

Marie Houlemare, Politiques de la parole. Le parlement de Paris au XVI^e siècle. Préface de Denis Crouzet, Genève (Librairie Droz) 2011, 672 p. (Travaux d'Humanisme et Renaissance, 479), ISBN 978-2-600-01437-3, EUR 98,00.

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This is a somewhat abridged published version of a University of Paris-IV Sorbonne thesis, directed by Denis Crouzet and submitted originally in 2006. Its subject is the Parlement of Paris in the sixteenth century. It is rare to read a thesis which does as much as this one does to shine such a penetrating light and over such a broad period into the workings of such an institution. The book is based on immense archival research, supplemented by an extraordinarily good grasp of an impressively wide range of printed sources and secondary literature. That evidence is deployed with admirable clarity, never forced into a straitjacket but allowed to develop its nuances. The work has a considerable intellectual coherence, despite its complexity and bulk. It is, in short, a remarkable achievement, making a major contribution to our understanding of the institutional culture of the Parlement, its records, its lawyers and magistrates, and how they understood, presented and deployed their public role. It has considerable lessons for everyone working on humanist and legal culture in sixteenth-century France and Europe, on the cultural understandings of law and power, and the political relationship between the Parlement and the French monarchy. It substantially resituates what we used to call the »constitutional thought« of the sixteenth century. The work is so rich that a review can hardly do it full justice, more than to indicate the main novelty of its approach, encapsulate the principle lines of the argument, and exemplify some of the power of its conclusions.

Anyone who has attempted to work with the records of the Parlement of Paris from the sixteenth century will know the awesome bulk of its registers and the palaeographical and archival complexities of understanding the surviving minutes of its deliberations and enquiries (Archives nationales. Series X). The problem of making sense of the bulk of that material is compounded by the multiplicity of roles which the Parlement played in French public life. It heard lawsuits between parties and rendered judgments on them. It had (and Marie Houlemare is one of the first to document this in full detail) an important function in the preparation of royal edicts. It was called upon to deliberate about political projects and to police important parts of public life (including the University of Paris and other aspects of the city's affairs – this is one of the few aspects of this rich work which might have been more developed). It presented remonstrances to the king and registered royal edicts. This all put it at the centre of public life. But such a functional analysis points us in the direction of treating the Parlement like a stable institution, governed by protocol and determined upon specific tasks. This, however, according to Marie Houlemare, is to take its registers at face-value. In reality, the Parlement was much more malleable a conception than that. It was, by turns, a senate, a forum, a theatre, and a temple – and those competing cultural registers were ones which could be played on by all participants – king and magistrates, lawyers and their clients. They each involved a different

perception of how the institution related to the public – and therefore distinctive and potentially conflicting ways of understanding the »constitutional« position of the Parlement itself. »Constitutional thought« is not, therefore, to be found so much in the recondite ruminations of scholar-jurists but in the rhetorical and argumentative strategies of the magistrates who presented remonstrances to the king and debated public affairs. Such manuals as were available to contemporaries told them not about the Parlement's functioning but about how those who played key roles within it – the advocates and magistrates, the *greffiers* and officers of the king – should behave, which meant (above all) how to speak.

The centrality of the spoken word to understanding the Parlement is a powerful insight. It enables the author to move us on from the traditional institutional analysis of Édouard Maugis¹ and the limited political framework of Nancy Lyman Roelker². With it, she is able to construct a much more ambitious picture of the Parlement as an institutional culture (which is in the spirit of Denis Richet's understanding of how early-modern institutions worked) which structured lawyers and magistrates' perception of their role, even as they sought to interpret that culture to their own and their clients' advantage, or shape it to meet the political needs of the moment. Institutional culture was a shared and malleable sense of law and legitimacy, of memory and reputation, of debate and dignity. And at its heart was the power of the judicial word – written as law, spoken as argument, recorded as decision. To access the cacophony of the Parlement, Marie Houlemare explores a rich mass of evidence outside the Parlement record *stricto sensu* – *plaidoyers* (which exist in considerable numbers in manuscript and print), *factums* (a source whose potential always seemed so considerable, but beyond our grasp until we found a way of using it), *mercuriales* (Marie Houlemare uses these with particular deftness, and her rediscovery of the *mercuriale* of 1571 is just one of the many significant archival finds to be revealed in the book), and the abundant theoretical and literary discourses that these garrulous and erudite lawyers and jurists wrote and published.

To understand and contextualise that material, however, requires a thorough and detailed knowledge of the procedures of the Parlement, of the strategies open to lawyers in the prosecution of cases, and a picture of the (massive) growth of Parlement business in the course of the sixteenth century. The first part of the book provides a particularly clear and well-informed account of all that, whilst emphasising that the Parlement was all the time responding to changing conceptions of royal authority. Marie Houlemare's work is notable in recovering the significance of the judicial reforming initiatives of Henri II, and the response of the Parlement to them, emphasising its role as a consistory or conscience of the king. That serves as a prologomon to the fractures in that reforming initiative, and the accompanying senatorial perception of Parlement authority under the impact of the politico-religious crisis of the civil wars with the subsequent refashioning of those models. The impact of venality on the legal profession and the way in which some lawyers sought to compensate for the lack of preferment in developing their autonomy through their reputation and writing provides an important

¹ Édouard Maugis, *Histoire du parlement de Paris. De l'avènement des rois Valois à la mort d'Henri IV*, 3 vol. Paris 1913–1918.

² Nancy Lyman Roelker, *One King, One Faith, The Parlement of Paris and the Religious Reformations of the Sixteenth Century*, Berkeley, Los Angeles, Oxford 1996.

platform for understanding the evolution of literary culture at the end of the sixteenth century. The second part of the book is especially rich in documenting the oratorical strategies of advocates and magistrates and the legal-humanist culture which lay behind them. The analysis of surviving library inventories of lawyers and magistrates to be found in the notarial archives is, in itself, an important contribution to book history. In the context of this study, it serves to reinforce the wells of humanist culture on which these impressively articulate individuals relied/

The audience and council registers of the Parlement are not the records of an institution but rather they »effectuent un travail d'unification des voix entendues en un seul texte«. Only at that point does the cacophony of the Parlement and the inherent fluidity and instability of the legal word turn into something more solid – an archive, a tradition, and an authority. Language was of central significance to these humanist jurists and lawyer-magistrates. It was the main tool in their armoury for establishing public order and maintaining civil society. It justified their existence as notables. The true foundation of human society, according to Jacques Faye d'Espeisses (who takes his place with Simon Marion, Antoine Loisel, Étienne Pasquier and others in the pages of this book as a professional group whose mentality we now understand in a much richer way) in a *mercuriale* of 1582 was the moment when God gave Moses the Tablets of the Law. The Word was divinely instituted as a means of keeping the peace. Eloquence was a God-given instrument for ordering the world and mastering human passions. It was by language-acts that the sovereign court acquired and maintained its legitimacy, and cemented its symbolic legitimacy. By sensitive readings of what contemporary lawyers and magistrates actually said – in terms of rhetorical theory and practice as well as in terms of political arguments in a continuing engagement and dialogue with the king – Marie Houlemare succeeds in giving us a remarkably fresh and stimulating research-rich account of sixteenth-century French political culture.