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Visualizing the Law in the Baroque Age:
The Play of Value and the Law: Image and
Comedy at the End of Louis XIV's Reign

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VISUALIZING THE LAW IN THE BAROQUE AGE

I. INTRODUCTION

It is 1711 and Paris is at play, buying up promissory notes and securities, speculating and tearing itself apart. Louis XIV's reign is ending in a huge economic crisis,¹ and if the people are starving at these times, some are taking benefits from the speculation. The year 1711, then, is not so far from 2012.

In 1711, a year of crisis and speculation, an *Almanach* is published in Paris by Gérard Jollain. These *Almanachs*, usually printed by artisans controlled by the royal regime, have long marked every year. This particular *Almanach* contains an engraving entitled *La Déroute des agioteurs* (Defeat of the speculators),² which is large enough (a folio format) to be pinned or displayed on a wall, and is designed to stay on the wall throughout the year. Its upper half depicts a Parisian salon in a state of extreme disarray; Themis, who embodies justice, strikes down those who have speculated on the mass-produced paper money—public and private, real and virtual—that has been allowed to circulate during the economic crisis of these years. In the lower half, on the left, Democritus, dressed as a fool, is seen laughing. Beneath his image, we read:

The shifting spectacle of the world here below,
Where I see such numerous and varied accidents of fortune in a single day,
Riches, honour, to which all aspire,
Birth, Death, Pleasures, and Sufferings,
Tears and Laughter, Good Fortune and Bad,
This medley in a word makes me swoon with laughter.³

Heraclitus, on the right, responds to Democritus, lamenting at the social spectacle before him.

You who laugh like a madman over so sorry a subject,
My feelings are far distant from yours, my response is quite different,
Why! Unhappy mankind, in constant crisis,
This mixture of states, this clamour, these changes,
Birth, life, death, all these, precisely,
Cause me to surrender myself to sighs and tears.⁴

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1. See generally MARTIAL POIRSON, *SPECTACLE ET ÉCONOMIE À L'ÂGE CLASSIQUE: XVIIIE-XVIIIIE SIÈCLES* (2011).
 2. *La Déroute des agioteurs* (Defeat of the speculators), reproduced in MAXIME PRÉAUD, *LES EFFETS DU SOLEIL: ALMANACHS DU RÈGNE DE LOUIS XIV*, at 140–41 (1995).
 3. *Id.* at 141 (“Le theatre Inconstant de ce bas Univers, / Où Je Vois en Un Jour tant d’accidents divers, / Les Richesses, l’honneur où tout le monde aspire, / La Naissance, la Mort, les Plaisirs, les Douleurs, / Les Larmes et les Ris, le Bonheur les Malheurs, / Ce Mélange en un mot me fait Pâmer de rire.”) (modernized spelling).
 4. *Id.* (“Toi qui ris comme un fou d’un si triste sujet, / Loin de ton sentiment j’en fais un autre objet, / quoi! L’homme malheureux, toujours dans les alarmes, / ce mélange d’états, ce bruit, ce changement, / Naître, vivre mourir, tout cela Justement, / me font abandonner aux soupirs et aux larmes.”) (modernized spelling).



La Déroute des agioteurs (Defeat of the speculators), reproduced in MAXIME PRÉAUD, *LES EFFETS DU SOLEIL: ALMANACHS DU RÈGNE DE LOUIS XIV*, at 141 (1995).

II. AN EFFECTIVE VIRTUALITY

Should our response be to laugh or weep? Should we place our trust in Justice, who has brought her scales into the heart of Paris, holding them in her left hand as she sends out bolts of lightning with her right to strike down the miscreant speculators gathered around a table piled high with bags stuffed full with paper money? Should we rely on a providential, highly moral, or even supernatural outcome to cut out the gangrene and fight against the fashionable evil of speculation?

By referring directly to the spectator's world, by representing this world more or less directly, the images and the comic theatre of the end of Louis XIV's reign—more than any other media—provided simulacra that enabled the simultaneous evaluation of the faults, pretences, lies, and negotiations of the political and theatrical worlds. Representation of images of the contemporaneous present in *almanachs*, and comedy itself, is of course a form of pretence, but this pretence transcribed a stylised reality that was itself a tissue of pretences, and whose workings were assessed through images and theatre. Considering comedy and reality in both worlds, what was just and certain had become uncertain, and justice was portrayed as relative and negotiated to such an extent that the interest that emerged from within the theatrical relationship could only be profoundly critical in nature. It was possible to show outrage at all this, to restore order, to be scandalised even, within the play itself as a way of making interest “useful” and binding it to a moral, social, and political norm. But it was clear that the harm had already been done and that audiences had literally *interested* themselves in the dysfunctions of society and of the aesthetic relationship.

Hesitation between fiction and reality; between certainty and uncertainty; anxiety coming from a general oscillation and doubt about values; discordance between social conducts and behaviours and principles of law; fascination with virtuality—these are the observations that Richard Sherwin's book⁵ draws for our period, and they are what we have also noticed for the seventeenth and eighteenth centuries. This post-baroque period, coming just before the Enlightenment, definitely has something to say to those of us who are living in a postmodern and neo-baroque period. The current “digital baroque” resembles the early modern one. From this *Almanach's* response, then, and from a study of the comedies of this period quoted on the *Almanach's* image, we will try to analyse the way this period is visualizing law—not in court, but on propaganda images and in theatre—perhaps to support the political and social establishment, but also to demonstrate that Themis represents and performs only a semblance and an effective virtuality of virtue and justice.

III. THE UNCERTAINTY OVER DECLINING VALUES

It was natural for comic theatre to share in the general feeling of uncertainty over declining values and the obsession of the times with private interest and increasingly rapid cycles of production and consumption. This is because the primary function of literature is to provide a critical reflection on the workings of the world and on the

5. RICHARD K. SHERWIN, *VISUALIZING LAW IN THE AGE OF THE DIGITAL BAROQUE: ARABESQUES AND ENTANGLEMENTS* (2011).

way a society functions; it conveys the general meaning of social reality and aims to employ the aesthetic means at its disposal to, at the very least, speak of this world and, at best, act on the world it represents. As Daniel Roche asserts, the end of the seventeenth century and the beginning of the eighteenth

constitute an important period in [economic] thought. We find in it the roots of what would finally emerge in the work of Adam Smith but, above all, it contains the groundwork for an analytical, planned, and rational economy as is demonstrated, for example, by the work of Boisguilbert, who formulated the theory of a demand-based economy. In the context of the crisis, of war, of monetary problems, and of sudden price rises, the observation that “man’s possession of an abundant supply is not the only requirement for wealth” requires us to accept that the consumption of the population alone is the deciding factor.⁶

There was thus, at this time, a real fascination with the concept of a private interest that could clearly be seen in comic theatre and that established the individual, acting in the economy, as master of his own fate. Private life became more autonomous, the old values were collapsing or appeared to be eroded, the social hierarchy was portrayed as permeable—even if this was more a fantasy than a reality—and other, more personal “laws” were emerging that moved further away from conventional or traditional morality. Literary aesthetics had entered the reign of “rakes,” gamblers, speculators, and servants who abandoned their own class. And, in society at large, this was a time when the nature of norms was being called into doubt. It was a period of transition and this makes it inherently interesting, by virtue of its reflexivity and of its occasionally erratic, and certainly problematic, nature.

IV. “SORTEZ DE NOTRE FRANCE, INDIGNES AGIOTEURS”!

The *Almanach*, in line with the general practice of the time, supports the establishment, yet all it really contrives to do is propose a Themis who is part-machine, part-goddess as the sole agent capable of providing the world with a semblance of virtue. In the background on the right-hand side of the salon scene in a partly open doorway, we can read;

Begone from France
Unworthy speculators,
You tarnish our country’s wealth
And bring her many misfortunes.⁷

6. DANIEL ROCHE, *HISTOIRE DES CHOSSES BANALES: NAISSANCE DE LA CONSOMMATION DANS LES SOCIÉTÉS TRADITIONNELLES (XVIIIE-XIXE SIÈCLE)*, at 27 (1997) (“constituent un moment privilégié de la réflexion [économique]. On y trouve les racines de ce qui émergera définitivement grâce à Adam Smith mais surtout le fondement d’une économie analytique, réfléchie, rationnelle, dont témoigne par exemple l’œuvre de Boisguilbert, qui formule la théorie d’une économie marchant à la demande. Dans le contexte de crise, de guerres, de troubles monétaires, de hausses de prix discontinues, le constat que «l’abondance de l’homme ne fait pas seulement la richesse» impose l’idée que seule la consommation de la population est décisive.”).

7. *La Déroute des agioteurs*, *supra* note 2, at 141 (“Sortez de notre France / indignes agioteurs, / vous y tarissez l’abondance / et y causez bien des malheurs”).

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The three stanzas at the centre of the engraving seek to define the economic, political, and moral causes of the wrongdoers' power in order to condemn them:

The war⁸ having authorised these cruel speculators
They easily bought up debts and securities and fished in troubled waters,
But the arm of Themis in striking down their pleasures
Obliges them to surrender all their gains and to repay in coin.

Until now these speculators laughed at our misfortunes.
From the ruin of the people they built their fortune,
But our assets will in their turn cost them tears
And their fall will lighten the hearts of all.

REGRETS OF THE SPECULATORS

For having speculated in all four Estates,
We are rightly persecuted by others
Let them take our houses, let them plunder our ducats,
The goods that we surrender will never be ours.⁹

Here, then, is a concluding moral, as in the best comedies, and a promise of order for the year of grace, 1711. It gives the impression that Chamillart, the Controller General of Finances, who had fought almost in vain against the speculators from 1707 to 1709, had been successful in bringing his struggle to an end by means of some sort of divine intervention. But the economic crisis, as we know, was far from over, just as the King's wars were becoming decreasingly glorious and his coffers increasingly empty.

The *Almanach* also demonstrates that a successful comedy could quickly become a talking point during this period, for this engraving illustrates Dancourt's play *Les Agioteurs*, "The Speculators," performed in 1710.¹⁰ The main characters in the comedy are indeed the wrongdoers who are portrayed here, and their names even

8. The War of Spanish Succession (1701–1714); see *infra* p. 121.

9. *La Déroute des agioteurs*, *supra* note 2, at 141.

La Guerre autorisant Ces Cruels Agioteurs
Ils escomptaient sans peine et péchaient en Eau trouble,
Mais le Bras de Thémis foudroyant leurs Bonheurs
Les force de tout rendre et satisfaire au double.

Jusques ici ces Agiots ont ri de nos malheurs.
Des débris du Public bâtissant leur fortune,
Mais nos biens à leur tour leur vont coûter des pleurs
Et leur chute fera l'allégresse commune.

REGRETS DES AGIOTEURS

Pour avoir Agioté dans tous les quatre États,
Nous sommes justement opprimés par les autres
Qu'on prenne nos maisons, qu'on pille nos Ducats,
Les biens que nous rendons ne Seront jamais nôtres.

Id. (modernized spelling).

10. DANCOURT [FLORENT CARTON], *LES AGIOTEURS, COMÉDIE* (Paris, P. Ribou 1710).

appear on the engraving beside their images. Trapolin is the first to be punished, along with his accomplice Monsieur Craquinet. These are followed by Chicanenville (the scoundrel skilled in legal arguments), Durillon (the shady prosecutor), Madame Sara (the rich widow seduced by Trapolin's youth, who will finally decide to marry the moneylender and master speculator Zacharie), and Zacharie himself. We can see that the names of these "unworthy speculators" often suggest their status as scapegoats, driven by the pressing need to round up a few Jews to help to show that the economic and political misfortunes of the nation were caused by outsiders. (This is a habit that France was never to lose.) However, as can be seen in other plays, the activities of the Jews alone did not provide sufficient explanation for the extent of the disaster.¹¹

It was also necessary to mention the war—the long, expensive, and terrible War of Spanish Succession (1701–1714), pitting France and Spain against a European coalition—as a separate contributing factor and to accept that the carelessness of some (gamblers and greenhorns such as the Baronne de Vapartout and Madame de Malprofit, who is represented as a man in the *Almanach*) and the industry of others (including the servant-financiers dreamed up by the popular imagination) had together brought the country to the edge of the abyss. Only Mademoiselle Suzon, a young marriageable woman, and Clitandre, a rake, are spared by the lightning bolts of justice; they will make an almost honest marriage. Not that they have refrained completely from speculation, nor from using their virtue as a gambling chip in negotiating the best deal for themselves; but there must still appear to be winners in this relative world. In any case, Suzon is partly punished, as can be seen by the letter she holds, which serves as a speech bubble for her words, "Company paper notes and interest notes. This lightning bolt disturbs our joy by destroying the paper money."¹² Justice herself, however shining she may appear, must thus enter into a compromise with disorder.

Although the *Almanach* displays greater strength in depicting the supposed fall of speculation than Dancourt's play, and does so for very clear political reasons; and although its quasi-official voice goes further, in a way, than that of the successful author who had contented himself with the creation of a pleasing ambiguity; it is nevertheless the case that the mere mention of all this economic turmoil sends a clear signal that the world is at once a disturbing spectacle, according to Heraclitus, and a joyful comedy, according to Democritus.

When value is negotiated, when gold is no longer the only reference commodity, and when the whole city, lacking even the minimum of required virtue, gambles with the law and calculates its matrimonial relationships in the same way that it exchanges paper money, this is cause for comment, indignation, or laughter in the theatre, in the novel, and in the *almanachs* themselves.

11. See CHRISTIAN BIET, *DROIT ET LITTÉRATURE SOUS L'ANCIEN RÉGIME: LE JEU DE LA VALEUR ET DE LA LOI*, at ch. VIII–IX (2002).

12. *La Déroute des agioteurs*, *supra* note 2, at 141 ("Billets / de Monnaie / de Compagnie / et d'Intérêt / Ce foudre trou- / ble notre Joie / En détruisant les / Billets de Monnaie.") (modernized spelling).

V. A PROBLEMATIC TRANSITION

The production of trial briefs, like that of novels at the end of the eighteenth century, demonstrates the advent of a new aesthetic based on a modern concept of the individual that gave autonomy to authors, narrators, characters, spectators, and readers. All of them became, in effect, fully “modern individuals,” each being competent to form individual judgements within the framework of a relative system of values that criticised, in practice, the concept of absolute value or immutable truth. It had now become important to question not only the legal issues raised by contemporary literary works, but also the nature of the economic relationships that united or divided fictional characters.

There were two, related, reasons for this. On the one hand, as we have seen, literature selected “interesting” characters—that is, characters who could slip through the cracks in the law and gain an independence that the latter’s mechanisms were unable to prevent. These characters “lacking in common law”¹³ were those who not only made use of the law’s faults and fictions, but were also familiar with its processes, adapting them for their own profit and personal interest. In this respect, they were a source of amusement, concern, and inquiry, and were therefore of interest to readers. On the other hand, such characters all shared an individual understanding of interest based on the financial profit to be made in the course of a plot, and this was also what placed them on opposing sides in dramatic and narrative schemas. This in turn interested their audience. The important thing here was not that good should triumph, but that the most attractive characters should win, even if their morals were not of the highest order.

It was as if there was some *benefit* to the public in going to the theatre or reading a novel. This benefit lay not only in the enjoyment of an entertainment defined by the public’s general obedience to the mechanisms of the theatre or the novel (whether these were spectacular in the literal sense of the word or were sufficiently complex to provoke surprise), but also in the pleasure of seeing the portrayal of simulacra of social behaviours with the potential for profit, be it temporary (until the point where the denouement reintroduced an often fragile or ambiguous order) or permanent (until the end of the plot). Often, over and above any moral closure, it was the acquisition of money, for all the characters, that became the driving force for the plot and for dramatic action, much more clearly than in earlier periods, and all the more so because there was an obvious audience demand for it. In this cause, nothing was forbidden, from disguise and the guiles of the classic trickster to the manipulation of the law. In other words, and for the greater enjoyment, the greater *profit*, and the greater *interest* of the spectator, strongly individualised characters (stock types that had broken away from their narrow definitions and developed into full characters and then into individuals) went about their business on stage, adapting social rules that relied on the legal system to their own advantage in order to achieve the realisation of their own personal interest that was primarily portrayed as economic in nature. Plots, while

13. That is to say, characters who neither breach the basic laws that regulated the social world and the plot nor are in perfect agreement with them. See *infra* Part VII.

appearing to denounce illicit practices and sordid calculations, at the same time proposed courses of action to the public that were illegal but effective—ways to avoid justice by exploiting the rules and procedures of the law itself, along with those that governed economic activities (e.g., deals, business, etc.). These offered audiences and readers the chance to benefit from something more than models of virtue.

The modelling of profit by portraying probable behaviours offered a new way of attracting the attention of members of the public. It did so by implicating them not in a moral judgement by condemning or exonerating the authors of the crimes, but in an appreciation of such patterns of behaviour based on outcomes that were tangible—that is, financial and material. And while denouements would still sometimes, albeit with increasing rarity, feature Justice and Morality cloaked in power and virtue, audiences were more often likely to witness the triumph of those who were openly lacking in principles, of rakes who were both lovers and financially astute or, at best, brilliant tacticians in legal affairs who were a little less bandit-like than the rest.

In these texts, which needed to appeal to their audiences through their pace, liveliness, sense of rhythm, and concision, characters had to act quickly, with virtuosity, using tried techniques; know how to risk everything while protecting themselves against the consequences of their actions; and finally come to the understanding that the law was a source of arms rather than the repository of values. The proverbial slow-moving nature of justice would be exploited to the benefit of those involved, affairs that were already problematic would be delayed, and potential problems would be speedily circumvented through negotiation. The aim of such moves was to gain possession of the physical or symbolic goods that participants hoped to win as quickly and fully as possible. This dynamic resulted in the consecration of the theatrical, or novelistic, space as a space in motion, a troubled space, but one that was always regulated by a *rapid* flux, operating within a system of exchange that was not necessarily legitimised by a charitable and absolute morality.

VI. THE CITY AND THE HOUSEHOLD: GEOGRAPHIC, ECONOMIC, AND LEGAL ENVIRONMENTS

It is clear that in France, from the time of Louis XIV's great withdrawal into personal devotion and, above all, from the time of his sad exile at Marly,¹⁴ it was in the city that innovations in literature were being made. It was not that the court was no longer important, but that it had become effectively marginalised where literary creativity was concerned. The publications of exiled Huguenots (following the revocation of the Edict of Nantes), the salons, Parisian theatres, and wide and varied range of coffee houses and meeting places had become the new crossroads of modern society. The weight of the city, as Daniel Roche suggests, had become vast in both the economic and cultural spheres.¹⁵

14. During his exile at Marly, he left the sumptuous Versailles castle and the hordes of courtiers to live, pray, and govern in a relative religious solitude, close to his new wife, Madame de Maintenon.

15. See ROCHE, *supra* note 6, ch. II, at 43.

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As a modern and consequently more liberated space, the city became the hub of all economic and cultural interactions, of all exchanges and negotiations. It allowed independence and fiscal freedom, but also individual freedom, was more open to various incomers,¹⁶ harboured an ever-expanding population, and served increasingly as a showcase for the architectural tendencies of the time in both quantity and quality. It consequently allowed new patterns of behaviour to develop and new cultural and social habits to come into being, making a new and different social hierarchy possible. Inevitably, all these changes were portrayed, discussed, and even hyperbolised and caricatured in the artistic production of the city's most visible culturally interactive space: the theatre.

In the midst of this change and movement, the merchant played a major role in the rapid growth of urban consumption.¹⁷ In the plots of plays and novels, too, he was an essential character. He was surrounded by a gallery of figures, aided by the financier, by collectors of taxes and duties, by the merchant's wife, and by the speculator—all key players in the highly varied cast of the great financial comedy of the times. The character of the money-man knew how to speak the language of finance, how to exploit social and economic rules for his own gain, and how to act as an intermediary rather than a possessor of goods, income, or fixed capital. The merchant was therefore a social and dramatic entity who dictated his own patterns of behaviour. Plots would accordingly be constructed around this central character (male or female), which was itself divided into a number of particular functions. Comedies overtly set out now to attack this multi-faceted figure, which was generally portrayed either as a person of bourgeois status hoping to gain, by morally dubious means, a power that was not his or her due,¹⁸ or as a Jew.¹⁹ Such plots might also demonstrate, sometimes concurrently, that in playing the merchant's game it was possible for young heroes and heroines, with the help of servants, to outwit the greedy bourgeois and eventually take possession of his property. These patterns were so prevalent that all the characters found themselves, more or less, in the role of negotiators, each according to his or her character, whether they were "bargaining" family heads, young rakes, triumphant younger sons, interested widows, young marriageable women, or even servants.

Whether they were the merchant's allies, enemies, or employees, servants were in the process of undergoing a change in status. This was firstly because their numbers had increased and their precise origins were less identifiable. Previously, a manservant or maid would have been brought to the city from the master's country estate and the

16. The influx of members of the rural population, in particular those destined for domestic service, was significant, as the growing number of employment agencies showed.

17. See STOYAN TZONEV, *LE FINANCIER DANS LA COMÉDIE FRANÇAISE DE L'ANCIEN RÉGIME* (1977); DANIEL DESSERT, *ARGENT, POUVOIR ET SOCIÉTÉ AU GRAND SIÈCLE* (1984); see also *LA MOBILITÉ SOCIALE AU XVII^e SIÈCLE, XVII^e SIÈCLE: REVUE TRIMESTRIELLE*, n°122, janv-mars, 31^e année-1, 1979.

18. See M. DE BARQUEBOIS [JACQUES ROBBE], *LA RAPÏNIÈRE OU L'INTÉRESSÉ* (Paris, E. Lucas 1683); ALAIN-RENÉ LESAGE, *TURCARET* (Paris, P. Ribou 1709).

19. See DANCOURT, *supra* note 10; see also NICOLAS BOINDIN, *LE PORT DE MER, COMÉDIE* (Paris, P. Ribou 1704).

details of their identities would have been known to the master. Now, although this was still sometimes the case, it was no longer the rule. It had become the practice for servants to travel of their own accord and, in moving from the country to the city, the link they created between the two worlds was less directly under the control of their employers. This was now the era of the employment agency, which provided a less identifiable and more fluid staff of people who were less attached to their masters. Like Jacob in Marivaux's novel *Le Paysan parvenu*²⁰ who appears, in this respect, as one of the most symptomatic servant characters of this period, these dangerous "new servants," new figurations of all social fears and fantasies, established themselves in the city and its households, entered the domestic space without being completely bound to it, and had access to all urban social groups, even though their own origins were rural. This pattern was so widespread that their mobility and adaptability was feared, just as their ability to escape past control was a generally agreed upon fact. The myth of the servant who became a rich bourgeois, having overcome the various social and class barriers through trickery, cheating, play and negotiation, came to be generally accepted in the public imagination as well as in literary texts. Although this belief is contradicted by the historical facts,²¹ the figure of the servant was nevertheless a source of concern, allowing literary authors to invent fictional characters that, in the course of the performance, both suggested and demonstrated the permeability of the class structure.

Between the marginal figure and the rich property owner there was now no radical difference in people's minds, since everyone could, if he or she worked hard enough, move from one status to the other. Whether master or servant, man of substance or businesswoman, it was possible to play the great game of interest. This provided a matrix for theatrical plots and narrative schemas and was one of the most visible concerns that justified the denunciation of an imagined social mobility working to destabilise individual status and social orders. What is more, servants increasingly clearly acted as go-betweens for the different social groups, thereby reinforcing the circulation of ideas and goods.

VII. THE NEW HEROES: INDIVIDUALS AT THE MARGINS

The seventeenth century saw the arrival, in comedy, tragedy, and the novel, of new heroes—those characters I have described as "lacking in common law." I will merely remind readers here of the argument that has already been developed. Such characters had to fight for their status and it was hard for them to exercise their individual rights in a society that favoured fathers and eldest sons, people who were *a priori* deemed "competent" by the law. Widows, younger sons, bastards, and unmarried daughters over twenty-five flocked onto the stage and the pages of novels and genuinely influenced the course of fiction, drawing it into a dramatic and narrative dynamic that changed the framework of the way the century thought.

20. PIERRE DE MARIVAUX, *LE PAYSAN PARVENU* (Paris, P. Prault 1734–35).

21. See DESSERT, *supra* note 17.

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We shall, therefore, take as our starting point an initial observation that has already been discussed: characters who did not completely conform to social and aesthetic norms, but who did not break with them either, occupied the front of the stage for that very reason. They established a play on the norm to the extent that this norm allowed a space for negotiation and did not impose fixed states. Here, they transformed the norm by appropriating its mechanisms, and by entering into negotiation with it, drawing on the principle that it contained gaps that needed to be filled through their labours. This principle gave them an *interest*. These characters *interested* readers and audiences because they were presented as new and independent entities. In this they were a source of surprise and pleasure and a stimulus to reflection. They acted in *their own interest*, in its name alone, and often triumphed over events. This is proof enough that, in the physical exteriority emphasised by the theatricality of performance, identity and difference were not simple extremes, but were complex, contradictory, and relative in nature.

From this point on, in order to exist or, rather, in order to become a complete person, a fictional character would operate in two ways. Not only would it enter into a relationship of play with the law, evaluating its flaws and its fictions; it would also adopt its logic and processes. It was thus through the law, with it, sometimes against it, and often by means of the gaps in it, that characters acted in literary plots. In the context of the law and its processes, the new heroes thus followed a path whose driving force was interest: the interest which motivated them; their personal or individual interest in events; their interest in the persons of others or the interest in themselves that they were able to arouse in others; and, last, the interest aroused by them, by their conduct and their strategies, in readers and spectators. In other words, it was not only the interest on which the whole work was founded that was important, but also any interest acquired or preserved in the course of the plot that was overt and accountable.

In the comic theatre of the end of Louis XIV's reign—too rapidly dismissed by commentators as cynical despite the fact that it asked questions unanswered by the law or society—it was these “others” who were introduced on stage; characters who, through their legal status, escaped the law or shed doubt on it without overturning it. The Other was thus, in the first instance, these “others,” these individual characters who created a porosity in the society depicted by the theatre, making it relax its hierarchies and renounce absolute values. At a time when the individual lay claim to his rights, when it was possible for fiction to serve as the basis for the invention of a new social life, the novel and comic theatre made use of “others” to eat away at a fragile norm, to define a literary and social “game” that relativised fixed positions and subjected them to a sum of probable circumstances. Servants could become masters and masters could become speculators; widows embraced and controlled social change; the whole of society faltered in its course but, for all that, it did not founder. This proliferation of figures, postures, characters, and significations on the *Almanach's* image shows that the period was typified by transactions, contracts of all kinds that replaced pre-established codified values with an evolving and mercantile system in which money clearly played a central role.

However, it is immediately clear that what allowed these characters to be “Other” was, in principle, the existence of a norm—not in the sense of a fixed *doxa*, but, rather, of a developing and relative set of rules often constructed on legal fictions. The system of reference was effectively defined by a law that was eager to specify the regulatory norm for human relationships, but was unable to do so completely, that wished to constrain the actions of those who escaped it but suffered from inherent weaknesses that prevented any absolute definition of the norm, and that would eventually provide the legal subject with the means to escape its grasp.

VIII. THE THEATRE: LOCUS OF CONFRONTATION, QUESTIONING, AND DOUBT

For this reason, in comic theatre at the end of Louis XIV’s reign, and more generally in the literature of this period, characters, motivated by interest, were not in a state of rupture, but functioned instead in an intermediate area not opposed to beliefs, conscience, ego, or law and situated in the gaps between them.

This is quite a surprising assertion given our awareness that in a dialogue there are always two participants, *one and the other*; one confronting the other, fighting for power over words or control over ideas, for the possession, oppression, or seduction of the other. Likewise, in a monologue, we expect to find one and the other united in the same character and weighing up contradictory views in order to conclude (or not) with a decision that excludes the opposing view. In principle, theatre, as the art of contradiction, of opposition, of the *agôn*, presupposes a confrontation of conflicting values either between or within characters, staging a combat between contradictory choices and moralities. There is plenty of “otherness” to be found here; that is, plenty of difference, of opposites, of opposition, in the binary system governing the plot and the functioning of the characters. Matters may well become more complex when, moving away from simple term-for-term opposition, texts create combinations of contradictions. But it is always possible to view the evolution of the dramatic and ideological performance in each scene in binary terms: such-and-such a hero or character, in search of his goal, has helpers and opponents and hesitates between different actions in the name of some value or other.

It must be said, though, on closer examination, that matters indeed became more complex now that values were neither simple nor absolute. From now on, characters were no longer either in confrontation or in agreement and could no longer be immediately distinguished according to a scale of values because the available reference points were no longer fixed. We could even contend that the conflicts and *agôns* peculiar to the theatre demonstrated that the most stable values were useless since they lacked foundation, or were open to criticism or debate, because these conflicts introduced not truth but questions about truth. The theatre, through its very mechanisms, made it possible for there to be hesitation, ambiguity, and inconclusive, wide-ranging, and independent judgements that were founded on contradiction. Because of this, eventually, the other would no longer exist, or only the other would exist, which amounts to the same thing and was an inevitable outcome if all judgements were to be made possible and all questions asked. The

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theatre, as a site of different confrontations, would thus define a crisis in values through its very construction, and, although it could choose to end the crises it portrayed so as to bring reflection and performance to a harmonious close, the trace of its questions and their impact still remained. By allowing its characters to hesitate, to open up values to debate and doubt, the theatre made it possible for any absolute divide between the law, founding values, virtue, and their opposites to disappear. The site of the confrontation between the one and the other therefore became the site of *play*, a link between the one or the other, thereby staging a confusion of previously clear identities.

IX. POETIC JUSTICE DURING TWO POST-BAROQUE PERIODS

Authors acted as advocates, while readers and spectators were judges who were free to pass judgement on the legitimacy of the fiction and the lessons set out by the author and illustrated by the characters. We can see how this new aesthetic introduced, along with relative values, the concepts of the contract and of play. Here, too, we encounter a space where decisions, criticisms, and reflection formed part of the practice of writing a play's ideological message and of possible acts of interpretation relating to it. This link between literature and the law, which bore the marks of modernity, was to be an enduring one.

The theatre was now the site of a sort of economic and aesthetic contract between the author and actors on the one hand, and the spectator and reader on the other. Of course, the implementation of a contract is not unproblematic, given that its function is to regulate conflicts of interest. Accordingly, the interests of each of the parties need to be taken into account in order to try to resolve these conflicts or, should this prove impossible, to propose a settlement based on authority, tradition, force, or calculation.

Spectators came to the theatre to purchase entertainment, to watch illusions, to consume a lie. To this deal, both sides wished to add the proviso that the entertainment should not be "free." In return for the spectator's money, the author and the actors would therefore offer entertainment (illusion and pleasure) *plus* interest, that is, moral, political, and philosophical utility. In principle, this potential interest was supposed to be of a moral nature and to contribute to social cohesion, but it has to be said that it could sometimes be critical in character or even provoke doubt both in the performance itself and in the mind of the spectator. In other words, an ambiguous system of exchange—money for entertainment plus moral or "critical" interest—was established, making the theatre dangerous in the eyes of those who feared pure entertainment, seeing it as the personal and social consequence of doubt. The normative positions adopted by theoreticians, authors, and actors were thus intended to restrict ambiguity or to ignore it, claiming a useful interest rather than a corrosive one, such as the desire to reduce the theatre to an entertainment involving merely simple pleasure in spectacle. Exchange would then, in principle, be reintegrated into the aesthetics of entertainment, or into normative ethics, enabling comedy to leave its "deceitful" status behind. Yet, the search for a personal critical benefit to the

spectator, at least in declarations of principle, was a vain one. Interest would inevitably escape the aesthetic framework and exceed the limits of normative ethics, *a fortiori* when comedy presented itself as the satirical mirror of a society, as it did at the end of Louis XIV's reign.

The models for dramatic action were the financial games that were, in turn, based on the very real games to be observed and imagined by audiences in French society itself. The action thus extended beyond the space-time of the performance. This is what the *Almanach's* image shows: the justice engraved on the page of the *Almanach* is supposed to be the image the king wants represented as "real" justice, but this official *and drawn* justice is, in fact, a justice of comedy, a theatrical justice.²²

As I said before, one can observe that, by referring directly to the spectator's world, the comic theatre of the end of Louis XIV's reign constantly evaluates the faults, pretences, lies, and negotiations of this supposed "real" world. This is what the *Almanach's* picture relays. It offers an engraving that anyone can pin on his wall and examine precisely, closely, slowly, character-by-character, posture-by-posture, all year long. And what can be seen behind the image is a comedy: a form of pretence, of course. But this pretence transcribes a stylised reality that is itself a tissue of pretences, and whose workings are assessed through theatre. In both worlds, theatrical and "real," what was just and certain had become uncertain. Justice was portrayed as relative and negotiated to such an extent that the interest that emerged from within the theatrical relationship could only be profoundly critical in nature. It was possible to show outrage at all this, to restore order, to be scandalised, even, within the play itself as a way of making interest "useful," and binding it to a moral, social, and political norm. It was clear, however, that the harm had already been done and that audiences had literally *interested* themselves in the dysfunctions of society and of the aesthetic relationship.

As we have seen, the hesitation between fiction and reality, and between certainty and uncertainty; the anxiety coming from a general oscillation and doubt about values; the discordance between social conducts and behaviours and principles of law; and the fascination with virtuality were common in the seventeenth and eighteenth centuries. This post-baroque moment, coming just before the Enlightenment, definitely has something to say to us in a postmodern and neo-baroque time, and it is clear that the current "digital baroque," as Richard Sherwin has described it,²³ resembles the early modern one. The moments are alike in the way they love and hate images, by the way they play with them, and by the way they play with emotions as well as with every rule and value. They resemble one another not only by their hesitation about these values, not only by the game the "actors" (of the real, of the stage, of the engravings, of the images) are playing on them, but also by the way a visual culture, which takes place inside this historical and ideological moment, is enacted. There is also a visual culture, and a visual popular culture,

22. A "poetical justice," as John Gay would have said for his *THE BEGGAR'S OPERA*. See JOHN GAY, *THE BEGGAR'S OPERA*, act 3, scene 16, at 114 (Vivien Jones & David Lindler eds., Methuen Drama 2010) (1728).

23. SHERWIN, *supra* note 5.

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during the early modern period. And this visual culture shows (as does ours) that doubt, and the feeling of doubt, is everywhere: in literature, in the arts, and in the practice of law. It shows that the rationalists' assumptions underlying law are inadequate to the social conducts and to the practice of law itself, and that the arts can, and must, instead propose other conducts, fictions, representations, and behaviours to be judged. This is so even if there is, at the same time, an overabundance of forms and measures in culture, and of theories and practices in law, and even if everyone—the actors, the authors and the spectators, and the citizens in general—is disoriented and uncertain.

Today, as in the previous baroque age, there are no more transcendental references. And as we see them fail, the sense of uncertainty and of the uncanny during these two post-baroque periods leads people to hesitate about everything—about every value, about what they see, and about how they are supposed to live. Digital or early modern, the post-baroque oscillates. But this oscillation not only provides a source of trouble. It also gives us a moment of macabre pleasure: the pleasure of dancing over ruins.