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DOCTOR OF PHILOSOPHY

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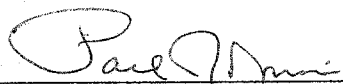
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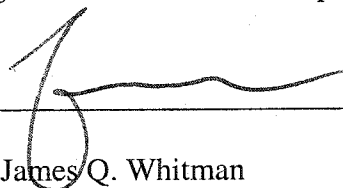
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I certify that I have read this dissertation and that, in my opinion, it is fully adequate in scope and quality as a dissertation for the degree of Doctor of Philosophy.



Paul A. Robinson

I certify that I have read this dissertation and that, in my opinion, it is fully adequate in scope and quality as a dissertation for the degree of Doctor of Philosophy.



James Q. Whitman

Approved for the University Committee on Graduate Studies:

virtue, and new techniques for extending credit and investing capital, associated with the rise of commercial society.

As embodied in a Christian language of merchant virtue developed in the merchant court, traditional commercial culture placed long-term relationships and mutual well-being above short-term gain and self-interest. This focus on community was crucial for commercial survival in a pre-modern economy and for making commerce palatable to a Christian culture that had long deemed it sinful.

During the eighteenth century, the rise of negotiable instruments and of new forms of commercial association, threatened this traditional commercial culture by creating new, easier opportunities for short-term profit. Merchants responded to this threat by embracing the emerging ideal of “society,” as an association of equal individuals united through the division of labor. In society, unlike the traditional, corporate and community-centered order, self-interest was acceptable—even desirable—because it promoted the production and distribution of wealth, thereby serving the general welfare.

In adopting this ideal of “society,” merchants were influenced by natural-law jurisprudence, which identified the commercial partnership, or *société*, as a microcosm of “society.” Given this link between partnership and society, the emergence of a kind of

to bringing about the day society demanded self-governance. Centralization weakened the corporate and geographic barriers that had divided merchants, leading them to view themselves as linked by their participation in a national economy and their common relationship to the state. Having identified common interests, merchants united to campaign the monarchy on behalf of these interests, which they equated with those of society.

century France. I was (and continue to be) thrilled that I had the good fortune to come to Stanford University to study with its author. His passion for his subject, as well as his knowledge and insight have never ceased to amaze me. But of all his talents, the one that continues to astound me the most is his ability to formulate precisely the right questions. While writing the Conclusion to this dissertation and reflecting on the work as a whole, I came to realize that, ultimately, the dissertation addresses one of the many fascinating questions that he has so brilliantly framed and that have so influenced my thinking about history—namely, how to explain the invention of the idea of society.

James Q. Whitman's erudition—his ability to construct social and historical frameworks that encompass widely divergent cultural traditions and time periods—proved both very inspiring and tremendously useful for my work. The way he approaches the study of the past, by contextualizing law as one component of a broader social fabric, is all too rare in the field of European legal history. Having his writings and, even more importantly, himself accessible as a resource was thus particularly important for me in developing the dissertation. For every question I posed, he had guidance to offer and advice that was consistently helpful. But even beyond his knowledge and the time he made to share it with me, I am grateful for his constant

writings—an achievement whose difficulty the experience of writing this dissertation has served only to highlight. Second, while finding the time to publish prolifically, he devotes himself wholeheartedly to the vital but often unrewarded task of teaching. If I have emulated, even to a small degree, his clarity of exposition in this dissertation and his devotion to excellence in teaching, I would consider myself a worthy student.

Though less directly involved in the dissertation, there are many others for whose ideas and support I am most grateful. Robert W. Gordon, Susan Rose-Ackerman, and John G. Simon, all three wonderful teachers, read portions of the dissertation and gave me much helpful advice about it and other matters. Lawrence Friedman and Charles Donahue were steadfast in their interest in my work and always ready to discuss it with me. Finally, it is to Patrice Higonnet and Daniel Gordon, my undergraduate advisers, that I owe my initial discovery of how endlessly fascinating the history of eighteenth-century France can be.

Gertrud Pacheco, the History Department's graduate programs administrator, was exceptionally gracious to me in ways that are too numerous to mention. John A. Keith, a Stanford librarian, has assisted me far beyond the call of duty.

My greatest debt, however, is to my parents, Laure Aurelian and Irving I. Kessler, two scientists in the style of the Enlightenment, who have devoted their lives to the belief

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