

Dave De ruyscher, Albrecht Cordes, Serge Dauchy, Stefania Gialdroni, and Heikki Pihlajamäki, (eds), *Commerce, Citizenship, and Identity in Legal History* (Leiden and Boston: Brill Nijhoff, 2022). 232 p. ISBN 9789004472853.

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The nine essays in this collection, along with its fifteen contributors, address the interrelationships between commerce, citizenship, and identity and range chronologically from the late fifteenth century through the latter part of the nineteenth century. Of these, all but one focus on early modern cities. The only outlier, albeit only chronologically, is Pieter de Reu's article on commercial courts, debt adjustment, and the middle classes in fin-de-siècle Belgium. Geographically the emphasis rests on the Low Countries and the Germanies with the single exception of the opening essay on Florentine bankruptcy law by Marta Lupi. The perspective is that of legal history, and three-quarters of the contributions are drawn from papers presented at a workshop held in 2019 at the Vrije Universiteit Brussels that represented the Annual Forum of Young Legal Historians. Several of the contributors can justifiably be considered 'young', or rather early career scholars: Ph.D. students, postdoctoral researchers, or assistant professors.

In their introduction, the editors note that the essays '[address] issues that have not been studied in detail by legal historians.' [1] Certainly historians have not been negligent in turning their gaze on the subjects in the title; commerce, merchants, and identity have long drawn the attention of scholars. Legal historians have explored the workings of commercial law and courts but have not been as quick to take on the subjects of citizenship and identity. This collection, however, analyzes the *interactions* among them. Most historians seem to shy away from legal history, or regard it as something of an esoteric sub-speciality, hard to understand and riddled with obscure Latin phrasing. That is a shame because, as these essays clearly show, legal historians have a great deal to contribute to broader histories of social, economic, and political life.

Of course, each of the three title topics by itself covers a very broad field and also leads into some slippery interpretive terrain. If today's understanding of citizenship may appear relatively simple, linked to membership in a nation-state, collectively these essays argue for greater complexity; in the early modern world the very legal definition of citizenship was multi-form and flexible. Moreover, merchants did

not always desire to acquire citizenship or value it as a positive good. The evaluation of the role of commerce in the early modern world has, over the last few decades, been taken up by several historians who have examined how commerce came to be viewed not as a 'selfish endeavor' and merchants as social parasites but as an activity of positive benefit to the state. While this transformation has often been identified as an eighteenth-century phenomenon, these essays reveal it to have occurred much earlier. Identity proves perhaps the most troublesome of the three concepts. The chronological span of the articles reaches across the divide of early modern/modern history, and thus they also straddle a major shift in the comprehension of identity. Most historians have traced in these years a major change from an identity externally defined and linked to social groups and surroundings toward a more individualized understanding of self and the rise of unique personality. Somewhat jarring in this context is the rather uncritical employment of the term 'middle classes', although that may be a problem of unresolved translation difficulties in dealing with terms *Bürger* and *poorter*. Nonetheless, turgid prose is certainly not a problem here; the essays are clearly written, free of jargon, and relatively sparing with legalese.

In this examination of the interplay of commerce, citizenship, and identity, merchants are the principal actors, although not the only ones. City magistrates assume a strong supporting role. The authors are very judicious in their discussions of merchants and are at some pains to emphasize the complexity of that category. They discuss at length, and with considerable historical acumen, the variety of ideas and aspirations, actions, and expectations that animated merchants. Particularly intriguing is the argument presented by Marco In't Veld and Maurits den Hollander. They reorient an understanding of citizenship toward that of an 'artisanal identity'. The authors all remain sensitive as well to religious differences; two articles concentrate superficially on Jewish merchants, while others built Jewish and other religious groups into their analyses. The records of Jewish merchants offer a chance to examine unusual mercantile practices (or perhaps those that have until now gone unexamined?), such as the private partnerships Manon Moerman discusses. Patrick Naaktgeboren sees such contracts differently in his study of how mercantile knowledge circulated. He thus takes up the challenge, put forth in the introduction, to look beyond the guilds. The legal strategies that other groups adopted, such as Castilian merchants in the Low Countries and the position of 'foreign creditors', receive a proving intelligent handling that addresses their commercial

but also their political relationships (citizenship) and how identities emerged in specific places and interactions.

The volume presents a range of smart insights. Perhaps the most significant perception argues for the unexpected *causal* relationship between merchants and the law. Merchants never existed as mere objects of legal regulations and statutes. In the late Middle Ages and well into the nineteenth century ‘rich sets of rules were crafted to define both citizenship and also urban political constellations’, and these were profoundly ‘affected by commerce.’ [3] Although this aspect is perhaps most directly addressed in Sonja Breustedt’s article on the *pareres* (decisions regulating bills of exchange) of the Governors of the Frankfurt Legal Exchange, the theme recurs throughout the volume, sometimes quite explicitly, sometimes as a clear subtext. Breustedt argues persuasively that these decisions not only involved commercial law but also introduced broader ‘forms of resolving conflicts’ [96] that extended beyond the commercial sphere. In other words, and not only in this contribution, the volume indicates the central role that merchants played in defining citizenship and in shaping law, and not only commercial law.

Urban historians will find much in this volume to ponder. In some respects, a good deal sounds pretty familiar even if the perspective – legal history – may be less so. This review cannot end, however, without praising a great strength of these articles: their focus on still-unplumbed documentary collections, such as the *pareres* in Frankfurt or the records of private partnerships, though not only these. As an example, one should mention the ‘staggering numbers’ of cases involving creditors in Antwerp (about 40,000) in the article by de Reu, a richness that required selective sampling to evaluate. Yet a statistical approach is hardly the only one employed here. Remko Mooi’s study based on German records also highlights the worth of individualized, microhistorical investigations. It is refreshing to see the strong commitment to deep archival research this set of essays and this group of historians exhibit here. It is likewise striking how much they offer in new insights and interpretations that stress the inevitable interplay between legal sources, the law, and practical life.

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