

late William F. Church maintained, having been derived, belatedly and opportunistically, from the rational philosophy of the Enlightenment. The author has, of course, read Church's works; he would have done well to have incorporated them into his study. Meanwhile, we need to know much more precisely why we should regard the political thought of the *parlements* of 1787-88 as radical and becoming more so.

Chapter one ("The *Parlementaires*: Judges, Gentlemen, *Bons Vivants*") contains the socio-economic information which will presumably be of most interest to the readers of this journal. It is, however, based almost entirely upon the research of such scholars as Jean Meyer, Francois Bluche, William Doyle, and others. Not that this is a fault. Given his purposes, the author did not need to do original socio-economic research. The social information is helpful in understanding the political themes of the book; but the economic information, which is awkwardly and misleadingly presented, bears no relationship to the pages which follow.

Despite these animadversions, this book is not without its merits. The intensity of the provincial onslaught against "ministerial despotism" is brought out particularly well, and the provincial opposition to the renewal of the *vingtièmes* and the conversion of the *corvée royale* into increased taxes is presented most convincingly. Opposition to the new-fangled provincial assemblies of Calonne and Loménie de Brienne was plainly more widespread and intense than has been believed. It is now quite apparent that the *parlements* were utterly unwilling to serve the political interests of the aristocracy as against the political interests of the magistracy. Even the wide-ranging treatment of jurisdiction, taxes, and grain regulations has its purpose, as the author notes correctly that some of this judicial intervention helps explain why the *parlements* were far more popular than the crown.

But the interesting and provocative information, being scattered throughout the book and assigned to its various topical themes, can be hard to tease out, evaluate, and synthesize. Anyway, you have to do this work yourself. In my view, the author should have adopted a narrative approach so as to bring his commendable archival research to bear upon the long chain of crises that punctuated 1787-88. To be sure, Egret, some of whose own research notes Stone has been able to use, went over this terrain in his *La Pré-Révolution française* (Paris, 1962) but a political narrative concentrating on the *parlements* and the crown is still needed. Authors, of course, have to make these decisions themselves. As it stands now, Stone's book is inadequately synthesized and insufficiently explanatory.

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Gerald Strauss — *Law, Resistance, and the State: the Opposition to Roman Law in Reformation Germany*. Princeton: Princeton University Press, 1986. Pp. xii, 302.

Systems of law have always been the decisive means of giving direction to state and society. Whenever this structure is changed, the fundamental fabric of society undergoes a trauma that permanently affects every aspect of life. Within the setting of the rise of the emerging phenomena known as the modern state, Gerald Strauss provides a panorama of the widespread opposition in sixteenth century Germany to both Roman Law and lawyers. This book makes an important contribution to our understanding of early modern Europe. Approaching his subject from the social history standpoint, the author gives us a glimpse of the attitudes toward the changes in Law from the position of both the rulers and the rural folk.

The rise of the modern state was concomitant with the change in Europe from a feudal society to that of one dominated by Roman Law. The nature of the two legal systems, their incompatibility and the changes they fostered were the great matters at issue — hence the resistance. The ranked society of the European feudal system had provided considerable security in settling down the up-

heavals created by the barbarian invasions of the middle ages. Societal levels of responsibility from prince to pauper were appreciated by all. They produced a feeling of place in the life of society. While the negatives of sameness and unprogressiveness may be decried, the consensus was that certain native legal rights existed for everyone and redress for grievances could be made.

The entrance of Roman Law clearly changed all that, shaking European society to its very roots. The natural time-tested customs were replaced by a supposed perfect community supported by rationality. Roman Law emphasized things for the good of the community rather than the particular welfare of individuals. Consequently it was soon perceived by the people that time-honored rights at the local level were expendable and eclipsed by the wishes and wants of an emerging, bureaucratic centralized government. Society was now *res publica* and all of life must march to the drum of the invisible dictates of the state. This left the individual alone, frightened and feeling like an inconsequential cog in the wheel of a mighty machine.

The author points out a paradox in the resistance of the people to Roman Law. On the one hand there was opposition to the increasing autocracy of the expanding state and the loss of antique rights. Yet, on the other hand, local autonomous groups appealed to these same, higher authorities to redress their grievances. This placed greater power, or at least a desire to exert it, in the hands of the princes as they dealt with abuses in feudal rights, taxation and privilege.

The catalyst in the augmentation of Roman Law was the growth of the legal profession to a pre-eminent position in politics and society. Wealth and power lay ahead for the jurist. It was not surprising that in the rise of the universities a great emphasis was placed on the training of lawyers. The demand for legal interpretation was great in all walks of life. Small town ordinances and great matters of state alike required proper legal advice. Strauss points out that legal ethics were often lost in the shuffle to please the generous patron. As a result lawyers became the symbol of all that was wrong in the changing society. Yet they seemed a necessary evil. The German rulers used Roman Law and its interpretation to consolidate their powers. Legal debates between the lawyers resulted in the increase of the constitutional rights of the prince at the expense of the various estates and assemblies. Using the tool of Roman Law, lawyers enabled the various heads of state to enjoy an authority that they had only dreamed of previously. Before, society was governed by local groups that individuals could identify with. Now the installation of the modern, centralized state government de-activated these former autonomous segments of society. Much of the resistance of movements such as the Peasant's Revolt of 1525 resulted from the unrest created by the introduction of Roman Law and its implementation by the legal profession.

The author interestingly points out that this era also witnessed the Reformation of the German church and its subsequent fragmentation. This central issue of the age served to focus and sharpen the issue of the resistance to the newly resurrected Law from the ancient world. Luther fulminated constantly against lawyers. Such powerful preaching gained him prominence and heightened the public sense of crisis. Roman Law entered the sacred arena doing battle with Canon Law resulting in the centralization of local traditional ways. Both the papal and temporal powers were increased. Princes assumed rule by "divine right" and proceeded to move the bureaucracy of a modern state into church affairs by controlling doctrine and church appointments. Church lawyers and secular jurists alike were trained in the universities. They applied the same Roman Law to sacred and secular matters. In this way the concepts of Roman Law became the vehicle that led to the formation of Protestant state churches.

Gerald Strauss has written an excellent book that fills a gap in sixteenth century legal studies. His research is meticulous and his style quite readable. It is an important, scholarly work for the serious student of early modern Europe.

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