

1974-03-10c: [NOBILITY] Nobility as Service and as Privilege.

What has changed as much as anything else from the 16th to the 18th century, that makes the analogy of the *thèse nobiliaire* so different in one age and the other, is the character of the nobility. Most would assume that the nobility of the medieval and renaissance periods was still one of service, since their virtual class status was one that demanded rulership (in addition to fighting) and there was so much seigneurial justice; while the 18th century certainly had a large group of *oisif* nobility, the Versailles crowd, and a *hobereaux* class for whom nobility didn't mean public service but just keeping their dignity.

As far as the robe in the 18th century is concerned, I think the notion of service is just as great as it was in the nobility generally in the 16th century and earlier. Just judging by the relatively small amount of their fortunes that their offices constituted, compared to the time they had to expend in executing those charges, they did function for the public good. A different story might be told about the financial officers (see other notes), whose private gain was much more intimately involved with their public service.

There is an irony in how the 16th and 18th centuries looked at the financial and judicial officialdom. In the 16th century, it tended more and more to be conceded that venal office for tax collecting and government expenditure was not intrinsically evil, but that for venality to touch the judicature was surely going to be fatal. Loyseau attests to this clearly. But by the 18th century we do not find that venal judicial service is the object of complaints on the basis of corruption, while financial officers are generally despised. The reason for this is not difficult to guess: in the 16th century there was no possibility of a civil service bureaucracy to handle the tax collection, etc., so that contracting the task to private individuals was not intrinsically bad; besides, it took no professional training so that efficient operation was not a problem. But by the 18th century such a civil bureaucracy was easily possible--and was realized in a matter of months after 1789, so that the other side of the financial officialdom's position, getting private profit through public office, became a genuine evil.

Meanwhile, the dreaded ruination of venal judicial offices never came to pass. The 18th century complaints about judicial corruption are very very few. It turns out that the venal office system produced a very responsible and just judicial service. There is no evidence that the judicial officers made themselves wealthy by exploiting their public power. They were wealthy by other means than office--indeed, had to get that wealth before they could get the office.

A reason for the difference that escaped the early writers was that judicial office is a high calling, requiring professional training, and that one official acts as a check upon the other since they have a common body of knowledge and operate on the public scene. Financial officials worked as independent agents, with independent contracts, and no effort was made to see how much a given government contract constituted of their entire wealth. Theirs was not a profession, so that there was no check of one upon the other.