

Conclusion

As previously noted, revisionist historians view the royal state as ruling Old Regime France by means of compromises with national and regional elites, sharing authority with them and protecting their interests in return for their loyalties. This study has tried to show that the administration of Louis XIV had after all an authoritarian core, especially in its relations with the parlements. Absolute government, whatever ornate compromises decorated its multiple facades, rested on an authoritarian foundation.

With respect to our topic, the critical period was 1671–1673. As a result of their resistance to the fiscal demands of the Dutch War, the king imposed upon the tribunals those rules about registration procedure that deprived them of any influence upon new laws, relegating them to the margins of political life for the duration of the reign. Viewed from the perspective of constitutional thought and parliamentary precedent, both dating from early in the sixteenth century, this was a big step in a new direction, a daring break with precedent. It was at once inherent in the claims long advanced by sympathizers with absolute government but also contingent upon the events of the 1670s and the personal decisions of Louis XIV.

Nothing ensured that the king would subject the parlements to such a stern regimen; he might have stopped with the rules he established in 1667, more in line with those of his predecessors, and avoided a showdown, as they always did. Instead, he put the parlements in their place and kept them there until he died. When the regent Philippe d'Orléans, after a brief conciliatory period, enjoyed a fresh success with authoritarian methods, he demonstrated once again the hard realism that lay at the heart of absolute government. This is not to deny that in other areas, notably in their spheres of judicial and administrative competence, the royal administration treated the parlements favourably, even leniently. But this was because the king already occupied the political high ground, controlling the strategic terrain. Strong where it counted most, he could afford to relax pressure in areas where issues of supreme authority did not come into play.

If this sterner view of Louis XIV's absolutism proves convincing, the political subjugation (not too strong a word) of the parlements should bulk larger in our assessments of the Sun King's reign. All the current general treatments, along with recent biographies, have underestimated the depth and significance of this achievement. It is time to give it due interpretative weight.

Arguably, the victory won by Louis XIV was of such consequence that it influenced the government's relations with the tribunals into the middle of the eighteenth century. Until about 1750, the behaviour of the Parlement of Paris is described as 'restrained' and 'passive' and its remonstrances as 'moderate', the occasional fracas over *Unigenitus* aside. Much the same has been said for the provincial tribunals. Recent scholarship has attributed this relative calm to the skill with which the ministers of Louis XV, especially his prime minister, Cardinal Fleury, bribed key magistrates and outmanoeuvred others, knowing when to compromise and when to stand firm. On this reading of things, 'management' took precedence over coercion, manipulation overshadowed issues, and the influence of personal relationships outweighed that of ideas.¹ But we should not forget that duress could be effective too, when applied in memory and in the style of Louis XIV.

All the royal officials who served the regent began their careers under the late king, and many continued to serve after Orléans died in 1723, carrying the absolutist tradition forward. On 8 June 1725, when the government held a *lit de justice* in the Parlement of Paris, the keeper of the seals, Fleuriau d'Armenonville, one such veteran, explicitly threatened the Parlement with a return to all the rules and regulations of Louis XIV, invoking that name to good effect.² More significantly, Louis XV, like his predecessor, did not hesitate to coerce the tribunals into registering taxes during the War of the Austrian Succession (1741–1748).³

As late as 1766, with the old coercive methods more or less forgotten, a mature Louis XV had one more occasion to remember them. With the Parlements of Rennes and Pau in upheaval and attracting worrisome support from the Parlement of Paris, the king faced the sort of concerted resistance that had so troubled d'Argenson. On 3 March 1766, Louis XV marched into the Parlement of Paris and addressed the magistrates in the famous *séance de la flagellation*. In ringing tones, the king reaffirmed the theory and practice of royal sovereignty just as d'Argenson had done, using the latter's defiant clarity and repeating his very arguments, ideas and language.

This could not have been pure coincidence. The primary author of Louis XV's address may well have been the distinguished *conseiller d'état* Pierre Gilbert de Voisins, who began his career under Noailles and d'Argenson. Voisins assisted d'Argenson in the struggle with the Parlement in 1718 and attended the *lit de justice*, providing a living link with that emphatic recourse to authority. D'Argenson's files on the Parlement, compiled then and periodically consulted thereafter, still existed in 1766, available for further study. Since

d'Argenson, in preparing for the *lit de justice*, had most likely examined the Council of Justice files from 1665, the *séance de la flagellation*, in drawing upon him, drew upon Louis XIV as well. In this sense, Louis XIV and Colbert joined Louis XV in the flagellation session, together with Pussort, Philippe d'Orléans and d'Argenson himself.⁴

Revisionist historians, as we have also seen, have treated venal offices as a barrier to absolute government, contending that the king could not tamper with this quintessential vested interest lest he endanger his rule by provoking the wrath of the magistrates. Under Louis XIV the contrary was true, as we have demonstrated, with the parlements suffering recurring forced loans and repeated sales of new offices up to the default of 1709, with all its disagreeable consequences. Things could hardly have been otherwise, given the historic link between the parlements' political powers and the magistrates' investments in venal office. Once the king broke the former, the latter stood defenceless before him. In the event, Louis XIV not only exploited venality to the full, turning the judges into sources of ready money, he also damaged their economic interests severely, given the central role that venal office played in their overall wealth.

If this second argument also wins adherents, it would force a reconsideration of the social and economic condition of the magistrates of the parlements in the early eighteenth century. Rather than seeing them as emerging more or less undamaged from the reign of Louis XIV, poised to take advantage of the new century,⁵ we should understand them as a weakened, almost endangered group, reeling from the depredations of the late king. A good way to assess this conclusion is to consider the fate of office prices in the eighteenth century.

These eventually rose somewhat from the low points of the late reign and the regency, but they never returned to the levels of the 1690s, let alone those of the 1660s. By 1750, for example, the price of a councillor's office in the Parlement of Paris had climbed from below 35,000 livres, its low point after 1715, to above 40,000 livres. It then rose to around 50,000 livres in the mid-1750s, where it seems to have stabilized, at about the levels of 1715, considered a bad year for venality. The Parlements of Aix, Besançon, Bordeaux, Dijon, Grenoble, Metz, Rennes and Toulouse continued to suffer low prices for councillor offices until late in the reign of Louis XV, after which a modest recovery began in at least some tribunals and lasted into the 1780s. But such increases as did take place, starting as they did from such a low base, could not make up the ground lost while Louis XIV was king and Philippe d'Orléans was regent. This is all the more meaningful when we recall that in 1722, the regent restored the *droit annuel*, the redemption of which had been ordered in 1709, and reimposed the annual *paulette* payments upon venal office-holders, with the single but important exception of the judges of the parlements and other superior courts. In other words, these magistrates alone could henceforth transmit their

offices to heirs or buyers, without having to pay for the privilege. This benefit should have boosted office prices; its failure to do so shows how weak the demand for them remained. The damage that the Sun King inflicted upon their venal offices stayed with the judges until the end of the Old Regime.⁶

In 1749, the ongoing, visible decline of venality prompted fresh plans for suppressing offices in the parlements. The new reformers actually took 'the great Colbert' as their model and admiringly glossed his celebrated reform edict of 1665. Their Colbert-inspired memoranda likely contributed to the actual suppression by Louis XV in 1756 of seventy-nine councillor offices in the Parlement of Paris, two whole *chambres des enquétes* – about one-third of the tribunal's complement. In telling contrast to their staunch defence of office a century earlier, this suppression actually met with the approval of the magistrates, so anxious were many to divest themselves of an investment gone wrong. Louis XV promised to reimburse the offices at 50,000 livres, one-half the value that Colbert had set, further proof of the long-term decline. Even so, many offices in the Parlement remained vacant, and the volume of litigation, and therefore *épices*, also stayed low, as under Louis XIV.⁷

Had the parlements struggled with any success against Louis XIV and the regent, they might have retained some political powers and spared themselves most of the financial reverses that they suffered in their venal offices. The magistrates would then have advanced into the eighteenth century with real political and social strength and enhanced prestige. No one can tell how such an Old Regime, with an invigorated upper magistracy, would have functioned; but it would have been rather different from the Old Regime that we actually have. As it was, the parlements and their magistrates emerged grievously weakened from the reign of Louis XIV,⁸ their political functions virtually abolished and their venal offices stripped of the capital gains built up in the past century. As the preface to this study suggested, historians who wish to generalize about absolute government will have to decide, in light of the evidence presented by revisionists, how heavily to weigh this new material and determine whether it belongs in a main or in a subordinate clause.⁹

Notes

- 1 The adjectives describing the tribunal's behaviour are those of Shennan in *Parlement of Paris*, pp. 298–308; for the political weakness of the parlements in the first half of the century, see also Ford, *Robe and Sword*, pp. 82, 97–98, and Egret, *Louis XV et l'opposition parlementaire*, pp. 25–49. Campbell, *Power and Politics*, pp. 259–264, 276, 292–295, credits the ability of the government and especially Cardinal Fleury to 'manage' the Parlement in the 1730s and the 1740s. Similar views are expressed for the 1750s in John Rogister, *Louis XV and the Parlement of Paris* (Cambridge, 1995), pp. 22–23, 58, 187, 257–258.
- 2 BN, *N.a.f.*, 9,750, ff. 217rv–219v, 'Précis de ce qui s'est passé au Parlement au lit de

- justice le 8 juin 1725'. Along the same lines, Shennan, *Regent*, pp. 134–145, makes the regency a retrospective triumph for the bureaucracy of Louis XIV.
- 3 Rogister, *Louis XV and the Parlement of Paris*, pp. 33–35, 47–49, 52, 75, 94.
 - 4 Compare d'Argenson's statements of 5 July 1718, and 26 August 1718, in Flammermont, *Remontrances*, I, 85–87, 109–110, with that of Louis XV at the *séance de la flagellation*, 3 March 1766, in *ibid.*, II, 555–560. Bickart, *Parlements et la notion de souveraineté*, p. 71, first noted the textual similarity. Of course, Louis XV himself held the *lit de justice* of 1718; and although he was only eight and a half, he may have remembered something about it. While a committee produced the *flagellation* statement, traditional scholarship names Gilbert de Voisins as the primary contributor: Antoine, *Louis XV*, pp. 853–854; but Julian Swann, *Politics and the Parlement of Paris under Louis XV, 1754–1774* (Cambridge, 1995), pp. 269–270, dissents. Campbell, *Power and Politics*, p. 260, shows d'Argenson consulting his father's papers in 1732. Bickart, *ibid.*, pp. 151–153, and Swann, *ibid.*, pp. 131, 147–148, 163, 168, 198–199, 226–227, 268–270, are good introductions to the coordination of parliamentary opposition in mid-century called the 'union des classes'.
 - 5 As in Ford, *Robe and Sword*, pp. 3–76.
 - 6 Doyle, *Venality*, pp. 211–215, is the best treatment and replaces earlier efforts to grapple with the problem of office prices, e.g. Ford, *Robe and Sword*, pp. 148–150. As Doyle notes, it is problematic to compare prices before and after 1726, when the livre stabilized, a task made more difficult by the often violent fluctuations of the livre from 1680 to 1720. On the other hand, it is not altogether clear that currency edicts had much influence on prices: James C. Riley, 'Monetary Growth and Price Stability: France, 1650–1700', *Journal of Interdisciplinary History* 15 (Autumn 1984), 235–254. For prices in the Parlement of Paris, see Bluche, *Magistrats*, pp. 166–167, and BN, *Fonds fr.*, 7,760, ff. 199v–200rv. The overall decline of office prices in the eighteenth-century provincial parlements is documented in Egret, *Parlement de Dauphiné*, I, 18–19; Jean Meyer, *La noblesse bretonne au XVIIIe siècle* (Paris, 1966), II, 938–941; Doyle, *Parlement of Bordeaux*, pp. 28–30; and Albert Colombet, *Les parlementaires bourguignons à la fin du XVIIIe siècle* (2nd edn; Dijon, 1937), p. 62. However, the offices of *présidents à mortier* resisted much of this downward pressure. For the restoration of the *droit annuel*, see BN, *Actes R.*, F. 23,621 (no. 640; declaration of 9 August 1722), and Doyle, *Venality*, p. 50.
 - 7 BN, *Fonds fr.*, 7,760, ff. 214rv–254rv (the reform memoranda); Doyle, *Venality*, pp. 102–103; Swann, *Politics and the Parlement of Paris*, p. 15. Although the reimbursement terms are unclear, it seems doubtful that a magistrate could have obtained 50,000 livres for an office that he had purchased a few years earlier for, say, 30,000 to 40,000 livres. Ford, *Robe and Sword*, p. 53, n. 35, notes that many offices in the parlements were unoccupied in 1789.
 - 8 For the intellectual impoverishment of the magistrates, see William F. Church, 'The Decline of French Jurists as Political Theorists, 1660–1789', *French Historical Studies* 5 (Spring 1967), 1–40.
 - 9 Recent studies featuring the inherent power of absolute government are: T.J.A. Le Goff, 'Monetary Unification in France under the Monarchy', *The EURO in Comparative Context*, Workshop, York University, 4–5 March 1999, forthcoming; John A. Lynn, *The Wars of Louis XIV, 1667–1714* (London and New York, 1999).