

1974-03-17b: [DYNASTIC OFFICIAL] What Dynastic Officialdom was trying to Protect

The belief is universal that the opposition of the *Parlementaires* to the crown in the 18th century was based upon protection of self-interest. It is taken as so self-evident that it is not made specific; but when one tries to be specific, the facts turn out to be against any self-interest whatever being involved, or the self-interest being of such a broad social involvement that it was not *Parlementaires* as venal office-holders but *Parlementaires* as part of a large class of Frenchmen.

In respect to protecting the office, it is assumed by many that the danger was outright expropriation of the office by the crown in the form of eliminating the office without compensation. But at no time, even during the revolution (until perhaps in '93) was there any idea of ending venal office without compensating the office holders. When Maupéou suppressed the *Parlements* in 1771, all holders were to be compensated upon request. That many did not do so in the next three years, when they could have, only shows that they feared to concede the legality of the act by being bought out; if Maupéou's reform had stuck, eventually all of them would have sought recompense. [Must check to see if there was a time limit put on the recompensation.] And in the Revolution, as part of the principle of the sanctity of property that operated during the early phases, all offices were bought back. Therefore, the *Parlementaires* were not protecting any material interest in the form of proprietary office when they resisted the king.

That it may have been the right to hold the office itself that motivated them, more than the money, is nothing that can be criticized unless one can show that they were utterly incompetent to perform their office and knew it, and so were being utterly selfish and against the public interest. This I flatly reject.

That the *Parlementaires* were defending a class interest in their opposition to the king is not to be denied, however. But the question here is whether they were protecting *Parlementaires qua parlementaires*, *parlementaires* as a part of a large class of well-to-do Frenchmen. That is to say, the element of wealth that they were protecting was the same that a multitude of bourgeois as well as nobles possessed: land, rentes, and so forth. They did represent the establishment in basic matters of private property rights, but what judiciary body at any time has not (save revolutionary tribunals)? What one would have to do, to make the *Parlementaire* opposition to royal reform have any special meaning, would be to show how it favored *Parlementaires* exclusively, and not *Parlementaires* as part of a large part of the establishment. One thing to be closely analyzed is whether the main issues of *Parlementaire* remonstrance were financial in a fashion that would include *bourgeoisie*, or not; were related to noble/routurier distinctions, which would narrow the category of the establishment being protected; or were protecting some established interest--even an artisan one, that couldn't affect them explicitly--because they may have felt that the system in all its aspects of established privilege must be maintained because one break in the principle on any level would eventually work by domino theory to break down their own privileges. It is under the last rubric that we may expect to find the grandest remonstrances in defense of the ancient constitution, and it is upon such remonstrances that the theory of the conservative stance of the *Parlement* has been erected. With someone like Church, the formal way in which the *Parlementaires* borrowed vogueish enlightenment ideas of natural right to embellish their essentially traditionalist (therefore selfish) ideas is hypocritical. That is pure nonsense, for the things they were trying to protect are the issue, not whatever devices they used to do so.

What would be needed, in the end, is to weight the strength of their defense of

traditionalist society, which made them winners, against what might well have been operating in terms of unvoiced willingness to let the system change as long as their main sources of power--property--were not destroyed. It is a bit foolish to try to imagine how they could have fought even harder to protect traditional society if they had had the kind of feeling for it that everyone imputes to them; because to do so one would have to show what cannot be shown, that there was working in their subconscious a willingness to let that society be changed in many ways. But the motives that impelled men are not visible in the written record they leave, if MacPherson has anything to teach us. To give some credence to such a speculation about hidden motives that were not necessarily traditionalist, we only have to point out that the *Parlementaires* were a functioning nobility, not the oisif types of Versailles, and that they had a respectable intellectual tradition in their own numbers and their friends. They were not unaware of ideas of reform, but where they saw reform working in Europe at that time through enlightened despots was exactly what they could not abide because France was not a despotism as long they exercised a check upon the king. Historians are wont to believe that if the *Parlement* could not see that they had to let reform come from the top then they had to accept the fact that Revolution would surely come, and therefore that the *Parlement* is responsible for the Revolution coming because it did not yield to royal ministerial reform. This is an impossibly anachronistic deduction. It is no different than saying that the King, if he truly knew France, had to realize that he could never reform the country from the top because the *Parlement* was there, so that his choice was to create some viable national representative body (which the *Parlement* would never have objected to). Because he did not see this, such an argument would go, he was responsible for the Revolution. Historians will not argue that because they know the history of representative institutions in France, how they had failed, and how absurd it would be to imagine that the king could rectify that great flaw in the constitutional history of the country in short order. The fact is, however, that the French revolution did just that, in short order. The king, in this set of hypothetical propositions, seems to come off best because his ministerial reform program seems to look to the future, the *Parlement's* to the past; his position, therefore, has intrinsic merit and so his failure to see how the end could have been achieved without the Revolution is somehow excused. *Parlement's* failure to be clairvoyant is based upon preserving the established order, and so is not excusable.

The fact is that in popular eyes, despotism was the burning issue in the '80s. The issue was as much how reform was to be accomplished as what should be reformed. If the accomplishment of reform was to be done at the expense of a system of government which allowed a wider expression of individual liberty than almost any other country in Europe at that time, where the king did not have the kind of civil power over his subjects that was true generally elsewhere, where there was a considerable amount of social mobility possible (at least in theory, but the myth of mobility was a strong force then even as it is in the USA today), then it was as dangerous as it was desirable. And it is better to preserve certain limited good than to risk everything on the chance of a greater good. That, it seems to me, is the sound basis for the mentality of the *Parlementaire* and all the others that feared royal ministerial reform in the style of enlightened despotism.

For the historian who accepts the situation as one of impasse, there is no resolution except to fly to higher dialectical developments, Marxist or the like, which controlled the situation despite the actors. It is the advantage of paradigm theory, in these circumstances, not to have to explain the situation any further than the anomalous plight of the old paradigm what would emerge as the new paradigm is not foreseeable. The moment of crisis will see the

appearance of a host of new paradigmatic possibilities, and which one will work is only known by the passing of time to see which one did work. The historian dealing with the period of the crisis must be able to explain somehow that the tentatives were all feasible according to some past experience or inspiration, and then say that the ones that prevailed were not the only ones that could have prevailed but at least as likely as any other tentative to have prevailed.