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978-1-107-02498-4 - Conscription, Family, and the Modern State: A Comparative Study of France and the United States

Dorit Geva

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Introduction

Conscription, Familial Authority, and State Modernity in France and the United States

In the course of the U.S. Senate Military Affairs Committee's discussions in May 1944 over proposed changes to World War II draft rules, Colonel F.V. Keesling of the Selective Service System reminded his colleagues in the Senate how the draft was designed to work. Keesling explained that Selective Service – the federal administration's organizing of the U.S. conscription system – was “the warehouse of manpower. We, by classifying men in various age groups and family status, physical status, place these men – we could say – on certain shelves.”¹ Even at the height of the war, and just three weeks before D-Day, such shelves helped Selective Service choose some men for service and defer many others, including fathers who at that point in the war were to be drafted only if the pool of non-fathers had been depleted.

Such a method would appear to have been radically different from the French Third Republic's nation in arms, a republican citizen-soldier army that aimed at universal military service and avoided discriminating between men. In sharp contrast to Colonel Keesling's account of the U.S. draft system, the opening articles of a conscription law passed by the French Parliament in 1905 intended to embody the pinnacle of republican egalitarianism, and proclaimed that “each Frenchman is personally obligated to fulfill military service. ... Military service is equal for all. Other than for reasons of physical disability, no exemptions are allowed.”² On the surface, the twentieth-century French and U.S. conscription systems

¹ Hearings before the Committee on Military Affairs, U.S. Senate, 78th Cong., 2nd Session, on S. 1864, S. 1870, Part 2, May 18, 1944, p. 62.

² “Tout Français doit le service militaire personnel... Le service militaire est égal pour tous. Hors le cas d'incapacité physique, il ne comporte aucune dispense.” See *Recrutement de*

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were diametrically opposed: the one selecting certain men for service, the other aiming at universal service. *Conscription, Family, and the Modern State*, however, challenges such characterizations. Buried further down in the 1905 French law, Article Twenty-One of the bill specified that if a man proved to a local recruitment board that he provided necessary family support, he could defer conscription on a year-by-year basis. In reality, therefore, both countries offered family-based concessions in their conscription systems.

How did France and the United States converge in extending conscription exemptions to fathers, husbands, and, to a lesser extent, sons and brothers? What do we learn from the fact that such differently organized states with distinct conscription systems both offered familial exemptions? Were these exemptions based on the same justifications? What do we learn from the differences between each state in their regime of exemptions? Finally, and most importantly to this book, what can we learn about the nexus between modern families and modern states by comparing the fate of familial exemptions in France and the United States?

Conscription, Family, and the Modern State is a feminist study that tries to answer these questions by offering the first systematic comparison of family-based conscription exemptions in France and the United States. In telling the story of how both countries formed conscription systems that grappled with whether and how to conscript family men, this book traces the dynamic tensions between modern state authority and modern familial authority in the consolidation of modern state power. By examining how conscription exemptions to fathers, husbands, and sometimes sons and brothers were present from the founding of each country's mandatory military system, the book will argue that the importance accorded to families within conscription rules shows the centrality of familial authority to modern states. Paradoxically, the modern state recognized the legitimacy of a competing authority, namely that of the family, in order to consolidate its own authority and enable institutionalization of one of its most intrusive apparatuses.

The book pays close attention to minute details, noting the exact terms of, and exceptions to, conscription rather than presuming a vague and global trend toward "something like" universal conscription. Along the way, the book tries to convince neo-Weberian scholars to look more

l'armée: Dispositions générales (Paris: Henri Charles-Lavauzelle, Éditeur Militaire, 1910), for the law's full text.

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seriously at the dynamics of gender relations, the sexual division of labor, and the patriarchal family as important ingredients in states' consolidation of legitimate authority, including with so masculine an institution as mandatory military service. The book also tries to convince feminist scholars of the value of returning to a project left unfinished by feminist scholars of the 1980s, namely scholarship that had examined the interrelationship between men's household authority and state authority, and of the value of combining feminist insights with Weberian scholarship on the state.

As the following chapters will demonstrate, conscription debates and policies pivoted around the presumption of citizens' families as sites of authority that competed with state authority. The men (and yes, they were entirely men) who determined the terms of mandatory military service were concerned with weighing if male citizens should, above all, serve as soldiers for the state, or if they should remain with their families. Removing men from their families was understood as entailing a series of disruptions undermining men's familial authority, reversing the putatively natural gender order where women were presumed to be economically dependent on men and where children were presumed to need a male authority figure, thereby also necessitating a system of financial compensation for families that temporarily, or permanently, lost a breadwinner. Modern states constructed national armies and conscription systems in order to compete in interstate warfare, yet there were limits – familial limits – to how far conscription could go. State actors understood families as entities worthy of recognition, and entities requiring some form of appeasement, in order for the very possibility of conscription to occur.³

By designating men as the primary figures of authority within their families at the end of the eighteenth century, creating a distinctly modern form of patriarchal authority, both French and U.S. law placed familial authority at the heart of their respective states. The Jacobin narrative of French political history might present the French state as having been composed of nothing but individual citizens and an abstract, universal state, but in practice, numerous policies of the French state immediately following the Revolution and throughout the nineteenth century were organized around men's authority over their families, with families as intermediaries between citizen and state. Conscription is but one productive site for

³ Pensions to soldiers' families and veterans' widows, in some cases the institutional origin of welfare states (e.g., Skocpol 1992, 1993; Hickel 1999), are a product of this tension between familial and state authority, and states' appeasing families for their sacrifices.

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displaying this. In the United States, women's second-class citizenship throughout the nineteenth century likewise placed men in a position of authority over their families. Conscription rules during the Civil War, particularly for the Union Army, made this crystal clear, and as will be shown with greater detail, so did the formation and operation of the U.S. Selective Service System during World War I and its subsequent operation during World War II.

Conscription, Family, and the Modern State accepts that conscription is a key marker of state modernity. However, at virtually the same moment that the French and American states created the possibility of extracting a male blood tax from resident families, husbands and fathers were placed in a position of regency over wives and children, while sons owed the duty of aiding in the support of their family members. With this was born the competing, antagonistic, and at times concordant dynamic between familial authority and abstract rational-bureaucratic authority immanent to state modernity. Although we have seen a decline in *patriarchal* familial authority especially as of the second half of the twentieth century, the tension between familial and state authority is dynamic, constant, and, in this author's view, never-ending. Familial authority is the jack in the box of state modernity. Sometimes political elites have sought to quash it in order to legitimate state policies, and at other times they have drawn from it in order to legitimate their positions. Either way, this tension did not disappear. Organizing for twentieth-century total war came close to quashing familial authority, but even that could not definitively subvert it. In tracing the politics of conscription exemptions, we can see how recognition of familial authority enabled the possibility for state authority to be perceived as just and legitimate.

Max Weber, Familial Authority, and Modern Western Political Development

Max Weber and his followers have done the most work relating the formation of national conscript armies to the development of the modern nation-state.⁴ However, nearly a century of such work has ignored the centrality of familial authority in the process of modern Western political development. In Max Weber's view of the modern state, the sources of

⁴ Although, with the exception of the work of Meyer Kestnbaum (2002, 2005), few historical sociologists have closely examined how the process of creating national standing armies occurred.

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the modern state's legitimate domination sprang from the modern state's basis in rational-bureaucratic authority, articulated in clearly prescribed rules, and staffed by salaried officeholders. With the bureaucratization of the state and its depersonalization of administration, a marked separation emerged between the public sphere – that is, the sovereign state – and the private sphere of individuals. Furthermore, Weber claimed that state sovereignty was no longer vested in individual authority, but in a rationalized, objective legal order. This form of impersonal rational-bureaucratic authority stood for him in contrast to two other forms of legitimate domination, namely traditional and charismatic authority, both of which were grounded in personal authority. Traditional domination was most commonly found in patriarchal, patrimonial rule, where the household of the lord had been decentralized and extended, and where subjects outside the narrow household remained dependent on the master and had to continuously prove their loyalties. In turn, the ruler's power was deemed legitimate insofar as it was understood to be grounded in tradition.⁵

Weber noted in *Economy and Society* that the army of the modern state was characterized by its bureaucratization, tying it to the modern state's capacity to engage in constant territorial pacification.⁶ Through the transfer of military service from the propertied to the “unpropertied,” the modern military needed to expand its bureaucratic apparatus in order to furnish soldiers with material provisions for soldiers who would not otherwise have had the necessary equipment for training and warfare. Weber further elaborated that such an expansion in functions also entailed increased costs, and thus states needed to further organize new bureaucratic structures in order to finance the assimilation of military provision into the state apparatus. Weber presumed a fairly wholesale transition to universal conscription, and viewed this transition as entailing a transformation of military service from an honorific privilege or from hiring the underprivileged to a more expansive and uniform institution.

Weber did not, however, elaborate further on how the modern army's incorporation of unpropertied masses affected the character of the modern bureaucratized army alongside its principles of legitimation. This is notable given that his investigation into the bureaucratization of the modern army is embedded within his typology of social structures of domination and their respective principles of legitimation. For Weber, types of political domination could not be reduced to mere form, but were

⁵ Weber 1978: 998–1020.

⁶ *Ibid.*, 980–981.

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fundamentally rooted in types of legitimation.⁷ Weber might have presumed that as a public organization operating through rational rules, the expansion of military service gained legitimacy through the very application of impersonal, rationalized rules, especially because he believed that bureaucratic organizations tended to level economic and social differences so that bureaucracies were a regular characteristic of mass democracy.⁸ Still, he left it to subsequent generations of scholars to further specify the principles of legitimation grounding the shift to mass armies.

Conscription, a major ingredient in modern states' coalescence of the legitimate means of violence, is a telling site for gauging the legitimacy of state authority. Extractive policies requiring duties of citizens especially necessitate a threshold of legitimacy to be achieved among a state's citizens. This has been Margaret Levi's key insight in explaining the low levels of conscription evasion and popular dissent against twentieth-century conscription.⁹ Levi argues that the general trend toward elimination of class-based privileges in conscription rules, in addition to some exemptions provided on the basis of conscientious objection in countries such as France, the United States, and other liberal democracies, explains the contingent consent modern states generated among their citizenry, creating a policy bargain wherein citizens perceive conscription rules to be fairly distributed. Few scholars other than Levi have analyzed the veracity of the supposed "universality" of military service.¹⁰ Strict universality in itself does not legitimate conscription. Rather, exceptions perceived as fair do.

Even so, why the prevalence of *familial* exemptions? Levi emphasizes the abolishment of class-based exemptions, with some space for conscientious objection as a just outlet. Yet, why do we find familial exemptions in both France and the United States, where the ideological and institutional organization of conscription differed significantly from one

⁷ See especially Collins 1986.

⁸ Weber 1978: 983. Historian Ute Frevert has shown that some German states had at various points exempted men from conscription for family-related reasons (see Frevert 2004), so that exemptions were not completely foreign to modern German conscription practices.

⁹ Levi 1996, 1997.

¹⁰ Another exception is the work of historian Peter Beattie, who has shown how conscription in late-nineteenth-century Brazil transformed from an institution that punitively "impressed" the dishonorable poor, including unmarried men or men who failed to support their dependents, to a more disciplinary institution that sought to reform men and foster honorable service. See Beattie 1996, 1999, 2001. See also Meznar 1992 on Brazilian conscription's focus on the poor.

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another? One cannot find an answer to this question through a direct application of Max Weber's ideas regarding the modern army, bureaucratization, and the modern state's rational-bureaucratic authority, for the simple reason that the possible persistence of familial authority in Western political development was outside the sphere of Weber's interests.

In surveying *Economy and Society*, we can note that Weber frequently commented on the salience of household authority and kinship networks in organizing a wide variety of social and political patterns, yet household authority and kinship networks were vested with explanatory power in describing developments in the past or in faraway cultures distinct from modern European (or American) social and political life. Where household organization was once key to economic action, he argued, households lost their centrality as the seat of economic activity with the rise of Occidental capitalism¹¹; the monopolization of physical force by the modern political community supplanted the competing and sometimes contradictory overlap between kin, household, and neighborhood loyalties¹²; patrimonialism was forged from the extension of administrative offices out of household patriarchal authority, yet this too had all but disappeared with the rise of rational-bureaucratic authority that ruptured the primacy of the political household and the protective functions of kinship associations; in the Occidental Medieval city, citizenship was already premised on a dissolution of clan ties and a direct sworn allegiance of the individual citizen to the city's local associations.¹³ All told, Weber persistently placed modern Western political development along a developmental axis that disembedded political organization away from the household, the *oikos*, the clan, or the sib.

More recent followers of Weber's sociology of domination identify conscription systems as a central variable in explaining states' monopoly of violence, and the national state as the principal modern state form. Drawing from Weber's characterization of modern statehood, they too view the state as a modern organization of domination that co-opted control and access to means of violence away from other entities such as kinship groups and "warrior consociations."¹⁴ This Weberian conception of the state forms the backbone of some of the most prominent scholarship characterizing modern state power, alongside scholarship arguing for the

¹¹ Weber 1978: 377.

¹² *Ibid.*, 367.

¹³ *Ibid.*, 1246.

¹⁴ *Ibid.*, 901.

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importance of geo-military competition in accounting for modern state formation and disparate regime development.¹⁵ Charles Tilly's *Capital, Coercion, and European States, AD990–1992* especially articulates the interrelationship between war-making, revenue raising, and the formation of modern citizenship.¹⁶ However, Tilly and others also neglected consideration of what happened to familial authority with the development of modern states, likewise presupposing that the overlap between patriarchal authority and state authority typified by older forms of state rule such as that of patrimonial rule is no longer relevant in accounting for modern state development.¹⁷

Randall Collins's unique synthesis of Weber's sociology of family and kinship proposes that economic and military conditions determine family forms, and to the best of this author's knowledge, he is the only scholar to have noted the systematic link Weber made between the configuration of kin groups, internal household dynamics, and types of military organization.¹⁸ Collins stands out in recognizing that family, kin, and/or household organization were often integrally linked to types of military organization, and throws light on how the correlation Weber notes between the disarmament of households with states' monopoly of violence is not a discrete observation in Weber's sociology of domination, but rather is one specific arrangement within a long and diverse history of family and military organization, which Weber uncovers. However, while Collins comments on the decline of the "military kin group" and hypothesizes about the factors enabling the development of the modern nuclear family, he does not further postulate how the modern nuclear family might continue to be related to states' monopoly of violence and military organization. On the whole, a view of the modern state as based on bureaucratic, impersonal rational authority, free of familial authority, is so completely taken for granted by neo-Weberians that it is never explicitly reflected on.¹⁹

There are obvious parallels between my criticism of Weberian approaches to modern state development and feminist criticisms of liberal political theory. Such criticism has shed light on the web of human

¹⁵ See Anderson 1974; Downing 1992; Ertman 1997; Giddens 1987; and Mann 1993.

¹⁶ Tilly 1992.

¹⁷ Although Miguel Centeno points to conditions leading to the failed articulation between war and state-making in Latin America, he too does not consider familial authority as relevant to the war-making and state-making dynamic. See Centeno 1997, 2002.

¹⁸ See especially Collins 1986, chapter 11.

¹⁹ E.g., Bendix 1978; Giddens 1978; Mann 1993; Poggi 1978; Tilly et al. 1975.

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dependencies and inequalities within the family ignored by classical liberal thought, a silence that enabled the construction of a theory of formally equal male citizens composed of abstract, disembodied, and rational individuals, effected by contrasting the abstract rational male to the embodied, dependent, and domestic woman.²⁰ While agreeing with this assessment, *Conscription, Family, and the Modern State* wishes to move the feminist gaze elsewhere; rather than inquiring into the exclusions enabling a theory of individual equality and rights, the book scrutinizes political debates, state practices, and the actual embeddedness of state authority in familial authority. The false abstraction that begs to be reconsidered within the Weberian tradition of state theory is the supposed abstraction and disembeddedness of the modern, rational-bureaucratic state and its formal legal structure from gendered structures of familial authority. If we understand familial authority as a competitor to the modern state, we can comprehend that successfully extracting military service from conscripts' families would have been untenable without some modicum of legitimacy for doing so. Familial exemptions were seen as just, legitimating the institutionalization of such a difficult and potentially unpopular extractive policy. Familial exemptions were the sugar that helped the medicine of conscription go down.

Feminist State Theory – Going Back, Going Forward

Julia Adams has argued in her retooling of the Weberian ideal type of patrimonial rule that gender and family have been neglected in considering the development of state power and institutions. Adams finds that the patriarchy underpinning the development of patrimonial rule is treated by Weber as a natural form of superiority, where men are “normally” physically and intellectually superior to women and hence are dominant in the household and, by extension, over their patrimonial dependents.²¹ In her study on Dutch patrimonialism, Adams offers her own corrective to this assumption by elaborating on the hard work of maintaining patriarchal rule intrinsic to patrimonial authority, tracing

²⁰ E.g., Elstain 1981; Fauré 1985; Kerber 1980, 1998; Minow and Shanley 1996; Okin 1979, 1982, 1989; Pateman 1988b, 1989; Scott 1996; Shklar 1969. Jacqueline Stevens (1999) goes even further and argues that marriage and kinship rules (including those affecting immigration) constitute the most basic structures of the modern state, so that marriage and immigration rules themselves reproduce the state.

²¹ Adams 2005a: 33, and 2005b. See Weber 1978: 1007, for his view on men's natural physical superiority.

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the complex strategies adopted by elite families in the early modern Netherlands in reproducing power, forging alliances, and recruiting new members through marriage, inheritances, and distribution of state offices. Notably, Adams does not treat patriarchy as a form of monolithic male domination over women, but rather examines familial practices organized around male heads of extended families whose patriarchalism overlapped with political authority.²² Such familial practices proved to be malleable in some exceptional cases where women could co-opt the symbol of political parent. Still, Adams associates patriarchalism with early modern European rule and does not challenge Weber's sequencing of modern Western political organization.

Adams stands in discussion not only with Weberian approaches to patrimonialism, but also with feminist scholars of patriarchy dating primarily from the 1980s. Marxist-feminist work from that period argued that modern states were deeply patriarchal and worked to undermine female autonomy and gender equality by forcing women's economic dependence on husbands and sometimes on the state.²³ Catherine MacKinnon's work from the late 1980s took the Marxist-feminist insights further by claiming that the liberal state was essentially masculine in its interests.²⁴ Her account of patriarchy stripped the concept of patriarchy of its distinctly *familial* content. The next wave of feminist scholarship from the 1990s especially rejected MacKinnon's view of the liberal state as essentially male. However, scholars such as Eileen Boris and Peter Bardaglio, whose work had preceded that of MacKinnon, had treated patriarchy as a relationship where husbands and fathers held sovereign power over wives and children, and where this household authority over wives and children was supported and usurped to varying degrees by the modern state. MacKinnon, and then her feminist detractors, led to a subtle, but consequential, redefinition of patriarchy as an extensive form of masculine domination embedded within the state, emptied of its familial origins, and 1990s scholars in turn began to shun grand statements about the interplay between patriarchal (read: masculine) authority and the modern state in favor of more focused country case accounts of men and women's social citizenship.

²² On the overlap between patriarchalism, political rule, and state formation in early modern France, see Hanley 1989, 1994, 2003; Merrick 1993, 1994, 2009; and Hardwick 1998.

²³ E.g., Abramovitz 1988; Boris and Bardaglio 1983; Brown 1981; Eisenstein, Z. 1983; Eisenstein, H. 1985; McIntosh 1978; Pateman 1988a; Zaretsky 1982.

²⁴ MacKinnon 1989.