

## Labour

Journal of Canadian Labour Studies

## Le Travail

Revue d'Études Ouvrières Canadiennes

# Luke Taylor, Constructing the Family: Marriage and Work in Nineteenth-Century English Law (Toronto: University of Toronto Press, 2022)

Cynthia Comacchio

---

Volume 93, Spring 2024

URI: <https://id.erudit.org/iderudit/1112041ar>  
DOI: <https://doi.org/10.52975/lrt.2024v93.022>

[See table of contents](#)

---

### Publisher(s)

Canadian Committee on Labour History

### ISSN

0700-3862 (print)  
1911-4842 (digital)

[Explore this journal](#)

---

### Cite this review

Comacchio, C. (2024). Review of [Luke Taylor, Constructing the Family: Marriage and Work in Nineteenth-Century English Law (Toronto: University of Toronto Press, 2022)]. *Labour / Le Travail*, 93, 357–358.  
<https://doi.org/10.52975/lrt.2024v93.022>

de ne pasachever sa démonstration, en ne s'attardant pas en profondeur à des exemples concrets de grèves féministes déployées dans les dernières années.

La place du territoire dans le discours féministe sur la reproduction et dans les luttes actuelles en Amérique latine est à l'avant-plan du troisième et dernier chapitre. De fait, la généalogie précédemment déployée permet à Montanaro de dessiner les contours de la notion de corps-territoire, qui postule un rapport inextricable entre un corps et le territoire « qui l'entoure et le fait vivre. » (171) Ce corps-territoire est théorisé comme une « idée-force » ayant spécifiquement émergé des féminismes décoloniaux et autochtones/indigènes, mais aussi comme une méthode de lutte « qui permet de vivre et d'expérimenter un rapport différent au corps » (157). *Théories féministes voyageuses* nous amène ainsi à la rencontre de groupes de femmes partout sur le continent (entre autres au Guatemala et en Bolivie) qui défendent les territoires, les cours d'eau et la santé des populations, mais aussi leur intégrité face aux violences patriarcales perpétrées par leurs propres communautés. L'autrice brosse entre autres un portrait particulièrement convaincant des luttes que ces mouvements féministes communautaires mènent de front contre l'extractivisme dans la région en mobilisant le corps-territoire comme ancrage théorique et comme méthode de résistance. Ce faisant, ces derniers font entendre que les violences extractivistes contre les territoires relèvent de la même logique, du même système, que les violences perpétrées contre les corps féminisés.

Résolument militant, intersectionnel et attentif à la parole et à l'expérience des principales concernées, *Théories féministes voyageuses* déploie une philosophie féministe qui invite à

l'action et à tourner le regard vers l'avenir des luttes transnationales contre les violences systémiques à l'égard des femmes. L'ouvrage s'avère également une contribution intéressante au champ de l'histoire des féminismes transnationaux.

FRÉDÉRIQUE MONTREUIL  
Université du Québec à Montréal

**Luke Taylor, *Constructing the Family: Marriage and Work in Nineteenth-Century English Law* (Toronto: University of Toronto Press, 2022)**

THE HISTORIOGRAPHY on the family has made great strides since the 1960s when the idea of the family economy as a fundamental element of working-class life began to be taken seriously. Advances in the histories of women, gender, and children, increasingly based on a Marxist-feminist understanding of social reproduction, opened the way to new theoretical frameworks. Social construction approaches, initially thought to clash with and undermine materialist approaches, were eventually found to support them instead.

Legal historian Luke Taylor proposes to approach these interrelated subjects by focusing on “the ideational and ideological” structures of the law and legal thought to demonstrate how particular “intellectual and institutional moves and processes” were elemental in devising “the disaggregation of the legal household and the emergence of Family Law; and, in so doing, reveal[ed] the constructed, contingent nature of the legal family and its specialized domain of Family Law.” (17) The law was an active, involved agent in dividing family and work into “separate spheres” to suit both patriarchy and production. He stresses “the mutability of ideas and rules” on which this historical outcome depended, and, consequently,

the understanding that “the family” is not a fixed entity but can be challenged and changed to better suit those who live, as their class, gender, race, and age have always required them to do, far below the power structures of law, government, and capitalist wealth.

Taylor’s work is effectively both an examination of much of the international historical literature in these subject areas and of the legal documents, publications, and case studies that constitute an impressive body of evidence. He capably synthesizes these materials while bringing forward some incisive new conceptualizations. Many of the legal sources, covering the “long 19th century” (beginning with 18th century industrial advances), have never been examined, at least not in such depth and detail. That he has immersed himself in critical reading of both the historical texts and the contemporary published literature is evident in how he uses them to consider the changing family in relation to industrialization, class formation, the making of a working class according to lines of gender, age and status, and new expectations of the state.

Taylor’s introduction lays out the concepts, theories, and sources that inform the study, providing a succinct overview of historiographical and multidisciplinary trends over time. What follows, in four comprehensive chapters, are analysis focussing on Women, Work, and the Domestic Sphere; Youth, Work, and the Paths of Apprenticeship; Legislating Marriage; The Public Importance of Marriage in English Common Law. The concluding chapter sums up each previous chapter and offers several suggestions for further discussion. He contends, for example, that the early 21st century legalization of same-sex unions, inaugural as it may seem, can also be seen “as part of a much longer effort on the part of the English state to reinforce the centrality

of marriage in family life.” (352) Despite the long history of oppression and repression upheld by law, his closing argument is notably hopeful: “the legal regulation of family and work relationships is far from immutable – and ...further change, if desired, is possible.” (359) There is also a truly encompassing bibliography of both primary and secondary materials; the former not only demonstrates the scope of Taylor’s original research but will also be of tremendous benefit for those searching for historical sources in related subjects.

Taylor has produced a necessary reference for all who work in the interrelated subject areas of family, class, work, gender, age relations, and the relations of an expanding modern state increasingly intent on regulating social reproduction by regulating families. He takes great care to integrate his original work in the legal texts and cases with the extant literature across a number of fields and disciplines. The detail regarding these new findings and the varying theoretical frameworks into which they fit is most impressive, though at times overwhelming, especially in its reiteration. If this means frequent re-reading to get a grasp of what the author is saying, there is no question that he is saying much of interest.

CYNTHIA COMACCHIO  
Wilfrid Laurier University

Lise Vogel, *Le marxisme et l’oppression des femmes. Vers une théorie unitaire*  
(Paris: Éditions sociales, 2022)

QUATRE DÉCENNIES après sa parution initiale, voici enfin la traduction française d’une œuvre majeure du répertoire marxiste féministe, *Marxism and the Oppression of Women. Toward a Unitary Theory* (Rutgers University Press, 1983), aux Éditions sociales de Paris.

L’initiative de cette traduction semble se situer, comme il est écrit en