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Les rues et les jurisconsultes de Paris: Streets and Lawyers in Paris

Posted on 19/04/2017 by John Cairns

Your blogger is currently spending some time in Paris. He has noticed that there are some streets named after famous jurists in the fifth arrondissement, the quartier latin, where some famous educational institutions, such as the Sorbonne, the Collège de France, and the École Normale Supérieure are situated. Close by the building of the Faculté de droit on the Place Panthéon are rue Cujas and rue Toullier.

Rue Cujas is named for the great sixteenth-century Roman lawyer, Jacques Cujas (1522-1590), known for the humanistic or elegant study of Roman law. His thinking about Roman law remains relevant for modern scholars. He has recently been the subject of an important book by our colleague, now of Bordeaux, Xavier Prévost. The street is a large, busy street, with some grand buildings.

Rue Toullier is rather smaller. It is named for Charles Bonaventure Marie Toullier (1752-1835). He is little known outside France. Like Cujas, Toullier lived through very stormy times. After the reorganisation of the universities in the Napoleonic period, he again became a professor at Rennes (he was from Brittany), where he had occupied a chair before the Revolution. He survived the Restoration. What he is known for is his multi-volume *Droit civil français suivant l'ordre du Code Napoléon, ouvrage dans lequel on a tâché de réunir la théorie à la pratique*, Paris, 1811-1831. It is an important early commentary on the *Code civil des Français* of 1804. It became very familiar to your blogger when he worked on his doctoral studies in the late 70s. These concerned codification in Louisiana in 1808 and Quebec in 1866 (see now John W. Cairns, *Codification, Transplants and History: Law Reform in Louisiana (1808) and Quebec (1866)*, Talbot Publishing, 2015). The redactors in Quebec consulted Toullier's work regularly, as indeed did those who revised the Louisiana Code in 1825.

Rather removed from the Law School, closer to the Seine and the Île de la Cité, opening out of Rue Dante, is rue Domat. This is named for Jean Domat (1625-96). Domat was from Clermont-Ferrand in the Auvergne. He studied arts in Paris and law in Bourges (where Cujas had once taught, and where, apparently, Domat was taught by a follower of Cujas), and then worked in Clermont. He is best known for *Les lois civiles dans leur ordre naturel* (1689). This rationalist account of a universal law went through a great many editions, and was one of the most influential law books of the next 100 or so years, exercising significant influence on the *Code civil des Français* as well as on, for example, both the Louisiana and Quebec codes. The most important work recently on Domat is by David Gilles, now of the université de Sherbrooke, Sherbrooke, Québec.

Indeed, though not immediately obvious, what links these streets together, is the *Code civil des Français* of 1804, one of the most influential law texts ever, almost approaching the significance of Justinian's Digest. The most interesting work on it recently has been by our colleague Jean-Louis Halpérin, now of the ENS in Paris.

One does wonder if the grandeur of the street is a reflection on the perceived status of the jurist when the street was named after him! But that would perhaps be to make too much of the minimal evidence. It is nonetheless worth mentioning that there is a Place Cujas in Bourges and a rue Cujas in Toulouse, a rue Toullier in Rennes and another in St Malo, as well as a rue Domat in Clermont-Ferrand.

These streets in Paris acquired these names in the 1860s during the second Empire. The same era in Britain also saw the start to create national histories through naming and creating monuments to the great dead. For example, in much the same period, St Giles Kirk in Edinburgh, which had been divided into a number of different churches at the Reformation, was recreated as its original medieval space, and started to be filled with monuments as a type of Scottish history, while Parliament Hall became a reading of Scottish legal history.

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