

1973-04-00c: [SOCIETY, Theory] Mousnier vs Porchnev on Loyseau

Mousnier 's prospective fallacy: Loyseau in the 20<sup>th</sup> century

Porchnev's retrospective fallacy: Marx in the 17<sup>th</sup> century

Porchnev badly misconstrues Loyseau in trying to say that offices, seigneurs) & orders constitute different kinds of power. He has not grasped even the essential intention of Loyseau, to give a rendition of public power as such, in which different people participate in different ways, but always they are exercising the same power, public power, which Roman law had clearly defined.

[I would guess that Porchnev never had a copy of Loyseau in his hands; the citations in the early part could all be from Lacour-Gayet, as one of them indeed is labeled.]

The strength of Porchnev's analysis of Loyseau depends upon the efficacy of his "socializing" Loyseau's juridical distinctions. Loyseau himself socializes them in *Ordres*, VIII, 45, where he makes the distinction between the last group of those who have dignity, the merchants, (who are *hommes honorables*) based, as least in part, on their habitual riches, and the first of those who don't (those who practice the *arts mechaniques*.) Porchnev seizes on this as a way of distinguishing all groups in society, between those who command and those who obey on the basis of those who have capital and those who work with their hands--a proto form of owners of means of production and the exploited users of them. But upon close inspection, one sees that Porchnev's imagination has been working overtime on solidifying distinctions which are very conditional in Loyseau.

First of all, many who obey also command, so that there are three classes: command alone (seigneurs, with ownership of public power) command & obey (magistrates), obey alone (lower elements of 3rd estate).

Secondly, many of those who practice the mechanical arts also do commerce (VIII,52), and in the latter capacity they have dignity although they don't in the former; so, in a given individual the three distinctions between obey-only and obey-command is mixed. If this is so, then all notions of "class" are ridiculous. It is clear that *arts mechaniques* in Loyseau is a survival of the old notion of vile labor (already modified by business being upgraded) rather than a harbinger of the proletariat. Moreover, *laboureurs* (farmers) are put after merchants but before practitioners of the "short robe", since rustic life is the more noble (Roman precedents and also Perroy, 14th c. Forez): Clearly here the notion of honest farm work shows its potential nobility before the bourgeois; indeed, the nobility always can form themselves without suffering *dérogance*, and from Perroy on Forez we see that most of the new nobility in the 14th and 15th centuries were peasant stock. (Loyseau notes, however, that labourers have been very debased in France.)

Thirdly, even the *arts mechaniques* are subjected to analysis of apprentice-bachelor-master sequence being ruined by letters as masters are given credentials by royal fiat and nobleman's fiat, so that they become "officiers du roy" (VIII, 49--a strange implication.)

The critical issue of command-obey is used by Loyseau juridically. Porchnev means it to be exploiter-exploited. Using "richesse" as the borderline is not very clever, really, because it is the *habitual* richness of this class which gives it power in the community and so (as I see it) gives it more responsibility, which entitles it to "*dignité*". The idea of private, self-serving wealth would run against Loyseau's notion of richness giving dignity. It seems to me that the main element in *dignité* and public power in Loyseau is that of responsibility for maintaining the commonweal. (No Marxist like Porchnev will ever buy this song & dance, of course). Loyseau

sees this very broadly especially in the function of merchants as opposed to others who do business. But his view is essentially still medieval/functionalist (if you will) in the form of the "corpus politique" that must hang together (without giving rigid assignments of organs of the body to classes, however). The easy transition between strata is proof of this: the more responsible one's position, the more lofty the dignity.

Porchnev may still be correct, of course, in smelling out traces of capitalistic mentality in Loyseau, *malgré lui* revealed, but to do this correctly he would have to give the fullest allowance to the caveats such as those I've entered, and then say that there is still something *de nouveau* in Loyseau.