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Provincial vs National Sentiments of Judicial Officialdom

The proposition is whether or not, by the 18th century, the provincial judiciary had not become more ~~of a national district court~~ than a separate provincial court. This does not mean that local judicial officials did not protect their <sup>local</sup> interests in the exercise of their offices, but this may be regarded more as a common practice of all and not as a competition between ~~all~~ them.

What Church shows about the contribution of the great parelementaires of the ~~later~~ 17th and 18th centuries to the standardization of civil law, paving the way for the code civil in 1804, certainly lends credence to this point of view. In the 16th century the same basic division of provincial and royal officialdom ~~was~~ was there as in the 18th, but the spirit was quite different. The coutumiers were just then being set down as codes, and the urge to keep their integrity defied all the efforts from the crown to get ~~at~~ a grand coutumier. Two centuries later, however, when the personnel of the royal and provincial courts ~~was~~ had become a very stable class, mostly noble and tightly controlled by certain families, and the ~~professional~~ professional training in the law schools had worked to grind out a standard graduate mentality about the law, the tendency towards convergence of the provincial judiciaries towards a common philosophy if not common procedure must have far outweighed their jealous protection of their idiosyncracies. Just thinking of the mobility of the class of judicial officials--how many provincials came into Paris in the 18th ~~century~~ century, for example--and we can imagine how desireable it would be to make the law procedure uniform throughout the land. This convergence is not based upon the desire of the central government to rationalize things, but upon the class interest of the judicial officialdom to make things uniform for their convenience as well as for intellectual conviction. Or to put it very simply, having a huge administrative machinery inevitably drove the officials themselves to make it work smoothly. Thus it was an unforeseen boon for centralization to have created dynastic officialdom, for it provided a social basis for rationalization of law and administration.

*Note: Provincial officials operated on strictly independent hereditary tax estates, with no sense of national centralization inspiring them; indeed, they prospered by provincialism. Because centralization would have made their private cause operation ridiculous.*

*Note: That their spirit would not peroxide*

As I read between the lines of modern historians dealing with the officialdom, however, I see that their distaste for them is the distaste that everyone in our time must have for the notion of proprietary/<sup>family</sup>rights to public office, and not ~~be~~ based on any good arguments that the system of dynastic officialdom did not work perfectly well within the context of the ancien régime. I have not found ~~good~~ choice statements to the effect that if the monarchy itself could be accepted on an hereditary basis, that there is no reason why <sup>why not also be</sup> a whole host of ~~many~~ important public offices, should not be established on the same basis. ~~I see~~ I see no reason why ~~that~~ hereditary officialdom should not have considered itself as good a guardian of the ~~public~~ common good as a king and his few ministers; ~~and that~~ at least by its very numbers it was more representative of the nation than the king and his ministers. Let the king's will ~~be~~ operate in conjunction with a truly representative body of the nation, and the parlementaires and ~~other~~ the rest of royal officialdom ~~would~~ could not have objected. Nor did they do so, when finally in the 1780's that became the recourse. The Parlementaires acceded to the calling of the Estates, it must be remembered, although at the eleventh ~~on~~ hour ~~why~~ they ~~had~~ ~~begin~~ tried to manipulate its structure to ~~assure themselves~~ of guard against its being too representative.

In another perspective than that of post-revolutionary historiography, which has to view the demise of ~~the~~ dynastic officialdom as necessary, one can feel sympathy for their stance against the ~~king~~ king and his ministers. ~~and~~ in terms of how reforms were to be ~~be~~ brought about: it would surely be a surrender to authoritarianism, in a land ~~with~~ permeated with the ~~rights~~ of ideals of private rights guaranteed by law, ~~and~~ for the guarantors of those rights to surrender their historic role and let royal fiat prevail. ~~For the parlementaires in the dead-end~~