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Michael Breen, *Law, City, and King: Legal Culture, Municipal Politics, and State Formation in Early Modern Dijon*. Rochester, New York, and Woodbridge, Suffolk: University of Rochester Press, 2007. xv + 307 pp. Maps, figures, tables, notes, bibliography, and index. \$75 U.S. (cl). ISBN-10: 1580462367.

Review by Jonathan Dewald, University at Buffalo.

Using the time-honored methods of regional analysis, *Law, City, and King* addresses a series of fundamental questions about French political life in the seventeenth century: about the place of legal knowledge and lawyers in the early modern period, about historians' understanding of absolutism and the societal interests that it tried to serve, about the emergence of public political debate in the eighteenth century, and (broadest of all) about the development of the middle classes. As Michael Breen notes, historians have accorded this last question much-reduced attention in recent years, despite its centrality for earlier generations of scholarly theorizing. His other questions have been closer to the top of the profession's recent agenda, but his book supplies carefully documented and new answers to them. This is a fine contribution to an important set of ongoing debates, and a welcome instance of how a history of the French middle classes might be rewritten.

Breen's arguments stress the vitality of Dijonnais political life through the mid-seventeenth century. Local patriotism remained strong, and urban government dealt with significant issues, despite the presence in the city of competing institutions like the *parlement*. Nor did the eminence of the province's ultra-aristocratic governors--drawn during most of the period from the Condé family, the king's cousins--seriously reduce the city's autonomy; Breen demonstrates the respect with which the Condé treated the city and their good humor when it occasionally asserted itself against the family's wishes. In Burgundy as throughout France, most lawyers by 1600 already found themselves excluded from high-end venal offices like the major judgeships, but city hall offered them an attractive alternative outlet for political ambition. Lawyers supplied a third of all city councilors between 1596 and 1667, and their numbers actually rose over the period. For good reason: much of the city's most pressing business involved legal issues, so the lawyers were welcome for their expertise in addition to the solid respect that they enjoyed within the community. But their role derived from more abstract considerations as well. Legal reasoning, Breen emphasizes, framed much political thought in the sixteenth and seventeenth centuries, presenting the city as a contractual partner within the state: subordinate but enjoying well-defined, long-established rights. In such circumstances, the lawyers were the century's most visible example of the Aristotelian "political animal." They understood themselves in these terms, and others shared their view.

But conditions changed after mid-century. Relations with provincial governors deteriorated for reasons that were partly accidental (the arrival of new figures, with an edgier outlook) but that ultimately reflected new attitudes on the part of the king. The *intendant* became an increasingly visible presence, determined to bring fiscal responsibility to the local scene; even relatively minor expenses now required his approval. Most important, Louis XIV himself applied new rules to the political game. He insisted on naming municipal officers himself (eventually he would sell these positions), reducing elections to mere ratifications, and he required that all serious decisions be made by the royal administration. Breen persuasively cites late seventeenth-century municipal correspondence to demonstrate the new attitudes that these moves produced in the city. In place of the municipal pride that characterized the early seventeenth century, Dijon's late seventeenth-century city councilors refused to take even minor actions

until they had received explicit instructions from the crown. In effect local politics had ceased to exist; the city was now a cog in the royal administration.

This was bad news for the lawyers on both conceptual and practical grounds. Law—with its emphasis on precedent, rights, contractual relations, and contestation—no longer provided contemporaries with their basic political ideas, and there was little use for legal expertise in managing the city's affairs given that the city was now expected merely to carry out its superiors' orders; nor could lawyers compete as local government joined other institutions as a zone of venal office-holding, given their generally modest financial standing. Hence the lawyers were progressively eliminated from local government: in the first two-thirds of the century, half of the city's lawyers spent some time in city office, whereas after 1668 only one-eighth did. In response, they turned to the state itself, buying such minor offices as they could afford and working for the *intendants* as sub-delegates.

Such findings of course relate to recent debates about the usefulness of “absolutism” to describe seventeenth-century government. In contrast to much recent discussion of the issue, Breen insists on the term’s continuing relevance. Louis XIV, he shows, brought radical changes to the relationship between crown and periphery by silencing alternative political voices and destroying a municipal life that had been marked by broad participation. On the other hand, Breen’s findings fully conform to recent stress on the monarchy’s close alliances with upper levels of French society. In particular, the municipality’s decline brought added power to the Condé family, who called many more of the local shots after 1668 and clearly enjoyed the king’s confidence in doing so.

Breen’s findings also have implications for a second area of recent historical debate surrounding the emergence of a new political culture in the eighteenth century, one characterized by respect for the public’s opinions about its rulers and by new sites for exchanging views—what historians over the past generation have described as the emergence of a public sphere. Like other students of the sixteenth and seventeenth centuries, Breen stresses continuities in this respect over the early modern period; the intensity of Dijon’s local political life through the mid-seventeenth century demonstrates that the public sphere was no Enlightenment invention, whatever changes the eighteenth century may have brought. But Breen also shows that the lawyers’ views of public life evolved as Louis XIV excluded them from it, and this evolution meant that the eighteenth century witnessed fundamental changes. A new degree of anger appeared in lawyers’ discussions of politics, and even before Louis’s death some had begun to voice startlingly radical ideas. More typically, anti-absolutist ideas found expression in technical legal and historical scholarship. An idea of public discussion had long existed in Dijon, Breen concludes, but absolutist policies had driven the lawyers to a stronger commitment to its proper functioning. Of special significance for the future, the lawyers’ political thought became less legalistic, with more references to abstract standards of reason and justice as bases for politics, fewer to precedent and contractual obligations.

These arguments rest on impressive research, both in Dijon’s civic records and in the surprisingly extensive records that the city’s lawyers left of their private lives and thoughts; Breen also displays a wide and sympathetic understanding of other historical research on these issues. (Hervé Leuwers’s *L’invention du barreau français 1660-1830: La construction nationale d’un groupe professionnel*, which appeared after this study was completed, should now be added to that list.) One’s questions thus arise not from disagreement with the book’s findings, but from an interest in where the study of lawyers might head next. Breen has taken an important step in reopening the history of this prime example of the middling sort, but surprising topics remain for further research, starting with the question of legal livelihoods. As Breen notes, it is not clear how much lawyers were paid or how many of them could earn a respectable living from their work, even in a litigation hotbed like Dijon. Throughout the period, French law schools seem to have produced far more graduates than the field could ever sustain, and even the minority who entered private practice could not all have lived from it. If such statistical facts are clear, we do not seem to have much insight into how the lawyers dealt with them or how the crowds of law

students envisioned their futures. A further mystery only sharpens the question: French litigation declined significantly in the eighteenth century, part of a Europe-wide trend to which Colin Kaiser, C. W. Brooks, and Richard Kagan have all drawn attention.^[1] Historians have perhaps not found this last fact as surprising as they might; after all, population, societal wealth, market exchanges, and personal self-assertiveness all rose after 1700, and each change might be expected to encourage litigiousness. The effects of declining legal business might also deserve attention. Did the situation confront the lawyers with new practical problems, and did it generate new discontents? It's a mark of Michael Breen's achievement that his book points to a whole series of further investigative trails.

NOTE

[1] Colin Kaiser, "The Deflation in the Volume of Litigation at Paris in the Eighteenth Century and the Waning of the Old Judicial Order," *European Studies Review* 10 (July 1980):309-36; C. W. Brooks, *Lawyers, litigation and English society since 1450* (London and Rio Grande, The Hambledon Press, 1998); Richard Kagan, *Lawsuits and litigants in Castile, 1500-1700*, Chapel Hill, The University of North Carolina Press, 1981.

Jonathan Dewald
University at Buffalo
jdewald@buffalo.edu

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