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Review of: Stephen Jacobson, *Catalonia's Advocates: Lawyers, Society, and Politics in Barcelona, 1759-1900*

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Jacobson, Stephen. *Catalonia's Advocates: Lawyers, Society, and Politics in Barcelona, 1759-1900*. Chapel Hill, NC: University of North Carolina Press, 2009. xvi + 336 pp.

The common death and resurrection trope serves as the vehicle through which Stephen Jacobson presents his history of the Barcelona bar between the reign of Charles III when a few dozen litigators discretely went about their business while longing for the better days past of their guild and the beginning of the twentieth century when the number of lawyers swelled and they exploited opportunities in the rapidly bourgeoning and industrializing city. Although the aftermath of the War of Spanish Succession (1700-14) and Philip V's 1716 *Nueva Planta* resulted in the shrinking of the number of lawyers and made the legal profession an unattractive one, none of the Bourbon centralizing reforms in the peninsula could erase the long established legal traditions and the expertise of Catalan jurists, litigants, and advocates who had for generations elaborated a discrete regional legal system. By the turn of the 20<sup>th</sup> Century, however, the legal profession in Barcelona enjoyed a "silver age" marked not only by the proliferation of lawyers but also their very dynamic adaptation to overcrowded conditions as they branched out beyond law to the realms of politics, education, and the shaping of Catalan nationalism. Along the way, the Catalan legal profession progressed in way that mirrored Western Europe bars as Catalan lawyers moved from espousing liberal values to conservative ones, and ultimately consolidating a corporatist culture. In Barcelona as in other industrializing communities or regions the accumulation of capital, the sophistication of the economy, and the growth of state bureaucracy among other factors resulted in an increase in litigation opportunities for lawyers as well as increasing the prestige of the profession and the prominence of lawyers in society. While Jacobson does a capable job of comparing Barcelona's lawyers to those throughout Western Europe one of the book's main thrusts is the argument that Barcelona's lawyers' nationalism, that is to say their Catalan nationalism, set them apart from their counterparts in England, France, and Germany.

After a useful context-setting introduction, Jacobson begins the narrative of his book with an exploration of the Catalan legal profession's eighteenth-century crisis marked by an ebb in litigations and the prestige, influence, and numbers of lawyers. Philip V's absolutism and his efforts to centralize government and administration throughout the Kingdom are identified as the motors behind this crisis. As the members of the profession abandoned their

attachment to the urban nobility, integrated tenets of the Enlightenment into their legal reasoning, and shifted the lineaments of their practice to meet the needs of private practitioners who represented middle-class clients in a competitive environment, the Catalan legal profession began to make its comeback. This was accomplished through the modernization of the profession and gone were the days when one Joseph Matas could fail his bar exam in 1790 and try to manipulate the examining magistrates to pass him anyway because his seven-months pregnant wife ran the risk of a miscarriage if he informed her of the disappointing result (41). With the onset of the Napoleonic occupation and the age of revolution against the French and the Old Regime many lawyers took advantage of opportunities presented to become spokesmen of the people and technocrats of the state. Lawyers, most of them swept up in their enthusiasm for Liberalism, reshaped their profession and their legal codes in order to give them greater latitude to make their cases and interact within the courts, government, and the public. They drafted laws that abolished the tithe and other feudal dues as well as promoting the disentailment of Church properties. Liberal judges, militias, and the army then executed these enactments in the name of legality. Again, this also occurred elsewhere in Europe, but much less frequent was the phenomenon of young, educated lawyers taking up arms against the French and in the process becoming liberal through their military or militia service. Over the course of the nineteenth century the industrialization and the consolidation of the constitutional state served as backdrop for the rise of a shift to conservatism not just in Catalonia but throughout Western Europe as lawyers worked to reinvent a historic image of the bar as a beacon of order and the guardian of justice and liberty. As the law itself was seen as fostering social harmony, economic development, and being a potentially lucrative career path, a legal career appealed to children of the growing middle classes, and the profession became saturated. Perhaps the most interesting of chapters is Jacobson's fifth, "The Corporate Profession," which focuses not only on the training and practice of the profession in the late 19<sup>th</sup> century, but also how legal associations in Barcelona shifted toward defending and promoting the corporate interests of the members of the bar. Jacobson suggests one of the reasons Catalan lawyers were so nationalistic came from the professional overcrowding. Legal elites saw their chances of mobility blocked by the glut of lawyers, which in turn politicized them as Catalan nationalists. Whereas nationalism elsewhere was shaped and promulgated by the literati, the upholding and defending Catalan law and legal traditions were essential to the founding of Catalan nationalism.

Jacobson is to be applauded for a well-written, sophisticated, and important contribution to the history of the Catalan legal profession but also the rise and spread of Catalan nationalism. The study is makes the link between law

and nationalism in Catalonia compelling, and his emphasis on comparing the Catalan case with those of other Western European contexts is a testament to his erudition and skill as a legal historian. If there is one failing of the book it comes in outlining the relationship between Barcelona's lawyers and other important and dynamic actors (such as doctors, university professors, journalists, and small business men) and their corporate bodies (such as a Chamber of Commerce). Philip Nord, for example has done a particularly exciting job of not only fleshing out the culture of the Paris bar, but also demonstrating that corporate interests and republican values were diffused beyond a body of a specific profession within the bourgeoisie during the French Third Republic.<sup>1</sup> International comparisons are present in Jacobson's book; however, we would have gained a great deal of knowledge about the diffusion of Catalan nationalism among the professional classes in nineteenth-century Barcelona if he included material that spoke to lawyers interacting with other professionals rather than describing lawyers in a vacuum. Nonetheless, this is an excellent and useful book that is highly recommended.

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<sup>1</sup> Philip Nord, *The Republican Moment: Struggles for Democracy in Nineteenth Century France* (Cambridge, MA: Harvard University Press, 1995).