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Contemporary issues of family conceptualization in France, from crisis of social integration to “Mariage pour tous”

In memory of my beloved maternal grandfather Louis Vezzoli (1923–2016)

Today's family is neither more nor less perfect than that of yesterday; it is different because circumstances are different. It is more complex because the environment in which it exists is more complex. And that is all.

(Émile Durkheim, Introduction to the Sociology of the Family, 1888)

Introduction

Considering the classical sociological viewpoint, family appears as the basic institution of social life. Because of the specific anthropological organization of breeding in modern societies, most of us live through an important experience of family relationships, in terms of education, of everyday life, and of the first ordeals of life. For sure, the French society and its formal and social institutions show an historical significance of family during its construction. Most of people spend many years living with other individuals considered “family,” from the parents to, sometimes, the person chosen to start a family with.

People considered family are generally linked to different kinds of events and rituals of social life, like weddings, anniversaries, Christmas, funerals, etc. But this appearance of continuity created by the faces and the rhythm of personal

meetings must not hide recent evolutions and important differences within the concept of family, and certainly between different social contexts. Beyond the impression that family is related to intimacy, the State and the society remain concerned with many aspects of its social construction. Moreover, we can remark after Béatrice Houchard that the political field hasn't forgotten the question of the family but has been making this topic more and more explicit since the end of the 1990s¹.

Despite the construct of a commonsense representation of a "normal family" prevalent since the 19th century in France known for conjugal and heteronormative features, one can come up with more and different ways to build and claim a family. Generally speaking, the constitution of a couple became more complex since the 1960s (Kaufman, 1993), through the "contractualisation of the couple links" (Théry, 2001: 498). The valuation of the individual experience seemed to transform the social mechanisms linked to family (De Singly, 2007). By elsewhere, the recent decades showed a decrease of the duration and the volume of the families. In 2008, there were 129 400 divorces (that is to say 10.6 per 1000 married couples), against 38 900 (that is to say 3.3 per 1000 married couples) in 1970². In 2011, 1.5 million (11%) children under 18 lived in blended families and 2.5 million (18%) in single-parent families (Lapinte, 2013).

More recently, important legislative transformations lead to official full recognition of same-sex couples that in the collective imagination were the less legitimate form between the various types of "new families" (i.e., blended and single-parents families). This evolution tends towards complexity in a way as to consider the model of the contemporary nuclear family. Some observers came to talk about a 'désinstitutionnalisation' of the family observed through the growth of the importance of individual decision and its consequences (divorces, acceptance of one's sexual orientation, choice not to have children, etc.). This viewpoint entails the impulse to quickly conclude the reign of the individual choice and its allegedly subsequent state of common social uncertainty caused by the destabilization of the family. Nevertheless, because it sounds close to current representations and is used as an argument in the few harsh reactions to the recent evolution concerning the legal recognition of homosexual unions, we must take it seriously and analyze the contemporary issues concerning the institutions of the family in France and what we can call, with the words of Jean-Hugues Déchaux (2008, 2010), a change in the regulation of the family.

As this chapter is intended for non-French readers, it will start with providing general information concerning the sociohistorical and political construction of the concept of the family in France, and also emphasizing different changes

¹ She recalls that before the 2000s, "family, children, nurseries, 'nannies', babysitters, were old wives' business or, on a more political level, a topic of the extreme-right wing" (Houchard, 2001: 36, trans. S.B.).

² http://www.insee.fr/fr/themes/document.asp?ref_id=T10F032.

in the “model” since the 1960s. Having done that, the discussion will focus on contemporary shifts and the specific uncertainty they bring to show that the change in the regulation of the family cannot be explained only by moral and private mechanisms, but also by external aspects linked to two quite opposing dynamics: on the one hand, the propagation of democratic principles inside a social institution mainly built on gender inequality calls into question several certainties; on the other hand, socioeconomic precariousness and a wider lack of social recognition that can lead people to have difficulties with accepting the widening of access rights for other people as in the case of the “*Mariage pour tous*” (“Marriage for everyone”).

The evolution of the representations of the French family model

The French society appears solidly founded on the institution of the family. As historians and sociologists recall even recently, the family in general (and the marriage in particular) was the subject of institutional work by the State or the Church, first synchronously (under the Old Regime) then in a kind of competition (following the French Revolution). Indeed, the Civil Code adopted in 1804 under Napoleon’s reign promoted a specific role of the State in the marriage and then in the family shape. The authorities sought to diminish the effects of filiations by recognition of benefits to couples of parenting, providing legal and tax benefits to married persons.

It could be said that the benefit of marriage from the standpoint of the Church is more a moral (or indivisible) good: the sacrament of marriage means that this aspect of life is right with God. Today, we can also conclude that the objectification of a relationship by marriage is linked to another moral good called love.

The very first example of sociology taking interest in family (with Émile Durkheim and his first lessons about family at the end of the 19th century) is widespread in these issues: how family can be considered as the base of the modern society, and how its stability is important to strengthening it and avoiding anomy.

In the classical sociological approach, family is one of the key social institutions, a central agency of socialization (with school and peers). It is also a mechanism by which individuals have been integrated into wider workings of community and society. The main question of sociology was how to consider the modern family and its functions in the general division of work? The large movement of individualization and the growing consumer society

first produced a main change that can be summed as follows: “older forms of patriarchal control based on control of family production and labor were eroded, but were ultimately replaced by new forms based on the ideal of the male breadwinner and dependent, domesticated wife” (Jackson, 1999: 163). We can add that children progressively took on a specific role, with a later integration in the world of work (education, school, etc.) and more and more attention required to their development. This has something to do with the concept of “care” which also describes the gendered role of women in the world of work, stemming from the “natural” nurturing capacities popularly attributed to women.

In the first part of the 20th century, France adopted very specific laws structuring a family policy: linked to the professional categories, family allowances were created (1932) whose amount was to finally become independent of the incomes and the enterprise (1938); then, the creation of a family quotient (1945) enabled the tax burden for families bringing up children to be markedly reduced. The very precise attention of the State to the family can be found in these specific disposals of the Welfare-State, which constitute the financial family support linked to the birth of the second child without means-testing³. We can note that France is one of the only countries in Europe that began to transfer family allowance from the second child, and not the first one.

After the Second World War and especially after the end of the 1960s, family was the focus of a sociopolitical deal. France started to leave the representation of the instrumental function assigned to men (“breadwinner”) and the expressive function for women (“care dealer” or “caretaker”). In the meantime, family was progressively represented as an endangered institution, and we can point out more precisely at least three main evolutions:

- First, the progressive legitimization of moral changes including sexuality generally linked both to the emergence of the specific ethos of the consumer society and to the revolution of customs and habits around May 1968, representing the choice of a private life governed by individual choice. This was supposed to bring about consequences in terms of re-assessment of the traditional model of family, new sexual behaviors and also the progressive diminution and adjournment of fertility: women had nearly 3 children after the Second World War which number dropped to less than 2 after the mid-1970s and presently⁴, and the average age of a mother at the birth of her first child increased from 23,9 years-old in 1970 to 28,1 years-old in 2010⁵.

³ Until July 2015, all the attempts to introduce means-testing failed face to the strong objections raised after their announcement.

⁴ http://www.insee.fr/fr/themes/detail.asp?reg_id=0&ref_id=bilan-demo&page=donnees-detaillees/bilan-demo/pop_age3c.htm.

⁵ <https://www.ined.fr/fr/tout-savoir-population/chiffres/france/naissance-fecondite/age-moyen-maternite/>.

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- Secondly and more specifically, the progressive formal equalization of rights between men and women since the 1960s called into question unequal habits prevalent in the French patriarchal system. After the reform of matrimonial regimes in 1965 (French women no longer need the consent of their husbands to choose a profession or to open a bank account and have their own property), other advances occurred in the 1970s, from the formal end of the concept of the “head of household” and the replacement of “paternal authority” by “parental authority” codified by the Law in 1970, to the introduction of divorce by mutual consent and promulgation of the law allowing abortion in 1975. This period has brought notable progress in terms of women’s situation. Beyond the new encouragement for women to make individual choices so as to reach happiness, the progressive equalization also meant more chances for women in general to be independent, in terms of rights or incomes for example. Of course, few consequences linked to these evolutions, like the high rates of divorces or the increase in single parenthood, caused concerns even criticisms from the partisans of the “traditional” model of family. Like in many other situations of the social life, the commonsense considers the troubles inside the “normal” social category (i.e., heterosexual couples) as individual exceptions but the troubles inside the other categories are still apprehended as a potential risk for the “normal”/average individuals.
 - Finally and more rarely mentioned, the family reunification policy after 1975 helped people (primarily men) concerned by labor immigration to consider the opportunity to settle in France normally. This can be considered as a progress in human rights by the public wish to limit the instrumental use of people forced to emigrate from countries that were generally former French colonies in Africa. However, we must remind the negative and stereotyped image of these “traditional” families including a multitude of children, poor command of the French language and massive relegation to the disadvantaged districts or suburbs of the French cities. The French society, until the focalization of civil insecurity linked to the young people from suburbs from the 1990s, could convey a global negative image of immigrant families, in some way still perceived by some people as a threat. Now, their children form, in the collective representations, the new “dangerous classes” that were initially composed by the inhabitants of poor urban areas in the 19th century. In socioeconomic terms this evolution brought a new lower class consisting chiefly of African immigrants and their children. Indeed, according to the *Observatoire des inégalités* (French Observatory of Inequalities), immigrant households⁶ more often than other live in uncomfortable housing (2002) and

⁶ If the household does not necessary signify one family, INSEE data of 2012 remind that “complex households” (i.e., composed of two families, few single people who do not constitute a family or single people and family) form only 5.2% of the 28.3 million households (http://www.insee.fr/fr/themes/tableau.asp?reg_id=0&ref_id=amfd2).

are less likely to own any whatsoever. In 2012⁷ non-immigrant households had a standard of living on average 1.5 times that of immigrant households and 17.2% of immigrants were unemployed against 9% of the French born in France (2013)⁸. The problem is, parallel to the shifts in the composition of the popular classes becoming almost synonymous with immigrant people, that the French society increased its control on the private sphere. As Serge Paugam notices, “public policies have undoubtedly strengthened over the last decade control of popular families suspected of not ensuring the minimum conditions for child rearing” (Paugam, 2014: 342, trans. S.B.). Yet in terms of another aspect of the private sphere, namely the sexual orientation, France enacted quite more liberal legal provisions. The homosexual couples’ right to marry, allowed in many countries⁹ was introduced in France in May 2013, after several months of debates, by the so-called “*Mariage pour tous*”. Around 17,500 new marriages have been celebrated in the first year and a half¹⁰.

The anxiety linked to socioeconomic protectionist dimensions of the family

Favorable customs and habits evolutions especially for women and children in the last decades cannot obscure a quite stable importance of marriage in France. As Béatrice Houchard recalls, 86% of the population living in couples in France was well married at the end of the 1990s (Houchard, 2001: 18). One can claim that the question of the number is less important than the individual decision process. Some sociologists, focused on both the French culture of Welfare for each member of the family and the intimacy mechanisms shaped by rationalization, emphasize the role of individualism in numerous aspects of the sexual, romantic and familial experience (De Singly, 2007). Still, the issues of familial individualism cannot lead us to claiming the existence of a crisis of the familial bonds, and problematizing the family as an institution can also be

⁷ http://www.inegalites.fr/spip.php?page=article&id_article=832&id_rubrique=185&id_groupe=17&id_mot=137.

⁸ http://www.inegalites.fr/spip.php?page=article&id_article=86&id_rubrique=155&id_groupe=17&id_mot=112. 10,000 marriages were celebrated in 2014, that is, 4% of all civil marriages in 2014 (around 241,000).

⁹ Michel Huyette (2015: 26) recalls the list: Netherlands (2000), Belgium (2003), Spain and Canada (2005), South Africa (2006), Norway (2008), Sweden (2009), Portugal, Luxemburg, Iceland, Argentina and Mexico (2010), Denmark (2012), Uruguay and New Zealand (2013), and few American states. We can also mention Brasil (2013), United Kingdom (2014), and Ireland (2015).

¹⁰ http://www.insee.fr/fr/themes/document.asp?ref_id=ip1532.

understood as an aspect of democratization (Théry, 2001). In other spheres one also observes the alleged dissolution of norms, which are in reality becoming more present and more complex (Déchaux, 2010).

Despite the construction of both individual and conjugal discourse on marriage and especially the wedding ceremony, couples still seem to grant great importance to the family founded by means of this specific institution: firstly, because they do not appear so independent towards their family even if adolescence and early adulthood can nowadays be experienced as granting more independence when compared to the middle of the 20th century; secondly, this can be the occasion for the newlyweds to extend the definition of the family to their friends (Maillochon, 2011). So, the global distancing to the traditional model of linking of two families by business and/or as the pointer of endogamy is not replaced by a pure individual choice. The “family” as a normative concept is still present.

Furthermore, France remains a country where the State plays an important role: thanks to the historical construction of a strong State and the advent of the Welfare State before and after the Second World War, the State can exercise power on the private sphere. The contemporary period brought other issues on the family which has to face the socioeconomic crisis lasting since the early 1990s. Previously, the social process brought new generations to the modernization of living conditions and a wider range of choice in society (within the meaning of family generation, that is to say as a position in the family, opposition to social generation, which reflects the spirit of an era touching a certain age group). There could be social reproduction or upward mobility but the general idea was an ameliorative process. For the first time in living memory new generations have less purchasing power, and experiencing an unprecedented precariousness. The problem is that the State intervention is not socially neutral. It has always been easier to step in poor families (that are used to poor reputation when dealing with public institutions linked to private life: health, school, social assistance, etc., not because of objective acts but cultural differences – language, behavior, beliefs, etc.).

After a few decades of trying to balance socioeconomic situations within and between families, most of the family policy focused on parenthood and education. In particular, it shifted to a children-centered viewpoint that works toward the oblivion of the preliminary social inequalities and the strengthening of the moral judgment of the parents in terms of education. But the family still plays an important role in the life course of people beyond the education of their children. This can be noticed in terms of the financial family solidarity towards the young generations: for example, a cultural enhancement of independence combines it with the legitimacy of the family to help during their studies. The French social model related to public policy strongly validated activation of familial and social solidarity between generations (Van de Velde, 2014). It institutionalizes a double

intergenerational tour: ascending through the pensions (of retirement) that bind the active generations to retired ones; down to the family level, a policy primarily directed towards seniors and devoted family solidarity in protecting more young people.

The State is thus present throughout the course, but in a much differentiated degree depending on age. Combined with a labor market focus on people 30–45 years old, this regulation creates the category of the “fragile age” in the French society: family solidarity does not always compensate for difficulties at certain times in life, including the struggles of juniors/young adults and some “seniors.” Intergenerational solidarity plays an active role in safety, but might maintain social uncertainty: the young French are characterized by a particularly long and gradual attainment of independence, in which the first steps are taken relatively early, but the actual cash flow occurs much later. The mentioned parental solidarities tend to be mobilized at an increasingly later age in France, particularly in the face of growing social problems.

For example, we can consider the global extension of the residential cohabitation with parents during the first decade of 2000 in Europe as an indicator. In France, the median age of this decision is around 23 years, which is at an intermediary level between Northern European societies and Mediterranean ones (Van de Velde, 2014). We can note that, for young adults, this can also appear as the mark of a family solidarity rather than signal the difficulties in becoming materially and financially independent.

Some new forms of inequality are caused by the necessary use of family solidarity: for example the return of the “inheritors” class in the sense that access to social positions is becoming more and more conditioned by access to family resources. Indeed, the intergenerational exchanges tend to reinforce inequality between social classes (Déchaux, 2007), from the construction of the social capital (including moral support from the elders that can feed self-esteem) to the financial assistance (including material or domestic support). To take another example, in 2012, the poverty rate of people living in single-parent families was 20.5% that is to say two and a half times the national average (8.1%)¹¹.

We can distinguish two levels of a popular vision of a “normal family”: its relational structures (married parents, children, common home, etc.) and its social behavior (which means, in sum, always responding to State injunctions and being able to speak the same language as its agents). This question is linked to the so-called “filiation’s link” (Paugam, 2014), a general concept within the social links which is related to the social and formal duties between parents and children. This kind of a link is of varying power among individuals. It may break early. A mother who does not feel able to support and educate her child

¹¹ http://www.inegalites.fr/spip.php?page=article&id_article=1631&id_rubrique=145&id_groupe=9&id_mot=76.

may decide to give birth anonymously¹². Some parents may lose their parental authority and have their children separated from them by the force of Law and placed in specialized educational institutions or foster care. In a recent survey, conducted in the Paris area, French sociologists established that the proportion of people who no longer or virtually have no relationships with their father or mother, while these are still alive, is above 20% among the working class (27.9% for the father, the mother 21.3%) and decreases steadily as one climbs up the social ladder to a level below 5% among managers and high professions (4.3% to 3.6% for father and mother) (Paugam, 2014).

Sociologists generally observe that the extent harshness of State penalties grows in direct proportion to the poverty of those it touches. There is a strong injunction that carries weight in lower classes and especially immigrant ones to remain in accordance with the Republic's principles of education and secularism. In a way, the private sphere that is family is more publically observed and judged. In the end, we can consider the lower classes to recognize and face more difficulties building stable families but that they are also more subject to criticism from the State about the education they give to their children. In that sense, it is not so astonishing that some fringes of the population had morally underpinned reactions against the recognition of same-sex couples, apart from the traditional opposition for religious reasons. If one risks a statement that, contrary to popular belief, homophobia is not more pervasive amongst the lower classes but possibly takes different, class-specific forms (Fassin, 2005), one could speculate that a particular feeling of injustice can foster the negative stance towards granting new rights to sexual minorities.

The strictly bilateral concept of kinship – a child has a father and a mother, necessarily two adults of different sexes – has been undermined or problematized by blended families, the rise of adoption, use of assisted reproduction, and the exposition of homosexual unions as well as their aspiration to recognized parenting. For gay people, this recognition is an important new step since the decriminalization of homosexuality in 1982, the creation in 1999 of a form of civil union alternative to marriage (not only for homosexual persons), the “*Pacte Civil de Solidarité*” or “PACS” (“Civil Solidarity Pact”) – which gave them less rights than the heterosexual marriage grants (Rault, 2007) – and the law criminalizing homophobia in 2004. Noteworthy, however, are the stormy and sometimes violent debates or demonstrations against this law, led by an assorted movement ironically self-designated “*Manif pour tous*” (“Demo for everyone”). It reminded that homosexuality today is still considered as crime in almost one hundred countries in the world, considered one of the “social scourges” alongside alcoholism and prostitution and, not long ago, a mental

¹² This French legal provision affects a few hundreds children each year. These are then taken care of by the medical and social services (see Villeneuve-Gokalp, 2011).

illness, removed from the register of diseases by World Health Organization only in 1992. Accordingly, the archaic vision of the homosexual still persists sometimes strengthened by religious concepts considering homosexuality as unnatural.

Nevertheless, in contrast with a theoretically mediative and egalitarian model of the middle and upper classes, but also with the acceptance of alternative sexual orientation, the lower classes model remains sometimes more solidly based on the compartmentalization of masculine and feminine roles and on children's obedience (Le Pape, 2009). Contrary to the theory of the abandonment of authority, the problems noticed in the behavior of some children from disadvantaged backgrounds are less linked to unwillingness than to the impossibility of the parents to be there for them and face the problems. In some way, the opening of marriage to same-sex couples and the future prospect of allowing them to officially bring up children sounds contradictory to the residual traditional family model of the French society.

Conclusion

This chapter looked at general features of family construction in the contemporary French society and showed that with the recent complexity of customs, the institution of family suffers from a paradox yet to be understood: on the one hand, it still remains stable in terms of representations of the aspiration it conveys, but on the other, its formal structure becomes more heterogeneous and some of its rituals are the object of reappropriation by more and more diverse social subclasses. As Dana Berkowitz shows in the American context (2011), gay parents are but one dimension of a broader family change; their increasing visibility coexists with a decrease in nuclear heterosexual families and a rise in lesbian families, single-parent families, blended families, voluntarily childless heterosexuals, cohabiting heterosexual couples, and families constructed through adoption and assisted reproductive technologies.

One of the main problems of sociology is the difficulty to pay attention to these categories of thinking, remaining wary of the risks of essentialisms about sexual orientation and of the persistence of the patriarchal culture. Certainly, the very recent surveys seem to show the progressive acceptance of families built by homosexual couples, by public opinion, including their child rearing and care¹³.

¹³ In 2014, an opinion poll showed that a (small) majority of people respond that they think that a child can grow in the same way in a family with two mothers or two fathers than in a family with a father and a mother (http://adfh.net/wp-content/uploads/2014/10/112512_Ifof-ADFH-

Still, remaining sensitive and recognizing the anxieties causing not granting newly constructed families legitimacy could facilitate mutual understanding and acceptance, especially in the social groups where traditional family remains sometimes the only source and thus ideal of stability, and whose socioeconomic parameters have them at a disadvantage on the road to realization.

In that sense, it should be important to never disconnect the thinking about customs and habits evolution with the socioeconomic contexts of their effectiveness. The next romantic and social revolutions, like the disconnection of love and sexuality and new forms of unions in Western countries like “polyamory,” being a critique of monogamy and exclusivism in romantic relationships (Varela, 2015), will deeply problematize family again and opinion makers should pay attention to the general public’s reception of new forms of familial organization and unions.

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