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Pierre Bonin, Fanny Cosandey, Élie Haddad, and Anne Rousselet-Pimont, eds., *À la croisée des temps. Approches d'histoire politique, juridique et sociale*. Rennes: Presses Universitaires de Rennes, 2016. 212 pp. Notes and illustrations. €20.00 (pb). ISBN 978-2-7535-5002-5.

Review by Jeremy Hayhoe, Université de Moncton.

This book came out of a conference held in 2012 on the nature of time in early modern Europe. In the introduction, Pierre Bonin explains the logic behind the book, namely, that “la modernité doit s’envisager moins comme une période que comme une modalité dans [le] rapport au temps” (p. 7). Modernity involves a transition from a model of time that emphasizes the importance of tradition and authority to one that places the “reasonable individual” as reference for knowledge. In a presentation of the thought of Thucydides, the fifth-century theologian Vincent de Lérins, and Bossuet, Bonin argues that the transition was gradual and occurred not through substitution of one mechanism for another, but rather in a change in emphasis in terms of the equilibrium between the “divin invariant et l’humain perfectible” (p. 12). The book is based on a particular form of interdisciplinarity, bringing in various perspectives on the history of law as it relates to these issues. As is generally the case with edited books, a reviewer is faced with the choice of providing a brief summary of each chapter and attempting a thematic or general summary. Due to the wide variety of subjects covered in this book, this review summarizes each text before offering some general thoughts on the book.

The first chapter, by Jérémie Foa, analyses conflicts over time in the pacification process after the Wars of Religion. Religious rights for Protestants frequently depended on the ability to demonstrate past practice in a given place, which was often difficult or impossible given that their meetings had been conducted in secret. Often, the precise dating of an event determined whether amnesty applied or not. And Protestants resisted the mandated forgetting of religious violence through attempts to preserve churches in ruins as a silent witness to their suffering. The second chapter, by Christophe Duhamelle, is about the ways that Catholic villagers in one region of Germany in the eighteenth century reacted to religious change that church administrators justified to ordinary parishioners as modernizing improvements. While religious authorities saw villagers as slaves to routine for whom all change represented corruption, Duhamelle argues otherwise. They accepted some reforms (such as the reduction in the number of holidays, which allowed them to earn more money) while others, such as changes to the hymnal, divided them. While they did sometimes refer to immemorial practices, this was primarily a way to appeal to the judicial principal of possession rather than proof of their conservatism. References to time in popular petitions were performative and judicial, and it would be a mistake to see them as proof of popular resistance to modernization. The third chapter, by Andrée Lajoie, deals with the role played by time in the denial of rights to First Nations in Canada. Canadian law acknowledges two types of rights for indigenous peoples, namely ancestral rights that pre-existed colonization and treaty rights. In both cases the time factor is commonly used by governments to limit the rights of indigenous people. Ancestral rights must have existed from before the conquest and have been continuously exercised until 1982, while treaties are generally interpreted today in a way that limits their application over time.

Part two, “Compter le temps,” starts with a chapter by Xavier Prévost on the rediscovery by Renaissance judicial humanists of a Byzantine legal treatise on time in the *Corpus juris civilis*. The treatise was a compilation of passages dealing with time, organized chronologically from shortest to longest periods, on subjects such as prescription (about half of all passages), age, and length of time more generally. There were two main editions published in the sixteenth century, and the author focuses primarily on that of Jacques Cujas. Prévost argues that the interest in this text and its chronological organisation represents the new historicism of the Renaissance and demonstrates a desire not only to understand the *Corpus juris civilis*, but to imagine the potential for improvement. This chapter was interesting, although I found somewhat implausible the argument that simply ordering legal provisions chronologically is evidence of an historical consciousness. The two remaining chapters in part two both deal with the instrumentalization of time in the French monarchy’s dealing with the nobility. At the start of the sixteenth century, Cosandey and Haddad argue, nobility was based on local criteria (military experience, the virtue that allows one to command, lifestyle, the possession of a fief) that included a time element since it was to have existed since time immemorial. This meant that proof of nobility could generally be provided by having other nobles testify that one’s family had lived nobly for two generations or more, the time period that surpassed an individual’s memory. But over the course of the sixteenth century, monarchs and great nobles started to rely on genealogical proof from archival documents. This change was accompanied by an increasing emphasis on bloodline (and a lessening emphasis on virtue). Cosandey and Haddad end their chapter with a short description of the *enquêtes de noblesse* carried out under Colbert, while Piétri analyzes the inquiries in detail for Provence. Piétri emphasizes the brutal nature of the process: the use of threats combined with a timetable that left little opportunity to organize opposition. Taken together, these two chapters underline the success of the monarchy’s attempts to impose a new absolutist model of the relationship between the nobility and the monarchy by replacing immemorial time with linear and measureable time, while simultaneously placing the monarchy outside of time.

Part three, “Interpréter le temps,” begins with a chapter by Anne-Laure Imbert on the image of trees in ruins in paintings of the Quattrocento. A tree splitting stone is a metaphor for time that is both cyclical and ever-changing. Accompanied by color images of ten paintings, the author argues that the image is representative of the contradictions of Renaissance historicism. Plants growing out of cracks in stone structures represent the new consciousness of the gulf that separated contemporaries from Antiquity. The next chapter contains Patrick Abeyre’s analysis of the evolution of the legal commentary among French Bartolists. He shows that the revival of this classical form of legal writing that seemingly continued to dehistoricize the law, actually evolved in significant ways. By historicizing ancient law, later humanists lost the ability to connect the past to the present. Rafé Blaufarb then analyses conflicts between communities and seigneurs in eighteenth-century France. He asks whether relations between lords and communities were primarily conflictual or symbiotic, presenting various recent interpretations by historians. The article emphasizes the fact that lawsuits over these questions were long and drawn-out and that judicial decisions rarely brought them to an end. In disputes between communities and seigneurs, time was therefore continuous rather than being marked by the disruptions of final judicial decisions.

The fourth part of the book, “Comprendre le temps,” begins with an article by Hilary J. Bernstein on published collections of documents demonstrating urban privileges, especially the example of Claude de Rubys’s collection for the city of Lyon. These collections organized a city’s past in a context where courts and administrators were working to reduce urban privileges. These privileges, the *recueils* implicitly argued, were earned by the city’s past loyalty to the Crown, which loyalty continued into the present. While constructing an ideal past of service to the monarchy, these compendia also presented an interpretation of the present and future where good order was maintained by the authority exercised by nobles. The second chapter in this section, by Frédéric Rouvillois, concerns a late stage in the Quarrel of the Ancients and Moderns, namely the debate over progress at the Académie française from 1680 to

1730. Long before Condorcet, Fontenelle argued that later things are necessarily superior to what came before. Rouvillois primarily examines legal issues related to this question, especially how customary law was to be understood. Perhaps unsurprisingly, Ancients liked customary law, seeing it as a self-creating organic natural law or as the result of repeated acts by everyman who “n’entend pas quelquefois ce qu’il fait...mais ne laisse de bien faire” (p. 184). By contrast, Moderns saw customary law as being wedded to the past and based in prejudice and argued for the need to codify based on reason. The last chapter in this section of the book, by François Ost, is on the acceleration of time in the law. The author begins with the question “le droit a-t-il vocation de durer?” (p. 193). Generally, conservatives see the law as a guarantee of stability, while the left calls for the implementation of a project for the future through legal reforms, but both groups often fail to see the dialectical nature of the question. Eighteenth-century written constitutions sought to free their societies from the weight of the past, but at the same time their authors wanted to bind them to a new law for the future.

À la croisée des temps is a very interesting book. It fits well with recent renewed interest in issues concerning the experience and conception of time in early modern Europe.[1] While the notion that the early modern period saw a new way of thinking about time, change, and progress is not new, the experiment of investigating this change in detail as a defining transition of the period turns out to be quite fruitful for thinking about the past. The presentation of this transition is nuanced and eschews facile dichotomies between forward- and backward-looking groups and periods. While the transition traditionally associated with the Quarrel of the Ancients and Moderns was real, together, the contributions to this book demonstrate that throughout the period from the Quattrocento to the eighteenth century, time continued to be understood both as a source of stability and permanence and as an opportunity for change. At least six of the chapters investigate the issue from a social history perspective, demonstrating both the extent to which class and estate could determine one’s conception of change and progress (Cosandey and Haddad, Piétri, Bernstein) and the extent to which different social groups could mobilize and manipulate a common understanding of time (Duhamelle, Blaufarb). As is perhaps to be expected in an edited book of this type, some contributions are more closely linked to the central *problématique* than others. It seems to me that the two chapters by Cosandey and Haddad and Piétri form a programmatic heart around which the common project was conceived. The interdisciplinary nature of the book does present some challenges to the reader, or at least to this reader unfamiliar with some of the technical aspects of legal history. Overall, though, the book presents a fruitful reflection on an important topic and will be of interest to a wide variety of historians.

LIST OF ESSAYS

Pierre Bonin, “De la modernité comme transformation du rapport au temps”

Jérémy Foa, “Temps des troubles et troubles du temps. Les dates comme arme du conflit entre protestants et catholiques”

Christophe Duhamelle, “Le temps comme droit situé: les argumentaires des opposants aux réformes éclairées dans une région rurale allemande, fin XVIII^e siècle”

Andrée Lajoie, “Le déni du temps comme instrument idéologique d’abolition des droits des Autochtones au Canada”

Xavier Prévost, “De l’instant aux cent ans. La redécouverte du *Αἰ ῥοπαι* aux temps modernes”

Fanny Cosandey and Élie Haddad, “Temps de la noblesse, temps de la monarchie (XVI^e-XVII^e siècles)”

Valérie Piétri, “Le temps de l’enquête: les recherches de noblesse en Provence sous le règne de Louis XIV”

Anne-Laure Imbert, “Un arbre à la fissure des temps: l’arbre dans les ruines dans la peinture du *Quattrocento*”

Patrick Arabeyre, “Quand Rome était éternelle. La ‘tractistique’ française du premier XVI^e siècle et les derniers feux de l’école bartoliste”

Rafe Blaufarb, “Conflit et compromis: la politique au village à l’époque moderne”

Hillary J. Bernstein, “Le livre des privilèges à l’épreuve du temps: entre histoire municipale et théories politique et sociale de la ville”

Frédéric Rouvillois, “Droit et progrès à l’aube des Lumières”

François Ost, “L’accélération du temps juridique”

Fanny Cosandey and Élie Haddad, “Conclusion”

NOTE

[1] Among others, see Alessandro Arcangeli and Anu Korhonen, eds., “A Time of Their Own. Experiencing Time and Temporality in the Early Modern World,” *The Journal of Early Modern Studies* 6 (2017); Paul Glennie and Nigel Thrift, *Shaping the Day: A History of Timekeeping in England and Wales, 1300-1800* (New York: Oxford University Press, 2009).

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