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Anthony Crubaugh, *Balancing the Scales of Justice. Local Courts and Rural Society in Southwest France, 1750-1800*. University Park: Pennsylvania State University Press, 2001. Notes, maps, index and bibliography. xx + 257pp. \$65.00 U.S. (cl). ISBN 0-271-02077-6. \$19.95 U.S. ISBN 0-271-02078-4.

Review by Peter McPhee, University of Melbourne.

Anthony Crubaugh begins this important book with two stories. One is of his encounter in La Rochelle with the sceptical denizen of a *pastis* and *pineau*-drenched bar quizzical about what a young American graduate student had to say about justice (or its absence) during the French Revolution. Crubaugh's tale of the encounter (pp. xiii, 227) speaks volumes about his openness to differences of culture, space, and time. His book is steeped in respect for the individuals he encountered in the documents held in the archives of La Rochelle and is always informed by the answers real individuals give to the questions he has posed across a gap of two hundred years.

The other story (p. 3) is of Jean Louis Viaud presiding over the seigneurial court of the *baronnie* of St. Seurin d'Uzet . . . in a cabaret. The survival of Viaud's list of legal expenses jotted on a nine of spades typifies for Crubaugh one of the central characteristics of seigneurial justice under the Old Regime: that it was as cavalier in its concern for the niceties of judicial process as it was concerned for the rights of the cavaliers of eighteenth-century France.

Crubaugh has taken on the task of slogging his way through the unusually rich surviving records of both seigneurial courts and of justices of the peace (JPs) in the provinces of Aunis and Saintonge, the revolutionary Charente-Inférieure. It may be that this is one of the few departments for which adequate records survive for both types of judicial system. His argument is that, at least in Aunis and Saintonge, and probably elsewhere, the system of seigneurial justice was far from moribund or atrophied, as many historians have assumed it to be. The royal *sénéchaussée* of St Jean d'Angély had no fewer than 171 seigneurial justices for its 146 parishes. However, while it was a presence in the life of the rural communities of this region, it was deeply resented as costly, slow, and preoccupied with the protection of noble privilege and status. Moreover, despite royal reform in 1772 that sought to ensure the greater presence of the courts in the maintenance of the rule of law, the courts failed in that most fundamental function of any judicial system, that it offer individuals security and a regular process to redress grievances. In the words of a peasant maxim of the day, "a bad arrangement is better than a good trial." Twenty-four cases that Crubaugh studied at Tonnay-Boutonne took an average of 32 months to resolve, with average costs of 106 livres. A shoemaker's simple request that a purchaser of a pair of boots pay him the nine livres owing took ten months to resolve. When the courts acted on matters of morality, they could be uncompromising and severe: women accused of hiding pregnancy were commonly sentenced to public humiliation and whipping (pp. 83-85). The courts showed a good deal more alacrity

when what was at stake were the prerogatives of the privileged. Rural folk were under no illusions that the primary purpose of the seigneurial courts was other than to maintain the property and privileges of the nobility and church. As the *cahier* from Landraye put it, "It's the fable of the wolf and the lamb". In Anunis and Saintonge harvest dues were commonly levied at one-sixth or one-seventh and represented about half of the revenues of seigneurs: in one case 87 per cent. Seigneurialism mattered: at least 39 seigneuries in the two regions revised their *terriers* in the period 1750-89. There are many similar examples where Crubaugh's research into systems of justice has led him to uncover wider information which helps illuminate many of the important features of rural society in the southwest.

The courts were one aspect of the seigneurial system that the National Assembly abolished definitively in August 1789. Probably following English and Dutch precedents, the deputies moved to set up a new system which, in line with the repeated rural grievances expressed in the *cahiers*, would be accessible to all, cheap, and designed to conciliate. The key question behind Crubaugh's enquiry is whether it succeeded in these goals and whether, in the process, the JPs may represent a neglected agency of a new public culture that accelerated the intrusion of the State into rural life. He leaves us in no doubt of his answer: "by abolishing seigneurial justice and creating an efficient (albeit sometimes oppressive) system of local law and order, the Revolution contributed to the ultimate triumph of official justice, in which official magistrates enforced the laws of a central authority" (p. 222). Regardless of their social status and wealth, rural people could now seek redress, and did so.

Historians of modern and contemporary France who have ventured into the archives of seigneurial courts and of JPs will know that they have survived only sporadically; moreover, they are often written in apparently indecipherable handwriting, and are usually mind-numbingly dull or impenetrable. The story of Jean Louis Viaud, and a number of equally engaging ones that dot the book, are atypical in their interest. Crubaugh has read literally thousands of these cases. He admits their soporific properties at times in his research, but it is, of course, precisely the routine nature of the cases that underscores his key conclusion: the institution of JPs was an extraordinary success in meeting a widespread rural demand for a system of mediation that was accessible, cheap, prompt, and able to resolve some of the minor but nagging irritations of rural life. Whereas the seigneurial judge of Jonzac had commonly adjudicated 7-10 cases per year, his successor as JP made 144 judgements in 1792 and 125 in the Year II. To be sure, perhaps two-thirds of cases could not be resolved by JPs to the satisfaction of both parties, but the thousands of grievances great and small that rural people took to their JP is witness to the relevance of the institution which, of course, continues in different guise today. Some may object that Crubaugh's contrasting depiction of seigneurial judges and justices of the peace is over-drawn--were there no competent, effective judges? Were there no inept, inconsistent JPs?--but the sheer weight of his evidence is compelling indeed.

So, this is a thoroughly engaging and undoubtedly important book, whose lucidity disguises a wealth of demanding research. There are, however, several ways in which its organizing principle--the dichotomy between inequitable and inefficient seigneurial courts and the accessible and purposeful new regime--is too schematic. One is that Crubaugh essentially glosses over the radical political shifts of the 1790s as if they had negligible impact on the personnel or philosophy of the justices of the peace. This may be--he claims as much on p. 143--but his sources are heavily concentrated on the early years of the Revolution. Were the JPs as disinterested, both politically and socially, during the Terror and the Directory? As a corollary, there are places where the analysis is short of context. Since the focus of the JPs was essentially

on the resolution of relatively minor, if irksome, local matters, a study of their cases gives the impression of a fundamental continuity in a stable rural society. In the Charente-Inférieure, this was most certainly not the case. Not only was it the scene of one of the most insistent rural rebellions after 1789, but its location on the southern extremity of the Vendée and the dependence of La Rochelle and other communities on shipping made it particularly prone to the vicissitudes of internal and external wars. Indeed, the outbreak of the Vendéan rebellion in March 1793 was the signal for one of the most spectacularly violent examples of collective punishment of priests in these years, in La Rochelle on 21 March 1793.

One of the great virtues of this book is its succinctness: Crubaugh writes with economy and clarity and uses nicely posed questions to guide the reader through the stages of his argument. On one matter, however, these admirable qualities lead him to a frustratingly summary commentary on one of the major—and most often misconceived—debates in French historiography. Crubaugh is well aware of the significance of his study for the history of relations between the French state and rural society: there is no question that, in offering rural people greater access to cheap mediation within national institutional structures the JPs were (unconscious) agents of the greater presence (Crubaugh prefers the terms 'penetration' and 'repression') of the French State in the countryside. One important implication of his study is that the success of the JPs may be one of the reasons for the decline in spectacular, collective violence (such as the killing by the villagers of Varaize of their mayor Latierce in 1790) in rural France in the nineteenth century.

This would dovetail with the argument of John Markoff (*The Abolition of Feudalism: Peasants, Lords, and Legislators in the French Revolution*. Pennsylvania State University Press, 1996) that there was a widespread acceptance of the validity of the State and its demands in 1789 and that open hostility to taxes dissipated once revolutionary assemblies imposed uniform taxes on all citizens, including the former privileged. However, Crubaugh is also sure that Eugen Weber must be right (p. 200) that only after 1880 were the rural populations of areas such as the southwest "modernized" into Frenchmen. Given the diversity of rural France, such a search for a watershed between "traditional" and "modern" is bound to be illusory. An alternative approach would instead suggest that change was occurring everywhere in rural France but that it varied in its timing between regions and according to the specific change.

These general points aside, there are few shortcomings. There are just a handful of spelling mistakes in the text and on the maps. The dismissal of La Rochelle as economically stagnant (p. xviii) is rather summary: the slave trade and other coastal and international commerce was still the source of great fortunes in the 1780s. In similar fashion, Protestantism is referred to only in passing, in a footnote (p. 108).

Crubaugh is compelling in his reflections on what his study of the detail of local quarrels in the Charente-Inférieure has to tell us about the origins and significance of the French Revolution. His analysis leads him to conclude that 'revisionists' in various guises are fundamentally incorrect in their minimizing or misreading of the extent of peasant political initiative and of the significance of the abolition of seigneurialism. Ultimately, he implies, the social changes wrought by the Revolution endured because they met most of the most insistent demands expressed by the peasantry in their *cahiers*: popular sovereignty, civil equality, and the abolition of the seigneurial system, including its courts. His study is

eloquent testimony to the continued richness of the social history of ideas, which examines parliamentary debates about the most appropriate form of conflict resolution for the new regime by linking them to the sources of friction in the countryside. As he acknowledges, his greatest intellectual debts are to historians such as Nicole and Yves Castan and Robert Forster, who have had so much to teach us about the value of closely-observed social history for an understanding of the extraordinary shift in cultural meanings and social behaviors that was the French Revolution.

Such was the shift in institutional structures, politics, and values after 1789 that historians have generally been content to be specialists of Old Regime or revolutionary France. While there are plentiful studies of seigneurial courts, there are remarkably few of the justices of the peace, and certainly none which is as broadly comparative as this. Certainly, one of the most impressive and helpful dimensions of Crubuagh's study is that it bridges the great divide of 1789, enabling its author to respond to some of the most important and contested questions about the Revolution. He has written a thoroughly fine book. The hours when he struggled with the tedium of deciphering and tabulating thousands of often petty, occasionally distressing, always significant (for those involved) examples of friction in rural life have reaped a rich reward for his readers.

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