

1974-05-18: [INHERITANCE, General] Notes for CISH paper in S. F.

"San Francisco Paper": Notion of state has been reviewed in many ways in earlier international congresses. Famous one...[sic]

The tack today is clearly more to understand the social basis of power. This has led to many contretemps over class, state & order, as one tries to comprehend either the juridical status of people, their social mentality, or their access to political power.

The main issue in the ancien régime in France is the lingering, or later-day regeneration, of status vs the steadily rising importance of wealth per se.

For all studies in depth of proportions of society that were of certain class/status—ones which gave a synchronous profile of, say, 2% nobles, 8% bourgeois well off, and 90% poor—what is always lacking is a diachronic study of how typical families grew steadily to power over generations. What we would really like to have is a statistical sampling of maybe just 1% of all families in France from 1600 to 1800 who had at some point a significant bit of wealth passed at least across two generations. Then to see how many made it beyond, and grew, how many arrested at certain levels for several generations, how many skidded into oblivion. Then to see what periods the % of those families that grew steadily was at its greatest, and at what point the greatest number of them made the leap into nobility, and what the familial wealth was actually like during the first generation or so of noble status.

But much a sampling sees utterly beyond the realm of the possible: records simply aren't there, or if they are they're still so private or scattered that a sound statistical study is still several stages away. As so often in our age of quantitative studies, the really important questions are ones that can't be tackled directly, and therefore aren't tackled at all.

The proposition of diachronic study of family rising, leveling, and skidding is raised by me here as vital to our understanding of the stability of society during the *ancien régime*. No one doubts now that for all the dreams of the revolution that would have shattered the social structure of France forever, but failed and still await their fulfillment, that the remarkable success of the revolutionary government in many ways was based upon a streamlining and not an overthrowing of many *ancien régime* developments. I speak of how the country was marshalled finally to support a military force that surpassed anything ever known before. But that when all done, including Napoleon, the pre-revolutionary power élite that emerged was not too different from the group that existed in 1789.

The proposition of diachronic study of family rising, leveling, or skidding during the ancien régime is proposed by me here as a way to judge the stability of French society in the ancien régime. It is easy to follow the cultural integration during the reign of the Bourbons, when French language and style of life was the model for much of Europe, and it is generally assumed that that cultural integration lies behind the fantastic popular nationalistic feelings that made the French nation and French armies the conquerors of Europe. But that doesn't answer everything. There has to have been some other mechanisms of social integration at work than the Parisian theatre, the salons in the capitol and provinces, and the diffusion of "enlightened literature", important as they are.

I propose to add a dimension of social psychology of the family as a trans-generational unit. By family I mean those who have power, and hold it. By trans-generational I mean that each generation was limited in its ability to break the chain, because law demanded that it be maintained. I shall explain forthwith what I mean by "the law demanded", but allow for the moment that such was the case, then the conclusion of my hypothesis will be that there were some families that were impressed into positions of power for the good of the state; that is, that

stability of the state depended upon a developing perpetual units of family power, on an hereditary basis, that would constitute a ruling element. The learned will see instantly that such a notion will inevitably be based, in a political sense, on the hereditary transmission of political offices, which is a unique feature of public administration during the ancien regime. But I will start in a much more basic way, and describe a system of family property holding, locked into trans-generational continuity, of which office is only a part.

The system of "lineage property" that I am going to describe has been quite well studied by legal historians of droit ancien, but it seems inevitable that legal historians pondering the effects of a given law of succession are mostly disposed to put themselves in the position of the person who is the prospective recipient of a heritage and imagine how he should be advised as a client to accept, contest, or comprise his rights. These legal historians never show any but a passing interest in the societal implications of the strange laws they are studying; they are historians only in the sense of being able to study a strange system and then imagine how clients in that system would have been advised. Withal, the operation of the system, according to the law as promulgated, is clearly known to all of them, and many have also, when studying how it works, gone to the juridical decisions as collected by the arrestieres of the time—if not gone to the archives of courts themselves—to see how the law lived in comparison with how it was written. So, we have some idea of how this strange system of "lineage property" worked in codified *coutumiers* and in the courts.

What we don't know, to hark back to my opening remark, was how the effects of these laws actually worked upon development of families over time. This would be the work of social historians, if they had the raw evidence to work with, but they don't. Still, if the case cannot be proven in quantitative studies, it does not mean that social history can ignore the legal operation of lineage property itself, and imagine (at least) what was its potential effect on the mentality of the ruling class. I propose therefore, to describe this legal system of "lineage property" as succinctly as possible, then to suggest what mentality it is likely to have engendered in the ruling class; then to speculate on how many major issues of social and economic history of the ancien regime can be correlated with it.