-born of unknown profession	NA
1785	Daughter of a gardener	Former soldier; *garçon* gardener for her father	NA
1786	Servant	Priest	0
1787	Seamstress, daughter of a cabinetmaker	Porcelain maker	Banished; stocks.
1789	Master cobbler	Student painter; student painter (accomplice)	Branding, galleys; 3000
1790	Niece of a *bourgeois;* stepdaughter of a wine merchant (friends)	Dance master; music professor (accomplice)	NA

Appendix Figure 1 – Professions of claimants and defendants, alongside sentences meted out.

Conclusion

The men and women featured in the preceding pages seem, at times, to have inhabited distant worlds: the police commissioner confronted with conflicts from dawn to dusk; the cobbler's daughter who risked life and limb to run away from home; the embattled *chevalier*, penning impassioned legal briefs from exile in Geneva; and the desperate migrant, homeless and seeking solidarity among a group of Parisian prune vendors. But all were involved in seduction cases, and as a result, all participated in broader shifts of authority within communities, families, and marriage. Their decisions contributed to declining community control over individuals, mounting conflict between parents and their daughters, and new models of marriage based on choice rather than arrangement. In these three arenas, the men and women above also brought into being new conceptions of autonomy that broadened the horizons of what eighteenth-century (and nineteenth-century) people imagined young, unwed women – and men – could do and be.

First, this dissertation has shown how communities exercised diminishing control over the courtship and marriage of young adults in their midst, especially unmarried men, in the decades preceding the French Revolution. These changes resulted unpredictably from royal law as well as significant demographic shifts. As shown in Chapter 2, Louis XV's Edict of 1730 enabled bachelors to counteract community demands that they wed women whom they had impregnated. More precisely, this edict prevented courts from compelling marriage as a means to resolve seduction disputes, privileging the power of parents over that of judges. In so doing, the order drove a wedge between parental prerogatives and shared communal values. On a practical plane, it liberated men – even in markedly traditional environments like Grasse – from the marital consequences of illicit, premarital sex.

At the same time, major demographic shifts also rendered urban communities less capable of policing sexual practices and reputations. Set adrift from parents, friends, and neighbors, mobile and migratory women in Paris found themselves detached from robust networks of surveillance and solidarity of the kind that persisted in Provence. Their alienation enabled men to more easily gain sexual access to them and abandon them in the aftermath of pregnancy without fear of public recrimination. In short, *ancien régime* codes of honor proved inoperable for women of modest means, to whom they afforded little or no protection. Meanwhile, men faced diminished consequences for breaking codes of honor. As I'll discuss later, these developments suggest that social practice proved as crucial as political ideology in enhancing and elevating the value of male autonomy in the decades prior to the Revolution.

Second, this dissertation points to the importance of practice in more fully understanding the significance of intergenerational conflict in the pre-revolutionary period. Existing scholarship has investigated such conflict through a cultural lens, examining novels and plays that dramatized father-son friction, and framing filial rebellion as a route to personal autonomy for young men. But I contend that actual families proved more complex than their fictional counterparts, and adult children pursued autonomy in myriad and diverse ways. Young men in particular followed unpredictable or paradoxical pathways to enhanced independence. Chapter 2 revealed how *grassois* sons gained a degree of autonomy by ceding to their parents' wishes and opposing marriages they had once sought out. By begrudgingly siding with their parents, rather than rebelling against them, they chipped away at communal control over the sexual behavior of bachelors. Young women, likewise, followed improbable paths to enhanced independence. Chapters 1 and 3 underscored how economic circumstances prompted unwed women to live apart from parents and consequently make their own decisions about sex and courtship. But

freedom from parental influence often worked to their personal detriment, and over time, these women became increasingly dependent on the assistance of police commissioners as proxy fathers.

In the course of examining intergenerational conflict in practice, I draw attention to daughters, figures sidelined in prior scholarship on this subject. Family disputes occurred not only between fathers and sons, but also between parents and daughters, and those disputes assumed equally pronounced social and political significance. Chapters 5 & 6 demonstrated how seduction charges often concealed mothers and fathers' concerns for disobedient and runaway daughters. In these rarer cases, parents distracted from household disorder by drawing attention to nefarious seducers, and in the process, they insisted on female passivity and dependence. In a handful of highly publicized cases, lawyers for the defense assumed an opposing stance, recasting victims of seduction as crusaders against domestic despotism, and defending their right to contravene parental authority. Quite controversially, these cases positioned unwed women as agents of trenchant political critiques. Whether infamous or obscure, these cases raise the possibility that intergenerational conflict between daughters and their parents proved even more threatening than similar bouts between parents and sons, for they challenged not only family hierarchy, but also prevailing notions of femininity.

Third, and finally, my dissertation exposes the ambivalent origins of companionate marriage and questions its emancipatory potential. Specifically, I propose that new models of marriage enshrined choice as a gendered prerogative. That is, they championed the right of adult children to have a say in selecting their marriage partners *against* the will of their parents, but implicitly recognized men alone as worthy of exercising such a right. In *causes célèbres,* enlightened lawyers defended men who eloped with women of slightly higher status and

consequently stood trial for seduction, praising their brazen pursuit of choice and attendant disregard for parental authority. Concurrently, men of the same ilk questioned the morals and motivations of women who attempted similar feats of ascension. In Paris, high status men who stood accused of seduction bluntly applied the label of prostitute to working women who claimed to have received marriage promises. If companionate marriage stood as a beacon of choice and autonomy, its glow shone principally upon men. Indeed, its advocates envisioned this new form of matrimony as a means to moor unruly women to male authority in some form. As Chapter 5 argued, enlightened lawyers endeavored to undermine oppressive parental power, but remained wary of unwed women living on their own. They had only to look to the mobile and migratory women of Paris to understand that women operating outside of strong male control presaged social and sexual disorder. In this context, companionate marriage supplied a means to supplant parental authority with a spousal analog, binding women to husbands (in lieu of fathers) by love and law.

In sum, in these three arenas – community, family, and marriage – participants in seduction cases negotiated gendered ideals of autonomy. They fashioned new models of how young adults could and should function apart from their parents and communities, and drew new boundaries of acceptable behavior for unwed women and men. In the process, they debated concepts including consent, coercion, and personal will, wielding these words because they pertained to pressing matters of personal – rather than theoretical – importance. Their actions and speech force us to reconsider how non-elite people participated in crafting Enlightenment concepts through daily practice.

For women, new notions of autonomy proved paradoxical. Claimants and defendants ensnared in seduction disputes upheld two seemingly contradictory positions; on the one hand,

they insisted on innate female passivity, while on the other, they considered women deceptive, strong, and necessarily responsible for their sexual disgrace. Parents whose daughters disappeared from home depicted these young women as incapable, credulous, and weak in order to blame their indiscretions solely on male seducers. Unwed women who launched complaints on their own behalf adopted a similar strategy, decrying aggressive lovers who had overpowered their defenses to vanquish them without their approval. Surprisingly, the same women oriented these explanations toward an innovative understanding of seduction as a crime. Alongside their lawyers, they laid claim to the word consent to argue that alleged seducers had not trespassed against parental power, but rather female will. As I showed in Chapter 4, language of consent insisted on women's right to refuse sex, however, its practical implications were limited; under no circumstances would women positively claim to have exercised their right to *assent* to sex.

Despite their insistence on female passivity, these narratives coincided with the increasing tendency to fault women for illicit sexuality and resulting pregnancy. Alleged seducers marshaled this gendered schema of blame to their defense, depicting so-called victims as seductresses who willfully abandoned their sexual honor. Unlike their accusers, these men asked judges to ignore the circumstances of illicit sex and assess claimants on the basis of their failed chastity. Women who succumbed to sex too easily, they implied, betrayed some personal defect. This logic allowed defendants to lump unwed mothers into one capacious category – failed women, and it performed a similar function in rape cases, where adult women were faulted for failing to repulse their attackers. To be sure, such expectations predated this period, but they persisted despite demographic changes that rendered them wholly impractical. Over the course of the eighteenth century, unwed women increasingly found themselves bereft of familial and

communal protection. Nevertheless, a chorus of voices demanded their dependence, and condemned those whose relative independence rendered them vulnerable to sexual advances.

Such impossible standards of womanhood performed a few key functions. First, they affirmed the importance of male autonomy. In Paris, the same men who savaged alleged lovers for inhabiting rented rooms enjoyed comparative independence without suffering the sting of moral censure. To them, masculinity meant freedom to move about, to maneuver within urban space beyond the constraints of familial and communal surveillance. But seduction charges challenged that ease of movement, threatening to rein in male sexuality where parents, neighbors, and friends had failed to do so. Facing this prospect, defendants advanced the notion that seduction laws empowered scheming women to entrap innocent men. This argument suggested that the law should not serve as an extension of extralegal justice, upholding codes of honor to protect vulnerable young women. Instead, the law should shield young men – especially those of status – from people poised to disrupt or curtail their ease of movement and action. In other words, law should enshrine male autonomy. This implication suggests that male autonomy, as an ideal, was not necessarily the product of revolutionary rhetoric, but developed out of eighteenth-century social practices that privileged male sexual autonomy.

Second, these standards of womanhood forged class distinctions between working women and their bourgeois sisters that persisted into and throughout the nineteenth century. Defendants in seduction cases vilified laboring women whose work took them beyond the home and whose poverty became probable proof of prostitution. To echo one lawyer, "virtue is not ambulatory."[1] Claims like these cemented associations between mobility and illicit sexuality,

[1] *Mémoire pour le sieur Latouloubre-Lévêque, ci-devant maître de pension, appelant, contre la demoiselle Peloux, du village de Saint-Remy, en Provence, intimée* (Paris: Louis Cellot, 1775), 17. BNF 4-FM-17793.

sedentariness and chastity. This schema enabled men of status to disentangle the contradictory standards of womanhood mentioned above – innate passivity and presumed responsibility for illicit sexuality – and separate them along classed lines. On the one hand were bourgeois women, weak and worthy of the law's protection, and on the other, working women, whose disorderly conduct warranted no such defense. These conceptions ossified in the nineteenth century, as moralists and social theorists increasingly understood laboring women's improperly controlled reproductive faculties as the source and scourge of urban poverty.[2]

In the more immediate term, revolutionary and Napoleonic laws enhanced these developments by enshrining male autonomy and establishing it as the cornerstone of French society. To begin, revolutionary laws evinced sympathy for unwed mothers and their children, but only insofar as their rights did not encroach upon the autonomy of natural fathers. The apogee of steadily mounting concerns for bastard children,[3] the law of 12 brumaire an II (2 November 1793) guaranteed illegitimate children inheritance rights, provided their parents formally recognized them.[4] But this measure did not mark a complete departure from the past, as it encoded fears of sexual entrapment of the sort expressed by defendants in *ancien régime* seduction cases. More specifically, members of the Convention met with concerns that routes to

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[2] See, for example, Rachel Fuchs, *Poor and Pregnant in Paris: Strategies for Survival in the Nineteenth Century* (New Brunswick, NJ: Rutgers University Press, 1992); Judith Surkis, *Sexing the Citizen: Morality & Masculinity in France, 1870-1920* (Ithaca, NY: Cornell University Press, 2006); Claire Goldberg Moses, *French Feminism in the Nineteenth Century* (Albany, NY: State University of New York Press, 1984).

[3] As Matthew Gerber has shown, these laws confirmed eighteenth-century jurists' increasing tendency to consider illegitimate birth "an arbitrary construct of law" rather than "a natural defect." Matthew Gerber, *Bastards: Politics, Family, and Law in Early Modern France* (Oxford: Oxford University Press, 2012), 10.

[4] This law is known as the law of 12 brumaire an II (2 November 1793). Suzanne Desan, *The Family on Trial in Revolutionary France* (Berkeley: University of California Press, 2004), 179; Rachel G. Fuchs, "Seduction, Paternity, and the Law in Fin de Siècle France," *Journal of Modern* History 72 (2000), 944-989; Marie-Claude Phan, "La Séduction impunie, ou La fin des actions en recherche de paternité," in *Les Femmes et la révolution française: actes du colloque international, 12-13-14 avril 1989 Université de Toulouse-Le Mirail*, ed. Marie-France Brive (Toulouse: Presses Universitaires du Mirail, 1990), 2:53-64; Crane Brinton, *French revolutionary legislation on illegitimacy, 1789-1804* (Cambridge: Harvard University Press, 1936).

formal recognition might unfairly saddle innocent men with the responsibilities of fatherhood. Even advocates like Cambacérès questioned civil procedures like the *recherche en paternité* that might compel a man to accept a child against his will.[5] In other words, revolutionaries wrangled with the problem of how to balance social welfare against individual (male) rights.

In practice, their decisions seemed to favor the latter. Framed as a positive affirmation of natural rights, the law of 12 brumaire implicitly negated those rights on a gendered basis: where men retained the right to deny or refuse fatherhood, women exercised no such choice. As Marie-Claude Phan points out, this qualification enshrined "respect for the individual – that is to say, the *male* individual."[6] No more would innocent men be subject to slanderous accusations of illicit sex authorized by civil paternity procedures. That said, seduction, as a criminal charge, technically lay outside the bounds of rules governing *recherche en paternité*. Women used it to accuse men of breach of promise, rather than paternity, and financial damages were not tantamount to formal recognition of fatherhood. Still, the law was an *ancien régime* relic, the brainchild of noble elites who sought to tightly control land and titles through arranged marriage. Perhaps for that reason, it disappeared from revolutionary criminal codes with minor exceptions: the penal code of October 1791, for example, detailed punishments for men who abducted or eloped with girls less than fourteen-years-old.[7] Granted, officials did not always adhere to new laws, and some citizens continued to launch charges based on laws that no longer existed.[8]

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[5] See Fuchs, "Seduction, Paternity, and the Law," and Phan, "Séduction impunie."
[6] Phan, "Séduction impunie," 62.
[7] *Code criminel et correctionnel, ou recueil chronologique des lois, décrets, arrêtés et instructions sur la législation criminelle et correctionnelle depuis 1790 jusques et compris l'an XII* (1805), 66.
[8] Marie-Claude Phan has effectively argued that prohibitions against compelled paternity put the charge into disuse, but according to Suzanne Desan, women kept lodging *déclarations de grossesse* as springboards to solicit damages long after a September 1791 proposal to do away with the practice. While judges were reluctant to give up long-held legal practices, they eventually fell in line by 1795. Desan also reveals at least one instance in which parents launched *rapt* allegations in 1792 after the criminal charge itself had become defunct. Phan, "Séduction impunie"; Desan, *Family On Trial.*

Nevertheless, legal practice tended to privilege married men of property at the expense of single women, despite sympathy for unwed mothers among revolutionary lawmakers.

Under Napoleon, whatever civil venues for support had persisted throughout the revolutionary period were swiftly and decisively eliminated. The Civil Code continually stoked fears of entrapment, and fully foreclosed legal venues for accusations of seduction. Article 340 made mention of *rapt* (abduction), but only to facilitate accusations of paternity "when the abduction coincides with the date of conception."[9] These restrictions formed part of a wider effort to impose order, both sexual and social, after the chaos of Revolution. To this end, Rachel Fuchs explains, "the law sought to control women, whom legislators considered as symbols of disorder, and to restore the power of the fathers."[10] More specifically, the law enshrined paternal power along classed lines, situating bourgeois masculinity as an antidote to the unruly sexuality of working women.

My dissertation proposes that, by the end of the Old Regime, women had not merely become symbols of disorder, but agents of it. Moreover, the nineteenth-century ideal of the bourgeois family – with its insistence on male autonomy and classed conceptions of female virtue – developed in direct response to the disorders women posed. Laws designed to enshrine this ideal struggled to suppress a discomfiting reality: that female subjects had used laws to assert their own prerogatives, prerogatives often antithetical to male authority. From 1730 onward, laws designed to embolden the material interests of male elites had been reclaimed to defend the meager goals of an impoverished underclass. While royal laws themselves inadvertently facilitated this shift, claimants themselves were the main players in refashioning

[9] Cited from the original in Fuchs, "Seduction, Paternity, and the Law," 953. See also François Ewald, *Naissance du Code Civil* (Paris: Flammarion, 1989).
[10] Fuchs, "Seduction, Paternity, and the Law," 955.

the meaning of seduction. By 1790, the crime constituted an abuse against female will, rather than an affront to family honor or parental power. This reconfiguration helped shift the significance of sex away from issues of property and family reputation and toward questions of individual will and autonomy.

The law proved a powerful tool in women's hands – a fact confirmed by the concerted efforts of subsequent lawmakers to wrench that tool away in a bid to reinstate male authority. In renowned cases, claimants and their allies tested parents' authority to dictate marital decisions on behalf of their daughters. In lesser-known cases, these actors revealed the fragility of paternal power by highlighting how enhanced mobility and migration separated daughters from their mothers and fathers, and pushed these young women to act on their own behalf. These same cases brought questions of autonomy to the fore, with claimants and their lawyers protesting sexual liaisons that transgressed individual consent. Together, these actors made a case for female autonomy, despite working within legal structures inimical to this principle.

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