Littératures populaires du droit. Le droit à la portée de tous, edited by Laetitia Guerlain and Nader Hakim, 2019, Issy-les-Moulineaux, LGDJ, 208pp., 42 € (pbk), ISBN 978-2275057724.

The so-called popular legal literature, namely the varied set of legal publications intended for a 'non-professional' audience, is an area little valued by historical-legal research, as it is considered less 'noble' – and thus less interesting – than more imposing sectors of literary production. Popular legal literature, however, actually tells us more than other genres about the evolution of law and its enforcement. Still, it has not been awarded much attention, which is evident in the uncertainty still reigning over the scope and confines of popular legal literature.

In response to the numerous question marks, and to overcome the underlying ambiguities that still today surround a 'world too often neglected'[1] (3), comes the volume edited by Laetitia Guerlain and Nader Hakim. Here, I highlight its salient points and its contribution in making critical reflections on a complex issue.

'The very fact that popular literature exists, and that it is abundant' justifies an effort of analysis that, without overlooking the multiple aspects of the genre, grasps its meaning. Therefore, in the introductory essay (1–37), Guerlain and Hakim question the key points of the matter: if the law requires a set of technical notions, does it make sense to talk about popular literature? Who are the authors of those works: non-legal experts writing about law or legal experts writing about law for non-legal experts? Who are the recipients of these particular publications: complete 'laymen' or people educated in something other than law? Are these works directed at well-defined groups of persons (workers, women) or at professionals (military persons, insurers, public officers)? Why are legal texts written for 'laymen'? Is it to educate the population through the law and to allow them to know their rights in the face of an authority that speaks an 'obscure and dry' language (19)? Is the purpose to illustrate to

[1] All quotations from the book are translated by the author of this review.

workers the administrative procedures whose functioning remains a mystery even to public officials?

In the broad sense, all of the answers to those questions can be considered valid. Popular legal literature, in its simplifying and practical meaning, must necessarily be correlated with the purpose that it sets itself each time. And it must be related to the specific literary genre (dictionaries, manuals, forms, guides, treaties, magazines) through which a particular type of author (the professor, lawyer, populariser, simple *quisque de populo*) divulges law to a certain audience (more or less broad).

This does not mean that it is impossible to find common features such as the generally affordable price of the books. Also some formal characteristics are found in most popular legal texts: for example, the simple language, the use of examples and practical cases, the use of pedagogical explanatory forms, the presence of tables, glossaries and indices and an attractive prose.

However, aside from those common characteristics, the relativity of the variables that are profiled when talking about this kind of literature, 'which does not belong to any specific legal genre' (29), justifies and explains the diversity of perspectives of the contributions gathered in the volume. Introducing thematic views, chronological approaches and very different institutional structures, the book enriches a field that has not been greatly ploughed by historiography, thus confirming the complexity and vastness of the topic. The underlying data shows its specificities and explains the different requirements that popular literatures were asked to satisfy.

The volume is focused on one of the most thriving moments of literary production for 'laymen': the nineteenth century, when books were much less expensive than in the past, readership increased and the possibility of accessing the law grew – provided that it was duly simplified and translated into the vernacular (no longer Latin of the scholars). This familiarisation with the law conveyed to the people the identity-making ideals of the state, namely the code. The code – writes

Pierre Nicolas Barenot (99–112) – is an expression of this policy par excellence. The French Civil Code of 1804 was made accessible to non-legal experts, by the will of Napoleon, through 'the quality of the prose', a 'systematic spirit and rationality' (109) and was then illustrated thanks to its first works of 'lexicographic' comment (starting with those edited by Sirey and then by Ortolan in the decades immediately after).

Annamaria Monti (47–63) deals with the nineteenth-century 'popularisation' of the law in newly-unified Italy from the perspective of the law put 'within everyone's reach'. She analyses, in particular, the fate of the works published in Italy to inform citizens of the law, one of which is the famous *One's own lawyer, L'avvocato di se' stesso*.

In the second half of the nineteenth century, with changing economic-social circumstances, the need to know the law moved from the code to new sectors and institutions which embodied the sign of change. And popular literature evolved to quell the thirst for quick knowledge. This was the case in Italy – we read in the article by Monti (58-63) – for example, through the dissemination of insurance company booklets, intended for a vast audience, not only of professionals, but also of simple 'consumers'.

A similar thing happened in the French Third Republic, where the 'project' of bringing readers in sync with the times was carried out first and foremost through magazines. That task was taken on – as we are told by Kevin Bremond (129–46) – by *Le Droit Populaire*: 'a grain of sand in the vast planet of the periodical press' (130). This example, albeit of limited duration (1880–1885) shows an active role in the project 'of legal education' (129) to those (citizens, but more often traders and professionals) who had to deal with the mysteries of the law without fully understanding its nuances and subtleties.

While *Le Droit Populaire* denotes an important effort to protect citizens from the costs and length of obtaining justice, the much more enduring *Journal du Droit administratif* (1853–1920, later reworked in 2015) aims, on the other hand, at disclosing the mechanisms of public affairs 'distilled sparingly' (190) to administrators and the administrated,

in the belief that a broader disclosure reveals too much about the functioning of the state. The *Journal*, which Mathieu Touziel-Divina studied revealing the lines of continuity between its first and second 'life' (177–203), was aimed at practical people, and thus had in mind a very precise audience.

Similarly, an expression of a 'literature of circumstance' (149) to administrators and the administrated are the French so-called '*guides du sinistré*' (dealt with by Guillaume Richard, 146–76). These were publications created to illustrate to citizens the requirements, and to explain to officials the procedure of compensation for damages suffered during the First World War. In the majority of cases, *guides du sinistré* are written by a legal professional, but not an academic. These professionals, often maintaining anonymity act as spokespersons of a social group (the victims of the damages) to which they reveal the 'grey-literature' of the public administration, namely the forms prepared for officials, usually confined within offices. The duality of the recipient (citizen *or* official) – continues Richard in his in-depth article (155) – explains the distinction between 'closed' and 'open' *guides*. 'Closed' *guides*, in which the simplified text is self-sufficient and does not contain references to the law, form the majority. 'Open' *guides*, on the other hand, require a reference to simplified sources, as they are aimed at operators which must apply the law.

The dichotomy of open and closed texts, so strong as to become the *leitmotiv* of the whole popular genre, is also seen in another sector 'touched' by this literature during the nineteenth century, namely canon law. This is analysed by Cyrille Donout (113–128) who contrasts popular works (dictionaries, *dictionnaires*), intended for simple curators of souls, usually ignorant of canons and decrees, and more technical texts (manuals, *manuels*), designed for the training of the high clergy. Technical texts are more structured and linked to canonical and theological sources, of which they offer an in-depth analysis and comment.

While it is true that the ‘golden age’ of popular legal literature was around the turn of the nineteenth and twentieth centuries, the need to place the law within everyone's reach was also grasped at other stages of history. The volume gives a worthy account of this. Works of legal synthesis intended for readers not versed in the law, despite being educated, were published during the French Enlightenment– writes Barenot – referring to the *Dictionnaire* of de Ferrière and to the *Répertoire* di Guyot (103–107).

From the article by Hiram Kümper (65–75) we learn that law was disseminated to non-professionals in Germany at least since the late Middle Ages. This happened through compilations of local or general laws and customs, which were absolutely essential for those who found themselves forced to administer justice in a setting that would not see institutionally professionalised legal experts until the sixteenth century.

Another interesting aspect of the ‘popularisation’ consists of the fact that the law disseminated to the public does not necessarily coincide with the needs of day-to-day life, as it may discuss legal experiences far from one's own, or belonging to distant times.

Consider the echo produced by the Napoleonic Code on U.S. public opinion, analysed by Prune Decoux (77–97) based upon the periodicals ‘intrigued’ by a *civil law* text and intended to stimulate in *common lawyers* a series of reflections on the pros and cons of codification. Dissemination could also have the purpose of pure cultural enrichment. Oliviero Diliberto studies (39-46) the publisher Sonzogno, which, in 1900, published a critical edition by Nereo Cortellini of the *Leggi delle XII Tavole* (the *Law of XII Tables*): an archaic Roman law text – and therefore entirely extraneous to existing law – but considered a great classic, and, as such, able to ‘*form the taste* of the Italian educated classes’ (40).

Some texts were intended to stimulate the interest of any man in relation to the law while others were animated by the aim of educating specific classes of non-legal experts in the informed exercise of rights. Whether their approach was more or less practical and their style more or

less conversational varied. Some involved a close relationship with the sources of the legal system, others merely dispensed in ‘pills’ quick solutions to distance some unfortunate person from the concerns of justice. Popular legal literature could be written by academics, professionals or anonymous editors. Despite the varying nature of the texts that make up the composite universe of popular legal literature, they are all positioned ‘at the crossroads between historical, legal, political and social variables’ (36).

Commentato [MM1]: I revised this paragraph, are you okay with it?

Commentato [FR2R1]: Yes, thank you very much!

As can be seen in the essays of this stimulating volume, popular legal works have undoubted cultural value. They increase knowledge on the whole and raise awareness of people’s rights by disclosing their operating mechanisms. They also perform the function of decrypting a technical language that is often convoluted and ambiguous.

Popular legal works also speak to us about the relationship between knowledge and power, they measure the efficiency of the system of sources and their ‘hold’ over the recipients.

For all these reasons, the essays collected by Laetitia Guerlain and Nader Hakim provide new ‘tiles’ to a ‘mosaic’, that of popular legal literature, to which legal historiography has, until now, not given due attention.

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