

1974-03-01: [OFFICES] Venality & Service (using Mastellone)

The kinds of judgments that were made about venality of office at the end of its era must be balanced against the kinds of historical judgments we can make about its operation at the beginning of its era. Mastellone has shown us that the enfranchisement of a large body of the "bourgeois" or whatever you want to call the non-noble *fonctionnaires* of the 16th century, by giving them patrimonial control of their offices, meant a solidification of support for the monarchy by making the governance of the country their family power. The remnants of feudal power in that time were centrifugal; the movement towards venality was centripetal. That it would happen two centuries later that that system was outmoded is not a valid criticism of the function it served in the meanwhile to weld the disparate elements of governing classes in France together as a national ruling body. Nor does the fact that their administrative organization was federalized, and often in policy anti-Parisian, i.e., anti-royal, make it any less so that they were a national group in mentality.

The association of venality with Machiavellism in the 16th century was perhaps as much a coincidence of red herrings than anything else; the equal immorality of the two was sufficient to make them linked. But the practical ident of the art of ruling *à la Machiavelli* and the enfranchising of the dynamic educate class in society to serve the royal end is the deeper historical significance. The kind of smearing of venality with charges of serving class interest that was characteristic of the 18th century is a different matter; this was overwhelmingly true (and obvious) about the financial offices; it was less clearly the case with the judiciary, and in fact they held popular approval until the very end. But both financial and judicial venality could be dispensed with in the 18th century because the conditions were there for bureaucratization of office; *the faut de mieux* basis of making the administration venal in the later 16th century was no longer necessary in the 18th.

Were we to forget the contemporary polemics about venality, pro and con, and to employ modern sociological notions, we might ask the following question: Is it not true that those who are well-born, raised in families that have a high performance or status attitude, and educated with the idea that they are going to be leaders as their parents are, will in fact perform much better than those who are low-born, seek only to get the status of their parents (in its best years), and so seek security? So, is it not likely that making the offices hereditary, so that children are born to the notion of official function, and prepared for it, more likely to produce adequate leaders than any other system in the times of completely elitist education of the *ancien regime*? Add to this, then, the sense of lineage that determines the mentality of the nobility--living up to the past and transmitting worthy model for the future--and the fact the venal offices were made noble, then this sense of family destiny (in those days much more valid than today) coupled with the sociological high-performance upbringing in the family, and we have the formula for great success.

Always to be stressed, as Mastellone does, is the judicial education which this class of venal officeholders was given. Starting from a situation in 16th century France where coutumiers divided the country enormously, we arrive by the 18th century in a situation where the civil law has been more and more standardized, exactly because the class of dynastic officialdom that ran the country had a great deal of intellectual concern for standardization of principles of law and by their regular movement from the provinces to Paris, part of their professional mobility, they worked to discover the common bases of law. The importance of Domat, d'Aiguiseau and Guyot in preparing the way for the Code Civil in 1804 is but the tip of the iceberg of how the whole judicially-trained corps of governors in France steadily worked to make *coutumiers*

compatible with each other. So much stress has been laid upon the unification of France culturally by the great age of literature royal sponsored from Richelieu onwards, that the unification of the country in the other great factor, the laws, has been neglected. It is, too, something much more difficult to prove since it is composed of so many tiny reconciliations and harmonizations--royal edicts from the top are not the most important part, but the applications on the lower judicial levels. How else, we may ask, was this accomplished if not by the very class of venal office holder --*royal* venal office holders--who ruled the country for two centuries before the revolution?

There was no better way, one might even dare to say, to solidify the proper governance of the country than to declare that specific professional training was necessary for royal office, and then to guarantee the exercise of that power in certain families; for then the purposes of burgeoning bureaucracy were welded with the function of the family--still the overwhelmingly useful tool of educating the ruling class.

If we take this long-term point of view, then the importance of the French Revolution is as much as a fulfillment of the *ancien regime* as an overthrowing of it. The whole direction of the *ancien regime* in terms of venal offices and dynastic officialdom was to create a national bureaucracy; it had to be rooted in families, for there was no other way to give it social permanence in the 16th and 17th centuries. By the end of the 18th century that rooting in families was not necessary any longer, and could be washed away. But the change in the proprietary aspect of the offices does not change the fact that the sense of official service was thoroughly engrained in the French mentality, and that the Revolution could utilize this to continue the sound function of civil government and mount a massive force against Europe that began with the same kind of tax collectors and bureaucrats that the last decades of the *ancien regime* had created.