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Sébastien Evrard, *Les avocats au temps des Lumières: La réforme des assemblées provinciales de 1787*. Condé-sur-Noireau: L'Harmattan, 2019. 171 pp. Map, tables, notes, bibliography, and index. €19.00 (pb). ISBN 978-2-343-11850-5

Review by Stephen Miller, University of Alabama at Birmingham.

Although Sébastien Evrard's book, as the title indicates, examines French lawyers in the eighteenth century, particularly the years immediately preceding the Revolution, his history actually begins in the first half of the sixteenth century, when the spread of venality of office through the judiciary fixed the lawyers' rank in the social order. Judges had to purchase their posts once they became hereditary in 1604. Lawyers boasted their independence relative to the venal judges whose offices were subsumed within the monarchy. Lawyers also touted their high culture and social status. Yet they had to accept a rank inferior to the judges, title-holders of offices, who in most cases did not have as much legal training as they did.

Merely to obtain the status of lawyer required hardships for many young scholars. They had to work under a lawyer as an apprentice for two to four years reading long volumes to deepen their understanding of the law. To survive, a number of candidates to the bar wrote legal briefs, known as *écritures*, for the lawyers under whom they completed their apprenticeship. They also did consultations for the lawyers' clients. The candidates sometimes gave free consultations to the poor in the library of the order of lawyers.

The monetary assets of the lawyers, who completed their training and attained the opportunity to plead before the Parlement of Paris, varied enormously. A quarter lived close to poverty. A tenth had a wealthy clientele and lived in comfort. Yet wealth was not the lawyers' ideal. They sought renown and recognition for merit.

A decisive moment in the political evolution of the lawyers came in the 1780s, when the monarchy obliged peasant communities to obtain authorization from the intendants before they could use the courts. The intendants made their decisions after conferring with attorneys. Communities had to submit to a review of their finances by a commission to make sure they were not saddled with illegal abusive debts. Above all, communities had to have a preliminary consultation with two lawyers. The crown outraged the senior and most experienced lawyers in the pay of the large landowners and lords by excluding these lawyers from the chambers of consultation. The crown instead turned to younger lawyers to aid communities lacking sufficient means to defend themselves in court. This work entailed an enormous load of legal writing, as each intendant

received hundreds, even thousands, of requests a year from peasants claiming to have suffered injustices.

In the autumn of 1787, the monarchy embarked on a plan to rationalize the outmoded patchwork of governing structures accumulated over the centuries. The crown created provincial assemblies in most of the realm and instructed them to examine community affairs. Evrad argues that, whereas historians generally see the assemblies as an ephemeral reform, they actually played a role in the events leading to the Revolution. The assemblies were new institutions, with new personnel, and a new practice of government. Each assembly, for instance, relied on a council of lawyers to examine community affairs. The assemblies thus modified the traditional tutelage exercised by the intendants over the communities. In taking on this responsibility, Evrad states, the lawyers learned how the government functioned, before they put themselves at the head of the burgeoning political movement, initiated a revolution, and then radically changed the world. They later helped stabilize the new social order by participating in the administrative centralization and legal codification at the core of what is known as Napoleon's granite mass.

The provincial assemblies thus catapulted the lawyers to the head of political developments, for in spite of the monarchy's efforts to circumscribe the assemblies' competence, the assemblies nonetheless reached public opinion with protests and projects for change. The members of the Assembly of Lorraine, for instance, envisaged reforms of the fiscal and customs systems, which had caused imbroglions and fraud, and thereby permitted the crown's fiscal department to intervene heavy-handedly in provincial affairs. In Caen, the Assembly of Normandy sought to reform the distribution of taxes and the requirement for rural inhabitants to perform forced *corvée* labor on the roads. Over much of the country, the assemblies studied the details of government in an effort to work out the best system for public works and general administration.

Barthélémy d'Orbanne and Joseph Delaunay are two of the many politically engaged lawyers examined by Evrad. D'Orbanne played a central role in the events in Dauphiné in 1787 and 1788, when the inhabitants sought to revive the traditional estates. The Parlement of Dauphiné supported this movement by opposing the crown's effort to install the provincial assembly instead of estates. D'Orbanne won election to the Estates General but declined to attend. He preferred to maintain his legal practice. D'Orbanne later took refuge on his rural properties during the terror. Joseph Delaunay, a lawyer in the *bailliage-présidial* of Anger and a *seneschal* judge in two seigneurial courts, gained notoriety in the Assembly of Touraine in 1787 and 1788. The comte de Walsh chose him to defend the interests of the nobility, but Delaunay quickly emancipated himself from his encumbering mentor. He carried out patriotic propaganda in the early months of 1789, contributed to the municipal revolution in Angers, yet did not win election to the Estates General.

The lawyers' growing political awareness led them to challenge the dominance of the venal magistrates at the head of the judiciary. The intellectual interests of the lawyers and the noble justices of the parlements began to diverge long before 1787. The lawyers showed more interest in publishing juridical texts than did the parlementaires. They had far more legal works in their libraries than did the high judges. The parlementaires showed more interest in *belles-lettres* and sciences.

The lawyers considered the justices arrogant, conservative, ignorant, and excessively committed to the private interests of the parlements. The lawyers publicized their arguments in favor of

their clients, casted the defendants as victims of the royal judiciary, and thus won public renown as independent advocates of liberty. The justices of the parlements, in contrast, believed they represented authority, the legitimacy of power, and the traditions of the monarchy.

The lawyers sided with the high justices when the minister Maupeou attacked the judicial system in 1771-1774 and when the minister Lamoignon streamlined the legal jurisdictions in 1788. Nevertheless, in this second episode, many lawyers served the grands bailliages created by Lamoignon in disregard of the parlements' call for a boycott. Over the previous year, demonstrations and violence broke out in Pau, Besançon, Grenoble, Rennes and Paris when the monarchy introduced the provincial assemblies against the wishes of the parlements. Amid this agitation, some lawyers decided that the reform brought opportunities. The lawyers' fear of putting the justices on a pedestal proved well founded on 25 September 1788, when the Parlement of Paris opposed the doubling of the Third Estate, thus betraying the high judges' intention to play a leading role at the lawyers' expense. The lawyers then forsook the parlementaires and threw themselves into the campaign to promote a bourgeoisie based on talent and to put an end to fiscal privilege.

This summary should make clear the quality of *Les avocats au temps des Lumières* and its contribution to the study of the legal profession, royal administration and origins of the Revolution. Evrard has condensed much informative argumentation into a concise book. In terms of its overall significance, in my mind, it forms part of a growing number of works that Evrard fails to discuss. Since the mid-1990s, several scholars have examined the social contours of the lives of well-to-do townspeople to explain why they came to see the nobles as obstacles to civic renewal. Although this old regime bourgeoisie may not have been capitalist, its subordinate rank in the social hierarchy of the monarchy predisposed it to capitalize on the crisis of the monarchy in 1788 so as to recast the country along the lines of civic equality and careers open to talent in 1789.[1]

#### NOTE

[1] William Sewall, *A Rhetoric of Bourgeois Revolution: The Abbé Sieyès and What is the Third Estate?* (Durham, NC: Duke University Press, 1994); Timothy Tackett, *Becoming a Revolutionary: The Deputies of the French National Assembly and the Emergence of a Revolutionary Culture (1789-1790)* (Princeton, NJ: Princeton University Press, 1996); Christine Adams, *A Taste for Comfort and Status: A Bourgeois Family in Eighteenth-Century France* (University Park, PA: The Pennsylvania State University Press, 2000); Clarisse Coulomb, "Claude Rémy Buirette de Verrières: de l'avocat au Parlement à l'avocat du Tiers (1773-1788)," in Serge Dauchy et al., eds., *Les parlementaires acteurs de la vie provinciale XVIIe – XVIIIe siècles* (Rennes: Presses Universitaires de Rennes, 2013), pp. 97-115; Christopher Johnson, *Becoming Bourgeois: Love, Kinship, and Power in Provincial France, 1670-1880* (Ithaca, NY: Cornell University Press, 2016).

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