

CHAPTER 1

The Aristocracy

IN THE old France the law distinguished three *orders*: Clergy, Nobility and Third Estate. Their numerical proportions are not definitely known, but in a total population of probably 23,000,000 there were certainly not more than 100,000 priests, monks and nuns, and 400,000 nobles. All the rest constituted the Third Estate.

The clergy, besides its honorific preeminence, possessed very great privileges. It was an organized body, represented by a periodical Assembly, equipped with its own administration (agents-general of the clergy, diocesan chambers, etc.) and provided with its own courts of law, called officialities. It was subject to none of the ordinary direct taxes but instead determined on its own authority a “free donation” to the king. Sometimes it borrowed money for the use of the state, assuming the interest and amortization charges. Materially it depended neither on the state nor on the generosity of the faithful. It collected the tithe on all products of the soil, and its own landed property, very extensive in the north, somewhat less so as one went west and south, comprised probably a tenth of the kingdom. Bishops, abbots and chapters were lords over many villages, and as such received manorial dues. Closely allied with the monarchy, whose divine right was symbolized by the religious ceremony of coronation, the clergy exercised a control over thought in the interests of both Church and king, possessed a monopoly in education

and poor relief and shared in the censorship of everything that was lawfully printed. Since the revocation of the Edict of Nantes all Frenchmen were considered to be Catholics. Official records of birth, marriage and death were kept by the parish priests. Without Catholic sacraments the king's subject had no legal existence; his children were reputed bastards and had no rights of inheritance. Not until the beginning of 1788 did the authorities reluctantly concede the continued existence of Protestants and make exceptions in their favor.

But strictly speaking the clergy, as Sieyès said, was a profession and not a social class. Its unity was purely spiritual, representing the Church, a perfect and divine society. Socially the clergy was differentiated into nobles—especially the upper clergy, such as bishops, abbots and many canons—and commoners, who included almost all the parish priests and most persons in monastic orders. These social distinctions were to become clear at the Estates-General when the parish priests assured the victory of the Third Estate.

There were in reality, therefore, only two classes, nobles and commoners. The aristocracy meant the nobility.

The Nobles: The Interplay of Rank and Money

The nobility also enjoyed privileges, some “honorific,” such as the right to carry the sword, others “useful,” such as exemption from the tax known as the *taille* and from obligations for road service and quartering troops; but it was less favored than the clergy, not forming an organized body and being subject to the poll-tax and the twentieth-taxes.¹ The nobles still owned considerable land,

¹ The *taille* (the word originally meant the “cut” taken by the lord from the subject) was the basic tax of the French monarchy before the Revolution. It varied in both form and burdensomeness from province to

probably a fifth of the territory of the kingdom, and they possessed the majority of the manors and hence the right to receive feudal dues. But these facts established no radical distinction between them and commoners. Privileges were enjoyed also by provinces, cities and government officials

province, and was never paid by anyone who because of class status, regional privilege or personal influence could obtain exemption, so that not to be *taillable* was one of the most common of privileges, and to be *taillable* was not only a financial expense but a social indignity. In general, the *taille* was paid only by the poor, especially the peasants. There were two additional modern direct taxes, payable in principle by all: (1) the *capitation*, inadequately translated as “poll-tax” because unlike the poll-tax as understood in America it was levied in rough correspondence to income; and (2) the *vingtième* or “twentieth,” originally conceived as a kind of 5 per cent tax on income; but influential groups—Church, nobility, provinces and certain corporate organizations of the bourgeoisie—had so successfully watered down these obligations (by compounding once and for all through paying a lump sum, by concealing the true amount of income or by other means) that these two taxes also were undermined by privilege, unjust in their incidence and insufficiently remunerative to the government. Also to be considered as direct taxes, though paid in service rather than in money, were the *corvées royales* consisting in (a) the *transports militaires*, by which civilians lent the use of carts, etc., to assist in troop movements, and above all (b) the *corvée des routes*, by which people within five or ten miles of the through highways or *routes royales* were called upon to supply labor, teams and wagons to keep them in repair, usually being liable for from six to thirty days a year. Only peasants were subject to these *corvées*, though of course it was not mainly the peasants who benefited. Commutation of *corvées* into a money tax was often considered by government administrators during the eighteenth century, but never generally or successfully introduced.

The difficulty of the Bourbon monarchy in levying direct taxes arose from a fundamental weakness in the absolutist structure, viz., that the government ruled without the express consent of influential groups within the country. The king's government, unwilling or unable to allow participation of these groups in the formation of policy, persuaded them to accept its authority by assuring them “liberties,” such as immunities to taxation. Contrariwise, the influential groups—Church, nobility,

who were not nobles. Many bourgeois did not pay the *taille*. Peasants were the only persons subject to drawing lots for militia service and to statute labor on the roads. In France it was not prohibited, as it was in Prussia, for bourgeois and peasants to acquire land and even manors, and they did so without backwardness or embarrassment.

What really characterized the nobility was birth; it was possible to become a noble, but in the eyes of everyone the true nobleman was born. It was from blood that the noble derived his superiority over the “ignoble” commoners, and hence it followed that noble status was inalienable and that

privileged provinces, etc.—took the position that if they were not represented in the government they were under no obligation to pay taxes to it. The tax exemptions of the Old Regime thus reflect, inversely, the well-known American principle of “no taxation without representation.” The result was that most direct taxes were paid by persons lacking the status or influence to bargain with the king’s officials, and that the king’s government could never raise by direct taxes a revenue at all proportionate to the real wealth of the country, or to its legitimate needs.

Hence the monarchy resorted heavily to indirect taxes, which in principle were paid by all classes, but which in effect, since they fell on articles of common consumption, were borne mainly by the least wealthy. Indirect taxes included (1) the customs duties, including internal customs duties; (2) the excises or *aides* on wines, liquors, playing cards, soap, etc., and (3) the government monopolies of tobacco, salt, etc., especially the salt monopoly or *gabelle*, by which the government required its subjects to purchase fixed amounts of salt at a figure far higher than the economic price. Some privileged provinces were wholly or partly exempt from the *gabelle*. The indirect taxes were “farmed,” i.e., collected by the private enterprise of concessionaires who made tax-farming a business. There were two general reasons for the farming system: an administrative reason, in that the central government lacked the machinery for dealing with millions of individuals on small matters; and a financial reason, in that the government, always hard-pressed for cash, obtained an immediate lump sum from the farmers, leaving them the right to make a profit by collecting over a period of time the whole amount legally due.

an unsuitable marriage was an ineffaceable blot. The aristocratic literature that flourished in the eighteenth century, more than is generally realized, side by side with the bourgeois philosophy, set itself to fortify this racial phantasmagoria by imaginary portrayals of French social history. To the comte de Boulainvilliers the nobles were descendants of the early Germans who had established themselves by conquest as lords over the persons and lands of the Gallo-Romans, conceived to be unskillful in arms and timid in the face of death. They were a distinct race, heroic and military, made for command and insistent upon the marks of respect assured by honorific distinctions. How could such men dream of being confounded with the rest of the nation?

The noble “derogated” or fell into the common mass if he followed a business or profession. Colbert had permitted nobles to engage in maritime commerce, but with only moderate success. Unless very poor, the noble did not even manage his own property. From idleness he often saw his fortune slip away. War no longer paid; hence younger sons tried to establish their claims despite primogeniture. The cost of living in the eighteenth century had greatly risen. The nobility as a class was less and less homogeneous. Some were very rich, like La Fayette, who inherited 140,000 livres a year at the death of his father.² They lived at court or in sumptuous chateaux, like Rohan at Saverne and Brienne at Brunoy. Their manner of life often lacked balance and seriousness, and many ended up greatly in debt, for example the Guéméné family, which went bankrupt on the eve of the

² The livre, renamed the franc during the Revolution, was the basic currency unit. It consisted of 20 sous, and 24 livres made up a louis d’or, a gold coin of about the value of an English guinea. An income of 140,000 livres would be equal to about 7,000 English pounds sterling. A skilled worker’s family might live on 1,000 livres a year if regularly employed.

Revolution. The provincial nobles led a less dissipated existence; many were scarcely comfortable and some were even poor, especially in the hilly regions. The large class of needy gentry were of all the nobility the most wedded to tradition and the least inclined to concessions, for they feared that to give up their feudal rights or even to pay more taxes would consummate their ruin.

Alongside this nobility of the sword, the old nobility or nobility that called itself such, another nobility had arisen. The king could create nobles, and had not failed to reward his servants in this manner. Having formed the habit, to obtain money, of putting up public offices for sale, especially judgeships but also financial, military, administrative and municipal offices, the kings had reached the point in the sixteenth and seventeenth centuries of conferring nobility on some of these employments in order to increase the price. Hereditary noble status was granted to members of the Paris law courts—the Parlement, Court of Accounts, Court of Aids, Great Council, Court of Coinage—and of some courts in the provinces. In other cases noble status was conceded only as a personal right but became transmissible to heirs after a certain number of years. This was known as nobility of the robe. Similar favors were accorded to the masters of petitions of the king's council, to officials in the bureau of finance and general tax collectors, to secretaries of the king who were dispersed in numbers running to several hundreds throughout the kingdom without having any function, to the mayors and magistrates of certain towns. These nobles, of recent bourgeois extraction, were wealthy because their offices had a high market value and because ordinarily, through family tradition, they knew how to administer and augment their inheritances. The nobility of the sword long held them in some contempt, but in the eighteenth century this feeling was lessened, for the lure of dowries brought on marriages that hastened assimilation, and in any case the

new nobles soon forgot their origins and were no less proud than the old.

The nobility had become greatly dependent on money, without which the future was closed. The time was no longer when the youngster from Gascony came to seek his fortune at court, for the impoverished nobleman could no longer serve there. Even in the army promotion for him was closely restricted, for a regiment cost from 25,000 to 50,000 livres. Hence many were hunters of sinecures, pensions or outright gifts if they could only get close to the king, or at least rich marriages, even at the price of somewhat degrading connections. Choiseul married the daughter of Crozat, Molé the daughter of Bernard, the bride's father in both cases being famous and wealthy from farming the government revenues. A daughter of the banker Laborde became the comtesse de Noailles. A more interesting fact is that the nobles let themselves be won over by the bourgeois spirit, took an interest in the progress of capitalism and tried to obtain some of its profits through using their influence with the administration or invoking their feudal rights. The manorial lords long claimed the right to grant mining concessions for properties on their estates. In 1744 the king made mining concessions dependent on the Crown, but in any case the nobles were favorably placed to obtain them, and the duc de Croy, for example, played an important part in the formation of the Anzin coal interests. Timber and water rights for the most part belonged to the manorial domains; they were indispensable in the eighteenth century to iron-smelting and glass-making, as well as other types of manufacture. Some noblemen invested in industry. The comte d'Artois had stock in the Javel works, and Buffon set up an iron foundry at Montbard. Others speculated in real estate. The duc d'Orléans built apartment houses at the Palais-Royal. Some bought shares in the Tax Concession which collected the customs duties and managed the sale of salt, which was a government monopoly; or joined in companies

supplying the army and navy; or speculated on the Stock Exchange. The abbé d'Espagnac and Talleyrand were already known before the Revolution for their operations on the Exchange.

More traditionally minded, some great landowners tried to raise their incomes by developing their estates according to methods advocated by the Physiocrats and imitated from England. Among these were the marquis de Turbilly at Volandry in Touraine, the duc de La Rochefoucauld at Liancourt, Montlosier at Randanne near Clermont, Lavoisier in the Blésois. But most lords confined themselves to demanding their feudal rights with a new rigor, a turn of events often called the feudal reaction. They farmed out their rights to bourgeois agents who were relentless in collection of dues; they had minutely detailed manor-rolls drawn up, putting into effect dues which had become obsolete; they prevailed upon the king to issue edicts allowing them to appropriate a third of the common lands or to enclose their own fields and forbid the peasants to pasture their animals in them; they made use of the "planting right" to set out trees along the roads on land belonging to the peasants; they expelled the peasants from the forests.

These consequences of the race for money were emphasized by Tocqueville. At its upper level the nobility tended to suffer amputation of a minority whose conditions of life drew them to the bourgeoisie and gave them liberal ideas. These were envious of the English lords who enriched themselves in bourgeois ways and who by sitting in Parliament formed the ministry and government of the country. At its lower level the nobility also suffered from attrition. For want of money some unclassed themselves, like Mirabeau. Many younger sons dreamed of a new order in which they should have their place, or at the least, disgusted with their humdrum life, longed for adventure and exclaimed like Chateaubriand, "Arise, ye desired storms!"

The Resurgence of Aristocracy in the Eighteenth Century

Still, one should not exaggerate the importance of this development. The great majority of nobles either did not know how, or did not wish, to get rich. The great majority of younger sons had no desire to “derogate.” They sought the remedy elsewhere, in a growing exclusiveness. Some held that the nobility should form a body like the clergy and be constituted as a closed caste. For the last time, in stating grievances in 1789,³ they were to demand a verification of titles of nobility and the suppression of automatic creation of nobility through the sale of offices. Likewise it was held that, if the king was to count on “his loyal nobility,” he should recognize that they alone had the necessary rank to advise him and to command in his name; he should grant them a monopoly of employments compatible with their dignity, together with free education for their sons. The nobles had already obtained considerable satisfaction in the course of the eighteenth century. The king, first gentleman of the kingdom, had increasingly let the prerogatives of blood prevail, at the risk of thereby betraying what may be called his national mission, and of seeing the aristocracy turn against him the influence which he allowed it to win.

The history of the Capetian monarchy had in fact been largely the story of its struggle against the aristocracy. Sometimes the royal power had won out, as under Francis I and Henry II, to go back no farther, or under Henry IV and Richelieu. Sometimes the aristocracy had regained the advantage, through the wars of religion, the minority of

³ The reference is to the *cahiers de doléances*, or grievance-lists, prepared at the time of the elections to the Estates-General in 1789. In these *cahiers* each “order” in each electoral district stated its grievances and recommended new policies to the king. See below, pages 34–36 and 71–74.

Louis XIII or the Fronde. Under Louis XIV the conflict seemed to be over, and the nobility saw itself at last even subjected to direct taxation. While consolidating the territories of France the royal power thus prepared the unity of the nation, taking local administration away from the territorial aristocracy, fighting against particularism and endeavoring to unite all Frenchmen under the same law. The Crown, in obliging clergy and nobles to obey it, put them on the same footing with the rest of the nation, at least in this respect and pending further developments in the same direction. But the successors of Louis XIV did not finish the great work. It is customary to characterize the eighteenth century as the age of the rise of the bourgeoisie and the triumph of "philosophy," but the century also witnessed the last offensive of the aristocracy, of which the beginnings of the Revolution were merely the crowning effort.

No one could complain of Louis XVI, as Saint-Simon had complained of Louis XIV, that the monarch surrounded himself with nothing but "vile bourgeoisie." Except for Necker all of Louis XVI's ministers were nobles. So were the members of his councils. To the nobles also were reserved, it need hardly be said, all the dignities of the households of the king, the queen and the princes. After every war it was the officers of common birth who were retired first. The comte de Saint-Germain, when minister of war, ruled that each time a commission changed hands its price should be reduced by a fourth; the purpose was to open the army to men of birth rather than money. After 1781 four quarterings of nobility were required to obtain a commission without passing through the ranks. In the navy, where commissions were not sold, aristocratic exclusiveness met with still fewer obstacles. All the bishops were noblemen in 1789. The Parlements fought against the admission of commoners and some of them openly required nobility on the

father's side.⁴ In any case few new offices were being created and the old ones had become virtually hereditary. Even the intendants⁵ had been encroached upon, for whereas in the time of Richelieu and Colbert the intendants had been commoners or very newly made nobles, under Louis XVI they were nobles with quarterings, who had long resided in their districts, married there, bought land and fraternized with the lords of the neighborhood. Would they not hesitate, if the struggle became acute, between the king whom they represented and the aristocracy of which they were members?

This struggle had in fact been resumed ever since the death of Louis XIV. It was no longer a question of recourse to arms. Times had changed. It was now in the field of judicature and administration, by bourgeois methods, that the Parlements or sovereign law courts, together with the Provincial Estates, held in check and undermined the royal power. The courts were courts of law, but two of their functions gave them a political role. An edict of the king was not valid in their eyes until they had registered it, and before registering it they were permitted to present remonstrances. Of course the king could take further action; he could command registration of an edict in a solemn session called a *lit de justice*. But on various

⁴ For the *parlements*, of which there were thirteen in 1789, see the following paragraph. Various of the great provinces had made autonomy of their own legal systems a condition of coming under the French crown; each Parlement was the supreme or "sovereign" court of appeal in a region having its own laws and courts. Above the thirteen Parlements there was no legal authority except the king himself, though the Parlement of Paris often exerted a leadership over the others.

⁵ France in 1789 was divided into thirty-four *généralités*, each in charge of an official called an *intendant*, who exercised all the king's administrative power and a good deal of his judicial power in the district; originally it had been one of the main duties of the intendants to control the local aristocracy, and they had therefore at first been men unconnected with the aristocracy or with the territory to which they were assigned.

occasions during the eighteenth century the Parlements had boldly declared such proceedings null and void, and, when the king stood his ground, had simply suspended the work of the courts. They would thereupon be exiled to another city by administrative orders (the famous *lettres de cachet*), but even so, until some compromise was reached, the original edict would remain unenforceable at law. The courts were especially troublesome when fiscal questions were at stake; under pretense of defending the taxpayer they blocked reforms aimed at the limitation of privileges. In 1774 Maupeou had broken this judicial oligarchy, but one of the first acts of Louis XVI was to reestablish it. Soon afterwards it contributed powerfully to the fall of Turgot.

The development of the Provincial Estates is less well known but no less characteristic. Louis XIV had allowed these representative assemblies to remain alive in a number of provinces. They existed in Burgundy, in Artois, Flanders and Cambrésis, in Béarn and some of the smaller districts in the Pyrenees, and in somewhat restricted form in Provence. But the most powerful of the Provincial Estates were those of Brittany and Languedoc. Here the nobility and clergy reigned supreme, and the Third Estate was represented by delegates of municipalities who were themselves nobles or at least privileged persons. In Languedoc the Third Estate had as many deputies as the first two orders combined and voting was not by order but by individual member, yet the interests of the aristocracy did not suffer.

Localism flourished in the Provincial Estates and the provincial courts. The estates, possessing the right of consenting to taxation, boasted like the Parlements of protecting the population against the demands of the Treasury; but they in fact used their powers to protect their own privileges and to win little by little a large share in the administration. Languedoc opened the way, Brittany followed, and in 1788 the intendant in Brittany had no powers left except over the mounted

constabulary, inland transports and the supervision of beggars. The provinces which had estates aroused the envy of those which had none, and the intendants, knowing themselves to be unpopular, were increasingly cautious in exercising their powers.

In short, the nobility, not content with monopolizing the higher public employments, nourished an ambition to share in the central government and to take over all local administration. The Parlements represented themselves as the heirs of those ancient “fields of March” and “fields of May” where Frankish kings had consulted with their chief retainers, or of the *cour-le-roi* in which the early Capetians had met with their great vassals. Recalling that taxes had once been voted by the General Estates of the kingdom, the Parlements asserted that, in the absence of the national estates, this right had reverted to themselves. The aristocratic literature declared that the lords had received, with their fiefs, a sovereign power over the peasants of which the king had unjustly despoiled them. Montesquieu took up all these arguments, not excepting the theory of the Germanic origin of the nobility, in order to legitimize the existence of the “bodies” which he believed necessary to prevent monarchy from turning into despotism; the liberty which he preached was a liberty of the aristocracy, and his *Spirit of Laws*, from this point of view, can be considered the handbook of aristocratic belief. Some writers have tried to distinguish between the nobility of the sword and the nobility of the robe, and to blame the weakening of royal power in the eighteenth century on the nobles of the robe only, seeing in them undisciplined public servants. Undoubtedly the nobility of the robe had interests of its own, for example the proprietary right to offices, which Montesquieu defended; but the nobility of the sword, though always jealous of the newer nobility of the robe, no longer regarded it as an enemy and made common cause with it against the central power. Every crisis saw

cooperation between the Provincial Estates dominated by the older nobility and the Parlements which were the stronghold of the new.

Fearing both segments of the nobility, the monarchy had been unable to complete the unity of the nation. Toward national unity there had indeed been great progress, without which the Revolution would have been impossible. A thousand ties had been woven among Frenchmen by the development of communications and commerce, by the education given in the colleges, by the attraction of the court and of Paris. But provinces and towns retained their privileges. The South kept its Roman Law and the North its different regions of common law. Weights and measures were not uniform. Private tolls and internal tariffs remained. The boundaries of administrative, judicial, financial and ecclesiastical districts overlapped each other in chaos. Finally and above all, the nobility was still a nation within the nation.

The day came when a new financial crisis convinced Calonne, minister to Louis XVI, that the state must be modernized. The everlasting adversary barred the way.