

**GIVE AND TAKE: MARRIAGE AND DISINHERITANCE
IN NINETEENTH-CENTURY FRENCH WOMEN'S WRITING**

A new widow and her daughters are evicted from their home by the will of a misogynist grandfather, who before his death entailed the property on the heirs male of his son's body. A letter announcing a young woman's inheritance from an uncle is purloined by her cruel guardian until it is too late for her to claim the fortune. Another widow, this time a very young one, is humiliated when her late husband's will forces her to choose between his inheritance, and the companionship of a dear male friend – if she accepts the estate, she is never to see the man again. Even if one has momentarily forgotten the plots of *Pride and Prejudice*, *Jane Eyre*, and *Middlemarch*, these episodes belong unmistakably to a particular narrative tradition – that of the nineteenth-century British novel, and especially the female-authored novel. As Ruth Perry has shown, the late eighteenth and early nineteenth centuries in Britain saw a 'psychological not to say legal disinheritance of women' (38), and the women's writing of nineteenth-century Britain shows an acute and continuing awareness of the existence and consequences of this disinheritance. My contention in this article will be that female authors in nineteenth-century France treat the theme of inheritance in a way which has much in common with the approach adopted by their British contemporaries: women's inheritance will be seen above all as a metaphor for self-sacrifice, while their disinheritance becomes an inevitability which must be accepted with resignation. Moreover, women's renunciation is often represented as necessary precisely to advance the interests of male inheritance; while certain novels expose this unjust situation with eloquent sadness, or even bitterness, women writers' representation of the female inheritance of sacrifice is, as we shall see, deeply conservative as often as it challenges the status quo, with a whole sub-genre of

inheritance fiction being dedicated to the justification of women's disinheritance, and of their confinement to a life of self-sacrifice, privation, and withdrawal.

The identification of such a trans-national paradigm for women's writing on inheritance appears more significant if we consider the legal disparities between nineteenth-century Britain and France. It may, indeed, seem paradoxical that women writers in France should gesture towards a certain disinheritance of women (whatever the political engagements of that gesturing), for while in Britain 'the legal restrictions on property ownership and the general assumption that it was a male right' conspired to reduce women's successional standing, and encouraged fathers to privilege their sons over their daughters (Perry 35), the French Civil Code of 1804 gave women an enviably consolidated equal legal right to inherit from their parents and other relatives along with their brothers. Yet there is a sense in which the entitlement given to women in the *régime successoral* of the Civil Code is anomalous; it is at any rate not overly tendentious to argue that in the main, the Code was a document characterised by misogyny, and founded in Xavier Martin's words on 'la ferme conviction d'une incapacité, en quelque sorte d'ordre "technique", du cerveau féminin, contrarié par le cœur, à assumer correctement [...] une fonction socio-familiale que le législateur veut stabilisatrice' (270-71). In fact, in order to appreciate the legal position of women in nineteenth-century France, and to grasp what is at stake in the novels I shall analyse in this article, the successional regime of the Civil Code must be understood in conjunction with the matrimonial regime laid out in the fifth *titre* of the same document, and especially in Chapter VI, 'Des droits et des devoirs respectifs des époux'. Most important for our purposes is article 217, which severely limited women's competency to take part in financial transactions, including inheritance: 'La femme [...] ne peut donner, aliéner, hypothéquer, acquérir [...] sans le concours du

mari dans l'acte, ou son consentement par écrit'.¹ The status of the wife under such a regime is ambiguous: strictly speaking, she is not (as is sometimes suggested) her husband's ward, or at least, we may infer that she is not from the fact that article 506 confers that status specifically on the wife who is 'interdite', or judged incompetent, on the grounds of mental ill-health. But perhaps the ambiguity is appropriate: the husband's status vis-à-vis his wife's economic life, not quite a tutelary administrator, but rather the holder of a sage right of veto, reflects the 'ferme conviction' evoked by Martin that all women were in some measure mentally deficient, if not quite deserving of full 'interdiction' and permanent legal minority.

The misogyny of the age thus made of the husband the safeguard and protector of his psychologically fragile wife, and this indeed is another of the 'devoirs respectifs' laid down by the Code: while 'les époux se doivent mutuellement fidélité, secours, assistance', a more gendered provision infamously rules that 'le mari doit protection à sa femme, la femme obéissance à son mari' (art. 212, 213). Favourable to such protection is, presumably, occupation of the conjugal home, and to this end 'la femme est obligée d'habiter avec le mari, et de le suivre par-tout [*sic*] où il juge à propos de résider' (art. 214). This domestic confinement is certainly the most common, though in a sense perhaps the most terrible, manifestation of the sequestration and enclosure which Sandra Gilbert and Susan Gubar have identified as so central to the nineteenth-century female imagination – the domestic limitation imposed upon the always more-or-less mentally delicate woman parallels the formal incarceration of the more far-gone 'madwoman in the attic'. I shall attempt to show how nineteenth-century French women writers make explicit or implicit connections between the (legally-imposed) necessity of spousal protection, the threat of madness, and the theme of disinheritance, connections brilliantly crystallised in Britain by an

observation of George Eliot's Mrs Cadwallader: 'for younger sons and women who have no money, it is a sort of provision to go mad: they are taken care of then' (537). In a century where poverty and social and political impotence were synonymous, it is surely no exaggeration to see in Mrs Cadwallader's remark a wry recognition *avant la lettre* that madness is, as Elaine Showalter puts it, 'the desperate communication of the powerless' (5). In various and heterogeneous ways, the inheritance narratives that I shall examine take up this mirroring of economic and psychical destiny, and reflect anxieties concerning precisely the supposed 'incapacité [...] du cerveau féminin' and its apparently destabilising effects in the patrimonial sphere.

The bulk of nineteenth-century women's writing on inheritance consists, perhaps surprisingly given the prominence of the theme in canonical male-authored realism, of moralistic Catholic *romans d'éducation* for girls, with titles such as *L'Héritage de Françoise*, *Le Testament d'une mère*, and *Le Roman d'une héritière* (see Pernot, 3). In many instances, it may be assumed that the use of the inheritance theme in *romans d'éducation* is intended to draw attention to the contrast between the apparent materialism of mainstream contemporaneous fiction and these more spiritually oriented texts. Indeed, the vocabulary of inheritance employed by these novels often turns out to be entirely metaphorical, denying the primacy of capital by valorising inheritances consisting solely of moral teaching or, frequently, of some burden of responsibility – the female protagonist may for instance 'inherit' the care of her younger siblings upon the mother's death. These metaphorical inheritances make economic impoverishment the implicit condition of spiritual and affective enrichment, as the heroine invariably experiences significant privation and straitened circumstances in attempting to execute her newly inherited parental duties. Mathilde Bourdon's *Le Droit d'aînesse* (1860) provides an extreme instance of this

metaphorical inversion of the inheritance-enrichment equation, and of the connection between women's inheritance and self-sacrifice. The 'right' evoked in the title in fact refers to 'le devoir, austère [...] pour la sœur aînée, à qui le dévouement impose de pénibles sacrifices' (vi), a peculiarly acute awareness of which leads the heroine Octavie to die as a 'holocauste', having contracted scarlet fever while nursing back to health the child she inherited (the word is Bourdon's) from her dead sister (218).

Where the heroine comes into possession of a real inheritance, her immediate instinct is to relinquish it in favour of the more deserving; she invariably perceives her own wealth as synonymous with another's poverty, as ethically if not legally illegitimate. In Mme Barbier's *L'Héritage, ou le bonheur dans l'honneur et la vertu* (1883), for instance, young Thérèse opens what she thinks is her dead father's will, only to find a confession instead: the family home that she has just inherited was acquired fraudulently by her grandfather many years ago (implicitly during the Revolution or shortly after). According to the law of the land, the property is now theirs: the legal concept known in Roman law as *usucapion* and referred to in the Civil Code as *la prescription acquisitive*, 'un moyen d'acquérir [...] par un certain laps de temps' (art. 2219), means that those who have owned and been seen to own a good for thirty years or more – Thérèse's father quotes the precise period, established in article 2262 of the Code – become indisputable legal owners after this time, however they may first have come by the thing in question.² Yet despite this legal right of habitual ownership, Thérèse's honest father had before he died sought out the rightful owner and begun to pay off the debt, a restitution which Thérèse, despite having a dispendious younger brother to support and no apparent source of income, feels obligated to complete. This long and difficult process represents the conversion of Thérèse's real property inheritance into another metaphorical inheritance of self-

sacrifice and sententious morality. ‘J’ai recueilli l’héritage de mon père’, the penniless heroine exclaims at the end of the novel. ‘Cet héritage ? La vertu et l’honneur !’ (178). Thérèse’s generosity makes a virtue of, and thus fails to contest, precisely those ‘feminine’ weaknesses which, in the eyes of conservative legislators, made women unfit for economic and legal enfranchisement. In Xavier Martin’s words: ‘Aux yeux des rédacteurs du Code civil, pour qui seul doit compter, sociopolitiquement, le ressort du calcul d’intérêt, ce dont la femme présente l’inconvénient précis, c’est d’être sujette à des éruptions d’affectivité qui la rendent fâcheusement généreuse’ (271). Because women would inevitably give, that is, it was fitting that they be preemptively taken from. Using the rhetoric of the sentimental novel, then, these *romans d’éducation* offered their young female readers an ideological apprenticeship in the art of self-denial which prescribed and prettified the misogynist clichés of the day – depending on the discourse, women were paradoxically represented as at once ethically required and psychologically compelled to seek happiness through the renunciation of wealth.³

Women beware women

In the first part of this article, I shall address two novels which might be understood as mutations of this genre. Their more complex plots and greater length indicate that they were intended for older readers, a suspicion which is confirmed by the fact that these novels introduce a theme missing from the sexless Catholic *roman d’éducation* more broadly: marriage. On the surface, indeed, M. Maryan’s *Une nièce d’Amérique* (1889) and Mme Rivier’s *L’Héritage d’Hélène* (1888) both depart from this ethics of renunciation by depicting female characters’ attempts to recover their inheritances, rather than relinquish them. In this way, the novels appear less conservative than

most, and can be read as challenging some aspects of women's disinheritance. Yet I also want to show how this apparent assertion of women's financial rights is mediated by an insistence on the necessity of marriage, and above all, of the conjugal protection and administration provided for by articles 213 and 217 of the Civil Code, an insistence which furthers the self-abnegating ethics of the *roman d'éducation* by evoking a world in which young women may – indeed must – ultimately depend upon the financial support of their husbands. I shall argue moreover that that support appears necessary because of a suggested threat to legitimate order, both social and successional, posed precisely by unsupervised female economic activity. In these novels, the poor heroine is disinherited not by the machinations of patriarchy, but by the wickedness of other women.

The title of Maryan's *Une nièce d'Amérique* makes rather innovative reference to the old narrative of the *oncle d'Amérique*, a staple figure of inheritance fiction, but transforms that distant relative from a mythical benefactor to a very real potential heir.⁴ The novel opens with Mary, a young widow, coming to France from America to claim, in the name of her infant daughter Ethel, her late husband's share of his father's inheritance; the estate has previously been collected in full by the eldest son, Mary's husband being presumed dead at the time of the patriarch's death. Mary arrives after the death of her brother-in-law, and must therefore plead her case to his pitiless widow, the wicked Mme de Soubeynes. Already, then, we see a significant departure from the ethics of renunciation of the *roman d'éducation*: here, an inheritance is claimed, not relinquished. The vital point, of course, is that Mary makes this claim on her daughter's behalf – the reader may not therefore reproach her for her self-interest, though the same is not true of Mme de Soubeynes. In response to Mary's story of

shipwreck, fever and high infant mortality, the wealthy heiress only sneers with apparent disbelief; but when the subject of money is broached, she becomes furious:

— Si jamais vous cherchez à revenir ici, ou si j’entends parler de vos revendications éhontées, je vous ferai mettre en prison, entendez-vous !... ou dans un asile d’aliénés, si, comme il m’est permis de le croire, il peut être prouvé que vous divaguez ! (23)

There is an important ambiguity in Mme de Soubeynes’s characterisation of Mary’s claims as ‘éhontées’. She may of course simply mean that they are shameless because they are fraudulent, but since the narrator makes it clear that Mme de Soubeynes’s refusal to accept the story as true is in bad faith, it is possible to interpret her reference to ‘revendications éhontées’ differently: might she not be suggesting that Mary’s claims are shameless because only a shameless woman would claim anything at all? One might even suggest that in this scandalised outburst, Mme de Soubeynes speaks on behalf of a society in which the impossible ethics of renunciation posited by the *roman d’éducation* is used in all seriousness as a measure of the morality of female behaviour. Mme de Soubeynes’s vile threats to Mary concomitantly evoke not only the prison but also the madhouse, the social mechanism par excellence for the repression of female immorality. For this fortunate heiress, it seems, the woman who has not internalised her sacrificial role, and thus dares to ‘claim’, is either criminal or, more probably, mad.

The impression is doubled when Mary’s attempts to use the legal language of revindication, in the absence of a male protector to put the arguments on her behalf, are dismissed by Mme de Soubeynes as mere glossolalia: ‘elle ne sait pas ce qu’elle dit, c’est une folle’ (24). Here, the novel unwittingly puts its finger on the double-bind

at the heart of the conservative morality which underpinned the *roman d'éducation*. Women were considered unsuitable to inherit since an 'incapacité [...] du cerveau' (in Martin's words) prevented them from managing and maintaining their fortune, which they would only ever relinquish in an eruption of affectivity; yet in contravening that general principle and demanding restitution, Mary apparently turns tolerable 'feminine' soft-headedness into criminal insanity. This is the cruel and timeless paradox identified by Phyllis Chesler in her seminal *Women and Madness*: 'Madness and asylums generally function [...] as penalties for *being* "female", as well as for desiring or daring *not* to be' (56). The pathos of this impossible position is a matter of indifference for Mme de Soubeynes, who refuses the sick Mary medical attention, and indeed food. She thus liberates her niece Ethel from the bad example of an immodestly revindictory mother – Mary dies shortly after that first confrontation.

Mme de Soubeynes's threats become a dramatic reality for the eponymous heroine of Mme Rivier's *L'Héritage d'Hélène*. This blend of romance and adventure opens with another avuncular inheritance: this time, a 'tante d'Amérique', Catherine Dickson, summons her niece to her bedside in New York. She is at the mercy of her wicked collateral heir, the evocatively named Mme Bones, and is experiencing an attack of that special paranoia which so often grips fictional testators: 'je crains qu'il ne se machine quelque chose de grave ; certainement, ces gens veulent frapper un grand coup pour s'assurer la possession de mon héritage' (9). Mme Dickson eventually dies, making Hélène her heir. While this is clearly intended as a gesture of affection, the reader may well wonder if Aunt Catherine's feelings towards her niece were not rather ambivalent, given the exact provisions of the will: 'madame Dickson avait institué Hélène son unique héritière ; stipulant que, dans le cas où celle-ci viendrait à mourir, la moitié de sa fortune reviendrait à Mme Bones' (12). It would

In both novels, the female victims must be rescued by male characters who do not restore the stolen inheritance to the heroine, so much as they obviate her need for it by offering ongoing material support. In *Une nièce d'Amérique*, Ethel relies on the charity of various kind souls until she meets the dead Mme de Soubeynes's son and heir, Yvan. The pair fall in love and marry, and while much is made of the fact that Ethel shall finally benefit from her father's lost inheritance after all, that suggestion is of course more poetic than legally accurate. In marrying Yvan, Ethel effectively renounces her claim to the inheritance, entering instead into that unequal community with her husband prescribed by the Civil Code. If they 'share' the fortune, this sharing has little to do with the partibility of the Code's *régime successoral*, in which inheritances were to be shared equally between descendants of both sexes, but rather reflects the regime of dependency which the same document prescribed for married women. Rivier's Hélène, meanwhile, is released from the madhouse by the avuncular Quaker Mr Jackson, whose first recommendation is that Hélène relinquish the inheritance to prevent further pursuit by Mme Bones. Mr Jackson serves as protector

until H       is reunited with her husband Henri, whereupon the two men work in tandem to unmask the conspiracy against H      . In the final chapter, Mme Bones is hauled up before magistrates who find her guilty of a string of offences, but the stress of the trial and the frustration of her thwarted plans produce their own poetic justice: she is left ‘folle furieuse’ (113), and is in her turn incarcerated in an asylum, the appropriate reward for behaviour which might be called, in the fullest sense, vindictive.

The allegorical significance of this can be glossed in the following way. For Rivier as for Maryan, the absence of male familial supervision, and especially conjugal supervision, allows anarchy to proliferate amongst women who are necessarily either victims or villains. At the novel’s conclusion, the male characters, and especially the commanding Mr Jackson, effect a kind of judgement of Solomon, imposing order and apportioning blame and property where each is due, distinguishing the false from the fragile woman. The novel suggests an alternating play of madness and disinheritance, in which insanity is present, like Mrs Cadwallader’s ‘provision’, wherever the inheritance is lost: first in H      , delirious in the asylum, then in Mme Bones, ‘folle furieuse’ in police custody. This is moreover an oscillation that may only be suspended by men, who thus ‘appear not only as the possessors, but also as the dispensers, of reason, which they can at will mete out to – or take away from – others’ (Felman 7). Yet this dialectic is not simply binary, and its ultimate resolution does not involve the unproblematic allocation of inheritance to H       and insanity to Mme Bones. For while the inheritance, which curiously goes unmentioned in the denouement, is presumably legally restored to H      , this hypothetical restitution might more accurately be said to represent the return of both H       and her inheritance to Henri’s benevolent conjugal protection. That protection

was deemed necessary, lest we forget, by the Code's assumption that all women were mentally incompetent to some extent; so once again, incarceration in the lunatic asylum is in this sense only a more extreme version of the same therapy that prescribes women's domestic confinement in the marital home. Thus both women are somehow deprived of their inheritance, both represented as mentally ailing to some extent: the difference is quantitative, a matter of degree, and the balance will be drawn up by men, whose legal destiny it is to serve as the sage accountants of ever fluctuating feminine capital.

So while both novels have 'happy endings', in which the scheming villains are vanquished and order is restored, the heroines own as little at the apparently positive denouement as they did when their female adversaries held sway. It seems as though in these misogynistic novels, the female villain is at once an allegorical representation of what Carole Pateman has called 'the disorder of women' – their socially disruptive nature that requires constant supervision – and a kind of ideological decoy, whose melodramatic narrative presence forecloses a parallel history which consequently remains untold. For concealed by these dramatic female spoliations, the apparent reversal of which makes up the novels' manifest plots, there would appear to be a kind of subterfuge at work, a more systematic spoliation which is ideologically endorsed and which therefore goes unmentioned, since it cannot be recognised by the heroines or, indeed, by the novelists as a spoliation. That occulted narrative is the story of the immolation of women's inheritance to male power, especially male conjugal power, and to masculine financial activity. I shall now turn to two novels that do exhibit some awareness of this untold tale, and which figure masculine domination as the principle threat to women's economic independence. The two novels I propose to read in this light, George Sand's *Antonia* and Adrienne Duhamel's

Le Testament d'une vieille fille, introduce a significant new theme, the relationship between female inheritance, marriage, and the avuncular figure.

The female avunculate

The *oncle à succession* is, of course, a recurring and trans-national theme in nineteenth-century literature, though one which has been more thoroughly explored in relation to Victorian culture than in French studies. The theme has been particularly well examined by Eileen Cleere, who finds in 'avuncularism' an economic metaphor which posed a significant though ambiguous challenge to the apparent tyranny of the father and the nuclear family in Victorian culture. For Cleere, attention to avuncular metaphors (including that of 'my uncle' the pawnbroker) 'makes alternative models of kinship visible, family relationships that are economically rather than affectively maintained' (21). In particular, Cleere argues, such models offered new economic possibilities for women, though she insists that the avuncular function could be, and was even usually, 'in keeping with traditional interpretations of patriarchy' (12). The same ambivalence can be found in nineteenth-century French narratives of avuncular inheritance. Stella Blandy's *Un oncle à héritage* (1883) is a case in point. The eponymous uncle expresses at first a sort of feminist solidarity, when he explains to his niece Cécile that while her brother and cousin will be satisfactorily provided for by the successional law of the Code, 'je te dois quelque chose de plus, à toi, parce que les femmes n'ont pas dans l'ordre social les facilités de d'établir qui sont le privilège des hommes' (219-20). Yet the extra provision will ultimately be a husband, the honest Julien Trassey: the avuncular intervention is ultimately heteronormative, if not thoroughly patriarchal.

To begin with, I want to consider these issues in relation to *Antonia* (1863), for there are surprising differences between the response of Sand, a progressive novelist, and Duhamel, ostensibly a Catholic apologist, to the avuncular question. Sand's late novel unfolds in the final years of the Ancien Régime, and tells the story of an aristocratic young widow, the lovely Julie, whose vile husband, the comte d'Estrelle, has left her nothing but debts upon his death. While her father-in-law, the marquis d'Estrelle, considers that he may have some obligation to protect the family name and pay his son's debts, the marquise (his second wife, and thus only the stepmother of Julie's late husband) has no such compunction. When the marquis dies halfway through the novel, this difference of opinion gives way to a narrative of suspected female-female spoliation that turns Julie's financial difficulties into a crisis of potential insolvency:

Deux semaines s'étaient écoulées depuis la mort du marquis d'Estrelle, et, après toutes les recherches possibles, il n'y avait pas eu trace de testament. On croyait qu'il y en avait un, on n'osait dire tout haut que la marquise l'avait détourné. [...] On ne pouvait rien prouver, et le fait s'accomplissait avec une insolente tranquillité, c'est-à-dire que la marquise [...] héritait intégralement de tous les biens du défunt, et ne faisait mention d'aucune réserve pour l'acquit des dettes du feu comte. (193)

Both Julie's conjugal protection and the parental protection of her late husband's family having thus failed, the young woman must seek alternative financial support. From the beginning of the novel, Julie has been renting out a small *pavillon* on her grounds to elderly widow Mme Thierry and her grown-up son, painter Julien, but this income is far from sufficient. Fortunately, the Thierrys have that most valuable of

possessions: an *oncle à succession*, Antoine Thierry. Mme Thierry's estranged brother-in-law is the epitome of this stock figure: elderly, cantankerous, and childless, he is also a fantastically wealthy capitalist and self-made man. He is moreover increasingly concerned with posterity, and with the creation of an artificial progeny; hence, in the first instance, the novel's title, since Antoine is also an amateur botanist, and has cultivated a new variety of lily, to be baptised *Antonia thierrii*. Hence also his growing interest in nephew Julien, who stands to become his uncle's heir as the novel opens.

Julie encounters Antoine through the Thierrys, and her beauty and easy manner with the lower orders quickly win his favour and prompt him to buy her debts from a number of creditors who are threatening foreclosure. It seems briefly – to Julie at least – that where her family failed her, an avuncular stranger will not; that on the eve of the Revolution, the even-handed, modern, capitalist avunculate will supply the lack created by the moral decadence of the aristocracy. The exact opposite will be true, of course, since Antoine's intentions are connubial rather than platonic, and socially retrograde rather than progressive – he intends to join the ranks of the aristocracy by marrying Julie (and is not above using her debts to him as leverage). Aside from the mismatch of age and rank, and Julie's lack of interest, the main obstacle to such an engagement lies in the budding romance between Julie and Julien, a liaison which, once discovered by the uncle, threatens to create a family feud in which all parties will lose.

The broader significance of the novel's presentation of Antoine Thierry is, I think, curiously pessimistic (curiously, since the novel itself is rather utopian). The avuncular structures which seem to offer an alternative to older patriarchal regimes – capitalistic economics, non-genetic intergenerational connections, mediating surrogate

parents – seem in *Antonia* at least not to have been designed for the benefit of women, any more than the paternalist ideologies they reputedly challenge or replace. Mere months before the new dawn of the Revolution, Julie nevertheless remains only the object of a homosocial incest taboo: the novel ultimately stages a narrative of masculine avuncular transmission from which the woman, Julie, is precisely excluded as the purely sexual object that cannot be possessed by both partners and may not therefore be had by either. For it is Uncle Antoine's intention to make Julien his heir after all, and to write off Julie's debts, but on one condition: the pair must never see each other again. Antoine knows, moreover, that the passionate Julien will simply reject this offer, while Julie will certainly put the financial security of her lover before her own happiness. 'Il y avait de l'habileté à mettre ainsi Mme d'Estrelle aux prises avec le sacrifice des intérêts de Julien' (222-23), the narrator tells us, for the ethics of renunciation holds good even in more progressive or oppositional texts, and Julie's acquiescence is therefore inevitable. Her renunciation will take the form of a grotesque contract, as Antoine explains: 'je veux une lettre de cette dame comme quoi elle s'engage sur l'honneur et sur la religion à ne revoir de sa vie ce personnage, nommé en toutes lettres' (236). Julie will complete a pseudo- or extra-legal document that cements her exclusion both from avuncular wealth and protection (her debts will be paid and nothing more), and from romantic love.

Antoine's behaviour, then, has much in common with the arbitrary cruelty of the worst patriarchal tyrants, whose blessings are so ambivalent for the beneficiary. As his other nephew, solicitor Marcel, observes: 'on ne vous appellera d'aucun nom. Il n'y en a pas pour définir la bizarrerie de votre caractère, et il n'y a que vous au monde pour avoir trouvé le secret de faire maudire la main qui enrichit' (234). Yet the political allegory at work here becomes confusing. First, the uncle relents, and allows

the couple to marry while retaining his financial favour, as if in an endorsement of avuncular power. His ultimate change of heart, however, does not seem to be 'enough' morally speaking, since in the denouement he reaps the reward of his tyrannical character: after the outbreak of the Revolution, we learn, 'il fut dénoncé par des ouvriers qu'il avait maltraités, et il faillit payer de sa tête' (298). He pays in any case with his fortune, which is wiped out along with the aristocracy in a twist that appears to be one of Sand's 'explicit and apparently naive allusions to the downfall of the *ancien régime*' (Powell 102). That is, it seems as if the novel's historical allegory assimilates Antoine's fortune, and the power it gave him over others, to the other forms of arbitrary authority which, on this naive showing, the Revolution had toppled by the time of the novel's composition. Yet such an assertion is clearly at odds with the importance of the avuncular topos in post-Revolutionary fiction – an importance to which *Antonia* apparently testifies.

The solution to this is, perhaps, a little disappointing, at least for our purposes. I suspect that it really is Sand's intention to lump together avuncular influence and other sorts of pre-Revolutionary arbitrary power, and that it is furthermore no coincidence that her only novel to deal at length with that theme and with the theme of inheritance should also be a period piece. The point of the story is, in a sense, to suggest that the avuncular (and) inheritance narratives which crop up so obsessively in the fiction of her contemporaries are passé; they have been obviated, Sand would like us to believe, by social change. In *Antonia*, the germ of that change lies not in the modernity of the capitalistic avuncular plot – quite the contrary – but in the love plot, or more accurately, in the marriage plot that has been referred to as 'the limit of Sand's feminism' (Schwartz 49). That certainly seems to be the case here. The text suggests that the marriage between Julie and Julien, onomastically and affectively

connected equals despite (or rather: because they have transcended) their unequal social status, is the recipe for social progress. Such an idea is neither ridiculous nor trivial, since as Naomi Schor points out, Sand's 'investment of marriage with a positive ideological function gives the measure [...] of her growing panic in the face of social rifts that strike at her very being', and the possibility of a successful cross-class marriage is, Schor notes, integral to Sand's progressive politics (89). The awkwardness of this suggestion in *Antonia* arises from a conflict between the novel's implied historiography, and our own historical awareness that Julie and Julien's egalitarian connection will hardly be in keeping with the misogynistically *unequal* matrimonial regime of the Civil Code, whose promulgation is approaching inexorably at the moment of the novel's timely conclusion in 1802. The revamped institution of marriage that the novel implies will revolutionise society (in lieu of any new social, economic or kinship structures such as the avunculate) is surely synonymous with the short-lived 'Revolutionary experiment' evoked by James McMillan (37), that reciprocal, utopian marriage which the law of nineteenth-century France made impossible – certainly in legal terms, if not in practice. In spite of this contradiction, however, Sand certainly makes a valid point in her representation of the reign of the uncle as being indistinguishable in its effects from paternal or patriarchal power. While it may be true that even this apparent doubling of patriarchal ideology by the avunculate exposes precisely the limitations of that ideology, its incompleteness, this is certainly small comfort for the woman who, like Julie, is excluded from and made the object of an avuncular-homosocial transaction like that which (almost) occurs between Julien and Uncle Antoine.

The problem, then, seems to be the insistent gendering of the avunculate: it is, as the name suggests, always male, and consequently works consistently only towards

male ends. And it is precisely here that the *roman d'éducation*, surely an unlikely source of progressive social models otherwise, comes into its own. Adrienne Duhamel's *Le Testament d'une vieille fille* (1876) is in many senses merely a *roman d'éducation* like the others, written with a pious intention – much like the eponymous will, with which the novel opens. 'J'institue ma nièce, Jeanne de ***, ma légataire universelle' (1), writes the 'vieille fille dévote' (4), also called Jeanne, who narrates the first chapter, before making her intentions clear:

A mon legs, je ne mets qu'une condition. Si tu es gâtée par la fortune, tu offriras aux pauvres tout ce que je te donne ; si, par des circonstances imprévues, tu ne possèdes que le bien de ta tante, donne simplement la dîme de ce bien. (5)

This inheritance is primarily intended, then, to create a charitable force in the world, and the ultimate success of Aunt Jeanne's plan confirms that we are in the strange utopia of the *roman d'éducation*, where such endeavours come to fruition. Jeanne's 'condition' reflects the economics of the genre: if she authorises her niece to keep the inheritance should her own material situation require it, it is nevertheless clear that this will be in some sense at the expense of the poor who ought to be the principal beneficiaries. Shortly after the aunt's death, moreover, the younger Jeanne describes the dead woman's life in terms that are clearly intended to reflect on the novel's own ethical and aesthetic principles, which are essentially those of the *roman d'éducation*: 'Qui écrirait votre vie ne ferait certainement pas un roman bien intéressant qu'un grand nombre de lecteurs se disputeraient chez le libraire, mais on pourrait croire à des pages détachées d'une vie de sainte' (6). This tale will be morally edifying, but will reject the frivolity of worldly, financially successful, pleasurable literature.

Nevertheless, *Le Testament d'une vieille fille* stands alone among the genre in that the question of women's 'incapacity', and their exclusion from the use of legal and economic language, is recognised and dealt with explicitly by the text, in an unusually persuasive way. After the reading of her aunt's will, the text of which the reader has already been made party to in the first chapter, Jeanne discusses its content with her kindly father:

— Oh ! c'est bien simple, papa ; ma pauvre chère tante vient de me laisser toute la petite fortune qu'elle s'était conservée, j'en veux dès aujourd'hui l'entière jouissance, je prétends être libre d'en disposer à mon gré, c'est-à-dire selon les vœux de la chère sainte que nous pleurons. (21-2)

Her father's response is indulgent, but carries clear conservative and misogynist overtones:

— Diable ! dit mon père, je veux, je prétends, jouissance et liberté, voilà une petite fille qui s'entendrait à rédiger un contrat comme un notaire ; je n'ai qu'à m'incliner devant les lois que vous me faites, mademoiselle, mais dans quel siècle vivons-nous, grand Dieu ! (22)

Jeanne's father's lack of understanding is, of course, feigned, and his apparently playful response is densely coded. He certainly seems to find his daughter's use of legal terminology troubling as much as amusing; his tone is patronising, even covertly aggressive, and in repeating paratactically words which Jeanne has used accurately, he appears to strip them of meaning in his own discourse in such a way as to imply that

they were equally meaningless in hers. His comparison of her to a notary and then to a legislator ('les lois que vous me faites') is rendered mocking in advance by his use of the term 'petite fille' (though his daughter is twenty at the time). And Jeanne herself seems to endorse this ridicule as she narrates her first act as a property-owner, the drawing up of a contract conferring an annual *rente* on her aunt's former servant Annette: 'puis, avec une gravité et une dignité presque comiques, je rédigeai un véritable contrat que je lui lus, et après l'avoir signé, j'allai trouver Annette' (22).

Yet the true significance of Jeanne's 'almost comical' demeanour while drafting this contract, described so ambiguously as 'véritable' (which might mean 'genuine' or precisely *not* genuine, not a contract), will only become clear much later in the novel. Jeanne continues her aunt's charitable work until the appearance of Adrien, a physically alluring 'avocat' who becomes her suitor. Jeanne falls in love with him, and the couple become engaged. Disaster strikes shortly before the appointed day, however, when Jeanne's father is ruined (Duhamel never specifies quite how) and finds himself unable to pay her dowry. Negotiations follow between Adrien and his future father-in-law in homosocial *tête-à-tête*, which result in the agreement of a new marriage contract, ceding to Adrien the entirety of Aunt Jeanne's fortune. Jeanne is horrified:

— N'ai-je pas abandonné à Annette une rente de cinq cents francs ?

— Nous avons examiné cette question, me répondit Adrien, le contrat n'est pas valable.

— Le contrat n'est pas valable !

— Il est nul en droit, parce que vous n'étiez ni majeure, ni émancipée. (128)

The contract was, then, hardly ‘véritable’ at all. Jeanne, the ‘petite fille qui s’entendrait à rédiger un contrat comme un notaire’, has found her match in her ‘avocat’ fiancé, and her gravity and dignity in signing the deed were only comical because they were ironic: her legal utterance was already null at the time of its excessively serious making. It might be objected here that Jeanne really was a minor when she made the contract, and that it would have been null even had she been male. Yet this would be to ignore the significance of the precise moment at which the nullity comes to light, immediately before Jeanne’s marriage. The point, surely, is that if she marries Adrien tomorrow, Jeanne will never be, and will never have been, in a position to make a legal speech act independently: having been a minor in her father’s house, she will enter the legal limbo of the wife in Adrien’s, and her legal personhood will become dependent upon his permission. Her single use of the legal language of the adult world will only ever have been the silly game of ‘une petite fille’.

The scene is a highly effective rejection of the matrimonial regime, primarily because it is so understated. Where a polemical novelist such as Claire Vautier rails passionately against marriage as ‘un viol légal’ (ch.1), and chooses to denounce the institution through a plot in which a malevolent, libertine husband physically and psychologically abuses his innocent wife (abuses which, Vautier asserts, are made possible by the contemporaneous matrimonial regime), Duhamel makes the arguably more significant point that the legal subjection of wives is pernicious whether or not the husband chooses to take unfair advantage of it. Adrien is not wicked, and his insistence that the rent drawn on the inheritance be abandoned is, as far as he is concerned, for Jeanne’s comfort. In offering Jeanne financial protection, he is only anticipating his husbandly duty; what horrifies her is the understanding that as of tomorrow, it will be *her* duty to submit to that well-intentioned protection

unquestioningly. In light of this realisation, Jeanne breaks off the engagement, and rapidly creates a new contract (legally valid, as she is now twenty-one) reaffirming Annette's pension. By making this legally effective document, she completes in a sense her aunt's legacy, enacting not simply its content, Aunt Jeanne's insistence that the inheritance be put to charitable use, but also the formal gesture it inaugurated – the successful performance by a woman of a legal speech act. For the will which opens the novel is of course just that, and while we know that even a married women's right to make a will without spousal permission was protected by article 226 of the Code, the general subordination of wives surely meant that that protection was scarcely to be relied upon. It is really Aunt Jeanne's status as an unmarried woman that determines the success of her will, even as it earned her ridicule in life; the infantilising phrase 'vieille fille' tries – and fails – to belittle or deny the legal adulthood that the unmarried woman attains. Her use of legal language is, as the legislator feared, disruptive of the social status quo, breaking up the young Jeanne's marriage, and indeed persuading her never to marry at all; in writing the contract in Annette's favour, Jeanne accepts that she too must remain a 'vieille fille' (131). This is, as the genre requires, a kind of sacrifice. For Jeanne, legal maturity can only come at the cost of romantic love – though not, crucially, of philanthropic love, to which Jeanne will dedicate her life henceforth.

So Jeanne the niece comes to follow exactly the career of Jeanne the aunt, as has been inevitable from the beginning, when Jeanne first made her invalid contract in favour of Annette. Then, the servant joyfully referred to her young benefactress as 'Mlle Jeanne *seconde* !', a designation the niece willingly accepts: 'Quel joli nom ! Garde-le moi' (23-4). In adopting the ordinal number, Jeanne inscribes herself in a fascinating lineage of female avuncularity, a line of aunts and nieces connected by

explicitly non-procreative bonds, whose radical deviance vis-à-vis prevailing heterosexual, procreative and above all patriarchal kinship structures is apparent. This new asexual lineage coverts the capitalistic ideology of the male avunculate into an ethical commitment to the greater good; and while that commitment is unavoidably expressed in terms of a Catholicism whose solidarity with counter-patriarchal objectives seems doubtful, the potential for social subversion in the new model is undeniable. *Le Testament d'une vieille fille* at least resists the common trope of previous feministic appropriations of Catholicism, which tend to configure enclosed devotional spaces (such as the cloister or the anchoress's cell; see Beckwith) as zones of female independence, when these can equally be seen as analogous in their effects at least to the married woman's confinement in the claustrophobia of the conjugal home. Over and against such confinements, the potential of charitable and religious activities to broaden the horizons of female possibility is known to have been of vital importance to the married women of the century, and particularly the earlier part of it. McMillan observes that through such worthy engagements, 'women of the bourgeoisie and upper classes had the opportunity to expand the boundaries of domesticity, sometimes to the point where they effectively subverted the domestic ideal' (52). Yet for these women, the conjugal hearth was, of course, always waiting; such was not the case for unmarried women, and the subversive quality of charitable public activity was thus even more pronounced in their case. Jeanne, like her aunt, will travel the town literally and legally 'unprotected', unchaperoned, meeting the poor and offering charity in person; she will be involved in the raising of her relatives' children, but will not be mother, governess, or otherwise resident in their home; she will be at large in the world, and not withdrawn in a sheltered corner of it. This is not simply an expansion of the boundaries of domesticity, but rather its suspension. The

exotropism of the feminine avunculate effectively explodes the limits of the parental and conjugal *foyer*.

Duhamel's novel effectively calls into question two determinisms: the genetic destiny of heredity, and the assumption that marriage is the only acceptable social career for a woman. Jeanne does not resemble her sickly mother or her weak-willed father, but rather exhibits what we might call a 'collateral phenotype', inherited from her aunt, which includes physical, ethical, religious, behavioural and economic elements. This inheritance moreover eschews notions of inevitable hereditary likenesses and inseparable economic and genetic inheritances, in favour of an elective model whereby benefactor and beneficiary, 'progenitor' and 'offspring' choose each other; Aunt Jeanne sees her young niece's noble potential and makes her will accordingly, while Jeanne herself becomes acquainted with a variety of different 'vieilles filles' such as Noémie 'l'aigrie', Valérie 'la voltairienne', and Églé 'le bel-esprit' (ch.11), and comes close to marriage, before recognising the value and uniqueness of her aunt's combination of independence and moral engagement, and accepting fully her literal and metaphorical legacies. So if the legislator's fears are realised, and women's legal personhood does indeed prove disruptive, this is crucially not the result of their irrational compulsion to destroy regimes of property in fits of generosity, but rather of a series of rational decisions wherein wealth is accrued, spent, and transmitted in fundamentally different ways. And in this respect, perhaps the most important aspect of the novel's female avunculate is that it is not based in any legal utopianism: these different economic and familial practices are made possible by the Code itself, whose aim it was precisely to foreclose erratic and irrational female activity. The two Jeanne's' subversive lifestyle choices are therefore subversive precisely because they can so demonstrably be conceived and enacted

within the parameters of the quintessentially masculine, post-Enlightenment juridical project.

Conclusion

This is heady stuff, and it is of course worth remembering both the novel's tendency towards Catholic theodicy, and, more significantly, the fact that an ethics of renunciation still obtains here. While Jeanne finishes up with an inheritance, she has had to renounce much to hold on to it: romantic love, sex, children. She gives up what society intends her to have, and takes what it expects her to relinquish, to be sure; but we may still find even this supposedly rebellious choice invidious. It seems that even those female authors who denounce the sacrificial economy imposed upon women by masculine society, nevertheless valorise both aesthetically and ethically women's acquiescence in that same forced choice. The tactic – if one may call it that – adopted by the heroine of Sand's *Indiana* (1832), who makes it her duty to 'résister mentalement à toute espèce de contrainte morale' while externally exhibiting an 'obéissance aveugle' (89), seems at bottom only another kind of confinement, the reduction of the heroine's 'true self' to an inner world scarcely more politically potent than that 'desperate communication of the powerless', madness. It is on the other hand hardly surprising that the multiple inequalities of which women were the victims should have shaped the terms in which women writers expressed themselves, nor even that they should have been so internalised as to become readable only as symptoms, in texts such as the conservative *roman d'éducation*. There, those very inequalities are depicted as good and natural. Yet they are still, crucially, *depicted*, again and again, obsessively, making them appear problematic, as opposed to part of the ideological furniture; the *roman d'éducation*, in recommending the regime of renunciation, only

ever succeeds in protesting too much. The counterweight to this, with a slither in the meaning of the word ‘protests’, is that the progressive novel as exemplified by Sand protests rather too little. Yet attention to seemingly unlikely texts such as Duhamel’s can supplement this apparent lack, helping us to understand the complexity and the polymorphous quality of women’s expressions of discontent in the latter part of the century.

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NOTES

¹ Acceptance of a bequest would be considered a form of 'acquérir'. Significantly, the right of women to make a will without spousal permission was protected (see Art. 226).

² See art. 2262 onwards for more on 'la prescription trentenaire'. I am indebted to Frédéric Rideau for clarifying this question.

³ My use of this phrase intentionally echoes the 'aesthetics of renunciation' which Gilbert and Gubar, in *The Madwoman in the Attic* (ch.15), show to be characteristic of nineteenth-century women's poetry.

⁴ 'M. Maryan' is the pseudonym of Marie Cadiou, a prolific writer of *romans d'éducation*.