

18/VI/73 ✓

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France: Shift of Sentiment from Family to Children

L. Brocard, Principes d'économie nationale, 532, after discussing the theories of Le Play and his disciples that demanded restitution of full testamentary rights of the paterfamilias, and their claims that the falling birthrate in later 19th century was due to the parents fearing the dismemberment of the family patrimony if there were too many children, all of whom should get equal share according to the Code Civil, replies with the thesis that the limiting of families was due to the desire that each child have a really decent share: "the ~~and also~~ ~~the~~ wish to assure, not exactly ~~to~~ the family, but to each child a financial situation as advantageous as possible and generally equal." In general, everywhere, he opines, there has been a shift of love from "family" to "children". ~~The~~ "The Civil Code has perhaps involuntarily made itself the accomplice of this tendency; but ~~actually~~ nowadays it exists and rules ~~the~~ the spirit of most men with an irresistible force."

This may be the breaking point in the persistent theme of the lineage in French succession; for even though the Code Civil called for equal division according to the legitime, the possibilities of retrait were also there and seem even today to work in the function of the SAFER to interpose the state power and prevent parceling of estates.

Brocard is worth perusing again for his very French sentiments about the civilizing force of the family, especially in his case in teaching the children "economie". The most important course in that education, he would have us believe, is the way that all the family must concentrate upon ~~the~~ handling the estate of the parents. If there is something to this as a general belief of the French (whether actually true or not), this is mete for the influence of inheritance on the prospect of life chances of the emerging adult well up into our time.

Of special significance to Brocard is the law of 12 July 1909 (followed by that of 5 Dec. 1922) which required inheritance to be kept undivided until the majority of the youngest child, so that then it could be decided whether the property should go to just one of the heirs; this protected small properties. It's operation should be looked into.

His part on the réserve héréditaire at the end is not too clear. What, for instance, is the Redressement français referred to on p. 535?