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**Ralph E. Gieseys**, *Rulership in France, 15th-17th Centuries*. Variorum Collected Studies Series CS794. Aldershot, Hamps. and Burlington, Vt.: Ashgate, 2004. xii + 336 pp. Figures, notes, and index. \$109.95 U.S./£57.50 U.K. (cl). ISBN 0-86078-920-9.

Review by Jotham Parsons, Duquesne University.

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The volumes of the Variorum Collected Studies Series are not among the cheapest of academic books, but they are often among the most satisfying. A comprehensive collection of a scholar's articles is more than just a handy reference work, saving one the trouble of tracking down obscure journals, conference proceedings, and *Festschriften*. In some respects, it is more valuable, or at least more revealing, than a collection of the same scholar's monographs, for it gives the reader a much more complete and higher-resolution picture of the interests, influences, and exogenous forces that shape an academic career. Such is certainly the case with the present collection of Ralph Gieseys articles, spanning a period of nearly forty years. They testify to the breadth of the author's interests, ranging from the fifteenth to the eighteenth centuries and from royal ceremonial to family property to the glosses of the civil law. They also reveal a unifying ambition, though: to understand old-regime France through its laws and legal thinkers. In pursuing that ambition, Gieseys has had fewer peers than one might have thought, and fewer followers than one might have hoped.

Professor Gieseys was a student of Ernst Kantorowicz, perhaps the twentieth century's most profound student of the pre-modern European political imagination. The final paper in this collection—"Ernst H. Kantorowicz: Scholarly Triumphs and Academic Travails in Weimar Germany and the United States" (1985)—is a brief intellectual biography of Kantorowicz, stressing the breadth of his interests (which included the ancient and medieval Near and Middle East as well as more familiar areas of medieval and early modern Europe) and what might be termed the "seamless garment" of his political and scholarly struggles. In particular, Gieseys suggests that Kantorowicz's famous fight against the anti-communist loyalty oath imposed by the Regents of the University of California was motivated by a high ideal of the character of the professoriate as public officers, the developing concept of public office having been central to Kantorowicz's historical work. There actually seems to be something missing here, since, while German professors are certainly *Beamten* and French professors are *fonctionnaires d'état*, it would not usually occur to an Anglo-Saxon to view his professors as officers of the public trust; more generally, Gieseys talks only allusively about the relation between Kantorowicz's interests and German political culture. This is, I suppose, a subject that has been more extensively discussed elsewhere, but by the time I got to this article, I was curious about some of the deeper roots of Kantorowicz's, and Gieseys's, approach.

What both men are best known for, of course, is their investigation of, as the title of Kantorowicz's book has it, "the king's two bodies."<sup>[1]</sup> In particular, during his dissertation research, Gieseys encountered in French royal funerary ritual the most spectacularly literal incarnation of this concept. When a French king died during the Renaissance, he was replaced with a lifelike wax effigy that continued to hold court while the king's mortal body moldered and his uncrowned heir governed from behind the scenes. Only after the dead king and his effigy had been lowered into their grave in St. Denis, to cries of "le roi est mort, vive le roi!", did the new king appear in public to take the helm of the state and proceed to his coronation. According to the official exegesis, the effigy represented the office or dignity of the king "qui ne meurt jamais," sundered, like the soul, from the lifeless body of its previous holder, and with which the mortal body of the heir was duly clothed when the time came.<sup>[2]</sup>

Five of the articles in this volume deal more or less directly with this phenomenon and its context in French royal ceremonial. All are from edited collections of one kind or another, and none adds much of great substance to *The Royal Funeral Ceremony*; they seem, in general, aimed at communicating the findings of that volume to a wider, or at least different, audience. One partial exception is "Inaugural Aspects of French Royal Ceremonials" (1990), which broadens its purview to include the coronation, royal entries, and the *lit de justice* as well as the funeral. Like all of the articles, it concentrates heavily on the transformation of the ceremonial after the death of Henri IV, when the monarchy became much more personalized and its "mystical body" was attenuated. "The King Imagined" (1987) devotes some attention to a subsequent next phase of this process, court etiquette at Versailles considered as a replacement for earlier ceremonial forms. While interesting, it is almost entirely a thought-piece without a strong empirical component, and thus is no more than suggestive.

The slightly half-hearted character of this article suggests that the "two bodies" as reflected in royal ceremonial have only been of episodic interest to Gieseay. Three much more substantial papers illustrate a different line of research. They deal with the classic issue of venal office holding and more specifically the formation of the office-holding class and its role in the development of the seventeenth-century French state. "Rules of Inheritance and Strategies of Mobility in Prerevolutionary France" (1977) was a relatively early attempt to understand the role of offices (and *rentes constituées*) in lineage inheritance strategies.<sup>[3]</sup> It was perhaps too right for its own good, since most of its claims have since moved into the conventional wisdom, though this article would still be a good way to introduce such issues to those less familiar with them. "State Building in Early Modern France: The Role of Royal Officialdom" (1983) and "From Monarchomachs to Dynastic Officialdom" (1985) both expand on the idea that the consolidation of royal office as lineage property bound the French *rentier* class to the monarchical state and its interests. In effect, Gieseay supports Sully's position in the famous 1605 conflict over the Paulette tax, as against scholars like Michel Antoine and Bernard Barbiche, who have strenuously defended Chancellor Bellièvre's contention that venal office would ultimately cost the Crown its ability to shape and control the government.<sup>[4]</sup> This is doubtless an issue that is ripe for systematic treatment, given that no really comprehensive study of the system of venality has appeared since Roland Mousnier's 1945 *thèse*, but while the articles under review will contribute to any new synthesis, Professor Gieseay himself has not felt compelled to undertake one.<sup>[5]</sup>

More precisely, Gieseay quite correctly sees his major contribution to the whole issue of venality as springing from his correction of Mousnier's "parti pris anti-juridique," placing office holding squarely in the context of legal doctrine and practice.<sup>[6]</sup> This in turn is merely a special case of the much broader scholarly contribution made by these essays, for if there is one thing they reveal it is that Professor Gieseay is at heart (and against the grain of the anthropological methods now usually associated with the study of ceremonial) a legal historian. For him, the royal funeral ceremony is most interesting for the light it sheds on legal concepts of the royal office and succession, and the remaining articles in this volume all deal with those concepts, but directly, from the evidence of legal thinkers and legal writing.<sup>[7]</sup>

Three of these papers deal with the great sixteenth-century legal thinker François Hotman—"When and Why Hotman Wrote the *Francogallia*" (1967), "The Monarchomach Triumvirs: Hotman, Beza and Mornay" (1970), and "Quod Omnes Tangit' - A Post Scriptum" (1972)—while two others—"The French Estates and the Corpus Mysticum Regni" (1960) and "Noël de Fribois et la Loi Salique" (1993)—concern medieval commentators on the Salic Law and the nature of French royal succession. This alone suggests both the breadth and the depth of Gieseay's legal erudition, which are all the more impressive when one notes that other articles take him into the seventeenth century—"Cardin le Bret and Lese Majesty" (1986)—or, in "Medieval Jurisprudence in Bodin's Concept of Sovereignty" (1973), through the minutia of the glosses to the Roman Law. All are informed by an understanding of old-regime legal thought that is not only learned, but also deeply sympathetic. Gieseay is a master at teasing out those issues, concepts,

and controversies that interested his subjects, and at clearing away the clouds of anachronism through which other scholars have read them. Above all, he appreciates that legal thought and practice have their own logics, that influence and are influenced by broader social and political structures, but that can never simply be reduced to those structures. While the details of Gieseys arguments in this set of articles defy summary in the present confines, it is enough to say that any attempt to understand early modern French political thought without taking them into consideration is likely to turn out badly.

In Professor Gieseys formative years, up through the mid-1950s, this kind of approach to political and social history through the details of jurisprudence was quite common. Not only Continental giants like Kantorowicz or, say, François Olivier-Martin, but also Americans like Myron Gilmore or Gaines Post practiced it.<sup>[8]</sup> Since that time, studies of the political and social significance of Catholic canon law, English common law, or German *Publizistik*, for example, have proceeded apace, but few besides Gieseys have continued to mine the incredibly rich lode of early modern French legal thinking.<sup>[9]</sup> Even in his case, the ceremonial more than the legal aspect of his scholarship seems to have caught the profession's attention. With luck, this collection will serve not only to redress that balance a little, but to inspire more historians to follow in his footsteps.

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## NOTES

[1] Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton: Princeton University Press, 1957).

[2] Gieseys explored this ceremony fully in "The Royal Funeral Ceremony in Renaissance France" (Ph.D. dissertation, University of California Berkeley, 1954); and the subsequent monograph of the same title (Geneva: Droz, 1980 [1960]).

[3] A selection of the more notable subsequent works in this field would include institutional studies like Jonathan Dewald, *The Formation of a Provincial Nobility: The Magistrates of the Parlement of Rouen, 1499-1610* (Princeton: Princeton University Press, 1980); and Barbara Diefendorf, *Paris City Councilors in the Sixteenth Century: The Politics of Patrimony* (Princeton: Princeton University Press, 1983); as well as family histories like Robert Forster, *Merchants, Landlords, Magistrates: The Depont Family in Eighteenth-Century France* (Baltimore: The Johns Hopkins University Press, 1980), all of which appeared just a few years after Gieseys article—Gieseys actually cites a pre-publication version of Forster's study at note 32.

[4] See, e.g., the studies collected in Michel Antoine, *Le dur métier de roi: études sur la civilisation politique de la France d'Ancien Régime* (Paris, Presses universitaires de France, 1986); and Bernard Barbiche and Ségolène de Dainville-Barbiche, *Sully: L'Homme et ses fidèles* (Paris: Fayard, 1997). The central place of the Sully-Bellièvre quarrel in the historiography of venal officeholding originates in Roland Mousnier, "Sully et le Conseil d'Etat et des finances: la lutte entre Bellièvre et Sully," *Revue historique* 192 (1942): 68-85.

[5] Roland Mousnier, *La venalité des offices sous Henri IV et Louis XIII*, 2 ed. (Paris: Presses universitaires de France, 1971 [1945]).

[6] The quote is from Jaques Ellul, cited by Gieseys with approbation in "State-Building," at note 5.

[7] These articles, as Gieseys points out in his preface, should be placed alongside two of his larger studies: "The Juristic Basis of Dynastic Right to the French Throne," *Transactions of the American Philosophical Society* 51 (1961): 64–150; and his edition, in collaboration with the late J. H. M. Salmon, of *François Hotman, Francogallia* (Cambridge: Cambridge University Press, 1972).

[8] Gieseys article "Quod omnes tangit" takes off from Post's well-known paper on the subject.

[9] At least two scholars of Gieseys generation, Julian Franklin and Donald Kelley, began in the same tradition but later moved in other directions. While such generalizations are always perilous, it seems to me that younger Anglophone historians with legal interests have tended to concentrate on family law.

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