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The King's Bench: Bailiwick Magistrates and Local Governance in Normandy, 1670-1740

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Kettering demolishes the legend that Luynes was low-born. He came from a solidly respectable family of the sword nobility in the Midi which had served the crown militarily for two centuries. Although badly educated, he was not stupid, but “an intelligent, ambitious realist who had spent his life at court and knew how it operated” (p. 51). According to Kettering, he was “no greedier or more ambitious than other courtiers” (p. 103). His documented fortune at his death was no larger than that of many other royal favorites. Nor was his clientele excessively large by great nobles’ standards. By skillful manipulation of the court nobility the duke helped to defeat the Queen Mother, winning the respect of the great nobles at no financial cost to the crown. As Keeper of the Seals, he could preside over the king’s council, but, if Kettering is right, his influence over decision making, though significant, was not paramount, for he always deferred to the king’s wishes. “His was a voice of caution in the inner circle of the king who loved to play soldiers . . . He was a self-proclaimed peacemaker and moderate who regularly consulted the conservative greybeards” (p. 176). Kettering admits that as a Constable lacking military experience he was a failure and contributed to the debacle that was the siege of Montauban. She devotes a whole chapter to an examination of the bulky pamphlet literature that attacked Luynes as well as his own response to it that historians have largely ignored. She concludes that his historical importance has been overlooked “because Richelieu’s dislike of him has dominated historical literature” (p. 237).

At times the reader may feel that Kettering is guilty of special pleading. Where evidence is lacking or confused, she tends to give her hero the benefit of the doubt. Her thematic approach to his ministerial career also leads to repetitiveness. These are minor blemishes, however, in a book that is both scholarly and lucid. While doing justice to an unfairly neglected historical figure, it adds significantly to our knowledge of power politics at the court of France on the eve of Richelieu’s rise to power.

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ZOË A. SCHNEIDER. *The King’s Bench: Bailiwick Magistrates and Local Governance in Normandy, 1670–1740*. (Changing Perspectives on Early Modern Europe, number 11.) Rochester, N.Y.: University of Rochester Press. 2008. Pp. xii, 326. \$75.00.

Although it is a commonplace to say that the “absolute” monarchy in France was not all that absolute, more research has been needed to explain how the state actually functioned at the local level. Through a rich and detailed study of bailiwick jurisdictions (*bailliages*), the lowest level of royal courts, Zoë A. Schneider offers an illuminating perspective on this problem. According to Schneider, bailiwick judges operated with a great deal of independence and performed critical services that gave them a position similar in many respects to English

Justices of the Peace. Unlike their English counterparts, however, the Norman bailiwick magistrates were not integrated into a larger national political system, because both the provincial estates of Normandy and the Estates General, which could have provided this link, had been eliminated.

The system in Normandy that developed under the French monarchy ended up being both functional and dysfunctional. The courts provided order, justice, and security necessary for safeguarding the family and its property, but the royal government also sold far too many offices, milked officeholders for money, and, except when taxes were at stake, left local judges to their own devices. Despite the problems created by the crown, the bailiwick magistrates formed, for the most part, a competent, professional group, albeit one somewhat disillusioned by royal policies. Thus, when the French Revolution came, they were poised to attack the abuses of the old system but came through the upheaval with their position as judges largely intact in the new regime.

Schneider’s careful, archivally based research offers numerous insights on the relationship between the French crown and local law and governance. Perhaps most important is the scope of legislative sovereignty. Legislative sovereignty—that is, the supreme right of the king to impose his law on subjects without their consent—has been central to the definition of absolute monarchy. Schneider persuasively argues, however, that customary law, which regulated property and family relations, always remained largely outside the control of the king’s sovereign claims. Bailiwick magistrates retained a great deal of legal independence because most cases tried in their courts fell under Norman customary law and concerned disputes about property and family affairs. Early in its history the monarchy had been happy to codify local custom and leave its enforcement in the hands of local judges; it really had no alternative. By the end of the Old Regime, however, the grip of the parlements and bailiwicks over customary law prevented the crown from reforming an ossifying legal system.

Because the monarchy saw the royal court system at all levels as a way to raise money through the sale of offices and additional expedients, local magistrates had to make the system work for them. Facing inadequate financial returns from a single office, successful magistrates ended up acquiring multiple offices in different sectors of local government including the town council, lower-level tax courts, seigneurial courts, and intendants’ subdelegacies. Viewed from above, the system of offices looked fragmented, but underneath the accumulation of offices meant that a small group of well-to-do landowners basically ended up running local affairs and enjoying a good return on their investment.

Although local notables turned the system to their advantage, custom did accord some protections for the poor, including a kind of citizen’s arrest. Another aspect of Norman customary law was male primogeniture, which discriminated against women and younger broth-

ers, but families often used other provisions of the law to mitigate its effects. Thus Schneider paints a picture in which the legal system was not simply applied top down to situations but was consciously used by individuals in the attempt to create favorable outcomes.

Overall, Schneider presents local magistrates as independent, resourceful, and prosperous and portrays Norman customary law as having useful and flexible features. Several questions arise from this depiction. First, Norman custom was used to litigate all manner of issues dealing with family and property, yet Schneider also argues that it was ossifying and creating a kind of legal straitjacket by the end of the Old Regime. In what respects can it be said that this fossilization was occurring? Second, if some local magistrates served as sub-delegates of the royal intendants, were all of the magistrates so cut off from the attention of the crown? Finally, if entrepreneurial magistrates succeeded in making the system work, then why did so many of them turn so decisively against the system in 1789? Schneider suggests some reasons, but the problematic aspects of the system could be probed more fully. In some ways, these questions arise from the richness and complexity of Schneider's research and do not detract from its accomplishments. All in all, her book is a welcome contribution to literature on how the not-so-absolute monarchy actually worked at the grassroots level during the reign of the Sun King and his successors.

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GREGORY S. BROWN. *Literary Sociability and Literary Property in France, 1775–1793: Beaumarchais, the Société des auteurs dramatiques and the Comédie Française*. (Studies in European Cultural Transition, number 33.) Burlington, Vt.: Ashgate Publishing Company, 2006. Pp. x, 186. \$100.00.

Gregory S. Brown has written a book about a very subtle matter, the changing yet steady role of the Société des auteurs dramatiques (SAD) in the last quarter of the eighteenth century. Although Pierre-Augustin Caron de Beaumarchais is the central figure in this story, it really concerns an entire group of playwrights who saw themselves as superior to commercial writers and who practiced a particular kind of literary sociability. Far from wanting to defend themselves against the Comédie Française, the royal theater that performed their plays, the members of the SAD took pride in their relationship with it; they sought to enhance their pay and prestige, their control over their literary productions, without endangering the ties that bound them to the actors and courtiers who controlled the troupe. Yet they did have grievances. How to negotiate this terrain and get the desired results without jeopardizing their special connections? This was a delicate game, one for which the nimble and savvy Beaumarchais seemed ideally suited. Admired yet somewhat feared at court as a devastating pamphleteer, and highly regarded by his author colleagues, he straddled the two worlds and

sought to better the situation of writers without threatening the particular kind of patronage to which the SAD authors had become accustomed. He cultivated his several important court connections, like the Prince de Conti and Jean-Frédéric Phélypeaux de Maurepas, but never lost his popularity with his public. Indeed, there is a sense in which Beaumarchais was always performing.

Historiographically this book is quite unique, as Brown himself points out: its portrayal of Beaumarchais is more nuanced than that in most biographies. Also, previous books on the Comédie Française depict the SAD as much more radical than it really was, and have told this story as an overt, polarizing conflict. The group did indeed fight for literary property rights, but not as a dissident faction. Rather, SAD recognized the fresh, reforming flavor of the young Louis XVI's court, and picked up on the sense of possibilities for change with a new king barely beyond his teenage years. These writers were civil and genteel and wanted above all else to preserve the specialness of their professional identity. Brown is at great pains to show that his method of analyzing the ways this particular group of intellectuals conceived of themselves and their position is different and better than those who have so far studied the theater of the French Enlightenment. There is a lot of blurring of categories and a refusal of binaries in Brown's analysis, a critique of oversimplification. SAD authors were not grasping and commodity-minded, as other scholars have suggested, but rather appreciative and mindful of the particular contribution they made to the social order as responsible and tasteful educators of a broad audience. Brown arrives at these conclusions by closely studying the language and rhetorical strategies of the SAD writers.

It was their hope to work within the hierarchical framework of the Old Regime. They were civil and polite. Those more noisy and critical playwrights, like Louis-Sébastien Mercier, were excluded from the SAD because they frontally attacked the actors. And yet, Beaumarchais understood the energy and vigor of some of the aggressive outsiders, and he actually effected a rapprochement between Mercier and the powerful Duc de Duras that gave Mercier more prominence, making possible his transformation into a successful author later in his career. Even within the SAD, some of the more disgruntled and less controllable members advocated the formation of alternative theaters, of at least a "second troupe." Beaumarchais acknowledged them but reined them in to safeguard the position of the man of letters within the elite establishment.

This balance was too delicate, however, the arrangement too fragile to last. In the 1780s Beaumarchais himself became disenchanted with the tameness of the SAD and grew angry at the Comédie. Consequently he was accused of being mercenary and unsociable, and the connection of literati to the court weakened. Later, in 1791, the fraught and deteriorating relations between the SAD and the Comédie were represented as a fierce fight between a despotic theatre on the one hand, and