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Irène Théry’s latest work begins with an analysis of the violent opposition in France to the country’s new law legalizing same-sex marriage in which she deconstructs the argument put forward at the time, especially by the “Manif pour tous” group of anti-gay marriage associations, that the law would lead to the effacement of the sexes. Throughout the book she demonstrates how proponents of this argument favour a model from bygone times, that of “hierarchical sexual complementarity”. In her account of the historical process through which gender, marriage and filiation were constructed, it gradually becomes clear how this political debate emerged and what issues are involved. Nonetheless, when Théry affirms that the reason same-sex couples are the designated “scapegoats” in this affair is France’s inability to reform its family law, one does wonder if that argument does not lead to underestimating the latent homophobia in opponent discourse.

Reviewing the history of the gender concept, Théry explains that it is used both to describe the social construction of sexual difference and to establish “the masculine/feminine distinction as a social distinction” (pp. 23-25). In the latter case, gender is often understood as a characteristic inherent in individuals themselves, an aspect of their identity. Each person is understood to comprise a “self” and a “body”, or, to put it differently, a gender identity and a sex identity. The author points out that this distinction implies a clinical view of gender, one that anthropologists have criticized as socio-centric. Specifically, it has little relevance when it comes to understanding gender in socio-cosmic societies where the individual is defined by his or her different relationships with others. The relational perspective on gender that began to be developed in the 1980s and is applied here for its analytic scope, enables us to conceive of masculine and feminine as a “mode of social relationships”. Contrary to the identity-centred notion, which leads us to distinguish relationships exclusively from the binary man/woman angle, these other theories – and this is their main contribution – show that “what is defined as masculine or feminine does not exist in and of itself but only as a product of the distinctions or divisions between what society expects from a sister, for example, and what it expects from a brother” (p. 35). The fact is that, depending on the type of relationship, social expectations may concern one sex or simply not differentiate between the sexes (an example being grandparent/grandchild); that is, they can be neutral or androgynous. Without contradicting or annulling the afore-cited hierarchical opposition between men and women, this perspective clarifies the fact that it is constructed on the basis of a broad range of “social attributions” that men and women are led to fulfil in the course of their interactions.

In the second chapter Théry reviews the major changes in the marriage institution in France since the establishment of civil marriage in 1792. In the
beginning, marriage was the society’s means of socially organizing paternity, the assumption being that the husband of a parturient was the child’s father. This was the only legitimate type of filiation, as having a child out of wedlock doomed women – and women only – to intense, lasting stigmatization. With regard to social attributions or obligations, the status of mother implied at the time that a woman was under her husband’s authority, which led simultaneously to denying women’s autonomy and individuality and hierarchically ordering, de facto, the sexes and family types. Conversely, since paternity tests were not possible, fatherhood could only be conceived in terms of status and the law: a biological father who was not the child’s mother’s husband could not be legally recognized as the father.

Gradually, however, with the legalization of divorce, which meant the marital tie could be broken, and the emergence of feminist demands, marriage became an institution wherein the couple was perceived as a pair engaged in an “egalitarian conversation”. “The principle of indissolubility [shifted] from marriage to filiation”, the latter becoming independent. The family acquired a status outside marriage, as children now had the same rights regardless of their parents’ marital situation. Moreover, in case of divorce, the principle of shared custody, followed by the co-parenting option, reduced the asymmetry between fathers and mothers.

But the supposed exclusivity of the filiation tie masks all situations where begetting and parenting are not performed by the same persons. Théry explains that with the development of adoption and assisted reproduction technologies for heterosexual couples in France, French doctors demanded – and obtained – the abolition of earlier ties (biological, reproductive) so that the couple seeking to become parents could better “[mime] the procreation model” (p. 102). We see that while opponents of filiation for same-sex couples claim this would deny the fact that such couples cannot biologically conceive, that lie is actually inherent in the ART system: people are not allowed access to the identity of their biological parents in France, making it impossible for any relationship to develop between donor and receiver.

Théry offers both a profound critical analysis of our French filiation system together with real alternatives to that system, her aim being to obtain reform of the country’s family law. Establishing a biological parent status, as distinct from “initiator”, would make role complementarity in “engendering projects” visible and thereby put an end to confusion about who the “real parent” is, confusion that is currently used to accuse same-sex couples of falsification.

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(1) Fault divorce in 1884; mutual consent in 1975.