The cardinal de Fleury, after a portrait by Rigaud
‘A sophisticated and highly interpretive study of politics in the Age of Louis XV [that] will interest not only historians of ancien régime France, but all students of political life in Europe prior to the nineteenth century. By redirecting our attention to the crucial role that the King’s court played…and by demonstrating how politics at the highest levels actually worked in practice, Campbell has rendered a valuable service to readers interested in the nature of the early modern state.’

Albert N.Hamscher, Kansas State University

*Power and Politics in Old Regime France* is a major history of the politics of the first half of the reign of Louis XV. It is based on exhaustive archival research and offers the first comprehensive analysis of the neglected ministries of the duc de Bourbon and the cardinal de Fleury.

Peter R.Campbell deals first with court, faction and policy. A second section offers new interpretations of the crises provoked by Jansenism and the Paris parlement. By contrasting the methods and practices of political management in this period of successful government with the crisis of the old regime in the 1780s, he illuminates the underlying character of politics in the old regime and raises new questions about its collapse. An unusually substantial bibliography represents an invaluable resource to the researcher.

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POWER AND POLITICS
IN OLD REGIME FRANCE
1720–1745

Peter R. Campbell
CONTENTS

List of illustrations x
Acknowledgements xi

PREFACE
The aims of this study; summary of the book.

INTRODUCTION: APPROACHES TO POLITICS IN THE ANCIEN REGIME
Approaches to politics under the ancien régime; the debate on ‘absolute monarchy’; institutional history and the ethic of office-holding; the history of the royal finances; patronage, clientage and friendship; the study of faction; office and political power; court society; political culture, public space and the politics of contestation; defining politics in ancien régime France: an unsolved problem; the nature of crisis within the socio-political system; the need for a new history of politics.

Part 1 Politics in a court society

1 THE RISE TO POWER OF ANDRE-HERCULE DE FLEURY 39
An ecclesiastical career: a family strategy; provincial patrons; royal almoner; bishop of Fréjus; appointment as preceptor. From preceptor to religious adviser, 1715–21: educating Louis XV; court politics in 1720; the conseil ecclésiastique; the affair of Louis’ betrothal; Fleury’s strong position.

2 THE ACQUISITION OF A MINISTERIAL POST, 1721–3 51
The situation of the Regent; the old court; the cabal; the Regent’s strategy; Fleury, a minister of state; the succession to d’Orléans.

3 THE MINISTRY OF THE DUC DE BOURBON, 1723–6 69
Introduction; Bourbon and Fleury; the situation of Bourbon; Fleury’s position; foreign affairs; the marriage of Louis XV; the religious issue; financial policy.
## CONTENTS

4 THE DISGRACING OF BOURBON
A survey of the evidence; the rising tide of opposition; the disgrace of the duc de Bourbon.

5 THE CONSOLIDATION OF THE MINISTRY OF FLEURY
Fleury, his character and situation; ministerial changes; Le Blanc and Desforts; the state of the factions: the Orleanists and the Spanish party; financial measures; concessions to the cabal; Fleury reconstructs his ministry; his position consolidated.

6 THE CONTROL OF PATRONAGE AND POLICY
Louis XV; patronage; ecclesiastical patronage; a ‘third party’ in the church; forms of lay patronage; the patronage of Languedoc; spheres of ministerial influence; Daguesseau; Maurepas; Saint-Florentin; d’Angervilliers; Orry; Chauvelin; Amelot de Chaillou; Hérault and the police; religious policy; influential nobles: the ducs de Noailles, d’Antin, d’Estrées; the comte de Toulouse; councils and legal form; the travail.

7 THE POLITICS OF FACTION
The need to master faction; the case of Chauvelin; Chauvelin’s dismissal; the situation after Chauvelin’s fall; the Toulouse affair; the foreign policy crisis in 1740; the factions in 1740; the Chauvelin faction; the Noailles; the Belle-Isle faction; Belle-Isle triumphs; military campaigns and factions; two new ministers; the death of Fleury; ministerial anarchy.

8 CONCLUSION TO PART 1: THE POLITICAL CULTURE OF COURT SOCIETY
Role of the king; role of a first minister; definition of the court; socio-political importance of the court; patronage and clientage; attitude of a minister; interweaving of ministerial rivalries and politics; attitude of a courtier; strategies of ambition; importance of ministerial unity; outside influences on politics.

### Part 2 Jansenism, politics and the parlement of Paris

INTRODUCTION

9 THE PARTI JANSENISTE IN THE 1720s AND 1730s
Introduction; the history of Jansenism; Figurism; who were the Jansenists?; the organisation of the parti; Jansenist strategies; ministerial attitudes to Jansenism; the political activity of the parti janséniste; magistrates and lawyers; Jansenism and political theory.

10 THE PARLEMENT OF PARIS
Social and institutional characteristics of the parlement: the parlement’s jurisdiction; its several chambers; its venal officers; procedures;
CONTENTS

attendance; the basoche; social characteristics; rhetorical education and wealth; self-image. The historiography of the parlement: selfish, politically ambitious oligarchy, or defender of the people? A renewed emphasis on judicial functions; new approaches; the study of crises.


Account of the crisis; historiography and evidence; ministerial perceptions of Jansenism; the constitutionnaires; royal policy towards the parlement; motives for opposition; role of the parti janséniste; hierarchy, youth and corporate honour; errors of management and growing tensions; lawyers; role of First President; the conflict escalates; summary of the causes of the 1732 crisis.

12 THE CRISIS OF 1730–2: RESOLVING THE CRISIS 259

Clients, spies and informants; confrontation, escalation and the process of resolution; bluff and negotiations; return and recalcitrance; resistance and exile; a compromise solution; the crisis reassessed; role of the Jansenists; Gallicanism; defence of jurisdiction the key; the importance of political management.

13 MANAGING THE PARLEMENT: 1733–43 AND BEYOND 275

Conflict and management; continuing tensions; the dixième; Jansenist agitation 1733–6; the barristers’ pretensions defeated; the Douai affair and interpretations of politics; a crisis averted; the affair of Saint-Vincent de Paul; the Grand Conseil, a jurisdictional threat; the courts successfully managed; failures of management in the 1750s; contrast with the 1730s.

14 CONCLUSION 296

Interpretations of politics reconsidered; the political system of the ‘baroque state’; the crisis of the 1780s.

Appendices
1 The King’s ministers 1723–45 319
2 The identity of the Jansenist magistrates 321
3 Chronological table of events in the Paris parlement, 1730–2 326

Notes 328
Bibliography 378
Index 413
ILLUSTRATIONS

The cardinal de Fleury Frontispiece
Louis XV and his courtiers hunting at the château de Marly (1730) 179
The cemetery of Saint-Médard (1732) 207
Lit de justice at the parlement of Paris, 22 February 1723 224

Source: Bibliothèque nationale de France, Paris
ACKNOWLEDGEMENTS

In attempting to arrive at my own understanding of the structure of politics in the ancien régime, I have incurred many debts of gratitude which it is a pleasure to acknowledge. Without financial support in the form of research grants from the CNRS, the French government and Leicester University, I would have found it difficult to complete the doctoral research on which much of the book is based. Postdoctoral research from 1985 to 1991 was funded by the University of Sussex on several occasions, and in 1989 a British Academy Research Award enabled me to investigate the links between Jansenism and lawyers in the Paris parlement. The Isobel Thornley Bequest has offered a grant towards the costs of publication, for which I am extremely grateful. I owe a great intellectual debt to Roger Mettam, who first encouraged my project, supervised my doctoral research with patience and incisive criticism, and shared his understanding of the ancien régime with me. When I began research in 1976 little had been published on either court society or patronage and clientage, and David Starkey and Eveline Cruickshanks were particularly helpful in getting me started. Throughout my career the seminar in Early Modern European History at the Institute of Historical Research has provided a sounding board and forum for discussion from which I have greatly benefited. I thoroughly enjoyed my research in Paris, as one does, and found the conservateurs, archivistes and huissiers usually helpful, especially in the salle des manuscrits of the Bibliothèque nationale, the Bibliothèque de l’Arsenal, the Archives des Affaires Étrangères (as it was then known), and the Bibliothèque Victor Cousin high up in the Sorbonne. The Bibliothèque de Port Royal in the rue Saint Jacques was indispensable to my interpretation, and I am particularly grateful to M.Gazier and Mlle Odile Barenne for their kind welcome to this treasure house of religious and political documentation. I would also like to express my warmest gratitude to John Burrow, Stuart Carroll, Bill Doyle, John Hardman, Colin Jones, Roger Mettam, William Outhwaite and Julian Swann for reading parts or the whole of the manuscript in draft form. Thanks to their comments there are fewer errors of fact, style and argument in the final version, and those that remain must be counted entirely my own. My father freely gave up a lot of time to type the manuscript, my mother lent the kind of moral support that only she could. Finally, I am deeply indebted to Marisa Linton who has lent
me more support than I had a right to expect, offering sound advice and badly needed encouragement; most importantly of all she helped me to enjoy life while struggling with this book. Thank you all for helping.

A NOTE ON THE TRANSLATIONS

All translations are my own except where indicated. I have tried to keep as much of the flavour of the originals as possible by rendering the sometimes idiosyncratic French into a freer English while keeping strictly to the sense. Where the English might depart somewhat from the original I have quoted the original in the footnotes, where there are also some untranslated passages. The French in such passages has been cited as in the original document, where grammar, spelling and punctuation are often at variance with modern usage.
This book is a study of government at the centre in the important but neglected period of French history between the Regency and the 1750s. The age of the long political ascendancy of the cardinal de Fleury is of course fascinating in its own right, and richly deserves reassessment. My study has, however, three further aims. First, it explores the nature of the ancien régime in the eighteenth century, viewing it not as a set of institutional structures but as a functioning socio-political system. Second, there is a particular focus on the nature and characteristics of political crisis between the ministry and the parlement of Paris. Third, it suggests that the norms of the socio-political system and the nature of crisis as revealed in the second quarter of the eighteenth century continued to characterise politics in the 1780s. Thus it is suggested that the final crisis of the regime in the 1780s can best be understood as in many ways a typical crisis of the regime, rather than as a ‘revolutionary crisis’.¹ The book is therefore a case study of the nature of the state. It seeks to define old regime politics; to consider its problems and characteristics at court; and to explore the relations of those in power at the centre with key institutions.

This enterprise began with the intention of denning the essential characteristics of the regime when it was functioning normally, and this could not necessarily be said of the pre-revolutionary decade. The time of the rise and ascendancy of the cardinal de Fleury in the 1720s and 1730s seemed exactly suited to the task. Very little was known about him and nothing then had been written for nearly half a century.² As with most straightforward projects, however, it became a great deal more complicated. Not only was the chosen period much less quiet than expected, but it was also impossible to isolate it from historical views of the periods on either side of it. Most studies of structures and institutions, which would normally have provided the essential groundwork, had focused either on the troubled reign of Louis XIV or on the pre-revolutionary era, and were deeply influenced by the prevailing orthodoxies. It was necessary to make choices between the different historical traditions, for some historians emphasise the strength of central power and its degree of centralisation, and others have suggested that monarchical power was much more limited. Moreover, the reign of Louis XIV was thought to have brought about a host of lasting changes—
transition to ‘the modern state’, and the curtailment of aristocratic power, for example. On the other hand, historians of the revolution had identified significant changes taking place from the 1750s to which the origins of the Revolution could be traced—a new spirit of revolt and a ‘new politics of contestation’. The issue had now become one of continuity and change. Was the political system in the age of Fleury to reveal continuities with the reign of Louis XIV, or were the seeds of revolution sown earlier than expected? A third possibility was intriguing: perhaps there were continuities throughout the century and the crisis of the 1780s was more traditional than thought.

Thus the second quarter of the eighteenth century can be regarded as a period of key importance for understanding the old regime. And yet few periods of French history today remain as little investigated as this one. In fact, before it would be possible to consider the nature of the political system, a complete reexamination of the period proved to be necessary, drawing upon the extensive but neglected sources. Surprisingly, the whole subject of government activity during these years had been no more than sketched by previous historians, who focused on foreign policy and religion. Perspectives were often distorted, because nineteenth-century historians were still taking sides on such questions as the role of the parlements and the religious controversies. Distinguished scholars of both financial and institutional history writing at the end of the nineteenth century—Marion, Viollet, Luçay, Jouvencel—barely referred to this era, and a more recent study of the conseil du roi skims over Fleury’s time in office, preferring to concentrate on the Polysynodie and the 1760s. Works on the Paris parlement have until recently remained bound up in the old positions of a thèse nobiliaire or a thèse royale, with the magistrates interpreted either as a selfish oligarchy and the crown as the strong force needed to impose order, or as the harbingers of liberal restraints on despotic monarchical practices. In fact, as I will argue, neither position is sustainable, and it is important to explore the details of a complex relationship to arrive at a more appropriate view. Partisan accounts and unfamiliarity with Fleury’s career have naturally led to misconceptions about his religious policy towards the Jansenist problem, one highlighted by the reception of the papal Bull Unigenitus in France. A ministerial policy that was actually the product of a moderate attitude has been characterised as doctrinaire and detrimental to the prestige of the monarchy—largely because the methods used to implement it were (as was surely to be expected in a monarchy) authoritarian.

Many other areas have remained under-researched. Since the young Louis XV was too inexperienced, too lazy or too indecisive to take decisions on policy himself, and allowed his former preceptor to exercise much of his power, biographies of the King have tended to skate over this period of Fleury’s ascendancy. After all, it was Fleury who held sway in the royal councils, conferred with ambassadors, decided on ministerial appointments, controlled access to his master, drew up guest lists for Marly—in a word, governed in all aspects except ceremonial. If crucial aspects of the era can legitimately be left aside by a biographer of the King, because he did not make policy, many of these were intimately bound up with the career of the first
minister, making a perspective on him all the more helpful. Historical biography certainly has a role to play in enlarging our understanding of the past, because it highlights the relationship of an individual to those aspects that institutional and social historians paint with a broader brush.

Unlike his predecessors as cardinal and minister—Richelieu, Mazarin and Dubois—André-Hercule de Fleury has never been the subject of a modern political biography, nor has any of his ministers been studied in depth, with the exception of the colonial policies of Maurepas whose papers have found their way to the United States. This book contains most of the elements needed for a biography of the cardinal de Fleury, although it does not adopt that form. The Cardinal’s career provides the analysis with a chronological thread, and the activities and decisions of this important minister, the most powerful courtier after the King, provide an insight into the extraordinary complexity of politics. The need to acquire and preserve a position of favour and authority, the support of patrons, of friends and of the King himself, the compromises forced by factional pressure and the necessity of mastering not only the court but also a formidable range of policy decisions that sometimes came together with equal urgency—all this is recoverable only through biography.

However, in the following chapters, the life of Fleury is but one of several focal points that have been chosen for the analysis of the various forms of political conduct, in the manner of one walking around the galleries of Versailles and trying to unravel how it works as a system. Here a room gives an insight through its painted images of royalty; there the crush of courtiers paying court to the King after his lever discloses the importance of access to the fountainhead of favours; the ministers’ wing of the huge palace reveals bureaucracy and patronage in action; now the conversation overheard between a group of peers and their confidants shows faction at work; after witnessing a reception of ambassadors we move on to eavesdrop on an important council meeting, or an interview between ministers and the men responsible for controlling the parlement of Paris. Moving outside the palace, other focal points attract our attention. We find police spies lurking in the cafés of Paris, listening out for the opinions of the people, writing up reports to the minister on rumours, factious speeches and popular discontents. Extraordinary tales of convulsionary worshippers and miraculous cures at the church of Saint Médard are on everyone’s lips. Behind closed doors Jansenist priests can be found conferring with lawyers to undermine the government’s religious programme by inciting the judges in the palais de justice to acts of legal opposition. The palais itself is frequented by all Paris, perhaps attending to some legal business at the nearby Châtelet, purchasing books, clothes, almost anything in fact, or there just to gossip and exchange news. The black-robed magistrates themselves gather in groups in the great hall of the palais in advance of the plenary sessions, some at the bar discreetly discussing manoeuvres in the forthcoming debates, others protesting to themselves at the threat to their jurisdiction and honour, while some, older and more sanguine, counsel prudence to the young hotheads.
The systematic study of the forms and structures of politics in this period is, surprisingly—since political narrative was the focus of much nineteenth-century writing—still a relatively new subject. My aim is, by means of a detailed analysis of activity at the centre, to ask the questions appropriate to a political science of the old regime, a political science (or political sociology) suited to the specificity of the period. That is to say, to ask the appropriate questions that lie beyond the orthodox view of the ‘modern state’, a view increasingly seen by historians as a nineteenth-century historical anachronism springing from a teleological view of history. In doing so, I shall take into account, when attempting to answer some of these questions, the recent advances in scholarship on court society, civility, patronage, clientage, mentalities and the study of language and ‘political culture’. What constitutes power in the system, how does it work, and what are its rules, loci and limits? How are policy decisions made and what factors and groups influence them? How was politics talked about, and what terms, what rhetorical or discursive forms were used by contemporaries? How should we conceptualise the socio-political system, and according to what processes is crisis generated within the socio-political order? Why is the presentation and implementation of reforming policies such a problem in this regime—why are reforms almost always abandoned? These are all questions whose answers have a bearing on how we assess both the earlier period of Louis XIV, because it has been seen as a period of transition, and the later period of the collapse of the ancien régime, because the structures and problems remained largely the same. In the light of answers to these questions, we may go on to ask whether the ways in which historians presently conceptualise the state and political culture in this period are open to modification, and explore how far the historical view of the socio-political structures affects our understanding of the final crisis of the regime.

One aim of this book is therefore to go some way towards substantiating the argument that, to judge from its political practices, a distinctive ‘baroque state’ existed in this period. This term is not meant to imply a precise relationship to an architectural style, but it can serve as a useful shorthand term of reference that avoids some of the misconceptions associated with other descriptions. Thus it was not the ‘renaissance monarchy’, because the later sixteenth century saw new departures on too many fronts from that illusively modern concept. Neither was it the ‘modern state’ that the monarchy of Louis XIV was erroneously thought to have created. Rather, ‘baroque state’ denotes a state formation that came into being during the age of the baroque, roughly from the later sixteenth century to the mid-seventeenth century, and which survived, most of its essential characteristics and practices intact, long after the architectural style had passed out of fashion. This state was a socio-political entity, whose structures were interwoven with society, which it tried to rise above but with which it inevitably had to compromise. It endowed itself with grandiose schemes, indulged in flamboyant display, but retained most of those trompe-l’œil features that promised more than they could deliver.

The political structures and limitations of the ‘baroque state’ were
deeply rooted in the social structures; its processes of power operated in ways that, although of course anchored in the past, corresponded to the distinctive characteristics of the age. The venal bureaucracy was not ‘modern’, but neither was it any longer late medieval; clientage was much more fluid than it had once been, but it had not yet been dissolved by individualist notions of citizenship and the liberal state; the fiscal institutions and methods that first made their appearance in the late Middle Ages and the Renaissance and which were substantially modified in the early seventeenth century were then to last almost unchanged until the Revolution; the court was no longer the itinerant royal household of the medieval and renaissance periods, but it had settled itself into more rigid structures which enabled it to enhance majesty in new ways and still remain the centre of political management. The ‘baroque state’ was apparently strong, because it had survived several crises, but was in fact deceptively weak and ill-suited to the challenges of increasing fiscal needs and ideological opposition. Perhaps only a reluctance to realise that the monarchy of Louis XIV had been unsuccessful at effecting a transformation of the state (if it ever attempted such a grandiose design), has prevented historians from attempting this rethinking before. In the eighteenth century the continuities far outweigh the changes.

For this reassessment to be proved, it is not necessary to write another study of the finances or patronage over a long period, or of the role of aristocratic governors, for example, although the latter would be particularly useful. In order to reconsider the question of the state and its exercise of power, it is desirable to draw together a wide range of scholarly approaches and put them to the test by means of new research on neglected aspects of a specific period. Other scholars have laid the groundwork for this attempt, because a critical mass of detailed works on many different areas is now available. Several areas of scholarship look different in the light of these recent or unjustly neglected works. This book therefore grows out of the reassessments of ancien régime society and politics that have been taking place in the last three decades, but focuses on a period that has been largely ignored.

The precise nature of old regime politics is relevant to historians of the Revolution because, politically, the dissolution of the regime began at the centre. In 1787–9, government was still very much bound up with the structures and processes of a court society—even if new factors like an ‘administrative mentality’ and ‘public opinion’ had made themselves felt from the 1750s (see the Introduction). Moreover, current interest in political culture has focused on ideologies more or less to the exclusion of political structures. Politics itself is a subject that is above all studied in the short term, through biographies of ministers or studies of the pre-revolution. The long-term factors, what we might call the ‘structural elements’ of politics (and not necessarily the institutional ones), are often now neglected. These can only be identified by looking further back than the period immediately preceding the collapse of the regime in the 1780s. My aim is therefore to further the conceptualisation of politics in the ancien régime and, by opening the
SUMMARY OF THIS BOOK

This study uses the political career of the Cardinal-minister as a focal point, with the various chapters illuminating different aspects of political conduct during his years of power. The book is divided into two parts, drawn together by an Introduction and a wide-ranging Conclusion. The dual focus is rendered necessary by the variegated nature of political activity in a regime that had many political forums, all of which had relations with the court and ministry. Part 1 focuses on court politics, some aspects of the making of royal policy and the nature of faction. Part 2 is intended to highlight the extent to which other political forums existed and to explore the way these interacted with the centre. Jansenism and the parlement of Paris were chosen: the first because religious disputes were perceived to be the major political problem for the ministry in this period; the second because the courts too became involved in this issue, but more because crown-parlement relations were a problem that dominated the century. As this book explores the diverse forms of politics, and seeks to comprehend the regime, it is vital to consider how a crisis could arise within an apparently stable set of relations. The study of these aspects also illuminates further aspects of the decision-making processes in the ministry. Clearly it would be possible to extend the range of studies beyond the parlement and Jansenism into royal control over the urban communities and provincial estates, but that task lies beyond the scope of this volume. Such studies are, however, taken into account in the Conclusion in which the nature of politics and the state is reassessed.

The early chapters of Part 1 therefore consider in detail the rise to power of Fleury, bringing to light a network of patronage at the royal court composed of men having strong connections with Languedoc, his own native province. From 1713, much of the future cardinal’s career was concerned with the controversy over the acceptance of the Bull Unigenitus in France, and religious policies are therefore discussed in some detail. As in the sixteenth century in France, and in the early seventeenth century in England, the religious issues led to a heightening of political awareness and a recourse to secular political theory in the service of religious liberty—with important unforeseen consequences within the political culture of the regime. By playing a careful game Fleury was able to prepare the ground for further advancement, cleverly exploiting his position of trust as royal preceptor and his understanding of the religious issues.

His acquisition of a ministerial post is explained against the wider background of the government during the later years of the Regency. There follows an examination of the activity of Fleury during the ministry of the duc de
Bourbon, 1723–6, which explores the role of aristocratic factions at court and their effect upon policy. The use of new evidence from private letters, together with the formal pronouncements of the ministry, gives some insight into the political game in all its devious intrigues. This theme is set in a wider context in order to give a clearer picture of the political situation in France in the 1720s. Particular attention is paid to the nature, aims and methods of operation employed by the various competing groups that were to have an influence upon the formation of policy and the fate of the ministry. It has been essential to study the attitudes and aims not only of Fleury but also of others involved in the King’s business, and of the authors whose letters and memoirs have been extensively used. A particularly important instance of this is the duc de Richelieu whose voluminous but neglected correspondence has proved such an invaluable source. The episode of the dismissal of Bourbon and Fleury’s emancipation from his tutelage to the anti-Bourbon cabal reveals what an astute master of court politics Fleury was. By 1730 he was in full control of the situation.

The later chapters of Part 1 focus on the political system at the centre in the period of Fleury’s ascendancy: essentially from the late 1720s to the mid-1740s. One chapter discusses the degree of control exercised by the cardinal over his ministers and their part in the formation of policy. The respective roles of King, Cardinal and ministers are considered, together with those informal influences that were also significant. Certain families and factions weighed heavily at court, able to influence appointments and thus policy. Royal control of patronage and clientage was an essential aspect of successful government, both in managing the court and the provincial elites. The last chapter examines the continuing role of faction, particularly in the struggle to succeed Fleury, and reveals just how vital it was for a statesman to control the court. The evidence on the famous Chauvelin affair is reviewed and the episode set in its context of faction, foreign policy and rumours of intrigues in the Paris parlement. Fleury began to lose his grip in 1740, and the triumph of faction at the time of his death in 1743 resulted in a kind of ‘ministerial anarchy’. Louis XV proclaimed himself his own first minister but failed to impose either coherence in policy or discipline on his Secretaries of State and the factions behind them. The political system of the court was complex: it required constant vigilance and direction if the ruler was to preserve equilibrium.

The Conclusion to this first part draws together the main themes of the political culture of the court.

Part 2 investigates a particular challenge to political equilibrium from outside the court. It focuses on the related issues of the sudden eruption of the parti janséniste into politics, and the development (and eventual containment) of opposition to Fleury’s religious policy in the Paris parlement. Recent work has emphasised the importance of the parti janséniste in the 1750s in creating a new climate of political contestation, but it is clear that the formative period for the development of their strategies of opposition lay in the early 1730s.

The following four chapters present an analysis of the relations between the sovereign court and the ministry. Their focal point is the crisis of 1730–2 and
its aftermath, as confrontation gave way to successful management. The intention is to examine the structure of this conflict, in order to see how it was generated and resolved within the values of the social and political system under study. The evidence reveals in detail who was involved, why, and what methods were employed to manage the complex situation. The next chapter further explores those techniques of management and control that were to be successful in preventing further serious problems until the early 1750s. In many of its major characteristics, the crisis of 1730–2 was typical, being the first of a series that culminated during the pre-revolution. It was to be replicated by those other major disruptions of 1753–4, 1756, 1770–1 and 1787–8. It therefore provides a new perspective on the conflicts that were seriously to undermine monarchical authority during the course of the century.

A particularly important theme of this book is government as the art of management of issues and interests. A repertoire of techniques existed not just for controlling potential problems with the parlements, but also with provincial estates, provincial elites, the court and its factions and the venal bureaucracy. The final chapter therefore draws together the conclusions of the analysis and attempts to put forward a more coherent model that explains the principal characteristics of the state in the eighteenth century. The continuities of structures and practices dating from the seventeenth century or even before are strongly emphasised; the evidence of the second quarter of the eighteenth century suggests that the state had not been transformed under Louis XIV. No convincing work on the later ancien régime suggests a later transformation. The baroque state thus lasted right up to the 1780s. An important question is whether and how far that model helps us to understand the collapse of the regime in 1787–9.

Several themes transcend individual chapters of the work. That religious affairs are given considerable prominence will surprise only those who think of the eighteenth century as principally an age of rationalism and Enlightenment. The monarchy was theocratic, underpinned by religious ideology, and the King claimed to be the Very Christian Monarch. Challenges to this ideological marriage had to be suppressed, be they in the form of schismatic heresies within the one Catholic church or rationalist critiques from Enlightened authors. The church was composed of a set of institutions that were both part of a privileged corporate body and of the state structures. As a corporate body it had its own administration, its own fiscal and judicial institutions. Ecclesiastics played an important role in the government of France, with bishops and archbishops helping to control their dioceses, and priests their parishes, on behalf of the civil powers. There was a whole breed of administrative bishops who worked in the upper echelons of the provincial administration. In the provincial estates the presidency of a prestigious bishop was, with the support of the other ecclesiastical delegates, often a crucial factor in their management. The financial contribution of the church was significant both in terms of its ‘free gift’ to the king and for loans raised on the state’s behalf through the security of the church. Ecclesiastics were drawn from noble and upper bourgeois families, it being a usual family
strategy for a second or third son to enter the church while the elder sons pursued a career in the robe or the military. If patronage and clientage were necessary for advancement in the army or bureaucracy, they were no less necessary in the church. The management of ecclesiastical patronage was therefore an important aspect of government because it involved so many families of the elite, and because it was a means of control. Clerical disputes in the quinquennial Assembly of Clergy had to be managed just as carefully as did quarrels in the courts or provincial estates.

Much of this book is focused upon the world of the court, which was clearly the centrepiece of the whole political system. This is in marked contrast to the prevailing view that the state had become bureaucratic and administrative. Of course the state was in many ways administrative, with bureaux, clerks, paperwork and rules, but it is a question of degree. Its ethic at this stage was far from bureaucratic, in a Weberian sense, and its servants did not exhibit a modern sense of hierarchy and duty. The vast majority of bureaucratic offices were venal, and their incumbents needed patronage to acquire or retain them—and these offices were themselves a basis for further patronage. Influence, as well as administration, made the system function, and the brokerage of influence took place at court.

This study therefore contributes to the history of the political elite as a group by analysing its attitudes and conduct in the governance of the state. When due consideration is given to the socio-political structures, it becomes apparent that the higher aristocracy continued to play a much more important role in the government than it has often been given credit for. The current tendency of research is to show that, far from having excluded the nobility from political power, governments continued to rely upon the upper echelons of that order. The present study goes some way to explaining the rationale behind this situation.

This book is therefore an attempt to explore the world of politics in one period, drawing upon the range of interpretative techniques available to us, in order to arrive at a wider understanding of the regime. To recapitulate, my research has been based on the following premise. Although most modern political regimes possess an administrative and bureaucratic apparatus, the analysis of this structure may not describe the processes of power at a given moment. All regimes have both a formal structure of power and informal processes and it is important to discover the relative importance of each. Yet the history of the government in early modern France has been written chiefly in terms of its institutions and theories and there have been few studies devoted explicitly to the structures of power which go beyond the confines of administrative history. Since the development of the bureaucratic state was a lengthy process involving struggle, it is necessary to ask how power operated before the ultimate triumph of the centralising state. If it can be shown that power did not operate in a solely bureaucratic way, and that the ethic that prevailed was substantially ‘pre-modern’, then the history of administrative centralisation will be put in a different perspective, as indeed will be the collapse of the regime in the 1780s.
INTRODUCTION

Approaches to politics in the *ancien régime*

Approaches to politics under the ancien régime; the debate on ‘absolute monarchy’; institutional history and the ethic of office-holding; the history of the royal finances; patronage, clientage and friendship; the study of faction; office and political power; court society; political culture, public space and the politics of contestation; defining politics in ancien régime France: an unsolved problem; the nature of crisis within the socio-political system; the need for a new history of politics.

Understanding the nature of the state and politics requires a detailed analysis of the socio-political system. This should be based not principally on theoretical perspectives but on a new and wide-ranging history of politics that encompasses the mentalities of the elite. For well over a century, from at least 1850 onwards, an orthodox view of the political system of the *ancien régime* held sway. As historians were in broad agreement on the interpretation, they began to concentrate unduly on the minutiae of diplomacy and the arcane details of institutional structures. Challenges to this orthodox view were further delayed by the virtual abandonment of the history of politics and of the state by many of France’s finest historians after the Second World War. For nearly thirty years politics was neglected by scholars of *ancien régime* France. Under the influence of the Annales school, many preferred to leave aside traditional narrative history to concentrate on social, economic and mental structures, and seldom followed Marc Bloch’s lead in studying the elites. Political history was left to the institutional historians because it was ‘histoire événementielle’—the history of mere events—and could not be investigated statistically. There was a short-term loss, but in the long run the new kinds of history have brought benefits even to political history. They have enhanced our understanding and widened our horizons. In particular, the better understanding of social *mores* and cultural attitudes can now be integrated with traditional approaches to provide a more subtle history of the state. More recently, historians have turned to the social sciences and to critical theory for analytical tools that can help them to avoid anachronism and more accurately reflect the experience of times gone by. It is now possible to return to the study of politics armed with a deeper understanding of the period and a new repertoire of interpretative schemata.
INTRODUCTION

In the last two decades a number of revisionisms have been put forward. Studies of prosopography, patronage and court society have, for example, presented a different picture of the seventeenth century. The period after 1750 has become the subject of debates on forms of political culture, on public and private spheres, and a new politics of contestation. Interestingly, at this latter end of the period few works discuss patronage, while seventeenth-century historians rarely discuss political culture. Few scholars have considered the political system from the early seventeenth century right through to the eve of the Revolution, and the newer approaches have not yet been applied to the whole period. If drawn together, these revisions would powerfully undermine the orthodox view and provide strong grounds for reassessing the nature of the regime. This present work is intended to present such a reassessment, but it would be wrong to focus entirely on the newer work. History is a collective and cumulative enterprise and numerous nineteenth-century works still form the bedrock of any interpretation. Although some older approaches have been marginalised or revised by recent research, others remain an inspiration. At one stage or another all have contributed to our understanding, and may still do so, in different ways.

Prompted by the new approaches, the present study focuses on an important and neglected period of history in order to see how far they might be integrated within an analytical narrative. It has been prepared in the belief that a firm archival basis must remain the core of the historical enterprise. Inevitably, as for the whole of the ancien régime, the archives are incomplete, even ministerial papers are lost or inaccessible, and important lacunae exist in every series. That is why the study of a long period of over twenty years can bring us into contact with many representative aspects of politics, where a shorter period would suffer unduly from the absence of sources. However, even an archival study must be informed by theoretical, sociological and discursive perspectives, for no historical study could claim to be wholly empirical. Consciously or unconsciously, such perspectives are an inextricable element in any sound research. Even so, a narrative rooted in a wide range of archival sources remains necessary because it controls and tests the use of theories by confronting them with specific situations. It can help to reveal the genealogy of historical discourses and representations by exploring the specific strategies involved in their employment. In order to arrive at a new model of the state and its inherent tensions, it is therefore necessary to consider past approaches and more recent perspectives in some detail.

THE DEBATE ON ‘ABSOLUTE MONARCHY’

Most studies of the ancien régime have approached it from the perspective of the absolute monarchy, or even ‘absolutism’. The latter term has given rise to a good deal of confusion because it is a neologism first used in the 1820s when it already denoted a concept that was far from identical to the concept of ‘absolute monarchy’ as understood during the ancien régime. Consequently, the monarchy has long been
associated with a particular set of characteristics. It is said to have been administrative, centralised, bureaucratic, modern—in short, ‘absolutist’.

In the field of conceptualising the ancien régime, no study has been more important than Tocqueville’s, and his interpretation has recently come back into fashion. Although he avoided consideration of the reign of Louis XIV, his book implicitly accepted most of the orthodox view of that reign that was expressed by Lemontey, Thierry, Guizot and Mignet. His book—or perhaps the tradition it embodied—is so influential that, from the mid-nineteenth century until almost the present day, there has been substantial agreement among historians that the reign of Louis XIV, building on the changes directed by Richelieu and Mazarin, was a turning point in the history of the French state. The argument goes that after having defeated the Fronde, that last attempt by the grands to acquire real political power, and having also defeated ‘selfish’ social groups and provincialism, the monarchy was able to rally support and continue building the modern state. The nobles were drawn to court where they were encouraged to spend their fortunes and finally to rely upon the monarch for funds. The elaborate court ritual and etiquette, ever respectful of rank, gave them prestige without real power, as they dissipated their energies in quarrels of precedence and the search for favours. The rebellious parlements were said to have been reduced to obedience by 1673 and a large standing army created. Meanwhile, Colbert and other ministers, under the aegis of the far-sighted Louis XIV, were able to reform the state and eventually to transform it into a modern state. This was defined as a ‘state’ (and the use of the word itself is revealing, in contrast to an alternative description such as ‘court society’) in which power was centred in the bureaucracy. Ministers and not courtiers made the decisions with Louis himself in a smaller and more efficient council of state, whose various other component councils became increasingly well organised. Rule by bureaucracy and council was made effective in the provinces with the eclipsing of the role of the aristocratic provincial governors by a breed of new men thought to have been drawn from the bourgeoisie (they were in fact almost exclusively from the noblesse de robe), the intendants. These lawyers, most often masters of requests used to service in the council of state, were obedient to and dependent upon the secretaries of state and able to impose royal authority on recalcitrant, privileged, provincial elites of nobles and venal office-holders. Thus the reign saw a significant advance in the effectiveness of royal authority brought about by royal commissioners organised within a system that was significantly more powerful, bureaucratic and centralised than the preceding regime.

Instead of challenging this original model directly, modern research has chipped away at its edges by showing that intendants were not always all powerful, that many of the reforms were in fact unsuccessful in the long run (indeed often in the short term), and that the state perhaps sided with the rural communities against the seigneurs. Even Mousnier conceded that governors and intendants were not invariably the natural enemies they had so often been considered, and some provincial elites remained strong in face of the intendants. In response to this, there was talk of medieval survivals in the system—such as ‘fidelity’, the influence of the
royal household and the continued favour of some leading courtiers—but at this stage historians never regarded the survivals as potentially key elements. Although the idea that Colbert and his intendants were effective ‘new men’ found fewer and fewer supporters, it was replaced by the view that the venal officers were running things and restricting the central power. An hereditary noblesse de robe was substituted for an hereditary noblesse d’épée.

But, in the last decade or so, it has become increasingly apparent that the mid-nineteenth-century vision of a modern state, a centralised state, that was simply inefficient in its lower echelons is a gross exaggeration. Worse, it is a description that belies its origins: Tocqueville accepted the orthodox view because it suited him. He wanted to show that the French Revolution was not responsible for the centralisation of the state since it had already been centralised by Louis XIV. And if his argument that the philosophes purveyed an illusion of politics was to hold true, he needed to argue that the monarchy had already destroyed all intermediary powers between itself and the people. He already saw in the French state that resulted from Louis XIV’s reforms the French administration of the nineteenth century, and never far below the surface lies his attack on the despotism of Napoleon III. What he perhaps chose to play down (for what would have become of his striking thesis?) was that the appearance of the centralising administrative state that he found in official documents was far from being its reality, and that many of the practices that characterised the state before Louis XIV continued up to the eve of the Revolution. This is the aspect that much recent research confirms.

Historians’ determination to make their model of absolute monarchy conform to either the ‘renaissance state’ or the ‘modern state’ (and often the content of these terms was identical) has meant that some of the important characteristics of the state in the later seventeenth and eighteenth centuries have been described either as ‘survivals’ or as ‘forerunners’—but rarely as the essential elements of a state that was a distinctive formation in itself. The accent is placed either on the continuities or on the ruptures, depending on how the historian situates himself in the debate—and the division between right and left is often apparent—but never on the integrality of a truly ‘ancien régime’ state.

Attempts to deal with the state have often suffered from three main flaws. The first is to consider the doctrine of absolute sovereignty to have implied a right of royal intervention in many areas of life that in the eyes of contemporaries lay well beyond the scope of legitimate government. In fact, it was a looser doctrine confined to justifying intervention and the exercise of rights that lay within the rather circumscribed traditional conception of what were the legitimate areas for the exercise of government. The second flaw confuses the doctrine on sovereignty with the actual configuration of the state apparatus at a given historical moment. ‘Absolute monarchy’ is taken to mean a certain organisational form of the state: ‘absolute monarchy’ (or worse, ‘absolutist’ monarchy) is defined as a centralised and bureaucratic state apparatus designed to execute the will of the sovereign. The practice is equated with the theory (and this is Tocqueville’s error). In fact, the monarchy was ‘absolute’ in theory well before its court and bureaucracy developed
the forms associated with this second definition of absolute monarchy. Since the doctrine of undivided sovereignty never meant absolute power, it could never be a basis for unlimited bureaucratic interference in the provinces. Nor should the state apparatus be seen simply as an expression of the royal will: it benefited from a great deal of consensus and co-operation from society, particularly in the realm of justice as arbitration. It is therefore a mistake to draw a direct causal link between this long-standing doctrine and the introduction of any new institutional practices. On the contrary, where new practices were introduced they were often developed from the hazy area of the prerogative powers of the monarch whose duty it was to protect the commonwealth from threat. Institutional change was almost always ad hoc, not the result of theoretical promptings, and can generally be related to the imperatives of war. The third flaw is that historians who were already predisposed towards institutional history accepted legal and institutional statements such as royal edicts as proof of actual practice.

INSTITUTIONAL HISTORY

Part of the reassessment that has been taking place is the consequence of a wider critical re-evaluation of institutional history and its sources. The myth of the centralised ‘absolute’ monarchy originates first with the ‘propaganda’ of the monarchy itself and second with the nineteenth-century historians of institutions. The history of institutions formed the bedrock of studies on the ancien régime, both because the evidence was plentiful and because the influence of legal history was strong in France. Administrative records and legal manuals served to reconstruct the spheres of activity of the various corporate bodies and councils of state. Far from recognising the importance of impressive rituals and over-confident assertions in royal edicts (or were they propaganda?) as aspects of the persuasion that was necessary in the absence of more concrete forms of power, many nineteenth-century historians accepted the image of monarchy uncritically. Few chose to supplement their administrative records with the private correspondence of members of their institutions. Of course, studies of institutions were at their time invaluable, but always suffered as a basis for a wider interpretation of the monarchy by according too much weight, for example, to the letter of an edict or to the legal descriptions of how a corporate body was supposed to work, that could be found in the manuals written by the jurists. For all sorts of reasons, such records tend to suggest that business was carried out according to the prescribed forms and ignore the ‘tumultuous reality’ of politics.

A pertinent example of the misleading impression given by legal sources is the case of the intendants being given powers to control the debts of the communities after the 1660s. This was a turning point in the history of the state, it was argued, as communities were reduced to the tutelage of the intendants. But a closer look would have shown that their new powers were ineffectual in resolving the problem. There is evidence that many intendants failed in the enterprise and in the 1680s foreign war led the crown to ask the same communities to raise further loans, and
INTRODUCTION

these soon surpassed previous debts. Because it failed in its aim of reducing communal indebtedness, it must be inferred that the tutelage was less than complete. The whole exercise amounted to no more than another partial repudiation of debts and a confirmation of the bulk of them. In this example, as in many others, not enough attention was paid to the actual practice of the men at the time, to their daily interaction at a given moment. To quote Vicens Vives, who first articulated such criticisms in a devastating reply to Mousnier and Hartung, ‘the history of the political and juridical principles of absolute monarchy has been seen to be inadequate, if not actually erroneous, for the purpose of uncovering this reality [of the daily experience of government] and giving us an accurate view of it’. It must be said that in the last fifty years some very valuable studies of institutions have tried to reveal the practices and sociology of the corporate bodies that formed the state. But Vicens Vives’ criticisms were still justified, because the terms of reference and the overall framework of interpretation too often remained unchanged. However, as a consequence of the shifts in perspective and of the return to politics, this orthodox interpretation has been challenged in a number of areas. A very different picture is beginning to emerge.

THE HISTORY OF THE ROYAL FINANCES

One form of history that had previously given a very distorted picture of the monarchy was the study of its finances. Institutions and decrees were studied rather than the social world of the financiers or the effectiveness of the decrees in practice. Histories of finances and of the office of controller-general presupposed a more coherent bureaucratic system than actually existed in contemporary conceptions. In particular, these histories underplayed the hand-to-mouth existence that characterised old régime finances in wartime. Today it may even be doubted that a straightforward ‘financial history’ is conceivable, so anachronistic is the concept of one: it should instead be a complex history of credit, of the preconceptions of the money markets, of the involvement of the courtly pressure groups, of the role of financiers as middlemen and of the family histories of the clans whose members held high financial office. The most thought-provoking recent work has been by Bayard and Dessert on financiers in the seventeenth century, and Brugière on the period of the Revolution. Both reveal the existence of financial clienteles connected to the clans of the finance ministers such as Sublet de Noyers, Fouquet or Colbert.

These networks provided the bulk of the king’s money through their responsibility for the sale of venal offices in the fiscal or military administration and by providing opportunities for the profitable investment of the surplus wealth of the richer court nobility and the provincial elites. Bonney has revealed that the principal direct taxes did not provide the bulk of the funds themselves, because the enormously expensive wars were largely financed by borrowing, but they did provide security for large loans
raised by the minister or his clientele. Dessert shows that of the men entering into multiple contracts to supply money to the state, the notorious financiers, 85 per cent were noble, almost all held royal offices and most were closely connected both with the financial affairs of families of the high nobility and with the clans of Colbert and his successors. It has been concluded that the financial system relied upon the court nobility and the provincial elites for funds and that these were made available through the nobles’ own agents who were the financiers. Ironically, the monarchy could not attack the system without undermining its own court nobility upon whom it relied in so many other ways. Some of the profits went to the financiers but most went to the lenders at court and in the provinces. At court, pressure and contacts alone could ensure the repayment of interest on rentes or the honouring of other government bills of exchange in wartime, while the provincial estates could guarantee repayment on the strength of their financial control over local taxation: interest payments would be met by increased taxes on the peasantry and urban poor. This system was successful in keeping Louis XIV from bankruptcy as a result of his building programmes and foreign wars, though credit was expensive and private profits quite large at the expense of the crown and the taxpayer.

The wider conclusions to be drawn from this work pose a challenge to the notion of the rise of the modern state. The monarchy was dependent upon this system and had little room for manoeuvre. As it operated almost constantly on a war footing in desperate need of funds, it was not able to reform itself in peacetime; on the other hand, any attack on the vested interests would lead to the ruin of so many important families that the social elite itself was threatened and consequently put up stiff resistance to any reforms. These fiscal and financial inadequacies constituted a permanent weakness of the regime and limited the power of the monarchs. Financially, the monarchy was far from being either coherently bureaucratic or ‘absolute’. Nor is it at all clear that most ministers had the inclination to attempt real reform in peacetime, for even Colbert concentrated his efforts on making the existing system more uniform rather than changing it.

PATRONAGE, CLIENTAGE AND FRIENDSHIP

This new history of the fiscal system ranges widely into the realm of social history and contributes greatly to our understanding of the assumptions behind political activity. In particular, it emphasises the importance of networks of clients and clans in facilitating financial dealings. The history of the exercise of power in the medieval and renaissance periods has long taken into account personal bonds, patronage, clientage and political friendship. The orthodox view of a transition to an administrative monarchy under Colbert once again militated against taking such relations seriously for a later period. Only recently has much emphasis been placed on these phenomena in France after the Frondes. Patronage, that is the non-bureaucratic operation of power through a system of personal relations as it then existed, was both a fundamental mechanism of social and political advancement.
INTRODUCTION

and a vital aspect of the system of government which exploited it as a technique for seeking support. For other periods of history the application of this concept is not new and it has been found particularly fruitful when applied to the politics of the late Roman Republic. In British history there is currently much debate on the nature and role of corruption, patronage and courtly politics, while Namier’s studies of mid-eighteenth-century British politics, though much modified by later research, certainly pointed to it as an important phenomenon.

Before the 1980s, the patron-client relationship in France was referred to mainly as a social mechanism helping to explain provincial revolts and advancement in politics. In this context three historians should be noted: Mousnier emphasised the importance of patronage as a ‘feudal survival’ in the social system and directed the attention of his seminar in Paris towards clientage and the concept of fidélité, although he remained an institutionalist in his writings on government. He argued that fidelity or loyalty to God, between master and servant, protector and creature, between members of the same corporation and ultimately between subject and king, were all important manifestations of the same sentiment that was not to disappear until the age of Enlightenment. Ranum wrote a pioneering work in the 1960s on Richelieu and his creatures who owed their rise to his patronage, revealing patronage as an aspect of ministerial control; more recently, Harding contributed an invaluable book on the provincial governors in the sixteenth and early seventeenth centuries in which he emphasised the importance of social factors in the successful execution of their charges. In the wake of these studies, others began to focus on early modern French patronage and clientage as a subject in its own right.

The most comprehensive study of patronage and clientage in seventeenth-century France is by Kettering. It is a wide discussion that sets historical evidence, drawn mainly from her previous study of mid-century Provence, in the context of sociological literature. Unfortunately, it was produced before scholars such as Boucher and Mettam had directed attention towards that centrepiece of the whole system, the royal court, as it grew to dominate society and the central administration, although this perspective has been included in more recent articles. The subject of patronage is now a well-established aspect of society and politics in France. In his conclusion to a symposium on social mobility in seventeenth-century France, Mousnier stressed that

At each stage of ascension, favour is indispensable, the favour of a grand seigneur, of a grand officier, then of a member of the governing group: chancellor, surintendant, prince of the blood, another prince, a minister. Favour is indispensable in order to get through the bottlenecks that occur at various stages, to get to the highest ranks in society—it is just as necessary as a multiplicity of occupations.

The psychology of patronage has attracted the attention of Neuschel. In contrast to Kettering, who sees the system as more rigid, she argues that in the late sixteenth century, it was impossible to regard oneself as ‘being’ a client over a long period. She
argues that their psychology was a product of narrative discourses that constructed them, and that in the absence of modern analytical categories fostered by literacy, perceptions and categories were very different from ours. Her evidence of language and behaviour suggests that a nobleman might *behave* as a client on relevant occasions, but that consciousness was not articulated in an analytical way that encouraged a sense of *being* in a continuous sense. This view would fit in with other specialised studies of the behaviour of particular noble affinities, in which ‘clients’ are observed to profess fidelity to more than one patron, to change sides or play off one patron against the other, and to set limits to their obligations. A fluidity was always present in the system as advantages and rewards were redefined and claims to have fulfilled obligations were renegotiated. The focal point of loyalty tended to be towards a family or lineage, rather than an individual, and family strategies were discussed in family councils.30 Honour was clearly a notion around which patronage and clientage revolved, and the honour of having connections to the influential might itself have been almost a social necessity and sometimes a reward.31 Entering into social relations with individuals of high status conferred status and honour on lower ranking individuals.32 Friendship took place between those of equal rank, even though the language of friendship was often used by a superior to an inferior, thus honouring him.

In spite of recent work, it cannot yet be said that a clear picture, or even a precise definition, of patronage, clientage or friendship has yet emerged. Unfortunately, sociological studies of patronage in the modern world, based on examples from the mid-nineteenth century onwards, apply only in very general terms to the early modern period.33 If the work on the *ancien régime* were incorporated into the sociological literature, it would surely lead to a process of redefinition and the posing of new questions by sociologists. However, although precise definitions are elusive, broad generalisations are possible and a preliminary consensus has emerged. It is certainly helpful to draw a distinction between patronage, clientage and friendship. The former involves the according of favours, be they pecuniary or honorific, or other services, to a client of inferior status. The relationship is reciprocal, and the other party is expected to return the service at some stage by loyal action. Friendship, also based on an exchange of services, takes place within the same social level between relative equals, and is important both in local politics and at court. Kinship networks often led to the working together of ‘clans’ that included relations by marriage and blood of many social levels, and thus could involve both friendship and clientage.

It is, however, difficult to go beyond generalisations without entering a world of example and counter-example, in which the contours become decidedly blurred. It is not clear that the patron dominated ‘his’ network of clients, because he was the focus rather than the apex of the network and because his position as a patron depended upon his ability to deliver rewards and favours. The demands from clients were constant, and if not fulfilled at least in small measure, could lead to defection to another more powerful patron.34 Furthermore, lesser clients could have several patrons, as an ultimate choice was rarely forced upon them, and were
themselves both friends of other men and also patrons of lesser individuals (who might nevertheless also be clients of another more powerful patron). Historians of the seventeenth century are beginning to form a picture of the varieties of provincial networks among the clienteles of some of the leading noble families, and now recognise the fundamental importance of these sorts of personal relations in government and society. If fidelity had ever been a legal contract (though perhaps not absolutely binding in practice) it certainly no longer was.

For the later seventeenth century and during the eighteenth century the situation is harder still to pin down exactly. In fact, almost no work on patronage is available on the eighteenth century after the reign of Louis XIV. This neglect should not lead us to underestimate its significance. The same principles of personal relations figure prominently in the sources for the eighteenth century also. Memoirs are full of references to favours owed, expected or received. Even the Mémoires of Saint-Simon, that rich source of detail on patronage, were written in the 1730s and 1740s and they contain no suggestion that things had changed by the time of writing. The memoirs of the due de Luynes, from 1735 onwards, and of the duc de Cröy from the 1740s, are similar. The archives bearing on the work of every ministry contain very many letters pleading for a pension, or the preference of a son, a friend, or a faithful servant. The antechambers of ministers, prestigious courtiers, commissioners or anyone with control over the distribution of monetary funds or offices in the administration, the church or the army, are known to have been crowded with people asking for some small or large favour, some share in the patron’s success. Private letters reveal a constant preoccupation with personal crédit, considération and rank, while it is generally accepted that marriages within the richer sections of the community were primarily arranged as a suitable alliance between families.

Thus in the eighteenth century, the management of personal relations within loose structures of patronage remained extremely important. Work on the subdelegates, those officers who worked for the intendants, and on financiers shows that patron-client relations still existed. These suggestions are reinforced by recent studies of the clerks in the bureaux of the ministers of war and foreign affairs. Rule and Baxter both conclude that even at the end of the reign of Louis XIV family, fidelity and clientage were more important than bureaucratic structures. The two could co-exist of course; Rule concludes that ‘The patron/client relationship is still intact in 1715; indeed, in the foreign office, it may be stronger than it was in 1680. However, the bureaucratic machinery has, it would appear, become somewhat better articulated’. Baxter, summarising his work on the war department, says that while ‘much further work needs to be done to pinpoint the decline of the clientage system and the emergence of a new, more impersonal civil service…evidence in the war department suggests that it was much later, in the eighteenth century, than Antoine proposes’. It has been suggested that there was a transition to ‘administrative clientage’ (that is, clientage within the bureaucracy) from those wider networks that dominated social relations a century before. This may be so, but it is likely that it was less of a general transition and more a matter of the rise of ‘administrative clientage’ in addition to courtly and provincial networks, and that it
was connected with them, such that seventeenth-century-style patronage continued to exist. In Burgundy up to the 1740s the Princes de Condé continued to build up and exploit a large, unified network of clients, linked by marriage and office.\textsuperscript{37} As politics by the eighteenth century had changed to working generally \emph{for} the King, even if \emph{against} his ministers, the system functioned as an aid to the government of Burgundy, and to a faction led by the House of Bourbon-Condé. Unfortunately, there has still been no study that seeks to incorporate these insights into our wider understanding of government at the centre. It is hoped the present study will contribute to this area.

\section*{THE STUDY OF FACTION}

Faction has remained a nebulous phenomenon for scholars, in spite of its crucial importance in the making and unmaking not only of royal policy but also of the advancement of individual aristocratic families within their status group. Although it has often been subsumed under the same heading as patronage and clientage, it is perhaps more complicated. Until very recently it was not much studied in the French context—at least not in the sociological sense of a search for its importance and characteristics—although innumerable works of popular history recount the machinations of courtly groups.\textsuperscript{38} Faction was certainly pervasive at court, and there were often continuities over several generations or decades. These loose groupings of individuals, families and clans appear to have had a repertoire of techniques they exploited.\textsuperscript{39} They employed spies, clients, indulged in wire-pulling in institutions and had characteristic notions and assumptions about interest and loyalty. But how stable are they? It is hard to know, for while some networks remained in operation over a long period, such as the Le Tellier and Phélypeaux clans, others were \textit{ad hoc} alliances for a specific purpose and would soon lapse into rivalry again. Perhaps the ability to construct a sound and durable clan of friends and clients was an important aspect of long-term survival in the cut-throat worlds of court and province—a comparative study of families would be well worth the monumental effort that would be required.\textsuperscript{40} But just as the structures of court and administration evolved during the seventeenth century, so too would the nature of faction, as families adapted to new situations and ground rules. A feature of central importance was access to the King or to those with his ear; it was crucial, both for social mobility and for influencing decision-making. Those with the royal ear were also the most discriminating in choosing whether or not to advance the claims of those who petitioned them.

On the whole, it is still true to say that faction under the \textit{ancien régime} is a neglected topic of research. Historians will have to ask what was its source in social \textit{mores} and explore its role not only in politics but also more generally in social advancement, where it was clearly linked to patronage. Factional conflict, as rival clans and groups fought for advantages, was a constant feature of life at court and in provincial capitals. Conflicts at court might well be played out in the estates or
parlements, as attempts were made by clients at the bidding of courtiers to sabotage policies; and rivalries between factions of the provincial elites would take on a courtly dimension as those able to speak for them were pressurised into action. Institutional historians have tended to attribute policies to ministers, but historians sensitive to the social element in politics will consider the question of how far ministers could afford to be independent from factional considerations—put simply, did ministers have factions, or did aristocratic factions have ministers?

OFFICE AND POLITICAL POWER

The comparative neglect of the social processes involved in power was partly a reflection of a general lack of research into the working of the central government as a whole. Now that it is appreciated to what extent the government failed to carry out its more controversial decrees in the provinces, the next stage is to ask afresh how it was that the government succeeded in having any effect at all. For a long time it was accepted that the royal will was enforced by a system of budding bureaucracy which, because it was in an early stage of development, was inefficient and sapped its own effectiveness by its failure to control privilege and corruption (because it was less than ‘modern’). In this way the problem of the government before the Revolution could be explained as the failure to improve efficiency by the use of bureaucratic concepts. In this spirit, there have been studies of the offices of secrétaire d’État or contrôleur général over the centuries, and the role of the intendants has been closely investigated—although strangely enough the eighteenth-century governors have been almost completely ignored. Yet the assumptions are often anachronistic, because a pre-modern society that was bounded by notions of patronage, hierarchy, corporatism, privilege and honour simply could not be expected to develop a modern bureaucracy.

Office-holding must be understood in its own context. The extremely widespread practice of venality had some significant advantages for the monarchy. A moderately efficient administration was provided at a low cost to the state, since the original price paid for an office represented a loan to the state that was never to be repaid, with the ‘salary’ being a low interest return on the original investment. A sometimes high level of professionalism was maintained, with fathers educating sons to succeed them, because offices were inheritable family patrimony. On the other hand, several modern bureaucratic characteristics were more or less absent. No civil service ethic existed to prevent corruption, especially in a system where the expenses of administration were usually paid by the office-holder; a significant degree of financial peculation was normal: only extreme cases were punished in exemplary fashion. With office being seen as an investment, as inheritable property and as the basis of social dignity, it was naturally a very sensitive issue and government interference was resented. Moreover, there was no effective chain of command. The independence of each officer and corporation meant that officers were prepared to carry out traditional tasks but rarely willing to take on new
functions for the central government, particularly if this brought them into conflict with other members of the local elite. Authority came as much from social status and informal influence as it did from the legal powers invested in the office.

It is not difficult to argue that the ancien régime saw a system of government in which the nature of the office bore very little relation to the degree of political influence wielded by its holder. In the central government, we shall see that a first gentleman of the bedchamber like the due de Richelieu might at times have as much influence over ministerial decisions as a secretary of state like Amelot or Orry. Here again though, it would have been impossible to tell without a detailed study not of the office but of the man: he might have acquired the post for purely prestigious reasons or have been given it as a reward for past services, as a reflection of his existing influence. A family as strong as the Noailles might, by its accumulation of court offices, governorships and royal favour, be in a position to exercise as much power as a minister. Fleury himself held no ministerial portfolio and yet had almost complete control over the direction of French ministerial policy for many years.

Another important consideration is that the success of a decision by an official depended largely on his own ability to see that it was enforced: in a state that was not well policed, and where royal resources were limited, there were many ways in which the privileged subordinate officials and the recalcitrant elites could avoid co-operation. Much that the royal government ardently desired and even decreed was never implemented in France, and for an intendant or secretary of state to be successful in his functions he could not rely exclusively on the administrative hierarchy. His crédit at court, the network of his friends and clients, his prestige and his ability to settle for negotiated compromise all came into play to increase the effect of his power over his subordinates. Civil obedience to the royal administration was not a deeply rooted habit; it needed to be encouraged and exacted and many generations of Frenchmen passed before the use of patronage could be suspended and the system described as impersonal and bureaucratic.

To comprehend the prevailing ethics of office-holding at the time without too much anachronism is a difficult task. Several historians have attempted to argue for a transition from government by officers to government by ‘commis’. Is not this too sharp a contrast that distorts the commissioners’ reality by forcing them into the mould of the modern state? It is perfectly legitimate to trace the origins of a modern office back to its antecedents during an earlier society and form of government, but only if the different ethic which prevailed in the earlier case is fully recognised. Often the argument has fallen short of this ideal, with the transportation backwards in time of the modern concept of the office as determining the nature of a man’s functions in the administration. In fact, not only were social aspects of power crucially important, but also the first priority of venal officers was more often family, honour, status, corporate loyalty, or money, than the efficient exercise of royal power.

An example may help to clarify the point that administrative office and power did not necessarily correspond, but varied greatly according to the circumstances.
and the individual. From the 1680s until 1739, Provence had two intendants, a father and his son. The elder Le Bret in the early years of the century was little more than a useful aide to the archbishop of Aix and to the military commandant who actually governed the province in the continual absence of the governor. The son, on the other hand, was able to manage the province quite effectively, because he was by then of the second generation in Provence and had benefited from the roots which his father had put down in the province and inherited the network of clients that he had slowly built up. In this situation Villars, the governor from 1713, rarely visited Provence and the commandant was of no importance. But both intendants had needed to be First President of the Parlement of Aix, an office at the nub of provincial politics, and to exploit their links with court families. As the historian of the intendancy concluded, ‘the intendant was ineffective without personal relations with the governing elites and neighbouring intendants … To carry out and develop his instructions and initiatives, the intendant had available only an embryonic bureaucracy and derisory financial means’. Authority was clearly not necessarily based upon the tenure of a formal office, and the system functioned far from bureaucratically. The relative importance of the governor, commandant, archbishop and intendant varied according to circumstances which have to be closely investigated and their power was largely dependent upon their prestige. This was in turn intimately connected to their ability to secure support and patronage at court and control patronage in the province.

The study of the methods and rivalries of the ministers also reveals a system of personal relations that was a far cry from the ‘administrative monarchy’. There was, of course, a large measure of bureaucratic routine in these jobs, but at their highest levels they reflected the continuation of patrimonialism. Frostin has revealed, in his studies of the Pontchartrain, that the accumulation of tasks reflected the power of the individual, as well as of the clan, perhaps more than that of the bureaucratic office. He notes the ‘very personalised character of political office, the fiction of the unity of the central government, the limits of the power of the controller-generalship of finances, and above all the importance of the combination of the marine with the king’s household’. Colbert had not transformed the finances into a chief ministry, as is proved by the relative obscurity of his successors in the 1680s. Furthermore, the ministers were constantly trying to expand their power at each other’s expense. Jérôme de Pontchartrain from 1699 to 1715 was constantly encroaching on the duties of the Secretary for Foreign Affairs and the controller-general. His father, Pontchartrain, had been the patron of a financial clan, just as Colbert had been before him, which had helped him to finance the war of the League of Augsburg. As Chancellor, Pontchartrain behaved not as a bureaucrat but as the grand patron or protector of the magistrates. His relations with the First Presidents of the parlements were personalised and were all the more effective for being so.

In a strong position by virtue of his own past as a magistrate and his close kinship ties with distinguished parlementaire families, strengthened too by
The robe solidarities which led the judicial officers to see in him one of their own kind, in his task of making himself obeyed, Louis de Pontchartrain benefited from the real advantages of confidence and above all competence.\footnote{47}

The Chancellor was firm, but diplomatic and conciliatory in his dealings. He was both bureaucrat and patron, and a client of the King. Equally important, he was the head of a clan whose interests he was expected to preserve and extend. The same might be said of the Joly de Fleury, the Maupeou and the Lamoignon throughout the eighteenth century.

**COURT SOCIETY**

The nerve centre of the system of patronage and clientage, in so far as government was concerned, was that centre of brokerage, the royal court. It has only recently become clear how vital the royal court was as a central edifice of the political system. Unfortunately, it too has been neglected by historians and has rarely been studied as an essential part of the political structure in France. Ceremony and household offices have usually been interpreted as an elaborate trap set by Louis XIV to catch and domesticate the higher aristocracy. The thesis of the ‘domestication’ of the nobility (by which is meant the negation of its political power by diverting its energies in the inconsequential world of the court), of course, depends upon the view that what was really important in government took place in a bureaucracy that was separate from the court. But the court was the only central institution in the otherwise fragmented state—except for the royal council, which met at court. The court had originally been the royal household, which meant that it was at once the King’s home and also the seat of his government. This dual function remained its characteristic, but the court by its size and permanence outstripped its function as household and greatly developed its function as instrument of government. In fact, the household was the nerve centre of the whole system, especially after the complete installation in Versailles in 1682. The administration, located in a wing of the château, thus had to function in the context of the court whose priorities were sometimes different.

Thus little can be understood about the politics and conflicts of the regime without taking the court into account. For the nobility, access to the King was to be had through court or household offices, and access to the King made it easy for courtiers to request favours for themselves or their clients. This enabled the King to exploit as fully as possible his position as ultimate patron with control over the acquisition of offices and allowed him to hold families enmeshed in a web of royal patronage. It must be emphasised that the system relied more on mutual benefits than on a clear triumph of the King over the nobility, because the King needed his nobles not only as an audience for his theatre of power but also as clients who could use their own influence over men to help him govern. Thus the high nobles, still influential in the provinces even if no longer permanently in residence, requested
favours which enhanced their prestige and therefore encouraged the provincial officials to respect and obey them and the King. Conversely, the King could not afford to be arbitrary in his treatment of members of leading families by refusing graces and favours because he would thereby attack their honour, in denying what was thought to be their due. Nor did he have an entirely free choice of candidates for high offices, being restricted to choosing among those families which were already powerful and therefore had crédit in the provinces. A delicate balance was needed—a balance that could only be kept with the hand of a skilled master or his trusted minister. If the King had to appear severe and unpredictable at times, this was in order to emphasise his position as supreme arbiter.

Elias’ sociological perspective is currently very influential with those in search of an integrated view of culture and politics. His brilliant and pioneering sociological essay on court society was written as a thesis in 1933.48 *The Court Society* contains not only Elias’ theory of early modern society, but also the first glimpses of his work on ‘the civilising process’ that was to be published in two volumes in English in 1939.49 He makes a major contribution to sociology both in his critique of the now-dated style of history of his day, and in his emphasis on the proper tasks and methods of sociology. However, his agenda for sociology in 1932 reads like one for good social history today. Historians today share many of his criticisms of old-fashioned history circa 1933, and through the new history of mentalités, have moved closer to his interest in a set of great psychological changes.

His explanatory framework places the accent on relationships and processes. His primary interest is nevertheless the civilising process. For him, this process is inextricably bound up with the ‘monopoly mechanisms’ of control over force and taxation (which the King never in fact had). But, and this is an extremely helpful emphasis, crucially important for him is not a simple notion of ‘development’, but the ideas of ‘relationship’, ‘interdependence’ and ‘competition’. He also emphasises the existence of processes of cultural domination and communication and of social mimesis. He was attempting to conceptualise a whole society—a socio-political system or, as he terms it, a figuration. The key to this early modern society is ‘the court society’.50

His model has a great deal to commend it. First and foremost is his emphasis on the existence of a socio-political system, a crucial aspect of which was its psychology. He offers a stimulating insight into the courtier and explains the rationale for behaviour we now find hard to understand. He shows how extravagance, concern with prestige and etiquette were of central importance to the court nobility. These concerns had a value to the ruler who exploited them as a form of control: many will be familiar with the remarks of Saint-Simon on Louis XIV’s erection of greetings, ceremonial devices and household offices into a political currency.51 His contribution is outstandingly helpful when he talks of the ‘kingship mechanism’ as the preservation of equilibrium within the socio-political system: in contrast to a whole tradition of historiography, he emphasises balance instead of unambiguous centralised power in the hands of the ruler. His emphasis on display and representation finds more than an echo in much current work on ceremony and
ritual. His study of the great changes wrought by the development of civility constitutes a masterly sweep of psychohistory going well beyond Magendie’s account of *La politesse mondaine*. Elias even discusses one aspect that has become central to many scholars’ interpretation of the eighteenth and nineteenth centuries, the emergence of public and private. There is thus a link that can be made between the work of two great sociologists, Habermas and Elias. For Elias, the absence of the private sphere is a particular feature of court society, and one that accords well with current emphasis on Habermas’ theory of the public sphere.

But if, on the one hand, the book is a masterpiece and remains an inspiration, on the other hand, it is today far from being beyond criticism on the grounds both of method and evidence. Although the book appears to centre upon the regime of Louis XIV as the epitome of court society, and Elias frequently cites the memoirs of Saint-Simon, most of his evidence actually comes from the eighteenth century, in fact from the middle period of the reign of Louis XV. Conduct books, dictionaries and articles from the *Encyclopédie* are his major sources. But there is no systematic use of evidence, there are no case studies of specific situations and he prefers to pick examples to support his argument. He assumes that the evidence of the conduct books upon which he draws so heavily is direct evidence of the civility of the elite of courtiers, and that they recount the way people really thought. This view is problematic because perhaps they were often written for bourgeois and provincial outsiders. Rakes, for example, took their identity from a deliberate flouting of the new conventions. Elias’ concern to generalise creates the impression of a sound structure, while he is misleading or unhelpful on specifics, in which he appears to be uninterested. Recent work on the nobility has revealed another flaw in his perspective. It seems that Elias retained a certain nineteenth-century vision of nobility—for him, it was about prestige, status, faction—as if it was not also about power and pursuit of wealth. It can also be argued that he paid no attention to what is now a very important area of modern research, namely patronage and clientage—not only as a mechanism of social mobility but as a stabilising process in ‘court society’ or the baroque state. Perhaps the most challenging problem is that his analysis is a part of an all-embracing theory, for court society is only a part of a wider system. His work is being fitted by some into the reinvention of an alternative to Marx or Weber.

Overall, Elias’ book remains a thought-provoking text, an inspired one given its date—and yet few working historians today would attempt to test his work with detailed research. The debate has moved on and too much new material has been accumulated for his analysis to stand intact. Unfortunately, in the present state of studies there is neither a satisfactory theoretical approach, nor sufficient empirical work on the court in France. The present study aims to carry forward the work on politics in a court society into the second quarter of the eighteenth century.
INTRODUCTION

POLITICAL CULTURE, PUBLIC SPACE AND THE POLITICS OF CONTESTATION

From the history of psychology to intellectual history appears but a stone’s throw, and the latter constitutes another approach to the period. Much reinvigorated of late, the intellectual history of the ancien régime has contributed a number of concepts which have now entered the mainstream of history. In attempting to conceptualise the ancien régime and its processes, intellectual historians have appealed to the concept of ‘political culture’. It is a useful notion, broad enough to include a vast range of research and narrow enough, by virtue of the designation ‘political’, to focus attention. But it too is not without its difficulties. Not everyone working in this field would agree with the suggestion that there was a single political culture in a country as regionally and institutionally variegated as France. Moreover, in current debate, the concept of political culture is closely dependent upon three other contentious concepts: those of discourse, public space and public opinion. These too remain the subject of controversy. Because the present work engages with several of these themes, albeit from a very different perspective, it is necessary to consider the approaches in some detail.

The idea of discourse is now employed by scholars in many fields of history and has been an extremely fecund notion. Drawing heavily on the works of structural anthropologists it constitutes a radical move away from the traditional history of ideas. By focusing on the language of texts (which might not be the conventional texts of theory but could equally well be the structure of a festival or the composition of a parade or painting) the basic categories, assumptions and values of a society may be unearthed or ‘excavated’. Because language does not merely describe a reality outside itself, but actually constructs meaning by providing the structural framework in which we operate or even exist, language and power are intimately connected, as Foucault has shown. Therefore, investigating the concept of monarchy, for example, equals investigating monarchy itself. Does then investigating the concept of politics in one set of texts equal investigating politics itself? To assume as much would be to beg the question posed by this whole book, which focuses on power and ‘politics’ in practice.

The great strength of discourse is that it has indicated areas in which we should be more sensitive to changes in the basic categories in operation in political society. Further, it has made us realise that there are competing discourses in many domains of life—private, public, sexual, religious and political, for example. It has also highlighted the importance of the forms of expression or the language employed in politics, although the distinction between a historically identifiable discourse and the language employed at a given moment remains blurred. Nevertheless, the approach prompts a much more fluid and complex interpretation of politics; as such it is also an important advance on both the more static model of the ancien régime and the idea of fairly simple lines of development. It raises questions about the tenability of conventional forms of explanation in historical studies and is thus to be welcomed. An important theoretical difficulty, however, is that if discourse and
The problem of singling out causes and effects remains unsolved—and perhaps insoluble. The problem of intentionality is neatly but unsatisfactorily sidestepped by making individuals into discursive constructions. This is relevant in the present context because two distinguished historians, Furet and Baker, both appeal to the notion that the inherent contradictions in the discourses provide the key to understanding the origins and development of the Revolution. There are two problems with this. The first is that such a view tends to make the discourses into the principal actors in the historical drama, which undervalues the complexities of political struggles. Second, it is important to ask whether contradictions in the discourses were really responsible for the shape of politics—was politics not, for example, really ‘about’ political management, family strategies and patronage and clientage?

The concept of ‘public space’ is currently finding favour with historians of politics and language, particularly with those involved with public opinion, journalism and political theory, all of which are touched on in the present work. To the Hegelian distinction between family, civil society and the state (which have long been employed by some sociologists and political theorists to structure their reflections) Habermas added a fourth organisational category of modern society, the bourgeois public sphere, which first emerged during the eighteenth century. According to Habermas, in contradistinction to the (public) sphere of absolutist authority, a realm emerged in which ‘private’ bourgeois individuals employed their critical reasoning. Within this sphere, composed of cultural institutions such as salons, cafés and the printed matter, all of which were potentially independent of the state, newly politicised discussions could take place. ‘Bourgeois’ representations of the world sought ‘transparency’, that is to portray and organise it as it really was. Although many historians draw upon Habermas’ basic model, there are several different readings of him and some major disagreements. The idea of a space or sphere is certainly helpful in suggesting that statements or texts need a forum in which to become effective, a ‘space’ in which they can legitimately be presented, and of course that space has recognised boundaries. It has its as yet only partly written history: elements of this history include the improvement of communications, and especially of printing, which led to a great expansion in the accessibility of information, particularly of scientific, literary and political information within a developing urban society, comprising new cultural institutions. In this way, the sphere of life concerned with public events greatly expanded, and by the mid-eighteenth century intellectuals in France appear to have become aware of it. At this point, the idea of public opinion emerged in a more structured way and it has recently attracted the attention of historians.

In an influential contribution, Baker has traced the evolution of public opinion from a manipulable mixture of rumours and opinions in the 1750s to its characterisation as an imaginary tribunal, that is, an authority replacing the traditional monarchical authority as the ultimate arbiter in society. For him, it appears to have been not so much the creation of a sociological group, such as the bourgeoisie, as ‘a political invention’, the product of ‘a new politics of contestation’.
Baker’s theory of a politics of contestation presupposes the concept of political culture, and it suggests that ideology was at stake in political struggles between the crown and the parlements from the 1750s onwards. But Baker’s interpretative framework is drawn from sociology and philosophy, and is not based on a detailed study of judicial politics in any preceding period. Three chapters in the present work will argue that what could well be called a politics of contestation appeared in its essential characteristics in the 1730s, during the struggle over Jansenism, and that the 1750s saw an extension of these earlier themes. So, if a politics of contestation existed earlier, then why did it not produce ‘public opinion’ earlier? In fact, several historians would give an earlier date for the formation of public opinion, thus making the 1750s less of a turning point. Potentially much more damaging than chronology to the link between a new politics of contestation and public opinion, is the argument that such a politics may not have existed in the sense Baker understands it (his position is not simply that politics is contestation, but that it was ideological contestation). In contrast to his position, it will be argued that jurisdiction, and not political ideology (in his senses of either justice or will), was more of an issue for magistrates—around whom the debate has focused—from 1730 to 1770. This raises the question of how important public opinion was in politics in that period. Are we dealing with an intellectual construction alone or a genuine political force? There is no denying that the concept of public opinion as a tribunal was used to legitimise both the participation of outsiders in politics and opposition from existing players, but how far it made any difference to the course of events before late 1788 may be questioned. Was it just a rhetorical justification? At issue in the debate is the significance of some conceptual categories used by people involved in politics, and the extent to which the nature of politics before the Revolution had been transformed by any such developments. Both of these problems are relevant to the present study. The detailed study of political practice suggests that ‘public opinion’ was far from transparent right up to the 1780s and that much of it was generated by the occult activities of Jansenists, courtiers and ministers.

DEFINING POLITICS IN ANCIEN REGIME FRANCE: AN UNSOLVED PROBLEM

Notwithstanding the emergence of a conceptual public sphere, politics in the ancien régime was still basically occult, courtly, and conducted by nobles whose notions of a separation between public and private were decidedly blurred. As Elias has suggested, the activities of courtiers cannot easily be said to fit into the public sphere, and even magistrates who were well aware of the distinction often entered into opposition for private reasons such as familial advancement. Several chapters of the present work try to give substance to the view that political life, as revealed by practice under the ancien régime, was sufficiently different from the ideas of it presupposed by the present notion of public space, to raise serious questions about precisely how the notion of the public sphere is to be applied to the political culture...
of that time. As with public opinion, this is not to deny that this fourth dimension was being invented within the Enlightenment and was to have a subsequent importance in revolutionary politics. The eighteenth century was a great age of beginnings, of antecedents. These criticisms are not intended so much to invalidate the notion of public space as, by revealing it to be an interaction of many perhaps neglected elements, to point out the difficulty in locating it.

To a considerable extent, therefore, the new intellectual history of the ancien régime has not yet risen to its own challenge of its wide definition of discourse, because the evidence is still taken overwhelmingly from theoretical works and legal texts. Texts are not put in the context of prevailing practices and social texts are rarely studied. Within this seductively all-encompassing theory of discourse, it is necessary to remain constantly on guard against the temptation to assume that a given political discourse truly reflected an individual point of view, without fully considering the use to which the rhetoric was put and the activities of the participants. Often the discourses were employed in a deliberately mystificatory way by highly sophisticated rhetoricians. It is therefore vital to study closely the process by which the language used in the public sphere was generated.

When the study of ‘political’ disputes is undertaken, the extent to which arguments took place in a language which did not truly reflect the main concerns of one set of participants is striking. For example (and this is an aspect explored at length in Chapters 11 and 12), was the parlementary crisis of 1730–2 really ‘about’ constitutional thought, as Carcassonne and his successors have assumed—even though there is overwhelming evidence of manipulation by a religious clique and the exploitation of very real jurisdictional concerns? The Jansenist magistrates’ recourse to the language of constitutionalism in the 1730s, and more so in the 1750s, on the face of it suggests constitutional motivation, when in fact their main aim was, arguably, religious salvation and they employed similar factional methods to their Jesuit opponents. This is one of the few areas in which the intentions behind the language can be clearly elucidated. To use Quentin Skinner’s phrase, the problem of what the theorists were doing has in this case been solved. Thus, in the same way as for institutional history, too often there is a failure to use informal documentation or the evidence of day-to-day politics in all its forms, with the result that its extraordinary complexities are far from being fully appreciated. It is indeed ironic that studies of discourse implicitly seek to explain the political culture without concentrating on ‘the facts of political life’. They thus come dangerously close to defining political culture by the works of those on its margins, commentators like journalists and novellistes, rather than those at the centre who were engaged in making decisions and managing competing interests.

A theory of discourse that would have been more familiar to contemporaries is rhetoric. Every educated person in the seventeenth and eighteenth centuries had been taught the principles of rhetoric, that is the use of the proper structure for a persuasive argument in a given context. Naturally, rhetoric had to be suited to the time and place, and this place was usually the public sphere. Works on rhetoric
focused particularly on eloquence for the clergy and lawyers. We shall see that the recognition of contemporary attitudes towards rhetorical positions is important for an understanding of certain aspects of political conflicts, particularly in the sphere of the parlementaires’ jurisdictional politics.  

Undoubtedly, any study of politics must now take into consideration the prevailing forms of political expression. However, this study should not be confined to theoretical texts alone. Ceremonies such as the *lit de justice* and the royal funerals were vehicles for political conceptions and have been studied as such with great profit. It is important to explore the practices, events and structures in order to understand the sets of values and assumptions articulated by the players in the game. These assumptions make up a language of politics, again in its widest sense. It is necessary to deal not just with the legalist, jurisprudential, formal language, but with the wider range of discourses or rhetorical forms. The way of speaking about political situations in private correspondence, with its insight but also with its set of expectations and contemporary priorities, should be studied, together with the differences visible from our own perspective. Often ‘actions speak louder than words’, and this kind of ‘discourse’ can best be excavated by studying the activities of courtiers as much as, or perhaps more than, their writings, be these ephemera or attempts at analysis like La Bruyère’s.

Of course, their activities are only recoverable through extant texts or monuments, whether letters, memoirs or dwellings. For such a study even historical memoirs—on which so much political history has been based, often without further recourse to correspondence that might corroborate or refute their assertions—are another problematic category of evidence. They represent a particular vision of politics, they define its boundaries by exclusion and inclusion. In many cases, their narrative is about the significance and valour of the actors in a game of personal and family advancement and honour. But when we confront the memoirs with the sort of material that lies in the archives of the authors’ families we have a very different perspective. Political documentation is dwarfed in volume by the often dozens and sometimes hundreds of volumes of papers relating to investments in land, the operation of the family as a major creditor to clients and investments in financial schemes. It becomes clear that financial dealings at court are almost left out of the memoirs, except where the desire for riches, knowing no bounds, leads to excess by others, even breaching the lax codes of conduct that prevailed then. Noble participation in politics did not therefore correspond to the public image put forward, and if the court was, on the one hand, a theatre of civility it was, on the other hand, a rather more sordid centre for the seeking of place and the preservation of fortune. Much has been written about the former, little about the latter.

A second point is that a certain view of causation is enshrined in memoirs and court history in general—and it is usually a naïve view. Their authors reveal a very strong tendency to reinterpret with hindsight the actions of courtiers or politicians as if all their actions were pre-planned and scheming. We do know that courtly behaviour required an exceptional degree of self-control, and this would no doubt
have added to the impression of planning and clearly cabals did form over many issues. It is also possible that family and factional strategies were much more clearly articulated then than now. But when major events that are extremely complex to unravel are attributed simply to faction, the historian should beware.

Another element is the anti-female bias in the texts, where it is easy to attribute certain démarches to the wily schemes of women exploiting their sexual charms. Mistresses are often described in stereotypical ways, as undermining monarchical virtue, as leading the monarch astray, as more selfish and ambitious than the male courtiers. Too much political influence is attributed to them as individuals in the historical memoirs—because that corresponded to the gender bias against clever women and to the contemporary sense of causation. They are over-played as individuals and underplayed as the representatives of the powerful courtly factions, which were advising them and also forcing them to provide a constant supply of patronage.\(^7\) Memoirs or journals, such as those of d’Argenson, and nouvelles by such as Pidansat de Mairobert, often attribute too much to what they saw as the trivial and pernicious influence of seduction and guile.\(^6\) To accept their assessments would be to accept their classical republican discourse that was anti-courtier and very much pro-virtue.

There is a courtly discourse constructed by men and women wearing masks. In this, women of course played an important role, not simply as royal mistresses—and here it was not the sexual act that was the most important aspect of their role, but their intimate friendship with the King, and therefore access to the source of patronage and favour. The female heads of the aristocratic clans, the indomitable dowager duchesses wielded great ‘political’ influence, if politics is defined, as it was for them, as faction and the ability to acquire favours, pensions, control over ministerial posts, by pressure or persuasion. Women also acted as go-betweens in the game of influence and patronage, exploiting their civility which society chose to locate principally in their gender.\(^7\) For most participants, eighteenth-century politics was about career, clan, family, honour, prestige, the money for this lifestyle and the influence needed to acquire and protect it. Becoming involved with the King’s business was itself a means to acquire honour and dignity, and preserve previous gains.

Each branch of history has a tendency to believe that its explanatory framework is pre-eminent. As with Marx and economic determinism, thus with Elias and his social psychology, and so too with intellectual history and its theory of inherent contradictions in the discourses. Moreover, it is surely unwise to limit ourselves to ‘political’ languages, to the exclusion of the social discourses, such as images of the people, of feudalism or history, as if they can be separated from the political in this period. It is particularly revealing of the problems raised by this approach that a further language, extremely widespread and evident in the same period—that of classical republicanism with the enormous importance it attached to the concept of both social and political virtue—is still often overlooked even though it is to be found in the texts.\(^8\) Religion, so important in the preceding two centuries, was still an extremely important political issue at the time. The close
INTRODUCTION

link in the mid-eighteenth century between religious ideology and politics has been emphasised by Van Kley in several works. He stresses the contribution of the Jansenists to destabilising the regime in the 1750s, but even he regards their arguments as dating from the 1750s.

But what if their arguments can be traced back directly to the 1720s, certainly to the parlementary crisis of 1730–2, a period that was obviously not devoid of those ‘contestatory’ features only visible a generation later? Perhaps these ideas are better understood in the context of the rather obviously contestatory ideologies (and practices) of the Jansenists in the seventeenth century and the Protestant opposition to Louis XIV? If it is therefore necessary to ask whether the parlementary opposition to royal policy in the 1750s and 1760s was the product of a new contestatory state of mind, inherent in the new ‘political’ discourses, or was it very much in the line of the seventeenth century? Are the discourses of the 1750s and 1760s really ‘new’ or are they reformulations of concepts already identifiable in the sixteenth century—ideas perhaps secularised from their religious context? It seems as if modern historiography may have played down the continuities and labelled as new what was deeply rooted in a long past, in order to emphasise the kind of rupture that is necessary if a modern view of the origins of ‘revolution’ is held. To do this is to suppress the fascinating question of how old wine in new bottles retains its potency.

If some of the ideological aspects of the late ancien régime reveal continuities, what, then, of the long-term socio-political features of that same regime? Was the regime fundamentally stable, or was it liable to frequent crisis? Were there not also structural problems inherent in the regime that date back much further, and which are certainly essential, and perhaps the most important, elements of the crises of the 1780s? Historians have indeed long recognised that there were. Fiscally, these have been identified as an unequal tax distribution that exempted the wealthy and weighed most heavily on the poor, together with a financial bureaucracy that through corruption and venality cost the government too much of its receipts. Socially, tensions lay in a rigid social stratification that allowed access to nobility by the wealthy, but was at its upper levels nevertheless too closed for the increasing numbers of aspirants. Politically, the uneasy relationship between the pays d’états and the centre that helped widen a political battle at the centre into a national crisis, can be traced back to the fifteenth and sixteenth centuries at least; work on Brittany, Provence and Dauphiné has re-emphasised the provincial origins of the Revolution, in terms that would have been familiar in an earlier period. An interesting recent case study of the corporate institutions of the Lille region from Louis XIV to the Revolution, locates the universalist rhetoric of the magistrates in the struggles to defend privilege against royal fiscalism.

For the institutions of government at the centre, though, such long-term elements have not been adduced. It is necessary to know whether the court politics of the 1780s was so very different from that of the 1760s, the 1730s or the 1640s. And if it was, in what ways? Was the breakdown of crown-parlement relations in 1787–8 the product of a new attitude among the magistrates; was it a similar phenomenon to
the frondeur disputes; or was it perhaps even causally similar to the experience of the Lillois financial officers? Only a study that draws out the essential characteristics of political conduct over a long period will be able to test the arguments. The lack of detailed examination of the 1720s, 1730s and 1740s has prevented us both from observing continuities and from situating within those decades any of the new developments. This has only increased the tendency to regard the 1750s as a period of political rupture or reformation, and to consider the end of the regime in isolation from its own political history. This book, as a reflective analysis of the codes and conduct of the King’s business in the time of Fleury, will reveal continuities that call this perspective into question.

STUDIES OF CRISIS WITHIN THE SOCIO-POLITICAL SYSTEM

For generally valid conclusions to be reached, political conduct must be studied over the longer term. The norms of conduct and the normal processes can thus be revealed. But it is equally important to try to understand how collapse could occur. One way to come to grips with this problem is to focus on points of tension, by investigating political crises and the way they occur in the political system. Since the Paris parlement was the key focal point of tensions during the seventeenth and eighteenth centuries, it is particularly instructive to consider in detail its relationship with the ministry during the crisis of 1730–2. The way tensions were generated, and then contained, can reveal a great deal about the nature of the regime. Much too can be learnt about the role of ideology (which perhaps untypically came to the fore during confrontations) and the regime’s problems in dealing with it. The difficulty of preventing the escalation of differences into a confrontation out of all proportion to the gravity of the issues is a notable feature of the socio-political system, as major points of principle could be raised by apparently trivial cases. It may be that the system of dialogue between institutions such as council and parlement was good at reconciling sectional interests but not very well suited to the management of issues of principle or ideology. To avoid anachronism, it is important to try to understand what contemporaries thought was at stake. Any modern tendency to rationalise their behaviour by assuming that ideological motives played an important part—as in the history of the Maupou coup or the origins of the Revolution itself—must be avoided. The late twentieth-century tendency to see things in terms of ideology is as distorted as was that of the nineteenth century. The study of the parlement is once again instructive here, for, with the exception of a small group of judges who were clearly manipulating the situation, it is difficult to attribute clear motives to most of the opposition. Confrontation and crisis may have been as much a question of mismanaged processes as of ideological or constitutional issues.

There has at the very least been a tendency to accept the rhetoric of the opposition to the regime and see the crisis of 1787–9 as the collapse of a despotism under assault from new ideas. Without for a moment denying the force of the new
INTRODUCTION

ideas in the rebuilding of the collapsed regime according to a different image, from 1789 to 1794, it may be suggested that the last crisis of the regime was just that, the last in a series of crises whose structure and causes were similar to several others that preceded it. Thus the Revolution would have grown out of the crisis without the crisis itself necessarily being ‘revolutionary’ in a determinist sense.

There are now so many new approaches to set against the orthodox bureaucratic and administrative interpretation of politics. Individually, they have shown us intendants who failed to dominate provincial society; ministers who operated through family and patronage networks; faction sometimes wielding enormous influence over policy; members of the courtly higher aristocracy who retained the trust and confidence of the King; regal ceremonial employed as an influential and persuasive discourse; a fiscal system that continued to be insufficient and corrupt, linked to the court nobility and the provincial elites; a provincial nobility that retained much of its power and privileges through a compromise with the monarchy; a bureaucracy in which loyalties and advancement still operated in a highly personalised way; and discourses that both unconsciously shaped perceptions and were knowingly manipulated to further traditional goals. Taken together these multifarious aspects do not just provide evidence for a much revised image of the monarchy, but also prompt a new range of historical questions. Inevitably, one major implication of the new approaches has been to raise a question mark over how politics is to be conceptualised and how the regime is to be interpreted. A new history of politics is needed, one that is painstakingly detailed, as in the past, but new because it should be aware of the wide range of recent approaches; and it should be one that includes all those aspects so often excluded from politics by virtue of a modern definition.
Part 1

POLITICS IN A COURT SOCIETY
1

THE RISE TO POWER OF ANDRE-HERCULE DE FLEURY

An ecclesiastical career: a family strategy; provincial patrons; royal almoner; bishop of Fréjus; appointment as preceptor. From preceptor to religious adviser, 1715–21: educating Louis XV; court politics in 1720; the conseil ecclésiastique; the affair of Louis’ betrothal; Fleury’s strong position.

AN ECCLESIASTICAL CAREER

In 1720, when the political career of the future cardinal de Fleury began in earnest, he had been preceptor to Louis XV for five years, actively educating the young King since 1717. His rise to this position of trust in the royal entourage had been anything but swift; and yet, contrary to expectations, this appointment was to be the beginning of a great career as a statesman. By 1723 he was a minister of state, and in 1726—just before his seventy-third birthday—he took over the reins of government from a prince of the blood, the due de Bourbon. When he died in 1743 he had exercised all the functions of a premier minitre for nearly seventeen years: managing the court, distributing patronage, deciding on foreign, domestic and religious policy and choosing ministers, members of the episcopate and court officers. In foreign affairs his deft but traditional policies saw French emancipation from English tutelage, the acquisition of Lorraine, a province long desired by the kings of France, and the reluctant entry into the War of the Austrian Succession. Within France he was successful in limiting the scope of the religious problems associated with Jansenism and involving the Paris parlement, and in containing the disruptive effects of faction. In 1743 Louis XV sat firmly on the throne, having benefited from a period secure from the worst excesses of factional rivalry that threatened to undermine consistent policies and create internal turmoil. The failures of Louis XV during the later part of the reign to 1774 only serve to highlight the earlier successes of Fleury.

This was an achievement by any standards, but for an outsider whose origins lay with a family of modest provincial origins, it was extraordinary. The rise to power of the cardinal de Fleury is an instructive example of social mobility within the parameters of the socio-political system of the ancien régime. Unusual in that he came
further on a longer trajectory than his contemporaries, it nevertheless involved all those elements necessary, in that political system, for advancement.

Unlike Fleury, most ministers in the later seventeenth and the eighteenth centuries were born to wield a measure of power. Many nobles were destined for high office from birth, whether as members of the noblesse de robe or the noblesse de cour. Elder sons in families such as the Phélypeaux with its branches of Pontchartrain and La Vrillière, or the Noailles, the Lévis-Ventadour, the Rohan, or even on a lower echelon the d’Aligre, the d’Argenson, and the Daguesseau, all formed a part of that inner core of the nobility that exercised real power and influence under Louis XIV or even before his reign. Of those families which were not already of high rank and influence in the mid-sixteenth century, their successful ascension had almost invariably begun in the late sixteenth century. Loyalty to the monarchy at three critical stages, in the wars of religion, in the reign of Louis XIII and during the Fronde was an important factor in their rise, for Louis XIV seemed to choose his servants from this group.

André-Hercule de Fleury is therefore untypical in that he was an outsider: his family was small-fry in Languedoc, barely discernible before the 1630s. He also had to climb many more rungs of the ladder before he arrived at a position of power. He was not born with courtly protectors, he had to acquire or earn them. For that very reason the story of his rise has much to reveal about a wider range of aspects than the history of most other individuals. He and his family had to negotiate all the ‘bottlenecks’ that normally held up social mobility in this period. If a comparison is to be made with anyone, it would not be with Mazarin, nor with Richelieu; it would have to be with cardinal Dubois, whose political career began as preceptor to the future Regent.

Fleury was born in Languedoc on 22 June 1653. His family was of that ‘ancient and illustrious nobility’ which abounded in Languedoc and was of considerable stature in the town of Lodève and modestly successful in provincial terms. The prosperity of this cathedral town was based upon the manufacture of cloth, a manufacture in which the Fleury had been involved for generations. Lucrèce de Rosset, his maternal grandmother, was descended from the foremost drapers of Lodève and her husband was of merchant stock. On his father’s side the family was involved with the financial administration of the province. His uncle, Pierre de Fleury, was the leading light of the family, being chief treasurer general of the finances of Montpellier, and intendant for the gabelles of Languedoc. Fleury’s father held the office of receiver of tithes for the diocese of Lodève, for which a certain degree of wealth was essential.

These two families, united in the parents of André-Hercule, appear to have had a definite policy of marriage alliances designed to link their mutual wealth indissolubly. The shrewd family was about to attempt to enlarge its sphere of action by sending a representative to court. More than usual effort was made to further André-Hercule the second son. The family made full use of its important connections to advance their son’s career, probably because he was seen to be exceptionally bright.
The education of Fleury was therefore a matter for strategic planning. Rather than send him to one of the provincial colleges that were opening their doors, his rich uncle sent him to the collège de Navarre in Paris, the only school to give its students a full general education comprising theology, philosophy and the humanities. He went on to attend the collège d’Harcourt and continued his education at the Sorbonne. He obtained his licence in theology in January 1676 and in July of the same year was ordained first a deacon and then a priest. Civility was now recognised as an essential element in a noble’s education, and true civility could only be acquired in the company of the higher nobility. In a sense, salon culture was the very essence of civility. He was in frequent attendance at the salons of Guillaume de Lamoignon, and at the hôtel de Bouillon, also at the house of the Noailles.

Provincial families had restricted opportunities for advancement beyond the confines of the province. Patronage and the active intervention of courtiers was therefore crucially important. A talented young man could hope to be helped by influential courtiers who did not necessarily expect to receive anything more tangible than prestige in return. Saint-Simon’s memoirs are peppered with instances of courtiers giving a helping hand to clients, if not for altruistic reasons, then because it was a source of personal honour. In Fleury’s case, the patrons came from the natural allies of lesser provincial families: the governing elite. Fleury’s own experience reveals an interlocking network of patronage brokers with leading positions in the governance of the province and influence at court. These families were the Castries, the Noailles and the Bonsy.

Every stage of his education and career reveals the importance of patronage—and at first his career progressed well. Most of the evidence indicates that Bonsy was the principal patron of the youthful Fleury, especially in the 1670s. The Italian-born Bonsy, later to become a cardinal and, as archbishop of Narbonne, president of the estates of Languedoc, was at this time a successful ambassador and bishop of Béziers. Bonsy was responsible for his becoming in 1667 a canon in the cathedral of Montpellier; in 1675 he was allowed to purchase one of the eight offices of Queen’s almoner; and before 1680 Bonsy had him preferred to the King’s chapel, still as an almoner. He thus gained a new patron in the person of the cardinal de Bouillon, Grand Almoner, director of the King’s chapel. In 1680 the Queen solicited his deputation to the Assembly of Clergy, valuable experience for a future bishop. In 1690 Fleury left for Rome with the cardinal de Forbin-Janson who had been raised to the purple in February of that year by the new Pope, Alexander VIII. It transpires from a letter by the marquis de Lassay to Madame de La Fayette, on the subject of her son’s visit to Italy, that such a visit was necessary for any cleric hoping to succeed in his career: ‘Nearly all those of his quality and profession take the time to see Italy; the voyage is almost vital to them later in life; for on a thousand
occasions it is a question of the Court of Rome, which it is most useful to have known.20

The rise of the young cleric had been unusually rapid. The office as almoner was generally regarded as providing a sure entry to the episcopate, as the duchesse de Brancas explains in her memoirs.21 Fleury would normally have expected to move on rapidly to a distinguished episcopal career. But capricious conduct by Louis XIV made him waste certainly above a decade before he was able to acquire a bishopric. The ultimate importance of Louis XIV is amply demonstrated by Fleury’s experience. At a time when Dubois, preceptor to the due de Chartres, was able to accumulate rich abbeys without even being a priest, Fleury was constantly overlooked. However, it was not unknown for the sovereign to delay the reward of some meritorious subject merely to emphasise his own ultimate authority.22 Upon the cleric’s return from Rome, he was granted his first benefice, the abbey of La Rivioure, worth 8,000 livres a year. Only in 1699, at the age of 47, was he able to acquire a bishopric, through the determined efforts of influential and devout women. Mme de Caylus, who was Maintenon’s niece, and the maréchale de Villeroy, approached Maintenon, and madame de Noailles urged her brother-in-law, Noailles, the archbishop of Paris, to make another attempt to persuade the King. Louis agreed to grant the see of Fréjus, on the coast in Provence.23 The manner of his appointment reveals the truth of Mousnier’s dictum about the absolute necessity of courtly patronage to get through the bottleneck of seekers of office.

Bishops, of course, during the ancien régime often fulfilled administrative functions on behalf of the monarchy ranging from the management of a town or province (as in the case of the archbishop of Aix for Provence or of Narbonne for Languedoc) to more humble tasks such as providing information for the central government. There is little documentation of this in the case of Fleury, except for 1707–8 and an interesting attempt by Villars in 1713 to have him made procureur joint for the Assembly of Communities of Provence.24 We do know that in 1707 when Provence was invaded he played an honourable role. His correspondence with the secrétaire d’état reveals him doing his best for Fréjus and for France, giving details of the foreign army and collecting money for the occupied town from Aix and Marseille.25 Chamillart’s letter to Fleury shows how well thought of he was by Louis XIV: ‘it appears to me that He [Louis XIV] is very happy with all you are sending me, and with your conduct’.26

In his episcopal activities, Fleury displayed his religious orthodoxy. In Fréjus he proved himself to be one of the many members of the Catholic reform movement now well under way in France, expanding the seminary and attacking ‘paganism’ in the diocese.27 Contrary to what has long been written, Fleury was not a religious bigot, nor was he ultramontane or ‘Molinist’ in his anti-Jansenist stance. Anti-Jansenist Fleury certainly was, but he was not entirely in sympathy with the Jesuits, and his position might be described as ‘politique’. Surviving original letters and minutes to his former patron cardinal de Noailles, from 1711 to 1714, and his own pastoral letter of 1714, reveal his attitude clearly.28 The
THE RISE TO POWER OF ANDRE-HERCULE DE FLEURY

following passage from a letter of 11 July 1711 is the clearest expression of his views at the time:

I can assure you with the utmost sincerity that I distanced myself from all prejudice when reading Father Quesnel, and that I am no less on my guard against Molinist opinions than against Jansenist ones. I am quite convinced that the decisions of the Church alone should guide us in everything, and that we should proscribe anything to the contrary…[the Church] is attacked from many sides, and that should oblige those who are truly obedient to come together and do no more than defend its decisions without entering into contested decisions. That is the only effective way to support it, as we ought, for there’ll be no end to it otherwise.29

One of the focal points of political tension in France for the first two thirds of the century was the controversy over Jansenism. Fleury felt that the church in France was threatened, and so the developments of the policy of Louis XIV over the next two years had his support. When the cardinal de Noailles, in temporary submission to the will of Louis XIV, issued a *mandement* against Quesnel’s *Moral Reflections on the New Testament*, now the text most symbolic of Jansenism, the bishop of Fréjus was quick to congratulate him. His letter reveals his support for the papal Bull *Unigenitus* of 1713 which condemned 101 propositions to be found in Quesnel’s book.30 Fleury was among the first bishops to publish the Bull *Unigenitus* in his diocese. Shortly afterwards he published his own severe criticism of the *Moral Reflections*, in which he expressed himself in perfect agreement with the recent Assembly of Clergy and condemned what he regarded as Jansenist poison.31 His eloquent exhortation attracted public attention and he was asked for many copies. His activity brought him into contact with the cardinal de Rohan at Versailles.32

The religious position of Fleury before the 1720s can therefore be summarised as follows. He regarded a united episcopate as being of fundamental importance for the church of France, which risked schism because of differences of opinion over Jansenism. The best way to ensure the safety of the church was to be found in supporting the policy of Louis XIV against the Jansenists, and therefore in condemning Quesnel and accepting without question the Bull *Unigenitus*. Fleury was expressing a strong belief in the hierarchy of power in the church. He felt that bishops should use their power over the lower clergy to prevent them from espousing the Jansenist cause.

There is no clear and accurate account of the exact steps Fleury took to become tutor to Louis XV. His appointment cannot be explained without understanding the growing vehemence of the conflict over Jansenism in the French church and the importance of this issue at court. His attitude to Jansenism is a thread that runs through the whole of his ministerial career from 1723 onwards. During the later years of Louis XIV’s life, the Very Christian King became increasingly determined to bequeath to his heirs one entirely united
Catholic church. This desire, combined with his personal devotion which became more pronounced with age, led him to try to eradicate the last vestiges of Jansenism; it was a sect regarded by himself and many of his religious advisers as schismatic and heretical. The dispersal of the remaining nuns at Port-Royal in 1709 and its razing to the ground in 1711 were a prelude to what Louis XIV supposed to be the ‘coup de grâce’, a Bull from Rome. In 1713 a somewhat reluctant Pope finally produced the Bull *Unigenitus* which condemned the ideas put forward in Quesnel’s work. For a combination of theological and political reasons, the Bull *Unigenitus* sparked off a controversy that was to remain bitter for more than half a century. The problem of Jansenism thus became one of the major political problems of the age, and is contentious and complex enough to warrant a full exploration in a later chapter.\(^{33}\) At the forefront of the anti-Jansenist campaign were the Jesuits who were led at Versailles by Père Le Tellier, the King’s confessor. From 1713 the cardinal de Rohan, who was appointed Grand Almoner in June, also distinguished himself as a supporter of the policy of Louis XIV. As the issue became more embittered, it became more and more important for courtiers to be on the right side—especially ecclesiastics. Saint-Simon, relating how the duc de Tallard pushed Rohan into assuming the leadership of the anti-Jansenist party by allying with Le Tellier, leaves no doubt about the attitude of the King to the Jesuits and their opponents.

The King, who had vigorously adopted this [the Jesuits’] opinion, who was entirely resolved to listen to none but the most heated of them, who had invested his authority and conscience in it, who busied and sustained himself with nothing else, regarded the opposing parti [the Jansenists] as enemies of church and State, as republicans, as enemies of his authority and his person.\(^{34}\)

Once again, the mobilisation of patrons was essential to success. Several visits to Paris and the court had enabled him to conserve and enlarge his circle of friends and patrons during his wilderness years in Provence. The office of preceptor was, like all offices at Versailles, the object of some intrigue. On the one hand were the Jesuits led by Père Le Tellier who wanted to choose the preceptor himself in order to increase his religious control over the future King; in view of the religious attitudes of Louis XIV, Le Tellier must have felt confident of success. On the other hand, there was a strong group of more moderate courtiers who, fearing to see Le Tellier acquire any more power, supported a less extreme candidate. This party included some dévots such as the due du Maine, Mme de Ventadour, Mme de Lévis, and the Villeroy, and had the closest connections with Mme de Maintenon who was herself opposed to the designs of Le Tellier. For them, Fleury was a good choice because he was not a Jesuit and did not get on well with Le Tellier, yet his distinguished career as a bishop proved him sufficiently religious to impress the King.\(^{35}\) Moreover, the cabal included several personal friends of Fleury—the Villars, the Villeroy, the Dangeau and Mme de Lévis, who could all vouch for the erudition of their protégé and for his suitability for the post.
From Preceptor to Religious Adviser, 1715–21

With the help of a wide circle of important friends and patrons, Fleury had acquired the office which was to lead to greater power for him than he could possibly have envisaged in 1715. Although the political designs of Louis XIV were quickly abandoned by the Regent and the Paris parlement by setting aside the will of the late King, the personnel appointed in the codicil for the education of Louis XV was not changed. Villeroy was the governor of the boy, the duc du Maine, deprived of political power, remained superintendent of the King’s education and Fleury was to organise its academic aspects. He was aided in this from April 1716, when his own appointment was confirmed, by the highly respected abbé Vittement, who had been Lecteur to the new king of Spain before his departure from France and formerly rector of the Sorbonne. Between 1717 and 1723 Louis XV was to form a close attachment to his aged preceptor which was to last until the death of the Prelate, and this, combined with the revelation of hitherto unsuspected political talents, was to be the basis of Fleury’s future power.

Louis XV had such defects of character and his attachment to Fleury in later years was so strong that contemporaries and historians alike have tended to attribute both to clever manipulation of the King by Fleury. Such tales are given the lie by the evidence of the lessons. Fleury certainly took his duties as preceptor seriously and conscientiously. Dangeau testifies that the King was never allowed to miss his studies in the morning and evening each day; Villars noted that ‘the bishop of Fréjus, an intelligent man, was assiduous in his duties’; that well-informed author of the Memoirs of the Life wrote that ‘Never any man executed his charge with greater Application than this Prelate’. There still exist whole volumes of exercises set for Louis XV and often corrected by Fleury himself, who also wrote a history of France in three volumes for the use of his pupil. Fleury devised a wide-ranging and thorough programme of education for the King. It comprised reading and writing, Latin, history, mathematics and geography. Louis was obliged to translate numerous maxims of personal piety and political conduct. Like most French schoolchildren he was taught to respect the life of his ancestor Saint Louis. This was the occasion to instruct him in Christian and kingly virtues. Distinguished scholars like the abbés Jean Vittement, Robert Perot, Louis Dufour de Longuerue and Claude Fleury, with distinguished authorities such as François Chevallier, the mathematician and engineer, and Guillaume Delisle, the celebrated geographer and cartographer, all conjoined in their efforts to give him the best education possible.

It is true that Louis XV had few endearing characteristics—but he was after all in training to be a king. He was lazy, rude, selfish, gluttonous, almost incapable of love and excessively shy, but the fault lay not with Fleury. Even before the King’s formal education began when he left the care of women in the spring of 1717, Mme de Ventadour his governess had found Louis badly brought up, and Villeroy certainly made things worse. Himself vain and haughty to the point of ridicule, the Duke inculcated the same sentiments in his charge and let Louis develop unrestrained. It
is the verdict of the historian of the education of Louis XV that the fault lay with
Villeroy. It seems certain that Louis, who had few playmates of his own age and no
close relations, came to regard Fleury almost as a grandfather precisely because he
was the only person to enforce real discipline upon him.

Louis was growing steadily fonder of his tutor, and no one else was as close to
him, while he displayed a marked dislike for Villeroy. The preceptor was given
several honours and marks of respect, such as election to the Académie française in
1717, and the right, usually restricted to the royal family, to travel in the King’s
carriage. In these final years of the decade Fleury was a model of good conduct at
court, taking no part in the intrigues against the duc d’Orléans, especially after the
warning provided in 1718 by the exile of the duc and duchesse du Maine and the
dismissal of Noailles from control over the finances. It was better to remain in the
background or to win the esteem of the Regent, for his grip on affairs was firm and
his early death in 1723 could not have been foreseen. At the same time Fleury made
approaches to Saint-Simon, who was an intimate of the duc d’Orléans. A
friendship developed that would help Fleury to survive in the increasingly
complicated world of court politics.

From about 1720 the politics of the Regency became very complex and it is not
always easy to discern them clearly. By this stage the attempt at aristocratic councils
known as the Polysynodie had been abandoned, and the Regent’s favourite,
Dubois, had acquired a preponderance in foreign policy-making. The fiscal and
financial experiments of John Law, known as the ‘System’, had collapsed in an
enormous stockjobbing scandal, with a collapse in the shares of the East India
Company, and the speculative bubble had burst. In the atmosphere created by new
developments in the foreign and religious policies of the ministry, the manoeuvres
of political groups at court in opposition to Dubois came to a head. It was by weaving
his way successfully and in masterly fashion through the complicated web of
intrigue that Fleury was able to emerge as a leading minister even before the end of
the Regency. Interestingly, it can be shown that the factions which fought for power
towards the end of the Regency continued to exist and to play a part in ministerial
politics in the 1720s until Fleury finally established full control by the end of the
decade. Even after this, the principal faction survived in a modified form and was to
make its influence felt during the declining years of Fleury when the struggle for his
succession took shape.

The defeat of Spain by France and Britain in the war of 1719 had demonstrated
the impracticability of the Spanish policy, motivated by the dynastic ambitions of
the Spanish rulers towards the Regency government. The dismissal of the Spanish
minister Alberoni in January 1720 opened the way for a Franco-Spanish
rapprochement which could seek to take advantage of the fact that a Bourbon sat on
each throne. Peace was finally signed in March 1721 and a Triple Alliance
concluded among Great Britain, Spain and France in June 1721. A full discussion of
the diplomatic implications of these arrangements can be found in works on the
foreign policy of the period. Suffice it to say that the Franco-Spanish treaty was of
great benefit to the duc d’Orléans, because it entailed the surrender by Philippe V of
his claims to the succession to the throne of France leaving, in the event of the early death of Louis XV, the Regent as undisputed heir. Whether or not a treaty could alter the fundamental law of the French succession was not a question considered in the treaty—and in 1727 it was clear that many regarded fundamental law as unalterable.45

These developments in foreign policy had repercussions upon the religious policy pursued by the Regent. In 1720, when it could be seen that a rapprochement with Spain was feasible, the desire to ease relations with a staunchly Catholic nation prompted a revision of attitudes towards the Bull Unigenitus. The Regency had witnessed a change from the policy of Louis XIV on Unigenitus and the ‘appellant’ bishops (those who appealed for a council of the gallican church to discuss the Bull) led by the cardinal de Noailles and the chancellor Daguesseau, were given the opportunity by the Regent to try to negotiate with Rome ‘explanations’ of the contested points which would be designed to promote acceptance of the Bull by modifying its meaning. This policy had been met with papal intransigence; in November 1716 the Pope declared that he regarded the search for ‘explanations’ as a ‘culpable curiosity’, and in 1718 he declared that all who refused to accept the ‘constitution’ would be excommunicated. In spite of attempts by the Regent to impose silence in October 1717 and June 1719, the quarrel deepened between the Jansenists and the ‘constitutionnaires’ (those who accepted the Bull). Finally, the failure of the policy of ‘explanations’ became clear. Renewed enforcement of Unigenitus and persecution of the Jansenists commended itself to the Regent because it was necessary for his foreign policy towards Spain and Rome, whose support meant greater emancipation from the British alliance. It was thus for a combination of political and religious reasons that on 4 August 1720 a declaration was issued imposing acceptance of the Bull Unigenitus upon all members of the French church and silence upon the protagonists. In fact, the Declaration of Silence was then, as it was to be later for the cardinal de Fleury, merely the occasion for legalised persecution of all Jansenist publicists, while all except the most vehement constitutionnaires who broke the silence were left unmolested.46

For Fleury the importance of the change of policy lay in the opportunity it gave him to take part in the government. A council, variously known as the conseil ecclésiastique or the conseil de conscience was established to co-ordinate and control the activities of clerics with regard to the dispute, in order to ensure ‘the conservation of the doctrine and good order that it is intended to uphold’. This was a council of much greater significance than the council for church affairs which had formed part of the Polysynodie until 1718, a council of which Fleury had become a member towards the end of 1717 or in 1718.47 The activities of the first council had been limited to the conferment of benefices and to matters of ecclesiastical discipline, while policy was discussed in an unofficial body in the presence of the Regent.

The new conseil de conscience was to be the real instrument and instigator of the religious policy of the ministry which was discussed there and not in the ineffective council of regency. The former bishop of Fréjus, whose moderate anti-Jansenist
opinions could not have been forgotten, was a member of the council from the first session in October 1720. The other members were all churchmen, being the cardinals de Rohan and de Bissy, also benefiting from the change of policy, and Dubois and Massillon. Later Massillon left the council and the archbishop of Rouen, the bishop of Nantes and the cardinal de Gesvres entered it.48

The historian Hardy, author of a standard work on Fleury and the Jansenist movement, mistakenly attributed his rise to power to his membership of this council: ‘The policy of the council from 1720, can be regarded, in general, as the personal work of Fleury’.49 Yet there seems to be no evidence to support this view that Fleury played a significantly more dominant role than several other members. An investigation of the council’s activities indicates that it was Dubois, Rohan, Bissy and Fleury who were its most important members, sharing equally the burden of examining the bishops’ pastoral letters (which were not usually subject to censorship by virtue of episcopal privilege) and other potentially inflammatory writings.

Fleury’s membership of this body did, however, bring about a significant advance of his position. He now had the opportunity to take an active part in the process of government, enabling him to display his talent for organisation, and his entry into the council must be regarded as a mark of the respect in which he was held by Dubois and the Regent. But their sentiments were not entirely devoid of self-interest because, as Fleury had won the confidence of his pupil Louis XV, he could be useful. The alliance with Spain in 1721 led to the negotiation of a marriage between the Infanta of Spain and the King of France and the Regent was rather worried by the need to secure the consent of the King to the marriage. An 11-year-old boy could hardly be expected to understand the politics of the affair, so d’Orléans addressed himself to those whose functions made them useful: Villeroy, Bourbon and Fleury. The first had only a slight influence over the mind of the boy since Louis respected but disliked him; Bourbon, who had replaced the due du Maine in his educational functions, felt that his own influence was very slight;50 Fleury was in a better position. According to Saint-Simon, ‘the bishop of Fréjus alone had the power to unseal the lips of Louis XV’.51

He responded unenthusiastically to approaches made for his support on the day that the shy King was to be asked to give his consent to the planned marriage.52 This reluctance was prompted by more than simple aversion to an unpleasant task. Involvement might jeopardise Fleury’s close relationship with his pupil if Louis should later take a dislike to his fiancée and put the blame on those who had induced him to choose her. It took a very tense half-hour to persuade the King to agree to the choice of his fiancée, and in the event the role of Fleury was decisive. Saint-Simon, the chief source for details of this interview, records a conversation shortly after the council in which both Dubois and d’Orléans agreed on the importance of the role of Fleury. ‘Without the bishop of Fréjus, who made them wait for him again’, he records, ‘they knew not what might have happened. Their anxiety was so deep that they were still suffering from it.’53

The affair was immediately brought before the council for formal ratification.
and its members, presented with *a fait accompli*, put aside any personal reservations and expressed their unanimous approval. Nevertheless, this unanimity was more apparent than real, for the declaration of the engagement, followed only ten days later by the announcement of a marriage between the daughter of the Regent and the heir to the Spanish throne, provoked factional resistance that was to grow in strength until the end of the Regency and beyond, providing a shifting political background to the advancement of Fleury.

With a show of gratitude the duc d’Orléans might hope to commit Fleury to his support: ‘It was important for him to treat kindly the only man for whom the friendship and confidence of the King was becoming more and more pronounced, and who was privately becoming more than detached from the maréchal de Villeroy’. When the cardinal de Mailly died on 13 September 1721, d’Orléans offered Fleury the extraordinary elevation to the premier ecclesiastical peerage of the realm, the archbishopric of Reims. If Fleury accepted, he could be removed at a later date from the company of the King by being obliged to tend to his archdiocese, however much d’Orléans might insist ‘that nobody was suggesting that it would remove him from the King’. Fleury was not deceived by these offers of questionable honesty and brought off a master-stroke of court diplomacy. If he were to refuse the archbishopric on the grounds of age or poor health he might weaken his chances of acquiring any more influence in the government, so he refused on the grounds of conscience, claiming that he could not accept it knowing that his functions as preceptor would oblige him to neglect his new archiepiscopal duties.

In refusing, Fleury also managed to suggest that the see was not offered to the archbishop of Albi, who was a friend of the cardinal de Noailles and shared the cardinal’s opinion on the Bull *Unigenitus*. This was in spite of his old attachment to Noailles and the Castries—Albi was the former abbé de Castries with whom he had lived in the 1680s and 1690s. The prospect of political power and, more particularly now that Fleury was a member of the *conseil de conscience*, divergences of opinion on religious matters, were encouraging Fleury to abandon his former friends and patrons in favour of new alliances (earlier in the same year he had broken with Tocry also over religious policy). Instead of Albi, Fleury suggested that the recipient of Reims should be the abbé de Rohan-Guémené, who shared his own opinion on *Unigenitus* and was a relative of the cardinal de Rohan who was on embassy to Rome. The Regent did prevail upon Fleury to accept the rich abbey of Saint-Etienne de Caen which the King was pleased to press upon him, but it must be admitted that the preceptor had managed to preserve his position from attack.

The refusal shows that in 1721 Fleury may have already made up his mind that he preferred the possibility of a share in political power to the accumulation of prestige. According to the rules of the game, if he accepted he would owe certain services to the Regent, or else he would be encouraged to spend his time in his archdiocese. The price to pay for remaining at court as an archbishop would therefore be to become embroiled in the factional conflicts by tying himself to the
duc d'Orléans. This he was not prepared to do. An analysis of the state of the factions at court and the extent of Fleury’s ties with them will explain why. However, it seems certain that Fleury, who had spent many years in court society, had charted the quicksands of court politics more surely than is possible when using the sometimes sparse evidence which has survived. But if the specifics of some situations still escape us, there is rich evidence of the sort of considerations and practices that was the stuff of court politics.
THE ACQUISITION OF A MINISTERIAL POST
1721–3

The bewildering proliferation of factional conflict in the last two years of the Regency created a situation which is so complicated that it almost defies attempts at coherent analysis. In the past, historians have tended to neglect almost entirely the state of the factions at that time and overlook the existence of an increasingly vehement opposition to d’Orléans—probably because his sudden death in December 1723 occurred before it brought about a reduction in the extent of his influence. Although the due d’Orléans died before effective steps could be taken to curtail his power, his ministry was in danger of complete and imminent defeat in 1723, after Dubois’ death. It was his awareness of the dangers of this situation that led the Regent, first prince of the blood, to revive the commission of premier ministre which is a feature of the royal government during the second quarter of the eighteenth century. (Fleury was not of course, able to hold such an office by that name, but he did have all the attributes of the position, and the term was frequently used to describe him.) Equally, it was the instability of the situation which gave Fleury the chance to advance himself from preceptor to minister.

Control of the royal government was in the hands of the Regent and his trusted adviser the abbé Dubois. The latter, who had once been d’Orléans’ preceptor and became his secretary of state for foreign affairs in 1718, was to become an archbishop and then cardinal in 1721. The duc d’Orléans, as regent by fundamental law, and recognised as such by the Paris parlement in 1715, had both the legitimacy of his position and the vast influence of the House of Orléans to support him in power. In the exercise of his authority he himself retained control over the important decisions, but there were naturally men who had an influence on the conduct of the government, advisers without powers to equal those of Dubois; their ascendency brought them pensions and a share in the rewards of courtly power, which encouraged them to support the Regent. Of these, John Law was for a while undoubtedly the most important. His rise had led to the waning of the power of the due de Noailles, former president of the conseil des finances during the Polysynodie,
who still remained on good terms with the Regent. From about 1718 Charles Louis Auguste Fouquet, comte de Belle-Isle (1684–1761), and his friend Claude Le Blanc, secrétaire d'état for war, were regarded by contemporaries as men greatly distinguished by the confidence bestowed upon them by Dubois. Towards the end of the decade Louis Henri de Condé, the due de Bourbon, began to extend his influence into the government. Head of the House of Condé and still in his twenties, he had begun to take an active part in affairs of state after he mended his frivolous ways in 1717 and began to win the esteem of the Regent. He had made a huge fortune out of the stockjobbing resulting from the Law scheme for the expansion of the Mississippi Company into an institution of national financial credit, and he and his mother, the dowager duchesse de Bourbon, were among the principal supporters of Law at court. In 1721 Bourbon was making an effort to win back the influence and friends lost because of his excessive profiteering from the collapse of Law’s project, regarded at the time as a national disaster.

As will be shown, the management of the court and the attachment of men such as these to the royal government was usually a difficult and sometimes an impossible task. Work still needs to be done to arrive at a detailed picture of the network of patronage and relations used to hold together the governmental group during the Regency, but volumes of letters asking for and receiving favours testify to the closeness of the control of patronage by the Regent and by Dubois, ‘who knew everything about friendships and alliances’.

The opposition to d’Orléans—which had nothing of the modern parliamentary associations of the word opposition in it, being often nothing more than a collection of families juggling for advancement—falls broadly into two main groups of a certain fluidity. To these one can at times add shifting ad hoc alliances composed of members of these groups combined with various other courtiers, which were formed in response to specific situations according to personal aims and connections.

The first of the two groups is known as the ‘old court’, which already had a history of opposition to the Regent before 1721. After defeat and exposure in 1718 as the result of a foolish and treasonable conspiracy with Cellamare against the Regent, the ‘old court’ had seemingly disintegrated. However, the declaration of the Spanish marriages was to bear witness to the continued existence of the group and its policies.

In two of his most splendidly triumphal pages, Saint-Simon explains that the ‘old court’ was composed of opponents of the regime of Philippe d’Orléans whose personal animosity towards the Regent dated from the first decade of the century. Their feeling, he says, had led them to adopt a policy that combined support for a close alliance with Spain, as a natural ally now that the grandson of Louis XIV was the Spanish King, with hostility to the alliance with Britain. Their loyalty to Spain legitimised their criticisms of the Regent’s policies—it was ‘protection for their intrigues’. In keeping with this policy, which in 1721 proved to be a less powerful consideration than their hatred of d’Orléans, they opposed the influence of Dubois because he was regarded as the chief adviser of the Regent responsible for the direction of the foreign policy.
Saint-Simon oversimplified of course. The ‘old court’ was aptly named because its chief characteristic is that it was a combination of several of those courtiers and their adherents who had been held in the highest consideration during the previous reign and whose ideas on government were generally closer to those of Louis XIV than were the innovations of the Regency. Its most important members were the ambitious prince légitimé the due du Maine, his wife, the ducs et pairs de Tallard, d’Huxelles, Villeroy and Villars, with the addition of Colbert, the marquis de Torcy, brilliant former secrétaire d’état for foreign affairs, and Daguesseau the chancellor. Of this group only the due du Maine could be said to fit more or less exactly the sketch of the cabal drawn by Saint-Simon. Designated in the will of Louis XIV to exercise the principal powers of the Regency, du Maine had been outmanœuvred at the famous lit de justice in 1715 by d’Orléans who excluded him from political power and finally exiled him for his part in the conspiracy of Cellamare in 1718. But in 1721 and after, although his court at Sceaux was less illustrious and although he was deprived of many of his honours, the duc du Maine and his wife, who was a perpetual intriguer, still provided a focus for the ‘old court’.8

The other members of the group were clearly dominated to a lesser extent by hatred of d’Orléans and were more genuinely concerned with the nature of the policies undertaken by the government. It is hardly surprising that the maréchaux de France who had been deeply involved in the War of the Spanish Succession should have exhibited a strong preference for a foreign policy that was favourable to Spain and equally unfavourable to the British alliance. Villars, victor of Denain, the battle that saved France, is a good example of this attitude. The association of the marquis de Torcy with this group after about 1720 was motivated by his desire to play a larger part in the formation of foreign policy from which he had been partly excluded since 1713 because of his anglophobia.

The Louisquatorzian foreign policy championed by the ‘old court’ was therefore not simply the product of personal ambition and animosity to the house of Orléans. For some it was the main cause of their factional hostility. If historians now believe that the foreign policy of the Regent was an astute combination of French interests and Orleanist dynastic ambitions, it was easy for contemporaries to construe it as being entirely Orleanist and very much to the detriment of France.9 Given that Louis XV was only a child and that his fiancée was not going to be of age to bear children for at least ten years, it seemed quite clear to courtiers, who saw things in factional and familial terms, that d’Orléans was hoping to succeed to the throne of France in the likely event of the death without heirs of Louis XV.

The actual influence of the ‘old court’ was limited by the monopoly held by the Regent on all important decisions in the government. Nevertheless, its potential power was great, because all its leading members held prestigious court offices which implied considerable patronage combined with access to the King, vital if at some stage after the majority he was to be persuaded to abandon d’Orléans in their favour.10 Villeroy, formerly a favourite of Louis XIV and the most traditionally minded representative of the ‘old court’ at the Tuileries, whose lack of political
talent was combined with a bitter hostility to Dubois, had constant contact with the King in his position as his governor. The maréchal de Villars was regarded with affection by young Louis and at his magnificent residence, Vaux-le-Vicomte, which he bought from the Fouquet family in 1703, he entertained during the summer months the most illustrious and influential members of French society. Torcy was still a councillor for foreign affairs, though his opinions were not always respected, and he retained until November 1721 the important office of surintendant des postes, which provided its holder with a wealth of information about public and private affairs by virtue of its control over correspondence. As one might expect, the relationships of these men with the Regent were of varying degrees of warmth (though none was intimate), just as the balance of motives for covert opposition were also varied. Each of these prominent courtiers combined personal and familial with political considerations, and a feature of the ‘old court’ is the very looseness of their relationships. Whatever their private sentiments, each of them cared enough for his own position to conduct himself with great circumspection in his attitude towards the Regent. In the end it was hostility to Dubois which proved to be the factor which succeeded in prompting the group to take common action.

Their first clear manifestation of opposition was in response to the ever increasing power of the cardinal Dubois, whose influence already extended into all branches of government. In February 1722 the cardinal de Rohan, just returned from an embassy to Rome, was honoured with a seat in the Regency council and precedence as a cardinal over the peers who sat there. This was a highly contentious matter because it was known that the precedence given to Rohan was designed to prepare the way for the dominance of Dubois who was to be introduced to the council later. Feeling ran so high among the peers that the refusal of Dubois and d’Orléans to surrender to their concerted protests, which were voiced by Daguzseau, led to a general exodus from the council. Of the ‘old court’, only Villeroy continued to attend the council meetings and that was because as governor of the King his place at council was behind the royal seat, which meant that a dispute about precedence could not affect his status. Although the entire lack of opposition in the council would henceforth facilitate the advancement of Dubois, the Regent was far from pleased with the outcome. There were no immediate effects of the move upon his political power, but it was an early step towards the isolation of the party of Orléans from a large number of politically minded courtiers.

The Regent was not prepared to treat intransigent opposition lightly. Daguzseau was exiled in February, to be replaced as Keeper of the Seals by d’Armenonville; in June action was taken against two men who had been close friends of the due d’Orléans. First came the exile of Nocé, a man who was considered to have some influence in the government but who was hostile to Dubois. Next to go was the duc de Noailles, a member of that large and well-connected family which had succeeded in acquiring tremendous influence during the reign of Louis XIV and which had not yet reached the height of its power. The enmity of the duc de Noailles towards Dubois was all too clear, but an attack on
such an important family was not a step to be taken without serious consideration. The significance of the hostility of Noailles and his family was summarised by Saint-Simon in a conversation with Belle-Isle in April, when he discussed the advisability of stripping Noailles of his offices (a ‘dépouillement’).

Let us look at things…as they are and as they promise to be. For good or ill, the duc de Noailles is the third in succession, from father to son, to be captain of the royal guards, and the third to be governor of Roussillon. Since he began to take the stage [paraître] he has constantly been employed in distinguished posts. The establishments of his sisters and of all his family are immense—all people who, from interest and honour, cannot but feel keenly the blow that will strike him—and the more it falls on a man so grandly established, both on him and on his relations and on his numerous entourage, the more M. the duc d’Orléans will make irreconcilable enemies of them, the more all the holders of offices in the whole Kingdom will tremble, and the more will they all be scandalised because most of them, in their person and by their entourage, fall far short of the respect due to the due de Noailles.16

None the less, Noailles was indeed exiled.17 Such drastic measures were not to be adopted lightly and it was the policy of Dubois to seek to win over his enemies before resorting to force. Villars was courted by Dubois with the result that his susceptibility to flattery and esteem led him away from the hostility of the ‘old court’ towards a reconciliation. But Villeroy too was exiled at the end of June 1722. This was an event of capital importance for Fleury. During the increase in the factional resistance to the ministry at court, he had kept in the background, giving little indication of his true sentiments, ready at all times to exploit his advantage of having acquired the affection of his royal pupil. This view is confirmed by a letter written on 12 January 1722 by Chambrier to Frederick William of Prussia, which ends with a remarkable prediction.

The Bishop of Fréjus is reputed to be very intelligent and has very little ambition. All those who wish to become master of the confidence and mind of the King flatter themselves that they have this bishop on their side; Marshal Villeroy regards him as a man who is deeply bound to him by ties of gratitude, because he contributed more than anyone to procuring him the place of King’s Preceptor; Madame de Ventadour, cardinal Rohan and all those of his House [Lorraine] think that the bishop of Fréjus is entirely devoted to them. M. the Regent and cardinal Dubois also flatter themselves in the same way by all appearances; it may however be that none of these three opinions is right about the Bishop who, while affecting to have very modest ambitions, will however continue to make as much progress in the King’s confidence as he possibly can, so as to become one day the sole and principal minister of this Prince.18
The exile of Villeroy was a boon because it gave Fleury the opportunity to secure his position at court once and for all by what amounted to blackmail of the Regent and Dubois. In August, a few days after the disgrace of Villeroy, he left court at night with no warning, in secret, leaving a note for the duc de Bourbon describing the reason for his departure as ‘absolutely necessary for mind and body’. There was immense panic at the court and a midnight meeting was held in the apartment of the Regent, which is described by Saint-Simon who was present with the duc de Bourbon and Dubois.

The easily shaken young King was in tears, for having put up with the loss of his governor he now had to face the loss of his beloved preceptor. ‘This disappearance put the King in despair and them in the most cruel situation in the world.’ They could hardly lay themselves open to the charge of having dismissed both the governor and the preceptor. Fleury was sought out and implored to return: ‘You have rested enough; I need you, come back as soon as possible’, the King wrote. This dramatic flight and recall which lasted only twenty-four hours was the move of a grand master in the political game of chess. The withdrawal of the Bishop could be interpreted as a gesture of solidarity with Villeroy by those who themselves had such sympathies; on the other hand the Regent and the duc de Bourbon were so much under the impression that he had left with the feeling that the disgrace of Villeroy reflected also on him since he shared some of the governor’s opinions, thus obliging him to resign his post, that Bourbon promised to spread the word that the preceptor was quite innocent of all offence. The ploy greatly fortified the position of Fleury by making it unlikely that any serious attempt would be made to remove him and at the same time it tested the strength of the bond between him and Louis XV. Henceforth his presence at court was considered indispensable. As Barbier remarked, ‘This coup is extremely politic. He has put M.le Régent out of the way of exiling him at present; and so M.le Régent is very annoyed’.

The attack on the ‘old court’ culminating in the exile of Villeroy had come about largely owing to the advancement of Dubois and it was therefore no surprise when a few days later Dubois was appointed premier ministre. This step was taken by the Regent for a variety of reasons. It was partly to prepare the way for a continuation of his own power at the end of the Regency by recreating in the hands of his most trusted adviser the important commission which had been held by Richelieu and Mazarin; partly to increase the prestige of Dubois with foreign courts and to augment his power over internal affairs; and partly to put a stop to all thoughts of displacing Dubois. In theory, the role of a premier ministre was to supervise the whole administration, all the other ministers being subordinate to him, while he was responsible only to the reigning prince who was thus considered to have delegated his authority for the time being.

The First or Principal Minister is the Depository of the Prince’s authority; he is the channel by which the Prince makes known all his wishes to his subjects, and through which subjects must pass to reach the Prince. The
difference between a First Minister and the other Ordinary Ministers, is that the latter have only an authority that is determined by and limited to those things that depend on their Employ and on the Provinces which are in their department, while the authority of a First Minister extends over all the orders of the State, and consequently over all the other Ministers. Although the authority of a First and Principal Minister may be dependent upon the will of the Prince who can extend or diminish it at his pleasure, this authority does not seem to have a limit in itself; on the contrary, it seems to be the same as that of the Prince whose First Minister is the organ for all sorts of matters.24

A first minister was also present when any other minister discussed affairs with the King. In this case, however, the Regent retained ultimate control of the decision in his capacity as trustee of the royal authority. This confirmation of the supremacy of Dubois over the other ministers did not have altogether the desired effect. The ‘old court’ had been silenced for the time being, but even their exclusion from the rewards of patronage could not completely crush such well-established courtiers. Moreover, whereas Dubois had once felt that the ‘old court’ would be an effective check on the overweening duc de Bourbon, now he had succeeded in ranging them even more decisively against him at a time when Bourbon was more than ever in the government.25 The situation became more dangerous still, because the rise of Dubois had provoked jealousies among his associates. In the summer of 1722 there came into existence the second powerful faction to trouble politics in the 1720s.

Although the group was usually referred to by contemporaries as quite simply the cabal, it is sometimes known in 1722 and 1723 as the conspiracy of the duc de Chartres, the duc being the figurehead for the group and the heir of the duc d’Orléans.26 The apparently extraordinary circumstance that the son of the Regent should be involved in a plot that would undermine the authority of his father is to be explained by the fact that from early 1722 the health of the Regent had been visibly deteriorating as a result of his debauched life. During an illness which lasted ten days in March 1722, noted Mathieu Marais in his journal, there were fears for his life. ‘Many people…are talking about the future Regency. The parlement is having secret assemblies to discuss whether the King would be declared a major before he is thirteen and a day, in the event of the death of the Regent.’27 Thus, bearing in mind the possibility of the death of the Regent, the faction might be characterised as the product of an ambitious group of courtiers who, much as frustrated politicians in England attached themselves to the Prince of Wales in the hope of eventual power, set their hopes upon the duc de Chartres as the probable wielder of royal authority in the event of the death of both the Regent and Louis XV. But the cabal was much more than this, as is revealed by documents to be found among the papers of Dubois, corroborated by evidence from other sources.28
Although Chartres was intelligent and ambitious, he is generally reported to have been quite lacking in political talents, and his extreme youth made him a prestigious puppet to be manipulated by clever men. The real leaders of the cabal were Belle-Isle and Le Blanc, formerly so intimate with Dubois but recently less willing to play second fiddle. A memoir on the faction describes the leadership thus: ‘Belle-Isle is the driver, the soul, the leader and the motor of this whole machine. Active, vigilant, bold, wealthy, he alone maintains by his intrigues M. Le Blanc, tottering on the verge of disgrace, who, neglecting his duties and wasting his time in cabals, pays the officers with respects and fine words, and uses the greater part of the military budget for his own expenses, and for the particular aims of himself and his counsellors’.  

The comte de Belle-Isle was the grandson of Fouquet; he threw himself into a successful military career and a life of intrigue that was to be crowned with considerable success during the last years of the ministry of Fleury. Although he was already wealthy by inheritance, during the Regency he effected the immensely profitable exchange of his domain, the strategically important island-fortress of Belle-Isle just off the coast of Brittany, for the greater part of the estates of the late duc de Berry and for huge life pensions. In spite of the obvious strategic importance of the fortress many at the time regarded this exchange, which was the result of his good relations with the ministers, as a scandalous over-estimation of its value. Yet if Belle-Isle was not popular, he nevertheless acquired wealth to equal that of the greatest seigneurs of the realm. With all his fortune he remained an ambitious young man who aspired to lead either in the army or in the state, and so with conspicuous extravagance and voluminous correspondence he tried to make himself agreeable to the government. Having no administrative office, he associated himself with Le Blanc who did hold an office and the two of them became confidants of Dubois, particularly during and after the Cellamare investigations in which Le Blanc seconded Dubois and became one of the very few to know the whole saga.

Belle-Isle is usually credited with being the power behind Le Blanc; but if the status of Belle-Isle as a born member of the court aristocracy made him more influential in some circles (and his aunt Mme de Lévis was a particularly helpful protector), the power and talents of Le Blanc should not be underestimated in spite of his more recent and less prestigious robe origins. His employment as secrétaire d’État for war itself entailed a large share of patronage in military circles, especially as the short war with Spain in 1719 gave him a chance to display his administrative abilities and to increase his prestige. With the confidence bestowed upon him by Dubois he can fairly be said to have been a power in his own right. He is an interesting character whose activities did much to affect the politics in the 1720s. Like Belle-Isle, he was dominated by his ambition and inclined to further his interests by unscrupulous means. The description by the president Hénault in his memoirs is generally confirmed by other evidence:

It cannot be denied, this man had great capacity; a sovereign ambition formed the basis of his character; the gentleness of his manners and his ease
THE ACQUISITION OF A MINISTERIAL POST

of approach did him great service, all the more so because ministers had always been proud and imperious and, if he had had a choice of means to increase his fortune, he would surely have preferred those which led him to be loved. But, as he was ruled by the desire for advancement, as soon as a quicker way presented itself to him, he did not refuse it. Whence came all the rigours he practised, during the Regency, under the authority of a Prince who had been born as gentle as him...His spying on all aspects of government, which he was reproached for, made him interfere in all its details, he used to meddle in everybody’s business.34

These ambitious men had several important associates. The maréchal de Berwick, a natural son of James II of England who had long been in the service of France, was described by Villars as essentially devoted to Le Blanc.35 This connection probably explains the attempts made by Dubois in 1723 to bring about a rehabilitation of Berwick’s reputation in Spain in order to dispose of him with an honesta legatione as ambassador there. Since 1716 he had been the trusted and conscientious commandant of Guyenne, where d’Orléans wanted to have a reliable and competent man on the Spanish border who also had connections with Spain, and he had also commanded the French forces in the short war of 1719.36 Another prominent member of the dissatisfied group was the cardinal de Rohan, with his powerful family who virtually governed Alsace. That he also incurred the disfavour of Dubois between the summer of 1722 and February 1723 is shown by his significant omission from the list of members of the council of state newly reinstated upon the majority—an omission which is surprising considering his services to France at the papal conclaves and his aid in facilitating the entry of Dubois to the Regency council a year before. Had he not already been opposed to Dubois the insult would surely have been great enough to align him with the cabal. Perhaps the duc de Noailles too was prepared to support the cabal in their attack on Dubois. It is also interesting to observe that among the papers of Le Blanc’s spy Margon there is an undated letter to Arnaud de Bouex, an ambitious maître des requêtes, which indicates that the duc de Noailles during his exile kept in contact with Le Blanc by means of various servants.37

In September and October 1722 the cabal was actively working to destroy the predominance of Dubois. Belle-Isle was heard declaring that they had allowed Dubois to become premier ministre the better to attack him. He confided to another courtier ‘that this had been discussed and that they had at first wanted to prevent it; but that they had at length concluded that as long as the cardinal remained a secretary of state responsible for a single department and supported by foreign affairs, they would never make an end of it, and that he would rein them all in; but that by letting him take on the burden of everything they would rather find a way to overcome him.’38 The plan was to try to remove the actual authority of affairs from Dubois whilst leaving him with all the blame, taking advantage of the naivety of the duc de Chartres to remove the departments for war and the marine from the first minister. This was to be done by overworking Dubois by a ‘concerted attempt to
occupy his time so as to leave him none for his work, and so that with expeditions languishing, he will be overcome by work and detail...they intend to have the blame for unsuitable decisions in the direction of affairs fall on him, without him having actual authority.’

At this stage, in September and early October, the cabal would seem to have been directed exclusively against the power of the premier ministre. However, two weeks later a further memoir states that the plan seems to be for the group to besiege the King, after the declaration of his majority and the consequent end of the Regency, in order to persuade him to put his trust in a different ministry. This would allow the faction to install a puppet premier ministre and to govern the state. This faction, therefore, appears to have been motivated by a combination of family conflict, unfulfilled political ambitions and the hope of the usual financial rewards of office, and to have aimed at nothing less than a change of ministry. Le Blanc, whose involvement in the embezzlement of funds from the war treasury was beginning to be suspected, may have been acting on the premise that attack is the best form of defence.

The existence of such powerful and dangerous factions as the cabal and the ‘old court’ is a clear indication that the position of the ministry of the duc d’Orléans was increasingly precarious. Louis XV, crowned in October 1722, was nearing his thirteenth birthday and the consequent declaration of his legal majority. If d’Orléans and Dubois counted on their own continued tenure of power, the factions hoped for an opportunity to bring about a change more to their own advantage. Saint-Simon shows us how courtiers were thinking at this time. He pointed out to Belle-Isle in April 1722 the dangers, or the advantages of the majority of this impressionable youth.

I invited Belle-Isle to consider the proximity of the King’s majority, and all that M. the duc d’Orléans would have to fear from all those whose posts gave them the right to approach the King at any time, a King whose mind could yet not be formed, less still his judgement, and who would be a prey to flatteries, to slanders, to the attempts by all interested parties to discredit in his eyes the Regent and the Regency; they would have so many contentious issues to get up between them, to put in the unsuspecting head of the King, about finances, about the marine, about England, on the war against Spain, on the private life of M. the duc d’Orléans, and on so many of those other points that come so easily to mind when one wants to be a nuisance, and someone with much to gain is behind it, without considering the other dissatisfied courtiers.

Certainly, an adroit courtier would not have had to look far to find material that could be used to discredit the Regency. The moral laxity which began during the last few years of the reign of Louis XIV and reached the heights of scandal during the Regency years reflected badly on Philippe whose habit was to spend the better part of his evenings with his circle of roués and mistresses. Indeed, his reputation
was so bespattered that for more than two centuries historical evaluation of his politics suffered from the moral indignation aroused by his activities. More strictly in the realm of politics, the blame for the adoption of a financial administration which had ruined many with its collapse could easily, if somewhat unfairly, be laid on the government doorstep. Scarcely more popular than this law system was the operation, after September 1721, of the ‘visa’, the name given to the government-managed liquidation of the ‘system’ by reduction of the debts of John Law’s bank and the Compagnie des Indes, the conversion of shares and paper money at a discount into rentes (annuities), and the introduction of an extraordinary surtax on those who had gained millions.43

Furthermore, with so many important individuals in opposition, the basis of support for the ministry had become rather narrow. Nor was the Paris parlement—such an important ally in 1715—likely to display any enthusiasm for the ministry which had recently exiled it to Pontoise, and it was well known that the parlementaires disliked both the Law system and the new policy pursued by Dubois on Unigenitus.44 Recently too, a number of new men had been brought into the ministry, men who owed their position solely to the favour of Dubois and d’Orléans and who lacked any sort of clientage which could match the factions.45 The future for the dominant faction did not look bright. The exilings in 1722, the promotion of Dubois, the reports on the faction of the duc de Chartres, all indicate that the Regent and his premier ministre were not unaware of the dangers of their position.

Forewarned was forearmed, and if the confidence of the King was the key to continued power, the duc d’Orléans had obvious advantages, having already spent several years in close contact with Louis. One useful step was to use the education of the King as a means of accustoming him to the discussion of political matters with the principal ministers. Beginning directly after the appointment of Dubois as premier ministre, half-an-hour a day, six days a week, was devoted to the political education of the King. Those present were the due d’Orléans, the duc de Bourbon, the duc de Charost (who had replaced Villeroy as governor), Fleury and Dubois. The procedure was that Dubois read aloud a memoir explaining some aspect of government, and if further explanations were required they were provided by the duc d’Orléans. Louis was thus given a concise introduction to the financial system of France, the royal domains and the political configuration of Europe, drawn up by experts.46 In addition to the formal sessions noted in the diary of Dubois the Regent gave many private periods of instruction to Louis, his first valet told Clairambault, the official genealogist, and sometimes these ran into several hours of conversation about politics.47 The Dutch ambassador considered that the lessons on government were really given to accustom the King to working with Bourbon, d’Orléans and Dubois in the hope that this would continue during the majority, with d’Orléans taking the opportunity to strengthen his personal links with the King.48

It is in the immediate context of the attempt by the government to secure the confidence of the King that the surprising rise of Fleury came about. His close
relations with several members of both groups of the factional opposition made him a man to be respected. He was too much liked by Louis to be removed from court, and too much trusted by Louis to be allowed to side with the opposition. Therefore, it is easy to infer, the best policy for the ministry was to buy his loyalty: if he could be a dangerous enemy he might equally be an invaluable ally. In March 1723 the opportunity arose to put such a design into effect. The declaration of the majority heralded changes in the structure of the government because the Regency ended and with it the long powerless council of Regency. The principal changes are related in the following extract of a letter from Dubois to the marquis de Rossi, 8 March 1723.

Since the King has declared in his lit de justice...that he wished M.the duc d’Orléans to preside after him over all the councils, and confirmed the choice he had made on 22 August last, of M.the cardinal Dubois as first minister of the State, the order of the council at which His Majesty will be present has been determined. [His Majesty] will hold on Sundays and Wednesdays a Council of State composed of His Majesty, M.the duc d’Orléans, M.the duc de Chartres, of M.le Duc [de Bourbon], of the Minister and Bishop of Fréjus, in which all foreign affairs will be deliberated, and grand resolutions on the principal affairs of government whatsoever they may be, be they war, finance, marine, commerce, justice and the general administration [police] of the Kingdom, and M.the cardinal Dubois is the sole rapporteur in the Council.

According to the contemporary theory, the King’s council (known collectively as the conseil du roi or conseil d’en haut) was one body whose members met in different groups on separate occasions to deal with various aspects of government. These groups were referred to by titles according to their sphere of action, such as the conseil de conscience, the conseil des finances, or conseil des dépêches. Of the many royal councillors only those who were invited to attend the meetings on Sundays and Wednesdays—the conseil d’état—had the honorary title of ministre, and it was this group which decided upon matters of general policy during the 1720s, while the other groups concerned themselves more with details. (By the early 1730s aspects of this institutional structure had changed by usage and the conseil d’état tended to deal not with religion but principally with foreign affairs and a few highly important domestic issues, because the fiercer religious controversy and the crisis with the Paris parlement had increased the volume of business. Correspondingly, matters of greater importance were dealt with in the meetings of the conseil de conscience and in particular in the conseil des dépêches which then organised internal affairs.) In March 1723, therefore, Fleury became a minister of state as a member of the conseil d’état, and as such was concerned with all the most important decisions in the government.

To have arrived at this point, to have become a member of the council in the company only of Philippe d’Orléans and his heir, with Bourbon who ranked after them as a prince of the blood, and the premier ministre Dubois, was a
considerable achievement. There was even talk of making him a cardinal, and Dubois composed a letter on behalf of Louis to recommend Fleury for a future appointment.\textsuperscript{52} Certainly, all this is a reflection of the special consideration owed to Fleury as the price he merited and to some extent exacted from both his personal abilities and that relationship with the King which for Dubois and d’Orléans gave him key importance. However, it is hard to know how far his membership of the conseil d’état also reflected his share in the conduct of the business that came before the council. It is reasonable to assume that for the first few months of the new regime affairs were conducted in much the same way as before the end of the Regency, with Dubois doing the lion’s share of the work. This must have been so if the acquisition of lucrative offices, the usual reward for a successful and loyal administrator, is anything to judge from. Besides having had his office of premier ministre confirmed, Dubois became the director general of the bridges and highways of France in May, he was president of the Assembly of Clergy which had been deferred from 1720, and in June he strongly pressed the Pope to accord him a valuable abbey as a reward for his strenuous support of the true religion.\textsuperscript{53}

In the same month he felt firmly enough in control to take action against the leaders of the cabal. The perfect opportunity, which was by no means a pretext, arose a short while after the inauguration of the ‘visa’ under the financial direction of the Pâris brothers and the overall political direction of Dubois. They proceeded to a verification of the state of the finances with the aim of drawing up a budget in order to balance expenditure against revenue. The idea of a formal budget was new, and it was amidst an atmosphere of affronted resistance that the treasurers and secretaries of state were obliged to submit an account showing their debts. Le Blanc allowed, or was responsible for, the submitting of an account which presented a debt of 50,800,000 livres tournois owed by the war treasury. Such a huge debt in so vital a department led to the accusations of mismanagement made by the Pâris brothers, which Le Blanc returned with vehemence. To vindicate their claims and to defend themselves from attack, as well as to bring the truth to light, asserts Paris de La Montagne in a memoir, they pressed strongly for a royal commission to investigate the matter.\textsuperscript{54} One was set up on 10 June 1723, ‘to proceed to the discovery and verification of abuses and peculations committed in the exercise of the extraordinary [funds] for war and of the Order of St Louis during 1719, 1720, 1721 and 1722’.\textsuperscript{55} A number of men had already been imprisoned pending the findings of the commission, most notably the treasurer La Jonchère—another treasurer had already been murdered. During the month of July the scandal of the ‘malversations’ was pursued with some vigour by the government. On 1 July Le Blanc was exiled to Douai by lettre de cachet, but when the affair first came before the Paris parlement he escaped imprisonment while awaiting trial by one vote. The two Belle-Isle brothers were not so lucky and they were confined to the Bastille. The affair was by no means finished, and the analysis of politics in the following chapters will show how the fate of Le Blanc and Belle-Isle, because they had powerful factional support, became bound up with the resistance to the financial policies of
the Bourbon ministry and had deep political consequences in 1726. In the autumn of 1723, however, the leaders of the cabal were in no position to affect the ministry.56

Dubois was at the apogee of his power when his avaricious and splendidly successful career was cut short by his death as a result of a fever contracted after a serious operation in August. The following day, on 11 August, the duc d’Orléans himself took the oath and became principal or premier ministre d’état, ‘a title that assures our subjects the continuation of such great help’, according to the letters of commission.57 There is room for speculation on his motives in taking this step, but it is probable that he took it because he considered himself both duty-bound to do so and the only person capable of organising affairs at that time. Saint-Simon certainly exaggerated the power of Fleury when he wrote that ‘such a swift declaration, that M. the duc d’Orléans had not prepared for at all, was the result of M. de Fréjus’ fear of seeing a man who was not a prince [un particulier] become first minister’.58 It is true that Fleury had gained considerably in power since the summer of 1722, but there is no reason whatsoever to credit the idea that the tables had been turned so that the duc now deferred to Fleury. If Fleury had been in a position to claim the office, as he later said that he had, he would have been accepting at the age of 70, together with the undeniable increase in power, a burden of work that had certainly affected the health of Dubois and might easily do the same to him, while d’Orléans would have continued to have the final word in matters of policy. When he finally took upon himself the direction of affairs in 1726, it was under very different conditions, in a situation much more to his advantage; it therefore seems certain that even if he had been offered the commission he must have refused.

The death of Dubois was obviously an important event for Fleury and Bourbon in that it removed a man with whom they had both felt uneasy and whose favour with d’Orléans so out-distanced all rivals that he had survived the several attempts of court conspiracies to displace him. No one new took his place as a minister, but the balance of influence in the ministry did change with the recall from exile of two friends of the Regent—Nocé and Noailles.59 It is interesting to note that, when the future British ambassador Horatio Walpole arrived in Paris in October 1723, it was not Fleury (on whom he came to rely rather later) but Nocé whom he regarded as the most useful and important man that he could approach.60

This new state of affairs did not last long. D’Orléans died suddenly of apoplexy on 2 December 1723 and his place was promptly taken by the due de Bourbon. To provide a more complete answer to the question of how it was that Bourbon, and not Fleury, who was unquestionably in a better position with Louis XV, came to occupy the post of premier ministre, it would be necessary to know a great deal more in detail about the career, character and attitudes of the duke himself. Unfortunately, this seemingly ideally compact topic has never attracted the attention of a researcher, although it is hoped that the following chapter of this work will provide some illumination in certain areas.61 From 1722 he was in some measure an ally of Fleury, as shown by his letter expressing surprise that Fleury had not communicated to him his plan to leave court in August 1722.62 Both he and
Fleury had reacted in the same way to the unpopularity of the administration of d’Orléans during that year: they stood apart from the factions and made capital from the Regent’s need for support. As head of the House of Condé, which traditionally rivalled the other cadet branch of Bourbon, the Orléans, he had to uphold his family interests and prestige and this could be done only by taking an active role in politics. His career from 1717 bears testimony not only to these ambitions but also to the fact that the Regent considered them legitimate, never discouraging him and even preferring his involvement to that of his own son Chartres, or the prince de Conti.

The death of d’Orléans in 1723 was a far from unexpected event. His deteriorating health has already been identified above as one cause of the intensification of factional conflicts in 1722. If other courtiers could direct their course in the light of this, it was not beyond Bourbon to do the same. The manner in which he grasped the opportunity presented by the demise of the premier ministre gives good reason to believe that he had prepared his move beforehand with Fleury. The evidence on this point requires careful attention because at first sight this does not appear to have been the case. Boislisle quite rightly questioned the accuracy of the assertion by Saint-Simon that ‘Fréjus, from the first news of the apoplectic fit, had arranged the matter of M. the Duc with the King’. Apparently, this could not be correct because according to other sources—Hénault, Marais, Barbier, Villars and an unpublished note of the duc de Maine—it was Bourbon who brought the news of the death to the King while he was alone with Fleury.63 There and then Bourbon requested his own appointment as premier ministre, and a surprised Fleury advised Louis, who was by then shocked and tearful at the news about his uncle, to agree. ‘The duke requested the office of prime minister, the King made no reply; but fixed his eyes on Fleury, who instantly nodding approbation, declared he would answer for the duke’s loyalty and attachment, and that his majesty would consult his interests by appointing him first minister.’ He added ‘M.de la Vrilliere is in the ante-chamber, and if your majesty is willing, I will call him to receive your orders to expedite the patent’. The King said ‘yes’: La Vrilliere was admitted; the patent was signed, and a ‘chair of state being introduced, his majesty seated himself in it and received the customary oaths from the duke of Bourbon’.64 It is impossible not to feel that these were indeed the precise circumstances, and thus Fleury, ignorant of the death of d’Orléans until Bourbon told him, would have had very little choice in the matter.65 The speed with which Bourbon reacted surprised everyone and led them to believe that he had acted on the spur of the moment. But more evidence, both direct from memoirs, and circumstantial, which is sometimes more convincing, points to the collaboration of Fleury and Bourbon some time before the sudden death.

Time for reflection and the clear evidence of the subsequent ministerial situation led at least one contemporary to the conclusion that appearances had been deceptive. Aware of the strength of the position of Fleury in the new ministry, the due du Maine wrote a few days later, ‘From all that can be seen, it is quite hard not
to believe that he [Fleury] was not already in concert with M. the Duc’. The fact is that Fleury was the principal actor in the scene of 2 December, because without his advice Louis XV would not have signed the letters of commission for Bourbon. At the same time, Fleury came to the arrangement with his pupil that Bourbon would never work alone with his king, he himself always being present. This is the sort of action that would have been taken by a man who had carefully considered the possibilities and had made up his mind in advance. In support of this argument there is a passage from the memoirs of Saint-Simon in which he noted a conversation held with Fleury in November 1723. Having been deeply shocked one morning by the purple face and dull, vacant look of the duc d’Orléans, he went to see Fleury to impress upon him this dangerous state of health and to urge him to consider his own position. He pointed out that Fleury had considerable advantages, being the sole person with the confidence of the King and also being in the position of having frequent tête-à-tête with him by the nature of his educational functions. He urged him to consider seriously the possibilities of his succession to d’Orléans.

I found a man who appeared to be very grateful for this opinion and this wish, but modest, measured, a man who thought the place above his station and out of his reach. This was not the first time I had spoken to him of it as a pressing matter. He said that he had thought about it, and that he saw no one but a Prince of the Blood who could be declared first minister without creating envy, jealousy and provoking a public outcry; that he saw only M. the Duc in the post,…that all in all the gap between M. the duc d’Orléans and a particulier was so great, that the weight of the office would crush any particulier who might succeed to it, that he would never [be able to] stand up to the generalised envy and the problems created by everyone’s jealousy.

Even if the report of this conversation is not to be taken too literally, for the direct speech may only be the author’s way of dramatising the situation and of attributing to himself some small part in the proceedings, it must still be accepted as a way of saying that the manœuvre of 2 December was obviously prepared in advance, although the precise circumstances could never have been foreseen.

The duc de Bourbon must have coveted the political responsibilities that he accepted in 1723, and this was one reason why Fleury declined the opportunity to take advantage of his relationship with the King to appoint himself. An analysis of the situation in December as it might have appeared to an informed contemporary can provide a still fuller explanation of Fleury’s refusal to take power.

By having joined Dubois and the Regent in order to become a minister, Fleury had alienated the cabal with whom he had formerly had more or less close contact. Their opposition in itself would present a formidable threat to his power, especially since the most dangerous aspect of their plotting was that they wanted to use a figurehead in government while acquiring the power for themselves. In spite of the blow dealt to their fortunes by the financial scandal their abeyance could not be guaranteed for long. Just as the ‘old court’ had not been totally excluded from
influence in 1721 because its members retained privileges, royal entrées and their own patronage, they too had a network of influence at their disposal. The death of the Regent not only left a place free at the head of the government, but it also made the former duc de Chartres the head of the House of Orléans. This legitimised the cabal by allowing it to adopt the Orleanist cause in politics, and meant that its leaders had at their disposal the Orleanist patronage that had been denied them while the Regent was alive.

The factional position was still more complicated than it was during the Regency. Freed from ties to the late due d’Orléans who had taken care not to offend the Condé interests, Bourbon was now obliged to embark upon a new course in order to safeguard the interests of his House. Whichever family occupied the post of premier ministre was bound to provoke the rivalry of the other; indeed, in 1724 the Orléans family felt very bitter about the coup by which Bourbon had pre-empted them in order to seize what they considered to be their rightful place in the ministry. The duc de Bourbon therefore opposed his own party, which his position in the government enabled him to augment, to that of the Orleanists.

This awkward situation was further complicated by the connection between factional rivalry and foreign policy in the shape of a succession problem. Louis XV had no heirs and would not have some for a few years at the earliest if he were to marry his fiancée, and he was still a sickly child. There was always a possibility that he might die, leaving a disputed succession. According to fundamental law Philippe V of Spain was the rightful heir, but according to two international treaties solemnly ratified by Philippe V the head of the House of Orléans was the heir presumptive. For this reason French policy towards Spain was difficult to formulate objectively because friendship or hostility might affect the succession. In the event of the death of Louis XV, Bourbon’s only hope of saving his family from total eclipse by the d’Orléans was to further the cause of Philippe V, or so it appeared late in 1723 and early in 1724.68

In addition to the problems posed by the existence of such a formidable collection of factions, there were serious political problems besetting France in 1723. In particular, the finances were in disorder and the government faced a serious economic crisis. The collapse of Law’s financial projects as a result of a wave of speculation had shattered public confidence, driven hard cash from circulation and led to a steep and rapid rise in prices—in many cases they had tripled—and the confusion of debts and bankruptcies had to be cleared up.69 The ‘visa’ was highly unpopular with many since gains were taxed and banknotes and shares were repaid at a very low rate by the creation of interest-bearing loans to the state. With the exception of the Pâris brothers there were few who were prepared to take the risk of becoming scapegoats by directing unpopular policies. Villars remarked in his memoirs that there had been considerable reluctance to serve on the commission for the ‘visa’.70 The parlement refused to have anything to do with the question of the recovery from the ‘système’, and a contemporary writing in 1727 made the following interesting comment: ‘There is one thing to note about the financial operations undertaken since [the collapse of the Law system]. It is that they have
been admitted to by no one, and that they have always been referred to someone else, without anyone ever having dared to proclaim himself their author, and this discretion certainly does not stem from modesty. Nobody could have hoped to tackle the economic problems altogether successfully, consequently there was great reluctance to do so at all.

The problems of office, then, were such that a shrewd man would have been inclined to leave well alone. Bourbon was not especially intelligent and lacked political foresight, but he was driven by family honour and a genuine desire to do his best. Fleury, on the other hand, was a patient man with highly developed skills in court politics: he could see the position and knew how to take advantage of it. He had acquired enough power over Louis XV to have himself appointed premier ministre, but not enough support at court to remain so without unacceptable interference from other ambitious groups. The history of the fortunes of the ministry of the due de Bourbon is the story of the way in which Fleury acquired his political experience, built up the basis of a potential government and gained the important support of the cabal. The role of Fleury in the administration of the duc de Bourbon is not a prominent one, and paradoxically enough, this is precisely why it was important. By his subtle politics he was able to dissociate himself from some of the necessary but none the less unpopular measures inaugurated by Bourbon, and to reap the benefit from Bourbon’s unpopularity.
THE MINISTRY OF THE DUC DE BOURBON, 1723–6

INTRODUCTION

No analysis of the political structure, attitudes and policies which prevailed during the ministry of Fleury can afford to ignore the importance of those crucial years in his rise to power, the years of the government of the duc de Bourbon. By studying the activities of Fleury from December 1723 until June 1726, and by relating his actions to the factional conflicts between the Orleanist faction and the ever insecure Bourbon group, it is possible to trace the development of the policies which were to be pursued by Fleury during his own ministry. This is particularly true in the spheres of religious and foreign policy, for both of these were areas in which he developed his own line in contrast to the system of Bourbon. New light on the opinions and activities of Fleury can help to explain the abandonment of a reforming financial policy after Bourbon’s fall in 1726 and at the same time to provide a deeper understanding of the character of the prelate who governed France from 1726 until 1743.

It is impossible for us to determine precisely at what point Fleury made up his mind to take over the reins of government. Such an important question about the career of Fleury is obscured by a deep characteristic of the courtier. La Bruyère wrote: ‘A man who knows the court is master of his gestures, of his eyes and face; he is profound, impenetrable. He conceals his bad offices, smiles at his enemies, constrains his moods, disguises his passions, goes against his better feelings, speaks, and acts against his sentiments…To leave court for a single moment, is to renounce it’. By this he meant that discretion and dissimulation were so essential to the survival of a man at court that to let slip the mask for even a moment could have disastrous results, and absence was nullity. Hence it is rarely possible to fathom the mind of a successful courtier. Nevertheless, a full reconstruction of his role in the ministry does enable us to come as close to an answer as possible. What is particularly interesting is the way in which he rose to power in a complex world of policy and faction. A detailed reconstruction of the context in which this rise took place has much to teach us about politics in this era.
Even so, a re-examination of the Bourbon administration is not without interest in its own right. Early historians of this short period, focusing their attention on the political failure of Bourbon, and taking their evidence too much from memoirs and not enough from archives, have generally been content with condemning what they saw as his ineptitude or stupidity. His government has been characterised as the reign of a dissolute mistress, Mme de Prie, and corrupt financiers, the Pâris brothers. The textbook myths in history die hard and, in spite of the now dated but still excellent study of foreign policy by Dureng, which does much to revise these opinions, more recent works have adhered to the original interpretation. The present chapter has therefore been written in the awareness that this administration is in need of a general reassessment. With the integration of a considerable body of new evidence into the broad explanation of the fall of Bourbon (or rise of Fleury), some old judgements are bound to be revised. From under the archival dust, a new picture emerges.

This prompts a further reflection upon the relevance of a study of the ministry of the duc de Bourbon to the study of eighteenth-century French politics in general. When this period of governmental instability is compared with the most recent analyses of the ministerial crises of 1742–5, 1770 and the permanent crisis from 1781 to 1789, it is impossible not to notice the general similarity in each situation, in that each crisis is the product of the struggle to gain control of an unstable ministry, with the result that the struggle for power takes precedence over the debate on policy. The following examination of the development of a ministerial crisis and its subsequent influence upon the policies adopted by the succeeding ministry may therefore be taken to have wider significance.

BOURBON AND FLEURY

Despite his brief period of prominence in French history, the duc de Bourbon remains a shadowy figure whose character has never been well defined. The disparaging comments by the lawyer Barbier, by the royal historiographer Duclos and by Lacretelle, one of the earliest historians of eighteenth-century France whose history reads like a moral crusade against the ancien régime, portray mediocrity as stupidity, and they have found an echo in more recent works. For A.M. Wilson the duke had a ‘very limited capacity’, and by its general incompetence compounded by a particular lack of ability in foreign policy, ‘the administration of the duc de Bourbon was, in the way of contrast, the best possible introduction to [Fleury’s]’.2 Alfred Gobban went further: ‘the duc de Bourbon was ugly, blind in one eye, bandy-legged, and stupid…’3 A more moderate judgement has been made by Dureng, for whom Bourbon was well-meaning but quite lacking in capacity, and he is prepared to concede to him ‘the merit of his intentions’. All these assessments have been made on the basis of rather slim evidence, for there is no accessible collection of Bourbon correspondence through which the historian may trace a convincing portrait. What is most significant about the more reliable contemporary
views is that they emphasise not the lack of intelligence of Bourbon, but his lack of capacity for dealing with the complex political situation in which he found himself. For Richer d’Aube, a maître des requêtes and former intendant in Normandy, whose voluminous manuscript reflections are one of the most useful sources for the ministry of Fleury Bourbon’s fault lay in his misplaced confidence:

His intentions have always been good and one cannot refuse him the praise due to his honesty of heart, to the great fund of justice and Religion that can be seen by anyone who has had the honour of approaching him… He would have needed a bit more talent and breadth of vision, or at least excellent subalterns in whom he might have placed his confidence, but the ministers who were subordinate to him did not have his confidence, which was given only to two persons who were in every way unworthy of it. Therein lies the source of the problems that the ministry of Monsieur le duc has caused.4

As his contemporary the marquis de Lassay said, ‘he found the Kingdom in a deplorable situation’5. It would have required extraordinary capacity to emerge unscathed from an attempt to tackle the problems which Bourbon had to face in 1723. Quite apart from the economic and financial difficulties (which, when combined with the need to handle a delicate situation in foreign policy as the Congress at Cambrai ground to a standstill, would have been enough to tax any statesman) there remained the problem of building up a secure position at court. Failure to do this, far more than the pursuit of several unsuccessful policies, is the key to understanding his downfall in 1726. A well-established minister like Philippe d’Orléans could, albeit with difficulty at times, survive the collapse and reversal of policies, but that was because he had been given time to build up his position by the use of patronage. Although Bourbon had at his disposal all the patronage that accrued to a principal minister, unlike d’Orléans he had neither the wholehearted support of his own family, nor an unshakeable claim to his office. Nor did he possess the affable charm and civility that the Regent had been able to turn on at will, and his experience of government was slight. Certain almost majestic and charismatic qualities were required of a man who was the repository of the royal authority by virtue of his office. He had a role to play and the image which he projected to the court and the country was an integral part of the successful tenure of that office. Ceremonial safeguards existed of course, such as dress and etiquette, which were designed to enhance prestige, but bearing, air and civil conversation were still vitally important, especially during audiences. Bourbon’s ugliness, inexperience and lack of personal charm, together with his apparent delegation of the management of the court to a woman, his mistress, may have undermined his position in the arena that was Versailles.

The change of ministry brought some new men into the government, or to positions of influence, and induced some former servants of the Regent to leave it—although all the secretaries of state remained in their posts. Some of the most
ambitious courtiers saw the new ministry as a fine opportunity to increase their own influence, but they were to be bitterly disappointed because Bourbon made few changes in the personnel of the government. The only major change in the council of state was the admission of the maréchal de Villars, who combined the advantage of being a military expert with that of a lengthy opposition to the Orleanists. This appointment in itself led to a deal of resentment against Bourbon, as the British chargé d'affaires reported to his government on 6 December 1723:

All this creates a lot of bad feeling at court amongst the Princesses and other Lords, who believe themselves to be of the council by right, just as much as M.de Villars; moreover, Monsieur le Duc has several intrigues on his hands, from men of distinction, for employments and vacant offices that were left undecided by M.the Duke of Orleans, all of whom he would prefer to gratify at the start of his ministry, which is however an impossibility. This, together with the claims of M.de Chartres, renders his situation very tricky, having almost no one of good counsel with him. But however things develop it seems clear to me that the parties will seek the friendship of the King our master.6

The result of these jealousies was an isolation for Bourbon that was increased by the reaction of the other princes of the blood. From the first, Bourbon had hoped for a reconciliation between himself and the prince de Conti. He was rebuffed by Conti who, on the day after the death of the Regent, visited Chartres in order, says Barbier, to pay his respects and offer his services, but he did not take the trouble to congratulate the new premier ministre. Chartres, henceforth the new duc d'Orléans, also persisted in his violent antipathy towards Bourbon and so there was little hope for success in the attempts to arrange a reconciliation between them by the two dowager duchesses de Bourbon and d'Orléans (each of whom had acquired considerable influence over her son, just as the old maréchale de Noailles had over her huge family). In the spring of 1724 any hope for a rapprochement evaporated, because the vague project for a marriage between a sister of Bourbon and d'Orléans was dropped and the latter was promptly betrothed to the princess of Baden.7 Contemporaries were well aware that this marriage to a ward of the Emperor was a bid to secure the support of Austria and Britain over the ever-present French succession problem.8

In this uneasy situation the obvious course for Bourbon to follow was to take full advantage of his control over governmental patronage, in order to reduce the influence of his rivals. He was given an immediate advantage by the foolishness of d'Orléans, for the young prince, refusing to work with Bourbon, gave up the considerable patronage he exercised as colonel général of the infantry, and compounded his error by snubbing about two hundred officers who had come to pay their respects. Bourbon began by suppressing the post of military commandant in the provinces, ‘on the pretext of economy’, as Berwick, a leading Orleanist, wrote.9 In February 1724 Chambrier observed that the young King was ‘constantly
surrounded by people who are attached to the Duc de Bourbon in particular and to the Comte de Clermont his younger brother'.

In May 1724 Bourbon took the opportunity to reward some supporters with the honour of a promotion to the rank of Chevalier de l’Ordre de Saint-Louis. There were far too many aspirants for the coveted cordon bleu and refusing some was a delicate matter. The ministry had to be careful in its distribution of favours because it was such an important consideration in politics. Lasting bitterness could be the product of too exclusive a policy, as Bourbon was to find out to his cost (as did Marie-Antoinette later). It was owing to the patronage policy that the fate of Bourbon became dependent upon that of his mistress, who became the object of a campaign of hateful vilification at court. Historians have often accepted the judgement of Barbier and d’Argenson who both asserted that she virtually ruled France by means of her influence over Bourbon. This was not in fact the case, and so once again we are reminded that it is not enough to take the opinions of the memoir-writers for facts unless supported by other evidence. Indeed, it is impossible to identify her as the cause of a single political measure, and it may be added that her role was principally one of defending Bourbon in the infighting at court where it was essential to master the intrigues. To do this, she played a leading part in the allocation of favours.

However, this picture of Bourbon’s system of patronage scarcely accords with the usual idea of the role of Fleury. He is supposed to have entirely dominated the distribution of ecclesiastical benefices and to have reserved for himself, by virtue of his special relationship with the King, the control of all other patronage. But if Fleury really had control over appointments then it is very hard to explain why he should have allowed his declared enemy, Mme de Prie, to surround the young Queen in 1725 with her creatures in order to block all other access to her. It was obvious that, having a young and impressionable husband, the Queen might be led to play a political role detrimental to any favourite. Indeed, in December 1725 the Queen actually became the instrument of Prie and Bourbon in an attempt to undermine Fleury’s right to be present during the travail.

To clarify the process of appointments the case of the duc de Richelieu is a useful example. It is known that he acquired his embassy in Vienna by virtue of his relations with Fleury. But, at the same time as Richelieu had paid court to Fleury, he had made himself agreeable to Bourbon and Mme de Prie by supporting the ministry in the trial of Le Blanc and by writing a memoir on the marriage of Louis XV. He was also favoured by Villars, who wrote a letter of recommendation for him to Prince Eugène of Savoy who was in Vienna. Thus, although he was one man’s protégé, he was favoured by all. The real situation, one suspects, was that there were relatively few disagreements over the appointments, and that when there were problems neither Fleury nor Bourbon was prepared to take a line which might lead to an open split between them, with the result that a compromise was reached.

In fact, the whole relationship between the two ministers in the first year of the
administration was characterised by moderation and compromise. Bourbon found irksome the restraints on his power caused by the more advantageous position of Fleury in the esteem of the young King, who was the fountain-head of all authority. But the only reasonable policy was for him to accept the situation: ‘be sensible and don’t quarrel with the bishop’, he counselled Villars. Fleury too seemed determined to allow nothing to come between them, particularly because he was aware that Bourbon and Morville suspected him of wanting to encroach upon their powers. In 1724 the dispatches of Horatio Walpole make frequent analyses of their relationship. In April he wrote to Newcastle that ‘As to the present situation of Mr le Duc in regard to 672 [the code for Fleury], I am of the opinion that those are mistaken who think that they are in any open or secret intrigue against one another’. In May he reported a conversation with his friend Fleury in which the bishop candidly expressed his view of the premier ministre. ‘He said that Mr le Duc was an honest man, that his authority as being the King’s ought to be maintained, but with a bridle, lest by getting too great a loose, the influence of his administration should fall into the wrong hands, meaning Madame de Prie and the ladies, that in other respects he should concur in supporting his authority, and that the young King was well enough pleased with him.’ Fleury was of the same opinion in June, when a further dispatch from Walpole clarified the situation for the British government.

I found by him that he is already apprised of and entirely despises all the little malicious insinuations about himself, seems resolved to live well with 520 [Bourbon] making him sensible at the same time, that it is in his interest to have a confidence in him 672 [Fleury]: and it is certain that 672 has the sole power and influence over the mind of 1107 [Louis XV], with whom he is frequently alone, but M.le Duc never is; without the presence of 672, nor does he so much pretend to it.

Even the half-hearted attempt by Bourbon in July to persuade Louis to conduct business in the absence of his preceptor (which failed owing to the determination of Louis) could not induce Fleury to alter his conduct. It is a fact that, as president Hénault indicated, the authority of Bourbon in matters of state was not directly reduced or interfered with by Fleury until late 1725, and even then Fleury betrayed no desire to supplant Bourbon.

An answer to the question of why Fleury was content to be so accommodating lies partly in the difficulties of the political situation for the ministry—opposed at court and having to deal with divisive problems—which necessitated co-operation. The answer also lies in the character, views and ambitions of Fleury. An often repeated view has been that Fleury was insatiably ambitious but the possessor of enough guile and patience to await the right moment to dispense with Bourbon. Thus the ministry of Bourbon has been relegated to appearing as no more than an unhappy interlude between the Regency and the ministry of Fleury. The contemporary expression of this view, held by several authors who benefited...
from hindsight, was most neatly expressed by Barbier: ‘because he refused the archbishopric of Reims five years ago, which is a nice morsel, good people have thought that it was out of humility, whilst he really had no other aim than to remain at court and grab the position he holds today [in June 1726].’ This view really has very little to recommend it, because for Fleury to have aimed from the first at so high a post he would have needed nothing less than clairvoyance to see that there would be an opening for him. It has already been shown above that his rise until 1723 is to be understood as the result of several particular and unforeseeable conditions, as much a product of self-defence as of ambition. Difficult though the political situation was in 1724, it would have needed equally remarkable foresight to predict the unpopularity of a financial policy and taxes yet to be conceived, not to mention the change of policy towards *Unigenitus* that was made possible only by the accession of a new Pope in 1724. Therefore, the argument for Machiavellian ambition must be disregarded as the product of hindsight. Not until mid-1725 did the working relationship between Bourbon and Fleury begin to break down, and not until mid-1725 did Bourbon become unpopular in Paris and in the country at large. Fleury may well have hoped for more power, but the final decision to disgrace Bourbon is to be understood as having been taken as the result of a particular set of circumstances. It was probably the product both of a sense of duty towards Louis XV and of the apparent need for change in the light of the growing domestic and international pressure in 1726. As the abbé Millot put it in 1756, ‘his ambition was born of circumstances rather than a matter of character’.

Ambition is a difficult issue to deal with: in the world of the court where so much depended upon favour, including wealth and standing, the man who was patently unambitious was far more unusual than he who displayed unrestrained greed. The values of the courtiers were such that a refusal to participate in the scramble for new honours, favours and place was tantamount to renouncing honour and esteem themselves. If all courtiers were ambitious, as La Bruyère and d’Argenson observed, then Fleury should be seen as only a more successful participant in a game which everyone played to some extent. However, he was not a simple courtier, because he was also an ecclesiastic. This was an age when qualities of individualism were less important than the successful fulfilment of a role which was determined by rank and function in society. A display of ambition was considered inappropriate for a prelate and extra qualities of decorum and moderation were expected. This was especially true of a man whose ecclesiastical offices had not been granted as a matter of financial or ceremonial convenience as had been the case with the cardinal Dubois, for example. Necessarily the environment and the calling were in conflict and it would have been surprising for a man in Fleury’s position to have emerged as a leading minister in the government if he had not been capable of reconciling the two. Ultimately, therefore, it is only by a close examination of Fleury’s conduct and methods that it is possible to come to a firm conclusion about his character and his aims.
FOREIGN AFFAIRS

For an analysis of the part he played in the conduct of foreign relations historians are fortunate in having the important body of evidence which is made up of the detailed reports of the British ambassador to France, Horatio Walpole. He became a particular friend to Fleury whom he first met, upon invitation, about ten days after the death of the Regent. At this first encounter Fleury assured him that, with regard to the preservation of the peaceful state of Europe and especially to the continuation of the firm alliance with Britain, his sentiments were identical to those of Morville and Bourbon. Such was Fleury’s charm and air of frankness that from once having considered Fleury to be a ‘mighty bigot’ Walpole came to revise his opinion entirely, and subsequently regarded him as his most valuable confidant and trusted friend. His reports to Newcastle and Townshend portray Fleury as the firmest supporter of the British alliance in the French council of state, and, trusting in Walpole, as the willing agent of the ambassador, prepared to intercede in the council on behalf of British interests.

Some scholars have already noted that Walpole’s faith in Fleury was rather too strong. It is also possible that the reports merely reflect the usual tendency of the ambassador to over-emphasise the accuracy of his sources of information and his proximity to the springs of government, in the hope of giving the impression that he is an indispensable agent. It does look very much as if the ambassador was duped by Fleury. Certainly, there were times when Fleury was useful to Walpole, in that he brought to council some matters that might have caused ruffled feelings if broached by an ambassador. On the other hand, Fleury personally gained the confidence of England while doing really very little for her. Saint-Simon, sure that Walpole was taking advantage of Fleury, thought it very ironic to quote Fleury, probably speaking after June 1726, on the subject of his dealings with the ambassador. But there is more truth in the statement than the cynical duke cared to see.

On [the question of] his confidence in Walpole, and in his brother, and towards the dominating English, he began to smile: ‘You don’t know everything’, he replied. ‘Do you know what Horace has done for me?…Do you know’, he told me, ‘that he shows me all his dispatches, that I dictate his to him, that he writes only what I want? Now there’s a fact that isn’t known, and that I am happy to entrust you with. Horace is my intimate friend, he has every confidence in me, I mean the blindest. He is a very clever man. He tells me everything, he is at one with Robert, who is one of the most talented men of Europe and who governs everything in England. We concert our actions, we do everything together, and we let them chatter.’

Fleury might well smile. Walpole not only showed dispatches to Fleury, which after all is not unusual between allies, but he also gave him a commentary on what Morville told him in the ambassadorial audiences. He was thus a valuable source of information for Fleury on the conduct of foreign affairs by the ministry.

Fleury was able to carry on rather intricate and duplicitous manoeuvres because
THE MINISTRY OF THE DUC DE BOURBON, 1723–6

he was for Walpole the sole source of information on what was said in the council. When in doubt as to the honesty of Fleury, Walpole had recourse to the Dutch ambassador, Van Hoey, who was, be it noted, also on friendly terms with the Bishop. If this hints at a conduct too adroit to be possible, it should be remembered that it is entirely in accordance with what we know of his character and methods at a later date. For several years he managed to convince the British that he was dominated by Chauvelin in the formulation of foreign policy, and he was therefore able to oblige them to accept certain unpalatable decisions in the belief that they sprang from the temporary domination of Chauvelin in the council. He had a talent for dissimulating his strengths, for talking about one subject to find out how someone thought on another.

Fleury also used his relationship with Walpole, who felt that, ultimately, his friend had the greatest power in the French government, to make it clear that he had a systematic view of French interests in Europe, based fundamentally upon friendship with the British government. This was to a certain extent true, especially during the difficult year of 1725 when France lost Spain as an ally, but the conduct of Fleury after 1726 was designed to modify this picture considerably, revealing that his view of the necessity of the British alliance was that it served a temporary purpose only. During his own ministry he was to work steadily to increase French freedom of action and avoid, in 1727, the war which Britain seemed determined to provoke against Spain and Austria. At that time the trust that he had won from the British government probably gave him the extra leeway that he needed to bring the Congress of Soissons to a successful conclusion. The same confidence would enable him to emancipate France from the British alliance by 1733. Before this, in 1726, having ensured that he was favourably regarded by his allies, Fleury was able to effect a change of ministry with the minimum of disruption during an extremely tense international crisis.

There can be no doubt that Fleury had a good understanding of foreign policy. From Walpole’s voluminous references to him the following astute assessment may be extracted.

Villars called, and interrupted a series of as good reasoning and judgement and with as great a compass relating to the whole system of Europe as ever I heard, and indeed beyond what I expected from him in so short a time from his application to foreign affairs; from whence I think it may be inferred that, although his proceedings are calm and soft, yet his way of thinking is strong and vigorous.22

Others dominated the formation of foreign policy during the Bourbon ministry. The foreign secretary and the premier ministre decided upon the measures to be taken before ever they were brought to the council, although as a minister Fleury was present when dispatches were read and the important decisions taken. He seems to have written no diplomatic correspondence for the government during this period, although by his connections with prince Eugène in Vienna and Victor Amadeus of Savoy (connections made when they dealt with him during the
invasion of Provence in 1707) he would have been in a position to make personal contribution to the negotiations. During this ministry there is no precedent set for the extensive correspondence which resulted from his personal conduct of relations with the Elector of Bavaria from 1727 until 1742. Under Bourbon, two other men had particular influence, but little is known about them. They were Antoine Pecquet père, a first commissioner for foreign affairs, and the comte de La Marck, a former ambassador to Sweden and the French expert on northern affairs, whom Newcastle felt was ‘certainly a very able and cunning man’.23

The affair of the marriage of Louis XV is often regarded as ‘the transcendent blunder’, as Wilson put it, of the Bourbon administration, sufficient in itself to demonstrate his unsuitability for high office. This too is an over-harsh judgement. Whilst no one can deny that the international repercussions of sending the Infanta back to Spain in 1725 were very serious, it is none the less difficult to see how it could reasonably have been avoided. The decision is to be seen as the response to an increasingly pressing French succession problem. This problem, it will be remembered, had its origins in the renunciation of the French throne by Philippe V of Spain, the grandson of Louis XIV; the renunciation, confirmed in 1713 and renewed on 22 June 1720, was regarded by many as being of questionable legality as it promised to conflict with the laws of succession which were considered fundamental or unalterable. Although aspirations to the throne of France had not been the cause of the decision by Philippe in December 1723 to abdicate from the Spanish throne, in favour of his own son, it was widely believed that the now throneless King would not stand by his renunciation if Louis XV should die without direct heirs. Such a death was known to be distinct possibility, since the adolescent French monarch was still subject to periodic illnesses of great violence which were the result of his extreme gluttony, and he had not yet encountered that scourge of families, smallpox. If in such an event Philippe should claim the French throne he would have to contend with the opposition of the duc d’Orléans who, by virtue of Philippe’s renunciation of 1701 that had been confirmed in 1713, was the heir presumptive and would surely argue that Philippe could not go back on his word of 1701 since it had been formally ratified by the Spanish Cortes before all Europe.24 In December 1723 parties in France already existed on this issue—a so-called Spanish party and, of course, the Orleanists—and therein lay the makings of a civil war which would involve the probable intervention of other powers according to their interests.25 To this frightful prospect for the due de Bourbon a personal consideration was added. The bitter feud between himself and the duc d’Orléans made him all the more reluctant to countenance an Orleanist succession.

Bourbon therefore considered the problem from the first days of the ministry, although there is no evidence that at that point he reached any conclusions on a course of action. It was the activities of the Orleanist faction which prompted him to action. The marriage arranged in March 1724 between d’Orléans and the princess of Baden had increased the tension, because it served a dual purpose for the d’Orléans family. First, it was, as has been said, a bid for Austrian and British
support in the event of a succession struggle; second, the production of a son from this match would, if it came to a struggle, encourage wavering in France to join the Orleanist ranks (because without an Orleanist heir it would be foolish to expect anyone to fight for a d’Orléans if he were just as likely to die a king without heirs as Louis himself). Bourbon was worried by this démarche, and had La Marck draw up two memoirs on the possibility of breaking off the Spanish marriage in favour of a different and more mature fiancée. The memoirs were dated 24 and 30 April 1724 and, while they advised great circumspection, they considered the possibility of sending back the Infanta and suggested as a possible bride either a sister of Bourbon or the princess of Lorraine.26 Louis was then 14 and thought capable of producing an heir. In June Antoine Pecquet père, premier commis in foreign affairs, submitted a memoir which suggested that the Infanta be sent back only if the current project for an alliance between Prussia, Russia and Britain were successfully completed. Rumours of the discussion reached Spain, probably sent by the Orleanist faction, and King Luis of Spain (whose wife was the sister of the duc d’Orléans) wrote requesting that Louis XV and the Infanta be formally betrothed at the earliest legal age, that is 31 March 1725. Not having taken any decision against the marriage, Bourbon found himself obliged to agree to this. In retrospect it can be seen that this demand, repeated in February 1725, made it almost impossible for Bourbon to reach a cordial agreement with Spain when he came to decide upon a different wife for Louis XV.

The situation which confronted Bourbon was thus extremely difficult: it was an impasse which in the normal course of events would have required great guile or patience to escape from. For a variety of reasons he was unwilling to take the risk of a war of succession, especially when the party of d’Orléans had so clearly begun diplomatic preparations. That Bourbon decided to call off the marriage between Louis and the Infanta is certainly not to be attributed solely to his personal rivalry with d’Orléans. Indeed, accusations of having subordinated French policy to family and personal considerations sit less well on Bourbon than they do on the Regent, who had sown the seeds of the whole problem when in 1721 he had arranged the marriage on the assumption that he alone would gain if Louis died. In 1724 Bourbon, like the Regent before him, found himself in what he thought was the happy position of being able to combine his own interests with the interests of France. To avert the risk of a civil war in the future, he would marry Louis off to another bride who could be expected to bear a dauphin in due course and thus avoid the monarchy having to traverse the risky eight to ten years before the Infanta even reached child-bearing age.

On 29 October 1724, a special meeting of the council of state was held to consider the problem of the Spanish marriage. Those present were Bourbon, Morville, Villars, d’Huxelles, the comte de La Marck, Fleury and Pecquet. The proposal was to break off the marriage project with Spain, and there was virtual unanimity of decision. The only person to resist was, significantly enough, Fleury; but it seems certain, writes the historian of the marriage, that after having put forward some objections to the idea Fleury ended up in agreement.
The same historian is of the opinion that he can hardly have looked forward to advising Louis against the very marriage that he had suggested to him three years before, and would have preferred not to be involved at all. The resistance of Fleury left him sufficiently apart from the affair to be able to be believed by the Spanish monarchs when he (hypocritically) described the decision in bitter terms in 1726.

The council was therefore unanimous in its decision to cancel the projected marriage. If Bourbon had entertained serious hopes of a real coup by suggesting his sister as the future queen, he was to be disappointed at the meeting a week later. At this meeting on 6 November 1724 Fleury argued very vigorously against the double offence to Spain if the Infanta were to be replaced by a Condé. Fleury was right, for such a marriage would have been a gratuitous insult to Spain and would have led everyone to believe that this had been the aim from the start, and that the talk of an urgent need for an heir was a mere excuse. The council therefore abandoned this project. For three months no further steps were taken and there is no evidence of what the ministry proposed to do about its decision of 29 October. It seems likely that action was postponed while negotiations for the Russian alliance were continuing. The successful completion of this alliance would therefore have been the prelude to the enactment of the October decision, as Pecquet had suggested. Then, on 13 February 1725, before anything had been done, came the Spanish demand for reassurance on the marriage, swiftly followed around the 18th by a short but violent illness of Louis XV.

Until then, Bourbon had hoped to solve the problem in the fullness of time, but this combination of events persuaded him to take the final step. Three other factors may have led him to a decision at this juncture. News that the Tsar had died at the end of January reached France in February, ending all hopes of that alliance in the North which had been desired for extra security, and it had come to light that Spain had for some months been secretly negotiating with the Emperor, while no progress had been made at Cambrai for months. The congress was on the rocks; there was to be no alliance and time was pressing. It has been argued by some that overtures should have been made to Spain about the possible withdrawal of the Infanta, and that failure to do so was a serious mistake in policy. However, the evident Spanish insistence on the marriage surely implied that they would refuse, and to repudiate the child willingly after such a refusal would certainly provoke a very serious crisis.

Bourbon decided to act precipitately. On 8 March 1725 the Spanish sovereigns were informed that the Infanta was to be returned to them and the marriage called off. They were furious and such was their wrath that the French ambassador was lucky to be able to escape from Spain. The diplomatic consequences of this were a complete rupture between France and Spain, and the hasty signing, on 1 May 1725, of an Austro-Spanish alliance on terms so unfavourable to Spain that it was suspected by France and Britain of containing secret offensive clauses. Meanwhile, the French court had arrived at a decision on the identity of the future queen of France. As George I had diplomatically refused his granddaughter on the grounds

80
of religion, it was decided that the daughter of the ex-king of Poland would be a suitable queen: suitable partly because Maria-Leczinska could be expected to support Bourbon, her benefactor, in court politics. Devout and not very pretty, she was 22 in 1725 and a stranger to the French court.

The above account of the affair differs very considerably from any so far given in that it is not markedly unfavourable to Bourbon and explains the decision in the context of both European and court politics, emphasising their interplay rather than the dominance of personal ambition. Traditional accounts have described the situation as the blunderings of an incompetent whose anxiety not to allow himself to be outdistanced by his rival d’Orléans was the cause of a serious crisis in European diplomacy. And it has often been assumed that Bourbon’s dismissal in June 1726 was chiefly the result of the long-term consequences of rejecting the Infanta. The truth is not so straightforward.

It is unfair to argue that Bourbon ought to have foreseen and avoided the inevitable alienation of Spain, because the actual reaction of Elizabeth Farnese was so unreasonable that no one could have predicted it—temporary alienation was foreseeable, but not the prompt treaty with the Emperor. Neither the British nor the French supposed for a moment that Spain and Austria would be able to reach a satisfactory agreement on their differences. In spite of the alliance, events in 1726 and 1727 show that, although they had allied and there was a risk of a European war, Austria had never had any real intention of satisfying the desires of her ally Elizabeth Farnese on the problem of the installation of her sons in the Italian duchies.

Since it was possible, at that time, to regard the consequences of a rupture with passable equanimity, the argument on the merits or demerits of the French policy therefore seems to turn on whether Bourbon was more justified in taking the risk of a break with Spain or in making the decision to run the risk of the death of Louis without heirs by betrothing him, on or around 31 March 1725, to the Infanta. The marriage would strengthen Philippe’s position in France if Louis were to die and fuel the ambitions of the ‘Spanish party’ and the Orleanists at the French court. An heir really was necessary in France and to argue against this is to argue upon a false premise, ignoring a good deal of contrary evidence. It is therefore impossible to agree that ‘The god of misrule had certainly presided over a policy as muddled as this’.

There is evidence that Fleury was deliberately dissociating himself from the recent steps. In March he wrote to Saint-Simon, an Orleanist of course, who was about to send letters to the Spanish sovereigns expressing his dismay at the fate of the Infanta (because he had been the emissary of the Regent who had collected the Princess in 1721); in his letter Fleury hints at a certain dissatisfaction with the policy. On 7 August 1725, he wrote a private letter to Philippe V in which, though veiled, his sentiments are much more clearly expressed.

The letter is a masterpiece of duplicity and suggestion! Whilst making a genuine appeal for moderation Fleury blames the premier ministre and holds out to Philippe the carrot of having an agent in France (himself) who is the best-placed man to
further his hopes of acceding to the French throne if Louis should die, suggesting that Philippe’s ambitions in this area depend upon his avoiding an ‘open rupture’. In many ways this, the overt message in the letter, is a laudable piece of diplomacy. Yet there is another possible motive to consider. Taken in conjunction with his relationship via Walpole with the British government, which became closer after March, and with his correspondence and friendship with the ambassador recently installed in the key position of European diplomacy—Richelieu at the court of Vienna—the letter looks like the beginning of an attempt to ensure Spanish goodwill should Fleury ever decide to take over the reins of government. When the letter was written in August 1725, the unpopular effects of Bourbon’s financial and religious policies were becoming clearer and this situation may have prompted Fleury to reconsider his position. It is likely that Fleury was at this point considering the matter, and probing to discover the Spanish attitude to Bourbon and himself.

Whether the result of foresight or of mere prudence, the effect of Fleury’s secret activities in foreign relations was the same. From the time when he first cemented friendly relations with Walpole until June 1726, Fleury succeeded in creating the impression that he was not responsible for the more questionable aspects of French foreign policy. At the same time he made it clear to the British and Spanish governments that his views on foreign policy were such that they had nothing to fear from him and, in the case of Spain, had much to gain, if he should be given more power. Until the spring of 1726, this was without the knowledge of the premier ministre.

THE RELIGIOUS ISSUE

For Fleury and Bourbon in 1725, the differences of approach to foreign policy were mainly covert, but this was not the case over religious affairs. During 1725 they came into open conflict on the issue of the policy to be adopted towards the Bull Unigenitus. The conflict was not over the aims, for both agreed that the ultimate goal was a stable peace between Jansenists and constitutionnaires in the French church; rather, differences arose in the choice of methods.

During the ministry of Bourbon Fleury played an increasingly important part in the direction of the struggle against the Jansenists inside France. With the other members of the conseil de conscience, Gesvres (about whom very little is heard), Rohan, Bissy and Tressan, he continued the policy that had been worked out by Dubois after 1720. The Jansenists, being in a numerically small but vociferous minority, were encouraged to keep silent by a policy which included subjecting them to exile, enforced spells in seminaries and lack of preferral. One of their most important polemicists, bishop Colbert of Montpellier, was deprived by the government of his ecclesiastical revenue as a punishment for his intransigence. Bissy in particular, and Rohan to a lesser extent, were more doctrinaire opponents of the Jansenists than Fleury. Nevertheless, it was these tactics which gave rise to bitter accusations, often repeated by historians, that Fleury was a religious bigot,
giving too much priority to the acquisition of a cardinal’s hat. Fleury’s dealings with the Pope in 1725 hardly bear out this accusation. His experiences in combating the ideas of Quesnel in Fréjus many years before had convinced him that there were always endless opportunities for theological controversy, without there being much hope of reaching a definite conclusion, and he had not changed his opinions. His view was that the Jansenists were exaggerating the dangers of Unigenitus because, as he said in a famous letter to the Pope, ‘in the shadow of this promulgation no novelty contrary to the faith and to the holiness of the scriptures has slipped in’. Since ‘one cannot convert intrigues of the heart’, for Fleury the most reasonable policy, given the risks involved in continued dissent, was to repress the outspoken minority.

The question of how far Fleury rather than Bourbon determined the religious policies followed by the conseil de conscience is a difficult one to answer. Certainly, if there is any area in which Fleury did encroach upon Bourbon’s control of patronage it was in church affairs. However, admitting the importance of church patronage in the persecution of the Jansenists, it may still be wrong to infer that Fleury therefore had complete control over religious policy. Voltaire and the abbé Dorsanne probably exaggerated his influence in the distribution of church benefices. The important commission of the feuille des bénéfices remained under the control of Bourbon by means of his confessor who held it. In June 1726 Bissy thought the feuille des bénéfices sufficiently important to urge Fleury to take it into his own hands (which he did), although it is also clear from his letter that he was satisfied with their degree of control over the conseil de conscience. In the light of such inconclusive evidence it will remain impossible to determine the degree of independence of the council from the wishes of Bourbon or even whether Bourbon himself agreed or disagreed with their policy of repression.

However, in an area where he had much more independence—because although it was a religious issue it came under the heading of foreign affairs—Bourbon decided to pursue a different policy from the one practised inside France. In 1724 the newly elected pope Benedict XIII was much more inclined than his predecessors had been to reach a compromise on the doctrine of grace expounded by the Jansenists. Seeing new hope for peace, Bourbon returned to the policy of negotiating ‘explanations’ of the contested points in Unigenitus. This was the same sort of policy that he been tried by the Regent and the cardinal de Noailles from 1715 to 1720, and it had failed. Undeterred by the precedent, the cardinal de Noailles began in the autumn of 1724 negotiations which were to last until 1726, in which he offered to withdraw his mandement of 1719 in return for papal explanations of the Bull. Explanations were an attempt to cut the Gordian knot of the controversy, by reaching an agreed compromise, and as a strategy obviously threatened to undermine the policy of repression inside France by holding out hope of a negotiated peace to the appellants.

The intermediary through whom passed all the correspondence between Noailles and the Pope was the cardinal de Polignac, the French ambassador to Rome. Bourbon and Morville gave the policy their full support, but in secret. The
démarche was not to be made official until the negotiations appeared to promise a successful conclusion. Morville emphasised the unofficial nature of the project in a letter to Polignac: ‘His Majesty prescribes inaction as his minister, he does not proscribe it as cardinal’. None of the leading ecclesiastics involved in the government was consulted or even informed for several months. The details of the negotiations therefore remained unknown to them, although they soon realised that efforts were being made to reach an agreement with the Pope.

Today the whole affair need hold few mysteries because the evidence is complete enough to point to clear conclusions. A detailed and documented account was published as a pamphlet by the Jansenists in 1727 and its reliability is unquestionable, as far as it goes. It needs to be complemented by the correspondence preserved in the ministry of foreign affairs and by the little known The Memoirs and Secret Instructions of the Cardinal de Noailles, Sent to Rome during the Pontificate of Benoit XIII published much later by the abbé Dorsanne. Using these documents, the development of a first crisis in relations between Fleury and Bourbon can be traced in detail.

In November 1724 Noailles had dispatched to Rome a résumé of his faith known as the Twelve Articles, which he wanted recognised by the Pope, in return for which he would publish a mandement accepting Unigenitus, drawn up according to a papal plan. By February 1725 a good deal of patience, effort and compromise on the part of Noailles led to the situation where, to cite the Relation, ‘things were so far advanced that the Pope required nothing more to engage him to confirm the XII Articles than a Letter from his Eminence in the Form of a Petition; and assured him he need not in the least distrust his Promises, which he would infallibly make good’.

In France the moment was considered propitious to bring the issue before the council of state, where Fleury reacted strongly. A protest was drawn up and addressed not to the Pope but to some members of the College of Cardinals. It set off a storm of protest from the cardinals against Benedict’s policy, because the revelation of the full project made them realise that the Pope had been negotiating on his own account without regard to their opinions. ‘The chief causes of opposition are that the Constitution is to be received in the Pope’s sense of it, and Promise of Explications’, wrote Polignac.

The upshot of this agitation in March was that the whole issue seemed to be shelved. In France it had obviously given rise to a considerable difference of opinion between Bourbon and the prelates. A secret ministerial letter of 26 March 1725 attributed the motives for opposition to the project to a spirit of faction. It stated that Rohan, Bissy, the archbishop of Embrun and the nuncio were ‘almost all in despair that this great business is ending and that it has been brought to the point it is at without their participation and without their having entered into the negotiation, they cannot bear that the cardinal de Polignac should have all the honour of it’. Rohan, the letter continued, was jealous because he had made two trips to Rome in his time and had failed, while Embrun had been chargé d’affaires without being able to improve matters. Bissy was accused of being a Jesuit sympathiser, who was taking their side because the Pope had been trying to prevent their interference in
the constitution. All of them were afraid of a solution that would result in the disbanding of the conseil de conscience because they would no longer be able to give benefits only to their friends.39

If the negotiators really believed this, then such jibes, together with the frequent descriptions of the opposing prelates in the missives as ‘enemies of peace’ or ‘those who do not want peace’, reveal a profound misjudgement of the situation. The opposition stemming from the members of the conseil de conscience was actually founded upon a sounder appreciation of the consequences than had been made by Bourbon or even Noailles. The latter was deluding himself if he thought that he had a chance of bringing peace to the quarrel by the way of compromise. There is considerable evidence that a compromise in the form of a modification of Unigenitus would have alienated the extremists in both camps—Jansenists and constitutionnaires alike—and have resulted in a denial of allegiance to Rome: in a word, schism.

One letter describes the situation most convincingly. It is a letter from the appellant bishop of Blois to Graveson, who was involved in the negotiations with the Pope on behalf of Noailles. The Bishop explained that Noailles was not regarded by the appellants as a leader authorised to convey their agreement in negotiations with the Pope. Added to this problem with the appellant higher clergy was the difficulty of persuading the Jansenist lower clergy to agree with the project.

In the name of God, Reverend Father, destroy as far as possible the belief that M.the cardinal de Noailles can dispose the Appelants as he wishes; believe that very few of them are disposed to follow him, however much he might be given authority by our Holy Father; even believe that he lost much of his crédit the day he accepted [the compromise declaration] in 1720, and much more when a few months ago the so expressive terms that he employed with the Holy Father to make his submission, became known; understand that he is losing more with every post and every courier that arrives, without any explanations [of the Bull] appearing.40

The historian Durand, author of the best modern study of Colbert of Montpellier, is also of the opinion that there was a real danger of schism in the French church in 1725. In support of his argument, Durand discusses a work that Colbert published in the summer of 1725. Colbert had a particularly uncompromising character and tended to follow his logic to the limits. His attitude is expressed as follows: ‘Is the Constitution bad, or is it not? If it is bad, of all inconveniences I can see no greater one than to accept it’.41 He denied that he was provoking schism, but felt that it would come from Rome if the Holy See refused to recognise its error on the constitution.

The ‘constitutionnaires’ (as those who defended the Bull were then known) also had their determined supporters. In October, just before the dénouement of the renewed project, Polignac reported that ‘the bishops are pouring oil on the fire; they say that they will receive nothing from the Pope alone, nor even with several
cardinals; that otherwise they will send church and state up in flames’. Even making allowances for the heated language of eighteenth-century theological debate, it is impossible to avoid the conclusion that the explanations had very little chance of success and risked making a solution even more difficult. Bourbon had made a serious error of policy.

After May the attempt at an agreement with Rome appeared to have been stopped. In June the conseil de conscience issued an arrêt suppressing all the copies of the Twelve Articles which had been printed in France. However, cardinal de Noailles was an indefatigable negotiator and, undeterred by a first defeat, had continued to press the Pope for a compromise, and Polignac was the negotiator. The continued negotiations must have been carried on with the utmost stealth because on 15 August 1725 cardinal Gaulterio in Rome, in regular correspondence with Fleury, and usually among the best informed, could affirm that there was no more talk of an agreement there. Yet only two weeks later a new set of proposals was sent from Rome to Noailles. The mandement that Noailles sent to Rome in reply was a model of moderation; it arrived there on 4 October. Polignac felt that the compromise view could not have been better expressed and noted that several cardinals came round to accepting it during the month.

The attempt failed because of the sudden intervention by some members of the French episcopate. They took concerted action early in October and Morville scarcely had time to warn Polignac of the approaching storm.

The cardinals de Rohan and Bissy the former bishop of Fréjus and several prelates came as a body to ask Monseigneur le Duc for the King’s permission to write a letter to the Pope in which they propose to urge His Holiness not to act without counsel in the affair of the explanations and also to represent to His Holiness that among the XII Articles there are some very dangerous ones. What I could say to your excellency of the force of their instances would only give a very imperfect idea of it. [They insisted that the Pope should consult not necessarily all but at least some of his cardinals in a committee.] They varied not in the assurances they have been giving for some time that…what might appear to come from the Pope alone, and does not contain certain proof of having been concerted and concluded with the cardinals of the Holy Roman Church in sufficient number… would unite the body of cardinals and the French bishops who would protest openly and generally against these instances…Monseigneur le Duc’s resistance was strong and lengthy, but he was at last obliged to concede the issue.

The letter in question was sent on 29 October. It was usually referred to by contemporaries as ‘la lettre des trois puissances’ meaning Rohan, Bissy and Fleury, and it was a cogent argument against explanations along the lines of their previous representations. It argued that sentiment in the French church would not accept them, that there was not even any hope of the publication of the Twelve Articles and that the mandement of Noailles was unacceptable. The prelates were on firm ground
here because only two days earlier the French Assembly of Clergy had been curtailed by the ministry for its opposition to Bourbon’s policy. The assembly had called for Unigenitus to be recognised as a law of state and had also asked for provincial councils to discipline the Jansenist bishops of Montpellier and Bayeux; and it had concluded by writing a strong letter of remonstrance to the King which Bourbon had torn from the minutes of their proceedings. The trois puissances had the support of the greater part of the French episcopate.

The letter to Rome provoked a storm of controversy there between the Pope and some of his cardinals. There was a call for a congregation on French affairs which the Pope was unable to refuse. Nevertheless, he was furious at what he interpreted as an attack on his absolute authority. There is ample evidence that Bourbon had intended to give the anti-Jansenist bishops the least possible opportunity to organise resistance by depriving them of full details until the last moment. It is clear that before March 1725 Polignac had been censoring the information which was contained in those of his dispatches to be read out in the council of state, and that he had provided further details in letters which Morville had not brought to the council. With a council of state not wholly to their liking Bourbon and Morville had other letters sent. This explains why neither Fleury, who was a member of the conseil d’état, nor his clerical allies were in a position to take effective action against the project until it was too late to present counterarguments. Deprivation of information backfired: when Noailles’ plan was brought before the council there was therefore only a confrontation between the two very different points of view. In these circumstances Fleury had the choice of either consenting to the policy, or taking precipitate action to ensure the defeat of the scheme.

The policy to bring peace to the French church by reaching an agreement with Rome was clearly on the verge of failure by December 1725. Bourbon, with an enthusiasm for the well-being of the state which was unhappily manifested in his desire for quick solutions and possibly hoping for a coup to brighten his fading éclat, had failed in his aim. He had done worse than that, for he had to face the hostility of the church in France which he had united against him by his religious policy of explanations and greatly exacerbated by his financial policy.

**FINANCIAL POLICY**

If the conduct of religious policy was unlikely to arouse enthusiasm, the financial and economic record of the ministry was bound to provoke considerable unpopularity. The fiscal and monetary policies were to provide an ideal focal point for the mounting opposition because the clamours of the populace added weight to the dissatisfaction of the politically aware.

During the ministry economic questions were decided by the group of financiers which had once been ousted by Law but had finally returned to favour in 1721. There was in this field as in others an entire continuity of personnel from the Regency to the ministry of Bourbon. The four Pâris brothers, with Samuel
Bernard and Dodun, therefore remained the financial experts in favour. Dubois had given his full support to the Pâris brothers in their attempts to settle the disorders. In order to increase their authority he had wanted to revive for their benefit the office of intendant des finances. Fearing the jealousy of other financiers, they refused this offer but Pâris de Montmartel accepted the post of garde du trésor. Despite their opposition to Law and their permanent hostility to schemes for a state credit bank, it would be wrong to view any of these men as complete conservatives. In their approach to the problems of state finance they were reformers in the seventeenth-century mould, and they had a sound appreciation of the abuses inherent in the financial system.

Their first operation involved an overhaul of the state accounting administration in an attempt to root out and curtail the embezzlement of funds. In December 1723 Mathieu Marais noted: ‘Every single little area of fraud has been closed off. Although this is an exaggeration, the attack on treasurer La Jonchère and on Le Blanc at the notoriously corrupt war treasury was proof of their intentions. The fact that a still more forceful policy was not implemented before 1724 is probably due more to a preoccupation with the ‘visa’ than to the adoption of a different attitude as a result of the change of ministry. In many ways the financial policies of the Bourbon administration merely pushed to their conclusion policies whose origins lay in the last two years of the previous government. It may well be that the Regent, had he still been alive, would not have continued with these policies. If Bourbon had had a better grasp of the potential power of court opposition he might not have allowed or encouraged policies which were seriously to endanger his position by antagonising several powerful interests at once. One of the most noteworthy aspects of this period is the way in which the fiscal reforms and economies were connected with the fall of the ministry.

In order to understand the extent of the unpopularity of the Bourbon administration in 1726, it is necessary to consider the policy whose results were felt by all sections of society. This was the deflationary policy which was begun in August 1723 with a reduction in the value of specie as against the value of the money of account, the livre tournois. While the first reduction in 1723 was only a first step, undertaken partly in the hope of providing a better balance among the various coins in circulation, the successive reductions in 1724 were wholly designed to bring down prices and wages to the level at which they had been before the inflation produced by the Law system.

The first two historians who examined the effects of this policy were lenient in their judgement of its results. On the other hand, some recent research has demonstrated that the economic depression which created considerable distress in France in the mid-1720s was largely the result of the deflationary policy. Dodun and Paris Duvernay, who appears to have been the theorist responsible for framing the policy, failed to see that the economic expansion which followed the collapse of the Law system from 1721 to 1723 was directly linked to the inflation produced by the system. Their policy was based upon the belief that prices should fall in proportion to the reduction of the value of money, but the
laws of the market upset their calculations. Instead of producing a notable fall in prices, so that the artificial inflation of the Law system would be eradicated, the policy had the opposite effect. Faced with a reduction in the value of coins, and assuming that another was to follow, the seller would increase his prices to ensure that he would receive in money the value of his goods after the next reduction, or he would refuse to sell (with the result that money chased too few goods). The buyer hastened to spend his coins for fear that he would need to pay more after the next reduction. At the same time debts, kept in money of account and paid in cash, were effectively increased. So the policy favoured rentiers and creditors, but failed to bring about a significant drop in prices. The circulation of specie rapidly dried up. The result was a commercial and industrial crisis of considerable proportions in most areas of France. According to the calculations of Akabane, the crisis took effect before the bad harvests of 1725 became a problem; but when the crop failed the crisis was seriously aggravated.

Since in June 1725 it was not possible to realise the full extent of the crisis or to predict the crop failure as a result of heavy storms, it was by bad luck rather than by bad timing that extensive new tax proposals were decreed at that time. Bourbon, over-confident now that he had a pliable Queen in the hands of his own party (for her household was almost entirely composed of his friends such as Prie, Bernard and Duverny) began the necessary but disastrous reforms. Foreseeing considerable opposition, Bourbon had the tax edicts registered in the Paris parlement in a *lit de justice* without waiting for their examination to produce the inevitable protests. Of the edicts registered, that of 5 June creating a 2 per cent tax on property was the most important.

Although this tax, known as the *cinquantième*, seems to have been mainly inspired by the wartime *dixième* of 1710 and by the writings of Vauban, there were some notable innovations. The most significant lie in the aim of the tax. A memoir of June 1725 makes it clear that it was intended to be a universal tax on proprietors with no exempt classes, unlike previous occasions. Another extremely important aspect of the tax was that it was intended to establish the principle of royal taxation of the clergy, and it was hoped to discover from the declarations how much property the clergy possessed. There is evidence too that Paris Duverny hoped to change the view that the King should make do with the income that he could extract from traditional sources, by ensuring instead that sufficient ordinary revenue would be at the disposal of the central government to enable it to administer the state.

The royal declaration of the *cinquantième* emphasised that it was to last no more than twelve years, which therefore seems to contradict this view. However, the temporary nature of the tax was probably the result of the failure of the *contrôleur général* to carry the full project through the council, where the majority of members regarded the tax as a means of financing the expected war against Spain and Austria. In a memoir of 24 May 1726, the eldest Paris made it clear that he regarded the provision of sufficient ordinary revenue as a fundamental precept for the government. He believed that it was possible to set right the financial affairs
and balance the expenditure and receipts without resorting to the methods of England and Holland, namely the extensive use of credit. In its inspiration, therefore, the cinquantième together with the other reforms—the attack on corruption, the punctuality of payments, and the substantial reduction in pensions—was more than a temporary reaction to financial difficulties. Taken as a whole, the measures constituted an important essay in the reforming of the finances that had begun in 1721.

Unfortunately, it has been impossible to discover how far the reforms were motivated by a genuine desire for reconstruction and how far they were seen as a way for the Pâris brothers to achieve power by setting themselves up as reformers in opposition to the rival financiers who had supported John Law’s scheme. The undisguised malice with which the financial administration from 1716 to 1720 is attacked in the preamble to the edict on the cinquantième indicates that there was an element of rivalry in their policy.

The history of French finances in the eighteenth century shows how difficult it was to effect reforms. However, the cinquantième should not be dismissed as impracticable and bound to fail from the start—the vingtième was to be forced through in 1749 with at least mitigated success. A sweeping reform which ran counter to the traditions of independence of the local treasurers and which attacked the peacetime immunities of the clergy and the nobility was bound to arouse opposition, but any result except total defeat for the government would still have constituted an impressive step forward. Widespread evasions and false declarations in the provinces would not have altered the fact that traditional exemptions had been overcome and a precedent set, above all, for the clergy. That is why the opposition to the tax was so very tenacious, and why the important battlefield was not, as in the past, just in the provinces where there was non-co-operation and passive resistance, but at court, in the parlement, in the Assembly of Clergy and in Paris. It was by resistance and propaganda in these places that public opinion of the ministry could be influenced in the hope that the ministers responsible would be dismissed. As might be expected, the factions opposed to Bourbon exploited this situation.

For a number of reasons, the Paris parlement was on this occasion restrained in its response. It had probably been impressed by the lit de justice and by the edict which excluded from its general assemblies all counsellors who had not served for ten years. Of this last edict Marais wrote that ‘it is a thunderbolt for the parlement. The ministry is sure of most of the elders who need it with regard to the advancement of their families, and it imposes silence on the younger magistrates who like to speak out and learn. This is what they get for having declared M.Le Blanc innocent!’ In the past the younger judges had been the inspiration of many of the more vigorous attacks on the government.

On the other hand, no institution could have stated its opposition more clearly and categorically than the church. Standing upon its traditional immunities, the Assembly of Clergy put up the stiffest resistance to the tax, and when it was disbanded the issue had not been resolved. In its intransigence the French church
was supported by the papacy, whose attitude was encapsulated by Polignac, the ambassador in Rome. ‘The maxims of the Roman curia are that the immunity of ecclesiastics whether on property or on persons is by divine right and that consequently no levy can be made on them except with their consent and that even then they can only give it with the permission or on the order of the Holy See.’ The opposition of such a powerful institution was bound to have an effect on the stability of the ministry. A similar situation was to be replayed just as effectively in 1749–50—but with significant variations due to a vehement campaign of constitutional arguments set forth in pamphlet literature. And in 1788, the Assembly of Clergy abandoned the monarchy in the light of its 1787 attempt to abolish fiscal privileges and have a land registry.

The most vociferous outbursts against government policy were in the streets of Paris and at court. Duvernay and Mme de Prie quickly became the two most hated individuals in the realm. All the ills of France were attributed to their supposed evil influence in the council. (One thinks of Mme du Barry and Maupeou in 1771 and Marie-Antoinette in the 1780s.) During the summer and autumn of 1725 the gazetins de police constantly detail the ‘mauvais discours’ which were made ‘with extraordinary heat and with a great deal of bias’. The grain shortage and high prices only added to their bitterness as the autumn wore on, and there were accusations of a famine pact between the Pâris brothers, Samuel Bernard and Mme de Prie. The following extract from a police report is a fairly typical example of the vehement calumnies.

The Pâris brothers await the return of madame de Prie with impatience to help them get back with Mr le Duc who no longer knows what he is about, and who has threatened to abandon them. Everyone knows that from the huge quantity of grain they have had requisitioned, they have had it sent, exceeding their authority, to foreign countries, so much are they in the habit of pillaging. It’s madame de Prie who controls all the commissions for them and who supports these monsters, and she too who is most guilty of everything afflicting the public, and everyone knows that she is raking off immense sums of money from everything through her fine quality of P…to Mr le Duc.

The importance of ‘public opinion’ to the central government is a difficult question to assess. A reading of the reports of the police spies shows that the café society constantly thirsted for news of politics and of the intrigues and events at court, and formed opinions on every political move that was made. This public was extremely well informed: nothing happened, no arrêt was issued, no policy formed without it subsequently being discussed in detail in the Palais de justice, the café d’Ely, the café Dupuis, the café de la Régence or in the Cordeliers, to name only a few of the favourite haunts of the police ‘mouches’. It is difficult to identify the public whose opinions were considered worth recording, for there have been no studies of the café society in this period and Arlette Farge’s excellent work on public consciousness deals almost entirely with the opinions of the common people. Yet
there is surely some relationship between ‘public opinion’, for want of a better word, and the fortunes of the ministry. The police reports were not kept just for interest, nor mainly to preserve public order which was not usually at stake here, but, I suggest, because rumours and political discussions could have an effect on the credit of the ministry. Government decrees, ministerial correspondence and administrative memoirs often made references to the opinion of the public. The fact that factions like the cabal and Le Blanc spread rumours and had pamphlets written proves that they considered public opinion of sufficient weight to be worth influencing. It may be that, after the temporary move of the court to Paris and the establishment of the court aristocracy in town houses, many of the political reports are of the views of the office-holders and courtiers who frequented the gardens, promenades and cafés of the capital—or of their clerks and lackeys. At times, this public certainly reflected or echoed the views of the court factions. In turn, whoever the public was whose opinions have been recorded, those opinions would influence the decision of courtiers to support or abandon a minister in his perpetual struggle to retain power. Public discontent could be represented as a danger to the state, and public distress could be represented as the failure of the ministry to fulfil the duty of the paternalist monarchical ethic. In this indirect way the public outcry against Mme de Prie and the Pâris brothers played a part in provoking the fall of the duc de Bourbon.
THE DISGRACING OF BOURBON

A survey of the evidence; the rising tide of opposition; the disgrace of the duc de Bourbon.

A SURVEY OF THE EVIDENCE

Instead of simply asserting that the failure of policies led to the dismissal of a minister, the historian of the ancien régime must try to explain how it was that, in the arena of the court, the failure of policies was translated into the collapse of his power and support. With the aid of the correspondence of the duc de Richelieu, and of three sets of reports from particularly well-informed ambassadors, it is possible to follow this process in detail for the duc de Bourbon. New light can be thrown on the mechanism of court politics because the manoeuvres can be reconstructed with some precision.

Enough is known about Richelieu and his correspondents to warrant confidence in the accuracy of their reports and the acuteness of their observation. Of the four volumes of letters, those of the greatest interest are the letters written by Richelieu from Vienna to the marquis de Silly, an intimate political associate, from 1725 to December 1727.1 Intermingled with these is a great deal of miscellaneous correspondence, some letters from Fleury himself and a number of memoirs or long letters from Chavigny in Germany. This collection is to be completed by some letters from an unidentified duchesse, published by the anonymous but reliable author of a biography of Richelieu, and by further letters published in 1791 and 1806 by the historian Soulavie, chiefly from the marquis de Silly to Richelieu.2 Some doubt was once cast on the authenticity of these last letters by the historian Boislisle who considered them to be forgeries. Soulavie was thought to have forged some of his evidence for his scurrilous biography of Richelieu, but the reasons given by Boislisle for considering these particular letters to be false are not convincing.3 What seems to scandalise Boislisle, who is prepared to accept letters by Villars and Louis XIV in the same collection, is that the Silly letters show the Orleanists scheming for the succession. Boislisle was a monarchist and wrote at a time when a restoration was not impossible. Without the originals it is, of course, impossible to establish the exact wording of letters published at a time when it was not unusual for...
the editor to change the wording here and there in the interests of a ‘purer’ epistolatory style or personal views. Nevertheless, there are some positive reasons for considering the Soulavie letters to be either genuine or based closely on the originals. They contain a view of factional politics which can be substantiated both in a general way and on some particular points by evidence not otherwise available to Soulavie, and one letter accords well with a letter from Richelieu which might therefore be a reply to it.4 The tenor of these published letters is entirely in keeping with that of the many letters written by Silly after June 1726. Finally, the whole story of the ministerial intrigues which they allude to is sufficiently discreditable to the regime for Soulavie—who during the Revolution made a literary career out of tarnishing the old régime—to have rejoiced in printing the originals without bothering to invent.

The fairest judgement on Soulavie’s publications on this period is that they are as reliable a source on politics as many of the personal memoirs left by usually less well-informed contemporaries. But there is no need to dwell further on the subject of these few letters in the Pièces inédites because they do not provide any interpretation that cannot be deduced from the rest of the correspondence: they are of interest chiefly for the sake of completeness. The bulk of the correspondence exists in its original form—and the letters are invaluable for their tone. The collection reveals with unusual candour a certain attitude towards politics held by not just one of the writers but all of them. It has value, therefore, as a more general insight into the mind of the eighteenth-century noble politician. For this period it is a unique source which analyses the situation from the perspective not of a foreign ambassador but of an ambitious French courtier trying to chart his way.

To supplement these documents is another source which also appears to have escaped the attention of historians. During these years of his embassy, throughout the ministry of Fleury, and in the 1740s, Richelieu enjoyed a valuable relationship with the duc de Noailles. Over a hundred letters from Richelieu to Noailles have been preserved in a single volume, of which eighteen, signed, coded originals date from the period of the Vienna embassy.5 Reading the letters it is clear that we are dealing with a close political friendship between the two dukes for the detail of the letters parallels that in the letters to Silly. This is perhaps a reflection of the political importance of Noailles at the court of France, even though he had no ministerial post. His family was so large and well organised in politics that there was little that escaped his notice.

However, the marquis de Silly was also one of the best informed men at court. He was a Norman gentleman who had made a successful career in the army, reaching the rank of lieutenant-general. ‘He attached himself as much as he could to those who were most esteemed in the armies, and to the most brilliant company at court’.6 By attaching himself to the House of Condé he made a considerable fortune from the Law system and was one of the few to receive the cordon bleu in the honours of 1724. His sister held a salon and gave dinners much frequented by the political aristocracy, and he himself was hand in glove with Morville. To judge from his letters and from the lengthy assessment by Saint-Simon, he was extremely
intelligent, cultivated, and an acute observer. He became a *conseiller d’état* in 1725, but he was never to satisfy his ambitions completely because he tied himself too closely to the Bourbon ministry. His chances of becoming the next ambassador to Spain were dashed when Bourbon fell. Fleury never trusted him and took care to exclude him from politics after the change of ministry.  

Most of the surviving letters were written by Richelieu himself and their main interest lies in the reflections that he made on the events which his correspondents recounted. Were it not for the existence of several valuable but less extensive sources relating to the same period one would inevitably see the final stages of the Bourbon ministry through the eyes of Richelieu. Born in 1696, at 29 Richelieu was an extremely young ambassador. Despite the carefully annotated Boislisile edition of the rough manuscript that was intended to be the text of his memoirs, his political exploits have attracted far less attention than his amorous escapades. A close study of his correspondence confirms the judgement of his first biographer, who thought that he possessed all the vices of his century but was nevertheless a man of great intelligence and culture. His powers as a diplomat were highly praised both by Bourbon and by Fleury, and his embassy to Vienna was an undoubted success. For Richelieu personally it was a veritable triumph because his important diplomatic role enabled him to shake off the reputation for frivolity acquired during a dissolute youth and to lay the foundations of a creditable political and military career. From his first acquisition of the embassy it was his burning ambition to do just this, and therein lies the explanation for the enormous correspondence that he undertook. While he was away from what he regarded as the centre of affairs, the court of Versailles, he needed to be constantly informed of political developments in order to plan his career and protect himself from enemies. The man who was superficially no more than a libertine and the archetypal grand seigneur actually possessed a political mind of great capacity.

Such a cache of documents is rare—although most ambassadors must have tried to remain in touch in a similar way—but supplementary evidence of court politics is to be found mainly in the ambassadorial reports of the period. Whereas the dispatches of the British ambassador are sometimes misleading, because Walpole gave too much credence to Fleury’s own version of events, those of the Prussian and Bavarian ambassadors are much more reliable. Unlike Walpole, who appears to have been less shrewd than they were, both of them had lived in Paris for several years and had time to establish networks of contacts and informants. For example, even when the court was in relative seclusion at Marly, count Albert of Bavaria had an informant who sent him letters twice a day in January 1723. The reports of Chambrier to Frederick William I are especially interesting for their analysis of the development of Fleury’s position at court; those of count Albert are particularly important for the period from the summer of 1725 until late 1726, providing several very detailed accounts of the most important developments. Taken together these sources fill the gap left by the missing letters of Silly before 1726 and provide additional confirmation, from a different perspective, of the train of events. Neither the Prussian nor the Bavarian sources have been used before for this period.
A RISING TIDE OF OPPOSITION

There is, therefore, considerable evidence to show the way in which the duc de Bourbon undermined his own power. Not only did he pursue unpopular policies—albeit for the best of motives—which provoked resistance to his ministry both in the provinces and at court, but he also displayed a blindness and an insouciance towards the dangers and difficulties of court politics which left him vulnerable to those whose opposition he had aroused. In court politics ministers do not simply fall from power, they are pushed. They are often caballed out of office, or disgraced, and failure to take adequate precautions encourages those who are waiting in the wings, only too eager to exploit any weakness. This is precisely what happened to Bourbon. In an environment where prestige and rank were important aids to the retention of political power, it was becoming apparent that Bourbon had not the command over affairs that he ought to have had. If he had not been a prince of the blood, the loss of prestige which went with unsuccessful policies would probably have led to a much more open attack on his power. An ordinary minister or secretary of state would, like Chauvelin in 1737, be the subject of songs, verses and pamphlets tending to discredit him in the public eye. It was a process designed to encourage the courtly rats to abandon the sinking ship. The explanation for the relative silence on Bourbon is probably that it was simply too dangerous to write against the royal dynasty. It was therefore natural that ministers who were thought to be responsible for the formulation of the unpopular policies should take the brunt of the attack on the ministry.

Not that Bourbon remained totally unscathed by the campaign. The upsurge of ‘mauvais discours’ against the government has already been noted in the context of the discontent at the grain crisis. Just after the tax edicts in June 1725 a pamphlet appeared which the lawyer Marais, who was an expert on such matters because he collected them, thought had originated in high places. The government had undoubtedly made a number of unnecessary mistakes by which it created trouble for itself. It had been a grave error to promulgate new taxes at a time when the clergy, chief target for the cinquièmehé, was about to hold its quinquennial general assembly. If Bourbon or Paris Duverney seemed oblivious to this fact, others were not so naïve. Such tactical blunders as this, which led to a chaotic and ungovernable Assembly of Clergy, could only create a bad impression at court and abroad, with a corresponding increase in opposition. Even a friend to Bourbon, the duc de Richelieu, was prepared to admit that there was no firm hand at the rudder. ‘I think that the greatest weakness of our government is having no political plan [système de politique] and going from day to day’, he wrote in October. The result of the impression created of a growing disorder in the affairs of state was, as Montgon saw it, that those who had at first supported Bourbon, seeing the public censure, abandoned him in private, some in the hope of rendering odious his ministry. ‘The duc de Bourbon thus found himself surrounded by enemies and the object of an infinite number of intrigues to bring about his fall.’
Reflections of a more detailed nature were sent to Richelieu by one of his correspondents, the duchesse whose identity is not certain. Her letter contains interesting details of both Fleury and Bourbon.

The bishop of Fréjus detests Mme de Prie and it is clear that he is communicating his sentiment to his pupil, for the King received her very badly a few days ago. I am sure that something is afoot against the bishop; but unless M.le Duc makes haste to get in the final blow, I'll bet that M.de Fréjus will see him off. M.le Duc is trusting, he counts too much on his rank and dignity as premier ministre; he believes himself above everything, that he has nothing to fear; he acts accordingly.12

To this princely over-confidence she contrasts the slow but sure method of Fleury: 'He draws attention to all his rival’s faults; he speaks of them without any airs; he appears disinterested, humble. He has cleverly made himself friends of all those discontented by the reduction in pensions'.13

From the autumn of 1725 Bourbon was clearly failing to control the situation at court, and an interaction was beginning to set in between the failure of ministerial policies and his position at court. To some observers it looked as if a trial of strength was developing between Fleury and Bourbon.

On 30 November Silly reported that 'the clamours are arising all over the place'.14 In this unfortunate state of affairs the premier ministre tried to strengthen his hold on power by making a serious attempt to conduct political affairs directly, and alone, with the King. As the above letter predicted, this amounted to an attack on the position of Fleury which was based upon his unique and cherished privilege of working alone with the King and of always being present during Bourbon’s conferences with Louis. The motives that inspired Bourbon are not hard to guess; in the past few months Fleury had emerged as independent critic both of his policies (especially on religious issues), and of his associates Mme de Prie and the Pâris brothers.15 Walpole sent to England a long and valuable report of the court situation at this time from which it is worth retaining the following description of Fleury.

The bishop was the only person of consequence that durst boldly and openly oppose their [Prie’s and the financiers’] formidable power, which he has done, not only to his friends, but also to the King, even to M.le Duc himself; declaring freely to his Highness that he looked upon Madame de Prie and M.de Verney, as enemies to the state, and as authors of all the disorders, weakness, and confusion, both in the finances and other matters, that disgraced the present administration.16

The subsequent attack by Bourbon on Fleury is more understandable because the latter’s criticisms were so evidently untrue in their sweeping generalisations that they must have been designed to court popularity. On 17 December 1725 Bourbon had the Queen ask Louis if she could be present during the travail when normally
only the due and Fleury waited upon him. Fleury opposed this on the grounds that no queen had ever enjoyed that right. Later the same day, using the dependence of the Queen as a means to his end, by obliging her to influence the King, Bourbon approached Louis when Fleury was absent. He read to him the description sent by Polignac of the angry reaction by the Pope to Fleury’s recent intervention in ecclesiastical policy. This appeal to religious sentiment was no doubt the best way to shake the confidence that Louis had in Fleury, for at this stage in his life Louis had a highly developed sense of piety. However, Fleury, who must have suspected some coup by Bourbon when Louis failed to keep his appointment with him, decided to re-enact the ‘schoolboy’s trick’ he had played in 1722. Early the following morning he departed for the seminary of Saint-Sulpice at Issy, where he had quarters; he left a letter for Louis which said that, as apparently there was no further need for him, he was retiring from court. Louis was naturally quite distraught by the emotional shock administered by his beloved preceptor and he closeted himself in his garde-robe. By all accounts, it was the action of his first gentleman of the bedchamber, the duc de Mortemart, which ensured the failure of Bourbon’s plan—or the success of Fleury’s. He suggested to Louis that he order his premier ministre to recall Fleury at once, and Louis did so. In the annals of the reign of Louis XV this is often cited as the first occasion on which the King exerted himself, but before too much credit is given Louis it should be noted that Mortemart virtually put the words into his mouth.17

The departure and speedy recall of Fleury was indeed an ignominious episode for Bourbon. The consequences of the event were far reaching because it had brought the formerly more or less covert rift between them to public attention. The ‘credibility’ of Bourbon suffered the more from his failure because of its timing. The month of December already saw his popularity very low due to the financial steps taken by the ministry: there was a further reduction in the value of specie and a large reduction in court pensions. The economic depression reached its worst point in the last quarter of 1725 with, in northern France, textile unemployment and grain prices at their highest, and contemporaries could not know that the depression was not to worsen. There were riots in many towns, notably Paris, Rouen and Caen.

In the light of this, it was imperative to take the greatest care in handling the court. Richelieu could see the dangers for Bourbon from any exploitation of his unpopularity by court intriguers whom Bourbon was making no attempt to conciliate. On 31 December 1725, he wrote of this in a coded letter to Silly.

I agree that the neglect of learning is pushed to the limit by our courtiers, and that are few people capable of upholding the roles they could play, but I fear greatly for M.le Duc, that there are only too many in a position to trouble him. The duc de Noailles is certainly one of those able to play a leading role and sustain it…

The way in which the clergy has revolted as much on the business of the fiftieth as on that of the Constitution is a very great matter, especially with the number of discontented there is and the way affairs are going. For myself, I
am sorry but I’ve never seen anything so irregular as what’s being done and the last reduction [in the value of specie] is quite astonishing. The reduction in pensions is in itself an excellent thing, but certainly rather dangerous for the one who does it, and pensions ought not to have been given at the same time to Chabanne and Sabran. In truth, I still don’t know how it will all end, for I see strange things, and this reduction that is made with the prospect of a war that the English and the Orleanists want to put us out of measure with Spain, which perhaps won’t happen, all this I say, is done so extraordinarily as to be incomprehensible.  

These ominous reflections were written before Richelieu received news of the Issy incident. His letter to Silly in January shows how Bourbon’s failure to remove Fleury increased the already general doubts abroad as to his ability to survive in power.

Not only could the ambiguity in the ministry prove a perplexing problem for those with business to conduct, but it could also have repercussions in international diplomacy. The French ship of state appeared to be drifting out of control, and this was an encouragement to the Austrians to take a more belligerent line towards France. ‘All the reports they hear of the sorry state of France and of the interior of the kingdom only encourage them to take this course [war] and by making them foresee greater ease in the execution of their plans, diminishes the personal antipathy the ministers have for war’, Richelieu reported to Noailles at this time. The court of Vienna certainly leaned towards negotiation, but if pushed would not hesitate to fight a war, he wrote.

For all but the most acute observers, the uncertainty about the state of politics in France was soon settled. Fleury was too cautious, too intelligent, to vaunt his minor triumph over Bourbon, the more so because his move had been forced on him in self-defence. Bourbon was too proud and too much a courtier not to conceal his defeat as best he could. When questioned discreetly by Walpole on the divisions at court, Bourbon replied, ‘M.Frejus and I…have always been very good friends. I do not doubt but we shall always continue so; although I am very sensible of the endeavours of some to divide us, if possible, but they will not be able to have their end’.

Nevertheless, in spite of the attempts in the winter and spring by the two ministers to give an outward impression that perfect accord reigned between them, the keenest observers were not deceived. The Prussian envoy could see that the rift between them, although glossed over, remained and would subsist as long as Mme de Prie and Paris Duvernay were still in favour. The December débâcle had actually been symptomatic of a definite change in the balance of power at court, a change away from Bourbon but, until the Issy incident, not necessarily towards Fleury.

If, before this event, Richelieu and Silly had been able to speculate on the various possible successors to Bourbon, by January such speculations were unnecessary. Fleury had emerged as the only possible alternative, for it was he who, more than
anyone, held the favour of the King. Interestingly, like Maurepas in 1774, he was not the leader of a faction: by emphasising his impartiality he had risen above the fray and was courted by the numerous opponents of Bourbon. From January, for those with political ambitions the real question was, did Fleury wish to replace Bourbon?

In historical accounts the answer has usually been given in the affirmative: Fleury was a schemer who was merely biding his time in the first half of 1726, until finally in June the dismissal of Spain’s anti-French minister, Ripperda, gave him the perfect occasion to dismiss an equally unpopular minister in France, Bourbon.23 The chief evidence for this view which emphasises the primacy of foreign policy is that Bourbon was dismissed just after the news of the dismissal of Ripperda reached Paris and that Spain had long wanted the dismissal of Bourbon. (Post hoc ergo propter hoc?)

The Spanish court was undoubtedly pleased. However, there is more than a little evidence that this interpretation does not do justice to the full range of evidence. It is always tempting for historians of policy to assume that this was a prime motive in politics, when in fact, in this period at least, power and prestige were easily as important motives—indeed, policy was often simply a vehicle for individuals or factions. The motive from foreign policy was at most one element in a complex array of motives and schemes that has to be fitted into its proper context in the structure of politics. Taking into account the psychology of Fleury, a man to act with care and after suitable reflection, we might think that the broadest explanation of the ministerial changes is the most useful. Fleury would have liked his contemporaries to have believed that he alone was responsible for the change of ministry on 11 June 1726, but there are plenty of indications that, although he made the final preparations himself, he was acting in the knowledge that he had the support of a particular group at court. This group was the Orleanists, whose power had been in abeyance since 1723 when they had greatly suffered from the change of ministry and the continuing prosecution of its leading lights, Belle-Isle and Le Blanc.

There are two possible versions of the persecution of the Belle-Isle and Le Blanc during the ministry of Bourbon. The one which is most often repeated is that the imprisonment and trial for corruption were the result of an intrigue by a spiteful Mme de Prie, for Le Blanc was reputed to be the lover of Mme de Pleneuf who was Prie’s mother and with whom she had quarrelled. Ravaission, editor of the archives of the Bastille, put it thus:

M.le Duc, having arrived at the pinnacle of power, would willingly have pardoned M.Le Blanc, whom he no longer feared, but this minister had been the fortunate lover of Mme de Pleneuf, Madame de Prie’s mother, and the latter, who hated her mother, seized the occasion to mortify her, by insisting on the imprisonment of Le Blanc, who until then had been confined to his estates.24

A frequently repeated story typical of ‘la petite histoire’ that reduces all in the
eighteenth century to the love affairs of the men in power! None of the historians who repeat this story has taken into account the evidence provided either by the documents in the foreign affairs archives of the intrigues carried on by these men nor the testimony of Paris de La Montagne, nor have they put the prosecution into the context of the power struggle at court. In fact, Le Blanc and the Belle-Isle were almost undoubtedly, at the very least indirectly, involved in the embezzlement of funds and in their misuse to further their own factional ends. As these men were the leaders of the Orleanist cabal it was expedient for Bourbon to continue the prosecution that had begun with the setting up of a commission in the time of Dubois. As Marais saw it, ‘this is one of the most important cases we’ve seen for a long time in the kingdom. It is no less a matter than to decry the House of Orleans, vilify the memory of the Regent and have his son despised’.25

Unfortunately for Bourbon, what was therefore largely a political trial was badly conducted. As an honorary maître des requêtes, Le Blanc could insist on being tried before the whole Paris parlement, and the Belle-Isle, as high aristocrats, would be judged by the grand’chambre de la tournelle.26 Bourbon could have imposed a royal commission but did not wish to be seen to have selected those judging men regarded as his enemies.27 The difference between trial by commission and by the parlement is nicely illustrated by the different fate of LaJonchère from that of his superiors. La Jonchère was condemned by the commission held in the Bastille to repay 2,400,000 livres, with the comte de Belle-Isle held guarantor for 600,000 livres of this sum.28 Not until January 1725 did the trial of the others come up in the Paris parlement, but the Orleanists were able to influence the decision. While Bourbon’s supporters were obliged to stay away from the trial—Richelieu, La Feuillade and Villars-Brancas at first attended the sessions but had to withdraw because it looked like government pressure—the prince de Conti and the duc d’Orléans attended every day in their capacity as peers and openly canvassed opinion in favour of Le Blanc. The result was that Le Blanc was unanimously acquitted and the case against the Belle-Isle dismissed.29 Subsequently, Bourbon continued their confinement by lettre de cachet, and they were not released until early in May 1725. This looked like unjust persecution and disposed the public in their favour. The return of Le Blanc to his former employment after the fall of Bourbon was tremendously popular.

When Fleury had agreed to become a minister he had antagonised the Orleanist cabal. The predicament of the Orleanist prisoners gave him the chance to make amends. Early in 1724 it was rumoured that he counselled Bourbon to bring the affair to a speedy close.30 When, after their release from prison, the Belle-Isle brothers and Le Blanc were exiled, Fleury used his influence to procure for them a less distant exile than the one envisaged. To judge from the letter by Belle-Isle to Fleury, it was a deed which earned him the gratitude and support of the family.31

The Orleanists, with or without the presence of the Belle-Isle and Le Blanc, were the most important and the most consistent opponents of the ministry. The precise aims of its members varied according to the individual, but their general aim may be summed up in the ancien régime motto, ‘Ote-toi de là, que je m’y mette’. For the House of
Orléans, opposition to the power of the Bourbon-Condé was a natural consequence of the pre-eminence of Bourbon, and has already been discussed. In terms of policy, their views may be put under three heads. First, they were in favour of the Spanish marriage until the break with Spain, after which it was in their interests to be anti-Spanish in the hope that a war with Spain would destroy any chance Philippe V might have of gaining French support for his rights to the throne of France. Second, they were opposed to the financial policy of the ministry. This was a policy inspired by hatred for the Pâris brothers whose examination of the treasurers' accounts had led to the corruption charges. Finally, some members of the group represented the dévot interest at court which was opposed to the policy of explanations of Unigenitus and was in favour of the constitutionnaires. The duc d'Orléans himself was extremely devout and so were Mme de Dangeau and Mme de Lévis, the latter being an important intriguer through her relations with Fleury and her nephews the Belle-Isle.

There is evidence that Fleury could not have had Bourbon dismissed without their support. It is a reflection both of the discretion of Fleury and of the importance of the other opposition elements that the rise of Fleury was seen by several contemporaries not as the emergence of a new power in politics—Fleury—but as the eventual triumph of the House of Orléans and the Toulouse. Richer d'Aube was one of those who interpreted the rise of Fleury as the rise of the cabal:

For a long time his ambition went no further than to gain him entire power in ecclesiastical matters; that was enough for him as he was not ambitious, but that was not sufficient for those who, believing themselves certain to control him always, wished for their own ends to see him master of all. These persons, helped by the poor success of the government of M.le Duc, convinced the prelate that 1. M.le Duc was ruining everything, 2. that only he the prelate, by having the Prince replaced, could replace him successfully, 3. that he knew enough to govern the Kingdom, and that he could not fail to have himself appointed first minister.

Fleury was seen as a tool in hands of cleverer men whose ambitions were to dominate him once he was in power. These men can be identified as Le Blanc and the comte de Belle-Isle. Fleury was by early 1726 obviously the only person with the full confidence of the King, while his age led most courtiers to suppose that he would die soon: both of these qualities were attractive to the ambitious plotters. The fall of Bourbon was thus brought about by Fleury with the help of the opposition that the premier ministre had either aroused or failed to subdue.

The story of the last few months of the ministry reveals much about political tactics and throws some new light on the methods of Fleury. It is possible to go some way towards solving the problem of the ambition of Fleury discussed earlier in the chapter. The prelate was in a more powerful position at court after December 1725, but Voltaire is certainly incorrect when he states that 'he contented himself at first with being the master of affairs in secret.' The Walpole correspondence shows only a slight increase in the importance accorded to Fleury by the British
government with regard to the conduct of French affairs. The evidence suggests that the bishop agreed with the policy currently pursued by his government and found no reason to intervene. Fleury’s letter to Richelieu on 12 February 1726 contains a very precise expression of his views and also reveals that his correspondence with the ambassador continued to be secret. His letter makes one wonder if Fleury is defining his policy in advance of taking power or merely explaining his own views to a protégé.36

During January and February 1726 Fleury continued to complain to Bourbon about the presence of Madame de Prie and Duvernay at court and about their supposed influence. Villars, a confidant of Bourbon, noted that since Issy his attacks were in more authoritative terms. Fleury was attacking the object of public hatred in order to increase his own credit: ‘he wants the public to be aware that it is not his fault if the two persons who displease the public are not dismissed from court’.37 To Richelieu it appeared that Fleury was really determined to bring about the removal of Mme de Prie and Duvernay.38 But Bourbon was equally determined to retain his mistress and financial expert at court. His obstinacy ensured that his own fate became tied to their own. Fleury then ceased his attacks for a while. At this stage, Silly wrote a report for Richelieu and both this letter and its reply merit attention. ‘Here is the true state of the court; I am well informed’, he wrote. The duc de Bourbon no longer fears that the financier will have to be disgraced. Bourbon has still the same confidence and attachment to Mme de Prie, and fears nothing from Fleury and the King.

On the other hand, M.de Fréjus appears ever closer with the King; the most subtle courtiers, who have noticed this, redouble their attentions towards him. Friends and the cabal are becoming impatient at his lack of decision; the most keen are afraid he might weaken, the others flatter themselves that he is acting prudently and with reason; but as he speaks his mind to no one, one can comment only on appearances.39

Richelieu replied on 18 March 1726:

I admit that I fear greatly the outcome for M.le Duc. I cannot imagine that he could ever resolve himself to abandon M.du Verneys, and as I imagine his head is spinning, that he has no ability even naturally for getting out of trouble, that besides he has no friends at court and doesn’t know how to make them, I do fear that all this will bring down M.le Duc when M.de Fréjus sees a bit more strength of character in the King; but I believe Madame de Prie will get herself out it, because besides the difference in her situation from that of M.du Verneys, she is more intelligent and knows how to make decisions better.40

Their view is that it was only a matter of time before Fleury had Bourbon’s remaining friends dismissed, but they were unsure as to the extent of Fleury’s ambition. Mme de Prie and the Pâris brothers could see the situation and decided to forestall the opposition by a voluntary retirement from court. Their aim was probably to
demonstrate to the world that the accusations made against them were groundless, no more than a ploy used to attack the power of Bourbon. They certainly appreciated that their presence endangered the position of the premier ministre, and were no doubt also motivated by a healthy instinct of self-preservation. Mme de Prie retired to Paris where she resumed her patronage of the arts.

The situation remained static during the spring of 1726. As late as 23 May courtiers were unable to fathom Fleury’s position, although some thought they could detect signs of a gathering storm. Richelieu wrote on 4 June that he did not think that the storm would break very soon, and was of the opinion that Mme de Prie was slowly retreating from politics in order to avoid the catastrophe. Yet the very day after writing this, he was obliged to add a postscript to his letter: ‘We have just heard about what has happened to Ripperda…this adventure seems to be the moment for the dénouement of the whole comedy being played out in Europe, and might bring about our accommodation with Spain’.

The circumstances did not really warrant this optimism, since the British government had recently resorted to force in the diplomatic quarrel with Spain. A British fleet had been sent to blockade the Spanish treasure convoy in the West Indies, and the danger of war was greater than ever. Richelieu did not yet know this. He was also probably unaware of the desperate financial straits which the government financial policy had produced for the French treasury. The lack of circulation of specie was a grave problem and public confidence was so low that there was a credit crisis. Every delay on payments granted to avoid the bankruptcy of one creditor, said Villars, produced a bankruptcy by the debtor of the fortunate creditor. After a number of conferences it was decided to abandon the policy of deflation and to fix the value of the currency, with a revaluation which was decreed on 26 May 1726. The financial problems meant that the government had no money to finance the war which seemed more than likely, in view of the British belligerency. However, the decisions to modify the monetary policy could not alter the fact that many people regarded Bourbon as responsible for the crisis.

So at the end of May and the beginning of June a number of events coincided to create a dramatic situation, and for Fleury a moment of decisive activity. News of the dismissal of Ripperda reached Paris on 2 or 3 June, and just at that moment Mme de Prie returned to court at the insistence of Bourbon, to fulfil her week as dame du palais. Fleury may not have wanted to assume the burden of office, but circumstances contrived to leave him very little choice.

THE DISGRACE OF THE DUC DE BOURBON

Exactly at what stage Fleury made up his mind to assume the role of premier ministre is hard to tell. Many contemporaries felt him to be the most ambitious of men who beneath a modest exterior was always a schemer waiting for the right moment to seize power. This seems unlikely, given his great age. It is more probable that he preferred the role of ‘grey eminence’ during Bourbon’s ministry, but found
that Bourbon resented his pretensions. Always a careful and astute man, Fleury had naturally, by that instinct which blesses the successful politician, dissociated himself from the unpopular ministry without necessarily intending to overthrow the Duke. As the premier ministre, pushed by his associates, moved towards overt hostility to Fleury in late 1725, it is possible that Fleury was forced to make a decision. However, in the spring of 1726 he gave the impression of having decided to continue supporting Bourbon—he even dissuaded him from resigning his office. It may have been as late as June 1726 when Mme de Prie returned to court that he finally made up his mind.

Certainly, there existed in June all the elements necessary for Fleury’s successful assumption of the business of government. He had managed to remain untainted by the unpopularity which Bourbon had attracted to himself. He had defined his position on the foreign policy to be pursued by France by establishing contacts in Spain, with the British ambassador in Paris, and with the French representative in the key court of Vienna. He was not too involved with the unpopular marriage project. For his religious policy he had the support of most of the French church, through his control over ecclesiastical appointments, and he had the support of the dévôts at court. The Orleanists, the faction most averse to Bourbon, supported him in the hope of dominating his government later. By his circumspection and modesty he had created for himself a position at court which was apparently above faction, as befitted an ecclesiastic and a royal preceptor. In June 1726 he was therefore in the position of being the only person whom people could see as fit to govern.

A brief summary of events of 10 and 11 June 1726 must suffice here.44 By all accounts the matter was arranged, almost certainly on 10 June, and conducted with the greatest care and secrecy. During the night of 11 June, Louis XV wrote letters of commission to the duc de Charost, his governor, instructing him to arrest the duc de Bourbon and have him conducted to Chantilly, and a set of letters to the Queen and ministers ordering them to obey the orders of the bishop of Fréjus as if they were his own. The royal entourage then repaired to Rambouillet for supper, where Bourbon was intending to join them later. The arrest itself took place at Versailles in the cabinet of the premier ministre, by Charost, and it was not until the evening of the next day that the news began to be generally known. The security preparations—musketeers at every doorway, on the balconies and in the gardens of Versailles—are particularly noteworthy, for they indicate that this was an affair of state of the first importance: Bourbon was to be given no opportunity to resist or rebel against royal authority. The conduct of Louis is also to be remarked upon for, still at an early age, he succeeded in displaying great qualities of dissimulation and in preserving the utmost secrecy while the affair was being arranged and executed. The exile also set a pattern which was to be repeated in 1737 when the secretary of state for foreign affairs was arrested and exiled to Grosbois. This manifested itself both in the organisation of the arrest itself and in the quiet period of good relations beforehand when the minister was lulled into a false sense of security.
Only two days after the exile of the premier ministre Fleury wrote to Bourbon to
tell him why he had had him dismissed. Perhaps the letter was intended to be the
‘official version’ of the truth, but some parts of it do ring true, while the fact that it
was written at all reveals not just civility but the building of bridges for the future.
The House of Bourbon-Condé would remain a powerful force in politics. Noble
honour clearly played a part in that to draw back would have discredited Fleury.
The letter is long, but nothing will be lost if it is summarised while retaining the
most important statements in quotation.

Fleury began by saying that he bore no grudge for the events which had led
him to retire to Issy, which he attributed solely to the malice of the ‘esprits
dangereux’ who were close to him. He had never ceased to warn Bourbon of the
considerable wrong that these ‘such odious persons’ were doing him.
Overlooking their calumnies of him he could not pardon their dissimulation in
convincing the Duke that the public hated them only for being his devoted
servants and that he would consequently be dishonoured if he dismissed them.
They pretended to want to retire, Fleury said, ‘and nothing matches the secret
stratagems that they are using to prevent you from allowing them to’. Fourth, less
pardonable was their advice to surround the King with creatures of whom he was
sure, and to remove those whose loyalty was suspect. Fifth, Fleury continued, he
had repeatedly spoken of the public clamour against the government: nothing
had succeeded and the kingdom was in danger,

I was told often that I was the only person who might bring some remedy
through the honour that I have of approaching the King, and when I replied
nothing to all that was said to me I was accused of weakness and cowardice…although all these remonstrances were cloaked at least with the
semblance of truth, Your Highness knows whether I did not lend myself any
the less sincerely to all that he desired of me, whether I combatted his plans in
the presence of the King, although often I did not approve of them, whether I
derided them in public, and whether I did not give the most helpful and most
honourable advice to Your Highness, when you did me the honour to ask
me. The foreign ambassadors could tell you in what manner I spoke of you to
them when they believed they had some matter of complaint with the
government.

Fleury denies ever having wanted to be premier ministre, and protests that
Bourbon, far from being worried by any ambitions which he might have feared,
seemed even to fear his retirement and begged him not to retire without notice.
He himself would have liked to retire but the King wanted him to remain and so
he could not leave without giving rise to a second scene which would have looked
like vanity on his part, and everyone said that it would be betrayal to leave the
King. He was distressed to see affairs in their present state: no specie available, no
confidence, discontent in all the orders of the state. He saw that the final remedy
proposed by the premier ministre was almost as bad as the ill it was designed to
cure (this is presumably a reference to the cinquantième). The ‘loss of the state’ seemed very probable and he therefore decided that continued inaction would have merited the just reproaches of the King. Louis was ‘much better informed than I had thought’; he appears to pay no attention to what is said but in fact he retains it all and reflects upon it very soundly. Fleury goes on to present the exile to Chantilly as the result of the will of the King who ‘wants time to inaugurate a new style of governing. A change was necessary to try to alter attitudes, and this means has always appeared necessary in times of great disorders in the State. It was even less possible to avoid having recourse to this, given the unfortunate, if unjust, prejudice, of the public against Your Highness, because it was to be feared that everything proposed by you might not be favourably received…That Sir is a faithful account of all that has happened, and a sincere expose of the motives that made me act’.45

A full consideration of the implications of the fall of Bourbon and of the rise of Fleury must take into account the extent to which the political system and policies pursued were affected by the change of ministry. In the next chapter, therefore, these aspects will be fully discussed as a necessary introduction to the analysis of the political system at the centre presided over by Fleury and of his relations with his ministers. However, the work of the present chapter is not yet done because there remains some evidence which illustrates an aspect of the political mentality that has neither been discussed nor illustrated. In spite of the cynicism and baseness that is revealed in the exploitation of every political mistake by a rival, in spite of the faithlessness of allies, traits which all strike a contemporary note, there are aspects of the power struggle which are peculiar to the eighteenth century in France.

The following letter on the subject of the exiling of the Duke is extremely valuable for the way in which it reveals the mentality, the ambitions and the patron-client relations that existed in this period. The fact that it was written by a counsellor of the third chamber of enquêtes of the Paris parlement to the duc de Richelieu, a member of the higher aristocracy, serves as a reminder that there existed a political class which crossed the supposed social divisions within the nobility. From the change of ministry Bertrand René II de Pallu received a commission to become maître des requêtes. Quite what his services had been is unclear.46

I believe that you do not doubt the role I am playing in the new governmental arrangements: for my own concerns, I am more than happy, for you know how well in I am with all who have the most credit at the moment, but I’ll admit to you that I’m really pained for you; it completely spoils all your plans. I have no doubt that you are on the worst of terms with Mr Le Blanc, who by all appearances is going to play a major role; but I’d like to know how you are with Mr de Fréjus. I know that being a great lord, employed and doing very well, you can’t help but fall on your feet, but it is always very different to be well in with the master, and closely allied with those who rule him, or to find yourself in your position which appears to close the door on favours, which of course you greatly need.
You can be sure that this affair was conducted in the utmost secrecy, no one suspected it, not even those whose interests were most at stake. It was arranged between the King and Mr de Fréjus, who played a better game than those who wished to destroy him: the King was as secret as ever, but he joined to this a deep dissimulation, for two days beforehand, and on the day of Mr le Duc’s disgrace, he covered him with attentions; he joked with Mr de Charost about there probably being no room for him at Rambouillet, he appeared very gay, and as no one had supped because everyone was waiting for Mr le Duc, he pulled his watch from his pocket without a word, and called for supper; everyone was surprised, but knew nothing; they say that he told Madame the countess of Toulouse as he went to bed. Mr le Duc shewed much firmness, he asked to see the Queen, which was refused him; he has been upset only since he learned of Mme de Prié’s exile. The King’s letter to Mr le Duc was written out in his own hand, [and] he wrote a few lines on Madame the Duchess’s; the Queen cried a lot; the King has written to her; it is thought that Mademoiselle de Clermont might well receive an order to stay at Chantilly. Reflect carefully upon this whole manoeuvre, there is a lot to consider because it’s a very delicate business; I beg you as a favour to share with me, to count on me and to always make use of my services as you think necessary whatever happens, nothing can ever change my sentiments; they say that the office of superintendant of the posts has been suppressed, but I think it more than ever necessary to take care of one’s letters…Madame de Duras has charged me to tell you that she is not writing to you because she will rely on me to, and that she counsels you to stay in Vienna as long as you can, and not to make an effort with those with whom you are on bad terms: those were her very words. The Orleans and the Du Maine are ecstatic.

The motives of the duc de Richelieu for engaging in politics were not by any means the same as those of Pallu. Richelieu came from a different world from the counsellor, and politics meant something different to him. There is no need to draw a picture of the world of the salons, badinage, the indirect but pointed conversations and the insistence on etiquette that made up the life of a courtier. Enough studies of that nature have been written with the result that the political world has been almost ignored. Having so often noted the acuteness of Richelieu’s observations, and the soundness of his judgement, it is interesting to see him lay bare the springs of his conduct in the following letter. Speaking of his embassy, he writes:

Only two things persuaded me to do this; the first is the hope of improving my situation with an office at court or a governorship, the second is selfish desire to believe myself capable of the most serious matters, I have perhaps succeeded because I give of my all and conduct myself with vivacity and even fury in all that I do, but for me that is a violent and unnatural state, and consequently one that can only be shortlived. Understand, I beg you, and approve this way of thinking since I understand yours, and do not disapprove.
my indifference as to whether the Duchy of Schleswig belongs to the duc
d’Holstein or the King of Denmark, and the crown of Sweden in the House of
Hesse or Hestein, and even Gibraltar to whomsoever, provided that I have an
office that will shelter me from the tyranny of the secretaries of state, and
leave me to read whatever I like in peace, amuse myself with my friends and
render them services with the King, look to my health from time to time and
amuse myself with simple things, or even a governorship that would let me
lead the life of a little sovereign, that is to say do what I want from morn till
night.48

The attitude of Richelieu is evidence that politics and the social world were not only
inseparable but for some almost identical. But if for Richelieu politics was a means
to an end, for Fleury politics was a passion and a duty. From its first days his
ministry promised to be conducted on very different principles from those of the
duc de Bourbon. In foretelling the success of Fleury in dominating his ministers, the
ambassador in Vienna left an interesting proof of the shrewdness of his
observations:

The burden that M.de Fréjus has taken on would appear heavy to any man;
consider what it must appear to someone as gentle and lazy as he is, and I am
convinced that he is very annoyed to be carrying it, and that he believed it
unavoidable, sure as I am that no ambition entered into what he has done, but
as he is a man with friends, who do not influence him in the principles he
holds to and in the little arrangements he has, I am not at all surprised by
what he has done to the maréchal de Berwick, and a lot of people who think
all they have to do is bend down to pick up the rewards will be caught out and
unhappy. For this is a man who wants the good, and upon whom friends will
prevail a lot less than they think, apart from the details of finance and war
which I think he will govern all alone, and that a lot of people will be mistaken
in what he will do; for I think I know him, and that everyone else doesn’t,
you’ll see if I’m not right.49
At the advanced age of 73, Fleury came to hold the reins of government in France. Yet the burden of affairs was heavy and it remained to be seen whether Fleury could carry it, for how long and with how much help. Fortunately, despite his years, in 1726 he was in the best of health: ‘He was still a man of handsome features. He had a fresh complexion, bright eyes, a penetrating regard, a high forehead, a well made nose, red lips, his height was above average, straight and easy, his step was firm and his carriage was noble’.1 This contemporary description reveals a man scarcely changed in aspect from the famous portrait of 1705 by Rigaud. The years at least weighed lightly on him.

As far as his character is concerned, descriptions of him can generally be divided into two groups according to the date of their composition. Those assessments written at the time of his death or shortly afterwards tend to betray an ill-concealed hostility and a marked tendency to denigrate his better qualities or even to ignore them altogether. As a rule this is to be accounted for not because certain traits of character had been revealed and defined more clearly, as one would expect, but because his long rule had led to disappointed hopes of advancement. People in 1743 had wearied of the rule of the cardinal-minister and looked forward to the personal rule of Louis XV. ‘Subtlety’ became ‘dishonesty’; ‘patience’ was portrayed as ‘lack of expedition’; ‘economy’ was now ‘avarice’; and a preference for diplomatic solutions was seen as inglorious pacifism.2

The subtlety and success of his foreign policy until 1737 gives the lie to the description of him by ‘An Impartial Hand’ that ‘Fleury had not the best head for conceiving projects’.3 On surer ground perhaps was Frederick II who saw him in 1740 as ‘clerical, politic, a very stubborn man’.4 A much earlier portrait, and by far the most convincing, came from the pen of the Prussian ambassador in 1726. This description of Fleury and his government is confirmed in its broad lines not only by the letters of Richelieu and Silly but also by his political conduct over the next decade.
This prelate, although advanced in years, nevertheless enjoyed good health and appears able to push his career still further, because he leads a well ordered life and is of a healthy constitution; he is even tempered and of a gentle, calm disposition, though not lacking in strength and courage; but he does not show the latter by fits of anger and haughtiness as was the case with most of the cardinals who have been first minister; the interests of his master and the well-being of the state appear to be his only concerns, and he will neglect nothing to arrive at both; those who profess to have fathomed his character, accord him the talent necessary to do great things and to do them with justice.5

All observers are agreed that he was an extremely civil and agreeable courtier with a sense of humour, who never needlessly offended anyone. But allied to these qualities was the distrustful and wary approach of one who did not like to be caught out. In an interview he had a special talent for finding out how someone thought: ‘a dangerous aspect for anyone not knowing him’, remarked Silly, ‘is his way of uncovering the character and way of thinking of those he treats with, by adroit questions that are often far removed from the matter in hand’.6

Although Bourbon had been premier ministre, Fleury did not succeed him to the commission. That had been suppressed at the time of the exile of the Duke and there was no attempt to revive it. Keen observers had to await the royal speech to the conseil d’État for a clue as to the legal arrangements for the new ministry. Yet this told them nothing very concrete. The 16-year-old King declared that he intended to take the administration into his own hands, as his great-grandfather had done. He would deal individually with the ministers concerning the affairs of their departments but always in the presence of the former bishop of Fréjus, who was to be given entry to all the councils.7 The whole speech was, of course, a fiction designed to enhance royal prestige, behind which sheltered the reality of the power of Fleury. The true order of government remained as it had been expressed in the confidential letter to the ministers written on 10 June and signed by Louis: ‘I order…to do and expedite all that the former bishop of Fréjus shall order on my behalf, to obey him and give him an account of all matters’.8

It is impossible to be specific about the reason for the suppression of the commission of premier ministre, but a number of considerations must have been taken into account. First, the office as held by princes of the blood did no credit to royal authority, which could only be weaker if formally delegated, and this was certainly contrary to the policy of Louis XIV towards the grands. Second, the social etiquette of the ancien régime did not permit Fleury, as a man of provincial noble extraction, to succeed to an office held by a prince of the blood. This would have reflected grave dishonour on the prince de Condé. That the suppression thus represented a more diplomatic solution is confirmed by the very mild tone of the references to Bourbon in the royal speech. Third, Fleury was thus left free to
exercise power as he chose, unrestrained by precedents formed over the previous four years. As will be seen, this less official position gave him a useful advantage in politics because he was more easily able to shift the blame for unpopular policies on to the secretaries of state. Nevertheless, Fleury did take over one office which had become associated with the commission of premier ministre. This was the surintendance générale des postes, a position which was indispensable for control over the court, since it gave its incumbent access, through the cabinet noir, to private correspondence.9

The fall of Bourbon was not the only ministerial change to come about at this juncture. On 13 June the secretary of state for war, Breteuil, was asked to resign, though not in disgrace, and he was replaced by Le Blanc who was recalled from exile.10 On the same day Dodun, the controller-general, resigned and Le Peletier Desfords was appointed. Neither of these men became a minister in the council of state—indeed, the final composition of that body was a matter for considerable speculation for some months after the palace revolution. During the summer the conseil d’état was composed of Fleury, Morville, Villars (who sat in Bourbon’s former place at the table), and the duc d’Orléans.

In spite of the changes at court the business of government suffered little or no interruption. Le Blanc and Desfords were at work from 15 June, the latter issuing his first arrêts through the conseil royal des finances. Villars records that Desfords worked with the King in the presence of Fleury on 21 June. Both the Bavarian and Prussian ambassadors noted with some surprise that the change of ministry had led to so little disruption of government business.11 Although Fleury did not very much like Morville for personal reasons, as he had been a creature of Bourbon, he remained in place because he could be relied upon to do as he was told and had won the confidence of France’s allies. In this way, continuity was preserved in the most important department of state, foreign affairs, at a time when this was especially important owing to the exceptionally tense international situation. Either by private letter to heads of state or by interview with ambassadors, Fleury took care to assure all the powers that France would remain on the same course.

Problems of organisation remained, most notably for the conseil d’état into which Fleury wished to introduce two new ministers, the maréchaux de Tallard and d’Huxelles, both regarded as members of the ‘old court’.12 If youthful impetuosity had been the hallmark of the previous ministry, the same could hardly be said for that of Fleury, for the composition of the conseil d’état was to give France in the late 1720s the appearance of a gerontocracy. The four most important members were all in their seventies, Tallard and d’Huxelles both having been born in 1652. But this is to anticipate, for the composition of the reformed council was not to be known until late September 1726. There were other contenders for these posts.

For Fleury to be able to direct the government, even with the simple title of minister of state, it was necessary for him to become a cardinal. As a mere bishop he would not have had precedence in the council of state, which in turn meant that he would not, according to the traditional order of the council, have the right
to opine until those members of higher rank had done so. The inconvenience of
this was obvious and it was highlighted by the refusal of d’Huxelles to waive his
right of precedence in favour of a bishop. For the maréchal it was not a question
of personal considerations; it was simply that the contemporary social ethic did
not permit him to set any precedent which might later prove detrimental to the
prestige of his house and rank. Fleury may have had a personal ambition to
become a cardinal, although he repeatedly denied it, but there were other
problems posed by his lowly rank. In European politics it was not customary for
heads of state to enter into direct relations with men of greatly inferior standing,
and therefore the personal conduct of foreign affairs which he favoured
demanded that he be raised to a rank which would enable him to negotiate
directly with rulers. The usual solution to this problem in France had been for the
monarch to acquire for his minister a cardinal’s red hat.13 In this case Louis XV,
not without some skillful negotiations by Richelieu and Fleury’s old friend Prince
Eugène in Vienna, secured the nomination of Fleury by Austria to one of the
vacancies in the sacred college, which by custom were in the patronage of the
Catholic monarchs. But if the main reasons for the promotion were the conduct
of foreign policy and precedence in the councils, the other scarcely less important
advantages connected to the rank of cardinal should also be noted. Much of the
career of Fleury had been built on his attitude to the religious problems besetting
the French church, and the prestige of this position was indispensable if he were to
be able to take the lead in religious matters. In a hierarchical organisation he
would be in a better position to impose his authority on the bishops if need be,
and could enter into direct relations with the Pope.

The papal endorsement was received in France by 4 July, but not until late
September could Richelieu secure the agreement of the Emperor. On 20 September
after receiving a further letter from the Pope, Louis XV was able to give Fleury the
red cap in anticipation of the arrival of the formal documents. The anticipation was
necessary because the arrangements for dealing with domestic and foreign affairs
were then in some turmoil, owing to the difficulty in organising the councils before
the promotion of Fleury.14

From this survey of the character of Fleury and of his position in the councils, it
emerges that he was certainly capable of directing the affairs of France, if he were to
be allowed to. But was he to be allowed to? This was the question which dominated
the thinking of courtiers in 1726. Capable though he was, the only firm basis of his
position was the favour of the young King. It was not yet apparent that this was to
remain secure and the history of courts taught that it was rarely an unshakeable
foundation. In France, basing a position in the government solely on royal favour
was often like building a house on sand. To rivals for power in 1726 there seemed
every possibility that Louis might be led either to abandon his old preceptor or to
develop a preference for a successor to him. It would be a mistake to think that
Fleury could be sure of his position at this early stage.

The only other study of faction in this period has concentrated upon the struggle
for the succession to Fleury, which occurred in the last years of his ministry. The
period of struggle in the early 1740s and its outcome were to set the tone for politics to the end of the reign, but it is also true that a very real struggle was taking place during the two years after 1726, whose outcome determined the shape of court politics for more than a decade. For those interested in political structures, the factional struggles of these early years should not be divorced from those in the later period because the relations between the various groups and the configuration of the factions themselves owed a lot to their earlier history. The subsequent ambitions of a Richelieu, a Belle-Isle, a Noailles or those of the Secretaries of State as a group take on colour and significance only in the light of earlier reverses or of their degree of influence under the political system of Fleury. Faction was always present, and there was a remarkable continuity in the principal factions over a generation. Viewed in the long term, faction in politics emerges as a phenomenon which has general characteristics and which can be shown to have constituted a tendency in the political system of the French court. It must be an integral part of discussions of the politics of the ancien régime both because it represented precise interest groups which influenced policies and because faction in general formed a permanent threat to stability.

The politics of the late 1720s were deeply affected by two factors which have so far been ignored by historians. Besides the obvious aims of Fleury to direct policy in the interests of the French state, we should take into account the need to popularise a new ministry and the desire of Fleury to emancipate himself from the tutelage of a dangerous faction. It will be remembered that the previous ministry had given rise to a great deal of opposition led principally by the House of Orléans in alliance with the princes légitimés. The Orleanists supported the ministerial aspirations of Le Blanc and the Belle-Isle. The members of this group had hoped that by lending their support to Fleury they might gain a considerable advantage from the change of ministry and even put pressure on him to implement policies favourable to them. In order to be sure of the success of his ministerial coup the cardinal had been obliged to come to terms with them. He almost certainly realised that however powerful his position with Louis XV might be, he could not govern alone: he had no large household, no parti, no fund of patronage to tie men to himself, and without this, few courtiers would be prepared to take the risk of becoming closely tied to his government. Yet he needed ministers. Furthermore, would the confidence that Louis XV had in Fleury survive a concentrated attack by the two most powerful groups at court, the Condé and the d’Orléans, if he allowed them to ally against him? There is no evidence that Bourbon was actively intriguing against Fleury at this time, although the House of Condé remained a serious potential threat to Fleury. By breaking with Bourbon, Fleury had to march with the Orleanist cabal.

These considerations were behind the appointment of two representatives of the cabal to office in 1726—Le Blanc and Desforts. To confirm this view, derived from the logic of the political scene and the Richelieu correspondence, in the Spanish archives there is a twenty-seven page memoir on the court of France. It said that Fleury had been obliged to share power with the two men ‘because he found it
necessary to buy the support of the Orleanist faction to protect himself against that of the duc de Bourbon'. There is plenty of evidence that these men were likely to be dangerous allies, whose aim was nothing less than the control of the government. Le Blanc was extremely ambitious. Richelieu, analysing the new ministry, was not happy about the return of Le Blanc to the war office: 'the latter is not a man to be led as one wishes, and I count on his friendship, but I do however know the danger there is in having against one a minister who is as scheming as this one, and how much that can lead to annoyances'. The author of the memoir in the Spanish archives was in entire agreement with Richelieu; Le Blanc, he wrote, is 'a man who joins to a mind that is extremely determined, active, penetrating and capable of a great deal of work, who has affable and insinuating manners that have attracted the friendship of all the officers, the most complete and declared devotion to the duc d’Orléans'.

There was a plot by the cabal to introduce the two new secretaries of state into the conseil d’état and substitute one or other of them in the confidence of the King to replace Fleury ‘when he leaves us’. In his reply to the letter from Silly reporting this, Richelieu agreed about the efforts which ‘Le Blanc and Belle-Isle, fertile in schemes, are going to invent to try to make themselves masters of the Council…’ [The position of Morville the Foreign Secretary was therefore important, he wrote], ‘you know what schemers the Belle-Isle and the whole cabal are, he [Morville] has everything to fear, as I see it, for they will be well aware that as M.de Fréjus is seventy years old, they can never assure their position perfectly without being master of foreign affairs, so they will want to put in somebody of their choice’. Another observer, Richer d’Aube, came to very similar conclusions, although being absent from court in this period he was unaware of the d’Orléans connection:

Such were these two new ministers that if they had been good politicians they would have soon been in a position to subjugate their superior, and to have the major part in influencing all the operations of government, since their departments were the most important, since they were the creatures of the first minister alone, the public voice being favourable to them, and they had been close friends for a long time.

Fleury therefore had to cope with ambitious men who sought to exercise real authority in office. Behind them lay the power and influence of the Orleanists and all who held to them: ‘the Luynes, the Chaulnes, the Mortemart, the Charost, the duc d’Humières, the Saint-Simon, the Luxembourg and all those who hold to these families directly or indirectly are for M.Le Blanc and Desforts, under the mask of being allied to M.de Fréjus. The Maréchal de Berwick who has always been linked to him, is no less so with M.Le Blanc’. The policies of the factions remained as they were before the fall of Bourbon, and have been outlined above. The aims of the Orleanists dictated the choice of the foreign policy which they would have liked to see practised. That was the main
motive, and it is an interesting comment on the relative importance of factions and policy in the eighteenth century. Foreign policy was an area where the princely houses had a personal view, having links with foreign houses and consequently their own international priorities. This was particularly offensive to the crown because it violated the time-honoured principle that subjects should not make alliances or have direct dealings with foreign powers. Thus, for the House of Orléans foreign policy was to serve factional interests, although this need not necessarily imply that their policy was automatically against French interests. More precisely, the House of Orléans wished to provide for itself the best chance of succeeding to the throne of France in the event of the death of Louis XV. This seemed not unlikely in 1726, given that Louis had as yet no heirs, was prone to fall ill with a certain regularity, was addicted to the dangerous sport of hunting and, still more worrying, had not yet caught that great scourge of the early modern period, smallpox. These circumstances were to remain unchanged until Louis contracted and rapidly recovered from the disease in November 1728, and a dauphin was finally born in 1729. Even then the succession could not be regarded as completely assured. So for these years the principal obstacle to the Orleanist succession seemed to be the person of Philippe V of Spain who, according to the fundamental law of France, it will be remembered, would inherit the throne before the d’Orléans. Some jurists would have claimed that the fundamental law of succession superseded all civil acts affecting the succession to the throne.

If Philippe had doubts himself, he was nevertheless interested enough to try to prepare a group of supporters in France in 1727 and 1728, and a great number of the French aristocracy considered this fundamental law to be above any renunciation. This situation dictated a foreign policy for the Orleanists. If a war were to be fought with Spain, then Philippe would become so unpopular that their chances would be much improved. Therefore the cabal was anti-Spanish in the 1720s and formed much of the war party in France. In June 1727 Silly noted that ‘Le Blanc, Maréchal de Berwick, the whole military party favoured by them earnestly wished that France might attack the Vienna alliance’. It was hardly surprising that the war minister should have a large following because his ministry was ‘the one on whom the whole French nobility depends in some way’.

Fleury obviously had a good deal to fear from this group. Le Blanc and Desforts openly divided people into two classes: if they were not friends they were enemies. (This was a mistake from which Fleury was to profit later.) To emancipate himself from the support of such dangerous allies, Fleury had to make concessions and popularise his government at court and in the country at large, in order to give himself time to establish his own firm control over the court. At the same time he had to provide for the execution of policies which would secure the interests of the French state. Such a mixture of considerations reflects the true nature of French politics in this period.

It is therefore in the context of the aims and position of Fleury, as well as different ideas on the economic situation, that the financial policy of these years is to be explained. The financial measures represented an attempt to placate the cabal,
avoid the mounting opposition of the church and provide for the finance which would be urgently needed if a war were to be fought. It is clear from the reports of Richelieu to both Noailles and the ministry that the degree of Austrian belligerence was directly related to the state of French preparedness for war. If France could give the impression of having solved her financial problems, the chances of avoiding war would be immeasurably increased.

Almost the first step taken by the ministry of Fleury was to suspend the collection of the *cinquantième*, whose unpopularity has already been noted. The imposition of this tax had been justified in constitutional terms by the fact that it was a time of great necessity and government indebtedness and that it was to be only a temporary levy with a fixed expiry date. Consequently, there had been no resistance in principle from the parlements. Difficulties of collection were evident and, to judge from the reports of the intendants (it remains to be seen whether some of these might not have been inspired by the factional opponents of the Bourbon ministry), these were due as much to the economic state of France as to the nature of the tax itself. Unwillingness to pay during an economic recession, it seems, led to widespread non-co-operation by the proprietors who would have gladly seized on any opportunity to avoid declaring their wealth.25

But it was the Assembly of Clergy which did most to undermine the tax in its principle of taxing all orders regardless of traditional immunities. This tax was a much more vigorous attempt to pursue the principle than the taxes of 1695 and 1710, when the government had been only too pleased to effect a compromise. As it was still to be in 1787, the real fear of the church in France was of the *cadastre*, the register of landed wealth which was necessary if the tax was to be equitably levied. Even before the fall of Bourbon, Pâris Duverney in his private memoir to the Duke pointed out that their resistance, and the state of doctrinal divisions, were valid reasons for abandoning this course.26 With Rome adding its weight to the protests, the continuation of the tax promised to be risky. Perhaps a certain measure of success could have been expected from the pressure of a determined ministry, even if it took a few years. In fact, Fleury was obliged to suppress the *cinquantième* on church wealth as much because of his political position as because it was proving difficult to collect. With a serious threat of foreign war, the risk of disorder and non-co-operation could not be taken, and as a cardinal he would have been expected to protect the First Estate from the depredations of the state. It was wise to fulfil these expectations if he were to avoid conflict with Rome and retain the support of the French clergy for his policy on Jansenism. For Fleury was continuing the policy of persecuting the recalcitrant Jansenists and trying to unite the bishops behind him in order to moderate the violence of the extreme constitutionnaires; to do this he had himself elected president of the Assembly of Clergy which met in September 1726. Consequently, the preamble to the declaration on the clergy at Fontainebleau on 8 October 1726 confirmed entirely and for future ministries the immunity of church wealth from any tax on property.

For the rest of the population, the *cinquantième* was modified in 1726 and abandoned in 1727. This was a popular measure undertaken in full awareness that
it was so, like the reduction of the taille which was introduced as soon as the shadow of war seemed to have passed. ‘The peace, followed by the suppression of the cinquièmeme and the reduction in the taille has given the public a grand idea of the cardinal-minister and has rendered him as respectable and dear as ever the cardinal d’Amboise once was’, observed the author of a memoir on finances.27

Another popular measure was the persecution of the Pâris brothers who were deeply unpopular with public opinion: the Parisian masses and the cabal alike. Immediately on the change of ministry the four of them were exiled to four different towns. In July 1726 Pâris Duvernay was imprisoned in the Bastille, in one of the more disagreeable dungeons. After several months charges were trumped up against him concerning the alleged illegal use of funds. During the case the authorities made use of many of those methods so typical of ancien régime monarchies: he was deprived of company, of legitimate means of defence in the case and allowed no access to his papers to prove his innocence. As the historian Ravaisson points out, ‘the legal pursuit of the traitants charmed the bitterness of the tax-payers and made the often misleading mirage of a disinterested government shine before their eyes’.28

Duvernay was acquitted on 11 March 1728 when one of the other accused disclosed in court that he had been offered his liberty if he would accuse Duvernay.29 The acquittal was not in itself an important failure, but it does show that Fleury’s ministry was no better at handling a political trial than Bourbon had been in the case of Le Blanc.

A further important measure was the reversal of the system of the government régie for tax collection and the selling of this function to a body of general farmers. The administration for the collection of several of the more important indirect taxes that were farmed out as the ‘General Farm’ was a royal bureaucracy. The difference between a régie and administration by a company of general farmers was that under a régie commissioners directed this bureaucracy and received a salary while the government assumed the costs of collection, whereas the alternative was management by a company which also guaranteed the government a certain tax receipt every year and paid the costs of collection. From the ministerial point of view the chief advantage of a company was that the general farmers represented a source of credit for the government.30 The régie had been particularly espoused by Duvernay, so again this step represented an attack in retrospect on previous policies.

Historians have long recognised that the new lease, sold at 80 million livres, was about 10 million undervalued, but this was for reasons which have been ignored. In the ancien régime, every time there was a war, the government needed money quickly and was not in a position to bargain. Villars, who was present at the council meeting, wrote that ‘the lease was indisputably necessary to re-establish the circulation of specie which had utterly ceased’.31 Most of the members of the company which took on the new lease were the very same commissioners who had administered the régie intéressée since 1723. The change in 1726, therefore, did not represent a change of personnel but reflected a dislike of reform and the urgent need of the government for credit. In the long run the government wanted to re-establish a group of financiers capable of supplying the state with large amounts of credit in
an emergency. Under the ancien régime, in the absence of a state bank, such a class was considered necessary.

In short, the financial policy of the ministry of Fleury represented a complete reversal of the policy of reform pursued for four years under the direction of the Pâris brothers. Moreover, there are great similarities between Fleury’s financial policy and the policy of the ministries in the seventeenth century when government was driven from expedient to expedient. Several of the chief characteristics are present: an arbitrary reduction of rentes, the leasing of the general farm, the caressing of the hommes de finances and the persecution of a leading financier in order to raise public confidence in the government. The return to the old financial system was popular, and as it gave Fleury popularity it provided him with strength and security. Having decided not to pursue reform of the long-term financial problems of the state and thus having reduced the risk of internal disorder in a way which brought him ‘credit’, Fleury was in a better position to exert his authority and buy off those groups at court who threatened to circumscribe his freedom of action.

The Cardinal did not make ministerial concessions to Le Blanc and Desforts over the summer of 1726. In fact, by a stroke of good fortune, the secretary of state for war was seriously ill and underwent two operations in August. Far from being a pliable figurehead for an ambitious group, Fleury, whose true character had remained something of a mystery to courtiers until then, proved determined to establish a firm grip on power and brook no interference. Since 1723 he had always been present when others worked with the King at the business of government, and he arranged with Louis to continue this practice. Louis made it clear on a number of occasions that he would not deal with matters unless they were brought to his attention in the presence of his former preceptor. This system applied equally to the distribution of favours and so, having taken on the feuille des bénéfices, Fleury was master of both ecclesiastical and lay patronage at court.

Although Fleury had the final say in these matters, it would have been impossible for him to find candidates for places and ideas for policies had he not been aided by advisers. His choice of counsellors was therefore of great importance at court. Were Le Blanc and Desforts to play a part in the formulation of policies, as they were hoping, or would Fleury look elsewhere? In the event, it was soon noticed that d’Huxelles was the adviser with the most influence. One of Richelieu’s correspondents reported that ‘Foreign affairs are dealt with twice a week by the maréchal d’Huxelles in M.de Fréjus’s apartment where Morville is also present; this maréchal will have a seat in the Council only when M.de Fréjus has received the cardinal’s cap’.

It would appear that the council of state met in its old form, without the presence of the due de Bourbon of course, during the summer of 1726. It seems certain that, during the interim period before Fleury was raised to the purple, the council of state was reduced to a body which merely endorsed the decisions taken in private consultations, usually at the residence of Fleury. This avoided the problem of precedence.

119
By late July it seemed to Richelieu that the Orleanists would not gain by the change of ministry, for Fleury was relying on the King and displayed only devotion to the state. In September he wrote to Silly commenting on the relative lack of influence which had accrued to Le Blanc and Desforts. By his strength and determination, and aided by the constancy of the young King, the Cardinal had put himself in a position where he could afford to ignore their ambitions. Most courtiers were probably caught unawares by this side of Fleury, as Richelieu implied in a letter of 24 September 1726:

M.de Fréjus’s conduct towards that of M.Desforts and Le Blanc doesn’t surprise me at all; it conforms exactly to what I know of his character and what I told you, and probably no one will have credit over him except in those matters that he cannot do himself, for he has principles that are entirely his own, and he has more than enough intelligence to understand those matters that he has the time and the strength to examine and will not consider his humour, nor will he ever act from anything but a sense of justice; thus he will not be led by anyone else.

Although still seriously ill, Le Blanc tried to give the impression of a miraculous recovery and worked for five or six hours a day during the week before the first meeting of the council of state after Fleury had received his promotion. Nevertheless, his hopes were dashed, as the King called only two men to the council: Tallard and d’Huxelles.

Fleury was not prepared to make concessions on foreign policy to the cabal, but he was prepared to make other concessions. The most important of these concerned the financial affairs of Le Blanc and the Belle-Isle. In spite of the resistance of the maréchal de Villars, Desforts was allowed to push through the royal council of finances the ratification of a very favourable exchange for Belle-Isle. In return for the island of Belle-Isle the comte had received a large part of the former domain of the late duc de Berry. The ratification of this affair, begun under the Regency, had been delayed during the Bourbon ministry, but now it was confirmed. This settlement assured for Belle-Isle the income, rank and status of a very great lord and enabled him to retain a large number of secretaries and construct a network of correspondents which he hoped would enable him to be useful to the ministry. Furthermore, by means of the influence of Le Blanc, the judgement on Belle-Isle for fraud, delivered in 1725, was reversed—a decision which saved him the 600,000 livres which he had been condemned to pay as an indemnity. It was all a manoeuvre that well illustrates that neglected but indissoluble link between the family fortunes of the court aristocracy and ministerial politics.

By 1727 the situation for Fleury had improved considerably. He had allies in the council so that he did not need to fear the reversal of any decisions which were important to his foreign policy. Since his character had remained such a mystery to most observers until well after the coup, opponents had been taken by surprise both
by his unexpected intransigence and by the exceptional confidence which the King displayed in him. Le Blanc and Desforts had made many enemies by their attitude to other courtiers. People now reported to Fleury their faults which had not been mentioned before and their prestige at court went into decline. Le Blanc was no longer a serious contender for influence.

However, the power of Fleury had to survive one more test before it could be described as secure. Letters analysing the intrigues in 1727, written by the comte de Marcillac, a client of d’Huxelles, were sent to Philippe V and were preserved in the archives. From them, as the historian Baudrillart says, it is easy to see that ‘the Cardinal de Fleury, in spite of the major concessions at the beginning, was far from an understanding with the House of Orleans’. The cabal was worried at the developing reconciliation between France and Spain and hoped to upset it. Apart from arguing for war, they hoped either to replace Fleury with one of the princes légitimés (du Maine or Toulouse) or to induce him to share power with the duc du Maine. Probably the royal visits to the château of Rambouillet, the Toulouse residence much liked by Louis XV for its informal atmosphere, encouraged these hopes.

It was natural for courtiers to suppose that even in 1727 these visits reflected their influence, but this was not so. Louis was extremely wary of all who approached him, letting no one into his confidence and dispensing no graces and favours of any significance. According to Silly, he went to Rambouillet to escape work and to enjoy himself with a few courtiers he was familiar with. ‘Those who have the honour of accompanying him are no more solidly advanced for it; no preference, no mark of confidence for a single one of them: his valets and all those who approach him more closely, are in the same situation, and up to now no one can boast of having received either friendship or confidence, which is a most extraordinary phenomenon from someone who is only seventeen.’ With this kind of constancy from his master, Fleury had the freedom to outmanoeuvre his opponents.

Until this point, Fleury had appeared to want to placate everybody, but now he struck back. He retaliated with a dramatic concession which was designed to deprive the Orleanists of their figureheads, the princes légitimés. On 14 April 1727, Fleury surprised everyone by restoring the privileges which they had lost in 1715. They were to be equal in all honorific ways with the princes of the blood, except that within this enlarged group the princes of the blood retained precedence. Not only did this decision demonstrate clearly that no one apart from Fleury and the King would ever have a part in the distribution of favours, but it was also completely successful in drawing du Maine away from the Orleanists. The letter which he wrote to Mme de Caylus on 18 April is proof enough of this. The cabal was thus a party without a candidate of sufficient ministerial status and experience.

Henceforth the position of Fleury could be regarded as secure. Silly explained to Richelieu in early May:

The cardinal is more than ever the master, and only confides in each of the ministers or under-ministers as much as the details they are charged with
require; until now he has conserved full control over all business, in a word, no one governs him. Maréchal d’Huxelles has fallen considerably in esteem…Le Blanc’s credit is diminishing every day, he sees it, he feels it, it is draining him away. Desforts maintains himself, but the cardinal knows that. Morville is one of the most in favour and, whatever anyone might tell you, I believe his situation to be most solid…No one but the King has any influence over him, and no one but the cardinal has any credit with the King, and important matters are decided between them.44

Having thus successfully defended his position and emancipated himself from the intrigues of court factions, Fleury was now sufficiently powerful to begin the reconstruction of the ministry in accordance with his own aims. This he did between the summer of 1727 and March 1730. The reorganisation involved the replacement of the Keeper of the Seals, the Secretary of State for foreign affairs, the Secretary of State for war, and the Controller-general, and also the recall of the exiled Chancellor. The only ministerial appointments which were confirmed were the two jointly held secretaryships for the marine and the King’s household, the one relatively unimportant secretaryship of state which had only provincial responsibilities, and the lieutenance général for the police. The holders of these posts remained in place because Fleury was satisfied with their talents and felt no objection to the views they expressed. He had a liking for the young and talented Maurepas, Saint-Florentin was a mere administrator, and Hérault the lieutenant-general of police worked very closely with him. Their role in the government will be discussed in greater detail in the next chapter.

The ministerial changes began with the pressure for the recall of Chancellor Daguesseau. He was spoken for by the Noailles, a large family with ambitions to power, who were at this time helping Fleury by exerting pressure on the recalcitrant pro-Jansenist cardinal de Noailles to accept Unigenitus, and thus were maintaining their influence.45 Fleury agreed to the return of Daguesseau provided that he was not repossessed of the Seals, because the Chancellor was reputed to be pro-Jansenist. His arrival on Thursday, 14 August was the occasion for the voluntary resignation of d’Armenonville, the Keeper of the Seals, who presumed that by resigning he would honourably facilitate the return of the Seals to their former guardian. D’Armenonville was obviously unaware of the arrangement between Fleury and the Noailles and the minister did not enlighten him. Neither the Keeper of the Seals nor his son Morville had the full confidence of Fleury, who told the Bavarian ambassador that he felt obliged to conceal much of his intentions from both of them. The offer of resignation, brought to the King on his father’s behalf by Morville on 15 August 1727, was therefore accepted. No doubt the Cardinal-minister had already considered the question of who was to be made Keeper of the Seals, for on Sunday, 17 August Germain Louis Chauvelin was appointed, and on Monday morning he took his oath.46

Although many thought that this appointment was the work of a faction, since d’Huxelles and Tallard had been recommending him for ministerial office for some
time, the choice was probably uniquely that of Fleury. It is said that he had known Chauvelin since the time of the Regency and there is a definite record of contacts between them in 1722. Fleury is reported to have had a very high opinion of him and undoubtedly Chauvelin was a man to be respected, as all the descriptions attest. Born in 1685, Germain Louis Chauvelin had made his career as a royal lawyer, becoming master of requests in 1711 and an avocat général in the Paris parlement in 1715. Richer d’Aube paints a fascinating picture of how Chauvelin’s ambition carried him up the ladder to power. As master of requests, late in the reign of Louis XIV, he willingly risked royal displeasure by speaking out against the Jesuits at a hearing held in the King’s presence. This bold action distinguished him from his brother who was then avocat général and had spoken more dutifully for the Jesuits. (Perhaps this is a good example of family strategy to ensure that at least one of them was on the winning side.) This put Chauvelin in favour with the majority of the robe judges, who were staunchly anti-Jesuit. In the role of avocat général after his brother’s and the King’s death he made a good reputation, although he was less of an orator than his brother. The next step in his career would be to become président à mortier in the parlement, a post he accordingly sought to buy. There was only one possibility—a disreputable magistrate of good birth held such a post. He used every means, ‘even the lowest’, to convince him to sell, and was successful. Such an office could be bought even by a magistrate without a great deal of money, banking on the rich marriage he would be able to make and which Chauvelin accordingly made. Still driven by ambition when most men would have sat back to enjoy the fruits of office and reputation, Chauvelin tried to become First President of the parlement. ‘He could think of no other way than to intrigue for it at court and to reveal the secrets of his company.’ President Hénault, then one of his colleagues, says that he was on the point of success when the Regent died and Bourbon appointed another candidate. ‘He saw that all that was left was to turn his ambitions towards ministerial office, and did this keenly. He attached and devoted himself to persons who appeared to have the most effective credit with M. le cardinal de Fleury’. He demonstrated his capacity for work by serving the interests of important allies, and by cataloguing and studying a huge collection of manuscripts on public law bequeathed to him by Harlay, former First President of the parlement. ‘It was bruited that president Chauvelin worked at nothing but public law’ Everyone agreed that he was intelligent, even Walpole who disliked him. ‘He was extremely good at politics, with the gift of superior intelligence, but to be feared.’ Chauvelin was therefore appointed because he had the necessary knowledge and knew how to profit from the Cardinal’s need for his legal erudition, energy and intelligence.

It has usually been thought that his appointment was partly a step designed to facilitate relations with the Paris parlement because of the connections which he must have retained there. This is no doubt correct and in the crisis of 1732 he was able to provide the government with several agents in the courts who relayed invaluable information. However, although the first reaction of the parlementaires in 1727 was one of pleasure because it was thought that he
would render them services with the ministry, in the long run the judges came
to detest him and his appointment was ultimately to arouse considerable
animosity. It was thought, quite rightly, that he had betrayed the code of the
institution and sold himself to the government. Maupeou was to do the same a
generation later.

If the selection of Chauvelin as Keeper of the Seals is easy to comprehend, that
he should, only two days later, be appointed secretary of state for foreign affairs is
not. The circumstances were perhaps fortuitous, the occasion being the acceptance
of the resignation of Morville on Tuesday morning. He had decided to resign
because he was insulted by the disregarding of his father’s honourable intentions
towards Daguessseau. At 9 p.m. that evening his office was given to Chauvelin. As
Richer d’Aube remarked, it was not surprising to appoint a leading magistrate to be
garde des seaux—but that he should be appointed to the department for foreign affairs
was a great surprise, since he had no experience in the field at all, never having been
even an ambassador.

The explanation is simple—it was precisely because Chauvelin had no
experience that Fleury wanted him. The Cardinal would have known that he could
rely upon his capacity for work and could have complete confidence in his secrecy,
and that was enough. The appointment is proof of Fleury’s ideas on the
government: Chauvelin was to carry on the detail of the department while Fleury
was to reserve for himself the formulation of policy. Thus he left himself with more
free time to devote himself to policy-making in other areas.

The recall of Daguessseau and the appointment of Chauvelin were the first
important steps in the reconstruction of the ministry to the taste of the Cardinal.
At that time there was no doubt of the subservience of Chauvelin to the will of the
unofficial premier ministre. Such was the delicacy of his position that Chauvelin
could not afford to cultivate an independent line and still hope to remain in office:
Fleury was his only support. After the fall of Chauvelin in 1737, Richer d’Aube
pointed out in his commentary that the minister had failed to appreciate the
realities of his position and the paramount importance of remaining in submission
to the will of Fleury. At the time of his appointment, the Prussian ambassador
came to the same conclusions. ‘So long as M.le cardinal is the master as he is,
there is every appearance that this new minister can only conserve his position, in
so far as he gives no hint of wanting to stray from his principles and a great
submission to his wishes.’

In the person of the new garde des sceaux and secrétaire d’état Fleury had a man
likely to execute his plans; in the reinstated Chancellor he acquired another. The
circumstances of his recall were such that Daguessseau was unlikely to have the
opportunity to display the independence for which he had become famous as an
avocat général. Precedence in the council of state was given to Chauvelin by means of
conferring on the Keeper of the Seals the survivance of the chancellorship: this was a
clear indication of the terms of his recall. In any case, the Chancellor was a changed
man in 1727, for five years of exile had left their mark. Having immersed himself in
study he had lost his desire to plead causes and was ready to make compromises in
order to preserve his position at court: ‘he’s just a well of learning, that’s all’, observed Barbier.57

During 1727 the ‘credit’ of Le Blanc declined steadily thanks to the hostility which he had aroused among jealous, politically inclined courtiers who took care to emphasise his faults to Fleury. ‘His discredit increased daily and all that he did that was lowly and perhaps unjust towards persons most obviously in favour would probably not have prevented him from being shamefully displaced had his poor health not indicated an early death. Having returned to court in June 1726 covered in glory, he died despised in May 1728. And convicted of having at the least been lacking in economy with the expenditure of his department.’58 Thus the ministry of Fleury led to dashed hopes, frustrated ambitions and an inglorious end to the career of one of the most intelligent of the political intriguers to be involved in politics since the Regency.

His successor was Bauyn d’Angervilliers, who at 53 already had twenty-five years of experience as an intendant. He was well acquainted with military affairs because his main posts had been in the frontier provinces, at Grenoble and Strasbourg. He had administered Grenoble during the wars of Louis XIV, when the généralité was very important for the Italian campaigns, and he had learned to surmount enormous logistical problems. Next he had taken up the intendancy of Alsace, with its large garrisons and fortified towns. According to Richer d’Aube, d’Angervilliers was a man who well understood the need to deal with the various provinces in his department in a manner which took account of their differing customs and laws and he was consequently prepared to accept modifications in the execution of general policies or particular arrêts. He also appreciated the fact that it was unwise to attach equal weight to the reports of all the intendants, since they were not all equally trustworthy. Although he was intelligent, he had an air of flippancy which told against him in court politics.59 His appointment was generally applauded and a month after d’Huxelles retired from the council of state on 29 November 1729, he became a minister of state. Like the other appointees he was neither of the noblesse de cour nor an adherent to any powerful faction, and consequently was indebted to Fleury for his place.

The final ministerial change during the period when Fleury was establishing his grip on power, was the departure of the contrôleur général Desforts and the substitution of Philibert Orry. Publicly, Desforts remained firmly in favour until 1730 but discerning courtiers speculated on a decline in his ‘credit’ from early in 1727. It was impolitic to discredit a contrôleur général entirely, observed Richer d’Aube, and unwise to change the holder of the office too often.60 Such changes could have an adverse effect on the supply of financial credit to the government. A controller-general would build up his own financial clan upon whom he would rely for sustaining the finances in difficult times, in return for channelling profits their way. These reasons, combined with the fact that there was no suitable successor to hand, persuaded Fleury to retain him for some time.61 Yet the Cardinal was said to be unimpressed by his performance.62

Desforts had proposed no more than temporary expedients to right the financial
situation and his years in power had seen little or no improvement in the availability and circulation of specie in France. In addition, he had against him the animosity of Chauvelin. In 1730 his fall became almost inevitable when a stockjobbing scandal came to light in which he was certainly, but perhaps unwittingly, implicated. There was at that time a steady market in the shares of the Compagnie des Indes which had been exploited by a group of stockjobbers for about two years. But, on 10 March 1730, these people were due to pay for a large number of shares of which a sum equal to half the share capital ought to have been deposited as surety with the commissioner of the company. The latter was corrupt and had allowed (or had been ordered to allow) them not to deposit their security and so on that date they would have been obliged to sell a lot of shares quickly in a market which had suffered from their previous manipulations, incurring a large loss. On 9 March the contrôleur général issued an arrêt making this sort of stockjobbing illegal, but the arrêt also cancelled all outstanding contracts. That meant that the sellers and not the stockjobbing buyers would have to sell their shares at a loss, or keep them with their fallen value, and the stockjobbers would lose nothing. A number of people were sent to the Bastille when this was discovered. At this juncture Desforts asked to resign and was taken at his word. The scandal was handled in secret, the prisoners were at last set free and the whole affair died down without anyone being either exonerated or punished.

The appointment of Orry on 20 March 1730 seems to reflect the preference of Fleury for ministers lacking in both originality and the desire for independence. Although he was the son of Jean Orry who had managed the Spanish finances after 1708, he had not pursued his father’s vocation. After an undistinguished career as master of requests, the younger Orry had become intendant at Soissons, which was a post requiring no more than routine administration. In 1727 he had acquired what he thought was a more important généralité, Perpignan, because it was a frontier province and was therefore threatened with invasion. In 1730, when passing through Paris on his way to take up a third post at Lille, ‘the best in the kingdom’, he was given instead the commission of contrôleur général des finances. Apart from his obvious favour with Fleury, Orry also had the support of Chauvelin. The latter, ‘who busies himself only with the care he takes to invade everyone else’s authority’, was only too pleased to have the administration of finances in the hands of someone who was likely to be subject to his will and to that of the faction which supported him in his position of favour with Fleury. In the event, Orry was to display all the lack of originality predicted of him, but considerably more independence than Chauvelin might have hoped for.

The above account of the establishment of a ministry in accordance with his own views and nature shows how long it took Fleury to free himself from the web of court intrigues which had been spun during the 1720s. It would certainly be a mistake to conclude that he could rest assured that his position was secure from attack or that the later policies were entirely free from influence by the political configuration at court. That was never the case—as was to be demonstrated by a plot in 1730, and by the resurgence of powerful intrigues in the last three years of his
life during the Austrian war. Nevertheless, from the late 1720s it was apparent that he wielded all the powers of a premier ministre and that he had emerged as a fully independent force in politics.

Taken in their entirety, the effects of the ministerial coup did not represent a radical change in either the form of the government or of its personnel. In legal terms the commission of premier ministre had been suppressed and Louis XV had become his own first minister. That is to say, he consulted directly with the ministers of the various departments without the intermediary of an official premier ministre. In practice, as will be seen, he was always attended by the cardinal de Fleury during his travail. This arrangement meant that the Cardinal was de facto premier ministre. By mid-1727, certainly by 1728, most groups at court had little choice but to acquiesce in the power of Fleury and sought thenceforth to come to terms with him in order to preserve their power and status. It is notable that none of the new appointments after 1726 was forced upon Fleury. Even though he relied to some extent on recommendations, which was inevitable, and agreed to the return of Daguesseau who was a candidate of the Noailles faction, all of the new ministers were appointed on his terms and as new men they depended for security in their posts on him alone. The appointment of Chauvelin was the first and most striking gesture of independence in this domain, while the later changes served only to emphasise the strength of his position.

The evidence left by observers of the court accords well with this interpretation. In 1728 the court of Spain was sufficiently persuaded of his power to have sent him a document to be used in the event of the death of Louis XV, then ill, which conferred on him full powers to govern France until Philippe V arrived. One of the letters of Richelieu provides further evidence of the degree of ascendancy of Fleury at that time.

I'll admit to you that the wisest course for me, would be to have a good office at court, that would put me in frequent contact with the master (Louis XV). In the light of what you write to me and what others write, he will always be inclined to be governed, and it would be most unfortunate if I were unable to get into his good graces. I do not look for a place in the ministry, because they are all subordinated to the cardinal, and I do not believe them to be very stable with a master who could easily be turned against one. One would so to speak only drop in at court, and I want to stay there. Without having a department, being on good terms with the king, I will have influence everywhere, and I shall not fear disgrace so easily. I hope also to have a post as commandant or a governorship, and I'll do what I like there; being on good terms with the master, no one will dare to contradict me, and I have a great penchant for not being a subordinate.67

The conclusions to be drawn from this letter are that adroit and ambitious courtiers were by 1728 obliged to seek other routes to power than the one
provided by ministerial office. With the appointment of relatively new men of the administrative nobility, the era of Fleury saw the return to the structure of politics as it existed before the experiment of the Polysynodie, in which there was no direct link between membership of the well-entrenched court aristocracy and the holding of ministerial office.
THE CONTROL OF PATRONAGE AND POLICY

Louis XV; patronage; ecclesiastical patronage; a ‘third party’ in the church; forms of lay patronage; the patronage of Languedoc; spheres of ministerial influence; Daguessaussé; Maurepas; Saint-Florentin; d’Angers villiers; Ory; Chauvelin; Amelot de Chaillou; Hérald and the police; religious policy; influential nobles: the ducs de Noailles, d’Antin, d’Estèess; the comte de Toulouse; councils and legal form; the travail.

The way in which the cardinal de Fleury established and reconstructed a ministry against a background of factional conflict contributes an important element to the understanding of politics in this period. A detailed study of the extent of the power of the Cardinal-minister and the nature of its exercise is equally essential. Such an investigation is long overdue, as the ministry has never been fully examined.

Nevertheless, in the present state of research, even making full use of institutional studies and political biographies, it is impossible to construct an entirely clear image of the political processes. Certainly, some of the most basic information is available. The origins and social status of the ministerial families are known and lists are available of the membership of the various administrative bodies in the state. Details on the spheres of activity of the various departments may be found in general histories of the institutions, although these usually fail to record the considerable overlapping of competences and lack of precise definition that made conflict between ministers as much a feature as it was during the reigns of Louis XIV and Louis XV. Studies devoted specifically to the bureaucracy of this period are only slowly becoming available, and much remains to be done. Moreover, none of the ministers of Louis XV before the 1740s has yet been the subject of a satisfactory biographical and administrative study. There are not even sufficient studies to show whether or not they were competent in the performance of their duties. The systematic remedying of these lacunae would probably be the labour of a lifetime and is beyond the scope of the present study. It is, however, possible to investigate the degree of individual influence wielded in the councils and the extent of ministers’ administrative independence. Equally important, the question of non-ministerial influences in the government can be addressed, especially the significance of factions at court. The answers to such questions do not lie in any
single fund of documents, and a much wider range of material must be examined than is customary for more traditional institutional studies.

No study exists of six ministers whose functions embrace the administration of finances, war, the police of Paris and most of the provinces of France: Orry, Breteuil, d’Angervilliers, Hérault, Amelot and St Florentin. The only ones to have emerged in any detail are Maurepas, Daguerre and Feydeau de Marville. Research on the first, chiefly by North American historians, has concentrated upon his role as secrétaire d’état for the marine with responsibility for the western colonies and commerce. As secrétaire for the maison du roi with heavy provincial responsibilities, including Paris and the Ile de France, Maurepas remains obscure. Unfortunately, Daguerre emerges chiefly as the leading eighteenth-century writer on jurisprudence, although, as Chancellor, he was in fact the first legal officer of the realm.4 Feydeau de Marville was to succeed Hérault as lieutenant-general of police in 1740, and thanks to the survival of several volumes of correspondence and the reports of his police spies, his share and range of activities are tolerably well known.5 The only other minister to be reasonably well known is the garde des sceaux, Chauvelin, and this is ironic because his papers have never been found.6 Attention has been focused upon him by studies of French foreign policy, yet his position as Fleury’s aide in internal affairs has been generally ignored. Even in the restricted area that has been studied, many false assumptions have long gone unchallenged and some glaring errors still prevail in assessments of his role.

The careers of the other ministers of state—Tallard, d’Huxelles, d’Estrées and d’Antin—have never been analysed. Nor has there been any discussion of those men and women who possessed great influence in politics either directly as advisers and prominent courtiers—such as the ducs du Maine, de Toulouse, de Noailles and de Richelieu—or indirectly, as personalities at court controlling powerful aristocratic houses. The households of the due de Bourbon, the due d’Orléans and the prince de Conti richly deserved closer investigation.7 But the three dowager duchesses of Orléans, Bourbon-Condé and Noailles were all formidable ladies who wielded immense patronage and were indefatigable defenders of their families and influence—forces to be reckoned with even for Fleury. Others at court played a less obvious part in politics, tireless writers of memoirs like the marquis d’Argenson who wrote on the affairs of the parlement, or Silhouette on finances. In spite of the loss of many of his papers in the fire in the Louvre it is surprising that d’Argenson should not have found his historian. For the early period of his life there has been scarcely any advance on the brief sketches of him by Sainte-Beuve, which do not deal with his political role in the parlementaire crisis of 1732. Finally, although studies are rapidly becoming available which reveal the connection between financiers and ministerial politics in the seventeenth century, no work has been done on this theme for the years of Fleury. In the following pages, therefore, instead of entering into a large number of very detailed studies, I have tried to delineate the nature and extent of the power of the cardinal de Fleury in relation to that of the other participants in the political processes.
For this, a wide range of ministerial papers has been used, from the formal and informal records of the departments.\textsuperscript{8} Evidence concerning the structure of power is to be found not only in ministerial correspondence, but also in the personal memoirs and the ambassadorial reports of the time. Particularly useful for the later stages has been the correspondence of the various contenders for power (Richelieu, Belle-Isle, Noailles and Tencin), only some of which has been published. Research that has contributed to the earlier sections of this book, on the social mechanisms of ascension, political attitudes and the development of factions, provides an essential element of context without which the significance of much of this information would have remained obscure. It is hoped that the imperfect sketches presented here will encourage others to return to this fascinating period.

These early years of the King are shrouded in obscurity. None the less, he was far from being a cypher. Sixteen years old in 1726, 33 in 1743 when Fleury died. Louis XV represented the sovereign authority invested in the monarchy of France. During this period of his reign his power was more symbolic than real, in the sense that although Louis embodied the power of the monarchy since all decisions were attributed ultimately to his will, in practice he did not take decisions on matters of government. The absence of reports of him ever exercising his right of decision in the conseil d’état, when such an event would have been worth recording, seems to indicate that he played a passive role at meetings. Only after the death of Fleury are there records of his active participation and direction of policy. After the ministerial changes of 1726 he did begin to take a more active interest in the conduct of affairs, especially foreign policy, and continued to attend the councils assiduously. This attitude was short lived, although to the end of his life he always attended the conseil d’état. By 1727, there are reports of his lack of interest and by 1729, at an age when his predecessor Louis XIV had been growing impatient to govern, he seems to have renounced much of his active role in the ministry.\textsuperscript{9} This was not due to a deliberate ploy by Fleury to retain the maximum power in his own hands, as the Cardinal’s detractors have claimed. On the contrary, in the early years of the ministry, Fleury is reported to have been encouraging him to develop his interest in government.\textsuperscript{10} However, by the 1730s the function of Louis XV in decision-making was limited to his giving assent to all that had been approved by the cardinal de Fleury. It was not a glorious role but it was one which suited the temperament of Louis who was both timid and pleasure-seeking. Since he had not yet developed the sense of responsibility required of an active monarch, the conduct of French policy was best left in the hands of a man of judgement and experience.\textsuperscript{11} Louis should perhaps be given the credit for recognising this.

Turning to another aspect of kingship, Louis must have appreciated the importance of his own position as the ultimate source of patronage and crédit, because he chose for many years to be absolutely unwavering in his support for Fleury. Such constancy had a profound effect upon the complexion of politics at court and on the policies of the state. By making his attitude to Fleury plain he
ensured that the intrigues of the court factions were directed against the ministers subordinated to Fleury, where there was some hope of success, and not at the director of policy, where there was none. This led to a period of continuity in policy that was unusual in the eighteenth century. Fleury was also able to retain those of his advisers he wanted, without having to bow to factional pressure. It was only in the late 1730s that Louis’ support for Fleury began to slacken slightly and not until war broke out in 1741 that he became plainly ambivalent in his attitude to him. In the first of these periods it was a case of granting the occasional favour through channels of influence which sought to circumvent the Cardinal—sometimes against his wishes; in the second, when Fleury’s foreign policy seemed to be in ruins, the King was thought to be considering the recall of the intriguing, industrious, anti-Austrian Chauvelin who had a faction at court which Louis favoured increasingly. It took all the persuasive power of Fleury in 1742 to convince the King to renounce this group. Even this wavering in his support did not represent an increase in the active participation of Louis in the business of government. In 1742 Richer d’Aube could write: ‘This prince has nearly reached the age of thirty-three having preferred to do no more than attend some council meetings, without deciding on anything important’. Thus for the period of the ministry of Fleury it was the minister and not the King who decided on policy and directed the government. Louis remained at the centre of the political system—it could not have functioned without his active participation—but more as the preserver of balance and the figurehead than as the policy-maker.

As we have seen, Fleury, strengthened by the firm support of Louis XV, was able to construct a ministry amenable to his own wishes. The control of appointments to the ministry represents but one aspect of a vitally important dimension of the political system of Fleury: the control of patronage. From 1726 Fleury acquired complete power of decision over the distribution of all those graces which theoretically depended upon the favour of the King. This naturally excluded the appointments in the households of the Condé and the d’Orléans, and all those offices subject to *survivances* or protocol, but even so comprised a vast domain.

The first important area was ecclesiastical patronage: the distribution of benefices to all members of the clergy, from simple curés to archbishops, and of pensions paid from ecclesiastical incomes, which were sometimes given to laymen. Wielding the power of patronage, Fleury was able to exert considerable pressure and ensure that his religious policy was followed by most of the clergy. In the case of bishops and abbés this meant that he confined his appointments to those who were likely to purify their sees of Jansenism in as discreet a manner as possible. Appolos has shown that the Cardinal tended to favour the appointment of a ‘third party’ of doctrinally moderate bishops, such as Claude Louis de la Châtre to Agde, Armand Bazin de Bezons to Carcassonne, and J.G.de Souillac to Lodève. The best example of the importance of selecting bishops and archbishops, whose power was very wide within a strictly hierarchical church, is that of the designation of a successor to the cardinal de Noailles as archbishop of Paris. After winning something of a partial victory in 1728 by inducing the old cardinal to accept
Unigenitus, it was vitally important to choose a successor who could carry on the work of dampening down Richerist and Jansenist agitation among the curés of the capital. Fleury therefore chose his old friend Charles Gaspard Guillaume de Vintimille du Luc (1655–1746), the archbishop of Aix. Le Dran, one of the commis for foreign affairs, wrote in his extended memoir ‘Annales de l’Unigenitus’ that ‘The nomination of M.de Vintimille archbishop of Aix [to the archbishopric of Paris] in May 1729...was seen in the council of state as a way of reducing in one way or another, the curés of the capital’. Vintimille was a moderate anti-Jansenist, rather than a doctrinaire one, and was prepared to do his best to find a policy for his archdiocese which would complement that of Fleury. The correspondence between the Archbishop and the minister nevertheless reveals that Vintimille was by no means a mere client executing the orders of Fleury, rather he was an ally who could be intransigent if he thought he might be compromised. 

As holder of feuille des bénéfices Fleury was theoretically responsible for the choice of holders and conferment of all benefices. In practice he tended to take the advice of certain confidants or colleagues. During the first few years of the ministry these would have been the other members of the conseil de conscience: the cardinal de Rohan, cardinal de Bissy and archbishop de Tressan especially. The conseil seems to have ceased to exist at some time after 1733, although it is mentioned in the Etat de la France for 1736, and therefore one of its functions as a collective distributor of benefices must have ceased also. Perhaps before this, and certainly later, he relied heavily on the recommendations of a confidant, the abbé Couturier. He was the superior of the seminary at Saint-Sulpice, where Fleury often resided, and although not the Cardinal’s actual confessor he was said to govern his conscience. Bouffondor claimed that Couturier ‘was at the head of the department of all ecclesiastical affairs’. His antechamber was always filled with the grandees of the realm. This may be an exaggeration, but he was certainly an important channel of favour and there is more than one letter extant which reveals him in this role.

For the court nobility, as for wealthy bourgeois families, the church played an important role in strategies of inheritance, standing and advancement. As Sicard and Ravitch have shown, the 130 bishops of the higher clergy were almost exclusively composed of members of the nobility. Family strategies required the placing of younger sons who could not be given a large inheritance either in the church or the army. Not only were all the bishops noble, but almost all the important sees that carried with them not only ecclesiastical power but also secular influence and administrative significance were also in the hands of the higher nobility. Such bishoprics as those of Narbonne which held the presidency of the estates of Languedoc, went to trusted clerics, usually from influential nobles with a power base in the province. In Lyon the archbishop was a Villeroy, as was the governor; the appointments by Louis XIV of Colbert, bishop of Montpellier, and Noailles the archbishop of Paris had reflected the power and influence of their respective clans at court. Lesser ecclesiastical benefices were numbered in hundreds, such as that of vicar-general, which was so to speak the antechamber to the
bishopric, of abbé with perhaps a respectable income, and almoner in the royal household. These would be solicited in much the same way as Fleury’s office as almoner had been, but now it was Fleury who had the final word.

The co-operation of noble families would no doubt have been encouraged by the judicious withholding and according of benefices, or the refusal to consent to translation, and such had been royal policy for a long time. But under Fleury, ecclesiastical patronage formed an integral part of the implementation of religious policy. The enormous importance of favour in the development of an ecclesiastical career has already been demonstrated in the case of Fleury himself. The following letter from the recalcitrant bishop of Castres to Fleury reflects the same phenomenon from a very different point of view. The implication is that only by giving up ambitions to further promotion could even a bishop sustain his opposition to ministerial policy. The letter is also a good example of the limits of ministerial control over independent bishops.

A Bishop who has nothing to reproach himself with, who likes his residence and who has no ambitions at Court, has nothing to fear from anything Your Eminence writes to him; as Cardinal I respect you, as Minister I ask you for nothing, as Bishop I owe you nothing and I am your elder. As a Christian I answer only to God alone, it is to his heavenly tribunal that I labour to find favour, and we shall both soon appear before it; we should fear, Monseigneur, not to receive the same favour as in the eyes of men.20

By his recalcitrance, this bishop was an exception; most members of the higher clergy, predominantly aristocratic in their origins, were sufficiently worldly to be seriously concerned by the threats of the withdrawal of patronage and exile from the court to comply with ministerial policy.

By virtue of his control over appointments, Fleury was able to influence the decisions taken at the Assembly of Clergy in 1730. He had Vintimille strongly advise the members of the Assembly to elect him president, so that he might explain his moderate policy in the inaugural speech. By bringing the issues out into the open with crystal clarity he prevented ambitious opportunists from exploiting an ultramontane position in the hope of currying favour with Rome. Having set out his programme and made it difficult for them to interfere with royal policy, Fleury then left the management of the Assembly to Lavergne de Monthenard de Tressan, the archbishop of Rouen and a close collaborator, who remained in touch with him, counselling and informing the cardinal.21 As a result of this careful management, ‘the deliberations of the Assembly took place in the greatest calm, and its pronouncements remained in conformity with Fleury’s policy’.22 Fleury similarly was president of the extraordinary Assembly called to vote a subsidy for the war. For the regular Assembly of 1735, care was taken to ‘have persons in place who are friends of those of the first rank who are troublemakers, speak to them to discourage their attendance, and then take steps to prevent them from committing any acts that might indispose the bishops that might be needed’.23 The calculated
opposition of Tencin was bought off with the promise of a cardinal’s hat and a return to favour, while the bishop of Sens, a leading ‘constitutionnaire’ was prevented from being elected by his province. Fleury again made his moderate speech and achieved the same satisfactory result.

If church patronage was an aid to the conduct of policy, lay patronage was for Fleury an essential means of consolidating and demonstrating his power. As with all forms of patronage, most of it has not been recorded because at court favours tended to be requested and granted verbally in the antechambers. Nevertheless, of the general correspondence of Fleury which has survived, a very high proportion concerns the granting of favours. An immense number of letters reveal the nature and extent of this system.

First of all, the control of patronage meant the control of access to the royal person. This necessitated not only the appointment where possible of members of the royal household whose functions involved regular attendance on the King, but also the granting of royal audiences. However, the choice was not always a free one since survivances might have been granted or purchased or the prestige of a courtier might make it difficult if not unthinkable to refuse a request without delivering a snub and making an enemy. Patronage also meant the distribution of rooms in the palace at Versailles and of lodgings during the frequent royal visits to Marly. Pensions too came under his control, to both courtiers and parlementaires in Paris and the provinces. In addition to places at court Fleury was responsible for appointments to posts in the administration, such as farmer general, intendant, governor, conseiller du roi (the last mentioned conferring nobility), including the control of military and naval appointments both high and low. This meant that he often controlled the favours which in other periods depended upon the various secretaries of state whose influence could be felt both in their provinces and in their particular department. Richer d’Aube noted that Maurepas tended to favour ‘men of talent…as far as he could with a first minister who, in the promotions that are made, wants to nominate them himself, even down to the ship’s ensigns, as if it were possible for him to know the most deserving subaltern marines’.

The soliciting of favours took place either by letter—this was of course almost the rule for provincials who failed to use a broker at court—or more likely by personal request either directly, or through an intermediary, when in attendance on Fleury himself. Particularly opportune moments were at Versailles after ambassadorial audiences, after council meetings or especially at the lever and coucher of Fleury. Another route was by the intervention of a man who knew Fleury’s character, foibles and desires really well, his valet de chambre Barjac: ‘he was the channel of all the internal favours and chiefly those to do with finance, some of which flowed back to him’. However, the Cardinal was by no means prodigal with pecuniary favours; he had a great reputation for economy which he practised even with close political friends who requested pensions. Often a great deal of insistence and preparation were required if an aspirant was to be successful. In August 1737 Noailles wrote no less than three letters to Fleury asking him to add the mastership of the waters and forests of Saint-Germain to his captaincy of the hunt for the same area, as had
formerly been the case. Six further letters were sent to Maurepas (the relevant Secretary of State) and five to Orry with a memoir. Another exceedingly determined seeker of favours was the dowager duchesse de Bourbon. One example will suffice to show the degree of preparation she considered necessary; when the cardinal de Bissy fell ill on 17 July 1737 she wrote to ask Fleury for the revenue from one of his abbeys for the comte de Clermont; on 25 July when Bissy was at his last extremity she reiterated her request; Fleury replied with a mild refusal so she wrote again the following day accusing him of favouring the princes légitimés over princes du sang—her favourite argument; on 15 August she wrote to thank Fleury for the favour which the King had granted.

Another way of obtaining favours was to ask Louis XV—although he would, until the 1740s, invariably consult Fleury in the matter. The best time for such an approach was during the visits to Marly and Rambouillet where the atmosphere was informal and access to the King was relatively easy for those invited. The Noailles, connected by marriage to Toulouse, to whom Rambouillet belonged, had a great advantage there over other groups at court.

In addition to general patronage throughout the kingdom, Fleury took a special interest in the province of Languedoc. In this he remained true to his origins and he sustained that tradition of patronage links between the court and the province from which he had himself benefited. Just as Villars when governor of Provence had chosen his pages from Provence so Fleury had appointed as his valet de chambre a baron from his province. His birthplace, the town of Lodève, was to benefit especially from his rise to power. The prosperity of the town and its region depended almost entirely on the manufacture of cloth. In 1727 an inquiry into the quality of Languedocian cloth, instigated by the conseil du roi, praised those of Lodève. Fleury saw to it that the army contracts went to the town, and the industry expanded greatly during the second quarter of the eighteenth century. The corporations of the province would solicit his intervention in disputes and solicitations from the clergy of the province made up a high proportion of the requests.

If most of the important favours were at the disposition of Fleury, other members of the central administration had a significant share in this activity. The following quotation from the memoirs of the due de Gäeté on the subject of the premiers commis des finances in the 1770s will serve to explain this point.

M.d’Ailly was the first clerk of M.d’Ormesson, one of the intendants of finance... For as long as M.d’Ailly was in place, I had always seen him surrounded by numerous clients who appeared to be sincerely attached to him. The instant he retired his eyes were opened. As soon as he was no longer in a position to be useful, the crowd disappeared... The first clerks had an influence over business, which was not without its inconveniences, but which the extreme mobility of ministers, who were often unfamiliar from their previous occupations with the branch of the administration they were called upon to direct, rendered both inevitable and necessary, the more so to maintain traditions. These functionaries, who were really permanent,
naturally wielded the authority of both experience and the talent that had led
them to acquire the post—to which they generally had to limit their ambitions
in a regime that was essentially aristocratic. They were compensated for this
by the consideration that personal interest is ever disposed to show whoever
possesses the power to serve. The cabinet of a first clerk was often more
frequented, even by the highest members of society, than the audience of the
honorary head of the department to which he belonged. Whence the sort of
consideration I have just described, which in those days had to satisfy a
measured ambition. The cabinet of a first clerk was often more
frequented, even by the highest members of society, than the audience of the
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frequented, even by the highest members of society, than the audience of the
honorary head of the department to which he belonged. Whence the sort of
consideration I have just described, which in those days had to satisfy a
measured ambition.41

These favours were largely pecuniary of course, and also consisted of rendering
service to courtiers and financiers in the preparation of affairs involving money. A
premier commis was an administrator of standing who ran one of several bureaux
attached to each secretary of state. He tended to remain in place for a long period, and
was in direct contact with both the provincial intendants and the secretary of state.
The decision of the intendant or minister would have been influenced by the artful
presentation of the case by the premiers commis. This explains why seekers of favour
in the provinces might first approach the premier commis. Given the difficulty office-
holders during the ancien régime had in distinguishing between the King’s finances and
their own, there was plenty of opportunity for the diversion of funds.

Ultimately, Fleury could never have succeeded in controlling all areas of
patronage in a political and social system which was so thoroughly imbued with
concepts of crédit, service and clientage. Similarly, one must expect his role in the
government to have been limited by the practicalities of the situation. Studies of
the intendants of finance and the conseil royal des finances have shown that relatively
few decisions on those financial affairs which ended up as arrêts du conseil were
actually discussed in council. Many decisions were taken by the controller-general
in consultation with his intendants of finances, or simply by these intendants
alone. The decision of the intendant or minister would have been influenced by
adroit preparation of the material by the premiers commis. The author of a recent
study of the bureaux of the department of foreign affairs laments the fact that
there has been no similar study of the bureaucrats of the other departments of
state.43 Neither this book nor previous investigations have touched on the
question of the political influence of the premiers commis, although at times it
must have been considerable. Certainly a large proportion of the details of the
financial administration—which formed the most extensive part of the whole
governmental structure—escaped the attention and even the ultimate control of
the premier ministre.

By looking at the correspondence of the cardinal de Fleury it is possible to
delineate his sphere of political activity. Most of his correspondence was with the
ministers and influential persons at court, ambassadors and foreign heads of state,
members of the episcopate, the heads of religious institutions and the gens du roi in
the Paris parlement. Except on the vital occasions of the assembly of provincial
estates he did not spend his time writing to provincial administrators such as
intendants and governors. Meetings were the travail with the King and ministers, interviews with ambassadors, high ecclesiastics, and consultative discussions with some leading courtiers.

The two areas in which he did assume a measure of responsibility for the execution of policy were religion and foreign affairs. The success of the ministerial policy on Jansenism was very much based on the personal activity of Fleury, as is shown both by Hardy and by Part 2 of the present work. The Cardinal maintained an immense correspondence with many of the bishops of France, especially with those whose mandements threatened to disrupt his policy of suppressing the manifestations of the quarrel over Unigenitus. In foreign affairs he had already been in contact with the court of Spain and was to correspond with Philippe V, the Pope, the Emperor and the Elector of Bavaria, either about crucial issues or as a regular exchange of letters over a long period. In these spheres therefore, his methods were largely personal, whereas for the general administration of France he relied on structures which were already in existence and which he did not attempt to alter.

Under these circumstances it would be idle to ask if Fleury controlled the execution of policy in detail. Even at the centre, without considering the provinces, it was far beyond the capacity of any one man to control the whole administration. The vast system of bureaux headed by the premiers commis, under the authority of the secretaries of state, was responsible for the huge volume of correspondence that pertained to the implementation of decrees and decisions in council. What Fleury could reasonably try to do was to control the formulation of policy.

Richer d'Aube was of the opinion that the key to the success of Fleury in remaining in power from 1726 to 1730 was his control of policy combined with his ability to avoid taking the blame for unpopular decisions. 'He is always ready enough to alter what he has done or ordered. [He] insists as little on the good as on the bad when he feels particularly pressed, and throws responsibility for all that is done and altered as much as he can on to the ministers, his subordinates, even though it might usually be he who had wanted it, and he leaves each one of them as little authority [as he can] in the affairs of their departments.' It is therefore appropriate to consider the relations of Fleury with each minister in turn.

First and foremost in the judicial monarchy was the office of Chancellor, which was the first judicial post of the realm usually combined with the office of garde des sceaux. However, the Chancellor had been deprived of the latter post in 1722 and was not to regain it until 1737. The Chancellery sealed all documents containing the royal will, the Chancellor drew up all legislation and sent it for due registration in 'his' courts, and acted as the spokesman of the King on ceremonial occasions. As chief magistrate the Chancellor dealt with the judicial business of the courts and was responsible for discipline in the courts, as well as recruitment to them. In the case of a Keeper of the Seals who was not the Chancellor, as in the 1730s, the precise division of duties is far from clear, because except in this period the division occurred because of the exile of the Chancellor and therefore his effective replacement by the garde des sceaux.
There were five posts which were referred to by contemporaries as being ministères: the four secretaryships of state which divided the business for the marine, the maison du roi, war and foreign affairs, and to these must be added the contrôle général des finances. The secretaries divided up the administration of the provinces between them. The foreign secretary had the provinces of Guyenne, Normandy, Champagne, the Lyonnais and the Berry. The secretary for war had the provinces on the north-eastern frontier as far south as Dauphiné and Roussillon. The marine and the maison du roi were held together, and with them went maritime commerce, the American colonies, affairs of the clergy and the généralités of the Ile de France, Paris, Soissons, Orléans and La Rochelle. The fourth secretary was responsible for the Protestant religion, the feuille des bénéfices and the généralités of Languedoc, Provence, Burgundy, Brittany, the provinces of the south-west, those to the north-east and south-east of Paris, and the Massif Central. The secretaries of state played a leading role in the various councils of state, attended the royal lever, and conducted the deputies from those parlements and provincial estates that lay within their purview to audiences with the King. The fifth ministère was the contrôle général, whose incumbent carried on the considerable task of overseeing the complex fiscal system of the state, together with domestic and foreign overland trade, as well as appointing the intendants (except in the pays d’états) with whom he carried on a large correspondence. Finally, there is the case of the lieutenant-general of police. Although strictly speaking he was not a minister, he actually worked so closely with the cardinal de Fleury and performed such important functions that it seems appropriate to include him in any analysis. He not only possessed very wide powers of police in Paris but also oversaw the provision of political information to the ministry. Since the present intention is more to reveal certain neglected aspects of a system of government than to provide a full biographical analysis of all these ministers, only those who held office over a considerable period are to be discussed below.46

Henri-François Daguesseau the Chancellor was the son of Henri Daguesseau, who had been an intendant in several provinces and then a councillor of state. After having served as avocat général and then procureur général he was appointed Chancellor in 1717. As has already been noted, by 1727 he was no longer an independent force in politics. Neither his administration of the Chancery nor his preparation of the monumental ordinances need concern us here, where his role in the making of policy is of more significance.47 As first magistrate of the realm, Daguesseau was necessarily deeply involved in the affairs of parlements. His correspondence reveals him to have been particularly useful to Fleury for the analyses which he was able to give of the legal implications of events and for the predictions which he was able to make as a former parlementaire. Boullée, his nineteenth-century biographer, emphasised his importance in this field in the 1730s and attributes to him the success of the negotiations for the recall of the exiled parlement in 1732.48 However, the case study of this episode in the following chapters reveals that the solution to this crisis involved a complicated set of influences which went far beyond the personal role of the Chancellor. Nevertheless, he took part both in the discussions in council and in the private conferences held to resolve the crisis. It was possibly owing to the need for his
presence that the discussion of religious affairs was transferred from the *conseil de conscience* to the *conseil des dépêches* in 1730. In the early stages of the parlementaire crisis his views were often requested and acted upon. On 1 August 1730, Fleury wrote to him about the activity of the courts: ‘Monsieur de Maurepas will have the honour of seeing you this morning, and of explaining the King’s intentions. He will set out the different means we have decided upon, and it is for you, Sir, to choose between them’. He was no less useful when confronting the order of barristers. In 1731, his astute annotations to the consultation of the forty lawyers and his subsequent commentary on the legal implications of their claims were valuable in helping Fleury bring the affair to a face-saving compromise.

However, Daguesseau’s moderation and balanced judgement were also a hindrance to the successful performance of his duties as Chancellor in such matters. Toussaint’s pen portrait is acutely drawn, if in a harsh light:

> Broken by age or by his meditations [on his exile], he was thereafter only a very ordinary man, weak, indecisive, busying himself with formalities and little details, not expediting affairs for the sake of wanting to examine them in detail. [He was now] as discredited as he had once been honoured, too much under the influence of his son whose precarious projects and violent counsels made him risk compromising sovereign authority and the respect due his office in the eyes of the [avocats au conseil].

Moderate words were to prove to be an insufficient way of dealing with the problems and he therefore became of less and less consequence in the ministry. It is even recorded that by 1732 he was sometimes treated with scant respect by Fleury in moments of crisis.

We are fortunate in having a record of the confidential views of Fleury, which amount to an appraisal of Daguesseau’s role in the ministry. In June and August 1741 Fleury wrote two letters to the cardinal de Tencin, whom he was then considering appointing as his successor, which include the following extracts.

The Chancellor is certainly very competent and has great knowledge, but because he has this he finds problems with everything and he was brought up in fear of God and the Parlements. He thinks very satisfactorily on church affairs, and this from conviction; his exile conferred this grace on him, because he had the time to read and recognise the bad faith of the Jansenists; but he is by nature indecisive, which is the cause of a great lack of expedition in affairs that is very prejudicial to them.

The second letter expands on his lack of grip over the parlement of Paris:

He is a little too subservient to the parlements, and for fear of disputes gets a little too involved. His excessive consideration should however be corrected, for the Paris court often shows a lack of respect for him. He is unduly swayed
by the solicitor general, who is much more subtle than he is, and who seeks to gain credit at his expense.55

The youngest of the secretaries of state and perhaps the most talented was Maurepas, best known as minister for the marine and for his later ascendency under Louis XVI.56 Coming from the family of Phélypeaux which had already held the secretaryship of the marine for two generations, ‘he was made Secretary of State virtually at birth’, and also held the maison du roi.57 During the Polysynodie, all the offices of secrétaire d’état were suppressed, including his own, therefore. After the Polysynodie he fulfilled the duties of the maison du roi under the supervision of his father-in-law La Vrillière and finally regained the marine in August 1723, when he was 22 years old.58 His effective independence in office dates from the death of La Vrillière on 7 September 1725. He had thus acquired a good training and by 1730 was already the senior minister in the government. Saint-Simon thought that ‘he is far and away the best [minister] the King has had in his council since the death of Monsieur the Duke of Orleans’.59 All the contemporary assessments of him concur with the view of his merit.60

Thanks in part to the pacific policy of Fleury, there was a significant upturn in foreign trade and the beginnings of a period of internal growth in productivity. According to Chambrier,

The French system of commerce has greatly changed, since the cardinal has been conducting affairs, and they have tried to increase it as much as possible. This has indeed been done, over the last ten years, in the towns of Bordeaux, La Rochelle and the other seaports of the Kingdom that are in the department of the comte de Maurepas, who, at the marine, does all he can to encourage fundamentally the one and the other, [a policy] he considers to be of great importance for the Kingdom.61

He had vast responsibilities. At the marine he had special responsibility for overseeing the Atlantic ports and all the western colonies, in addition to all the facets of the administration of the navy from the repair and supply of wood and ships to the preparations of strategic plans; furthermore he was charged with the foreign trade of the kingdom.62 At the maison du roi he had to countersign all edicts, and his quarter of France comprised six provinces, including the Ile de France with its capital city; to this was added the department of the clergy.63

Maurepas was an intelligent man with a prodigious memory, ‘a clever and subtle courtier’, and a good judge of men. His knowledge of the court, into which he had been born, his charm and grace, all stood him in good stead. He exercised his functions with great tact, knew ‘the art of satisfying by deeds and words all those who had dealings with him [and had] the most amiable conversation’.64 He did, however, have an extremely frivolous sense of fun which led him to make up witty verses to ridicule the foibles of fellow courtiers, a trait which damaged his crédit.65 He also possessed a keen sense of right and wrong and was at pains to be just. He made
powerful enemies in his resistance to injustice and had subsequently, in order to maintain his position, to limit his zeal to his own departments. ‘Two things have great weight with him, on the one hand justice and reason, and on the other the desire to maintain his position.’ Richer d’Aube has left a valuable description of Maurepas in his role of provincial administrator, written in 1730:

As a magistrate in the greater part of his duties, M.de Maurepas has always appeared to be imbued with the great principles of the magistracy and disposed to deduce from them in order to apply them. His correspondence with the provinces must be agreeable to all those with whom he conducts it. He deserves the justice of bearing witness that he never asks for explanations and opinions as one who has determined the issue, before having gone into it in depth and having consulted, but [acts only as one] who is leaning towards what seems to him to derive from principles and rules; that he appears to love justice, and to maintain his authority; and that when he is the master, he deploys and upholds his legitimate authority without authorising its abuse and without abusing it himself.

Having a fertile brain, Maurepas was constantly devising projects to increase the importance of the navy and further the interests of French trade. During the ministry of Fleury he succeeded in persuading the Cardinal to endow the navy with greater funds than it had received during the Regency; the figures show that he was more successful in obtaining funds when Fleury was in control than he was from Orry after the death of the Cardinal. Between 1723 and 1738 the number of well-maintained and seaworthy ships of the line rose from thirty to fifty, the arsenals were repaired and the port at Cherbourg was entirely rebuilt. The number of memoirs on commerce to be found in the Maurepas papers confirms the importance of trade in his thinking. In a long memoir of 3 October 1730, the minister explained his views to the conseil de commerce. Filion, who has had access to the papers in America, writes that, ‘in this commercial system, the colonies were not of secondary significance, they held pride of place. It is appropriate to emphasise this idea, which was rarely shared by contemporaries in France’. However, Wilson has agreed with Chambrier’s report, arguing that Fleury himself was also concerned about the furtherance of trade and directed his foreign policy accordingly in so far as it was compatible with the transcendent interest of the state. Although Fleury did not regard commerce in the same light of Anglo-French rivalry as did Maurepas, from 1737 on the secretary was in greater favour and this worried the British ministers. It would therefore seem that Fleury controlled the direction of commercial policy in the sense that he retained the power of veto but often encouraged Maurepas to implement his projects. The increasing favour of the minister after 1737 would thus have reflected Fleury’s approval of his policies. Even so, commercial considerations had to take their place within the whole range of international commitments. For example, however much Maurepas may have desired the letters patent of October 1737 on exclusive commerce to France from the colonies, they had to have the agreement of Fleury and Orry.
During the administration of Fleury, the affairs of the clergy were of considerable importance and inevitably Maurepas was involved. His duties required him to expedite the decisions of the conseil de conscience of which he was a member, and of the conseil des dépêches when matters of religion were discussed. Thus he wrote to bishops enjoining them to act in a less inflammatory manner, or informing them of penalties to be imposed.\(^{74}\) He it was who was responsible for sending the circular letter of July 1731 on the status of Unigenitus.\(^{75}\) Notwithstanding this involvement, neither the papers of Maurepas nor those in the archives des affaires étrangères contain evidence that he played a part in the formulation of religious policy; there is only one memoir by him on religious affairs to be found.\(^{76}\) As is revealed in greater detail in the following chapter, the formulation of religious policy was the special preserve of Fleury. In this sphere then, the secretary may be considered to have been a mere executor.

Maurepas was a trusted minister who was able to display considerable independence in the affairs of the department of the marine, but much less so as a secretary of state for the maison du roi. He did not interfere in the affairs of other departments and he had soon learned to bend with the wind, even on matters of policy where he felt the decision to be wrong. 'He has concluded…that while acting for the best in all that depends on him [alone], without being obliged to give an account of it, for the conservance of his place he must, in all that does not depend solely upon himself, not manifest too great an opposition to what he finds to be unjust when his superior strongly wishes it.'\(^{77}\)

The comte de Saint Florentin was the one secretary of state without a special department. The son of La Vrillière, he was a small and gentle man, who people mistakenly thought could not possibly be a statesman. He was charming, possessed of a welcoming manner and a fund of goodwill, with a precise mind and a good head for affairs. Saint Florentin, who was to remain in office throughout the administration of Fleury, appears to have confined his political activity to the affairs of his department and to have given offence to no one. Richer d’Aube has left the most extended portrait of this minister who figures so little in the documentary evidence:

I can say from experience that he knows how to enlighten and advance what he knows to be right, [even] at the risk of attracting the hatred of those persons in the Kingdom who have presently the greatest credit. Without doing anyone an injustice, I think I can say that of all those in the ministry who are obliged to obey what Monsieur the cardinal de Fleury orders, Monsieur de Saint Florentin is the one who has the strongest dislike for what he believes to be wrong. The provinces in his department are very well governed with respect to what he is made aware of and which depends solely or principally upon him.\(^{78}\)

The secretary of state for war, Bauyn d’Angervilliers came to his post in 1728 as as one of Fleury’s appointees, and was made a ministre d’état in 1729. He is said to have remained in office, in spite of the intrigues at court to discredit him, owing to the
constant protection of the Cardinal himself. The intrigues seemed all the more likely to succeed because he had a rather flippant manner of dealing with both public and private audiences, with much 'joking and badinage', so that people thought that he had not grasped their business. He did, in fact, have a fine mind with a quick understanding.79 Nevertheless, by his own admission and by the testimony of Richer d’Aube, he was too deferential to Fleury in matters of government. The abbé Millot concluded from his examination of the now lost correspondence between d’Angervilliers and Noailles, that ‘the cardinal de Fleury and the Keeper of the Seals made all the decisions, be it for peace or war. D’Angervilliers only carried out their wishes; he was keenly aware of this weight of dependency that had often been detrimental to military service’.80 In support of this view he quotes an important letter from the secrétaire to the maréchal in 1735: ‘I agree that you have had to make war in every kind of difficult circumstance; my hands have been tied on every point, and I am constantly obliged to write and act against my better wishes. Let us rejoice at the end of the war’.81

The following example of his correspondence would seem to be a typical illustration of his method of work and the result of his travail with Fleury. He wrote to the maréchal du Bourg, 26 March 1730:

I have reported to M.the cardinal de Fleury, Monsieur, that you did me the honour of writing me on the twelfth of this month returning the anonymous memoir addressed to His Eminence on the lease for the farm of the revenues of the city of Strasbourg. His Eminence was very satisfied with the explanations contained in your letter; but as there is no indication of unfair dealings in what has happened, he does not think there is anything to be done at present; he approves moreover that you and M.de Brou [the intendant], should pay attention, in a general way, to the use that the city government makes of its revenues, and desires that, if you notice anything against good order, you inform His Majesty. I am Sir, etc.82

He therefore seems to have played the role more of a responsible secretary to Fleury than that of an independent minister for war and secretary of state. This is confirmed by the Prussian ambassador’s assessment.83

The ministry of the contrôleur général Orry is potentially more controversial, when historians finally give it the attention it deserves. Although his administration has never been studied in detail, surprisingly enough it has been praised on the assumption that he must have been rather a good finance minister. For a long time this period was regarded by historians as one during which a natural recovery took place after the disasters of the wars of Louis XIV and the further upsets of the Law system. Fleury aided the recovery by pursuing a pacific foreign policy and by fixing the value of the livre in 1726, or so it has been thought. However, a reassessment is due because, as Bourde has written, ‘Works on the movement of prices in the eighteenth century rightly place their point of departure in this period. Revealing changes in the domain of industrial organisation and production, commerce, and
communications make themselves felt after 1730'. While Bourde points out the necessity of a detailed study of the Orry administration, he tends to agree with Carré, Gaxotte, Muret, Lhéritier and Marion that, although it was not a great ministry, it was ‘nevertheless a “good” ancien régime ministry’.

This view should be questioned—not in the sense that the economic achievement itself should be denied, but in the sense that it is possibly incorrect to attribute the economic and commercial expansion to the initiative of Orry. Even conceding, with Bourde, the importance of such subordinates as Fagon, intendant of commerce, and Daniel Trudaine, it can be argued that the responsibility may lie in an altogether different direction. Government stimulation and concern has been shown to have had a very limited impact on production, and in some cases was detrimental. It may also be suggested, first, that Orry was an excessively traditionally minded finance minister of the ancien régime and therefore unlikely to have thought up important commercial policies at a time when he was content to implement badly calculated financial policies; second, that in matters of policy he was kept in such subordination to Fleury that Fleury and not he should take the credit, since the cardinal displayed a real concern for commerce; and third, that since foreign trade was a more important sector of the economy than internal trade according to the terms in which national wealth was then calculated, Maurepas played at least as important a role as Orry.

Mosser, who has studied the intendants of finance, concluded that ‘administrative and judicial business was decided upon by the controller general and by the intendants of finance’, and that in Orry’s period the assemblies of the intendants (from which other ministers were absent) were of great importance, as was shown above. Nevertheless, it remains true that neither she nor Antoine has tackled the issue of the genesis of economic and financial policy and of the relationship of the contrôleur général with the premier ministre. Antoine has shown that of the 3,500 to 4,000 arrêts du conseil promulgated each year, more than two thirds concerned finance. Of these, ‘it can be estimated that on average, out of eight to ten arrêts de finance [financial rulings in council], only one was the result of an examination in Council according to the appropriate forms…In finance, the council was most often a fiction’.

The implications of these studies appear to be that in an administrative monarchy (if indeed historians are correct in singling out administrative rather than social processes as its most important characteristic) matters of finance tended to escape the control of all but the contrôleur général himself. Statistically, this conclusion would be well supported. But these inferences should be treated with caution. The statistics do not show the relative importance of the individual arrêts du conseil and that kind of precise evidence is lacking for this period, owing to the destruction of the archives. So it is impossible to deduce from the statistics that the contrôleur général made decisions on matters of policy alone or with his intendants, without consultation with other ministers. The fact that the conseil des finances met less and less frequently may not necessarily mean that policy escaped the attention of Louis XV and Fleury, only that as policy remained unchanged and unoriginal, there was
no need to enter into discussion of the details of the routine execution of policy. In support of this view, is evidence that at least three of the most important démarches in policy were submitted to Fleury for approval or discussed in council.

For example, on the subject of putting the administration of the tobacco régie into the hands of one secrétaire d’état and not with the various intendants, Tressan wrote to Chauvelin on 31 August 1733: ‘M.the Controller General has reported to Msr the Cardinal, on the project for a circular letter to the Intendants that I had the honour of sending him by order of His Eminence, and has approved the letter and has charged him to sign it and to send it to the Intendants’.90

This would appear to reveal that even the details of the administration of finance were dealt with at the highest level. The project for the dixième was discussed in council in 1733.91 The plan for discovering the economic ‘état de la France’ in 1730, although directed by Orry, was neither his idea nor was it adopted without the approval of Fleury, for it had originally been mooted by Le Peletier Desforts in 1727.92 It may have been a necessary measure because the contrôleur général was unable to provide the conseil de commerce with the same sort of information which Maurepas possessed at the marine.

However, this sort of evidence, even produced in abundance, would not show whether Fleury merely ratified decisions or actually controlled policy more than the finance minister. It is therefore necessary to have recourse to two other types of source which would be called anecdotal. A memoir entitled ‘State of the court’ written on 1 January 1732 included the following statement: ‘The controller general remains in post because the cardinal leads him where he will, and he does nothing without orders from His Eminence’.93 When Chambrier, the Prussian envoy, described the kingdom in a report of 1740 he singled out Fleury and Maurepas as the promoters of commercial prosperity, not Orry.94

The only eighteenth-century author to describe the financial policies of this period in detail was Richer d’Aube, who devoted a great deal of space to them in his manuscript ‘Réflexions’.95 On the basis of his detailed evidence, it might be concluded that Orry did not exploit his years of office to the benefit of France. It has often been argued that Orry managed to finance two wars during his administration and that therefore he was a good minister. The way he did it has not hitherto been examined (except for his resurrection of the dixième in 1733 and 1741), but a more detailed study would probably reveal that he was far from the ‘in some ways radical finance minister’ he was recently described as having been.96 In order to finance the War of the Polish Succession, Orry increased the taille, re instituted the dixième (which was extremely badly organised), suspended the payment of state pensions and other current expenditure, obliged the farmers general to make an advance, and re instituted a kind of rente viagère, the tontine. The last measure involved the division of subscribers to the loan into classes according to age, with the interest being paid until the death of the last member of each class. Richer d’Aube calculated that for a 12 million livres loan the tontine would, on average, cost the state 28 million livres besides the original 12 million in repaid capital. He remarked that if the finance minister could not calculate, the public could: the loans
were filled quickly, often by foreigners. Furthermore, Orry mishandled the supply of corn to the armies, paying too much for grain and making a probable loss of 9 million livres.97 By 1735 France was feeling the financial strain and neither Fleury nor Chauvelin thought it wise to continue the war: ‘Three campaigns, although sustained by the most onerous means, the like of which has not been seen, have proved to us that a longer war was impracticable without increasing the already exorbitant debts of the state.’98

All these measures, like those at the beginning of Fleury’s ministry, were by then the traditional expedients of a monarchy whose financial organisation was always badly in need of reform. The policy followed by Orry was one of economy and not of reform, and it suited the temperament of the Cardinal-minister. In 1747 when looking back on this period, Richer d’Aube summarised the financial policy in the following manner.

The cardinal de Fleury [not Orry be it noted] has carried out some retrenchments, but not those that could have brought considerable help, and I believe it would be impossible to cite a single abuse in receipts and expenditure that he has suppressed. He has tolerated an increase in these abuses, and in many respects their extension. He often rejects proposals for expenditure on occasions when it might have been useful to agree to them and he has at the same time had the King agree to, and has himself ordered, at least indirectly, expenditure that there was great reason to avoid.99

Chauvelin was not only secretary for foreign affairs but also the garde des sceaux, which meant that he also had an important part to play in the administration of the internal affairs of France. In 1727, presenting the new minister to d’Hoym, the ambassador of Saxony-Poland, Fleury had said, ‘You can regard him as another [version of] myself.’100 Richer d’Aube analysed the position of Chauvelin on a number of occasions. In 1730 he considered that ‘no operation is decided upon without him being consulted and having a great influence…It is in the operations of his own department that the credit of the Keeper of the Seals is least impressive. There are two reasons for this, the natural and extreme suspicion of M. the cardinal de Fleury, and the [Cardinal’s] idea that he is himself more than capable of conducting and concluding negotiations for foreign affairs’.101

It is certainly true that he was involved in a great many areas of policy. In 1727 and 1728 we find him writing a number of memoirs on the financial administration.102 In the early 1730s he produced memoirs and letters on the religious problems with the parlement, and was Fleury’s closest collaborator in the discussion of this affair.103 He supplemented the efforts of Fleury to encourage the bishop of Laon to tone down his attacks on the Jansenists.104 Moreover, he was constantly writing memoirs on foreign policy for examination by Fleury and for discussion in the council.105 On 1 April 1732, Fleury wrote to all ambassadors formally recognising Chauvelin as an associate on whose intelligence, energy and honesty he could rely. This was a clear reflection of his trusted position and vast competence.
He had even obtained two most eminent expectative titles, one was the letters patent as principal minister, entirely written out in the King’s handwriting, and signed by H.M., to exercise these functions alone upon the death of M. the Cardinal de Fleury. The other was the letters of succession [survivance] which guaranteed him the office of Chancellor of France upon the death of M. Daguesseau, written out from beginning to end in the hand of the Cardinal and signed by the King.  

The study of the parlementaire crisis of 1730–2 below will reveal further details of him in his role as aide to Fleury. A report on the court of January 1732 asserted that ‘although according to the public he has several times been in a shaky position, he is the Cardinal’s intimate confidant, and the right arm of his ministry ... Only the cardinal Minister, the Chancellor, and the Keeper of the Seals, are the pillars of all affairs of state in the council’. However, after his elevation in 1732 he began to fall foul of a particular characteristic of the old Cardinal, who tended to become increasingly distrustful of his subordinates as they acquired more power and who perhaps had a natural tendency to become less enamoured of those he came to know well.  

The marquis d’Argenson wrote for Chauvelin a report on the state of the parlement and the court in which he made a number of interesting observations. He pointed out that since the minister’s promotion one would have imagined him to have become more powerful, but that in fact his power seems to have been reduced: ‘None of the main business seems to be credited to you; neither the late troubles in the parlement, nor their solution, seems to be the result of your talent and your proposals; the court intrigues, the favours which are accorded, even the ministers who work with you do not for the most part appear to be in the dependence nor even the attachment they ought to be’. If facets of internal administration in which Chauvelin was so involved have been generally ignored by historians, his involvement in formulation of foreign policy has been greatly exaggerated. There existed a historical myth that Chauvelin was principally responsible for the conduct of foreign policy during his period of office and that the successes of France were due to his vigour and not to the diplomacy of the cardinal de Fleury. The origin of this idea lies perhaps with the methods of the Cardinal himself, for he persuaded the British ambassador at least that French foreign policy, during the period when it was necessary to give affront to Britain, was led by Chauvelin. The secrétaire d’état appeared vigorous and dynamic, while the Cardinal employed a language ‘which at first affects grand sentiments of moderation and disinterest, to lull others to sleep, prevent them from taking steps and to gain time to prepare things in small ways, so as to strike his blow the more surely before it is expected’. Thus Fleury appeared to be led by Chauvelin, especially during the War of the Polish Succession. In his influential article on the ministry of Chauvelin, Driault in 1893 concluded that policy was made by Chauvelin. However, it would appear that he consulted only a small part of the archives. When examining the conduct of French foreign policy towards
Austria from 1733 to 1737, he cites only the series of papers entitled ‘Correspondance politique, Autriche’. Naturally, almost all of this correspondence was written by Chauvelin, who concerned himself with the detail of affairs. Wilson examined the archives in greater detail and also consulted the papers in the series of ‘Mémoires et Documents, France’, which contain the memoirs drawn up to aid in the preparation of policy. These, especially those of Chauvelin, are annotated by Fleury, sometimes in great detail, as Wilson had remarked. After the study of Fleury’s foreign policy by Wilson no doubt should remain about the ultimate responsibility for this policy.

There is proof that Fleury’s esteem for Chauvelin began to decline at least from 1734. In November of that year Fleury entered into a correspondence with Waldegrave at The Hague, which he kept secret from his secrétaire d’état. In 1735 Chavigny, a friend of Chauvelin, returned to France and noted that ‘the credit and confidence of M.Chauvelin were in decline, for straight away I observed his decadence only too clearly. M.the Cardinal left me no room to doubt it with some of the things he said; all that made me realise only too well that it was time to come to settle the peace’. Cruickshanks discovered that Fleury began to write certain important ambassadorial instructions in his own hand, rather than entrust them to Chauvelin. The latter had built up a secret correspondence with ambassadors who supported his own strongly anti-Austrian views. It is perhaps for this reason that Fleury kept such tight control over the negotiations for the peace of 1737. This is clearly evident from the correspondence exchanged between Chauvelin and Fleury in 1736 and 1737. In December 1736 the secrétaire d’état himself told the Bavarian ambassador that as far as the policy towards Bavaria was concerned, a policy which had been communicated in a recent letter: ‘he had written it only on approbation, that he could add nothing himself, nor change anything without another approbation from Monsieur the Cardinal, that I should therefore address myself to him for any subsequent representations I might wish to make’. It may fairly be concluded that the foreign policy of France during this period was that of the cardinal de Fleury and not of his minister.

Richer d’Aube noted that in 1737 it was not easy to choose a successor to Chauvelin for the secretaryship of foreign affairs, not because of the number of candidates but rather because of the lack of them. The man chosen, Amelot de Chaillou, would normally have been considered more suited for the post of contrôleur général than that of Foreign Secretary. He had spent six years as intendant at La Rochelle, then in 1726 had become an intendant des finances. He was intelligent and eloquent, although he had an unfortunate stutter. ‘He was intelligent, was hardworking, quick and ambitious, and jealous…To help him in the functions of his office he had the good fortune to find excellent workers [the four first clerks], who had for a long time been attending to the detail of affairs, and who were perfectly aware of the interests of France and the foreign powers’. This description lends weight to the view that Fleury wanted a man utterly subordinate to his will.

There is a memoir on his role in the ministry. It was obviously written as an
apology for Amelot shortly after his dismissal in 1744 when he had proved himself incapable of directing the foreign policy of France in wartime.

Although the Cardinal de Fleury continued to carry out the functions of first minister up to 1743 when he died, and political operations were directed by His Eminence, M.Amelot, minister and Secretary of State for foreign affairs can however be regarded as having had great influence in the negotiations which were conducted on behalf of France up to the death of M.the Cardinal, since the ambassadors and other persons employed by the King at different courts corresponded with M.Amelot.120

The assertion that he influenced the negotiations may be challenged. An examination of the dispatches from the ambassadors to Rome and to the Porte reveals that they reported on the detail of affairs to the Foreign Secretary but reserved matters which regarded policy for the attention of Fleury, to whom they also wrote broad summaries of events and of the general trend of affairs. Fleury’s frequent and detailed letters to the Elector of Bavaria show how closely he directed policy in that sphere.121 Sareil, having read the correspondence between Tencin in Rome and the ministry, commented that dispatches concerning commerce were always addressed to Amelot, while information about people and religion was sent to Fleury.122 A similar comparison can be made between the letters from Villeneuve in Constantinople from 1738 to 1740 to Fleury and Amelot.123 The letters to Fleury concentrate upon policy and are more the product of reflection than an account of events. ‘I am reporting to M.Amelot about the way matters stand in this country. I would not wish to take up Your Eminence’s time unnecessarily, by going into details in this letter.’124

Since the creation of his commission in 1671, the lieutenant-general of police had played an increasingly important part in the government. From 1725 until just before his death in 1739 Hérault held this post and clearly contributed to the development of the office. From the beginning of his tenure the nature of the reports on the population of Paris changed from being principally a record of the ‘menu peuple’ to one which incorporated detailed descriptions of the political gossip from the promenades and cafés.125 The resurgence of the religious controversy, much of which centred on the activities of the Parisian clergy and parlementaires, also led to an increase in his importance in the government. Daily reports were sent or given personally to Fleury who made very extensive use of the lieutenant-general.

The Cardinal wanted to be assiduously and minutely informed of the smallest facts. Once a week, M.Hérault brought his portfolio to him: after each session, he would write a detailed letter to M.the cardinal, containing the affairs he had reported on, and the opinions of His Eminence on each matter; when the King came see M.the Cardinal, His Eminence presented to him M.Hérault’s portfolio from the week before, and the King would sign it.126
The police had a dual role to play in politics: an active one in the suppression of all kinds of disorders and the execution of orders for arrests or intimidation, and a passive one in the collection of information which could be of use to the Cardinal and his government. In particular, the reports on the court must have aided Fleury in the maintenance of his own position there, by revealing to him the aims and scope of the intrigues. The reports on the activities of the Paris parlement were of great use, particularly during the brief period of crisis when it became imperative for the ministry to know how the parlementaires were thinking. Many letters from Hérault have survived from this period and they mostly summarise the debates and decisions of the various chambers. As far as the formulation of ministerial policy is concerned, he therefore played an important role in providing information and advice without which erroneous decisions might have been made. His activity was thus an essential counterpart to the expert counsel of Daguesseau and Chauvelin. The similar activities of his successor (and son-in-law) from 1740, Feydeau de Marville, are better known thanks to several volumes of surviving correspondence with the minister for Paris, Maurepas.

The police of Paris was the main arm of Fleury’s anti-Jansenist policies. This role involved gathering information both from spies and the interrogations of prisoners in the Bastille, tracking illegal printers and arresting the producers and vendors of the stream of banned pamphlets and prints that was sustaining religious opposition. In this extensive task, Hérault was aided by forty inspectors (reduced by Marville to twenty in 1740), forty-eight commissioners, together with lesser employees, but for much of his law enforcement he had recourse to the watch and companies of archers. To gather information, he employed a large number of mouchards or spies, coming from all walks of life, even at court, some of whom were in receipt of official funds from his budget. From 1732 to 1737 8,000 livres a month were spent on gathering information, but he also had to have recourse to giving ‘places and rewards’. If it had not been for the fines from the gambling houses that he had the right to distribute, and if he had not been in a position to oblige or punish people, then he would never have been able to make use of this great number of spies. Unfortunately, his success was severely hampered, for those on whom he had to rely were less than enthusiastic. As Barbier remarked in November 1731, ‘he does what he can, according to his charge, against the Jansenists; but three quarters of his commis, three quarters of his commissioners and even his exempts [there were fifty in 1754] sympathise with this parti; and, as all these people act according to conscience and religion, it is not surprising that they haven’t yet found all they could’. His situation was worsened by frequent conflicts of jurisdiction with the Paris parlement on whom he had to rely for judgements of major importance, though himself a magistrate, and by the continued existence of areas of privileged immunity, such as the Temple, where the master Jansenist Louis Adrien Le Paige resided under the protection of the prince de Conti.

There remains one area of ministerial policy which has been discussed only in the context of the general treatment of patronage, with regard to the feuille des
bénéfices—religious policy. Fleury had begun his ministerial career as an expert on ecclesiastical affairs and they had remained in the forefront of his activities during the 1720s. The feuille des bénéfices was described in 1743 as almost a department in itself, since it conferred authority in religious appointments, and Fleury had done much to make it so. If his relationships with the archbishop of Paris and with the bishop of Laon can be regarded as typical, the extent of his correspondence with the bishops must have been enormous. The voluminous correspondence with the latter has survived in its entirety among the papers of Maurepas and is a first-rate source for the religious policy of Fleury. The examination of these letters makes possible very new conclusions on the nature of the cardinal’s policy towards Unigenitus during his ministry. The work of G. Hardy on Fleury and the Jansenist movement provides a great volume of evidence of the personal conduct of religious affairs by the cardinal, although the details of the account are more acceptable than some of the wider judgements. Fleury himself orchestrated the successful attempt to induce the cardinal de Noailles to accept Unigenitus unreservedly. When the question of the Legend of Gregory arose in the Paris parlement in 1729 the Cardinal persuaded Gilbert de Voisins, an avocat général, to show him his speech and permit corrections to be made to it. The question of his collaborators in the general affairs of the clergy has already been discussed; suffice it to add that it is clear from their correspondence with Fleury and Chauvelin that it was the Cardinal-minister who remained firmly in control of policy.

It must be concluded that the power and independence of the secretaries of state was limited by the tight control exercised by Fleury over both patronage and the making of policy. It was further limited by a network of influence which was often ignored by those institutional historians who based their research solely on legal documents. Although it is often claimed that this was an age when the noblesse de robe had almost monopolised the power of government, some members of the court nobility actually retained considerable influence. This does not refer to their involvement in factional intrigues, which has already been discussed and which will be considered further below. Here it is a question of their direct participation in politics. For just as Louis XIV had called upon certain trusted members of the higher aristocracy to advise him in the taking of decisions, so too did Fleury. Where Louis XIV had consulted the ducs de Beauvillier, Chaulnes, Chevreuse and Noailles, the cardinal de Fleury made use of Villars, d’Antin, Noailles, the maréchal d’Estrées and the two legitimised bastards of Louis XIV, the duc du Maine and the comte de Toulouse, while the young due d’Orléans remained in the conseil d’état until 1740. Of these the most influential were Noailles, d’Antin and Toulouse.

Under Louis XIV the star of the Noailles had shone brightly. The duchess it was who arranged for her children the most worthy and advantageous matches at court. In 1698 the favour of her family could not have been higher, for her eldest son was encouraged to marry the niece and sole heiress to Maintenon, Mlle d’Aubigné. Such a match was almost of the same status as a marriage with a prince of the blood. The duc de Noailles was the governor of Roussillon and lieutenant governor of Languedoc which he ruled from 1682. His brother was a confidant of Mme de
Maintenon and was archbishop of Paris from 1695. Clearly Louis XIV viewed the
family with particular favour. In a letter of 1694 to the maréchale he was not only
complimentary but effusive. To the Duc he said in 1694 and repeated in 1695,
‘believe that one cannot have more friendship than I have for you’. There was
certainly no decline in the position of the clan in the eighteenth century. The
maréchal-duc de Noailles had acquired a wide experience in affairs and in the 1720s
he remained in favour although he was not given an administrative office. A
report on the court in 1730 evaluated his position as follows:

The duc de Noailles continues to have frequent têtes-à-têtes with the King
and the Cardinal Minister, but it is doubted that he will reach his goal. The
Cardinal still mistrusts him, and although he consults his understanding on
numerous matters, they are confident that he has inspired the same
sentiments in H.M., such that it is only to profit from his opinions that His
Eminence admits him to these discussions.

The duc d’Antin had exercised some influence during the Regency, a period which
is covered by his manuscript memoirs. Unfortunately, the manuscript stops in
1723, so later political influence can be measured only through the rare references to
him in published memoirs and by the quantity of memoirs on policy which he
prepared for Fleury and which have survived. He was a supporter of Chauvelin
and after his death in December 1736 the position of the secrétaire d’état was
significantly weakened.

Of the activity of du Maine little is known, except for a brief reference in 1730
which reads thus: ‘The duc de Maine is still a close counsellor of His Majesty and
His Eminence’. D’Estrées does not figure in the evidence or memoirs at all,
although he was a ministre d’état from 1733 until his death in 1737. It was about this
period too that the influence of Toulouse was at its height. There is evidence that
after the fall of Chauvelin in 1737 Fleury looked to him to be his designated
successor, such was his respect for his views. He was about to become a ministre d’état
shortly before his death in December 1737.

For a policy to be enacted or a decision to be executed it had to be given a legal
form and the assent of the King. This meant that, in order to control the
government, it was vital to control the processes by which this formulation and
ratification took place. Two areas were involved, the conseil du roi and the travail.
Fleury had the right to attend all the councils of government, but he rarely went to
the conseil des parties or to the conseil des finances. For the latter he was informed in
advance of the affairs to be discussed by a premier commis of the contrôleur général. In
this way, he could decide to attend the council if the affair was an important one.
One set of documents reveals this process in detail. Most of the discussions in the
council were of small consequence. For example, on 26 October 1728 it was a
question of giving permission to cut wood usually reserved for royal use, and relief
from taxes for a certain individual. However, remarks by the premier commis
enable us to judge which sort of matters the Cardinal considered important enough
to supervise. On 15 March 1729 the council was to discuss the cahiers of the estates of Burgundy, Bresse, Bugey, Valromey and Gex, but, the document continues, ‘they contain nothing very important, it being a question of neither a don gratuit, an increase nor a reduction in taxes. That is why it has not been thought necessary to send a minute to Your Eminence’. Two weeks later the commis wrote: ‘A number of matters from the last two councils remained [to be dealt with], whose memoranda have been sent to Your Eminence’. One report is annotated by Fleury in the manner which he had developed to deal with most letters and memoirs. Regarding the question of the ‘municipal officers of the town of Poligny in the Franche-Comté’, he wrote ‘ask the reasons’, and for his record noted ‘dossier sent back to M.de Gaumain on 13 Xer 1730’. It is easy to see that Fleury liked to be kept abreast of the discussions and decisions of the conseil royal. Sometimes he became involved in the details of affairs, but generally reserved his attention for affairs of consequence for the state.

Antoine implies that there was a great deal of continuity between the methods of the cardinal Dubois and Fleury in this sort of activity, but the fact is that the evidence for the later period is rather more sparse and the analogies are difficult to substantiate. However, for the conseil d’état the diaries of Villars are an invaluable source, although they extend only to 1733. A series of quotations will serve to illustrate the methods of Fleury, which were characterised by a dislike of discussion in council and by a tendency to decide upon important affairs in consultation with a few individuals.

December 1728: The Cardinal de Fleury has said nothing to either me or to the maréchal d’Uxelles about his dealings with the comte de Sinzendorff …We are surprised not to be consulted on such important matters.

April 1729: The Cardinal de Fleury still keeps up the same silence with M. d’Uxelles and me on matters concerning war, and he is no more open with the sires d’Angervilliers and Desforts, the ministers for war and the finances; which is very surprising.

8 May 1729: In the Council of State on the 8th, the Keeper of the Seals has reported on important matters that until then had been known only to himself and the Cardinal.

30 July 1730: There were conferences between the Dutch and English ambassadors at the Cardinal’s, to which M.d’Angervilliers and I were not called. To be sure, the Cardinal and the Keeper of the Seals are not at all fond of deliberations.

It is impossible to know which affairs were discussed after 1733 because the registers of the conseil d’état did not survive the Revolution. However, after the dismissal of Chauvelin, when Fleury was more frequently ill and unable to devote
so much energy to the conduct of business, an expedient was introduced in order to alleviate the burden of work and still enable him to retain control. Committees of ministers had been used by Louis XIV, but Fleury set them up on a regular basis in 1737. Every Monday from March 1737 until 1744 the ministers met together in the presence of Fleury (or Tencin from the end of 1742) to prepare the affairs which were to be deliberated upon in council. By this method Fleury was spared the rigours, or often the sheer tedium, of attending all the council meetings but was still able to control the business of government. In most cases the vital decisions would have been taken in advance. D’Argenson has left a brief description of this system in operation.

The Cardinal de Fleury had created what were called committees, in which the ministers assembled, often in the cabinet of His Eminence. Affairs common to their responsibilities were dealt with before the eyes of the old minister, who said nothing and let them get on with it. Foreign affairs and the most important other matters took up most of the time, and the Secretary of State for that department scarcely fulfilled any greater function than that of a clerk.152

It has been suggested that this system represented an increase in the independence of the secretaries of state. Only a close study of the functions of the individual secretaries could reveal the answer, although it is hard to believe that Fleury ‘said nothing and let them get on with it’, unless he was very ill.

The second way in which he ensured his pre-eminence in decision-making was through the institution of the travail. This was a system whereby the sovereign was kept abreast of affairs by his ministers, who came to work with him in his cabinet. During his administration Fleury was always present at these discussions between the King and his ministers. In reality, the discussions took place between the cardinal and the ministers except during much of 1738. In that year Louis played a more active role than usual owing to the extended illnesses of Fleury, but he again refrained from interfering when Fleury had recovered. The travail was an important aspect of government, as Antoine has observed: ‘the travail was a serious rival to the councils, the more so because numerous decisions taken during its meetings were drawn up in the form of arrêts du conseil’.153 Evidently, the power of the cardinal de Fleury was very extensive. A fuller understanding of the way in which he was able to preserve his position must take account of the political influence of factions, which is the subject of the next chapter.
Exercising close control over ministerial policies and over the activity of his ministers, Fleury governed France as much as one man could. But an eighteenth-century statesman had not only to conduct affairs; he had also to remain master of the court if he were to survive in power. How did he do this? As Elias has argued, the kingship mechanism depended upon the King keeping a balance between rival groups at court, playing one off against another in order to remain the arbiter. As the King’s favourite, Fleury took on this role on Louis XV’s behalf. Access to the King was controlled as closely as possible, appointments subjected to the approval of Fleury himself, policy discussed only in his presence. This was the basis of his position. But his task was far from being simple, and much can be learnt about the nature of politics in a court society from a investigation of his strategies.

Factional intrigue was an essential feature of court politics. Even though Fleury had won a victory over the factions by establishing a ministry and then further reconstructing it to his taste, he was still not entirely free from attack. In 1730 there was a nebulous conspiracy against him at court, known as the conspiracy of the marmosets, which resulted in the presentation to the King of a memoir in which his administration was blackened. Louis XV promptly handed it over to Fleury and agreed to the exile of its presenters, who were two of the King’s hunting intimates, the young ducs de Gesvres and d’Epernon. There were perhaps unfounded suspicions that the Noailles were manipulating them because the memoir suggested that du Maine and Noailles were more fit to conduct the government than Fleury. On the other hand, it was also said that Chauvelin was involved in an attempt to persuade Fleury to retire. In 1731 a secret report on the ‘State of the court’ represented the comtesse de Toulouse as the moving force behind the opposition to Fleury.
Soon it became apparent that Louis was not to be persuaded to abandon the old Cardinal. This brought about a change of strategy for the factions. Instead of trying to supplant Fleury immediately, they came to terms with his power and planned for the situation which would arise after his death. Since he was 80 in 1733, the event was presumed to be not very far off. Thus the factions began to participate in the struggle for the succession to Fleury. Either as actors or as targets the ministers inevitably became involved.

What, then, was the nature of factional activity? Those groups at court who would have liked to have supplanted Fleury remained powerful but less active. Their task was to make effective preparation for the day when the Cardinal died, by building up a network of influences and candidates through whom they might hope to govern. The principal factions remained as they had been in the late 1720s, basically representing a division of interests between the House of Orléans and the House of Condé. The princes légitimés and the Noailles were reconciled to some extent with the Orleanists, although they may also be regarded as having developed into a separate faction.

THE CASE OF CHAUVELIN

The experience of Chauvelin is the most important illustration of their dilemma. An analysis of his position and the circumstances of his fall from power is very revealing about the nature of court politics. From the moment when Chauvelin was appointed aide to Fleury and, as it was assumed, his successor, his position became more difficult. The problem for Chauvelin was how to ensure his position after the death of Fleury, as he was the most likely candidate for the role of premier ministre. After all, unless he placed his trust entirely in Louis XV, with whom he had no particularly close ties, he would be without a protector at court. As a man of the robe in an environment suited to the higher aristocracy, it was important for him to make powerful allies who would support him later. A related problem was that Fleury would not accept anything less than total devotion to himself, being jealous of his authority and naturally sensitive about the question of his death. Furthermore, wrote d’Argenson of Chauvelin, ‘his association to the office of first minister has made him the butt of all the ministers. He has taken all the refusals upon himself and left the cardinal with the honour of successes and favours’. The result of this was that Fleury retained his popularity.

The garde des sceaux had little choice but to adhere to the Condé faction because the other groups were already opposed to him. He was cordially disliked by Noailles, who supported the Chancellor; the duc d’Orléans actually resigned his place in the council when he heard of the elevation of Chauvelin in 1732 and was only persuaded to remain with great difficulty. The beleaguered secrétaire d’état tried to make himself agreeable to the King and is said to have cultivated the marmosets and Mme de Mailly, the King’s first mistress, supplying her with funds from the foreign affairs budget without the knowledge of Fleury.
He has thought of finding supporters… These have been the house of Condé which he hoped to use to counterbalance that of M. the comte de Toulouse and the Noailles; of trying to make himself agreeable to the King in person; of bringing about an intrigue of valets and courtiers who dine with the King at La Muette and in private [aux cabinets]; and of joining in the scheme of little Mailly, whom he provided with allowances out of secret funds.10

Apart from establishing these links at court, Chauvelin put into practice a technique used by Fleury himself in 1725 and 1726. As Secretary of State he was responsible for writing the instructions to the French ambassadors abroad before or after their discussion in the conseil d’état. At least four of these ambassadors were his allies, perhaps because they favoured a more belligerent foreign policy than the one practised by Fleury. They included Fénelon in the Dutch Republic, Chavigny in the Empire, Senneterre in Piedmont-Savoy and Froulay at Venice.11 In 1737 he was proved to have won over the Spanish ambassador to France to the extent that La Mina quite exceeded his instructions and intimated that the dismissal of the minister would not be favourably regarded in Spain. Pecquet fils, a premier commis of foreign affairs, a man won over to his superior’s views on French policy and regarded as a very strong supporter, is known to have had a secret correspondence with Rottembourg, the French ambassador to Spain, with a view to having Chauvelin succeed Fleury in the early 1730s.12 Chauvelin himself was said to have had a private correspondence with Chavigny, Rottembourg and Vaulgrenant, the new ambassador to Spain. That this system dated from before August 1735 is proved by a letter from the British ambassador to his government.

In the course of my conversation my friend [Bussy, an informer in the department] told me there had been of late a considerable coldness between the cardinal and his adjunct; his eminency having of late discovered several of the other’s practices to make himself master of all the foreign ministers, and consequently of the negotiations, by the secret correspondence he has with the ministers.13

Thus Chauvelin was making diplomatic preparations for his eventual succession to Fleury. The discovery by the Cardinal of these intrigues inevitably affected the position of the minister in the government.

Fleury’s confidence in him began to diminish in late 1734 or in 1735 at the latest, although this was not public knowledge until 1736. At the end of May 1736, the Parisian gossips could still believe that Chauvelin would be the only possible successor to the Cardinal if he were to die soon, and that the latter even trusted his minister with the most delicate and secret affairs.14 No sooner was Chauvelin’s loss of credit with Fleury noticed than his enemies united to provoke his fall. Of this often repeated court practice, Richer d’Aube wrote: ‘These people were even joined by others, who had the greatest obligations to M. Chauvelin; having been attacked at first in July 1736, things were on his account at the point that on the last day of the
year it was not doubted that news of his fall must burst upon us at any moment'.  
The standard reasons for his fall, put forward by contemporaries and historians alike, were all invented by the court factions and spread about in Paris. Richer d’Aube continued:

M. Chauvelin’s enemies have spread amongst the public vague accusations against him, that he had wanted to secretly upset the system of politics that M. de Fleury had had the King adopt, and that he had given diverse proofs of a vile and sordid self interest which had motivated him, they said, and which had with justice caused his fall. But none of this has been brought to light, despite some fairly scandalous tentatives that have been made to acquire proofs.  

Chauvelin was accused of corruption over the bargain price of his estate at Grosbois bought from Samuel Bernard whose son was deeply indebted (and whose case came before a royal commission headed by Chauvelin). He was said to have made profits from the sale of crown jewels and undue profits from army supplies during the war. ‘Since Chauvelin’s enemies could not deny his great ability and devotion to his work, they fell back on vague accusations of corruption against him in order to blacken his character and further alienate the parsimonious Fleury from him.’ He was even accused of that old stratagem of stirring up the parlement so that he could prove himself indispensable by solving the problem. That there was a concerted campaign of calumny against the minister by his enemies is confirmed by the reports of the Bavarian ambassador, who proved to be one of the most astute observers of the court—and the best informed because of French obligations to his ruler. He reasoned that since a word from the Cardinal could have put a stop to the campaign, he must have desired it to continue.  

The affair of the Keeper of the Seals is a real phenomenon, for if the discourse of the public were not occurring, and if one relied solely upon one’s eyes, and the manner in which the cardinal is seen to treat him, which is precisely the same as it has always been, it would be impossible to suspect anything, because one could hardly perceive any difference. However, given everything they are saying, and the certainty with which certain people speak affirmatively about the imminent fall of this minister, one hardly knows what
to think, although the replies that the cardinal has made not only to certain people to reassure them, but also the obliging things that he has said to the Keeper of the Seals in person to calm them, ought to be certain guarantees of his favourable way of thinking about him.\textsuperscript{22}

Such reports, together with those collected by the police mouches of Paris in the cafés and squares, in the palais de justice and on the promenades, illustrate one of the ways in which political battles were fought in this period. As will be shown later, the fall of Chauvelin was turned to good effect by the First President of the parlement, who frightened those counsellors associated with the minister into moderating their opposition to his refusal to allow them to deliberate the Douai affair. Maurepas, who was said to be in league with the First President against Chauvelin, may have been involved in this.\textsuperscript{23}

The dismissal of Chauvelin on 20 February was in its actual organisation very similar to the dismissal of the duc de Bourbon. ‘Everyone knows that Mr Chauvelin has been arrested and conducted to his château of Grosbois by M.de Jubillac, an officer in the musketeers, accompanied by Mr le Marquis de Bissy’.\textsuperscript{24} Nor was Fleury’s strategy very dissimilar from the one which he had practised in 1726. Even when the public outcry had already gathered momentum Fleury had lulled Bourbon into a false sense of security. Only at the height of the clamour did he carry through his coup. There had been no warning for Bourbon and there was to be none for Chauvelin. For six months the Cardinal allowed rumours to spread, knowing all the while that the final decision was his own. Then, when he finally did act, he had reduced the number of supporters of Chauvelin to a minimum, since most courtiers abandoned him, and appeared only to be sacrificing his minister to the general clamour.

The circumstances surrounding the fall of Chauvelin are tolerably well documented, and the story is an instructive one on the nature of court practices. Nevertheless, it is unlikely that the precise causes of the disgrace will ever be known. We know for certain that Fleury knew of Chauvelin’s intrigues with foreign ministers; that he also knew of his formation of a party at court to support him; that there was a campaign of rumours launched against the minister by opponents, once it was known that he did not retain Fleury’s entire confidence; and that there was a difference of views on foreign policy. What is not known is for which of these reasons, or for what combination of all of them, the cardinal de Fleury took his final decision to exile his aide. It is to be presumed, since it can be shown that the affair in the parlement was not essential to his fall, that Fleury had already made up his mind not to allow Chauvelin to become his successor. Did Fleury intend to make new arrangements for a successor and then retain Chauvelin as secrétaire d’état, which seems unlikely? Or did he intend to make these arrangements and then dismiss him, perhaps after arranging for d’Orléans to play a more important role, or was he influenced by the accusations that Chauvelin was trying to disrupt his foreign policy and add fuel to the flames of the Jansenist controversy?
It is often remarked that the answers to these and other questions related to the dismissal lie in the lost papers of the exiled minister. These would perhaps provide further proof of the activities of Chauvelin, but we already have enough. The answer to these questions can never be known unless the papers not of Chauvelin but of Fleury come to light. Even then it is doubtful whether they would provide any clues. The final decision was taken by Fleury alone, and he did not wish his reasons to be known. He deliberately obscured the issue: he led Waldegrave, the British ambassador, to believe that the British attitude to Chauvelin had played a part in his decision. In fact, he quite simply led each questioner to believe what he liked regarding his motives. The Bavarian ambassador had a long conversation with him which accurately conveys the flavour of his diplomatic language.

I was very sorry for the unhappy and disgraced minister. ‘And I’, replied the Cardinal, ‘but I was forced to do it, and leaving aside what was particular to me and the ingratitude he has had towards his benefactor, the interest of the state obliged me to’; ‘but, Monseigneur,’ I continued, ‘for the rest he has failed the King and would have betrayed him’: ‘I do not say that’, replied the Cardinal, ‘but I was forced to do what I did’; ‘so he’s to be regarded as dead and vilely so’, said I. ‘I hope for the love of God’, answered the Cardinal, ‘that he sees himself as such…’. He never wanted to open up clearly enough for me to arrive at a true judgement from his replies, and he confined himself to putting me in the way of believing what I wished.

The fullest explanation comes from the same source, quoting ‘people worthy of confidence’. It confirms these general motives but adds two more of significance. Not only was Chauvelin haughty in his dealings with other ministers, wanting his opinion to prevail at all times, but he had become incompatible with them. Fleury regarded it as a matter of honour, duty and conscience not to leave the state in his hands when he came to die.

The fall of Chauvelin saw the commencement of new problems for Fleury who now needed a new aide and perhaps a successor. In fact, although his letters to Tencin in 1741 and 1742 give reason for the conjecture that Fleury hoped the Cardinal would inherit a large measure of his power, it is not known for certain whether he ever seriously contemplated the idea of a single successor. He must have decided not to allow Chauvelin even the possibility of succeeding him by 1736 at the latest, otherwise he would hardly have permitted the chorus of disapproval to rise to such a high pitch in the last six months of the year. If he had contemplated arranging for d’Antin to take his place the death of the Duke on 2 November 1736 must have left the field open again.

From the Condé and the princesse de Conti (who was Bourbon’s sister) there was a wail of indignation at the dismissal of Chauvelin; both dowager duchesses wrote strongly worded letters marking their discomfiture. Louise Françoise de Bourbon-Condé, the indomitable old duchesse, was ‘proud, despotic, violent, vindictive, turbulent, jealous of her rank’, an excellent composer of vicious songs and astute in the arts of trickery. She announced her intention of sending Fleury...
her reflections on developments, in order as she said, to safeguard the interests of
the House of Condé against the légitimés and the Orleanists. By her reference, in one
letter, to the appointment of Amelot de Chaillou it is plain that, if she did not see the
dismissal as the work of the Orleanists, she certainly saw that appointment as a
triumph for their cabal. This, of course, was the same group which figured so
prominently in the politics of the 1720s, ‘One would have to have as blind a faith as
I have in you’, she wrote ironically, ‘to believe that Mr Amelot de Chaillou, having
been put in by Mr de Forts (as intendant des finances) and being his relation, is
really not [a member] of the cabal’.30

There are several reports that Fleury did consider inviting Toulouse to assume a
much more important role in the government, perhaps with a view to his becoming
a successor to Fleury as unofficial premier ministre or special confidant of Louis
XV. When this situation is seen not in isolation but as a part of the longer factional
struggles dating from the 1720s, then a different perspective emerges.

Concerned to protect the interests of the House of Condé, the dowager duchesse
de Bourbon exerted as much pressure as she could over Fleury at this time. From a
number of interesting letters to Fleury during the spring and summer of 1737, one in
particular merits close attention. A neglected document, and one that provides a
real insight into the explicit way in which the concerns of clans were articulated, it is
important for the details of the situation in the immediate aftermath of the fall of
Chauvelin. It sheds light on the intentions of Fleury with regard to the Orleanists,
and these need explaining. As with all the letters in her own hand, the spelling and
punctuation are more than usually idiosyncratic.

Paris, 8 March 1737

Although I well remember, Sir, what you said to me many a time about Mr
the duc d’orleans and about the justice he did himself, I cannot help but be
alarmed by the rumours which are abroad not only amongst the public but
in his own household, for it is from within his own house that I know that
he is working to bring himself up to date on affairs, and that it is suggested
that you will have him attend your travail with the King in order to put him
in a fit state to fill your place after you. If these rumours have any
foundation, you’ll not be surprised at our disquiet and you will easily
understand that the spectre of the first prince of the blood will not make us
mistake Mr the count of Toulouse and the Noailles who are behind him.
You have too much justice to want to make these people our masters and
you love the King and the state too much to want them to be governed by
madame the duchesse de Villars, Madame Darmagnac and Madame de
gontaut, which would not fail to happen if you think as they say you do
about M.the duc d’orleans. The knowledge I have of your sentiments
reassures me, but I [need] say nothing, touched by the opinion that you
have been given about the devotion of Mme the cont. de toulouse and all
that lot, I believe it to be true but it seems to me that she restrains their
ambition not in the slightest, and I fear your goodness. That is why I
wanted to speak to you early on about what is being said publicly, and remind you of the repeated promises you gave my son and I to make no arrangement without concerting with us; our lack of involvement in this affair puts me in a position to speak more freely than I would if you were not assured that my son wishes nothing. But in truth, when he thinks as he should he is right to want to know which master you want to give him, and to be in a position to have you admire the reasons he has to fear those who absolutely want to be so; and he [d'Orléans] will perhaps succeed in spite of yourself if you do not put things on a firm footing. You have asked me for six months to think about it, but if in six months you communicate nothing to us, and if at the end you reveal to us a finished arrangement the day before it’s declared, you’ll admit that that wouldn’t be acting in concert with us, and we could find ourselves with our throats cut without having suspected a thing.

She is clearly quite determined to make her continued opposition more than clear to the Cardinal. Her letter barely conceals the threat that the House of Condé would feel it had just cause for opposition should the duc d’Orléans end up in a position of real power over them. She continues:

To avoid this my project is to tell you or to write to you what I think on everything I hear and as Mr the duc d’orléans is the Saint of the day it is right that I remind you that he has always hated my son since his mother and he decided after the death of the late mr the d’orleans that he’d been done a great injustice in not giving him at twenty years old a Kingdom to govern; that he has always been for the legitimised [bastards of Louis XIV] against the princes of the blood; that he is against them on every occasion, that what he has done about Madame de Modena is absolutely part of this and lastly that he is one of those we have most to fear. After having told you our reasons, I’ll repeat that no subjects are more devoted and obedient to the King than we are, that we would be more than happy if we could flatter ourselves that he wanted to govern like the late King but without putting his trust in a favourite minister [sans homme de confiance], who if he does want to take one, it isn’t right that he should choose him so close to us [in rank], nor above or below, because either way we’ll be crushed in the middle and you surely don’t want us to be. You see that I am fair with you and I flatter myself that you’ll be fair with me about my way of thinking. It is not entirely without interest for you, for I see only horrors after you if you don’t put some order into it, for the state as well as for us.  

This plan must have been a new one developed in the two weeks after 20 February. Proof that d’Orléans was not aware of these projects before the exile or immediately afterwards lies in the letter he wrote to Fleury when he was informed of the news of the fall: ‘I left Versailles knowing nothing of it’, he wrote. The tone of the letter is
one almost of insouciance and therefore not that of a man who knows he is destined to play a greater part in the government. He had displayed a similar lack of vigour in 1723 when he could have tried to succeed his father.

The plan itself was not unreasonable, given the circumstances of the royal family. Louis XV showed no strong desire to govern and by taking a mistress openly he had demonstrated that the chances of the Queen giving birth to a second legitimate son were reduced. Should Louis himself die there would be another Regency under d’Orléans; if both he and his son died there was again a good chance that the House of Orléans would rule France; in either event the d’Orléans seemed bound to play a part in the government. The marquis d’Argenson had found the plan difficult to believe at first, but when he had sounded out his brother who was the chancellor of the d’Orléans household, he detected the confirmation of what he had heard through the vociferous denials. For reasons which are unclear the project was dropped during the spring of 1737. Probably the resistance of the Condé was so great that a revival of the strife of the 1720s seemed likely. Having taken power partly in order to preserve the inheritance of his pupil from the consequences of just such a state of affairs, Fleury can hardly have wanted to recreate the situation as his own political legacy.

Another plan was formed which was something of a compromise. This too is recounted in a letter from the dowager duchesse. She wrote on 3 July that there was now a faction of the Toulouse and Noailles who intended to persuade Fleury to give Toulouse a place in the conseil d’état, arguing that in view of the comte’s poor health it would do him good. Inspired by the comtesse de Toulouse (a Noailles), the faction hoped to have him appointed premier ministre later, ‘and make him master of the Kingdom and as a result of the princes of the blood, which means the Noailles in his name’. Then the King would be persuaded to agree,

by making him see that a place in the council is necessary for the health and even the life of Mr the comte de Toulouse who is eaten up with vapours, he’ll be told that he can put no more honnête homme who is more attached to him, nor one to whom he is more accustomed, that in return for this place he will never leave him and will only go to Rambouillet [the Toulouse residence Louis liked to visit] when he himself goes there. If they succeed in getting this for him then there will be other ways of gaining the rest, and as the King is thought to be timid, they’ll begin by ignoring him and by making him think that Rambouillet, the only place he is thought to enjoy himself, will no longer be so agreeable if he doesn’t accord Mr and Mme the comtesse de Toulouse everything they want, which is nothing less than the government of the state. That’s their plan and I need add no reflections.

A corollary of this plan was the removal of Chauvelin to more distant Bourges in early June. ‘Mr Chauvelin’s enemies…soon came to fear that the Public might come to sympathise with him as a victim of persecution, and that that might increase the strength of the party he still had at court, against them. They have succeeded in
having him sent from Grosbois [his own château] to Bourges …and wanting to have the Public see M.Chauvelin as a man lost and without recourse, they are constantly acting as if his return with the greatest favour of the King really seemed to them to be both plausible and imminent’. A report was published in the *Amsterdam Gazette* which said that he had been exiled because of his secret correspondence with the due de Bourbon, an implication which was hotly denied by the dowager duchess. In the autumn of 1737 steps were taken to make the comte de Toulouse a minister, but he was already ill and died on 1 December after an operation. The question of successors then fell into abeyance. After 1738 there seemed little hope that Fleury would himself be able to find a suitable aide or successor. The best that he could do to pacify the factions was to appoint Breteuil to be secretary of state for war when d’Angervilliers died in early 1740. He was the same man who had served as minister during the ascendancy of the duc de Bourbon, had been dispossessed of his post by the return of Le Blanc in 1726, and was an adherent of the Condé faction. This appointment represented a policy of balancing the two factions against one another.

Supporters of Chauvelin were still much in evidence in 1737 and 1738. The House of Bourbon-Condé had by no means lost all political influence, as the British ambassador recorded in 1740. Wrote Waldegrave, ‘the number of people of the highest rank and distinction that continually resorted to him gave him a sort of credit in the nation and a liberty to find fault, which by our enemies was made use of to the cardinal, to engage him, under pretence of the “honour of France”, in measures he would not otherwise have chosen’. In late 1737 support for Chauvelin manifested itself in the conspiracy of the ‘marmidons’. This was a nebulous business that involved the young duc d’Antin, La Trémoille, who was a first gentleman of the bedchamber, both intimates of Louis XV, and Bachelier, his valet. The plot was too inept to pose a serious threat, but it must have kept Fleury on his toes and encouraged him to dismantle the support for the exiled minister. Fleury naturally refused patronage to those associated with the minister, like the marquis d’Argenson and the Spanish ambassador. The farmers general of the postal service, were dispossessed of their farm in 1738 owing to suspicions of their aiding Chauvelin with his secret correspondence. Pecquet, a premier commis of foreign affairs, shared Chauvelin’s anti-Austrian views on policy, but in 1738 Amelot was too new to the job to conduct administrative affairs without the help of the experienced Pecquet. In 1740 though, Pecquet presented an anti-Austrian memoir on policy directly to Fleury, over the head of Amelot; he was then arrested and dismissed for his connections.

The Cardinal was ill during much of 1738, probably as a result of having to cope with the heavy burden of affairs. His serious physical decline may be dated from then; although he seemed to make a remarkable recovery and remained well enough to work, his mind was cloudy at times and he lacked energy. He was said to trust Orry and Maurepas more and he perhaps gave them a freer rein in the making of policy in their departments. He kept a grip on foreign policy, however. His foreign policy from 1737 to 1740 was directed at achieving the isolation of Britain while keeping a balance in Europe, and he seemed about to launch a maritime war against her in 1740.
The death of the Emperor on 20 October 1740 not only put a stop to this but also created a diplomatic situation which proved to be beyond the forces of Fleury to deal with. On 2 December 1740, just after the invasion of Silesia by Frederick, he wrote to Tencin: ‘My head is spinning with all the nebulous affairs that are appearing on all sides and which would need a much stronger head than mine. I could almost believe that we are nearing the end of the world when I see a good number of the dreadful portents that ought to precede it’.41

This period saw Fleury abandon the formulation of policy to subordinates first willingly, because he misjudged their reliability, and later unwillingly against his better judgement. His policy on central Europe was suggested by the two experts on imperial affairs, Blondel and Chavigny, and it was a reasonable one. It consisted of recognising the succession of Maria Theresa and bringing about the election of Charles Albert of Bavaria as Emperor. Frederick II’s action in invading Silesia disrupted his plans, for, at a time when France could safely have pursued an anti-Austrian policy, Fleury had hoped to arrange everything by negotiation. French policy from December 1740 until the summer of 1741 was half-hearted and vacillating: Fleury could choose neither to pursue his own peaceful policy nor adopt the belligerent policy advocated by his sole negotiator in Germany, Belle-Isle, for he disliked war and was wedded to a policy of financial economy.42 There was strong pressure at court for a war with Austria. As Millot wrote,

Le cardinal de Fleury, a friend of equity and peace by nature, restrained by the guarantee of the Pragmatic Sanction, and being in his extreme old age incapable of grand designs, feared the war they wanted him to engage in all the more because the last one had seemed to him to be an unbearable burden. But the clamour of a part of the nation, the almost general wish of the officers, the advice of the maréchal [de Noailles] and of the comte de Belle-Isle, carried the day against the arguments of this powerful minister.43

The failure of Fleury to conduct French foreign policy successfully at this stage in his life reflects more than his declining strength; it reflects his failure to control the factions at the court of France. Wilson suggested as much—‘he lost control over his subordinates’—with reference to Belle-Isle, but the full circumstances have yet to be explained.44 Let us therefore examine the links between the aristocratic factions and foreign policy more closely, beginning with the state of the factions.45

From 1737 to 1741 some important changes occurred that altered the composition and influence of the factions. Up to the late 1730s there had been great continuity with the divisions during the Regency and the 1720s. It was not quite the same in 1740. Some of Chauvelin’s supporters had been discouraged. The due de Bourbon died in 1740 and in 1741 the due d’Orléans retired from the council, to go into religious seclusion. With the figureheads of the two opposing factions absent, those with political aspirations formed new groups. The
candidates for office who had formerly attached themselves to one or other of
these now emerged as powerful individuals in their own right. A grouping of the
factions in terms of their actual existence rather than in terms of the potential
successors to Fleury, would reveal three. They were apparently led by Chauvelin,
the due de Noailles and Belle-Isle, but it must be remembered that powerful clans
were behind these individuals as candidates. It could not be said that Tencin, at
one time a serious contender for the mantle of Fleury, or the Secretaries of State,
who would eventually win the struggle for succession, were leaders of factions,
although they had some supporters.

There is an anonymous memoir in the archives which describes three factions
contending for the succession. It is dated November 1741 and notes that the public
was convinced that the King on his own would not choose a premier ministre, but
that intrigues and cabals were at work to make him do so. “Intrigues and court
cabals…are thinking only of bringing to the prime ministership, someone to their
liking whom they imagine they will be able to manipulate. And there are already
three different cabals ready formed with respect to three different subjects. That of
Chauvelin, that of Cardinal Tencin, and that of M.de Belleisle.”46 The argument of
the memoir is that the King should choose no premier ministre after Fleury, but that
he should govern himself with the aid of a sound council.

These factions do not correspond to those enumerated above, and this must be
accounted for. An explanation suggests itself when the motive for the memoir is
taken into account. It is evident from the past and subsequent conduct of both the
duc de Richelieu and the duc de Noailles, who were close friends, that both hoped
to exercise great influence upon Louis XV after the death of Fleury. In 1741 and
1742 Richelieu was busy intriguing with the King’s future mistress, Mme de La
Tournelle, to acquire this power. Noailles, excluded from the ministry by Fleury,
although often consulted on affairs, certainly hoped to acquire a ministerial post,
but only after the demise of the Cardinal. It was in the interests of both of these
men, each of whom had followers, to avoid the creation of a formal successor to
Fleury and to encourage Louis to govern as his own first minister. Neither of them
is mentioned in the memoir, which is surprising since Noailles had for a long time
been proposed as a minister. Richelieu had recently acquired his governorship and
could have had no pressing ambition in 1741. Therefore it can be concluded that
the memoir, since it was written by someone very well informed about politics,
represents a blow in the struggle for succession on behalf of Noailles. Tencin was
undoubtedly a potential successor to Fleury, but was widely disliked and could only
hope to succeed as a direct result of the approbation of Fleury. The Noailles, on the
other hand, formed a very well-organised group.

The first of the three factions was that of the former Keeper of the Seals,
Chauvelin, and it was perhaps the most numerous. Cruickshanks provides a most
useful scrutiny of the components of this group.47 Fleury himself provided the
names of some in a letter to Tencin which is doubly valuable because it explains
why Fleury had been anxious about the Spanish reaction to his dismissal of the
minister in 1737.
I had reason to believe that M.de Chauvelin was not well regarded in Spain, but M.de la Mina declared so strongly for him here and became so involved, that I had suspected that he would not have dared to declare himself so openly if he had not been certain of not displeasing his own court. He had become closely linked with the Condé, M.de Carignan, the Matignon, and down to the subalterns who were attached to M.Chauvelin. He was no less so with the abbé Franchine, who is blindly dependent upon M.de Carignan.48

Supporters of Chauvelin among the princely families were therefore the Condé, the Carignan, the prince de Chalais and the Matignon. His candidature was favoured by several ducal houses: the ducs de Villeroy, d’Aumont, Biron, Crequi, Balleroi, the marquis de La Fare and the marquis de Beringhen.49 Finally, he had a vital ally, the King’s first valet, Bachelier. The latter was described by d’Aube as having ‘the principal and perhaps the sole confidence of the King for those few things that H.M. takes to heart and does without consulting the Cardinal, and often without him’.50 He had been an ‘intimate friend’ of Chauvelin before his fall and, in spite of his links with Chauvelin’s enemies later, he seemed to lose no opportunity to strengthen the position of Chauvelin in the eyes of the King. Fleury had attempted to send him away from the King, but soon came to realise that this was impossible and that sooner or later Louis was bound to require someone to conduct his more delicate affairs. Nevertheless, while Fleury lived the faction had little hope of success, and with Chauvelin at Bourges he was out of sight and in 1741, almost out of mind.51

We have noted the power of the Noailles clan under Louis XIV, when it contributed to Fleury’s own ascension, and during the Regency. Adrien-Maurice, due de Noailles was born in 1678 and, of twenty children borne by his mother, was the only son to reach maturity.52 He married mademoiselle d’Aubigné, the sole heiress of Mme de Maintenon. Two daughters were the product of this union, one of whom married prince Charles de Lorraine and the other the duc de Villars, and both became favourites of Queen Marie Leszinska. His two sons, the duc d’Ayen and the comte de Noailles were both intimates of Louis XV. The duc himself had inherited the wealth and power of the clan, with its prestigious and influential offices, being governor of Roussillon, governor of the royal houses of Versailles and Marly, and captain of the garde du corps. His career during the Regency saw him acquire ministerial experience as president of the council of finance. As we have seen, he was opposed to the advancement of Dubois, was exiled from 1722 to 1723, but returned to favour under Fleury. He was made a maréchal de France in 1734 and given command of the Army of Italy the following year.

The marriages of his sisters reveal a family strategy to preserve wealth and influence. One of his nine sisters, Marie-Christine, was married to the duc de Guiche, who later became the maréchal de Gramont; another, Lucie-Félicité, wed the duc d’Estrées, who by 1740 was a maréchal de France; a third, Marie-Thérèse, married the duc de La Vallière; the last really important marriage alliance was the
most brilliant: in 1723, in her second marriage, Marie-Victoire-Sophie wed the comte de Toulouse, prince légitimé. From 1737 to 1742, the comtesse de Toulouse’s circle included Mme de Mailly, the King’s mistress. Of the other sisters, four married well, and one became a nun. The whole clan was directed by the dowager duchess. Although no less astute, she was quite a contrast to the dowager duchesse de Bourbon-Condé, being well liked, witty and good natured. She managed to control this vast clan, encouraging them to act in concert when the family fortunes required it. ‘The Noailles were like a troupe of country players, who only come together to play their rôles.’

The faction of the comte de Belle-Isle too had a long history, some of which has already been considered. The comte’s family connection with Mme de Lévis and the Castries had proved useful in a number of occasions, and he managed to acquire the patronage of the maréchal de Boufflers and the cardinal de Rohan during the War of the Spanish Succession, in which he distinguished himself. His close association with the cabal made Fleury suspicious after 1726 of this tendency to intrigue, but the Cardinal was prevailed upon by Mme de Lévis to promote him to lieutenant-general in 1731, and the comte was accorded the governorship of Metz two years later. During these years he maintained and expanded his network of friends and clients. Chavigny in particular remained in close contact with him and Silly told Richelieu in 1726 that in the time of Dubois he was ‘closely linked with Belle-Isle, and consequently with the whole cabal’ and that since the disgrace of the leaders (in 1723) ‘Chavigny has always kept in close contact with the duchess de Lévy and this has remained more than ever [the case].’

The comte’s marriage in 1729 to Marie Casimire de Béthune meant that he was henceforth related to two of the most important houses in Germany, and was a cousin of the elector of Bavaria. Together with the experience acquired through his governorship, these extensive connections gave him knowledge of Germany which he was to put to good use in the early 1740s. He was an indefatigable worker who fully appreciated the value of information and used six secretaries to keep up a vast correspondence in France and abroad. He was said to be charming, ‘honnête homme’, but also extremely calculating, never taking a step, nor making a visit, nor even attending a pleasure party, except by ‘reflection, for the advancement of his aims and fortune, and, in so doing, ceaselessly applies himself to his own instruction without having the slightest appearance of doing so’. At his country house at Bisy in Normandy he met his clients and political friends: Fagon, a talented intendant des finances who had refused the office of controller-general, La Fare, and Hérault de Séchelles, whom Chauvelin feared they wanted to have replace d’Angervilliers. Both his wife and his younger brother, the chevalier de Belle-Isle, were an indispensable help to the comte. The chevalier, who was perhaps more intelligent and discerning, realised his own ambitions through the success of the head of the family. Both brothers further added to their gloire during the War of the Polish Succession, such that in 1735 Fleury began to regard him more favourably.
Thus the Belle-Isle faction had been built up over a long period and retained its original members from the 1720s until the 1740s. Unlike the clans of the Condé and the Noailles, this group was based first and foremost upon the talent of its leader, who was able to emerge from the Orleanist cabal in the 1720s and gradually enhance his position by constructing rather than inheriting a network. Its leader was extremely intelligent and ambitious and he had equally intelligent associates. One of these was the duc de Richelieu (another who owed his position of influence to both family and his own achievements), whose correspondence with Belle-Isle has in part survived.58 Such a connection between leaders of factions, like the links between Noailles and Richelieu, or Tencin and Richelieu, indicates a certain fluidity in the groups, which makes it unwise to represent too neat a division between them. Perhaps the lines only became sharply drawn when competition arose over a particular policy or post. Conflict over policy was fairly rare among groups, none of which was in a position to make the final decision, since policy represented a vehicle for their advancement rather than an end in itself. In that situation the interests of France could be, and frequently were, sacrificed to the exigencies of family or factional ambitions.

The composition of the Noailles and Belle-Isle factions prompts a reflection on the nature of faction itself. Family connections were all-important in their composition. Although individual animosities might cut across family ties, it was generally true that among the factions of the higher aristocracy it was the network of the extended family, and not the individual alone, which formed the basis of their power. The Noailles are the finest, perhaps the purest, example of this. At this date they formed a vast political clan over three generations with marriage alliances into many of the most important families of the peerage, including the legitimised bastards of Louis XIV.

The rise of Belle-Isle at court from December 1740 is well documented.59 With the advantage of his marriage and a profound knowledge of German affairs developed over the years by his vast correspondence, he was able to secure his appointment by Fleury as ambassador to the Imperial Diet.60 Yet he had concealed the fact that his policy was more belligerent than that of Fleury. Although the Cardinal waited on events for several months before sending his specific instructions, it soon became clear that Belle-Isle wanted war in support of Bavaria against Austria. The height of his influence was in the summer of 1741 when he returned from Frankfurt to Versailles in order to urge the ministry to adopt his plans wholeheartedly. In his memoirs of the affair he left a description of the way in which decisions were taken. On 10 July he spent two-and-a-half hours alone with Fleury, discussing the situation, then, on 11 July, a committee of ministers was held without Fleury:

We assembled at five o’clock at M.Amelot’s, namely: Messieurs de Maurepas, Orry and Breteuil, who make up the whole of the King’s council with His Eminence, who had asked us to debate all matters, to draw up a single plan and opinion, so as to spare him the importunity and length of the
details, given his weak head, and to give an account to him when the matter had been thoroughly debated and the general plan agreed.\textsuperscript{61}

The plans of Belle-Isle were adopted \textit{in toto} by the other ministers who, according to Saint-Simon, dared not challenge his power. However, it must not be assumed that Fleury had entirely abdicated his role as premier ministre. On 19 July he read and annotated a long memoir by Belle-Isle on his plans, but once they were approved Fleury played surprisingly little part in the organisation of the military campaign. ‘Belle-Isle decides everything, nominates everyone, rules on the details and political and military mechanics, the ministers do no more than expedite things on his command’.\textsuperscript{62} He had been allowed to choose his own officers for the campaign, which explains why he was accompanied around Versailles by a lengthy suite of officers hoping for patronage. Even more unusually, he had played a part in selecting the envoys to the German courts. Importantly for his campaign, he had chosen Hérault de Séchelles as his intendant of the army, and through Chavigny had effected a reconciliation with those expert military suppliers the Pâris brothers.\textsuperscript{63}

At first the campaign went well, and in January 1742 after the election of Charles Albert of Bavaria as Emperor, Fleury would have liked to make peace. Just then the Austrians won their first military success and the tide began to turn. Military campaigns were themselves linked closely to the fortunes and tactics of factions. Success brought credit, consideration and support, while failure or even committing an error that could be exploited by its publication or misrepresentation back at court could undermine future chances. The consequence at the court of the successful prosecution of the war was the increased influence of those factions whose policy was fundamentally anti-Austrian.\textsuperscript{64} The King was wearying of Fleury and the Chauvelin faction was seen to be making great advances.\textsuperscript{65} After the capture of Prague it was thought at court that Belle-Isle ‘would quite naturally become master of the Government’.\textsuperscript{66} The courtiers began to abandon Fleury and his power began to evaporate:

Probably everyone had reason to believe that at the least the Cardinal’s influence over the King’s mind has been greatly reduced, and that the maréchal de Belle-Isle has gained in their respect all that the cardinal had lost; while among the King’s subjects some began to detach themselves from him, others were able to stop fearing him, or to begin to fear him less; some foreigners came to lose or at least to lessen their previous confidence in him, while others hoped to profit at the same time from the unhappy situation of the affairs of the Kingdom and from the divisions that reigned at court.\textsuperscript{67}

But if France seemed to be in a satisfactory position, Belle-Isle’s star had passed its peak. His very success provoked the secretaries of state to hostility, and the disastrous appointment, to command the army of Bohemia, of the old maréchal de Broglie, an unpopular commander who had never approved of the plan of campaign. When the Austrian advance led to their capture of Linz, open criticisms
of Belle-Isle were made.\textsuperscript{68} It took a visit from Belle-Isle to court in March 1742 to restore his position, and although France’s allies trusted him, Fleury was against the war and now disliked him. Belle-Isle returned to Germany, was unable to agree with Broglie, tried to keep Frederick II in the alliance, but the defection of Frederick on 11 June was made public in the Preliminaries of Breslau. This left the army isolated in Prague. At court a battle raged between the partisans of Belle-Isle and those of Broglie, with the ministers on Broglie’s side.

Fleury began to find difficulty in having his decisions prevail in the \textit{conseil d’État}.\textsuperscript{69} He wanted peace at any price. The lowest point of his influence came when Maria Theresa published a letter he had foolishly sent to her foreign minister on 11 July 1742, throwing the blame for the war on Belle-Isle. It was an attempted finesse by the Cardinal that went badly wrong. The weakness of Fleury and the divisions in the French government then became public knowledge in Europe.\textsuperscript{70}

All the more surprising, therefore, was the appointment of two new ministers who were regarded as protégés of Fleury, on 26 August 1742. The appointments represented the re-establishment of the Cardinal’s power in the council and a decisive blow against the rival factions.\textsuperscript{71} No one would now believe that the King had the slightest intention of entrusting principal authority to either Belle-Isle or Chauvelin, for the two ministers were avowed enemies of both of them. At a time when France needed a firm direction to policy, Louis XV failed to step in, and Fleury seems to have looked to Tencin as a man of talent who would carry on his own vacillating policy.

The two new ministers, the comte d’Argenson and the cardinal de Tencin, were without portfolio.\textsuperscript{72} Tencin was the more important. Fleury had written to offer the post on 24 July, but Tencin had refused on the grounds of incapacity and the fact that it would distance him from his diocese of Lyon. His recent biographer, Sareil, thought that this refusal was from genuine timidity although he later admits that it was the strategy of Tencin after September 1742 to be Fleury’s creature, dissembling all ambition under an air of modesty.\textsuperscript{73} In fact, in August 1742, Fleury had finally found a man who could equal him in ruse and subtlety. In the light of Fleury’s own career, it is ironic that the refusal by Tencin of a place in the council should have provoked the following reply.

I have already had the honour of telling Your Excellence that I could only praise and admire the motives that had prevented him from surrendering to the first overtures that I made to him, and I am not unhappy about his discretion, which is known to no one in the world without exception. But I do not believe that Your Excellency should push modesty to the point of refusing a place in the King’s council as a minister, which engages him to do nothing more than give his opinion. You will soon be up to date on current issues, and I admit that I would be very relieved to become both your colleague and to find in you useful and disinterested counsels in the present circumstances. This new place would distance you even less from your diocese and nothing will prevent you from time to time to make brief visits. I will gain much for
my part, and Your Excellency will lose nothing for his part. I await a consoling reply…

Mortemart is being grossly unfaithful to his court and his court is happy to be deceived. Spain is no less unfaithful to us and is offering London a carte blanche for a settlement. In a word, there is a general defection to destroy us. The means of combating this are lacking, not the courage. I usually end conversations with M. the Nuncio by saying to him that God is the master and that we should put our trust in him alone.74

In spite of this ‘coup d’autorité’ by Fleury to reaffirm his power in the summer of 1742, it is from then that the origins of a new period of government must be dated. The correspondence of Tencin and his sister Mme de Tencin with the due de Richelieu makes this plain.75 Although Belle-Isle was shut up in Prague with a beleaguered French army, and Fleury appeared to have re-established his power, the cardinal de Fleury was quite incapable of directing French policy with vigour. His health was poor and in the autumn he was unable to attend meetings of the conseil d’état. Only a brilliant retreat from Prague by Belle-Isle in December saved the French army, but Fleury’s dying grip on policy still pressed in the direction of an unrealistic peace. The factional strife continued with a renewed sense of urgency, the more so since the political situation was complicated by the emergence of a new royal mistress with political aspirations, directed by Richelieu, and by the determination of the four established secretaries of state to preserve and increase their independence.

From September until the death of Fleury the two new ministers were ostracised at court by their rivals and alienated from their ministerial colleagues.76 If Amelot and Breteuil remained subservient to Fleury, Orry and Maurepas gained in independence. The contrôleur général developed a particular and unexpected ascendancy in the ministry and he had ‘a special travail with the King, and that on matters that the King well understands’.77 In November Mme de Tencin described the state of affairs to Richelieu: ‘Things are still the same between the new ministers and the older ones, if they are not worse. The elders have their little special committees, and say what they want only at the one held at the cardinal’s’.78

Fleury was not in a position to name a successor in the final months of his life. Louis had already expressed the desire to become his own first minister after Fleury, so all that could be done was to recommend to him those whose judgement might be relied upon. Towards the end of November Fleury had a long interview with the King during which he probably discussed such counsellors.79 He then announced his intention of retiring to Issy for the month of December, from where he nevertheless made two trips to Versailles and where he continued to receive the ministers. His strength was weakening steadily and in early January he went into an irreversible decline.

His death on 29 January put an end to a period of ministerial control which was not to be equalled during the rest of the regime. Unsurprisingly, the courtiers,
weary of the restrictions on their power and influence, and the reformers were anxious to see the advent of a new order:

Everyone agreed that it was a precious moment that should not have been lost, to give the French Government a new face, and a very different one from the one seen for too long. Those capable of reflection, well informed and sensible, also agree, and unanimously, that France resembled a fine building, soundly constructed, but whose foundations undermined from afar give reason to fear the ruin of the whole edifice.80

FACTION ASCENDANT

The announcement by Louis XV that he intended to be his own premier ministre opened the way for the consolidation of a new system of government in France: ministerial anarchy. This situation developed from the factional struggles which already beset the court in 1742, and it has been described by Cruickshanks as the victory of the secretaries of state.81 The factional struggles which led to this have been described elsewhere, but here the concern is with the effect of the change upon politics. It is therefore important to be precise about the significance of the change. In the immediate circumstances of 1743 and 1744 it signifies the victory of the secretaries of state not in their role as administrators, but in their role as members of a faction. Their method was to exploit their privileges as ministers in order to deprive rivals of information and the ability to take part in the process of making decisions in the royal council. They were able to use their spies to spread rumours in cafés and public places in order to discredit their rivals.82 When Belle-Isle returned to court, his health broken from the hardships of war, he found the ministers against him, his friends passed over for commands in the new campaign and himself the scapegoat for the failure of French policy.83 It seems that factional manoeuvres overflowed into the conduct of the war, both in the sense that factional interests came perilously close to taking precedence over sound policy, and in the way reports, news and rumours were manipulated in order to discredit rivals.84

The reflections of Tencin, who was regarded by Luynes as the only minister to put the interests of France before those of his faction, constitute an invaluable insight into the unfortunate manner of conducting business in 1743 and 1744.85 In August 1743, after six months of what can only very loosely be called ‘royal control’ he wrote to Richelieu:

You may count upon it, my dear duke, that the government will subsist as it is, there is no good to be done. Whoever works with the King has the last word...As long as the council remains as it is, it is impossible that it will ever work well. The Secretaries of State only bring what they want to it. There is never any notice of what is to be discussed. Who, in these circumstances, could and would dare take upon himself to give an opinion? Besides, I have no doubt
that the ministers are hiding from me some aspects of the business under discussion, and that consequently I should run the risk of speaking inappropriately... The way things are, I declare to you that I would refuse [the ministry for] foreign affairs. What is more, I'll admit to you that I am beginning to agree with the maréchal de Belle-Isle that it is impossible to do any good, without a clean sweep. I see no minister who is not far beneath his place.86

The power of the ministers lasted throughout 1743 and 1744. Their rivals for the succession to Fleury were unsuccessful. Richelieu’s hopes were based on his role as counsellor to the King’s mistresses from the Nesle family. According to Cruickshanks, between the winter of 1742 and the spring of 1744, the ambitious mistress and Richelieu had ‘secured for themselves and their friends some of the most prized and lucrative court offices’, as well as influence over financial offices and arrangements, particularly through the Pâris brothers.87 But the due saw his immediate influence decline when Louis XV fell ill at Metz, with the result that the dévôt party was able to bring about the withdrawal of the duchesse de Châteauroux. She died in December 1744, just after arranging a return to court. The maréchal duc de Noailles too found his power eclipsed during the summer of 1744, just when he seemed most likely to succeed in controlling foreign affairs. Made a minister of state on 10 March 1743, he had become a trusted counsellor of the King.88 On 12 May 1744, Tencin wrote that Noailles was aiming at the secretaryship of state for foreign affairs and that he also wanted to direct the finances so as to become premier ministre. ‘The King knows Mr de Noailles as we do, and yet he is all-powerful, as we all are vis-à-vis the King when we work with him: you could get him to sign his own death warrant.’89 During the illness of Louis at Metz, Noailles failed to give battle to the enemy army, which caused a rift with France’s Prussian ally and revealed him a better maker of memoirs than man of action. His credit with Louis went into swift decline, and in November the marquis d’Argenson was given control of foreign affairs. Thus by late 1744 the secretaries of state had emerged victorious in their struggle to retain power.

Louis XV was too weak-willed to impose himself upon his ministers, with the result that policy lacked direction and manoeuvring for influence encouraged inactivity or even the sabotage of policies. In the long term, it was not so much a question of a victory of the secretaries of state as a triumph of the spirit of faction itself. Henceforth, policy in France was not to be made by the secretaries per se, but by the secretaries as candidates of aristocratic factions who had the ministers in their power. The marquis d’Argenson was an acute observer of the ministerial situation, having held office briefly himself. He characterised their situation in just such a way, and is confirmed in his views by Richer d’Aube.90 In the absence of a firmer system of government,

The ministers will be drawn into doing badly by all sorts of interests that will be keenly upheld by courtiers and others with influence; these, never content with what has been done out of deference to them, are always ready to make use of bad means, into which the ministers let themselves be dragged, to bring
them down if they can, whenever the said ministers fail to defer to new and unreasonable demands.91

The most damaging feature of this ‘ministerial anarchy’ was its failure as a system to control financial expenditure. Fleury had not permitted his ministers to spend without his supervision. Now it became possible for each minister to have the King authorise expenditure without its being subjected to any overall control, even by the controller-general, who was only one minister among several. This was exactly the situation that Necker unsuccessfully tried to challenge in 1781, and his failure led to the continuation of Castries’ vast overspending on the navy. For a brief period during the Seven Years’ War, Cardinal Bernis instituted a plan whereby the council of state acted as a collective first minister.92 In fact, this was to be a comité des finances such as Joly de Fleury and Vergennes attempted, with equal lack of success, in 1783.93 Bernis was accused of trying to become a first minister, and was dismissed.

From 1743 until the collapse of the regime in 1789, there were to be only brief periods of concerted direction in the government of France. Paradoxically enough, one of the longest of those periods was from 1775 to 1781, during the ascendancy of Maurepas, former secretary of state during the ministry of the cardinal de Fleury and one of the victors in 1743. In comparison with this lamentable state of affairs in the French government, the long years of control by the cardinal de Fleury were a remarkable achievement. ‘The cardinal de Fleury had perpetually seemed to deprive the ministers who were under him of the respect due their offices, and he had succeeded only too well.’94
The nearly seventeen years of the ascendancy of Fleury were years of stability. This was largely attributable to his policies, and was not due to weakness as critics have said. Faction was kept under control until the very end of his life, in spite of the machinations of the Orléans and the Condé families, the Noailles, the Tencin, Belle-Isle and Richelieu. The almost unwavering support for Fleury from Louis XV was crucial in enabling the Cardinal to preserve a balance between the factions and among the ministers. This support also ensured that instead of there being a struggle to replace the aged prelate, in which there seemed little prospect of success, there was a struggle to succeed him when he died. The contrast between this period and the one immediately following it is deeply revealing of the strengths and weaknesses of the political culture of the court society. On the basis of the previous discussion, we can now consider in more general terms the characteristics of politics in a court society.

During the old regime the noble art of politics was far from synonymous with bureaucracy and administration. Sometimes politics and administration were interwoven, sometimes they ran in parallel. Within the culture of the socio-political regime, although the boundaries of politics may have been ill-defined, it can be regarded as a sphere of activity that was more or less separate from bureaucratic processes. Politics was the preserve of a restricted elite in France, encompassing no more than the upper echelons of provincial society and those with real power at court and in the Paris parlement.

The political culture of this world of court and bureaucracy is extremely hard to define or pin down. It is important to practice a broad definition of politics and dangerous to conceive of political culture as either singular or anachronistically ‘political’. We must beware of transferring back our own definition from an age when politics is of relatively open access, usually a legitimate career, and often democratic. The reality of life at court, the politics of achieving goals, may be
distinguished from politics as ‘the art of government’. During this period of the ancien régime, the principal sources of conceptions of politics were twofold. On the one hand were the theoretical discussions of the ‘science of politics’ stemming from Aristotle; on the other hand were the practical books of advice to princes on the art of government by writers such as Séysel, Machiavelli, Naudé and Fénelon.

When Aristotle said that man is a political animal, he had meant that man was a creature destined by nature to live in a city state, a polis. It goes without saying that he did not speak of ‘politics’ in the sense we use it today, as in ‘a career in politics’. But medieval and early modern thought had associated the word first with the authority of civic law and later with constitutional government even in a monarchy. In the seventeenth-century French monarchy the unfavourable conception of Machiavelli and royal censorship effectively put a temporary end to this tradition in print. In any case, neither body of literature purported to legitimise the incursion of courtiers into the royal sphere of decision-making. Nevertheless, the civic humanist tradition was well known to every educated person and the Machiavelli of the Discourses was very influential. In republics, politics existed to an extent in this period as a legitimate sphere of activity for members of the elite, reinforced by the notion of res publica. In monarchies the dominant idea was still of ‘the King’s business’, with the result that the only person who was able to be political in our modern sense was the King. As Louis Marin points out in his Introduction to Naudé’s Considérations, a science of politics was possible, but it was not legitimate. The concept of mysteries of state effectively disbarred courtiers and those outside the council from discussing the King’s business and the nature of his power. So a discourse on the King’s business developed, on what it was, on how it was to be managed: a discourse of advice to princes. Within these assumptions a discourse on the role of the courtier had been elaborated, which emphasised the concept of the honnête homme and was reinforced by moral and religious admonitions in sermons and confessions. All of these aspects played a part in the political education of the elite, and glimpses of such discourses may been seen in their letters and reports of their activities.

Notwithstanding the existence of a theoretical literature on the nature of monarchy and ‘politics’, in practice members of court society behaved in a ‘Machiavellian’ or amoral fashion, as we have seen. Interestingly, the cynical portrait so often painted of courtly mores contained a large measure of truth.

The adroit man never does what he shows a desire to do; he aims for a goal to confuse those who are watching him. He throws an opinion into the ring, and then he does something no one was expecting…When his deceit becomes known, he refines his dissimulation by using even the truth, to confuse…His artifice is to no longer have one and his great finesse is to pass from his earlier dissimulation to veracity. A perceptive observer remains on his guard and may discover the shadows enlightened. He unravels a manœuvre that was all the more hidden for its sincerity.

There appears to be a wide gulf between the motives of courtiers or ministers
Louis XV and his courtiers hunting at the château de Marly (1730)
and the more theoretically based languages of politics such as natural law. Courtiers and ministers were men of action, not theorists, and the dissimulation of which so many critics speak might be considered an aspect of their mentalité. Nevertheless, courtiers and ministers might wear different hats either at different stages of their lives or in different situations, and it is then that we can see clearer evidence of the relationship between their utterances and the grammar of politics. For example, even at court they felt secure in their noble privileges because these were protected by notions of police or civil law that constituted a check on the exercise of royal authority. Similarly, the same courtier might attend provincial estates where the existence of a dominium regale et politicum was taken for granted, inherent as it was in notions of provincial privilege. As a minister he would have to respect such notions in his dealings with institutions, but this did not exclude him from exploiting the situation for factional purposes. Thus a study of the activities of a courtier needs to be supplemented by further consideration of other domains of political life.

Since politics was the King’s business, there was no right of interference by those who were not the King’s clients. There is plenty of evidence of familial interests, loyalty, reciprocity of favours, money and influence, but little evidence of the formal languages of politics that historians are accustomed to study—with two exceptions. First, they have a clear understanding of traditional juristic arguments in favour of royal power. Everyone accepts the monarchical system and would claim to be intensely loyal to the King. Second, raison d’état looms large over the activity of King, ministers and consequentially over courtiers. Not in the sense that all accept its implications for their conduct, but because it acts as a legitimate constraint. Raison d’état subordinated not only religious affairs to ‘matters of state’ but also led to a subordination of the King to the raison d’état, in that he became the first servant of the state. He was supposedly the first servant of the commonwealth, safeguarding the interests of his subjects. But, as Bossuet emphasised, there was no legitimate right of interference by others. So their ‘politics’ were his, they were his fideles or servants or clients, and his business had to take precedence over their own concerns. Opposition could so easily be construed as treason. Ministers were accustomed to employ a rigid distinction in language between the King’s business and private interest, although in practice they exploited their involvement with the former to advance their other priorities of family, status, rank and wealth.

It need hardly be said that the image of royalty was overpowering, so much so that it constructed not just the boundaries of legitimate political activity but also the concept of authority of every French man and woman. The political culture of court society was thoroughly imbued with such images. A tradition of royalty had long been projected in the great public ceremonies such as royal entries, coronation and lits de justice, constantly reiterated in the preamble to royal edicts and in Te Deums. Within this, by the mid-eighteenth century the powerful images of two successful monarchs had superimposed themselves upon the concept of royalty, further constricting the freedom of action of Louis XV. Through histories, prize essays,
panegyrics and images, Henri IV and Louis XIV remained ever present. It is clear that in 1743 Louis was trapped by the precedent of his great-grandfather’s personal rule, caught up in the image of gloire he had fabricated, and not able to take on the alternative mantle of a Télémaque. Constrained by historical discourse, he attempted to rule by himself, and failed.

It is a mistake to see this failure as simply a personal one, because the system enmeshed the King and gave him very little freedom of manoeuvre. It is not a question of ‘the monarchy in decline’, as Gooch viewed it, nor is it necessary to defend Louis XV as does Antoine. As with the power of Fleury, the power of the King to act effectively was confined to certain spheres. Above all, it was impossible to control the execution of policy once it had been decreed. Certainly, a large part of the role of the King was by now taken up with providing the symbolic presence that enabled the administration to function, signing routine documents, fulfilling ceremonial duties in the monarchical tradition, assenting to requests for favours and patronage. Antoine emphasises the King’s conscientious attendance of council meetings and fulfilment of his regal duties, but other evidence suggests Louis was present without actually governing. In one of her letters to the duc de Richelieu in 1743, Mme de Tencin reveals his apathy in council and travail: ‘I cannot conceive that a man might wish to be a nullity, when he can be something. Another than yourself would not believe what a pass things have come to. What is happening in his kingdom seems to concern him not at all; he is touched by nothing; in council he is completely indifferent; and in the private travail, he subscribes to everything he is presented with’.

The difficulty of the task of making policy should not be underestimated. Confined to his various palaces and constantly surrounded by courtiers, a king had no independent access to information. In the 1740s the secretaries of state were selecting what they chose to present to the council of state and discuss in their travail. The information on intrigues provided by the lieutenant de police was filtered. Marville was in close relations with Maurepas, who ensured that Louis received only an undated weekly digest of news. According to Mme de Tencin, ‘The secrets of the post are in the hands of three persons: Maurepas, Amelot and Orry. Dufort [the farmer of the posts] acts only on their orders; as a farmer, he has every reason to deal prudently with them: such that the king sees only what they want, and can never find out the truth’.

The isolation of the King from political conversation with his courtiers was almost complete. The baron de Besenval reflected that it was impossible for a courtier to engage in any meaningful conversation with kings. ‘One certainly cannot talk to them of politics, nor of the day’s news that relates to it: that would be lacking in respect, by the impossibility in which they find themselves of replying. To hold forth on the administration and to discuss it, would likewise be putting them in the necessity of keeping silent, and would fall into the error of attacking those who are responsible for it, [and either] undermine them, or make enemies completely unprofitably.’ Religion too was out of the question. Sound advice could only come from those intimates whom the King might have learnt to trust in the light of
experience. The problem of policy clearly worried the timid and as yet inexperienced Louis XV, even terrified him, as the burden was too great for his character. There is evidence in the 1750s, from his personal intervention in policy over Jansenism and the parlement, that he acquired a reasonably sound appreciation of the principal aspects of state policy, from finances to foreign policy. His intuition was sound, but he usually lacked the confidence to act upon it.\(^{15}\)

Surely, then, he needed a first minister. According to a memoir prepared for Dubois, a first minister was ‘le dépositaire de l’autorité du prince’, the canal through which the King made his wishes known to his subjects, and through whom his subjects approached the Prince. Unlike other ministers, his authority ranged over all state business and over the other ministers, and ministers reported to the Prince only in the presence of the first minister.\(^{16}\) But as we have seen so often, the occupation of a bureaucratic place in a system did not itself confer power, and the first minister himself had to struggle to remain in power.

For the King the chief problem was who to choose without putting a whole faction into power. Fleury had been an independent force, with support but not clearly in the grip of a single group. Thus it had been with Richelieu, Mazarin and Dubois, who were all suited to be King’s men by being relative outsiders. Louis never did choose another premier or principal ministre according to Dubois’ definition: for all his control over policy and appointments, Choiseul never had the right to be present at the King’s *travail* with other ministers. And quite apart from the fact that the pressures against having a first minister at all were great, the factional pressures and practical limitations on a first minister were huge.\(^{17}\) Not even the concentration of powers that fell to a first minister was sufficient for him to have much more than a limited control of patronage and to play a role in the most important decisions of policy. Faction almost always had its day. Fleury in 1740 for example was unable to withstand the pressure for a war from the *noblesse d’épée* and the anti-Austrian factions. Even under Fleury, therefore, policy is seen to fall into disarray—and this must be attributed not just to his declining powers, but also to the way the factions were quick to exploit the force of the dilemma in foreign policy. This was a possibility created by the political culture of the court.

How, then, might this institution be characterised? The court centred upon the King’s household. The focal point of politics was the King, and the King resided at court—more precisely, the court was in attendance on the King. A courtier was therefore a noble honoured with some task in the royal domestic service: gentleman of the bedchamber, master of the hunt, lady-in-waiting or simple page. The court had a long history but Louis XIV had expanded it, rendered it sedentary and refined it as a socio-political instrument. Over two centuries the court had developed from a relatively circumscribed household of retainers, friends and clients until it had become a large, unwieldy but sophisticated instrument.\(^{18}\) Soon there were thousands of court officers and Versailles was the model for all Europe. Like a magnet, it drew nobles from the provinces, for at court they shone in the reflected glory of the King. On one
level, that most noticed by contemporaries, the court now existed to exalt the
monarch and concentrate the gaze of observers. An elaborate system of
etiquette and hierarchy enmeshed the aristocrats who surrounded the King,
making opposition difficult but encouraging quarrels among the courtiers. Life
at court became a byword for deceit, intrigue and manners refined to the point
of absurdity. Everybody watched everybody else for the smallest indication of
ambition, intrigue or advancement in royal favour. The courtier thus concealed
his true character and motives behind a mask. The memoirs of the duc de Saint-
Simon and the due de Luynes offer well-known and privileged insights into
these aspects.

But it is abundantly clear that this world was also of immense political
importance. The court was the only central institution for the whole state.
Patronage and clientage were fundamental precepts of society and the networks
came together at court where the King was the ultimate provider of graces. The
village or urban notables had connections with the local bishop, as in the case of the
Fleury family, or with seigneurial agents or a seigneur himself.¹⁹ These men in turn
had their patrons and networks of friends, and formed a tightly knit if often divided
local elite.²⁰ Every local or provincial elite had links with great provincial
landowners, leading magistrates or royal governors, all with close connections or
places at court.²¹ Grand aristocrats with easy access to the King and his ministers
would intervene to secure favours for their clients or would act as brokers to reduce
opposition and promote covert compromises over royal policy. It was unbecoming
to royal majesty to be seen to negotiate, but the reality of politics was that almost
everything was a compromise. As may be seen from its religious, parlementaire and
financial policies, the royal government therefore relied upon its centralisation of
patronage to ensure that the bureaucratic machinery continued to operate.
Sometimes it was a question of informal networks parallel to the formal
administrative structures, sometimes the patronage system was at the core of the
bureaucracy itself.²² The court provided the inducements and it provided the means
for this system to function.

Within this system, because social rank and privilege were linked, to the extent
that social privilege itself conferred a measure of political authority, the high nobility
remained essential to the functioning of the socio-political regime. It had never been
cut out of government under Louis XIV nor did its importance diminish
significantly during the greater part of the eighteenth century. Its role was important
because political power can be said to have operated as much through the social
system as through the administration, and must not be identified too closely with
the bureaucracy qua bureaucracy. The administrative or courtly offices held by
individuals were as much a reflection of their existing positions of influence as
because of the power inherent in the office.

If personal relations were an important part of the social and political system,
faction was the inevitable by-product. There was bound to be competition to
influence the King and his ministers in favour of family, friends and clients. Life
was expensive at Versailles and the great families needed royal largesse and
profitable financial investments in order to maintain themselves in the proper fashion. In 1790, the famous *livre rouge* mentioned only 2 million livres in pensions, but there is evidence that in the 1720s and in the 1730s the true figure was nearer 30 million, as indeed it was in 1788. So pensions, lucrative sinecures and contracts were hotly competed for by cabals of the most important families. These also had networks of clients to whose demands they had to accede by acquiring favours. But competition was not just for places, it was also over policies—with serious consequences for the monarchy. The priorities of King and courtier were often very different, the King having to concentrate upon the formation and execution of state policy (although this had a strongly familial dimension), while courtiers often were involved in policy as a means to social advancement or the preservation of acquired positions. In politics, faction therefore created a certain inertia as courtiers were more concerned to advance their interests than they were to encourage sound policies. Thus, when a minister began to pursue unpopular measures of economy or centralisation, his supporters at court would abandon him. Economy meant fewer opportunities for profit, and centralisation meant pressure from clients in the provinces anxious to retain local power. By contributing to a reformer’s dismissal courtiers hoped to remain on the winning side and consequently secure greater influence for themselves—as with the falling away of Bourbon’s support in 1726, or Calonne’s in 1787. Reforming ministers were sure to run up against powerful vested interests, especially if, like Bourbon in 1725 and Loménie de Brienne in 1787–8, they reduced the household expenses. The great reformer Turgot fell foul of this mentality in 1776 and so did Necker in 1781. As Elias so rightly pointed out, all the King could hope to do was balance the factions in order to divide and rule. The court was an arena in which intense competition took place. A king or a first minister had to keep himself fully abreast of the factional interplay, intervening constantly to preserve the necessary equilibrium.

Studies of patronage and clientage have often found it impossible to define precisely who was a client, and who a patron, or to recognise that there was often a shifting balance; and it has regularly been assumed that ministers were the patrons of factions, and courtiers their clients. In fact, this is rarely true: ministers could not be above faction for they too were courtiers and needed to compete for favour and rewards. They had to reckon with the long-established influences of members of the royal family and of other well-established, powerful houses, as well as with short-term intrigues. In the 1730s, the Noailles, the Belle-Isle and the d’Orléans, the Bourbon-Condé, all retained enormous influence by virtue of access to the decision-makers, large clienteles, landed wealth, the occupation of numerous offices with *survivances*. The Rohan-Guémené were eclipsed in 1781, but in the last decade of the regime, the Houses of Orleans and Bourbon-Condé continued to be powerful and the King’s extravagant brothers, Provence and Artois, could not be ignored.23 In the late 1780s the Queen and the Polignac circle became of sometimes decisive importance. Although Necker was favoured by public opinion and had many supporters at court it was the Queen’s influence which finally led to his recall in
September 1788. To the end faction and noble clans remained immensely important.

In order to make some important general points about the political culture, it is helpful to focus upon the behaviour and outlook of a minister, and then of a courtier. As argued above, faction was a dimension of politics indispensable to both of these types and certainly merits further attention from scholars. Its practices directly generated much of the political literature of the period, from songs through the *libelles* to memoirs. Much could be said about each aspect, but the sketches here are intended to be sufficiently detailed only to bring out the points to be made about the character of politics and the sort of evidence it generated—or in some cases failed to generate.24

The duty of a minister with a department (there were six at a given moment, plus a seventh as the lieutenant général de police) was to carry out the King’s business. He was officially the chief administrator of his branch of government, with bureaux in Paris, and was usually a member of several councils. He might work individually with the King at his travail, if a chief minister like Fleury or Maurepas was not present to witness his discussion and limit his power. Not all ministers were equal in the eyes of contenders for office, and if the minister of finances became the chief minister briefly during Necker’s second ministry (1788–9), that was never previously the case. Principal ministers such as Richelieu, Fleury or Maurepas were usually without a specific department, but it was usually considered necessary to control the postal service for access to information and the feuille des bénéfices for ecclesiastical patronage, as well as the avenues of approach to the King. Nobles from older military families would not consider any but ambassadorial posts, the ministries of war, marine and foreign affairs; the other ministries went to dynasties of the high robe, as the pinnacle of a successful career. Clearly, the difference between them lay both in the higher prestige of association with the military as opposed to other more plainly bureaucratic functions, and in the fact that the judicial ministries required expertise in the magistracy. How far administrative criteria were uppermost in men’s minds as they contended for high office is arguable. The rewards of office were great in themselves in terms of the advancement of family, fortune and personal honour, and patronage itself was a significant prize. Ministers had the power to grant favours, dispensations, monopolies, posts or lucrative assignments within the limits imposed by the King’s prerogative and the constant machinations of groups of rival families. The correspondence of every minister contained vast numbers of requests for patronage and preferral from patrons and clients of more or less long standing. The surviving documents may be the tip of the iceberg, for many may have been destroyed as uninteresting, and most requests were made in person, when ‘paying court’.

Once established in power, a minister had to protect himself. He did this by consolidating his position through the patronage connections he built up and the graces and favours he was in a position to obtain. If possible, he secured positions at court for relatives tied too closely to his family interests to abandon him when the road was rocky. There were often rivals for his post and these would be supported.
by the principal families and factions. Even if he owed his position to the King or Queen, he needed to devote enormous amounts of time and energy to the preservation of his position. This alone was sufficient to discourage all but the most foolhardy from announcing a programme of reforms before he was in office because any change made to the status quo at court or in the provinces would usually result in growing pressure for dismissal by the aggrieved parties. This accounts for the especially rapid turnover in controllers-general during the century. There were fifteen during the reign of Louis XV, and no fewer than eight from 1774 to 1787. A controller-general had to have a reputation for severity, to be approachable with difficulty, to be able to withstand the intense pressure exerted on him by family and faction but, above all, he needed powerful allies—and that was a difficult situation to cultivate because almost by definition a controller-general was a financial expert and therefore was not essentially a courtier. One of Orry’s few virtues, and one he shared with Colbert, was that he discouraged importuning; nevertheless, the corruption of his brother Orry de Fulvy nearly brought him down even if it no doubt feathered the family nest nicely. Orry survived because he had the unwavering support of Fleury, and probably fell because he did not have the support of Mme de Pompadour. Turgot fell in 1776 because he put reform before place, thus provoking powerful factional opposition that Louis XVI was too inexperienced to resist. Calonne, on the other hand, made a policy out of giving in to pressure, in order to secure his beleaguered position at court where he depended upon the notoriously fickle Louis XVI.25

By the nature of court politics a reforming minister had little chance of survival, but any minister was required to have a system which made it clear that he was a man to be reckoned with and a dangerous enemy. In the 1740s the brother of the maréchal de Belle-Isle spelt it out to Richer d’Aube:

They do not trouble to hide their principles, which are 1. that they consider there to be only two types of men, their friends and their enemies, 2. that they regard as enemies all those who they can’t consider to be their friends, 3. that they regard as friends, only those who show themselves ready to serve them in everything, and everywhere, blindly, and to take their side, whether they are right or wrong, 4. that in return they must needs show themselves ready to serve blindly those who give themselves to them unreservedly, and show themselves to be irreconcilable enemies and out and out persecutors of whoever they come across who opposes the success of their plans and enterprises, 5. that, to advance their position, no means, whatever it might be, is to be neglected, as soon as success seems likely.26

The duc de Choiseul had evidently adopted the same policy in the 1760s, as the memoirs of Moreau testify. Because Moreau was a potential client of Sartine, the controller-general Laverdy was more than wary of him. Moreau records that the duc de Vauguyon, the Dauphin’s governor, tried to make sure that he had no access to the Dauphin except through him. Commenting on Choiseul, he remarks on the ‘esprit
exclusif’ of ministers who would not tolerate a man being attached to other influential people. ‘More than once, I have had occasion to notice the exclusive spirit of some Ministers…this character of domination is common to all those who want to be, or think themselves, leaders of factions [parti].’27 Demonstrably, every minister was a courtier and had to operate as such, even if his bureaux were based in Paris instead of at Versailles. ‘Ministers have of necessity become courtiers, and, if they are not, they are promptly disgraced as foreign and heterogenous. Thus, they participate in the courtiers’ every wish.’28 Yet there is often so little in historical studies of their bureaucratic office to remind us of this. There is a strong likelihood that what have often been interpreted as disputes over policy were in fact mainly disputes over position at court, with policy as the vehicle. This might be true of the military, financial and judicial affairs.

The Brittany affair is a good example of this, ending as it did with the ‘reform’ of the parlements. It is more than probable that the struggle between Choiseul, who had made Jansenist allies in the Paris parlement as a way of managing the courts, and d’Aiguillon who was in alliance with Maupeou (who had turned against his former parlementaire colleagues in order to become Chancellor), spilled over into crown-parlement relations. As Doyle has argued, the reform of the parlements was a measure undertaken as a justification of the failure to manage the courts consequent upon factional conflict; in 1771 it was easy to pose as a reforming minister even though similar threats had been a stock in trade of political management for decades.29 In the light of earlier chapters, it looks very much as if the ambitious chancellor Maupeou deliberately drove the magistrates beyond the point of no return: as an ex-First President he knew the unwritten rules well enough to calculate this. Unfortunately, no historian can yet be said to have fully recovered the reality of the politics involved in the Maupeou coup.30 In the 1780s the interaction between ministerial rivalries and parlementaire politics once again developed in a disastrous direction.31

In trying to answer the question of what was a courtier and what was his mentalité, the historian is apparently on firmer ground. Discussions and analyses of courtly life were almost a genre, so frequent were they. Courtiers were the subject of moral condemnation for their sinecures, greed, hypocrisy, flattery, mercenary behaviour, expense and, increasingly, their unjustifiable privileges. If they were women, they were condemned for licence, undue ambition and meddling in affairs above their station—just as Fleury did Mme de Tencin in 1730.32 For more than a century from La Bruyère to Mercier courtiers are condemned in literature, and Beaumarchais had numerous forerunners. When gathered together, these frequent vignettes tell us something of the mentalité and practices at court—although other evidence must be called upon when evaluating this genre.

It is useless and injurious to be [être], you have to put on a show [paraître]; it would however be less of an effort to be of value than to be valued. The greatest of talents is cleverness; the least and the most dangerous is to be a grand homme. In a republic great merit excites envy, in a court it excites anger; you do not need a reputation, only good offices; it is necessary to
know how to advance someone, give an impression of being useful to others while sustaining your own position. Everything is subordinate to the exchange and calculation of private interests, and the more our courtiers have become witty and refined, the more the trade in protection has become horrible and fraudulent.33

To be a courtier was a full-time occupation and one for which it was constantly necessary to wear a mask. The coded language of the court was more than nuanced: every word, every phrase, posture, gesture and expression was significant. To let the mask slip for a moment was to reveal yourself, and this would enable more subtle minds to add to their knowledge and subsequently to triumph over you. Fleury never made this mistake. Knowledge was indeed power. Although there are numerous stories of fits of anger and mistakes, it is remarkable how stereotypical so many descriptions of individuals are, and consequently how little is known about the character of individual courtiers, especially those destined to be successful.34

Complete discretion was essential for success and every mood was adopted in public in the full knowledge of its possible interpretations. This masking of feelings and ambitions means that observers learned to scrutinise faces with skill in order to detect signs of anger or pique that might enable them to deduce the result of an interview or a council meeting. Only long experience and hindsight would show contemporaries if they were right, but they had to act before such confirmation was available. If it was hard for the actors themselves to be sure of a situation, it is equally so for the historian.

The sources are often highly allusive or ambiguous. A recurrent theme in this book is the unreliability of many of those sources that appear to offer clear-cut explanations for the events, conflicts and controversies of the period. It has been shown that published memoirs often contain falsehoods, while ambassadorial reports are frequently suspect because of both the diplomatic deceptions practised by their writers and their inadvertent misreading of the situation. But it is still possible by careful sifting to extract valuable testimony, while their assumptions and language themselves provide a different and often neglected perspective. The following chapters show how the Journal of the lawyer Barbier often becomes clearer with close investigation, especially on the subject of the lawyers, the Jansenists and the parlement of Paris. The reports of ambassador Walpole, and the explanation of the parlementaire conflict of 1737 given by Daguesseau de Plainmont both need careful evaluation. When an investigation is carried out of the factional intrigues and government policies which were known only to a few, it becomes possible, by comparing such apparently reliable sources with obviously suspect ones like those of the police spies, to show how unreliable they all can be. Of course, historians generally assume that memoirs and reports are suspect, but it is usually difficult to establish the veracity of individual examples. Furthermore, it should be remembered that most of the memoirs published in the eighteenth century were written probably with a view to creating a certain impression of individuals, groups or factions who might be past or potential enemies or allies, and
that, as in the memoirs of Berwick and Millot’s memoirs of Noailles, it was not uncommon to find misleading revisions introduced to the published text.

Most of the evidence thus reflects in some degree the strategies of ambition that were employed by members of the elite. The traditional routes to power by magistrates and ministers are well known to historians, who have, for example, drawn attention to the career steps of counsellors in the courts who hoped to become intendants and councillors of state. The exploitation of the prevailing discourses to acquire credibility and to show ministers a suitable mastery of the ministerial discourse was another important dimension of the search for place. D'Argenson’s memoranda to Chauvelin in the early 1730s may not have influenced ministerial policy, but they revealed that he could wield the traditional discourse into which ministers were locked by virtue of their function. In this sense at least, politics was about languages and rhetorical positions.

The present study also raises the question of how we should categorise or integrate the expression of ‘private’ concerns in ‘political’ life. This is a question which, since the sociological insights provided by Elias and (from very different perspective) Habermas, has also become fundamental to the study of political culture at its centre. If the court was a socio-political configuration, then in some sense courtiers were also political whatever their ‘social’ aims, in that their existence and interests influenced or circumscribed ‘grand policy’. It was just as necessary to play the same roles and participate in faction in order to safeguard a position of dignity, as befitted an elevated station, as it was to acquire more influence over decisions of policy. While some houses of the peerage had little taste for influence in the council, preferring their military tradition, others not only had clans to protect but also harboured ministerial ambitions. The Noailles and the Belle-Isle were by no means untypical of their century. By way of an example, the moderately successful career of the due de Richelieu (1698–1788) has been worth studying in so far as he revealed very clearly in his early correspondence his attitudes and ambitions. We have seen how Richelieu was to achieve these ambitions, but in later years he lost influence and never succeeded in entering the council of state. He then pursued a different strategy, channelling his energies into the advancement of his family, the protection of the Académie française and patronage of the theatre. It is difficult to disentangle these threads of his life one from the other, and call one political [or public] and another social [or private].

The political culture of court society is still a neglected dimension of the political culture of the old regime. It is important to recognise the ways in which it conditioned and interacted with what historians have more conventionally described as politics, namely foreign policy and the relations between the ministry and the parlement of Paris. Of equal interest is the further question of how the political culture of the old regime (now including the court) was related to its final collapse. One way to come to grips with this problem is to ask in more detail about the nature of political crisis and the way it could occur in the political system. Here again, because our late twentieth-century perspective is as distorted as was that of the late nineteenth century, it is important to discover what
contemporaries thought was at stake. The detailed reconstruction of events is therefore the only way to avoid a tendency to rationalise contemporary behaviour. We must, for example, question rather than assume that the crucial part was played by ideological motives, as some historians of the Maupeou coup and the origins of the Revolution itself suggest. The study of the parlement is particularly instructive here. It is hard to say what the crises of 1730s were really 'about' except in the case of the small groups manipulating the situation. The study of crises also permits an assessment of the significance of outside influences upon a form of politics that was usually restricted to a small elite. Part 2 will therefore examine the management of the Paris parlement and the growing influence of the parti janséniste upon the character of politics.
Part 2

JANSENISM, POLITICS AND THE PARLEMENT OF PARIS
This second part of the book explores the relations between the ministry and other groups and corporations. Attention is focused on Jansenism and the parlement of Paris. From 1713 to the 1760s, religious conflict played a vigorous role in France. Jansenist resistance to the royal policy of enforcing the Bull *Unigenitus*, which sought to condemn the movement, was to pose a serious and long-running challenge to the exercise of royal power. The movement developed two strategies, both of which were to have a profound effect upon the nature of French politics. First, the Jansenists’ appeal to public opinion in numerous publications, including their clandestinely published ecclesiastical gazette, was to play a part in educating a wider public in the politics of religion. Church and state were so closely interwoven in theory and practice, that the issue of the relations between the two powers raised questions about the nature of monarchical authority and the rights of the people. Unjust persecution was seen as evidence of ‘despotism’ and the Jansenist public began to view the monarchy in this light. It will, therefore, be argued that the politicisation of the literate public and creation of public opinion that is usually situated in the 1750s, at least begins in the 1720s and 1730s, if not well before. Second, the Jansenists’ attempt to defend themselves against persecution through the courts in turn led to a widening of the sphere of political participation in the first half of the century. The movement was responsible for bringing the parlement and the order of lawyers into politics in more active and militant ways.

Most historiography of the Paris parlement has had its eye firmly fixed on the causes of the Revolution, with good reason. The reluctance of the parlement to register new taxation, its opposition to Calonne’s reform plans of 1787, its open resistance to Brienne later that year and the turmoil generated by its hostility to the May Edicts in 1788, all helped to precipitate a revolutionary crisis in 1788–9. To most historians, therefore, the long series of disputes with ministerial policies from 1718 onwards has suggested a rise of parlementary opposition, judiciously quashed by Maupeou in 1771 and unleashed again after the restoration of the courts in 1774. Some have argued that the courts championed noble reaction and the defence of privilege, while at the same time unwisely exploiting philosophic ideas of national sovereignty and constitutional rights, culled, it is usually thought, from Montesquieu’s *De l’esprit des lois*. As we shall see, there are good grounds for...
believing that up to the 1750s, the direct influence of Jansenists was perhaps more important. The parlement thus appears to have been less militant in its own right, politically much more complex and harder to categorise, and more a vehicle for the ambitions of opposition groups within the French polity.

Parlementary conflicts were rooted in jurisdictional rivalries rather than constitutional conflict, although constitutional questions were sometimes, and dangerously, provoked. It was thus extremely important for the ministry to maintain good political control of the courts. Both the strategies of opposition within the courts and the monarchy’s own techniques of management are closely analysed by focusing on the crisis of 1730–2 and the more peaceful years that followed. Much can be learned about the structure of crises between the crown and parlement, which in turn helps us to understand the nature of the regime itself.
THE PARTI JANSENISTE IN THE 1720s AND 1730s

Early modern politics is full of reports of cabals and conspiracies, and it was once widely believed that the Revolution itself was caused by a masonic plot. Conspiracy theories are not usually regarded as a convincing form of explanation in history, and have often been dismissed by modern historians, more or less on principle. It is therefore fascinating to examine more closely one group whose activities might indeed be characterised as conspiratorial, and thereby gain deeper insight into political conduct. If the practices revealed could hardly be credited with single-handedly causing the Revolution, their prevalence and effects do help us to understand why it was that contemporaries were so willing to lend credence to such theories.

In response to assertions of Jansenist complicity in the Revolution, Augustin Gazier, the leading historian of the Jansenist movement, wrote in 1924: ‘To maintain, as is so frequently done, that the Jansenists allied with the parlementaires, with the philosophes, and, later, with the Constituants [deputies to the Constituent Assembly of 1789–91] to combat the papacy and royalty, is clearly an error and even pure calumny’. Such a strenuous denial of Jansenist involvement in the crisis of the monarchy was reinforced by the assertion that there were hardly any Jansenists in the Paris parlement, that focal point of opposition in the monarchy. Many historians have since taken him at his word, and few had access to the archives on which he based much of his work. This was unfortunate, since those archives contain clear evidence of exactly the opposite of Gazier’s argument—and there must be a strong presumption that M.Gazier, ‘the last of the Port-Royalists’, and custodian of the vital documentary collection, was well aware of this.

Gazier made his assertions in the early 1920s, when there was a flurry of research into Jansenism and several other important studies appeared. These books were destined to hold sway for the next half-century, invested as they were with all the aura of standard works. Since the later 1970s, however, the issue of Jansenism and politics in the eighteenth century has once again moved out of the
shadows. Indeed, if the question of the ideological origins of the French Revolution has presently moved centre-stage, then it could be said that the debate on Jansenism now has more than a passing role. Historians have known for a long time that the lower clergy of 1789 were influenced in their democratic ideas and opposition to the bishops by what had by then become an inextricable combination of Jansenism and Richerism. The Civil Constitution of the Clergy of 1791 was very much in a Jansenist mould. However, the argument that Jansenism was an essential element in the rise of oppositional politics earlier in the century is more recent. The role of Jansenist lawyers and magistrates was shown to have been crucial in the sectarian politics of the Hôpital Général affair of 1749–51, minutely explored by Léger-Desgranges in 1954. Twenty years later a fascinating and detailed work by Van Kley argued that the sect was responsible for the expulsion of the Jesuits—an achievement once thought to have been the work of the *philosophes*—and that it was at the heart of the debate around the Damiens affair. It was the Jansenists who organised the attack on their arch-enemies the Jesuits which culminated in the trial and banning of the Order; just as, significantly, it was the Jansenists who revived conciliarist theories of the fourteenth and fifteenth centuries, and constitutional arguments of the sixteenth century, to reapply them to the political debate of the 1750s. The group, the *parti janséniste* as it was known to contemporaries, possessed a closely organised inner corps and operated as a highly effective pressure group in politics. Part of the Jansenists’ strategy was to appeal to constitutional ideologies in their defence, and in their highly partisan publications they made a key contribution to the development of political debate in France. Van Kley has shown that no fewer than half of the anti-ministerial pamphlets published from 1770 to 1774 were the work of the circle around Le Paige. All this immensely effective work of legalist self-defence against religious persecution (which came in the form of the Bull *Unigenitus* and the refusal of sacraments), and political persecution (in the form of authoritarian measures against the Paris parlement), was organised or coordinated by a smallish group of ‘Friends of the Truth’. These included theologians, barristers and magistrates in the courts of the realm. The most famous of their number was Louis Adrien Le Paige, avocat au parlement and specialist in canon law, a fervent Jansenist and believer in the divine significance of the convulsionary movement of the 1730s.

The Jansenist movement was politically most effective in the 1750s and 1760s, when it used the parlement to fight the refusal of sacraments to dying Jansenists, attacking on the one hand the papal Bull *Unigenitus* of 1713 as the root of the evil and on the other hand the episcopacy as the perpetrator of the iniquitous persecution and repressive practices. Confrontation between the courts and the ministry most notably gave rise to judicial strikes and exiles in 1732, and to the parlement’s *Grandes Remontrances* of 1753, famous for its constitutional ideology—and written by Jansenists. So influential was the parlementaire group of barristers and magistrates that ministers had to take it into account in factional politics at court. The weak ministerial leadership of the late 1750s, combined with the need for good relations with the courts during the Seven Years’ War, as fiscal measures
needed legal registration, all led to a policy of capitulation to the parti janséniste, and Choiseul later chose to develop close links with it in his role as a political manager.8

Although the role of the Jansenists in the 1750s has been well investigated of late, their earlier activities and particularly the growth of their partly clandestine organisation in the 1720s and 1730s have not been paid sufficient attention.9 Yet this early period is crucial, because it is the formative period. The Jansenists’ early lack of success has understandably obscured the fact that their opposition strategies were first developed then. The parti was better organised and larger in the 1730s than it was later. It is not too much to say that the roots of their organisation, the nature of their motivation, the deployment of their strategy and their innovations in constitutional argument, can only be fully understood by examining this earlier period. Indeed, in terms of parliamentary history, it is true to say that the role of the parti was so important that the period from 1730 to the Maupeou coup of 1771 is one coherent period, with homogeneous characteristics. There is scarcely a technique or strategy of opposition employed in 1770 or in the 1750s that was not already fully developed by the early 1730s. These same strategies would be employed by other magistrates in 1787 and 1788—with more far reaching consequences.10

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Many historians have characterised this eighteenth-century Jansenism as essentially political, but this is to mistake the strategy for the motives. It is important to recognise that even in that age of Enlightenment, religion remained a powerful force. Fully to understand the problem of Jansenism in the 1720s, its theology must be considered. In fact, the generally employed term ‘Jansenist’ conceals a more multifarious set of tendencies than is often recognised. This is as true of the famous period of Port-Royal in the seventeenth century as it is of the eighteenth century. The general tendency in Jansenism has its origins in the dispute over the nature and extent of divine grace given to man. The Christian doctrine of original sin has it that salvation could come only with grace given freely by the Saviour—but is grace given to all, or to some, and if so how is it earned? If it is argued that God accords grace to all, or that some are predestined for salvation, then what becomes of our free will? If divine grace can be earned too easily, by the exercise of free will, then what becomes of Christ’s sacrifice, for does it not become less necessary? If, on the other hand, some are predestined for salvation then free will is clearly superfluous to them. In the fourth century, Saint Augustine and Pelagius held different opinions on these matters, and Pelagianism had been condemned because it accorded too much to free will and not enough to divine grace. Eight hundred years later, Thomas Aquinas espoused a middle position, to be held in the seventeenth century by some Jansenists and also adopted by Bossuet in his Treatise on Free Will. The debate had been reopened in the mid-sixteenth century and was still one of the great questions left unresolved by the Council of Trent.
In 1640, Cornelius Jansen’s three-volume Latin *Augustinus* set out the Augustinian position in detail, but it was not widely read. It was Antoine Arnauld’s (1612–94) *On Frequent Communion*, published in 1643, that really began the quarrel. Arnauld attacked the Jesuit doctrine that the less grace one had the more frequently one should take Holy Communion and receive absolution, and the notion that fear of damnation was an acceptable motive for repentance. He inveighed in French, not Latin, against the lax morality of his age, against the notion that communion could be taken lightly, and preached ‘what conforms to antiquity, the traditions of the saints and the old customs of the Church’. The dispute between Jesuits and Jansenists was exacerbated by the Jesuit attacks on the newly reformed monastery of Port-Royal des champs, which had become closely connected with the Arnauld family. Polemics on both sides and papal condemnation in 1653 of five heretical propositions supposedly to be found in the *Augustinus* led to heated debate that was embittered by Pascal’s scathing but effective attack on the Jesuits in the *Provincial Letters* (1656–7).

Jansenism at its most elementary was a set of Catholic beliefs focusing on austere or pessimist answers to the issues of original sin, grace, predestination, penitence and communion, and the absolute necessity of love. On the question of grace, it was argued that God had not accorded *sufficient* grace to all men, enabling them, by the virtuous exercise of their free will, to win salvation (the Jesuit position), but instead made use of his supreme power, his *efficacious* grace, to grant salvation to a few—this was therefore a position close to predestination. For the Augustinian followers of Jansen and Arnauld, man was sinful and corrupt, capable of salvation only with the help of God’s love and the heroic practice of great virtue and austerity, while the sacraments should be the culmination of interior conversion. The model of the primitive church was a powerful one for them, and it was felt both that the modern world made too many immoral compromises and that the church had strayed too far from the teachings of St Augustin.

If these may be said to be the essential tenets, subsequent involvement with the work of directing consciences and the experience of condemnation and conflict under Louis XIV led to the emergence of diverse tendencies within Jansenism. These ranged from a pessimistic and uncompromising refusal of the world (as with Pascal and Port-Royal) to a more optimistic recognition of the existence of natural rights that accepted the possibility of good institutions as a framework for a Christian life (as with Nicole). By the end of the century the dominant tendency was that of Pasquier Quesnel (1634–1719) and Jacques-Joseph Duguet (1649–1733). They were colleagues for a decade at the Oratorian seminary of Saint-Magloire, and towards the end of the century both went into exile in Brussels. The former worked with Arnauld in the Low Countries and became his heir at the head of the movement. His *Moral Reflections on the New Testament* had begun life as a defence of Augustinianism in 1671 and was frequently republished with additions after 1686, being widely accepted at first as an excellent guide to the New Testament. The latter was one of the most brilliant and erudite theologians of his age, whose biblical exegesis was to become fundamental to the new Jansenism after 1700.
Although historians have not usually regarded them as strictly in the purest tradition of Port-Royal, these men and their disciples nevertheless regarded themselves as the direct spiritual heirs to Port-Royal after its destruction in 1711. The destruction itself and the comprehensive condemnation of the Jansenist doctrine in 1713 were taken to be signs of apostasy by the church. This only heightened the Jansenists’ eschatological zeal and stimulated a reinterpretation of the Scriptures even then being presented in lectures at Saint-Magloire.

Paradoxically, papal condemnation was a unifying force and a catalyst for theologico-political action. The Bull Unigenitus had not only provided a focal point for opposition to the royal anti-Jansenist policy but also drawn together disparate strands of that opposition. Its terms offended several tendencies in France: the Port-Royalists were incensed at the attempt to condemn aspects of their doctrine; some Richerist members of the lower clergy were also offended by the implicit support given to episcopal authority over them;¹¹ and many Gallicans in the legal profession felt it incumbent upon them to protest against the reception of a papal Bull in France without the full consent of the French church. Many were angered by Unigenitus, arguing that it condemned perfectly orthodox Catholic doctrine, and an appeal to a future general council of the church was organised, on the grounds that such a council was of higher authority than the Pope’s. The parti of those who identified with this appeal (known as the appellants) therefore included those adhering to the various shades of Jansenism, be they bishops or curés, and some lay members of the church, and included Gallicans. The latter soon fell away as the dispute became increasingly vehement, until the appellants consisted principally of Jansenists.¹²

It was, of course, the specific doctrine of Pasquier Quesnel that had been condemned by Unigenitus. By the early 1700s he had rapidly become the most influential theologian in succession to Arnauld and Nicole, whose friend and collaborator he had been before their deaths in the 1690s. From about 1700, his doctrinal emphases were very influential, especially in Oratorian seminaries in the form of the Father Juénin’s Institutiones theologicae, and often had free sway as they were not condemned as unorthodox until 1708 and 1712. However, later and augmented editions of Quesnel’s Moral Reflections had been increasingly criticised in some quarters, as numerous propositions of dubious orthodoxy were added in. Quesnel always strenuously denied that he was a leader, and in 1711 wrote to Fénelon: ‘I have no school, and no disciples. I am leader of no parti; I have none, I am in horror of all faction [parti]; my law is the gospel; the bishops are my fathers; and the Pope is the first among them’.¹³ Such an attitude was typical of Jansenism: if it was a heresy it was one that insisted that it did not exist and that it was entirely within the church.

Most previous historians have regarded the struggles of the early eighteenth century as the period of ‘Quesnelism’; Préclin, author of a ‘standard work’, regarded the growing conflict as a consequence of a strengthening of Richerism among the curés.¹⁴ In the light of the recent work by Neveu, on the abbé Jean Baptiste Le Sesne de Ménilles d’Étemare (1682–1770), and by Catherine Maire
more comprehensively, we should modify these views very considerably.\textsuperscript{15} Maire’s argument is that younger disciples of Quesnel and Duguet, that is to say Jacques-Vincent Bidal d’Asfeld, d’Etemare, Vivien de La Borde, Fouillou and Laurent-Etienne Boursier, to name but the most prominent, developed a very influential form of biblical exegesis that was to be central in motivating many Jansenists in their future struggles, be they religious or ‘politico-religious’. It was this group that was behind the organisation of the appeals and the coherent organised resistance to oppression from the 1720s.\textsuperscript{16} It is now clear that Préclin accorded too central a position to Richerism, taking a single element for the essence; it may be going too far to suggest, as Maire does, that their new ecclesiology (soon to be called Figurism) was the core of a new Jansenism, but it was certainly important. To the present writer, the ‘Figurist’ doctrine seems to have co-existed with previous currents rather than to have entirely replaced them, especially as so many appellants were old enough to have received their theological training well before the new ideas were widely taught.\textsuperscript{17} Nevertheless, it is undoubtedly the case that of the several strands of early eighteenth-century Jansenism, Figurism was the most potent and the most proactive. It appealed above all to the younger generation.

Its importance lay in its ability to infuse the beleaguered movement with a new sense of righteousness and urgency, justified by reference to Holy Scripture. This now forgotten and obscure ecclesiology attempted to interpret the true significance of the ambiguous and enigmatic prophecies in the Bible. Theologically, it had antecedents in Christian interpretation of the Scriptures since Saint Paul, for example, by Joachim of Fiore; it was mentioned by Jansen, and Pascal’s\textsuperscript{Pensées} have a chapter on ‘Figures’; it is also true that the obdurate theological positions of the abbé Le Roy and his circle in the 1660s and 1670s offer perhaps an antecedent on a number of levels.\textsuperscript{18} Even so, its full development owed most to the abbé Duguet and his circle in the first two decades of the eighteenth century. Duguet, the son of an\textit{avocat du roi}, was born in 1649 and educated at the Oratorian seminary of Saint Magloire, where he taught from the 1670s to 1684 and with which he remained closely associated. He was particularly concerned with the questions of how true faith perpetuated itself and with the problem of the relationship between the Old and the New Testaments. His major contribution was to put forward an almost cyclical theory of church history in which first the Jews and then the gentiles abandon the true faith, which must therefore once again be carried forward by another chosen people. The links to be found between the Old and the New Testaments were consequently of great significance. Beneath the letter of the Bible lay multiple other readings, and the whole future history of the church was recounted in its biblical history, which prefigured or symbolised in allegorical form subsequent and future events. By having the key to the system of metaphors and analogies, and to the correspondences between them (the figures) it was possible to make sense of the enigmatic prophecies and discover new significance in the accounts of events in the Scriptures, particularly in the books of the prophets in the Old Testament and in the Apocalypse or Revelation.\textsuperscript{19}

Duguet also put forward the suggestion, which Bossuet himself agreed with, that
after the coming of the prophet Elijah and the conversion of the Jews, both preludes to the regeneration of the church and Second Coming of Christ, the Apocalypse would not come immediately but only after an indeterminate but lengthy period, as God might will. The abbé d’Etemare, who succeeded Duguet as lecturer in 1710 (at the time of the destruction of the convent of Port-Royal) and whose spiritual director was Duguet, took these ideas further after a flash of illumination. The story of Joseph made him see ‘a perfect image resembling all that had happened at Port-Royal’. The correspondences existed not only between the Scriptures alone but between the Scriptures and the whole future history of the church. Figurism viewed the Bible as containing a history of the church that was to be paralleled and repeated throughout its history: a view that was in tune with cyclical theories of history.

All the personages of the Old Testament, their actions, the events of Jewish history were symbolic of different persons, of the actions and events of the new alliance, which is to say of the whole Church since its foundation to the end of time. Thus Jonah was a prefiguration of Saint Paul. In the same way, the ancient prophecies did not simply foretell future events, concerning the Jewish people or Our Lord Jesus Christ, but the whole history of the Christian Church at its different periods... Above all it tended to apply this to the present and future situation of the Church.

There was now no end to the multiple meanings that could be extracted from the texts. For example, the conversion of the Jews, while being itself a prophesied future event, might also refer to the conversion of the present gentiles who formed the body of the church, and this would be brought about by the ‘depositories of the Truth’ with the help of the converted Jews. As Maire argues, the idea of an elect group that was a *Dépôt de la Vérité* (depository of truth) was to become an essential element in the evolution of the Jansenist struggle, and would parallel parlementary political theory which included the notion of a *dépôt de la loi*. It was claimed that the history of the church showed that while there was always error, there was invariably also a body of the faithful who carried forward the true faith. Naturally, the new Jansenists saw themselves as the embattled defenders of Truth, the elect, and used their Figurist exegesis to interpret and predict their own times of struggle.

All this required a considerable effort of study and communication. The abbé d’Etemare was Duguet’s principal collaborator in the elaboration of the Figurist exegesis, but its first major text was La Borde’s *Testament of Truth in the Church*, published in 1714 and republished in 1718. However, d’Etemare was the real master of Figurism and was closely involved with the resistance to *Unigenitus*. Together with Jacques Bidal d’Asfeld and others he worked on a systematic application of the Figurist method to the Jansenist position. In lectures from 1712 to 1714 at Saint-Magloire, more widely from 1710 to 1721 in the parish of Saint-Roch, and during the 1720s and 1730s in publications, d’Etemare and d’Asfeld explained the enigmas of the Scriptures to the laity, preaching that the arrival of Elijah was imminent, the conversion of the Jews
not far off and the Second Coming to be expected soon thereafter, all of which would lead to the destruction of the new Babylon (Rome) and regeneration of the church. The hard core of the appellant resistance was closely associated with Figurism, no doubt because it gave disciples urgent reasons for active intervention by amis de la vérité. The attack on the Bull Unigenitus was to be carried out with millenarian fervour.

The total number of Jansenists is hard to estimate but the signatures of the appeals to a future council of the French church indicate about 7,000 clergymen in 1718, or about only 5 per cent of the clergy, falling to 3 per cent by 1728. The appeal was accepted by about twenty bishops (about 15 per cent of the 130), some of whom gave protection to Figurists and Quesnellists in their dioceses, among which were Auxerre, Boulogne, Pamiers, Verdun, Senez, Montpellier, Mirepoix, Troyes, Blois and, of course, Paris where Noailles was archbishop. All except Jean Soanen the bishop of Senez were from influential noble families, and if they were open to ministerial pressure, as in the case of archbishop Noailles, they could not be attacked too severely. Individual priests formed the mass of appellants and often converted their parishioners, but they could be exposed to severe pressure by the episcopate aided by the royal council with lettres de cachet. However, these members of the lower clergy were by no means the poorly educated parish priests one has in mind for the early seventeenth century. They were well educated, having attended the leading theological seminaries, especially those of the Oratory, and were almost all of bourgeois or aristocratic extraction, in most cases being younger sons of wealthy families. They would have been familiar with the history of Conciliarism, but also with Descartes, Pascal, Malebranche and all the debates on biblical exegesis and morality. A certain number of Oratorian or Benedictine seminaries and monasteries also provided shelter, and here again the state had limited powers of coercion.

Paris was the stronghold, with Troyes a close second. In Paris the lower clergy in some of the parishes was entirely won over to Jansenism, and was supported by the lay churchwardens. In Sainte-Marine the curé Isoard preached the doctrine every Sunday; the parish of Saint-Germain-le-vieux was Jansenist right through to 1743; the cure of Saint-Séverin was won over in 1730; Saint-Etienne-du-Mont, Saint-Médard, Saint-Nicolas-des-Champs and Saint-Barthélémy were all entirely in the hands of the parti janséniste. Quesnellist catechisms were used to instruct parishioners, Jansenist books of ritual were practised in church services, while sermons, biblical exegesis, confession and pastoral instruction all served to spread the Figurist message. Convents, charity schools and colleges provided havens for Figurist confessors and forums for the round of sermons by others of the parti. Both the convent of the Filles de Saint-Agathe and the college of Sainte-Barbe taught its pupils the Figurist doctrines, as did the seminary of Saint-Hilaire, presided over by Jérome Besoigne, and most important of all was Saint-Josse, the community of priests where there were daily lectures. A police report in the 1730s protested that ‘this community is the most pernicious there has ever been, since it is a collection of the most notorious Jansenists, convulsionaries, augustinians, eliseans, mélangistes,
of authors and distributors of the *Nouvelles ecclésiastiques* and of all sorts of works against the Constitution*.24

Jansenism was a highly literate creed, and the new Figurism was nourished by theological controversy in the form of hundreds, indeed more than a thousand, books and pamphlets published from 1713 to the late 1730s. Even in 1739 after years of governmental pressure, some twenty printers and booksellers in the university quarter were still believers, making it hard to stem the tide. Jansenist publications were peddled to the faithful after mass or delivered to the communities, and could be easily bought. If some texts were concerned with refuting the Jesuits, others were aimed more directly at the educated parishioners such as churchwardens who had considerable powers in a parish. Jansenism encouraged the reading of the Scriptures in French by the laity—and there was a wave of translations of the Bible published from the 1690s to the 1730s—while that famous refutation of *Unigenitus*, the *Hexaples* of 1713–21, named after its format in six columns, not only made the Bull *Unigenitus* available in French but also confronted it on the same page with the relevant passages from Scripture with commentary. Catechisms, confession and the elementary instruction in the parish schools25 could not have given the poorer laity a proper understanding of the theological complexities, but the subsequent involvement of many poor women and men in the miracles, in the convulsionary movement and the distribution of literature does prove that strong tendencies at least had been generated.

How widespread was the message by 1730? Although the network of contacts described above was to be a structure within which opposition could be organised, it would nevertheless be wrong to exaggerate the movement’s overall strength. Indeed, part of the fascination in the group lies in their entirely disproportionate effect compared to their small numbers. The appellants certainly felt weak and persecuted, as indeed they were. The policy of government and episcopal pressure against the appellants had been increasingly successful during the 1720s. Some have argued that it was this persecution which led the Jansenist party to resort deliberately to the belief in miracles as a proof of the divine justice of their cause.26 A contrary view (held most recently by Kreiser) has taken a statement of the lawyer Barbier rather too literally—‘tout Paris était janséniste’, wrote Barbier—and assumed that the late 1720s witnessed an increase in the number of supporters partly as a reaction against the disturbing authoritarianism of government policy.27 A recent study of the Jansenist clergy in Paris from 1699 to 1730 provides firm grounds for rejecting such generous speculations on the strength of the Jansenist movement before the advent of the miracles of Saint-Médard. A clear but firm minority of parishes had Jansenist curés and schools teaching the catechism. The research of M.-J. Michel tends to confirm the older opinion of J. Dedieu that in spite of its offensive during 1727–8, the Jansenist party was in disarray just before 1730. ‘After 1720 the numbers of Jansenists diminished… The movement scarcely recruited after 1718—above all the group of important personages did not renew itself.’28 This important study reveals that 79 per cent of the appellant Parisian clergy from 1669 to 1730 came from the generations educated between 1650 and 1695, a figure that
is broadly in line with research on Jansenism among the Oratorians. Other studies have shown that the loss of a Jansenist leader in a diocese generally meant that resistance there crumbled and that appeals ceased. In 1729 Sainte-Barbe and Sainte Hilaire were closed and 300 priests forbidden to practise. In 1730, the refuges were confined almost to “ghettos” under the authority and protection of an anti-constitutionnaire curé or bishop.

The laity, of course, also had access to the doctrine, the more so because it encouraged lay interest and participation. The austere message required a high degree of literacy for its full reception and was bound to undergo a certain transformation of understanding as it was imparted to the less well-educated. This in part accounts for that brief phase of popular Jansenism, the convulsionary movement, which recalls many aspects of popular religion. It is true that supporters of the deacon Paris and the miracles performed on his tomb at Saint-Médard had often been educated in Jansenist schools. Unfortunately, the neat picture of a popular religious movement is complicated by the fact that it is not also true to say that the whole convulsionary movement was recruited from the popular classes. Of over 600 convulsionaries and their associates identified by Maire, nearly half came from the better off in society (shopkeepers and above), including a quarter from the bourgeoisie, the robe and above.

November 1730 saw the beginning of a new stage, with the miraculous cure of Anne Lefranc, a parishioner of the persecuted Jansenist curé of the parish of Saint Barthélemy. The parti janséniste publicised the event in March 1731 and one of its leading theologians wrote a Dissertation on Miracles, and in particular on those which have occurred at the tomb of M de Pâris, in the church of Saint-Médard in Paris, which marked an important stage in the debate. It argued that the several ‘miracles’ since 1725 were proof of divine support for the ‘defenders of the truth’ in their appeal and struggle against the Bull Unigenitus. This dramatic turn was made even more disconcerting, or invigorating—depending on which side you were on—in August 1731, when people began to have convulsions on the tomb of deacon Paris. By April 1732 the convulsionary movement had become Figurist in character, and the convulsionaries began to prophesy. Within the parti, opinions at first differed on the status and significance of this ‘divine intervention’, there being many theologians who were convinced that the miracles and convulsions (whose gestures and utterances were collected and read as Figurist prophecies) were indeed signs from God. A contemporary text tells the story as well as any:

They began to speak of the convulsions in themselves, as a divine and singular work, which had a sublime end, one greater, more interesting, more wondrous than the miracles even, because the convulsions embraced the whole destiny of the church. The allegories and figures came to their aid.

The work of the convulsions was a tableau which expressed in a tangible way the present state of the church. The convulsionaries began to speak of the coming of Elijah, of the return of the Jews, and of the admonition of the Gentiles. The crowd of admirers grew daily, and the convulsionaries tried
hard to respond to the Public’s expectations. No more was heard of prophecies, of figurative actions, of sublime and divinely inspired discourses, of extraordinary ministrations [secours], and of the singular gift of bringing about miracles of the body and the spirit.  

The tale of the convulsionary movement has been splendidly retold by Kreiser and Maire; suffice it to say here that several prominent convulsionaries believed themselves to be Elijah, and many were convinced that the utterances of those entranced were prophetic. Records were kept and served as the basis for more Figurist interpretation. But there was soon no monopoly on interpretation, and from 1732 there was in effect lay preaching, which was very disturbing for some of the theologians. The proliferation of bizarre enactments of sexual sins, crucifixions and delirious prophesying by the semi-literate lay men and especially women convulsionaries such as the Augustinistes was soon perceived to be a threat. Theologians of the parti were worried and unconvinced by the miracles themselves, and by 1735 these were in great majority.

Notwithstanding the confusion that was soon created within the parti, the evidence suggests that it was indeed the outbreak (or was it a campaign?) of miracles which helped Jansenist curés to build up large numbers of lay supporters in several Parisian parishes. The miracles lasted until about 1735. They seem spontaneous in the sense that a deliberate plot is a less likely explanation than the opportunist exploitation of the unexpected but psychologically understandable reactions of the oppressed and disturbed followers of deacon Paris. Their date is relevant because only after 1730 did the movement develop its popular side; the over-estimation of the strength of the Jansenists in the years up to then has led some historians to interpret Fleury’s declaration of 24 March 1730, which made Unigenitus into a law of state, as an attempt to ensure respect for Vintimille and ‘the beleaguered constitutionnaire prelates’, as Kreiser describes them. In fact, until the brief phase of popular Jansenism resulting from the miracles and convulsions in 1731, it was the Jansenist clergy who were decidedly the beleaguered party, and the royal declaration was intended to be the coup de grâce, so to speak!

But repression and suppression was to be much harder for the government and the constitutionnaires to carry out than anticipated. In the long run, three factors were responsible for the transformation of the fortunes of the Jansenist movement—although this was not to be apparent until a decade after Fleury’s death. The first was the commitment to action inherent in the Figurist theology. The second was the exploitation of the medium of print to further the cause. The third was the decision to make the fullest use of the hard core of Jansenists within the Paris parlement, among the barristers and magistrates.

Figurism has already been discussed. The second factor, printed propaganda, was a new technique that had not been extensively used in France since the Fronde. The fierce debate provoked by Unigenitus led to perhaps a thousand publications in a decade. An important step was taken in 1728 when it was
decided to print the ecclesiastical nouvelles à la main that had circulated in manuscript under the surplice. The Nouvelles ecclésiastiques was different because it was an attempt to win over the opinion of a wider public to the cause. It aimed to inform the public of the successes and misfortunes (invariably unjustly inflicted) of the appellants, to instruct those ‘persons who cannot give all their attention to this great business [i.e. Unigenitus and its consequences]’. At the outset, the editors boldly stated: ‘Yes, we do not intend to conceal or confuse the fact, we are presenting to the public news of what is happening in the Church only in order to decry the Constitution, which merits nothing less than that, and to prevent the faithful from submitting to it in any way’.40

The weekly broadsheet was initially financed by the two deacons and brothers Poncet des Essarts, from a merchant family, who had studied at Saint-Magloire. The principal organisers were Marc Poncet, d’Etemare, Boursier, Duguet, the exiled but still active Soanen, Joubert, Boullenois, de Gennes and Coudrette; its first editors were the abbés Boucher and Troya d’Assigny, followed by Fontaine de la Roche in 1731. There was to be remarkable continuity in the team, and it is notable that it was composed of the principal Figurists. Equally remarkable is the fact that the secret organisation and distribution of the broadsheet was never discovered or interrupted by the police. Of course, various denunciations and interrogations enabled them to discover likely names (whence our own information), but they were never able to find proof of authorship or involvement. The Nouvelles was even audacious enough to publish a plan of its distribution network in an issue in 1740! Notwithstanding the strenuous police activity, it could be found all over Paris.41

Hérault had no better luck with that other weapon of propaganda, the satirical engraving. During the 1730s a Jansenist iconography developed that was widely distributed in Paris and which the ministry considered damaging. One letter to Fleury informs him of attempts to suppress a print that is infinitely injurious to the Council of Embrun; Your Eminence well knows the importance of preventing the distribution of such a piece among the Public. I myself will exercise all possible precautions to prevent it entering Paris, but that will be infinitely more difficult than having the plates broken in Amsterdam, and, [he adds with unsuspecting irony] we would thereby gain the advantage of persuading the Jansenists that we are informed of every move they make in spite of the precautions they take.42

It is hardly possible to understand the development of the political relationship between the ministry and the parlements without recognising the important part Jansenism had to play in it. What was new about the Figurist Jansenism of the 1720s and 1730s was the involvement of the lay community with it. The political transformation of the struggle that was brought about after 1727 would not have been possible without the laity. Both the convulsionary movement and the legalist opposition to Unigenitus were the products of lay participation.

Although the legalist participation began in earnest in 1727,43 it has been
The cemetery of Saint-Médard, showing convulsionary activities (1732)
expedient to leave its full discussion until here because its full effects were felt in the
1730s, during the convulsionary movement. The intervention of the lawyers in the
theological quarrels in 1727 was described by one historian as ‘the massive entry of
the bourgeoisie de robe’ into politics. Such a judgement hardly stands today,
redolent as it is of a class analysis, but it is true that a tiny but significant minority of
barristers in Paris were Jansenists. An analysis of signatures of the legal briefs
published by certain barristers in defence of victims of ecclesiastical injustices
together with accounts of their legal activity and biographical research, permits the
identification of a hard core of about two dozen active Jansenist lawyers. They may
be divided into those who wrote the consultations and those who believed in the
doctrine and put their signatures to the legal documents. Many of them were
Figurists.

No one has systematically calculated the numbers of Jansenist lawyers from
1727 to 1743, or later, although two other historians have given partial lists. It can
be done with reasonable accuracy, because there is testimony in the Journal of the
lawyer Barbier, who was in an excellent position to know, and more discreetly in the
Nouvelles ecclésiastiques. However, the most reliable way of discovering the inner core
of lawyers lies in the huge collection of documents acquired by Le Paige, where
manuscript copies of the briefs have lists of signatories and usually a marginal note
in the minuscule hand of Le Paige identifying the authors. The two most active
members of the Jansenist clique were undoubtedly Charles-Jacques Aubry and
Claude-Joseph Prévost. Aubry received a glowing tribute from the Nouvelles in his
1739 obituary, for it was he who had written the legal parts of the first consultation in
defence of the bishop of Senez in 1727 (Boursier wrote the theological sections), the
famous ‘Memoir of the forty lawyers’ that signalled legalist intervention. ‘There
were very few consultations of direct or indirect importance to the church in which he
did not have a hand. Even when M.Aubry’s name did not appear, and the Writings
could not be made public, he was no less involved in all affairs of importance.’ He
believed the miracles were proof of ‘the righteousness of our cause, which is that of
God Himself’. He wrote to Soanen in 1728: ‘In my work I have been inspired by
neither a principle of false glory, nor by a desire to make myself known by a singular
event. I have sought the truth in good faith; I have known it, and this inner
conviction has sustained me and eased all difficulties’.

Prévost was a brute of a man who dominated the Order throughout the 1720s
and up to the mid-1730s. He had penned a consultation in defence of curés in 1716,
taken part in the debate around 1720 and left among his papers a huge series of legal
reflections on the status of Unigenitus and, interestingly for political theorists, on the
nature of the lit de justice, possibly used by Le Paige for his book of 1756. He almost
lives again in Le Paige’s lengthy description of him:

This man, though of excellent sentiment and qualities, always personalises
affairs that would seem the least susceptible of it. His difficult and even surly
character, his thorny quick temper, get him into quarrels over the most trivial
matters. He gets in a rage about everything, and getting angry, saying vulgar
The principal authors of the consultations in defence of Jansenists were Aubry, Prévost, Soyer, Le Roy fils, Texier and from the late 1730s Le Paige the younger. Others identified as Jansenists and who were involved in signatures and in the meetings to draw up the documents were Bayle, Berroyer, Boulle, Cochin, Comtesse, Denyau, Duhamel, Gacon, Gin, Guérin de Richeville, Guillet de Blaru, L’Herminier, Huart, La Verdy, La Vigne, Le Comte, G. Le Roy, G. - C. Le Roy, Le Roy de Vallières, Maraimberg, Normant, Pageau, Paillet, Pothouin, Prunay, Rousselet and Visinier. The board of directors of the Hôpital Général, where Jansenists were more or less in control and where Jansenist prisoners were allowed special privileges, included five barristers: Guillet and Visinier who have been mentioned above and three other Jansenists, Pelet, Merlet and Arrault, the latter being extremely committed to the cause.

These thirty-three lawyers all were members of a loosely structured order of barristers in Paris which had a strong esprit de corps without, however, being a formal corporation. Thus it preserved its independence from royal interference that normally took the form of imposed candidates, sale of office and a controlling dean. The order was proud of its independence, and it was frequently reiterated by orators on formal occasions, most notably by Daguesseau himself in a celebrated discourse in 1693. He said:

In the almost general subjection of all conditions, an Order as old as the Magistracy, as noble as Virtue itself, as necessary as Justice, is distinguished by a character all its own; alone, of all states of Society, does it maintain itself in the peaceable possession of its happy Independence…You are placed to come between tumultuous passions and the Throne of Justice, for the Public good; you bear to its altar the hopes and prayers of the People.
The Order was headed by a bâtonnier elected every three years, one of whose tasks it was to draw up a list of members. The Order numbered about 550, but many lawyers took only the tide and did not practise at the bar. A law degree was required for acceptance as an avocat au parlement, although the degree was scandalously easy to obtain; the real training was provided by a stage of four years’ work and study in the courts. Although not formally a corporation, the Order had strict disciplinary procedures operated by the bâtonnier, and disbarment could result from a range of misdemeanours, which included improper speeches, lack of respect for magistrates in court and failure to side with the Order in disputes. Such a grave consequence undoubtedly encouraged younger and more needy barristers to follow their older and more influential elders, reinforcing what was in effect corporate solidarity.

The avocats au parlement stood outside the usual legal restrictions on publishing, because they were permitted to print their legal briefs or consultations. This was an opportunity to make public, in the form of legal arguments related to specific cases, briefs or memoirs that actually ranged widely over the issues and which might take issue with policies enacted in previous judgements. Their right to publish opened the door to the development and manipulation of public opinion, and accounts in part for the increasing importance of the consultation as a form of oppositional or radical literature during the century. The first to realise the immense importance of this were the Jansenist lawyers from 1727 onwards. Their independence, their legal expertise and their privilege of publication made them extremely difficult for the ministry to control. Fleury wrote to the Pope in 1730:

The lawyers as a corps are entirely spoilt and, as they are usually better instructed than most magistrates, they have gained an ascendency over them, and have become absolute masters of the Parlement. Their freedom of speech and publication, which have, unfortunately, been tolerated for a long time, has increased their audacity, and, as it is a free company in so far as its members work only as much and for whom they please, it regards itself as completely independent.

The most involved of the barristers whose factums and legal briefs (consultations) were published were not simply Jansenists but were almost certainly also Figurists, although others may well have been Jansenists in the Port-Royalist tradition of some legal families. In any case, their religion turned them into legal interventionists in an active and public way that had not been the case for the earlier appels in 1717–18, and 1723. The barristers did not simply decide themselves to protest on behalf of the persecuted bishop of Embrun: they were in very close contact with the parti janséniste and co-ordinated their activities. In order to do so they drew upon such Jansenist organisation as already existed.

Some sort of clandestine network did indeed exist from the late seventeenth century, as victimisation by the Jesuit-inspired Louis XIV drove Jansenists to rely upon safe houses, places of refuge and epistolary contacts. Manuscripts were vetted, commented upon, revised and published when appropriate. Sympathetic printers
were found, and then the printed books were smuggled and distributed. If Jansenism was a phantom, it was therefore one that took on substance in the light of persecution. Opposition to the Bull and the consequent stepping up of disapproval followed by persecution must have been a crucial impetus. It must also be said that the Regency did not abuse its power in the way that was to become more common later, and that the Jansenists were not acting illegally in publishing their defensive tracts—at least not until the 1731 law of silence, which the Jesuits were to break as often as the Jansenists.

The need to combat Noailles’ damaging attempts at ‘accommodation’ or ‘explanation’ and to organise the defence of Senez before and after the Council of Embrun (all happening in 1727) seems to have drawn the clerics and the lawyers together in a closer and possibly more structured association. The affair of the Council of Embrun also led to the new direction in Jansenist strategy. The year 1727 was definitely a turning point, as we shall see.

Both Jean Soanen, bishop of Senez, and Joachim Colbert of Montpellier were in regular correspondence and contact with lawyers and later with magistrates. The editors of the correspondence by the two bishops published in the 1740s clearly did not reproduce all of their letters, omitting those that would compromise too much those still living. Some fairly explicit ones to lawyers and magistrates are nevertheless included, and from these it is perhaps permissible to make an educated guess at the situation.\textsuperscript{56} To the alert reader, letters that apparently merely comment as if with detachment are actually nothing but veiled orders about how to proceed. Activities were co-ordinated by a theological bureau.

On 30 October 1727, a judicial memoir was published in defence of Soanen, the bishop of Senez. It was written by Pothouin and was signed by twenty barristers, including the leading Jansenists.\textsuperscript{57} In February 1728 a second memoir of fifty pages, this time written by Aubry and Boursier, was clandestinely distributed in Paris.\textsuperscript{58} To the seventeen Jansenists who had signed the first consultation were added the names of some younger barristers, avid for fame and fortune, as Barbier put it.\textsuperscript{59} Both pieces were intended to challenge the jurisdiction of the council of Embrun and the legality of the case by appealing to temporal powers to defend the liberties of the Gallican church. At almost the same moment twelve Jansenist bishops sent a letter to Louis XV declaring the legal nullity of the Council of Embrun and calling for Senez to be permitted to appeal \textit{comme d'abus} against the sentence. Although on this occasion Fleury was able to quash the affair without too much difficulty, this attempt by the \textit{parti janséniste} bears witness to an important change of tactics.

It is my argument that the Jansenists were developing a defined strategy. Their first aim was religious, to save souls. This was their clear duty as guardians or defenders of the real truth in the corrupted church. To do this the \textit{parti} had to make propaganda and to attack its enemies who were placing legal restrictions on its freedom to preach, in order to have the restrictions lifted. The legalist tendency is not surprising, for this was an age that saw most disputes, including theological quarrels, in highly legalist terms. In order to achieve their aims they developed
strategies of opposition and in this they had little choice as they were opposed by the vast majority in the French church.

They had a political strategy to combat the attacks, first by appealing to public opinion and then by exploiting the jurisdictional jealousy of the courts. In other words, they attempted to play off the courts against the hostile ecclesiastical establishment. In 1728 they were unsuccessful because the magistrates in the parlement did not respond. Fleury used the declaration of 24 March 1730 to close some of the legal options open to them, and to restrict the best weapon, the procedure of appeal comme d’abus, by which the parlement could intervene in clerical justice. So the immediate focus of their political assault had to be on the declaration of 24 March 1730. If they could get the courts to accept appeals comme d’abus, notwithstanding terms of the declaration, they had every chance of making their case against their real target, the Bull Unigenitus. The years 1730 to 1756 were years of constant struggle, largely unsuccessful in the 1730s and 1740s, and then increasingly successful in the 1750s. Not until royal policy became one of capitulation to the parlements during the Seven Years’ War did this strategy finally bear fruit.60 But the strategy elaborated in the early years remained unchanged.

In 1730 the lawyers of the parti janséniste tried again.61 That year, Fleury’s persecution of Jansenist institutions and individual curés was at its height, and it was not hard to find abuses of ecclesiastical justice. According to Bell, ‘no fewer than nine consultations appeared in favour of persecuted Jansenists’.62 The last provoked a vigorous response from the ministry because its radical description of the legal system seemed to challenge royal authority.

These general principles are that according to the Constitution of the Kingdom, the parlements are the Senate of the Nation, to render in the name of the King who is its leader, the Justice that he owes his subjects on behalf of God. The Parlements which are the depository of public authority exercise a sovereign jurisdiction over all the members of the State whether lay or ecclesiastic; the Church is within the Empire and is a part of the State…Laws are veritable conventions between those who govern and those who are governed.63

Predictably enough, the ministry condemned this Mémoire produced by François de Maraimberg, a fanatical Jansenist, and signed by thirty-nine other barristers in the parlement. In an episode entirely characteristic of judicial politics, the apparent confrontation was mitigated by the negotiations that ensued behind the scenes.64 After a defensive requête published by the recalcitrant barristers and signed by nearly half the order, a compromise was arranged by which a carefully worded declaration of loyalty to the King was signed by the forty lawyers, and a secret agreement made to strike Maraimberg from the list of those eligible to practise at the bar the following year. An arrêt du conseil published the declaration on 25 November 1730, and the matter should have ended there. It had been a modest victory for the barristers, who had raised their status by forcing the government to negotiate.
However, the constitutionnaire bishops decided to attack the barristers in their own mandements, a series of which condemned the Mémoire in the strongest terms. The archbishop of Paris was pressured into condemning them and, in his pastoral letter of February 1731, actually called them heretics. Exploiting his dominance over the order and carrying along the younger members of the assembly of barristers, Prévost got them to vote for an appeal comme d’abus against the pastoral letter. The government itself suppressed the archbishop’s Letter, but in July went back on this and permitted its distribution. The lawyers were manoeuvred into a strike by the parti, ten were exiled, and the affair ended only with renewed negotiations, this time less favourable to the lawyers.

Although the lawyers were relatively unsuccessful in 1730 and 1731, their failure was to lead the Jansenists in a fruitful direction. On the one hand, the miracles began and the convulsionary movement seemed to confirm the righteousness of their cause; on the other hand, and in the long run more importantly, they found a way of involving the Paris parlement. This second option was to be of prime importance for the development of oppositional politics in the eighteenth century.

* * *

From 1720 to 1729 there had been no pro-Jansenist activity by the parlement, not even over the issue of the condemnation of the bishop of Senez by the Council of Embrun. Yet in 1730 the parlement began to uphold a series of appeals comme d’abus. Dedieu, the ecclesiastical historian, rightly suggested that there was a connection between the state of the Jansenist party, their adoption of new tactics, and the parlement. ‘Certain extremely pressing circumstances impelled the Jansenists to see in the theory of Gallicanism, a weapon of immediate utility.’

The legal context in which the struggle over Unigenitus was fought was the problem of the respective limits of secular and ecclesiastical jurisdiction, or ‘the two powers’ as contemporaries said. Over the previous three centuries the French kings had been determined to prevent as far as possible papal interference within the kingdom in temporal matters, while recognising the independence of the Catholic church in spiritual affairs. Most notably, in practice this meant requiring that papal pronouncements be registered in the parlement, and keeping a balance between the rights of bishops to enforce discipline in their diocese and the legal right of appeal to the secular courts in the case of a miscarriage of clerical justice. There were thus two main aspects to consider: the independence of the French church from the papacy, a position known as Gallicanism, and the relations between the two powers within France. Although differences of emphasis still existed within the episcopate, broadly speaking the bishops were Gallican in the eighteenth century.

In 1682 an assembly of hand-picked bishops had approved the Four Articles which reiterated the independence of the French church from Rome, but this was in the specific context of a threat by the Pope to excommunicate Louis XIV over the quarrel of the régale. In the eighteenth century, episcopal Gallicanism tended to be much less categorical on the issue of independence from Rome than the 1682
assembly had been, and continued to recognise the force of judgements of the
universal church from both the Pope and ecumenical councils. Thus the Bull
*Unigenitus* found favour among the majority of French bishops. They were also
particularly concerned that the Four Articles opened the door, by means of the
procedure known as appeals *comme d’abus*, to too much interference by the
parlements in purely spiritual matters. Both ecclesiastical and secular courts had a
marked tendency, typical of corporate society, to defend their own jurisdiction and
seek to extend it at the expense of rival courts. The royal edict of 1695 had
responded to this problem by regulating the limits of the two powers, principally by
safeguarding the power of the bishops over their lower clergy and by restricting
secular interference, although in an ambiguous passage the edict also safeguarded
appeals *comme d’abus*.67 The *parti janséniste* was to make clever use of this right of
appeal from 1730 onwards.

If the timing of the royal declaration of 1730 of *Unigenitus* as a law of state is to be
explained as an attempted final blow dealt to the Jansenists who were then in a
critical position, the spate of appeals *comme d’abus* is also to be explained by the state
of the Jansenist party. The activity of the lawyers alone had failed to produce the
desired effects. In response, there was now to be a deliberate attempt by the
Jansenists to exploit both the judges’ Gallicanism and corporate determination to
defend their jurisdiction in the furtherance of the long struggle against *Unigenitus*.

To present this argument convincingly, it is necessary to reconsider the role of the
parlement, which is the subject of further chapters. Suffice it to say here that for
most historians the parlement was a body of magistrates motivated by Gallicanism
and a desire to defend the law against arbitrary government (in the form of Fleury’s
repression of the Jansenists); for some it was a body determined to recover the
political strength of which Louis XIV had supposedly deprived it. In marked
contrast to these general explanations, it can be shown that the courts were
manipulated by an organised group, that group can identified as composed almost
entirely of Jansenists, and it is possible to show that the majority of the counsellors
were influenced not by these ‘politico-religious’ concerns but by a desire to defend
their jurisdiction. Previous interpretations are therefore open to substantial
modification.

Against this it could be objected that the serious legal arguments put forward by
the courts in their remonstrances constitute a sufficient explanation. Although most
historians have taken this view, it is based on a misunderstanding. To argue that a
clique was responsible for ensuring legal opposition does not mean that the legal
arguments of the parlement were invalid. The question is not whether the courts
could find legal objections to a policy, but whether and why they chose to express
them: they had not always done so. In 1727 there had been no parlementary protest
against Embrun, and the courts seldom chose to fight an open battle with royal
policy after a *lit de justice* had been held. In this corporate society it did not
necessarily follow that the magistrates had such selfless concern for strict legality
that they would automatically intervene against royal policy whenever it erred.
Fearful of the consequences royal displeasure would have for their families and
careers, they needed prompting, organising, leading. Thus, the notion that their motive was a long-standing ‘parliamentary constitutionalism’ is not satisfactory because it assumes the very fact that requires a historical explanation—we must ask when, how and why the apparently ‘constitutional’ discourse of the parlement came into existence, especially as contemporaries had yet to use the word ‘constitutional’ in its modern sense. The thesis of Jansenist intervention explains more fully the manifestation of such fierce parlementaire resistance to royal policy at this date, without having to view the crisis as either the product of entirely traditional attitudes, or even as the result of any heightening of the ‘political’ awareness of the counsellors normally associated with a ‘constitutional’ viewpoint.

A new method for the study of the parlement has developed in the last two decades, for which the historians Egret, Doyle and Hamscher must take much of the credit. Studying short periods in the history of the parlements, exploring ministerial responses as well as the corporate environment and concerns, they have revealed the courts in a new light. They have gone beyond the published remonstrances—the word of the magistrate at face value, as it were—to reconstruct the judicial world and its debates in considerable detail. Particularism and the defence of jurisdiction are themes that run through their conclusions. The courts often lacked a wider political perspective and could usually be managed by careful ministers. The works of Cubells and Kettering on Paris and Aix at the time of the Frondes provide interesting examples of yet more concentrated analysis of very brief periods of crisis. To these approaches the present writer has added a further refinement, that might be termed a parliamentary history of the parlement: by which is meant the analysis of the debates and the voting patterns of the magistrates, along the lines of British parliamentary studies. This analysis, fully pursued in the following chapters, of course reveals the parlement to have been far less homogeneous in its ‘political’ views than it was in its social composition. The role of the parti janséniste becomes clear, as it is possible to uncover the tactics they used to manipulate their colleagues.

Such an approach requires sources that name names, and in an absolute monarchy this practice was sometimes unwise. Indeed, in the 1750s the observers are much more circumscribed in their accounts, which tend merely to speak of ‘a certain magistrate’ or suchlike. Fortunately, for the 1730s the secret registers of the parlement, private accounts, the Nouvelles éclésiastiques and some reports to the ministry all contain evidence of those who made important speeches in the parlement and who introduced the various motions, both radical and cautious. For both the crisis of 1730–2 and the agitation of 1737, a list can be drawn up of those most influential in debates and most committed to resistance to the royal policy. Fourteen magistrates have been selected because they intervened not just occasionally but repeatedly and consistently. That the ministry would have agreed for the most part with this choice is proved by the imprisonment of two of them in May 1732, the exiling of a further four in June and the special treatment reserved for four more in September. The next task is to identify their theological persuasions, which must be done in a way that remains independent of the first set of sources, so
that merely making speeches does not lead to a presumption of Jansenism. By a rigorous method which is recounted in detail in Appendix 2, it emerges that of the fourteen prominent counsellors, no fewer than eleven were Jansenists, while the other three were closely associated with the parti janséniste. They were motivated perhaps by ambition and partly by ‘republicanism’.

The specific activity of this coterie of magistrates will be dealt with in greater detail in the following chapters, as we examine their part in provoking the recurrent crises in the Paris parlement. However, it is here necessary to anticipate somewhat, with a brief review their specifically Jansenist strategy. As judges, the magistrates of the parti janséniste were well aware of the legal and jurisdictional implications of the Bull Unigenitus, and were well aware of how to turn the procedures in the courts to their advantage. Unlike the barristers, they were in a choice position to do something about it. They intended to exploit this knowledge and their position in the parlement to defend persecuted Jansenists and in particular to undermine the status of the Bull Unigenitus as a law of state. In the absence of a general council of the church, for which the clerics had been unsuccessfully appealing for over a decade, the parlement was the only institution that could challenge the authority of the anti-Jansenist bishops in their dioceses and in print, by virtue of its jurisdiction in appeals comme d’abus.

Because a close relationship existed between the government barristers in the parlement, known as the gens du roi, and the ministry, there was little hope of such cases being accepted if presented to the procureur general. These appeals came before the grand’chambre and the lower chambers had no automatic cognisance of them. The only other occasion on which it was possible to denounce abuses of clerical justice or doctrine was on the occasion of a general assembly of the chambers. These would be summoned to examine important legislation that had to be duly registered by the courts, or for the reception of a new magistrate. It was difficult for an individual judge to call successfully for an assembly because this required first a majority in his chamber, the election of deputies, then the discussion in an assemblée de cabinet with deputies from all the chambers, after which a majority decision of the chambers would result in an assembly. Even when a case was introduced, the whole system of debate and assembly was designed to leave influence in the hands of the gens du roi with the First President and the conservative elder counsellors of the grand’chambre. Following the rapporteur who generally opined in favour of the written conclusions of the procureur général, opinions were given in order of seniority with the right to speak only once. However, the Jansenists had some advantages.

Le Clerc de Lesseville would, as a conseiller d’honneur, give his opinion very early in debate, while the four members of the clique who were in the grand’chambre would opine, if all were present and in the correct seats, third, eleventh and thirteenth. This was enough to set the tone for the debate, and the organisation of the parti ensured that its interventions had a common purpose. Sometimes the older Jansenists might be able to dominate a commission of the parlement, as for the arrêt of 7 September 1731, when the commissioners were Goislard, president Le Peletier, Pucelle, Fornier de Montagny, Thomé and Dupré de Saint Maur (the last four being of the parti). In
these early days the very apathy of the senior judges might also work in their favour, while the rash exuberance of the younger judges made them vote for any exciting course of action. Clearly it was not possible for the clique to dominate by strength of numbers. However, as we shall see, they became extremely adept at presenting the issues in a light that would appeal to the wider concerns of their colleagues. This usually meant concealing their true aims behind an appeal to the defence of the parlement’s jurisdiction in its eternal quarrel with the rival power. It became just possible to get a majority on a crucial vote such as on Delpch de Méréville’s proposal in September 1732 to disobey the lit de justice. His opinion was passed by only seven votes with several against not counted because of family links. ‘This arrêté has been applauded as an heroic and Roman act by the whole Jansenist public, who demand nothing less than formal disobedience.’ They were aware of the power of public opinion and arranged for the texts of their speeches to be given to the editors of the Nouvelles ecclésiastiques and passed parlementary arrêtés to printers of the parti for distribution in Paris.

Furthermore, there is considerable circumstantial evidence and direct testimony that some of the Jansenist magistrates collaborated closely with a group of Jansenist avocats an parlement. To suggest as much is to reveal a new and fascinating dimension to the crises of the 1730s and provide positive antecedents for the activities of Le Paige in the 1750s and 1760s. The Journal of the lawyer Barbier contains a good deal of unequivocal evidence to this effect. On 12 May 1732, just as the affair of the Instruction of the archbishop of Paris was becoming serious, he wrote: ‘I am greatly afraid that our lawyers will get further involved in this affair, for the leading lights of the parti convened on Saturday, apparently to confer between themselves and with Aubry who is to plead on behalf of the curés [who were refusing to publish the Instruction]. The clique of Jansenist lawyers who are most staunch defenders of the parti, is composed principally of MM.Berroyer, Duhamel, Aubry, Gacon, Pothouin, Visinier, G.Le Roy, Le Roy de Valières, and a few others who are perhaps not admitted to their council.’72 But for his exile, Prévost would normally have been one of them. Later Barbier recorded that ‘the lawyers are closely bound up in this affair, and their cessation of work has made the parlement realise how much it has their support’.73

But how was it that a few Jansenists were able to bring about a strike of the whole order of barristers on two occasions in 1732? Fortunately, Barbier himself provides the answer, for at the time of the strike of the lawyers in support of the parlement after the declaration of 17 August he wrote the following explanation.

The lawyers visited each other to find out if, in the present circumstances, they would continue to carry on business, both in and outside the courts … But M.Duhamel, who is of the first rank of consulting lawyers, a very stubborn man and a great Jansenist, closed his cabinet on Wednesday afternoon, and did not attend the council of the House of Bouillon. MM.Berroyer, Pothouin et Visinier, who are also Jansenists, having done the same without consulting anyone, other colleagues were persuaded to act as
they had done, to avoid putting the aforementioned in a compromising position and thus let them stand out, and become liable to some punishment; thus it was that all the other consulting lawyers, who were not intending to abandon work, did so out of sympathy for the others. All the young lawyers are of M.Duhamel’s opinion, because they have nothing to lose, or rather no employment, and because with the ardour of youth they like a fight and hope to attract attention to themselves.74

This is a splendid example of loyalty to the corporation outweighing other loyalties.75 The thesis of an exploitation of corporate solidarity and youthful hot-headedness by a small group is strengthened when it is recalled that the same group of barristers was responsible for all of the protests by their order in support of either Jansenists or the parlement. We have seen how the protest of 1727 against the Council of Embrun was penned by Aubry, ‘excellente plume’, as was the denunciation of the declaration of 24 March 1730.76 On 14 April 1730 there was an attempt at a strike organised by Duhamel.77 Maraimberg, ‘a great Jansenist’ was behind a memoir of the forty lawyers supporting the parlement’s case that in appeals comme d’abus the ecclesiastic would have his sentence imposed by the clerical court suspended until the affair had been judged.78 Six of the eight named above signed the consultation against the Pastoral Instruction of bishop Languet condemning the miracles in 1734.79 Finally, it is interesting to note that this group of Jansenist lawyers was composed of some of the most distinguished in the profession who could earn 10,000 livres or more a year from cases and could own large hôtels. Their collusion extended to a professional co-operation which reinforced their power over their colleagues: ‘their cabal even went as far as sending each other business, consulations, arbitrages, and depriving others of work’.80

For all their efforts, as we shall see in the following chapters, the undivided stand of the ministry and good political management combined to defeat them in the 1730s. It was a to be different story during the 1750s, when the abandonment of Fleury’s policy of ecclesiastical patronage led to an increase in the number of cases of refusal of the sacraments. Divisions within the ministry and the leadership of the parlement gave the parti the opportunity to raise the issues with much greater success.

In spite of, or rather because of, the lack of immediate success, the Jansenist ecclesiology also affected the development of political thought in France. Although the subject is at present under-investigated, theology and political theory were still closely related. Keohane has stressed the debt of the Enlightenment to Augustianism and Labrousse has insisted on the importance of Calvinism to Pierre Bayle.81 Historians are beginning to recognise that during the course of their struggle, the parti janséniste made an important contribution to the political debates in eighteenth-century France. Fully to understand this development it is necessary to abandon the idea put forward by Lucien Goldmann that Jansenism was the recourse of a class frustrated in its desire to express opposition to the absolutist regime.82 Even in the 1720s and early 1730s robe Jansenists believed in the doctrine
because it offered a way to salvation, and so their prime motivation was doctrinal issues, not political. Once this more straightforward explanation is accepted, it can be maintained that the Jansenists contributed to political theory in order to save their sect from persecution. The defeat of the Jansenist-inspired parlement in the 1730s led the Jansenists to search for better arguments to defend themselves in their quarrel against royal policy. From the time of Unigenitus until the 1750s, but especially from the 1730s, some barristers began to revive older ideas on the origins and nature of royal power in order to justify themselves more effectively. The most famous of these, Le Paige, produced a propagandist history of the parlement in 1753 which argued that it had a constitutional role.83 These ideas, whose origins can be found at least as early as conciliarism and the religious wars of the sixteenth century, made a substantial contribution to the eighteenth-century debate when presented in a new context.84 With the help of these theories and prompted by the alliance between monarchy and episcopate, they began to regard the monarchical authority which was imposing Unigenitus as despotic, and free registration of the laws by the parlement as an essential check. These ideas were cross-fertilised with the currents of constitutional thought derived from the new fascination with England and the older classical tradition in which all educated men were steeped.85

The development of these ideas can be traced from the time of the Regency onwards. In 1719 Guillaume de Lamoignon, the procureur général had a Jansenist libelle condemned by the Paris parlement in these terms in 1719:

[The author] is not afraid to render the people depository of the faith, conjointly with their bishops; the only prerogative he grants the bishops is to have them march in equal step with the curés of their diocese; thus according to him it is not the flock which must obey the shepherd, it is the shepherd who must entirely conform to the will of his flock. In this idea is to be found the origin of his conception of sovereign authority which he attributes to the Estates General of the Kingdom when they are assembled.86

Lamoignon’s speculations on the pedigree of these ideas may not be quite right, but it is clear that the scene was set for a transferral to the secular sphere of some important ideas developed during the course of spiritual conflicts.

The full implications of the Jansenist revival and secularisation of earlier theory would become apparent in the 1750s. The seeds of this are plainly present in the 1730s. The ‘Memoir of the Forty Lawyers’ of 1730 departed from the usual language of politics in several important respects. It was studied closely and commented upon by Chancellor Daguesseau. Where it said ‘according to the Constitution of the Kingdom, the parlements are the Senate of the Nation, to render in the name of the King who is its leader’, he remarked that the tradition in royal ordinances expressly denied this ‘constitution’, that the senate was therefore not a senate: ‘the King is therefore reduced to the rank of leader of the nation and France becomes the Republic of Poland or of England’. Against the phrase ‘the parlement is the depository of public authority’, he asked, ‘why not royal authority—the
Parlement has never spoken thus’. He seizes on an assertion that gave the clue to the barristers’ aims of altering ecclesiastical law, that ‘the parlements have the characteristic of representing public authority’ and can reform ‘acts of both lay and ecclesiastic jurisdiction’. ‘The Nation’s Tribunal’, they proclaim, and he observes, ‘Never the King’s’. The princes of the blood, the magistrates and the peers were all held to be ‘the senators, the patres and the assessors of the throne in the administration of justice’—here we are again in Poland where the king is only the head of the Republic!’ retorts the Chancellor. He regards the idea that a law is formed by the wish of the nation, ‘in the assembly of Estates’ as frankly ‘seditive’.87

A year later two publications in particular displayed a radical edge. The *Judicium francorum* and the *Projet de remontrances*. The former was a modified version of a parlementary pamphlet of 1652. Beginning with a sentence that Montesquieu was later to appropriate, the pamphlet argued:

> When it is a question of something in which the people has an interest, it cannot be decided in the council of state. The king can only contract with his people in the Parlement, which, being as old as the crown itself and born with the state, is the representation of the whole monarchy. The king’s council, which is a kind of jurisdiction established to the prejudice of the most fundamental laws of the kingdom, has no public character, and when it annuls or modifies the arrêts of the Parlement it commits a clear usurpation.88

The second publication, by the Oratorian Father Boyer, constructs in some measure a Figurist ‘history of the state’, whose true defenders are beleaguered by enemies of the throne’s best interests.89

The idea that there was a need for a depository of the laws in the state was not new to parlementary corporate theory, for it was expressed in La Roche Flavin’s *Thirteen Books on the Parlements* in 1613, but it was paralleled and reinforced in the 1730s by the Figurist ecclesiology. As Maire has revealed, Figurism believed that in the corrupted world, religious truth was a sacred trust safeguarded by a small band of the often persecuted faithful. The Jansenists were thus the dépôt de la vérité, as the parlements became in their writings the dépôt des lois.90 It is more than likely that Montesquieu, who knew the abbé Pucelle, and must have followed the Jansenist controversy with interest (since he wrote of it in the *Persian Letters*), was influenced by this conjunction of ideas. His arguments that It is not enough to have intermediate ranks in a monarchy; there must also be a depository of the laws’, and the subsequent statement that despotic states have neither fundamental laws nor a depository of laws, seem to reflect the tenor of Jansenist publications in the 1730s.91

In the 1750s the quarrel over the Bull *Unigenitus* gave rise to disputes that led to the veil being torn from the mysteries of state. The language of despotism, the sovereignty of the nation, and fundamental laws became current. The disputes to which the Jansenists and parlementaire activities gave rise appear to have brought about a change in attitude to the monarchy itself. The political debate took place upon ground that was usually skilfully avoided by all parties to the dispute, namely
the nature of royal authority (and not, since there was not one, the constitution). In the absence of an agreed constitution, there were dangerous implications in pushing theoretical positions to their limits. The vehemence of the Jansenists ensured that arguments were pushed to their logical conclusions, and the very basis of the monarchy subjected to the closest scrutiny. In this situation it was hard for the crown to retain respect for its role, especially since its own propagandists were less effective and its ministers more interested in factional conflict than defences of the theocratic absolute monarchy. From being above discussion in the seventeenth century, the monarchy had gone on to provoke serious criticism of the way it operated under Louis XIV, and now was exposed to fundamental challenge to its principles of operation.

Given the limited effectiveness of censorship at the time, perhaps no ministry could have prevented these consequences, but the cardinal de Fleury certainly prevented the effective conjunction of Jansenism and the Paris parlement while he lived. The cardinal de Bernis, who had considerable experience of managing the parlements, assessed Fleury’s control over the parti janséniste during his ministry in the following manner.

The ministry of the cardinal de Fleury had almost destroyed Jansenism in France. He was wise. Violent means were not to his taste, and although on many occasions he did not always uphold the king’s authority firmly, he rarely compromised it. His zeal for religion and for respectable manners was very praiseworthy. Perhaps he could have followed better plans to extinguish the present quarrel; but it must however be said that by the time of his death there was scarcely any question of Jansenism, whose ashes have been unwisely rekindled these ten years hence.92

Deeper analysis of the role of the magistrates must be reserved for the following chapters. Only by considering all the factors involved in the development of a political crisis is it possible to discover the true share of the parti janséniste.
THE PARLEMENT OF PARIS

Social and institutional characteristics of the parlement: the parlement’s jurisdiction; its several chambers; its venal officers; procedures; attendance; the basoche; social characteristics; rhetorical education and wealth; self-image. The historiography of the parlement: selfish, politically ambitious oligarchy, or defender of the people? A renewed emphasis on judicial functions; new approaches; the study of crises.

A close study of the problematic relationship between the ministry and the parlement in the 1730s is a highly instructive approach to the structure of perhaps the single most important area of politics beyond the royal court. Relations with the sovereign courts were of great importance for the ministry because the parlement was an indispensable institution both for the administration of justice and for the registration of royal edicts. In the eighteenth century, the courts rather than the local or provincial estates were more usually the focal point of opposition to the regime and their hostility could result in a direct challenge to royal authority. Yet the French parlements were not simply a potential source of opposition. Like the provincial estates, they were both government and opposition.

SOCIAL AND INSTITUTIONAL CHARACTERISTICS OF THE PARLEMENT

Although their primary function was as courts of justice, their responsibility for police, a nebulous ancien régime concept, also gave them a large administrative responsibility. They had very wide jurisdiction over municipal administration, provisioning and public order, to cite but a few of the areas. Principally, however, the parlements of France were courts of appeal, and dealt with a large volume of litigation about property, criminality and abuses of ecclesiastical justice. As the guardians of the laws, which in a state such as France had many provincial variations that had to be respected, the courts also had the important task of verifying whether new edicts were in conformity with previous legislation and were likely to be clearly understood. If, as happened most often, all was well, the law would be registered, perhaps with some modification in the form of an arrêt de
règlement having local validity. But if the judges perceived a problem with a new law, or tax, the courts could point this out in the form of written remonstrances to the King in council. Crucially for the ministry, this role in the registration of new laws meant that the courts could affect the formulation of ministerial policy. The magistrates’ refusal to register an edict, a tax or a loan, or their subsequent attempts to drag their legal feet in an attempt to prevent its implementation, or even their reiterated remonstrances, undermined the status of the law in question and thereby posed a challenge to the exercise of royal legislative authority. In this respect a study of the parlement is an essential part of a discussion of the political system at the centre. Old regime politics cannot be understood without considering its institutional and social characteristics.

The Paris parlement was a venerable and ancient institution whose origins are clearer to us than they were to contemporaries. The magistrates themselves liked to think that their history went back to the Frankish assemblies of the Champ de Mars, which conducted business under the Frankish kings. In reality, the court was an offshoot of the King’s council during the thirteenth century that took on its definitive structure by 1345. The court was by then divided into chambers, each with different judicial responsibilities: a grand’chambre, a chamber of inquiry or enquêtes and a chamber of requests or requêtes. In geographical terms its range of jurisdiction was very wide: it was the highest appeal court for central and northern France, an area that included the Ile de France, the Beauce, Sologne, Berry, the Auvergne, the Lyonnais, the Maconnais, the Beaujolais, the Nivernais, the Forez, Picardy, the Champagne, the Brie, Maine, Touraine and Poitou. Other provincial parlements had much more limited regional jurisdiction, but were just as important in their own province as was the Paris parlement in its region.

The parlement of Paris was located in the palais de justice, which had once also been the royal residence before the removal to the Louvre. The palais was a huge complex of buildings housing not just the parlement but also the conciergerie and the cour des comptes. The long Mercers’ Gallery was abustle with hawkers and traders and their clients, as well as prostitutes and novellistes. The Great Hall was acceded to by a staircase from the gallery; it was tremendously impressive by its sheer size, over 75 yards long and 30 yards wide, and adorned with statues of royalty. It too was athrong with a multitude of traders, clerks, lawyers and booksellers. The hall of the grand’chambre had a flamboyant gothic interior, the walls hung with blue velvet showing fleurs de lys, and was divided into two halves, one with benches for the judges and peers and a raised dais for the King, the other open to the public. It was here that plenary assemblies of all the chambers of the parlement took place; and, when the King refused to modify a law that had been the subject of remonstrances, an enforced registration was held here in a royal ceremony, known as a lit de justice, the room then being dominated by the King dispensing justice directly from his throne, which was raised up on the dais, under a regal canopy. The other chambers were smaller and their topography is less well known, although contemporary prints give us a good impression of the scene.

The parlement was led by a First President who was usually appointed by the King from among the three or four most senior presidents à mortier, and contained
a number of prosecuting attorneys known as the gens du roi or the parquet. It was the First President’s task to lead and control the courts while the gens du roi were expected to represent the royal legal interest. The magistrates were professional jurists, by now a mixture of laymen and clerics, all of whom had inherited or purchased their offices. The senior judges sat in the grand’chambre, where the most important business was done, such as all cases involving the crown, and where oral pleading took place, in contrast to the other chambers which worked from written evidence entirely. The grand’chambre was a court with competence for cases involving the high aristocracy, the higher officers of the crown and criminal cases concerning those who had a privilege of being tried in the parlement, and it accepted appeals from cases judged in the first instance in the other chambers. It also had jurisdiction over appeals comme d’abus—which was to be a highly significant attribute in this period of theological strife. The right to accept such appeals was described by d’Argenson as ‘the finest, and even the only, jewel in the parlement’s crown’. In an appeal comme d’abus, the parlement acted as a court of appeal for cases in which the appealing party suspected a miscarriage of justice in the ecclesiastical courts in a way which was contrary to the spirit of royal legislation. The system was a reflection of royal claims to ultimate control over the church in jurisdictional matters within France, but there was perpetual conflict between the bishops and the parlements over this issue. In 1730, the grand’chambre contained the First President, nine presidents à mortier, thirty-three senior magistrates, of whom twelve were clerics, several honorary counsellors and presidents (such as President Hénault then was) and, on special occasions, the princes of the blood with about fifty lay and ecclesiastical peers.

The five chambers of enquêtes had originally prepared the written testimony for cases in the grand’chambre, hence the name ‘chamber of inquests’; they now also judged appeals from lower courts on written evidence. Each of these chambers of enquêtes was composed of thirty-two counsellors and three presidents. The magistrates in these courts were for the most part young and less experienced, keen to divert themselves by tumultuous intervention in affairs of state if they got the chance. Finally came the two chambers of requêtes whose task it was to examine petitions for suits and judge those who had letters of committimus, which is to say a specific royal grant of the right to be tried by the parlement. Each had three presidents and the first chamber had fourteen and the second fifteen counsellors who were usually more mature than the men of the enquêtes. There was, in fact, another court, the chambre de la tournelle, but it was composed of magistrates drawn from the other chambers in turn. It judged cases involving the death penalty, and therefore contained no clerical counsellors.

(opposite) Lit de justice at the parlement of Paris on 22 February 1723, on the occasion of Louis XV reaching his majority. The view shows the magistrates seated in order of rank in the grand’chambre of the parlement, presided over by the young King seated on a raised dais. Other plenary assemblies of the courts would take place in the same chamber, in the absence of the King.
On matters affecting the King’s business, the procedures need to be explained.9 Relations between the parlement and the ministry were governed by a series of formal responses. The King’s council came to a decision in the form of an arrêt signed by the Chancellor and forwarded to the solicitor-general or procureur général as letters patent by the secretary of state with the department including Paris, who in this period was Maurepas. The parlement was expected to verify and then register the letters, which then became law as an edict or declaration. The procureur général would present it with his own written comments to an assembly of chambers. There it would be supported by the rapporteur of the court. Nine times out of ten registration was done on the spot without a problem. If necessary, commissioners would be appointed to examine it. These were chosen by the First President on the basis of seniority: fourteen magistrates were from the grand’chambre, nine were presidents à mortier and another fourteen were from the other seven chambers, two from each. On a later occasion and in another plenary session the commissioners would make their recommendations, which would then lead to a ‘debate’ in which each magistrate would opin in order of seniority. At the end of this process the parlement had a range of possible responses open to it. It could either enter the law on its registers as it stood, or with modifications declared in an arrêté. Slightly more severe would be to request the First President to make supplications on its behalf to the Chancellor or, more officially, to the King’s council arguing for modifications. At this stage the council of dispatches would either annul the arrêté from the parlement, or the Chancellor would reply to the criticisms, usually affirming the original legislation.

The parlement would then reconvene in a plenary assembly to consider its response. It might decide to draw up and present a written response in the form of brief representations or longer remonstrances, in which case the First President aided by commissioners would compose the remonstrances and present them in person to the King. Remonstrances tended to focus on matters of law that affected the special interests of the elite or the people as a whole, the relations between the temporal and spiritual authorities and encroachments on the legal privileges of the parlement. The last two areas often overlapped in practice, since the parlement regarded its cognisance of appeals against ecclesiastical jurisdictions as one of its most important privileges. The coded language of judicial politics ensured that remonstrances expressed deep loyalty to the monarch and his sovereign powers, but the legal arguments they contained were sometimes less respectful. At times it appears that the magistrates protested their loyalty the better to oppose the King’s policy. The King might then reply on the spot with a brief speech, followed by a longer statement from the Chancellor. Another possibility was for the council to consider the remonstrances and reply at greater length. Usually the reply was more or less uncompromising, insisting on the respect due to the sovereign power and command registration. It might take the form of a lettre de jussion. A final resort of the parlement was to make iterative remonstrances. The most likely royal response was then to conduct the registration in a lit de justice. This was a majestic ceremonial occasion on which the King exercised his judicial role in person before the full
parlement, including the peers of the realm. Although opinions were called for, the magistrates were not expected to voice their discontent and the King was under no obligation to follow the view of the majority.

Matters usually ended there. Nevertheless, the parlement often chose to conduct a running battle to evade the provisions of the new law, and might even confront the government by choosing to go on strike, or even, as a last resort, resign their offices. But it must not be imagined that this drastic response was final. Every one of these responses was a finely calculated gesture in the ongoing relationship between the King’s council and the jurisdiction of the courts. In the final assessment everyone, both council and magistrates, shared a view of monarchical authority, and of mysteries of state. It was expected that a determined show of resistance would lead to a suitable compromise in which neither side lost face or authority.

Because this process was so finely graded, almost ritualised, it was only likely to become dangerous in its ultimate stages. In the normal course of events the First President, aided by the parquet and the more docile senior grand’chambriers, was in a position to manage the King’s business effectively. If members of a parti or faction wished to manipulate the response of the courts, they would try to engineer judgements and institutional responses. This was often hard to do, but the history of the eighteenth century shows that it was far from impossible. The exploitation of internal procedures was often crucial to the orchestrated escalation of an affair. It was important for a faction to ensure that its interests were dealt with in a plenary session. Sometimes it might be possible to succeed in having one convened, but this was rare. More likely was the planned introduction of an affair during an assemblée called for another reason; equally, once an affair had begun, the necessary assemblée would be called as a matter of course. It was then a question of arranging to have a particular avis or motion prevail. This was far from simple and success could not be guaranteed. Clever and sometimes devious tactics were needed. In debate, the counsellors would range themselves behind one or more opinions, and so the earlier a motion was introduced the more chance it had of gaining favour. It was almost indispensable to have members of the grand’chambre in the plot and preferably the help of one of the few magistrates to enjoy the confidence of the courts. The final decision of the assembly had to follow one of the motions. The procedure for arriving at this was very complicated. When a number of avis had been expressed, in order to reduce them to a single one, those judges favouring the least popular options would have to choose a more popular one. The process began with the least popular option and by a process of elimination two were reached, of which the majority was chosen. It was then considered binding on the whole company, just as if it had been expressed unanimously. In 1751 as many as seventeen avis were reduced to one. If remonstrances were to be drawn up it was obviously important to be represented on the commission or to have the favour of the First President. The manipulation of
remonstrances became a great deal easier when in 1750 it was established that the remonstrances should be brought either to a plenary session or to an assembly of commissioners for approval. From this time on the door was open to their modification by a well-organised opposition group.

Absences from the plenary sessions may have been frequent and regular, because at no time during the period in question do any voting figures tally with more than about four-fifths of the total of 257 magistrates owning offices. In 1725 during the trial of Le Blanc so many normally absent judges turned out that extra benches were needed to accommodate them. But even then they numbered only 192, and at the end of the trial 166. However, the system of recording votes also reflected the extensive consanguinity of counsellors, for fathers, sons, brothers and close relatives counted together as only one vote if they opined in the same sense. These two factors explain why the voting figures usually record only about 160 votes.

While we still know very little about the daily workings of the courts, there is some evidence that most normal cases were dealt with by seven or eight zealous magistrates in each chamber, while many of the junior magistrates in the enquêtes led frivolous and dissipated lives not entirely seemly for men of their profession. A list drawn up by a magistrate in a local court named only eight or ten judges in each chamber as being worth approaching on judicial business. According to Bluche, in the fifth chamber of enquêtes, of seventy counsellors from 1715 to 1748, more than half took five or fewer cases a year, sixteen took between six and nine, while seven had from ten to nineteen, while only twelve accepted between twenty and eighty cases. The younger judges tended to be less assiduous than older ones, and only four judges took on a really large number of cases. In 1756 the parlement was reduced in size, by the suppression of two chambers of enquêtes and one of the requêtes, a move that reflected the decline in the volume of business and perhaps the over-creation of venal offices during the seventeenth century.

There were many other venal officers working in the palais de justice. The procureur général had fifteen substitutes at his service. The first clerk of the court was a very highly ranked magistrate (and from 1717 until 1771 was a Gilbert de Voisins), responsible for keeping the records of the sessions. Several clerks helped him, and there were more clerks and secretaries for each chamber, a further forty-one ushers, and about 400 other minor legal officers working for the clients of the various courts. These officers formed what was known as the basoche—an often turbulent element owing to the presence of a large number of young men in careers with little hope of advancement. In addition to these were the barristers, whose active number was perhaps a hundred, though many more were qualified, and all the solicitors. It is easy to understand that a strike by the barristers or judges was a momentous event whose repercussions went far beyond the mere cessation of judicial business. It threatened the very livelihood of the host of clerks and traders, who might actually riot in support of the courts as in Paris and Brittany in 1788. If a strike went on too long they might turn against them.

The parlement was referred to as a ‘company’, which meant that it was a
corporate body conferring high status on its members. All the magistrates were noblemen, because the office of counsellor carried personal nobility and ennobled the family after twenty years’ service or death in office. In fact, over 80 per cent of the families of magistrates from 1715 to 1771 were already noble, and many of these were from distinguished robe families. Fathers of counsellors were themselves mostly of robe origins rather than from finance or trade, and most mothers also came from noble robe families. Intermarriage between the counsellors’ families was normal practice, such that many magistrates were related to each other—the Gilbert de Voisins to no fewer than seventy-one other families—and the same families continued to provide magistrates over several generations. Extreme cases of this tendency would be the Le Peletiers, with eight counsellors and presidents; the Lamoignon with ten representatives; the Talon; the Joly de Fleury who were gens du roi throughout the century; the Molé. Many others had several generations of magistrates in the parlement. Although the parlement was recruited from the robe nobility, it had many connections with the military and courtly aristocracy (for example, about a quarter of counsellors’ brothers became officers in the army). The higher magistrates were often related to ministerial families, and to the higher nobility, through sisters or daughters (about one in eight married into the noblesse de cour). Many lawyers were represented on the family councils of the higher aristocracy, or otherwise attended to their legal affairs. In an age of patronage, clientage and political friendship sealed by marriage connections, this was significant; it provided covert channels between the judges and the court through which faction might operate, careers be developed and fortunes be maintained.

The higher noblesse de robe, composed of such men as magistrates in the sovereign courts, was distinct from but almost as well considered as the noblesse d’épée, and ranked only a little below the noblesse de cour. It was much wealthier, better educated and of higher social rank than most of the provincial nobility. Magistrates were no longer looked upon as bourgeois by any but the most absurdly haughty and obstreperous members of the court aristocracy. They were mostly educated at the college Louis-le-Grand, or the Oratorian colleges of Beauvais or Juilly, where they rubbed shoulders with the sons of the court nobility, acquired similar tastes and habits and often made lasting friendships.

Forms of judicial eloquence existed, as they did for the pulpit, with, from the later seventeenth century, their own tendency towards austerity. Fumaroli has shown how fundamental rhetorical style and training was to ancien régime society. Rhetoric was the basis of education and was carefully inculcated by the Jesuit schools; it was the art of persuasion and marked the educated off from the other orders of society. Classical Roman models were imitated, especially Cicero, and particular attention was paid to these key elements: inventio, the tools of persuasion; dispositio, which was the ordering of the material; elocutio, which focused on figures of speech and expression; actio, which was the delivery itself, using gestures. For all this the cultivation of memory was indispensable. The aim of rhetorical combat was to convince, sometimes through an appeal to
sentiment, but certainly with figures of speech such as exclamation, interrogation, and exhortation. (The parlementary remonstrances are, of course, deeply marked by these structures.) To this education prospective magistrates added legal training in Roman, customary and royal law, although many escaped lightly on this count. It must be said that the university degrees were not very arduous and the examination for admission to the parlement was easy in the extreme: in the eighteenth century, ignorance was common and standards often low. Much of their education came from practice, observation and from discussions with their elders.

If the magistrates were noble and privileged, they were also wealthy. Income from their office was not large, consisting of the *gages* which equated to a low return in terms of interest on their initial investment in the office, and the *épices* which were ‘gifts’ of money distributed pro rata for involvement in cases. It could not total much more than one thousand livres a year, except for clerical counsellors who were allowed to keep the revenue from their benefices. However, a ‘poor’ magistrate nevertheless had an annual revenue of about 8,000 livres, which was substantial at the time, but the majority received up to 15,000 livres, while a significant number had over 25,000 livres. To benefit from such revenues, the poorer magistrates therefore generally possessed a fortune of over 150,000 livres, while many had over 500,000 livres, and several were multimillionaires. This inherited wealth was often in the form of landed estates, which tended to be in the He de France and the Beauce—grain-producing areas—managed by stewards and by themselves during their autumn residence at the château. Magistrates were seigneurs and rentiers, living from income from land and from investments in *rentes*, and several of the most senior magistrates were in receipt of pensions from the royal treasury. Their wealth was displayed in ways befitting a noble lifestyle. They owned sumptuously furnished aristocratic *hôtels* on the He de la cite and in the Marais, journeyed in carriages with liveried servants (in suitably modest number and attire), commissioned portraits of themselves and their wives from the leading artists, bought furniture from the most renowned artisans, and often had large libraries. They dined with aristocratic friends, gambled, visited the theatre and took part in salon life in Paris. Counsellor Davy de la Fautrière was in the Club de l’Entresol, President Hénault was a stalwart of the Queen’s circle and, along with President Portail, was in the Académie Française. The material evidence suggests that parlementaires were a distinct but important section of the nobility, ranking with the lesser levels of court nobility, from whom they differed, however, by virtue of their professional training.

Against the backdrop of this noble lifestyle, the self-image of the counsellors is therefore all the more interesting to observe. They had a very strong *esprit de corps*: they were proud of their honourable rank, jealous of its privileges and keen to command respect for their dignity. It is common for them to be described as senators imbued with love of the *patrie*, and for the parlement to be transmuted into the Roman Senate, with its Catos and its Ciceros to uphold public and private virtue.
We know that there are some who still might catch the eye of Cinea, and fill him with admiration for their dignity. In spite of the outward appearance of decadence of which we complain, we have the consolation of seeing in this senate magistrates worthy of being chosen by Cato to enter the ancient Roman senate, senators who lament with us the woes of the magistracy—but who, far from weeping in vain on the ruins of the sanctuary, are applying themselves to restoring it.25

How true this rhetoric actually was is, of course, open to considerable doubt, and the first to cast a stone was usually a magistrate himself. Most such descriptions come from the homilies delivered by the avocat général at the opening of the session each year on 11 November, Saint Martin’s day. Their tenor is that the magistrate should be content with his honourable rank in society, be frugal and austere, of good morals, firm but without prejudices. Neo-stoic virtues, then, were the aim, and love of the patrie the end. But alas! This was an age of decadence, of declining standards. Ignorance, Daguesseau would usually go on to say, was rife; young magistrates paid little attention during audiences, carried on frivolous conversations with one another; discipline was slack and morals at risk. Nevertheless, the company was an august one, its task grandiose:

Judges of this earth, how great is your ministry, but how difficult! How little it is to you to be the arbiters of families, the peacemakers in private wars that every passion starts. Placed between Church and State, and, so to speak, between Heaven and Earth, you hold the balance between the priesthood and the empire…Your task is to watch over and preserve these more immutable limits, that the hand of God has traced between two powers each of which bears the character of his own authority…The Church must find its protectors in you.26

The laws duly registered, tradition and precedent were guides to present conduct, and these guides were to be found in the codes, the famous speeches and the previous (and sometimes forgotten) rulings and pronouncements of the courts over the preceding centuries. Several leading magistrates had enormous private collections of documentation, often not easily available to the King’s ministers, which could be researched for precedents and justifications. As will soon be seen, there were indeed some extraordinarily erudite counsellors and distinguished orators among the judges.

Although many judges had a sense of duty and dignity, their career prospects clearly must also have influenced their conduct. For the majority, these were not particularly hopeful. More than a two-fifths spent their whole career in the same chamber with no advancement; only one in four attained a seat in the grand’chambre; and about one-third were promoted outside the court to other posts of responsibility such as First President of another prestigious court, master of requests, intendant, councillor of state or even, in a very few cases, minister. No new robe family could
hope for advancement, but the older robe dynasties sometimes did well. According to the cardinal de Bernis, reflecting on the management of the courts, it was very much in the government’s interest to open routes to advancement for the ambitious:

A counsellor in the parlement who has some merit, and who knows that he has, has nothing to hope from fortune: his fate is fixed for ever. Neither fear nor hope can act upon him; he is protected by the parlement who is his only judge, which protects him in his disgrace and demands his return from exile. His office subjects him to a hard, laborious and retiring life, for there is no distinction attached to his work: he must of necessity seek to recompense himself with reputation…and this reputation is never so bright as when he determines his company to resist the court, on those occasions when the interests of religion or the wellbeing of the people are at stake. Consequently, every magistrate of talent must range himself with the parti of opposition, until it pleases the government to open to these counsellors and presidents a door to which His Majesty will keep the key. Thus the King… would be able to have those eloquent orators speak in favour of his authority, who now seek to restrict it.

**THE HISTORIOGRAPHY OF THE PARLEMENT**

Up to the 1950s, analyses of the parlements generally fell into two camps. On the one hand, the Parisian court was considered to be a major obstacle to the government’s reforms: a selfish corps of noblesse de robe entrenched behind its class privileges, determined to preserve its immunities and anxious to dominate the monarchy. The magistrates would therefore have been developing a theory of parlementary sovereignty to buttress their claims. The defence of the people in their remonstrances would have been mere populism (for the true interests of the people were to be found in an alliance of monarchy and Third Estate). It follows from this view that the abolition of the parlement in 1771 was a good thing and its recall in 1774 a mistake. This argument still has its supporters and has most recently been reiterated by M. Antoine in his life of Louis XV. In English, the most comprehensive statement along these lines came from Franklin Ford in 1953, who saw the parlementaires as the political leaders of a century-long ‘aristocratic reaction’ which precipitated the crisis of the 1780s. Accepting the existence of such a reaction, he set out to explain how the nobility of the robe and sword fused together while the parlement took over the ideological leadership of the noble reaction. On the other hand, the parlement has been seen as the nearest approach in eighteenth-century France to a body representative of the interests of both the constitution and the people confronted by an oppressive monarchical state. Such arguments depended very much upon taking the statements to be found in the court’s remonstrances, conveniently published by Flammermont, at face value.

Most historians have now come to hold views that recognise some of the nuances. Egret, the doyen of modern historiography of the parlements, was more
realistic and subtle in his appraisal, as he had made a close study of the parlement of Grenoble before producing his interpretative work in 1970. He emphasised that even though the judges tended to defend their own corporate rights and privileges, they also attempted to restrain the abuses of power by the administrative and authoritarian monarchy and to defend the rights of the unrepresented nation and provinces. What he does not tell us is how their position could be so all-embracing and remain legitimate. It could be argued that Egret, by structuring his survey in terms of the magistrates’ response to issues—religion, administration and despotism—has accepted the magistrates’ own justifications too readily, thus adopting the idea that the courts were ‘in opposition’ and motivated by issues of political principle, the servants of ‘public opinion’. A differently structured narrative might not confirm this so readily.

Important studies by Bluche and Shennan carried out in the 1950s and early 1960s combined to present the parlementaires in an even more favourable light. Myths were undermined and the consistency of parlementaire social and legal attitudes was revealed, together with their often high sense of duty. The parlement came to be seen as a conservative corporate body whose concern with politics was almost exclusively the product of its legalist view of itself as guardian of the law. Shennan wrote that it ‘attempted, by defending established law and legal procedures against the arbitrary, vacillating conduct of (the government), to prevent absolute authority from degenerating once again into tyranny’. Thus the magistrates were not merely selfish spokesmen of an ambitious aristocratic elite, they were morally respectable defenders of the ‘ancient constitution’. This view bears a remarkable similarity to the magistrates own self-justifications.

The parlement was indeed first and foremost a court of law. It was not primarily a political forum, although on occasion it had that role because in the absence of a national representative institution the parlement could with some plausibility claim, on the grounds that it was the supreme appeal court, to speak for the interests of the nation—provided that its arguments were sufficiently populist. It was also a corporate institution and therefore much more likely to express legal views and defend its corporate jurisdiction and status than to engage in the expression of clear political views. Neither characteristic necessarily prevented it from becoming a forum for political agitation organised within its ranks by outsiders, as in the case of religious or political faction. Nevertheless, historians have long been drawn to the role of the parlement in the socio-political crisis of the monarchy. It has been seen as a political institution in its own right, as an institution having its own views on national policy.

But the parlement was not, in fact, political in the accepted sense of having, as an institution, specific and homogeneous views on policy, in the way the council of state did. Indeed, its magistrates came to be divided between themselves over the radical tendencies that some wished to impose upon its corporate, statements. The fact that for a long time these magistrates succeeded should not blind us to the fact that the magistrates differed as individuals. Yet the parlement had always expressed widely held views on its place and role in the state, and was accustomed to use these
to justify its interference with royal edicts and council decisions. As so often under the ancien régime, the distinctions were blurred, the boundaries ill-defined. Consequently, the issue of what motivated the parlement’s interference in affairs of religion and state is a very difficult one to fathom.

In an attempt to address this problem, a new dimension has recently been added to the study of the Paris parlement in its relations with the crown. This has been expressed in the work of Doyle, Rogister and Hamscher. Studying brief periods and crises in minute detail, rather than a broad sweep of history, their emphasis has been much less on the theoretical pronouncements of the two sides and more on the actual workings of the strategies and tactics employed in the relations between crown and parlement. Having had access to the evidence of daily practice, they have placed a good deal of emphasis on the process of bluff, negotiation and compromise that led to the resolution of the crises; or, as in the case of 1770, on the ministerial intrigue which led to the escalation of a crisis and the probably reluctant step of remodelling the courts by a ministry which could find no other solution fitting to defend its own authority and prestige. The article by Doyle on ‘The parlements of France and the breakdown of the Old Regime’ provides a vibrant picture of politics and makes a convincing attack on the view that the parlements in late eighteenth-century France conducted a running war with the crown. His analysis demonstrates that the often satisfactory relations between the ministry and the courts were most affected by the strength and stability of the government, and that a crisis might be provoked as a result of factional rivalry among the ministers. He therefore endorses the observation made by Talleyrand in his memoirs that ‘intrigue permeated the parlement. M. Necker, M. de Calonne, and M. de Breteuil each had their creatures in it who would defend or attack the measures of the minister they wanted to either support or undo.’

According to this view, the parlement must be integrated into the wider processes of politics and less emphasis should be placed upon its autonomous institutional characteristics. That this was a contemporary assessment has been shown by the reflections of a young parlementaire for 1737, to which Register has drawn attention, the recollections of Ferrand and Sallier on the 1780s and the unpublished memoirs of Robert de Saint-Vincent that have only recently come to light. More recently, Stone has focused on the parlement during that crucial period from 1774 to 1789, and used details of judicial activities to add further life to the broader sociological picture Bluche had painted. He argues for a parlement that was basically traditional in its attempts to preserve both the corporate and privileged structure of the monarchy and its own jurisdiction. But he also reveals its ambivalence on many issues, as well as its internal differences, which the broader sociological brush inevitably glosses over. These differences were the result of the clash between age and youth, experience and rashness, corporate solidarity and faction or intrigue. Although Stone’s approach eschews the history of the ‘long term’ so much in evidence in Bluche’s study, he does by contrast show how far the close examination of the detail of events can take us in understanding mentalités as
well as generalities. Above all, his picture is a suitably complex one. In this he endorses the conclusions of the most nuanced and comprehensive study of any parlement, by Doyle on the parlement of Bordeaux.42

This body of work on the eighteenth century has been augmented and put into a wider perspective by a study of the parlement from 1653 to 1673.43 In what is a very significant contribution, Hamscher has revealed the interrelations between the ministry and the parlement. Most importantly, he has uncovered much of the process by which the crown negotiated with the parlement, and has shown that Louis XIV, while preserving an illusion of complete domination over the courts, actually treated them with careful, attentive respect—rather than riding over them roughshod, as the older studies tended to suggest. Often it was more fruitful for the crown to avoid conflict and to work with the parlement because, if the courts had proved that they could at times be dangerous enemies, they could also be helpful allies. Indeed, in the 1660s the ministry found them very useful in the development of a Gallican policy designed to intimidate Rome and their jurisdictional concern for appeals comme d’abus was nicely exploited against the Jansenists!44 Far from being natural enemies, the crown and the parlement were able to co-operate on many issues (notably judicial reform) until the King’s rapprochement with Rome reached its climax with the Unigenitus controversy in 1713. The important implication of Hamscher’s book is that, if the parlement was not a problem from 1661 to 1713 when the issue of Unigenitus arose, it was not so much because the resistance of the courts had been crushed in 1673 (and it had not been) as because the crown had been diligent in not providing opportunities for a crisis. Careful management was a crucial element in bringing about this situation. This in turn suggests that it may be less profitable, when trying to explain the developing conflict, to search for a change in the attitude of the magistrates after 1715 than it is to undertake a close analysis of the role of the ministry in dealing with the parlement. This is an approach that has yet to be put into practice for the eighteenth century. That premise lies behind the present study.

There is no simple answer to the problem of the parlements, as we shall see, for clearly some magistrates did develop different views, but it does emerge that the jurisdictional concerns of the courts were of paramount importance. Jurisdiction, not constitutionalism, was the force behind most of their opposition. In that sense, the magistrates were for the most part not behaving ‘politically’, and the parlement had no ‘politics’—in the modern constitutional sense at least. It is precisely the aim of much new work to recover the ‘politics’ within the courts in a true ancien régime sense of manoeuvres for position, links with courtly factions and the defence of jurisdiction. The new factor that does most to explain the sense of mounting crisis, is the relationship between small, well-organised cliques of the magistrates motivated by religion or faction and cleverly manipulating the concerns of the majority of the judges to their own ends. Opposition of this kind to specific ministerial policies certainly did exist, and it required careful management by the ministry if crisis was to be avoided. Tensions were normal, but crises could grow out of them and threaten place or policy. A full understanding of the parlement requires
a close examination of both the magistrates, their careers, factions and procedures, and the ministry, with its factions, problems and strategies.

Given the current debate on the breakdown of institutions at the end of the ancien régime, the mechanism of the successive crises that led to its fall is well worth investigating in itself. Studies of the long term have not given us a sufficiently accurate basis from which to interpret events, and no one has addressed the problem of the similarity of structure in the parlementary crises that recurred from 1730 to 1788. There are, therefore, distinct advantages in studying a conflictual period of relations between institutions rather than a more general study over a longer period, particularly if the study is of a relatively quiet and typical period. Although it can be argued that the state of crisis was not typical of everyday relations, it need hardly be pointed out that neither was the fall of the régime, which grew out of the struggles of 1787–8. It was during periods of open conflict that both the monarchy and the parlement made their most extreme theoretical claims and it is therefore interesting to know in detail how it was that such a state of affairs could be reached. Georges Duby pointed out that the focus on a particular event can provide a point of entry for the historian into a wider kind of history that goes beyond the merely political. ‘It is possible, by analysing the details of certain explosive events, which expose a large number of hidden features, and which give rise to a sudden increase in testimonies, to advance the history of structures and to determine more exactly those forces which move it forward.’

From a documentary point of view there are certainly advantages because there is a greater concentration of information to be obtained on a period of conflict than is usually available for the times of quieter relations. In addition, this concentration of evidence tends to be of a more instructive nature, since the parlementary discussions and administrative memoranda often make explicit points of view which were perhaps generally held but were rarely expressed. It thus becomes possible to test the generalisations which have been made about both the parlement and the ministry. All the confrontations of 1730–2, 1753–4, 1756, 1770–1 and 1787–8 have recurrent features whose explanation requires an understanding of the political structures (in the very widest sense of ‘political’) and their limitations.
THE CRISIS OF 1730–2

The crisis of the crisis

January 30–2

The period from March 1730 to December 1732 gave rise to particularly troubled relations between the crown and the magistrates of the Paris parlement. The drama of the situation rivals that of the crisis over the refusal of the sacraments from 1752 to 1754 and the opposition to royal policy in 1787–8. The lengthy crisis began with a *lit de justice* in which the papal Bull *Unigenitus* was registered as a law of state. As the courts began to wage a running battle against the status of the Bull, numerous royal decrees in council quashed parlementary rulings or evoked cases before the council. In 1731 alone there were no fewer than three sets of remonstrances, with a fourth set of iterative remonstrances; in September 1731 the courts defiantly voted an *arrêt* reminiscent of royal legislation, that stated their view of the gallican maxims of state. It was, of course, immediately annulled by the council of state, but not before its illegal publication. From November 1731 until January 1732 the parlement struggled to be allowed to debate the royal decision, and in a dramatic gesture fifty magistrates journeyed to Marly to petition the King in person—but were refused access. In May 1732, after the courts had repeatedly defied royal commands not to deliberate upon a *mandement* issued by the archbishop of Paris, two counsellors were arrested. This provoked a judicial strike in which the magistrates were joined by the barristers. When, after the end of the strike, the parlement still condemned the troublesome *mandement*, four magistrates were sent into exile, which led all members of the seven chambers of the *enquêtes* and *requêtes* to resign their offices. Their resignations had hardly been withdrawn before the parlement issued another set of remonstrances. The royal response was harsh. A disciplinary declaration was issued, and registered in a *lit de justice* at Versailles on 3 September 1732. The parlement still refused to recognise it, and 139 counsellors were exiled until 11 November. Although the affair ended with a compromise in December, the conduct of judicial business had virtually ceased for several months, royal authority had
been openly challenged and the King had resorted to what some called despotic acts. The pattern was to become a familiar one during the last decades of the regime. A chronological table of the most important events in the dispute is provided in Appendix 3, pp. 326–7.

Historians have put forward various views of the nature and significance of the conflict with the parlement in the 1730s. These views are the touchstone for their wider assessments of Fleury’s rule. French scholars writing during the anti-clerical years of the Third Republic regarded Fleury as a religious bigot. Flammermont characterised Fleury as an ambitious fanatic. Rocquain thought him responsible for opening the door to the Revolution, if not actually causing it, by forcing the Jansenists into politics.

Fleury’s administration was fatal to France. It was fatal because of the excessive power left for too long in the hands of a man weakened by age; it was fatal through the intolerance that this prelate brought to religious affairs, an intolerance that was the main and almost unique characteristic of his long ministry. By drawing the Jansenists into politics, it prepared the way for the revolution.

Both of these historians regarded the parlement as rightfully defending the gallican church and the maxims of state against the attacks of an ultramontane ministry. In short, they believed the claims of the Jansenists and the parlement. Much later, Shennan also argued the crisis was damaging to the prestige of the monarchy. He saw Fleury as ‘willing to bend with the wind, to use the king’s legislative power pragmatically as a tactical weapon’. He endorsed the opinion expressed by Lacretelle, an early nineteenth-century historian, that the disputes witnessed ‘a progressive decline of royal authority’. Arbitrary government was from 1730 to 1732 rightly resisted by the parlement which was doing no more than fulfilling its role as defender of the legal traditions of France. ‘In the course of his ministry, Fleury effected a revolution. By ignoring or contradicting Gallican traditions, which hitherto had safeguarded the king and individual Frenchmen against ultramontane pressure, he not only reduced the authority of the crown vis-à-vis the spiritual powers, he deprived it of one of its firmest supports.’ In a still broader context, this particular crisis has been predictably interpreted in general histories, by Glasson and Egret, as a stage in the political resurgence of the Paris parlement after 1715. Although this latter view is nearer the mark, it can only be accepted if the meaning of political resurgence is rewritten to take into account different historical processes and different motivation.

All of these views are characterised by a condemnation of the role of the ministry, even though none of the historians had carried out a detailed study of the policies of the central government in this period. Their conclusions are based only upon inferences drawn from their study of the parlement’s attacks on the ministerial policy and from the royal replies given to these, combined with the conclusions of the monograph by Georges Hardy which is now open to modification. The study
of three neglected aspects in particular would do much to modify the picture: first, it is particularly important to examine the views within the parlement as they were expressed in actual debate; second, to look much more closely at the conduct of the ministry; and third, to consider the personal and institutional strategies involved. The answers to these questions should in turn shed some new light on the nature of this confrontation and others like it.

Thus, a full reassessment of the situation is possible only by practising a wider and perhaps new kind of political history. It is important to pay close attention to the whole range of factors, from the long-term corporatist attitudes or mentalité of the participants and the structures of politics, to the real details and pressures of the situation as it evolved almost from day to day. A ‘total history’ of politics is required, for there can be no satisfactory partial view, such as an analysis of parlementary ‘ideology’ divorced from the whole context, because everything was inextricably bound together, multi-faceted, and our own separate categories of analysis were by no means those of the early eighteenth century. In what follows, it has been impossible to separate the analysis of the mechanisms of ministerial control over the parlement during this period of crisis from the nature of the crisis itself in its religious, legal and political implications. The structure of the crisis was bound up with the very mechanisms, procedures, ways of thought, interests and calculations of both ministers and magistrates.

By good fortune, much more detailed evidence of the debates in the plenary sessions has survived than is usual later in the century. Much of it was collected by Jansenists who were keen to trace the progress of their cause, and probably felt a need to bear witness to their faith. The result is that names are mentioned where they are generally left out by more cautious writers in the 1750s, and so it is possible to undertake what might be called an English-style ‘parliamentary’ history of the courts. The study of the speeches and voting figures enables us to identify the activists and unravel their strategies. The results cast as much doubt on the idea that magistrates were unanimous in their views as does any chapter of the history of the House of Commons about Members of Parliament. It similarly allows us to trace the operation of parti or faction within the institution.7

When considering the formation and enactment of policy it is important to take into account the way in which the ministers perceived the problems which faced them, whatever the historical reality of the situation may have been, because policy can as easily be the product of misunderstandings and miscalculations as of a sound assessment of the situation. Equally, since governments of this period rarely had a free hand in the enactment of policy, the extra-ministerial pressures they suffered and the practical limitations of their power in pursuing their aims must be considered. It is therefore important to know why it was that the ministry adopted the course it did in 1730, when this step was bound to provoke the parlement. Was it simply a question of religious bigotry or were deeper issues involved?

As we have seen, the cardinal de Fleury’s attitude to Jansenism was that it had to be combated by a reduction of its centres of strength, so that it did not threaten schism in the Gallican church. Although there were bigots who were determined to
have a Jesuitical position triumph, this was far from being the position of the Cardinal and his counsellors. Since the appellant movement was limited in scope to a very small percentage of the French clergy, with few bishops involved, it was wiser to use a combination of pressure and interdiction. At stake was the unitary conception of the French church, on which the monarchy rested, and a sense of respect for hierarchy.

The ministry was better informed and more aware of what was going on than its continual problems would suggest. Ministerial policy was the product both of long-standing attitudes on the nature of royal responsibility and of the nature of the problems to be dealt with. In its attitude to the Jansenists, the central government was very much in the tradition of the seventeenth century. It is possible to detect shades of Richelieu’s obsession with Saint-Cyran, the attitude which Bossuet described as ‘the phantom of Jansenism’ and which also affected Louis XIV.8 Various government letters and memoirs written in the 1730s make it clear that the ministry regarded Jansenists as a dangerous organised minority, tending to produce civil disobedience, whose quarrel with the Bull Unigenitus was liable to provoke the sort of theological debate which would lead to schism in the French church. At that time schism was one of those words that had a powerful resonance of the religious strife a century before. A memoir from the papers of Maurepas clearly expresses the fear of a religious war if the conflict were not quieted.9 On two occasions Fleury is known to have explicitly linked the Jansenist movement to Protestantism. In a letter to the Pope on 23 October 1730 he wrote that if the government attacked them too directly, ‘They would join up with the Calvinists, from whom they scarcely differ, and who are unfortunately still only too numerous and too powerful in France. It is certain that we would then see a reappearance of the dreadful troubles that disrupted France for more than a century, and there can be no doubt about their intentions’.10

In December 1731 the author of a memoir expressed concern that the debate over Unigenitus was giving rise to a quarrel over the respective limits of the spiritual and temporal powers, which would threaten public order. ‘Anything that tends to trouble the harmonious relationship [between the spiritual and temporal powers] can only be regarded as an obstacle to public order, and this is to be feared from the disputes which have recently broken out over the nature, scope and limits of the two powers.’11 The ministry then regarded the anti-constitutionnaires as a party whose opinions and activities were potentially dangerous to the church and state. Their effective clandestine organisation for the printing and distribution of tracts and the Nouvelles ecclésiastiques and for the protection of their agents,12 produced fears that they were a threat to order in the state. Their existence was a permanent defiance of royal authority. In the mind of Fleury and his colleagues, obedience to the authority of the church was inseparable from obedience to the authority of the state. Furthermore, it was an old maxim, reaffirmed by the policy of Louis XIV towards the Huguenots and by a more recent edict in 1724, that unity of religion was of crucial importance in the Catholic monarchy. Therefore the aims of the government in the 1730s were the traditional ones of preserving order in the church
THE CRISIS OF 1730–2

and state. Because the threat to order and authority stemmed from those groups which were opposed to the Bull *Unigenitus*, it was thought logical to uphold the Bull and to persecute its opponents, especially since they were, until the outbreak of miracles, in a relatively small minority. Even so, the ministers were well aware that there were dangers in unlimited persecution,\(^{13}\) and so the aim was to destroy the centres which propagated anti-constitutionnaire views and to exile or send to seminaries those who remained recalcitrant. The policy was harsh, but it was also coherent and logical.

The continuity of ministerial policy since the Regency on the question of the Bull *Unigenitus* must also be emphasised. If the declaration of 1720 is interpreted not as a final attempt to settle the status of the Bull but as a tactical manoeuvre designed to isolate the extremists, as has been suggested above, then Fleury was continuing a policy formulated before he came to power. It can be established that the persecution after 1720 was the product of both the evident bankruptcy of the moderate policy of trying to solve the controversy by means of negotiated explanations and a pressing desire to improve relations with Rome once the alliance with Spain had been formed.\(^{14}\) Unfortunately, it is not known whether the Regent and Dubois understood the deeper significance of the controversy for the future stability of the French church, and so the question of how far Fleury differed in perception must remain open.

However, it is now clear that the declaration of 24 March should be seen not as an extreme and bigoted departure from previous policy, but as an attempt at one more step in the relatively successful policy which had been followed with ever-increasing commitment, as successive alternatives proved unsatisfactory, since 1718. By pronouncing the Bull *Unigenitus* to be a ‘dogmatic judgement of the Universal Church by virtue of the general consent of the episcopate’ and a law of state, the declaration attempted to resolve the quarrel by imposing on the recalcitrant minority the view of the great majority. However, by using the phrase ‘dogmatic judgment of the Universal Church’, Fleury avoided the controversial and much more positive phrase ‘rule of faith’—thus leaving himself some room for manoeuvre.\(^{15}\)

In attempting to pursue a consistent policy, the ministry had to confront resistance from both the Jansenists and their opponents. From the first, it faced almost as great a problem in its relations with the constitutionnaires as with the opponents of the Bull. Very little research has been done on the constitutionnaire bishops in this period, the doctrinal Jansenists having captured the limelight, but it is important to make some general points about the group which formed the greater part of the French episcopate. The constitutionnaires may broadly be divided into three groups, according to their attitudes to the Bull *Unigenitus*.

The first may be described as the ‘politiques’. It was composed of men like Tressan, who was archbishop of Rouen, the cardinal de Rohan and the first minister himself. These members of the episcopate were more sensitive to the political consequences of the theological debate to the stability of both the French church and the monarchy than they were to the merits of the theological arguments.
put in defence of *Unigenitus*. Tressan and Fleury were almost purely political advocates of the Bull and they refrained from making any theological statements on the matter. It will be remembered that in 1713, when he had quickly accepted the Bull, Fleury wrote an instruction in which he argued that one had to accept it in order to preserve unity in the church, because quarrels were more damaging than the Bull itself. As we have seen earlier, in the 1720s he was convinced that, faced with bigotry on both sides, any explanation or modification of *Unigenitus* would be a mistake. Such compromises would inevitably outrage one side or the other and would never placate the fiercest hotheads. The long-term solution was therefore to reduce the number of active Jansenists and other opponents of the Bull by means of lending governmental authority to episcopal pressure.16

With these considerations in mind the ‘politiques’ encouraged, through the activities of the *conseil de conscience* and the patronage of *the feuille des bénéfices*, the moderate groups in the church whom a French historian has dubbed ‘le tiers parti’.17 ‘What Fleury is happy to find with the prelates of the third party, is the spirit of pacification.’18 In his role as distributor of benefices he gave them dioceses (some bishops even replaced others who had been over-zealous in their adherence to the Bull), and they were likely to follow a policy which tried to avoid brushes with both Jansenists and zealots.19

A second group of constitutionnaires is typified by such prelates as Vintimille, whom Fleury had appointed to the archbishopric of Paris in 1729, and the cardinal de Bissy. Both of them appear to have been very much in favour of the Bull for theological reasons and against Jansenists in their role as defenders of the hierarchy of the church, but they were nevertheless willing to recognise the political aspects of the question. They usually co-operated closely with the ministry but were not averse to using pressure at times to oblige the council to support them more strongly then it would perhaps have liked.20 They were therefore tractable but difficult, if indispensable, allies.

Finally, there existed a category of very extreme constitutionnaires characterised by bishops like those of Laon and Arles and the archbishop of Embrun, Tencin. All were extremists, but for different reasons. Contemporaries were well aware that Tencin who was not yet a cardinal was excessively ambitious and that he was trying to win favour with the Pope in the hope of acquiring a cardinal’s red hat. As early as 1729 he was caballing with other bishops to have *Unigenitus* declared a rule of faith in the French church, and in 1730 Fleury had Mme de Tencin, his sister, exiled for stirring up the constitutionnaire bishops who had congregated in Paris before the Assembly of the Clergy, which was to be held in the autumn.21 Other zealots like Arles and Laon were of more genuine theological conviction; indeed, Etienne de La Fare, bishop of Laon had distinguished himself during the Marseilles plague of 1720 for his selfless devotion to the diocese which he then held.22

When reading the letters written to Laon by Fleury from 1726 to 1740 it gradually becomes apparent that Laon had become quite obsessed by the theological controversy and had developed something resembling paranoia as far as
the Jansenists were concerned. He attributed all his misfortunes to the machinations of the Jansenists, even believing them responsible for his lamentable financial situation! He was utterly blind to the political consequences of his continuous stream of vitriolic pamphlets, mandements, instructions and pastoral and open letters. In his relations with Fleury he was often quite duplicitous, because he was not above sometimes printing and distributing at once the full text of works which he had submitted to the Cardinal for approval and which Fleury had either censured or asked to be extensively modified before their publication. There were even occasions when he sent a manuscript to Fleury for comment, other copies to Paris at the same time, then published it before he had received Fleury’s criticism—and yet still publicly announced that the minister had approved of it.23

As is clear from the correspondence with Laon, the more extreme zealots constituted a real problem for the ministry. Since 1727, if not before, constant and often fruitless efforts were made to ensure that all writings touching in any way on the dispute over Unigenitus were submitted to the conseil de conscience for approval. In this way Fleury hoped to dampen the enthusiasm of the more violent and to foresee trouble before it arose. When this system sometimes failed to operate owing to the disregard of it by such as Laon, the ministry was nevertheless forced to take action both against the subsequent Jansenist retaliation and in defence of the constitutionnaire in question. The following letter from Fleury to Laon makes clear the predicament of the government.

You always complain, Sir, that we want to sacrifice you, and no one has considered it for a moment. You will remember the express promise you gave me not to have anything printed without having first sent it to me, and we now learn that to the prejudice of your word, a mandement has appeared, written by you, which is reminiscent of the one suppressed by the parlement. If you had been kind enough to do me the honour of writing to me about it, I should have urged you to do nothing with it since it could be of no use, and said that on the contrary it would cause renewed trouble. What will be done to suppress it will be so measured and so circumspect that your doctrine could never be impugned in the slightest. You ask me to let the parlement act, but can you imagine the consequences, and isn’t it wiser, both for yourself and the episcopate, to avoid scenes that could become extremely dangerous?24

In fact it was, for reasons of diplomacy, very difficult to suppress the writings of the constitutionnaires because the authors were being too zealous only in their advocacy of the cause which the ministry itself also supported (if for different reasons) and because the Pope also supported them. On the other hand, the activities of the zealots were partly responsible for the involvement of the Paris parlement in the theological battle. This came about through the legal system of appeals comme d’abus to the tribunal of the parlement against an alleged abuse of ecclesiastical authority in the state. If the appeal was from a Jansenist against a constitutionnaire, the ministry was more or less obliged, for political reasons, to
uphold the troublesome zealot by evoking the case from the parlement to the royal council. This situation will become clearer if the attitude of the ministry to the parlement is considered.

In March 1730 after the forced registration, in a lit de justice, of Unigenitus as a law of state, when the parlement refused to accept it as such, Fleury interpreted their actions as both a defiance of royal authority and a resurgence of the old quarrel between the jurisdiction of the parlements and that of the church. On 1 August 1730 he wrote to Daguesseau:

In truth all human patience and prudence come to nothing against what the parlement is doing every day. They are openly raising the standard of revolt against the authority of the church and the King; they have decided to destroy episcopal jurisdiction and you are too well informed, Sir, not to foresee the awful consequences; Monsieur the archbishop of Paris is wronged and the church no less so.

The author of a memoir dated 26 May 1733 was of the opinion that the parlement intended to destroy the Bull Unigenitus. Thus it was essential to the dignity of the monarch, to the good of the religion and the state, that the courts be subject to the orders of the King. The marquis d’Argenson wrote a letter which he hoped to publish in defence of the government on 1 August 1732, supposedly from an English Member of Parliament to a parlementaire. It paints a picture of the parlements as bulwarks of intrigue against the wishes of the crown and the ministers, and denies that they represented any sort of expression of the people or liberties. He reveals a scheming institution which is trying to usurp the rights of the crown. The zeal of the parlement is misplaced, he argues, because the courts are not in possession of all the necessary information, and therefore should not meddle in public policy. Royal evocations are no more than a defensive measure by the King against the meddling of the parlement in ‘la grande politique’. Certainly, this was designed to be propaganda, but it also reflected the ministerial point of view. A memoir on the situation in 1731 also emphasised the possibility of intrigues and concerted action by the anti-constitutionnaires which was reflected in the parlement.

They generate supposed miracles and warmly embrace private disputes in order to have the chance to debate dangerous questions. Far from restraining the populace, the parlements of the kingdom are giving them a lead, and making them hope for assistance. They conceal their obstinacy behind the specious pretext of defending the liberties of the gallican church and the holy rights of the crown; they put forward maxims that were unknown to their predecessors and which are disastrous for Religion; they are making use of an authority accorded by the king against the orders of the king himself.

One line of interpretation has it that the ministry was acting in an arbitrary or despotic fashion with regard to the parlement. But this is arguable. Some of the
government responses to the claims of the parlement may have seemed harsh and uncompromising, but there should be no doubt that the ministry was pursuing a carefully considered and legally defensible policy. It was just that the crown was once again insisting on one interpretation of its rights when the parlement was insisting on another, and normally neither side pushed its claims to the limit.

*Raison d'état* had left the government defending and upholding a Bull which was, from the point of view of its content, on rational and theological grounds, not the most easily defensible statement against Jansenism. As we have seen, on its first publication *Unigenitus* became both a symbol for the royal government (because it had been requested by Louis XIV) and a focal point of resistance for the Jansenists. The latter were, unfortunately from the point of view of the government, allied with some Gallicans who were not necessarily also Jansenists, but who were offended by the promulgation of a papal Bull in France without the legal formalities which many desired. By 1729 the ministry, being of the opinion that enforcement of the Bull was the wisest course, was determined not to give the parlement an opportunity to sabotage this policy if it decided to interfere. It should be emphasised that the government did not go into the situation blindly: there was full awareness that problems with the parlement were likely if evocations were used in order to prevent the operation of the system of appeals *comme d'abus* from becoming an effective instrument of the Jansenist cause.

Long before the wrath of the parlement against evocations manifested itself, Fleury and Daguesseau had discussed the matter. They foresaw that evocations would probably lead to remonstrances, but could see no other viable legal course of action, in view of their policy. Their first preference was for the use of discreet pressure on the parlement in the hope that it would refuse to act, and this was successful during much of 1729. However, the affair of the six curés of Orléans who refused to publish a *mandement* of their bishop, proved to be something of a test case. Daguesseau conferred with the First President of the parlement about the various ways to prevent the courts from interfering in the dispute, and then reported to Fleury. ‘In truth, if it were thought wise to tie the parlement’s hands, that could only be done by revoking the case to the council, otherwise there would be some form of denial of justice which would kindle the flame instead of putting it out.’ He pointed out that evocations were likely to give rise to remonstrances but that, on the other hand, there were good reasons for resorting to an evocation in a situation where the ordinary course of justice was likely to excite disturbances contrary to the tranquillity of the state. In June 1729 Fleury wrote a letter to the Chancellor in which he revealed his attitude to the problem. He felt that the curés were breeding sedition in the church and that there could be no hope for a lasting peace while such insubordination lasted. He thought that there was not an absolutely clear case for an appeal *comme d’abus* and that every effort ought to be made to stop the parlement from accepting such an appeal. On 27 August he wrote again, agreeing that it was not in general fitting to interfere with private justice, but expressing doubts that the parlement could be
trusted to act ‘wisely’; there the curés would be treated favourably and the bishop of Orléans condemned in all he had done.

Nothing could be more dangerous than to allow this affair to go through the ordinary judicial procedures, for there is no doubt that the Council of Embrun will be brought into it [with] a few *mandements* from the bishops and even the one by M.d’Orléans, which will be malignly interpreted, and from which all the consequences it pleased the lawyers to draw, even falsely, could be implied… The only solution is to evoke it, and after weighing up the pros and cons, I think that we should not hesitate to take this course, although I admit it would be better to avoid it if at all possible.34

If consultation were to fail, then there would be no alternative to an evocation: ‘raison d’état must be above all other arguments’.35 Far from acting arbitrarily, whether one defines that term as meaning ‘at random’ or ‘without proper preparation’ or ‘without due regard to the legal processes’, the ministry of Fleury, acting at all times on the expert advice of Daguesseau and Chauvelin, and later aided by the researches and opinions of d’Argenson and Courchetet,36 made every effort to act in a legal manner. The reactions of the government were *ad hoc* only in the sense that any response to a specific and original situation must be so, and it cannot fairly be argued that the government was not following a consistent set of principles with clear aims.

* * *

In order to clarify the basis of conflict between the ministry and the parlement, it therefore becomes necessary to ask anew why and on what grounds the parlement opposed the ministerial policy on *Unigenitus*. As with the government, a full discussion of the attitude of the parlement must await consideration of the day-to-day politics of the affair, to be discussed later in this chapter, but some important general points can be made at this stage.

The strictly legal stance taken by the parlement and the chief objections to the ministerial actions were explained in the remonstrances and *arrêtés* which were unusually frequent in this period. A study of the speeches made by various counsellors and of the motions voted upon in debates actually reveals that much more extreme claims were made than ever found their way into the official pronouncements, but that these were the views of a tiny minority. After the royal declaration of March 1730, the parlementaire argument was directed against the status of the Bull *Unigenitus* as being the root of the problem. They objected to the manner of the registration, but the particular objection, the basic one, was to the condemnation in the Bull of the ninety-first proposition allegedly to be found in the book of Quesnel. It stated that fear of an unjust excommunication should not prevent one from doing one’s duty. Therefore, to jurists in France, the condemnation of this was an implied affront because it seemed to suggest the idea that a subject could be absolved from his duty to the King by a papal excommunication. This would
recognise a papal right which would be detrimental to the power of the monarchy (for
might not an excommunicated king be murdered by a fanatic as a tyrant, for example,
as in 1610?) and Gallicanism was a strongly held tradition in the Paris parlement. The
royal declaration of 1730 therefore highlighted the potential differences between
royal policy and the views of the parlement. Acceptance of *Unigenitus*, it was claimed,
would establish the doctrine of papal infallibility in France and was thus a threat to the
temporal power of the crown. The remonstrances of 25 July 1731 protested that the
government evocations and acceptance of the Bull were endangering the throne and
claimed that this was opening a sure and easy way to build up the power of the church
on the ruins of royal authority.

The year 1731 saw the development of the question of the respective limits of the
temporal and spiritual powers in the state, because the appeals *comme d’abus* upheld
by the parlement were almost without exception against pronouncements or
persecution by the constitutionnaire bishops. As the representative of the civil
powers and defender of its own judicial prerogatives the parlement was entering
into a typical *ancien régime* conflict of jurisdiction, and in this case it was with the
bishops—as it very often had been in the past. The parlement was, of course, being
more Gallican than the King in raising the issue of the limits of the two powers at a
time when the possibility of a lessening of the independence of the monarch vis-à-vis
the papacy did not strike the ministry as being a real danger.

There had always been an element of expediency in the royal appeal to Gallican
sentiment in France, and since the 1690s the crown had been more in alliance with the
papacy than against it. The Gallican Articles of 1682 which continued to be taught in
the schools were therefore developing into an embarrassment for royal policy because
by the eighteenth century ministers regarded the papacy as a potentially useful ally.
Thus, from the government’s point of view, the argument of the parlement was alarmist
and purely theoretical because papal influence in France had not increased as a result of
*Unigenitus*. Again, the remonstrance of 18 August 1731 tends to base its argument on
the situation which might possibly (or would ineluctably) result from a wider use of
royal evocations, if they operated in such a way that clerics felt encouraged by legal
immunity to refuse the sacraments. They claimed that the evocation of the affair of the
cure of Orléans (on the subject of which an *arrêt* of the parlement had been annulled)
was dangerous because it would encourage others to act as he had done: ‘To destroy the
*arrêt* of your parlement would be to authorise the ecclesiastics of your Kingdom to
follow the dangerous example of the cure, to imitate his reiterated refusals to administer
the last sacraments to a dying woman’. The same remonstrances warn that ‘a blind zeal
for the Bull *Unigenitus* tends to erect it arbitrarily as a rule of faith, to maintain that it is a
spiritual matter which does not depend on royal authority, thus to attack the most
essential rights of your sovereignty’.

In its pure legalism this argument did not take into account any steps taken
by the crown itself to prevent the proliferation of such excesses. Fleury’s longer-
term policy of ecclesiastical appointments and pressure on the bishops to submit
controversial decisions to him before their execution or publication was
naturally ignored by the parlement. The reply by the crown to the
The crisis of 1730–2 appears, then, to have been partly the product of the radically different positions of the ministry and the parlement. Each was acting in its own traditional way for traditional reasons, it seems, and each side argued that it was defending the monarchy. However, whereas the ministry could understand the magistrates’ point of view, the latter, to judge from the opinions expressed in their speeches and formal complaints, utterly failed at all times to appreciate the politique view of the ministry. The stance taken by the parlementaires appears to show that they were acting strictly as judges. Their real concern was not with the effects of policy upon the constitutional position of the monarch vis-à-vis the Pope but with the defence of their own jurisdiction in ecclesiastical matters. The parlement was a corporate body which, to defend its privileges against the church and royal council, appealed to broad constitutional arguments.

Given the direction of royal policy and the increasing number of appeals comme d’abus which the courts tended to uphold, some sort of dispute between the ministry and the parlement was therefore inevitable. Even so, many other aspects of the crisis remain unexplained. There is no full explanation of why the confrontation occurred in 1730 and why it took the form that it did. It would seem that we have so far only a partial explanation for the role of the parlement, and not a sufficiently wide one. It is in re-examining this problem that most new light can be thrown on the crisis. The examination of the formal pronouncements of the parlement and the speeches of the magistrates, without looking at the problem in different ways, certainly tends to confirm the view that legality and the protection of the French constitution were the guiding lights in the courts. From this it appears almost ineluctable that the parlement was very much on the defensive in the dispute—it would seem almost as if it were defending the Jansenists simply because they were an arbitrarily oppressed minority.

In this, appearances are deceptive. To accept that ‘official’ or ‘legal’ explanation would involve ignoring a fundamental problem arising in the study of institutions. The problem is a familiar one in French history: the question is, does an analysis of the formal legal records of an institution supply sufficient information to enable the historian to be satisfied that an interpretation is correct? After all, there is a whole aspect to consider which is hardly ever explicable with such documents: the interplay of politics and human relationships within the institution. Looking at the legal pronouncements of the parlement one would almost inevitably conclude that the first concern of the parlementaires was to do their duty as they conceived it—but the professional judges were hardly likely to admit anything else. (To coin a phrase, They would say that, wouldn’t they?). Even if there were other covert considerations at work, whatever these motives might have been, they were bound to be expressed in the customary legal language, if not entirely obscured. On the
other hand, any interpretation in less theoretical terms is frequently hard to prove conclusively because the evidence which can be gleaned is too often circumstantial and indirect. Nevertheless, in this particular case, the use of ministerial records has already permitted us to identify the corporate concerns of the institution which were obscured by its own pronouncements. By using the records of speeches, together with what can be discovered about the structure of the parlement and of the personalities involved, it is possible to come to terms with the human element and to answer some fresh questions about the role of the parlementaires. Owing to the fortunate survival of private and secret documents, immensely important new evidence can be brought forward that reveals a whole world of parlementary politics never before suspected in this period.

We have seen in an earlier chapter how a parti janséniste came into existence in the later 1720s, composed of lawyers and magistrates in the parlement, with connections to the appellant bishops and the Figurist clergy in Paris. This parti, in order to defend itself against the repressive measures taken by the bishops and the ministry, determined to appeal to the courts using the procedure of the appeal comme d’abus. The parti of about twenty lawyers and fourteen or so magistrates in the parlement was a small minority of the barristers and judges, but their close organisation and clever strategy more than made up for this disadvantage. Possibly all fourteen of the magistrates, but certainly an inner group of them, were acting in concert. The various accounts of the proceedings in the courts provide evidence of this, as some examples will show. First, the speeches made suggest that a group was skilfully taking advantage of the opportunities offered by general assemblies. On 24 May 1730, Fornier de Montagny called for a resolution asking the First President to request that the ministry allow liberty of speech to the parlement. On 23 June, Clément took up the same line, to be followed by Davy de La Fautrière on 4 August. On 16 December 1730, in the debate on evocations, Robert and Pucelle called for remonstrances, and on 19 January 1731, it was they who demanded iterative remonstrances, and they were supported by Fornier de Montagny and Titon. On 12 May 1732, over the issue of the royal refusal to allow the parlement to take up the case of the curés who refused to publish Vintimille’s Instruction, Pucelle and Titon made outspoken protests, Robert and Thomé contributed and Dupré suggested a judicial strike. Throughout the period from 1730 until 1743 all the most extreme courses of action were proposed by probable Jansenists. Counsellors Pucelle, Titon and Clément specialised in the denunciation of constitutionnaire writings and the introduction of appeals comme d’abus. On 11 February 1735, Clément denounced a pastoral instruction by the archbishop of Cambrai, and this was followed up on the eighteenth with strong speeches by Clément, Davy de La Fautrière, Titon, Thomé and Pucelle. These activities were, it may be contended, designed to further a particular and well-devised strategy.

An affair would begin with the denunciation of some deed by a constitutionnaire against a Jansenist or an episcopal writing which ultimately raised the issue of the status of the Bull Unigenitus. The magistrates would either demand the suppression of the work or request that the case be received as an appeal comme d’abus by the
courts. If an assembly of chambers could be brought about or was already in session, there would be a succession of speeches by the Jansenists, who emphasised the duty and right of the parlement to intervene and proposed suitable courses of action. Once the situation had developed, usually in the direction of a conflict with the royal council, the Jansenists would intervene to uphold the prerogatives of the parlement in order to exacerbate the issue. If, as usually happened, there was an evocation of the case, then the mass of magistrates would inevitably support the Jansenists because if not they risked allowing the courts to be deprived of an important facet of their jurisdiction. At this stage it was easy to suggest to the mass of magistrates that the root of the problem was the Bull *Unigenitus*, on the grounds that if it were not being upheld by the ministry and the constitutionnaires there would be no conflict with the parlement. To protect themselves against possible accusations of disloyalty and to convince those whose consciences needed a sound principle to prompt them to defy the King, they could point out that the action of the parlement amounted to no more than a defence of the King against an abuse of power which was properly his own. Inherent in this strategy was the virtual certainty of a direct conflict with the ministry in which, it was hoped, the ministry would retreat and modify its policy towards the Jansenists. Simply by ensuring that the courts retained cognisance of the cases of appeal *comme d'abus*, the Jansenists could win their victory. The parlement was hardly likely to fight to retain its competence in these matters only to give verdicts which confirmed those arrived at by their rivals, the ecclesiastical courts!

Other theories of the overall motivation of the magistrates in this crisis have been put forward, but they put the parlement and ‘Gallicanism’ at the centre. They neither explain the activities of the Jansenists nor accord with the rest of the evidence. Did the magistrates oppose the Bull *Unigenitus* because they were upright men driven by a strongly legalist conscience, outraged that the Bull misrepresented Jansenist beliefs? Or did they indeed oppose it for truly Gallican reasons, namely that the Bull’s condemnation of the ninety-first proposition undermined royal power? If either of these cases were a sufficient explanation we should expect a much larger group of magistrates to have been involved in an active way—and we should find that, if these ideologies were indeed actively shared by magistrates, those who were prominent would not have been almost all Jansenists. (Where are these vehement Gallicans who were not Jansenists to be found intervening in the debates?) If a strategy of deliberately obscuring the religious issue was not being practised, it would have been an odd coincidence that a Jansenist, Le Clerc de Lesseville, chose to denounce only the ninety-first proposition in April 1730 when he obviously, as a Jansenist, had so many other grounds for disliking it. Furthermore, had the magistrates’ resistance to *Unigenitus* been so markedly ‘Gallican’ the margins of votes in favour of extreme courses of action would hardly have been so narrow, nor would they have been reached by such a complicated combination of factors. We should have expected a great deal more unanimity at different and earlier stages in the debates.

Significantly, inside the courts, for the most part the Jansenist magistrates
avoided any statement of, or appeal to, religious convictions. The developing situation provided numerous opportunities to obscure the doctrinal issues and still provoke determined reactions by their colleagues. By this tactic the religious issues tended to become obscured by jurisdictional ones and particularly by disputes focused on the way in which the parlement was treated by the ministry. Although not every magistrate could become involved in such issues as the appearance of a new mandement condemning Jansenists and lauding Unigenitus, all members of the courts could become irate about a refusal to allow them to deliberate. An occasion of this kind occurred on 29 November 1731 when lettres de cachet forbade discussion of the royal arrêt of 7 September on the subject of the limits of the two powers. The crown made a tactical error in the second lettre de cachet by enjoining the procureur général to record the names of those ‘who contravene our will, in order to inform us’. This excited a general outcry which gave Pucelle the opportunity to deliver a stirring speech in which he said that an inquisition (a splendidly emotive word!) was being established and that, since the King could scarcely wish for such a thing, he must be being misled. The throne had been inaccessible for too long, he said, and he therefore proposed a dramatic gesture, that the magistrates should send a large deputation to Marly to protest. Faced with a royal refusal to receive them there, the courts devoted great energy over the next six weeks to an attempt to have the restriction lifted.

There was certainly a general increase in involvement owing to such methods, but there are other factors which also help to explain the support for the Jansenists and hence the genesis of the crisis of the summer of 1732. The parlement was a hierarchical institution fond of comparing itself with the Roman senate. Its eldest and most prestigious counsellors usually found their way into the grand’chambre. As a body, this was, except on a very few occasions, noted for its conservatism and loyalty to the ministry. Its members earned more from épices and gages than other counsellors and they could expect royal favour for themselves or their families. The grand’chambre did not always support the other chambers from 1730 to 1732 and played a notable role in inducing the other magistrates to return to work in May and July 1732. Of the remaining chambers, the two chambers of requêtes appear to have been fairly neutral in their sympathies, probably because they were composed of rather older judges, but the five chambers of enquêtes were quite a different matter. There, the magistrates were usually younger and often lacking in maturity, experience and judgement. Not only were they more headstrong, but they were also more idealistic and would become more devoted to causes than to advancement and tranquillity. Since their careers had barely started and their earnings from cases were rather low, these magistrates felt that they had little to lose from opposition to the ministry. For some, like La Fautrière, a controversy with the ministry provided the opportunity to make a name and perhaps lead to an alternative source of advancement in politics. (Even Jansenists might hope for advancement by this route, and in the 1760s were not to be disappointed.) Thus, the counsellors of the enquêtes were much more likely than the grand’chambriers to respond to a call for steps which were likely to offend the ministry.
Time and again it was the enquêtes which were the most intransigent chambers. For example, on 31 August 1731, the first enquêtes, backed by the others, called for an assembly of chambers. The First President refused to permit one, but they came nevertheless, and ‘M. the First President tried in vain to persuade Messieurs that such an assembly was highly irregular’.49 The most conclusive proof of the relative extremism of these chambers is to be found in the records of the voting, in May and July 1732, on whether or not to return to duty. Over the weekend of 5 and 6 July 1732, when the counsellors were under considerable pressure to resume their functions and in receipt of a direct royal order to do so, the first chamber of requêtes was in favour of a simple return to work, the second requêtes was for a return with remonstrances, as was the first enquêtes, while the second, third and fourth enquêtes were against going back, and the fifth was split. The parlement was bound by a majority decision, so it was only by all agreeing to the issuing of remonstrances that a return to work became acceptable to the remaining enquêtes.50 In these circumstances the decision to remonstrate was in the nature of a compromise.

Mistakes in the royal management of the parlement also contributed on occasion to greater unity of opinion in the courts than might otherwise have occurred. The problems of the political imbroglio in which the ministry found itself, especially the activities of the extreme constitutionnaires, led to the adoption of courses which were at times inconsistent. Although this was due not to the lack of a consistent policy but to the pressure of unforeseen events, the result was that the parlement sometimes had very good grounds for criticism. The political need to support the activities of the archbishop of Paris, even when he went beyond what Fleury’s caution dictated, was a crucial factor in 1732, because in May the Instruction of Vintimille saw the beginning of the worst phase of the crisis. Before then, pressure from the constitutionnaires had led to the equivocal arrêt of 10 March 1731 which had confirmed the church in its ecclesiastical jurisdiction and imposed silence on all sides in the quarrel over Unigenitus. When the constitutionnaires complained, Fleury had to give way and so sent a circular letter recognising that their right to publish writings was part of their jurisdiction. After the issue of the refusal of the sacraments to a dying Jansenist in Orléans, a circular letter of 22 July 1731 had enjoined bishops to avoid the expression ‘rule of faith’ when describing Unigenitus but suggested alternatives like ‘dogmatic judgement of the Universal Church’ or ‘judgement of the Universal Church in a matter of doctrine’.51 This was hardly adhering to the declaration of 24 March 1730 and both the arrêt and the letters served only to confuse the legal status of Unigenitus in the eyes of the parlement. As so often happens in politics, the pressure of political forces made inconsistencies in the execution of policy impossible to avoid.

Furthermore, gratuitous errors were made which can only be attributed to over-hasty reaction or to simple miscalculation. The use of lettres de cachet to forbid deliberation on the arrêt of 8 September 1731 was probably such an error, as was the refusal of the King to receive the deputation to Marly. The ministry had been surprised by the precipitate action of the parlement, and no ministers were present.
to advise the King. Richer d’Aube, when criticising this in his ‘Réflexions’, correctly
points out that the decision could easily have been justified by a good excuse, such
as it being a punishment for the refusal of the parlement to read the _lettres de cachet._
The bluntness of the royal reply made the government appear arbitrary and hardly
contributed to a calmer atmosphere in the courts.52

Not wholly divorced from this point is another. During the two years of the
struggle there was a steady increase in tension. One can detect the growth of a spirit
of dissatisfaction and exasperation which led to the contemplation of more extreme
courses of action than might have been considered wise, had tempers been less
frayed. In keeping with this went an increasing suspicion of royal intentions with
regard to the parlement’s jurisdiction. The repeated evocations of cases involving
_Unigenitus_ led to a widespread feeling that, in spite of royal assurances to the
contrary, there was a design to deprive the parlement entirely of its role in the
procedure of appeals _comme d’abus._ There was more to it than simple defence of their
jurisdiction, for in the past the procedure had served to curb genuine abuses of
clerical authority in the state, and the courts were not prepared to admit of an
exception to this process being made over _Unigenitus._ Furthermore, the several royal
refusals to allow the courts to debate certain royal replies, or to hold general
assemblies to discuss affairs arising from _Unigenitus,_ certainly induced many
magistrates to vote with the opposition to the royal policy.

By May 1732, after two years of almost continual brushes between the parlement
and the ministry, the atmosphere in the _palais de justice_ was highly inflammable. The
_Pastoral Instruction_ which the archbishop of Paris issued on 2 May raised all the old
problems once more and acted as a catalyst.53 Fearing the response of the parlement,
the royal council published an _arrêt_ reserving to itself all matters pertaining to the
miracles of Saint-Médard.54 The King also sent the parlement an order, conveyed by
the First President, forbidding it to take any action connected with _Unigenitus_
without first having informed his council. Such a procedure would have given the
ministry time to pre-empt any action by the parlement by taking perhaps milder
steps itself. But this was the spark which set the magistrates afire with frustration,
and their anger was well played upon by stirring speeches from counsellors Paris,
Pucelle (speaking ‘with his usual force and wisdom’), Thomé and especially Titon,
whose discourse was particularly violent.55 In such an atmosphere some counsellors
began to contemplate a judicial strike as the most effective reaction to the royal
statement.

That the virtual unanimity in the _requêtes_ and _enquêtes_ was reached by a number
of different routes is shown by a memoir which describes the various groups in the
parlement at the time of the strike.56 It was probably written for the ministry by
d’Argenson:

In the parlement there are several different bodies of opinion [partīs], most of
whom agree with the present step. There is a very small number of
constitutionnaires who approve more or less openly of what the [royal] court
is doing; and these are held in horror by the rest of the company. A number
are convinced that they must support the rights of the parlement on this occasion as a matter of honour, and are offended by the attempt to deprive the parlement of appeals comme d’abus; they believe that cognisance of these appeals should remain with them for the good of the kingdom. These people are basically convinced that obedience is owed to the king and they sincerely hope that all this can be patched up. Then there are out and out Jansenists, whose heads have been turned by those in the parti; they strongly believe in the miracles of M.Pâris, that the government wants to overturn religion, and that it is time to uphold it even at the risk of their lives. Finally, I cannot conceal that there are also some who are exaggeratedly parlementaire, little concerned with these religious matters, who only want to exploit them to favour much wider views that would tend to diminish royal authority considerably.57

The weapon of a judicial strike was not an unfamiliar one in the history of the parlement, but on this occasion it began with a remarkable manifestation. When the First President had communicated to the chambers, on 16 May, the result of the deputation to Compiègne, where the King had reiterated his refusal to allow the magistrates to interfere with the mandement, the magistrates simply got up and walked out, leaving only the grand’chambriers. Without doubt, this move had been concerted beforehand, and there had been time enough to prepare it, since informal reports of the interview at Compiègne would have reached the courts by 14 May and the assembly was not held until 16 May. Although magistrates and lawyers were wont to gossip in the courtyards of the palais de justice and in the cafés of that quarter, they were hardly likely to have plotted such a move in public because there were too many police spies. In fact, the journal kept by an extremely well-informed counsellor reveals that secret conferences were held on the 15th in order to prepare for the assembly.

Those members of the company who have the greatest role in its movements and decisions, spent all that afternoon in secret conferences with skilled lawyers, to agree together upon the course of action to take the next day during the plenary assembly. Their final decision was taken in the evening at M.Visinier’s, the lawyer. The First President had become so neglected and was held in so little esteem, that he had no knowledge of what was going on about this in his company, which is perhaps previously unheard of.58

The close organisation of the extremists and their alliance with the lawyers made management of the parlement very difficult for the ministry. The above document is doubly interesting because it points to another feature in the development of the crisis: the inability of the First President to fulfil his role. A long document in the archives gives a full contemporary picture of the paramount importance of his role in the parlement.59 One of the most important aspects of his
function was to contain and moderate the enthusiasm of the courts on sensitive issues. His was always a difficult job, as he had to balance loyalty to the King with the retention of his prestige as the chief magistrate before his colleagues. In difficult times he was in constant contact with the ministry and was an essential part of the mechanism of royal control of the courts. Procedure in the courts gave him some advantages in this role: he could, for example, usually choose the commissioners who would aid him in drawing up remonstrances; he it was who decided whether to call or grant a request for a plenary session of the chambers to discuss a particular issue. These tactical advantages had to be used with restraint if he were to retain the confidence of the courts, and on some occasions it was more advisable for him, rather than to confront the opposition, to take over its leadership and thus moderate its force.

During this crisis Portail employed all these tactics at different times yet he failed quite rapidly to carry the courts with him in the direction of moderation. Unlike president Le Peletier in 1737, he lacked tact in dealing with his colleagues, was overwhelmed by their manoeuvres and he was unable to carry through successfully either a bluff or a finesse. He also lost the respect of the magistrates to the extent that in the summer of 1732 he was without any influence at all. During the strike a magistrate noted of him: ‘Almost no one in his company went to see him. Everyone simply feigned respect. The company was very wary of the good offices he was offering to render them with the ministry and seemed resolved to do entirely without him: something unprecedented on such occasions’.

The discredit of the First President lasted throughout the summer months. Although the parquet also urged moderation, their counsels were not heeded. The normal channels of communication between the ministry and the court, which were especially useful for negotiations, thus became useless and the split between the two parties inevitably widened. For the ministry, there was no point in entrusting Portail with discreet negotiations if his credibility and influence with the magistrates had evaporated. The fact that henceforth only the formal channels of communication—speeches by the Chancellor, lettres de cachet, arrêts du conseil—remained open, made the resolution of the crisis that much more difficult. This state of affairs accounts in part for the emphasis which the ministry was to place on its own covert mechanisms of control which were developed from May onwards.

A final point to remember in this survey of the genesis of the crisis is that the formal written records conceal the well-known fact that assemblies and large groups of people do not always act strictly rationally. As so often happens, a host of minor considerations, often with only a very tenuous connection with the issue at stake, can intervene and influence those coming to a decision. In this case it is apparent from the evidence that some crucial decisions were taken in the heat of the moment, with scant reflection, at times when slight incidents could cause opinions to sway one way or another. A case in point is the momentous decision on 13 June 1732 to receive an appeal comme d’abus against the Instruction of the archbishop of Paris. Since 27 May when counsellor Le Clerc de Lesseville had proposed that the Instruction be handed to the gens du roi who would examine it to see if a case could be brought, the parquet had
prevaricated in order to gain time. They were aware that there was a substantial group of moderates in the parlement who were now against an appeal, and they of course realised that a condemnation of the Instruction would be an open challenge to royal authority. On 13 June Gilbert de Voisins reported that no conclusions had yet been reached and suggested that the assembly should take no action. In the ensuing discussion president Le Peletier proposed that the gens du roi be allowed more time to examine the mandement. This opinion was taken up by the presidents a mortier, all the counsellors of the grand’chambre, almost all the presidents of the enquêtes and requêtes and by the commissioners who had framed the parlementary arrêté of 27 May, ‘in short, by 57 voices, among whom were to be found almost all the distinguished members of the company’. Voisins was pressed to give reasons for the failure to come to a decision on the Instruction and he then made another speech. After this, the motion of the Jansenist president Ogier to the effect that the Instruction be received as an appeal comme d’abus and condemned in spite of the refusal of the parquet to pronounce upon it, was voted on and passed by 97 to 36. According to one observer, this victory was largely to be attributed to the effect upon the assembly of the speech by Voisins. In insisting upon the sole competence of the grand’chambre for appeals comme d’abus, he mortally offended the requêtes and enquêtes who suddenly all voted for Ogier’s proposition. In order to safeguard their claims to judge such appeals, they had to take action there and then. An arrêt forbidding the distribution of the Instruction was drawn up and published forthwith. This immediate publication was designed to avoid the fate which had befallen the arrêt of 7 September 1731 which had been annulled before publication. The arrêt was a great success with the public and it included, strictly contrary to normal practice, some correspondence between the Chancellor and the parlement. As was only to be expected after such blatant defiance of royal authority, the council promptly annulled the arrêt and ordered the arrest of the four magistrates who were most involved. The details of the opinions given by each member of the conseil des dépêches reveal that the final decision was actually the most moderate one proposed.

There was great consternation in the assembly of 20 June when the royal arrêt was read out, and the chambers dispersed to deliberate individually. ‘After several comings and goings by the deputies in each chamber, to communicate their arrêtés, the chambers suddenly decided amongst themselves upon a general resignation, which each [judge] signed and of which the First President of each chamber took charge.’ The journal of Barbier provides some further information on this momentous decision.

Although there had been talk of these resignations for a long time, nobody could believe they would really do it. There are perhaps sixty stubborn Jansenists amongst the magistrates, but all the rest are moderates who don’t care a fig for Jansenism and Molinism. Nevertheless they all took this bold step out of honour, pride and annoyance at the treatment they had received.
The archives contain a letter from d’Argenson and two letters from counsellors explaining how the decision was reached. Pasquier, who had in May become devoted to the ministerial cause, wrote that he, in common with some other moderates, had felt incapable of going against the rising tide by proposing a less extreme course, because this would have alienated him from his colleagues. There was a feeling that remonstrances should be decreed, but there was a problem there, as he explained.

They need to deliberate to decree remonstrances, but this deliberation will perhaps give rise to some disagreeable opinions for the government and thence the arrest of those who proposed them. This fear is what led them to decide to resign an office whose imminent loss the king was promising and which they could not retain without exposing themselves to personal danger. I can assure you that the perhaps well founded rumour of the death of M.de Vrevin was also a great means of increasing their anger.

Another letter from a magistrate explained that there was such an atmosphere in the chambers that it was extremely difficult for individuals to resist the general movement to resign.

How then might the causes of the crisis be summarised? There is no doubt that the royal government was reluctant to clash with the courts, but to some extent their involvement was, in 1730 as in 1731, the inevitable consequence of the long-term change of policy going back to 1695: the move away from a Gallicanism on which the crown and the magistrates agreed, towards a better understanding with Rome on the part of the crown. At the same time, the magistrates remained intransigent in upholding their jurisdiction which the royal policy had previously enhanced. The ministers and the judges quite simply had different priorities with regard to the policy over Unigenitus. The government of Fleury, acting on the criterion of raison d’état, felt that the spread of Jansenism and the controversy over the Bull was a greater threat to the stability of the state than the implied risk of increased papal interference in the French church represented by the promulgation of the Bull Unigenitus.

Although the basis of the dispute lay in the status of Unigenitus in France, which was altered in 1730, much of the quarrel was about the legal province of the parlement vis-à-vis the ecclesiastical jurisdiction of the bishops. Whereas the royal council based its position in the debate about the limits of the two powers on the declaration of 1695, the parlement stood by the articles of the special Assembly of Clergy in 1682. Ultimately, the dispute involved the royal council acting in its capacity as the supreme law court of the realm, which was more sympathetic to the ecclesiastical authorities than was the parlement, which had a long-standing quarrel over jurisdiction with the ecclesiastical courts. In 1729, it was already clear to the government that it was only a matter of time before the parlement became more
deeply involved in religious policy, even without the declaration of March 1730. This was because from 1729, through the exploitation of the system of appeals comme d’abus by the parti janséniste, the courts were compelled to make judgements which rested ultimately upon their view of the status of Unigenitus in France. An examination of the records and memoirs of the parlement has revealed that in raising these issues the clique of Jansenist lawyers and magistrates in the courts played the crucial role.

Friction was therefore inevitable from 1730, but the general legal and traditional arguments do not explain why the crisis was so prolonged or so intense. Many magistrates felt that it was the privilege of the government to make policy and they were therefore sensible to the arguments which were made in the replies to the remonstrances. It seems inadequate simply to assume from the legal pronouncements, as so many historians have done, that the great majority of parlementaires were intensely ‘Gallican’ in sentiment. Without the legal position of the parlement there would have been no crisis, that much is evident, but a full explanation requires that a host of other factors be taken into account. When these are investigated they provide a deeper understanding of the nature and working of the Paris parlement, but they cannot easily be discerned by studying the legal statements of either party. The dominance of a group of Jansenists, able to couch their particular aims in arguments which would appeal to the mass of magistrates, is obviously important. Their dominance was increased by the hierarchical nature of the parlement and by the ease with which they were able to exploit procedural issues, and they were able to turn to their advantage the traditional hot-headedness of the members of the enquêtes. The very length of the dispute led to the fraying of tempers and this made the courts more belligerent than they might otherwise have been, and the mistakes or forced errors on the part of the ministry, under pressure from Rome and the constitutionnaires, only served to exacerbate the conflict. The progressive decline in prestige of First President Portail, whose office was usually so important for the exercise of royal influence, meant that the parlement was left to its own devices. In such circumstances, in the heat of debate, momentous decisions were taken leading to direct confrontation between the courts and the central government. Once matters had reached a head, it was necessary for the ministry to bring about a resolution of the tensions without compromising royal prestige or policy. This would require a whole array of techniques of bluff, negotiation and compromise, which will be explored in the following chapter. Such techniques were the essence of successful government during the ancien régime.
THE CRISIS OF 1730–2

Resolving the crisis

The blunt confrontation between crown and parlement was at its most serious in May, June and July 1732. It was clear that royal authority would have been compromised had the ministry not taken vigorous action to ensure the submission of the parlement. Yet, the crisis appeared more insoluble than it actually was: the judicial strike and later the mass resignations were both tactical manoeuvres by the magistrates, designed to emphasise their discontent and make the government look arbitrary. Strikes were both embarrassing and troublesome for the government but, given the tactical element in the decision of the counsellors to resign, it was never really a question of accepting the resignations.1 In both May and June/July a solution had to be found which would break the escalation in the chain of attack and counter-attack, and ensure a resumption of the dispensation of justice. The way in which the problem was tackled by the ministry merits a close examination for the light which can thus be thrown on the methods of government at this time.

The crown employed a variety of techniques simultaneously; these included intimidation by the police, bluff and threats of the most dire consequences for the recalcitrant counsellors. However, its principal recourse was to exert discreet pressure on the courts with the help of its agents and clients inside the chambers who were able to influence the collective decisions at the opportune moment. It is known that the royal organisation of a ministerial parti at this time was paralleled on other occasions by ministers or factions anxious to influence the conduct of the law courts. This seems especially true of the 1780s.2

The effective use of this policy depended upon the receipt of accurate information about the mood of the magistrates at all times. The regular bulletins from the procureur general to the Chancellor and the minister for Paris were important, but he was not able to be present at the debates. Joly de Fleury’s strength lay in proffering advice on the legal options and the informal tactics for negotiations,
but his position was by its nature ambiguous and his contacts mostly among the senior magistrates.\(^3\) The ministry needed to know how the ordinary counsellors were thinking and to encourage pro-ministerial conduct. To this end, a network of informers within the parlement was constructed which greatly supplemented both the activities of Hérault, whose police spies gleaned information from around the palais de justice, and the reports of Joly de Fleury. Because the debates were in principle secret, information obtained direct from counsellors was much more reliable, and, as will be seen, these magistrates had other equally important roles to play in the debates.

To judge by the letters and memoirs of the marquis d’Argenson to Chauvelin, the latter was the minister chiefly responsible for the organisation of the system, although chancellor Daguesseau certainly made use of his personal influence particularly with the gens du roi. Chauvelin had spent many years in the parlement and although he was now a minister he had retained his office of \textit{président a mortier} even if he no longer fulfilled its function. His ‘defection’ to the ministry had made him rather unpopular with the mass of magistrates; nevertheless, to some of them he still appeared as the natural protector or patron; the presence in the \textit{palais} of his nephew, a faithful member of the Chauvelin group, facilitated influence and contacts with counsellors. In his work the \textit{garde des sceaux} was greatly aided by two \textit{conseillers d’état}, whose role is worth considering.

The marquis d’Argenson and Luc d’Esnsans de Courchetet both made extensive use of Chauvelin’s excellent legal library and the papers of d’Argenson’s father, a former Keeper of the Seals who had dealt with the 1718 crisis, to search out legal precedents and forms for the ministry.\(^4\) Notwithstanding the considerable experience of Chauvelin and Daguesseau, this work was in itself useful, but at the same time they were busy culling information from their own friends in conversations about the prevailing sentiment in the chambers.

Since his father had been both lieutenant-general of police and later the Keeper of the Seals, the younger d’Argenson was steeped in the principles of government almost from birth. He first became involved in research and advice for the ministry in September 1731 when he sent some unsolicited memoirs to Fleury who found them sound and perspicacious.\(^5\) In May 1732 Fleury called upon him to provide further memoirs for the ministry and the \textit{conseiller d’état} was pleased to receive this mark of esteem.\(^6\) In common with the other people in the strictly informal organisation, he remained involved throughout the summer months.

Basing their opinions upon their research, their understanding of the way in which the parlement functioned in theory and in practice, and upon their knowledge both of traditional parlementaire attitudes and current sentiment, Courchetet and d’Argenson provided regular memoirs on the situation in which they often discussed possible courses of action for the ministry. Many, but not all, of these memoirs are extant, but the historian is still not able to measure the full contribution of the two counsellors. Much advice and information must also have been given in private discussions with the minister, and the loss in the 1871 fire in the Louvre of the volumes of d’Argenson’s \textit{‘Mémoires d’état’} further reduced the written evidence available.
Fortunately, the ministerial archives preserved the originals of those which were presumably considered to be the most important. Some memoirs were drawn up for specific reasons and probably served as a basis for discussion in council, such as one entitled ‘On the ruling that it is appropriate to make on the remonstrances of the superior courts’. The following extract from one of d’Argenson’s letters is indicative of the mixture of facts and opinions which he provided.

The grand banc and the parquet are attentive to the wishes of the King and rarely let themselves be carried away by all the cabals. The counsellors of the enquêtes are left entirely independent of the favours of the court, or at least of those of any importance, and this creates a particular estate of men who have renounced any hope of improving their rank, and who have become accustomed from early on to living off their patrimony, having need of no one, seeing only clients who need them.

It would not be very difficult to bring about a change in their attitude by conferring upon them, carefully and with a constant policy, various favours, a single one of which attaches several persons, for the éclat of a favour sows the seeds of hope and spreads the fear of losing what one still hopes for or what one has obtained; a few places in the council on the horizon for counsellors who will have earned the greatest reputations, some benefices for the clerics, a few pensions aptly given, other favours for their families, the cancelling of the dues payable on the reception [in office] of their children, some favours that are long-term or for life, especially those which are revocable and whose tenure would depend on the good conduct of the officer …In a word, either the parlement must be relieved of functions that give it such close relations with the court, or the barrier which separates and distances the voting officers of this company from the court must be broken.8

If this memoir contains mainly general considerations, other letters provided detailed information. One hastily written missive relays the opinion of an old friend and counsellor in the parlement in June 1732. It contains a clear statement of the views of the non-Jansenist magistrates during the crisis.

The parlement is convinced that the King wanted to deprive it of all ecclesiastic affairs, of all appeals comme d’abus and make the bishops into absolute masters in their dioceses without any opportunity for recourse to the prince when justice, the canons and the laws of the Kingdom are infringed; I realised from what he said that all negotiation with the parlement is useless and damaging, that at present order cannot be re-established, that these magistrates are in a state of fanatical determination as a matter of honour and religion not to return to their functions, not only until Messieurs Pucelle and Titon have been returned to them, but also not before they have had a satisfactory explanation about what, they claim, there is a wish to deprive them of, and not even before the restoration of that which has been
withdrawn from their jurisdiction according to the latest orders of His Majesty. They believe that everyone approves of them, from the curés of the parti they know the disposition of the people...If their prevarication is not punished in such a way that authority is avenged and remains the master, I have no hesitation in saying that the bad example may go a long way and enter into the other orders of the state.9

The reports from Joly de Fleury, Hérault, d'Argenson and Courchetet must have been invaluable when decisions were taken in council during the heat of the crisis. At least of equal importance, especially in late June, was information provided by several parlementaires. For reasons of secrecy many letters must have been burned but some survive from counsellors Pasquier,10 Montullé,11 Paris de la Brosse12 and Glucq,13 while some others are unsigned.

For the ministry the function of these counsellors was not simply to send reports but also to act as a pressure group in the debates at the critical moment. It is clear that Chauvelin’s nephew was relaying orders from his uncle and that the abbé de Salaberry, who did not write, was an active agent of the wishes of the ministry.14 This small organised group therefore appears to have numbered in June about half as many as the extremists in the chambers. But if the parti janséniste could count on the impetuosity of the younger counsellors, the loyalists could expect the more senior or more frightened judges to follow their lead.

The letters provide some insight into the motives of these clients. Some were acting from fear of royal wrath and from a feeling that in a crisis their first loyalty was to their king and not to the corps of the parlement. This became particularly apparent in June after the royal announcement that the ‘démissionnaires’ would be regarded as rebels if they did not retract. Glucq, on the other hand, appears already to have had patronage links with Chauvelin. He wrote on 22 June 1732 at two o’clock:

I shall always be ready to show my attachment to you at every opportunity. This morning I called on several of my colleagues and presidents. I impressed upon them how dangerous it would be to disobey the King’s orders and be regarded as rebels. They seemed ready to go back for fear of being regarded as rebels, and I can assure you of half the members of the fifth [enquêtes]. This afternoon I shall persuade others. I flatter myself that I shall succeed. You will use this as it suits you. It is however of the greatest consequence that nobody knows that I have had the honour of writing to you. I should be unable to do what I would wish to prove my attachment to you and the gratitude I feel for your kindesses on this occasion, which I shall never forget. I am Sir, etc.15

As d’Argenson suggested, hope of reward could be an equally persuasive argument for ambitious magistrates. One unidentified counsellor was unusually explicit about his motives:

I hope that when possible, it will be found appropriate that my colleagues and
I should have some share in obtaining more complete and more general favours such as we desire. We could scarcely receive too many if it is wished that we might re-establish the credit and confidence needed to be of service, and that service is of course the most desired recompense we could receive for our labours and attentions of every kind.16

There were recompenses—the most immediate being the easing of the unavoidable exile of September 1732 by transference to one’s own estates. Montullé was promoted to the grand’chambre, but in the long run Pasquier de Coulans had the most strikingly successful career as a magistrate. He later became a member of the grand’chambre and a councillor of state in the 1750s.17 Pasquier must have been acquainted with Chauvelin when he was still a president a mortier attending the parlement, as he refers to this connection in his first letter to the minister, on 17 May 1732.18

You led me to hope that on important occasions you would deign to honour me with your orders. This idea comforted me and led me to break the rules of conduct that I would have joyfully observed, sure of finding in them the means to reconcile the duties of a magistrate with obedience; your great occupations have surely not left you the time to remember me. Will you forgive me for coming to you to beg you to enlighten me in the most difficult situation I could ever find myself. I shall not try to justify the company to which I have the honour of belonging, you are accustomed to protecting it, you know its upright intentions; you are too enlightened to dwell upon those accusations of Jansenism that cannot apply to most of us, and from which I believe it unnecessary to seek to exculpate myself; but allow me to represent to you our woeful situation. Is there any more unfortunate state for a subject to be in than to run the risk of incurring the wrath of his sovereign; is there any more painful situation for a magistrate than to see himself forbidden [the exercise of] his principal functions at a time when no action on his part should have made him fear this affliction. I know that the crime itself is more dishonourable than its punishment, but when [this punishment] comes from the sovereign, the idea of justice that we hold does not permit us to believe that anyone he punishes is innocent. Thus is the magistracy marked and its honour stained, its honour that stood in lieu of salary and which alone recompensed it for the difficult and thankless duties which it is entrusted with. I shall be careful not to encroach upon the basis of the matter; I know my weakness, but it does seem to me that the sort of interdiction which his majesty has put us under shakes the foundations of the parlement, not so much for the parlement in itself, as for the best interests of the state and the maxims of the Kingdom…

Equally incapable of calling attention to myself in face of the uniformity of the parlement, nor of seeking to foment singular resolutions, I await with respect your orders, which alone might teach me how to reconcile so many different duties. Forgive my indiscretion…19
This letter rather annoyed Chauvelin by its, albeit subtle, defence of the parlement. The threat of disfavour was indeed a powerful persuasion for anyone devoted to a career in the royal service. The next letter from Pasquier was much more committed.

For a variety of motives, several counsellors therefore offered their services to the ministry and were prepared to carry out its instructions. The evidence of the network of informers is all the more interesting in the light of the ministerial attitude to negotiations with the parlement. The official view was that any appearance of negotiation with rebellious subjects was quite out of the question as it would be damaging to the prestige of the monarchy. Yet, behind the scenes agents were at work trying to find out what would be an acceptable solution and how to arrive at it. This is a situation which was typical of the conduct of politics during the ancien régime: apparent confrontation mitigated by clandestine manoeuvres.

The apparent position of stalemate from 20 June 1732 was really a slow but steady progress towards a solution, although there was always the possibility that the situation would worsen. The ministry had a great advantage in that the grand'chambre had not resigned and so the parlement was from the first disunited. It was decided to exploit this situation by using the grand'chambre as a moderating influence. On 21 June a stern royal statement was made: ‘At your request, I am willing to give a few days to those whose resignations I have to return to their duty; if not there is no hope of pardon, they will feel the effects of my indignation for the rest of their lives’. The suggestion that the counsellors were liable to be considered as rebels had its effect and waverers began to reconsider. However, the first reply of the chamber to this was a resolution taken on 23 June, in which they protested that they were faithful subjects of the King but that they would not consider taking up their tasks again until the granting of the return of the exiled magistrates, liberty of speech and the revoking of the orders of 10 and 14 May which had removed from the parlement its competence in religious affairs. On 24 June Courchetet reported that a counsellor by the name of de Chaillon had told him that ‘they are resolved not to make any overtures; according to them it is for you to make the first ones, they claim to fear nothing. But behind all this one can see that they are persuaded that you will not be able to decide to punish all the counsellors of the enquêtes and the requêtes. All their secret assemblies and activities, prove that it would be inappropriate to delay the decision that is to be taken’. Nevertheless, the resistance in the chambers was still very strong. When Pasquier proposed remonstrances he was whistled at: ‘the only result of my objections was uncertainty’.

Meanwhile the ministry was at least preparing for the worst: Courchetet was required to draw up a project for the suppression of the offices of those who had resigned. The punishment of the twenty most fanatical, which was another course being considered, was counselled against by d’Argenson because it would only add to the fury of the others. Between 25 June and 1 July the ministry tried to put pressure on the First President to bring his company to heel, but after a few days it
became apparent that he was in no position to act as anything other than a messenger, as he was now entirely isolated from his company. A counsellor noted, in his journal on 28 June 1732, that

The lack of credit he was known by the ministry to have in the parlement meant that they hardly thought of him. This general lack of regard for him was almost unthinkable. It was all the more marked in the company because it was based on a distrust that they hardly troubled to hide from him. The enquêtes and requêtes were saying quite openly that they were formally resolved not to have recourse to him without [imposing] restrictions. Thus he could not have chosen a less favourable time to take the lead.27

Outwardly, the ministry was still taking the most uncompromising line. On 30 June Portail reported to the presidents of the various chambers the royal decision on the attitude of the courts. The gist was that if they intended to use their return to duty to declare remonstrances on the return of the exiled members and on free speech, such conduct could never be tolerated and would be regarded as a further insult to the King. They must therefore resume their functions, giving some strong indication of their repentance and their zeal to conduct themselves better. ‘Without which, neither conditions nor negotiations are admissible in the present situation, and the only course that those who have sent in their resignations can take, if they want to appease the King, is to put themselves in a suitable position to receive his signs of clemency.’ After their submission they might be permitted to supplicate for the return of the exiles. The King gave the chambers until 3 July to return to work, and if they did not, then a gmnd’conseil would be held to enforce harsh penalties.28

The next day the chambers decided to remain as they were, but on 2 July Portail surprised them by saying that he thought that the court might not be so determined on the two points of the return of the exiles and free speech. The chambers wanted some positive assurances, as Portail told the ministers the same day. Fleury replied that that smacked too much of negotiations, unworthy of a king with a subject.29

On Wednesday, which was to have been the final day of clemency, the grand’chambre wrote to ask for a further twenty-four hours’ grace. This was a clever move to resolve the crisis, for it must have noticeably heightened the tension among the counsellors at a critical moment and it gave them a definite time limit. A magistrate recorded the effect of this and the feeling among his colleagues at that time.

The reply made in the King’s name the day before, and the dark threats that for some days had been artfully spread about, that they would come down hard on them, suppress three chambers, exile their members to fifty leagues from Paris, deprive them of their nobility, make them subject to the tithe, etc.
did not fail to sway some minds. Then the necessity of making an end of it, other than by this sort of coup, led some of the moderate and pacific heads to look for a less harsh and less humiliating way out… Thanks to the step taken by the grand’chambre, there was nothing for it but to retreat.30

On Friday, 5 July, the First President received a letter from Fleury saying that the chambers had until 3 p.m. that day to return to work. Portail immediately went to Versailles and was told that obedience must be a first priority but that later, as their demands appeared just, there was reason to believe that they might be accorded. However, they must return on the following Monday (8 July). This statement left the magistrates the weekend during which to make a decision. It was at this time that the agents were particularly useful in the discussions. A letter from Glucq on the Friday evening reveals him engaged in what was probably the sort of activity that other informers were doing: ‘We have done what we can to persuade some of our colleagues to change [their minds]. Mr.the abbé de Salaberry has said everything that was most pressing, and for myself, I made them realise that it [not voting to return] would be the greatest misfortune for the company, because in that case the King would decide for us [the chamber being divided on what course to take].’31

Over the weekend the chambers individually debated their course of action. On Saturday they were split three-and-a-half for a return, to three-and-a-half, all of them enquêtes, to stay out. It was the fifth chamber of enquêtes that was divided equally on the conditions of a return to duty. Finally, during the Sunday, the general decision was that a return was acceptable on condition that remonstrances should be decreed.32

During the following week, after the plenary assembly held on Monday, the King returned the resignations and Portail asked for pardon for the parlement, although he was unauthorised by his colleagues to do so. The words spoken by the King, that he preferred to pardon than to punish and warning them not to abuse his indulgence, mortally offended the chambers.

The royal attitude seemed to indicate that the ministry would renege on the tacit agreement which had been made, because, whereas the magistrates had reassembled on the condition that they would be given justice, the King seemed to regard them as culpable and criminal. A new vote to return had to be taken, and the split was so narrow that the balance was was tipped by a certain Chevallier of the fifth enquêtes who changed his mind. Consequently the chambers voted four to three for a return to duty.33

However, far from exhibiting any signs of having been chastened by the experience of recent weeks, the parlement immediately decreed remonstrances on four points: the return of the exiles, freedom of debate, a protest against the royal arrêt of 16 June and a justification of its own activities. By 30 July the remonstrances were ready and were read to the chambers on 2 August; the King received them on 4 August.34 The parlement wished for a speedy reply, but one was not forthcoming so soon as some would have liked. A noted Jansenist, Carré de Montgeron,
attempted to have a motion passed which would keep the courts in plenary session until the reply was made. This would, in effect, have been a renewed strike, but he failed to get a majority. Evidently, most of the magistrates were a little chastened. Finally, on 19 August the royal reply was presented to the deputation from the parlement in a speech made by the Chancellor, followed by a declaration that required immediate registration. It was a dramatic moment.

The declaration was a stern disciplinary measure clearly designed to reemphasise royal authority over the parlement and to prevent the recurrence of the recent crisis. It makes interesting reading because it plainly states that false rumours of a royal design to deprive the parlement of appeals comme d’abus were being used to excite the judges, and its provisions constitute a reply to the forms of manipulation which had been exploited by the Jansenists. It insisted that the parlement should put its particular interests second to the ‘general and superior views’ of the King. The declaration’s six points limited cognisance of appeals comme d’abus and other matters related to royal authority to the grand’chambre alone; it permitted debates on such matters to take place only at the express request of the gens du roi or with the permission of the First President, and only in a plenary assembly. Debate in the other seven chambers, conferring between chambers by means of commissioners, and the keeping of any register, were forbidden ‘sous peine de désobéissance’. All laws published in a lit de justice were to be observed immediately, notwithstanding any projected remonstrances, and there was to be no future cessation of justice.

A report from d’Argenson to Chauvelin points out that the courts proceeded to disobey the declaration on three of the six counts. They decided without royal permission upon iterative remonstrances requesting the return of the exiles, refused to register the declaration despite the positive order of the King, and finally they abandoned their duties by remaining in plenary session. A session of the conseil was held to prepare the response to this defiance of the royal will. Villars attempted discreet negotiations:

On the evening of the 31st, a council of dispatches was held, mainly for the affairs of the parlement...I had offered to go to the parlement, [but] the cardinal de Fleury told me that it would be better to speak to some of its leaders, which I did on the last days of the month. But, whatever good reasons I put to them, tempers were so frayed that it would not have been possible to win over the entire corps, even though the most reasonable ones agreed that nothing was so heinous as to fail in one’s duty to God, to the King, to one’s oaths, to the patrie and to oneself, by abstaining from one’s most essential duty, which for them was to dispense justice. In the council of the 31st, it was decided that the King would hold a lit de justice at Versailles; it was set for the third of September.

The lit de justice was held in a hall made to resemble the grand’chambre, with the King presiding on a dais, in an assembly that was ‘magnificent by the quality of the
persons present and the diversity of dress. The Chancellor made a speech which was considered ‘fairly harsh on the company’ in which he recalled the extent of the King’s authority over their posts and their persons. Then the declaration of 18 August was read and declared registered. Notwithstanding the evident determination of the ministry, the very next day the parlement remained intransigent, debated the declaration and decided to represent to the King that it was unable to conform to its provisions.

It was Delpech de Méréville, a grand chambrier and a Jansenist, who proposed disobedience towards the lit de justice. ‘This arrêté has been applauded as an heroic and Roman act by the whole Jansenist public, who demand nothing less than formal disobedience.’ The motion was passed by a majority of only seven votes, and several against it had not been counted because of the rule on family relationships. Thus a bare majority of the magistrates was prepared to disobey the King and prolong the crisis. The magistrates began the judicial vacation without having appointed a chambre de vaction to take care of the little business that came up during the holidays.

The government was not surprised. The response was already drawn up, Chauvelin told d’Argenson. The royal reply was not only swift but it was also harsh– 139 magistrates of the enquêtes and requêtes were exiled in groups to small provincial towns, although six were exiled individually to particularly undesirable spots. Delpech had been spared in order to avoid antagonising the grand chambre. A heated debate in council had taken place over whether to punish the grand chambre also, but by a narrow margin it was decided to give them time to form a chambre de vacation themselves. By having a secret meeting with the acting First President beforehand (Le Peletier), Villars ensured that a royal order to do so would not be disobeyed.

The magistrates’ exile lasted from 7 September until the date on which duty would normally have been resumed, 12 November 1732, when the magistrates were recalled by lettres de cachet. It was an exile which inconvenienced the ministry very little because the courts would not have been in session, but it greatly inconvenienced the magistrates who could not supervise their estates in that time of harvest. They were allowed to return to their estates only if they wrote a letter of complete submission to the ministry, which only about ten were prepared to do. During the autumn the procureur général, Joly de Fleury, negotiated with the magistrates, especially Thomé and Dupré, in order to reach a compromise solution. A ministerial memoir cogently expressed the reason for the recall of the magistrates. The only course for the ministry, declared its author, was to issue an arrêt revoking the letters of exile and declaring that the declaration was annulled. It could be argued, he continued, that this would compromise royal authority, but in fact the declaration had already been found useless in the eyes of the public. If this course were not adopted during the vacation, with the minimum of commotion, then more problems would arise. With the enquêtes still in exile the lawyers would not return to duty. If, after their recall, the enquêtes still wanted to remonstrate, they could be intimidated with a lettre de jussion. In fact, he argued, there was little doubt that the arrêt would be obeyed, because most counsellors were even then only
awaiting an opportunity to return to work without loss of honour. A formal order would serve their purpose admirably.43

In practice, the solution was designed to safeguard the honour of the monarch much more than this author had suggested. The counsellors were recalled on the tacit understanding that the declaration would be suspended. No business in the courts usually began before 1 December and shortly after that the parlement sent representatives to Versailles and a scene was enacted. In order to heighten the effect of royal majesty and clemency, the deputies were kept waiting for a whole day before they could see the King, but in the meantime they were excellently and cordially treated to hospitality by Fleury, Chauvelin and Daguesseau. At the royal audience the next day the First President humbly begged for the withdrawal of the declaration and promised obedience. After a suitable interval for consideration, the King let it be known that it would be suspended, provided that the parlement kept to the promise of good behaviour. It was not to do so, of course, in 1733, 1735 and 1737, but this was nevertheless the end of the present crisis.

The Parisian populace and some of the younger judges regarded this as a victory for the parlement, and some historians have upheld the same conclusion, claiming that the solution was damaging to royal prestige: the ministry had been forced to bend. The crisis might thus be neatly squeezed into the old thesis of a decline of absolute monarchy after the spendours of Louis XIV. These arguments are of doubtful validity. Although the declaration was used tactically by the ministry, its promulgation had ensured that in the struggle over Unigenitus the ministry would cede no ground. The suspension of the declaration was only a return to the status quo ante and did not represent a victory for the courts in their fight against evocations or clerical jurisdiction. Barbier noted a variety of opinions but the one which is rarely quoted is the most accurate: ‘Lastly, those who are sensible and open-minded look upon this as plastering over the cracks, because the basis of the quarrel, which is Jansenism, still remains’.44

The parlement had not been defeated, nor had it won a victory over royal policy. It had managed to preserve its legal jurisdiction, but had not been able to re-establish its sole right to decide on theological disputes. The next decade would, however, see the ministry turn this ambiguous outcome into a victory. The following chapter will explore how this was done. But before moving on, it will be useful to reflect on what can be established about the behaviour of the courts as a result of the close analysis of this crisis.

* * *

By setting the specific conflicts of 1730–2 between the crown and the parlement in the wider context of the politics in which it occurred, an extremely complex situation has been revealed. Concern for jurisdiction and commitment to corporate honour, stirred up by religious faction and supported by excitable youth, led to confrontation which became locked into a process of escalation, a ritual of bluff and counter-bluff, which all combined to produce a crisis in crown-parlement relations in 1732. Failures of management, particularly by the First President but also by the
royal council, exacerbated tensions with the result that although divided in opinion over how far to carry their protests, the magistrates displayed their traditional corporate solidarity against the royal council. It must be emphasised that the transition from a formal protest against the declaration of 24 March 1730 to strikes and insubordination was produced by a variety of factors. This list of elements differs greatly from those usually referred to in modern historiography, and it is interesting to dwell upon the implications of this analysis for a wider understanding of the parlement.

We have seen that the role of the parti janséniste was crucial. This was the formative period for the parti, and the tactics of the 1730s were the same ones that were to be used successfully in the 1750s. Recent scholars, although recognising the existence of a Jansenist clique in the parlement, have failed to uncover exactly how the Jansenists were able to succeed in animating their colleagues not only from 1730 to 1732, but also from 1749 to 1762. What were the motives of the majority of the judges who supported them? How was it that the efforts of the Jansenists were so successful in fomenting opposition, when the vast majority of the magistrates were not Jansenists? Were the magistrates willing to follow their lead, and even prepared to provoke a full-scale political crisis, simply because they sympathised with the religious struggle; or was it because they were Gallican; or because they were advocates of a ‘parliamentary constitutionalism’? One aim of this study has been to show that in the complex world of crown-parlement relations, monocausal explanations do no justice to the evidence. Let us therefore reconsider these other options.

The idea of religious sympathy put forward by Lucien Goldmann, was based on the idea that the adoption of the Jansenist theology was a case of sublimated opposition to the ‘absolutist’ or despotic tendencies in Louis XIV’s monarchy. This thesis can be regarded as unsatisfactory on several counts: if Jansenism can be located principally in the judicial milieu, it is because it required a highly literate culture to be understood; even so, fewer than 10 per cent of the judges were Jansenists, most had been educated by Jesuits and many were dévots; and there is no evidence of non-Jansenist magistral support for either the miracles or the convulsionary movement. In a wider sense, in the wake of Hamscher’s work, historians no longer believe that Louis XIV repressed the Parisian parlementaires, rather he managed them, so they presumably had no need of religious sublimation; Goldmann’s association of (noble) parlementaire resistance with a rise of bourgeois opposition now seems a very doubtful proposition. The other two possibilities deserve lengthier reconsideration.

Clearly, parliamentary Gallicanism was an element in the Jansenists’ success—but the answer is not a simple one, and its role was not nearly as great as has been suggested. It has often been assumed that the Jansenists were able to appeal to the Gallicanism of the magistrates who were thus in a permanent state of readiness to react to an abuse of papal, royal or clerical power. Gallicanism, in the parlement’s sense of bolstering up temporal jurisdiction against ecclesiastical rivals, was undoubtedly a factor in a number of crises; yet there is no evidence to suggest that
the magistrates always rallied to the Gallican cause in religious disputes where their jurisdiction was not in question. Even when it was, they were often prepared to accept compromise and there was no really determined or intransigent parlementary resistance on an important scale in 1735 or 1737, not until 1749 and the 1750s, nor had there been any in the 1690s when the issues were the same—so the question remains of why opposition was united from 1730 to 1732. It is not my intention to challenge the view that ‘Gallicanism’ was important to the magistrates, but rather to raise the question of how strong a cause of opposition it was in relation to other identifiable motives: in other words, to ascertain its place in their ideology or general outlook, and to ask what precisely was its nature.

The declaration of *Unigenitus* as a law of state was itself enough to generate Gallican hostility to Article Ninety-one, and so problems at least were inevitable in 1730, it could be argued. But this argument does not explain the scale of the crisis, because many judges only wanted to remonstrate, not mount a sustained challenge to royal legislative authority. If Gallicanism alone could explain the opposition, we should have to infer that if the Jansenist magistrates had not led the opposition, others, equally as intense but simply Gallican, would have. The evidence from the secret registers indicates that this is by no means certain, for not a single ardent Gallican who was not also a Jansenist is identifiable. Furthermore, the thesis of Gallican motivation assumes that the root cause of the crisis was the 1730 declaration, when it has been shown that several other factors were equally important—especially evocations from 1729, the constant denunciation of pastoral writings and theses, and the subsequent judicial politics of 1731–2. During these events non-Jansenist Gallicans were not an identifiable group in the parlement, and if all the other judges were Gallican they were certainly not vocal. The only people who seemed to discover abuses of clerical authority in theses, pastoral letters and *mandements*, were the Jansenists. It was always a Jansenist magistrate who denounced a new thesis in the Sorbonne or requested an appeal *comme d’abus* be accepted by the courts. Without this perpetual harrying the other magistrates might not have reacted so vigorously. Is there any reason to regard their ‘Gallicanism’ as a sufficient cause?

Perhaps the concept of Gallicanism itself should be re-examined. Gallicanism is a term which is difficult to define but it is usually regarded as ‘sentiment’, as if it were akin to a nationalist or religious attitude. The question of how far the magistrates were motivated by principles or theories, and how far their actions were simply the product of a magistrate’s duty to make judgements in accordance with previously registered royal legislation, is of some importance. Its precise meaning is subject to a number of different definitions.50 There was an episcopal, a royal and a parlementary Gallicanism, and although all of these had views on the extent of papal power in France, the precise attitudes were the product of, and were conditioned by, different considerations. Royal Gallicanism was determined to defend ecclesiastical patronage from papal interference, but it also had a strong tactical element, which was lacking in the parlementary view. One of the strongest elements in parlementary Gallicanism was the secular courts’ quarrel with the
ecclesiastical courts. It is possible that parlementary gallicanism was merely a series of judgements, some of which were motivated by a certain attitude to Rome and others not, which has been rationalised by historians into a more coherent doctrine than it actually was. For the 1730s it is best regarded as adherence to a set of rulings which had been accepted by the courts and which, partly as a result of frequent quarrels of jurisdiction with the church, they insisted on enforcing. Thus, for the magistrates, Gallicanism was not so much a reflection of a sense of nationalism about the French church, nor an exaggerated royalism (being ‘plus royaliste que le roi’) as of legal particularism. To say as much is to put the magistrates back into their true context in a corporate and particularist society. But it is also to use Gallicanism in a very different sense, stressing jurisdictional not political concerns.

In the historiography of the parlement the thesis of Gallican motivation is intimately connected to the idea that the parlement had a political role in France, and that its political militancy was increasing in response to arbitrary government. Basing his position on Mousnier’s premise that France had an unwritten constitution, Shennan argues that the magistrates ‘were not interested in the religious issues involved, but they were concerned with the constitutional ones’. In this view, the magistrates’ opposition was rooted in their image of themselves as ‘the upholder of the established law, the enemy of arbitrary government’ and their primary concern was the defence of the sovereignty of the law.51 The parlement was, it has been suggested, attempting to defend a certain concept of the monarchical state based upon a long political tradition of free speech and the right to draw attention to the laws when they had been forgotten.52 A significant nuance can be added to this picture, however. Although the courts used this argument on many occasions, it was usually in the context of its own interests.

The primary source that seems to confirm the idea of the magistrates’ political motivation is more ambiguous than might be thought. The Flammermont edition of the remonstrances, on which historians have usually drawn to the exclusion of other evidence, lends itself easily to misinterpretation on two grounds. First, the editorial summaries of the circumstances which led to their drafting omit so much of the immediate historical context as to be somewhat misleading. The judicial discourse is not set in its political and institutional context.53 The summaries make little or no use of the kind of informal evidence on the context that was actually printed in an appendix on the confrontation of 1750–1, and which shows, for example, that a motion passed as one proposed by an independent voice had actually been drawn up by four Jansenists.54 Second, the mere fact that so many legal statements made over a long period are juxtaposed encourages a more theoretical interpretation of motives. Thus it has been tempting to interpret the broad arguments contained in them as the prime cause of opposition, to focus on the language rather than the context, and to forget that most of the remonstrances (excluding those on financial issues) were concerned to defend a jurisdiction which the mass of magistrates were anxious to preserve. The fact that the rhetoric of the courts was increasingly outspoken should not obscure the fact that in practice its concerns were more traditional.
A very careful reading of the remonstrances up to the 1770s confirms this view. Many of them are rather moderate, and the least moderate, such as those of 1753 and 1765, were heavily influenced if not actually written by Jansenists. The main argument of the remonstrances of 9 January 1731 was the conservation of appeals comme d’abus. On 25 July 1731, after a lengthy résumé of the affair, the remonstrances came to their main point, which was that even the edict of 1695 did not envisage depriving the parlement of appeals comme d’abus. They then argue that in defending its own jurisdiction the parlement was defending the King’s own rights. On 3 September 1731, their argument was that if the proper legal forms had not been observed in an ecclesiastical case it was only right that the parlement should use an appeal comme d’abus. On 4 August 1732, the remonstrances written by Portail trot out all the usual reasons for not depriving the courts of appeals comme d’abus and for allowing the magistrates to deliberate ecclesiastical matters again, and even assert that ‘it is not the rights that are its own that your parlement is claiming, it is your very authority that it is trying to maintain’, only to say a few lines further on that ‘it is the most ancient and most august privileges of your parlement that we dare to reclaim today’. For these years it is as easy to find a defence of jurisdiction in the remonstrances, buttressed sometimes but not always by theoretical arguments on the observance of laws and the historic role of the parlement, as it is to find a theory of the defence of the constitution. When constitutional claims were made in the remonstrances, it was on occasions when the jansenist, or later the patriote, minority was able to gain the support of colleagues on jurisdictional issues. It was not by exploiting jurisdictional issues that the parlement took the opportunity to involve itself in the defence of the constitution, it was by constitutional arguments that the parlement chose to defend its jurisdiction.

It is nevertheless possible to find one other wide explanatory factor which does accord with the evidence. The foremost concern of the majority of the magistrates was the defence of their corporate and legal privileges. In this, the detailed study of the confrontation from 1730 to 1732 has revealed a pattern of motivation that seems to fit with reassessment of the earlier conflicts in the seventeenth century. In the crisis of 1730–2, the debates in the general assemblies of the parlement turned not upon ‘political’ issues but were concerned primarily with the defence of the jurisdiction of the parlement in the matter of appeals comme d’abus and evocations. This interpretation, which therefore emphasises continuities, may even help to explain the situation from the 1650s until the 1770s.

It has been shown above that the potential of the parlement for bringing about a political result, that is to say a modification of royal policy, depended upon the exploitation of the procedure of appeals comme d’abus by a small clique in such a way that the mass of counsellors would be more or less forced to follow their lead in protest against evocations. Recent research on the parlement in the 1650s, 1750s and 1760s provides new evidence that such a sequence of events was repeated on other occasions. Many of the conflicts with the ministry during this lengthy period were the result of one jurisdictional attribute of the courts, namely the procedure of appeals comme d’abus. Furthermore, Jansenists were involved in all of them. On the
occasion of the first Bull against the Jansenists the sect resorted to appeals to the parlement to defend itself, from 1653 until 1659.\textsuperscript{64} These appeals by curés in the diocese of Beauvais formed a precedent which had not been forgotten in 1730. The series of conflicts in 1730–2, 1733, 1735, 1737, 1749, the bitter struggle of 1751–4, 1756 and 1757, culminating finally in the expulsion of the Jesuits in 1762, all saw the exploitation of the same procedure in much the same way.\textsuperscript{65} It has recently been shown that the involvement of the Paris parlement in the Brittany affair also owed a great deal to its concern to defend its jurisdiction.\textsuperscript{66}

Thus the picture of the motivation of the magistrates, which explains both the genesis and the possibilities for resolution of the crises, is a complex one. The will to defend corporate jurisdiction was shared by all judges, but it is hard to imagine the scale of the crises without accepting the importance of the other elements: a determined and well organised \textit{parti janséniste}, or later a \textit{parti patriote}, able to couch its more political or particular concerns in the legal language of jurisdiction and corporate identity, was crucial. Even then, other factors were vital, such as a sense of afflicted honour and the irresponsibility of youth. A momentum was created which was increasingly hard to restrain. Yet the very variety of motives and the complexity of the situation meant that political management of the parlement by the ministry was always a possibility. If the ministry could employ all its resources to prevent any group or faction from manipulating the judges, and if it could avoid giving unnecessary cause for opposition, then it was quite possible to maintain good relations. The study of 1730–2 has already brought many of these techniques of management to our attention. It is the task of the following chapter to examine the repertoire of methods and resources at the disposal of the ministry that could be employed to ensure the success of its policies and the avoidance of parlementary crises.
13

MANAGING THE PARLEMENT

1733–43 and beyond

The preceding chapters on the crisis of 1730–2 have explored the nature of confrontation between the ministry and the parlement of Paris, and have enabled us to come to some new conclusions on the nature of crown-parlement conflict. In the case of that crisis at least, parlementaire militancy appears to be more accurately described as the defence of jurisdiction than the result of ‘constitutional’ claims by the magistrates. Opposition was the product of the pressure of parti and faction skilfully combining to manipulate the mass of counsellors with an appeal to the traditional defence of their jurisdiction and corporate honour—even if the consequences might not be so traditional. The form that disputes took was ‘coded’, and obeyed certain unspoken rules; it was easy for disputes to develop but harder to put an end to them once they had broken out. But a complete royal victory was not desirable. As Doyle has pointed out, a measure of opposition from the parlement was not only normal but also desirable. It proved that the monarchy was not a despotism. In the absence of any representative institution, at least in the pays d’élection, the parlement could and sometimes did speak for the people. Although royal power could not safely countenance outright and prolonged disobedience to its will, neither could it allow itself to trample over a traditional and legitimate institution—which also it needed in so many administrative ways. So the problematic dialogue between the ministry and the courts was above all a relationship, a reciprocal process that could be influenced in many ways, provided that dialogue was allowed to continue. The rules of the game suggested that conflicts would quickly escalate to a point at which each side would seek a negotiated compromise behind the scenes, unless honour became so involved that compromise was made either extremely difficult or impossible (as in 1770–1).

Apparent confrontation was a part of the system, given its corporate structures and the fact that open negotiations were impossible; equally, deadlock or impasse
was therefore not the normal state of affairs. Through the good offices of the gens du roi, most differences between the courts and the ministry over the registration of laws could be settled by a few compromises. Although both sides wanted to appear to stick to their positions, neither crown nor parlement had a desire for genuine constitutional debate. Yet once a conflict of jurisdiction had been embarked upon, the venal and corporate officers felt they needed to defend their institution and their office which represented their wealth and status; the consequences of faction or youthful impetuosity could push matters almost to an impasse. Even then, there was always a real feeling among most magistrates that this was all a game, a show of strength in a coded system: their universe remained an ordered one in which rebellion was impossible. Determined posturing was not perceived as rebellion, it was a part of the corporate socio-political system.

It had to be kept in check by the King’s council, lest there be a descent into chaos, or lest a subordinate institution gain a small victory that created precedents for further enterprises. Magistrates did not see the royal council as the pure expression of Louis XV’s will, they saw it as a rival institution with a defined jurisdiction whose encroachments must be resisted. From the monarchy’s point of view, the best way to control the potential friction created by corporate rivalries was to manage affairs in such a way that tensions, ever present to some degree within the constitutional order of things, did not lead to serious problems. The key to good relations therefore lay in good political management. In the later 1730s, just as under Louis XIV from 1653 to 1713, it would be possible, if hard, to control the parlement and prevent protest from escalating to crisis. The very variety of parlementaire motives involved in creating crisis, meant that careful management could often prevent the disparate interests from combining into a threatening force. The following pages will examine more closely exactly how the courts were controlled in these years and how further confrontations on the scale of 1730–2 were avoided.

The compromise reached at the end of 1732 only came to be viewed as a royal victory later in the decade, as its full implications became apparent. At the time, after the show of strength by the courts, the price of the office of counsellor went up 50 per cent because the prestige of the institution rose. However, experienced observers realised that the royal declaration of 18 August had been no more than a bluff designed to intimidate the judges, and that by keeping it suspended over them the ministry had protected royal authority. As the cardinal de Bernis observed, ‘in spite of the annihilation of the declaration of 1732 registered in a lit de justice, the King appeared to be more than ever master of his parlement’. The negotiated compromise of late 1732 encouraged more careful reflection by the majority of the judges before supporting precipitate action. Once a brief period of euphoria was over, in early 1733, it was to be more difficult for the parti janséniste to get a majority for its more vigorous proposals. At the same time the ministry too had learnt something, for it hoped to avoid confrontation by making its policy more even-handed. Silence was to be imposed on the religious disputes by evocations to the royal council and the suppression of inflammatory writings. In so doing, the ministry faced difficulties from the extreme constitutionnaires like La Fare the
archbishop of Laon, but confronted them more readily. When trying to control their excesses, the example of the disruption to the state’s business during the parlementary crisis enabled Fleury to tell the zealots that it was his duty to preserve the state from such chaos, and that he would therefore have to take action against their reckless or unduly militant publications.3

If in 1730 Fleury had hoped for a quick solution to the Jansenist problem, by 1733 he was resigned to the idea that a slow but sure two-pronged policy would eventually eradicate the sect. As we have seen, first, he would prevent the Jansenists from taking action against Unigenitus through the parlement; second, he would deny them any patronage or preferment while encouraging acceptance by those appellant institutions that remained recalcitrant. Preventing the courts from acting against Unigenitus was bound to lead to further tensions with the parti janséniste. A closer examination of events will reveal Fleury’s methods with the parlement more clearly. The difficulty of his task should not be underestimated, because corporate society was extremely unresponsive to ministerial interference. Historians of the ancien régime have perhaps been too ready to assume that, even when a ministry had a sound policy and was as united as any ministry could be, the actions of its agents would accurately reflect its political will. Much can be learned about the enormous difficulties ministries could have when dealing with the courts when working through men who were sometimes incompetent, or pursuing their own familial or factional interests, or even of doubtful loyalty.

* * *

On 31 December 1732 the parlement had suppressed a thesis in the Sorbonne as being liable to arouse a dispute, and reprimanded the Faculty. To the surprise of the Syndic and Faculty of the university, an arrêt from the royal council also suppressed the thesis on the grounds that it was likely to upset the tranquillity the King wished to preserve in his realm. This was surely a warning that the council would not tolerate any discussion of the respective limits of the two powers, namely church and state—a matter the council was anxious to keep from the parlement. On 12 January 1733, just before the procureur general was to condemn it, a letter from Fleury to the Sorbonne prevented the acceptance of a thesis that argued that the agreement of the majority of the bishops was enough to give unshakeable authority to a papal constitution. When the Sorbonne complained, the Cardinal stopped all examinations for a couple of weeks, allowing them to continue only if they refused to pass any that were too controversial.

Fleury also complained to the First President about the enquêtes, saying that what annoyed him most was that their ardour seemed unquenched, they were ready to flare up again at the slightest opportunity. He hoped he could rely on Portail and wiser heads to control them.6 Portail appears to have replied weakly that there were real issues of theology involved, at which Fleury then gave proof of his high level of theology by appraising these issues, and arguing that they were debatable, and that the students could reply as they wished as long as they respected ‘our liberties’. ‘I
am afraid’, he said, ‘that in wishing to go into these matters in too great detail, more harm than good will be done.’ Repeated complaints in the enquêtes elicited another letter from Fleury, professing to be astonished that the young judges wanted to defend French liberties, when they were not in the least danger, and pressuring Portail to control his colleagues. In replies to protests on this issue, the royal argument was that there was no need for the courts to interfere because Gallican liberties were safe in France; it was to be used frequently to cut the ground from under the feet of the parlement. A whole series of letters from the solicitor-general reveals that Fleury was monitoring the courts very closely and proves that he did not hesitate to intervene personally.8

Even with the ministry trying to take preventive action, the parquet had a very difficult job coping with the Jansenist intrigues; as procurator-general Joly de Fleury said, he and the avocats généraux were tempted to go along with the general opinion in order to lead them back more easily.9 This was a time when the younger magistrates were still excited by their apparent success the previous year and were hoping for more blood. Their aim, said Fleury in April, was nothing less than ‘to undermine the authority of the Constitution [Unigenitus] until it is regarded as no more than a simple rule of police and language [instead of a ‘dogmatic judgement’]. That is their real aim and it is impossible ever to consent to that’.10

On 15 April the Jansenist Fornier de Montagny took advantage of an assembly of chambers on the occasion of the mercuriales, to stand up and denounce the refusal of sacraments to a Jansenist woman in the parish of Saint Médard. When the senior presidents objected that this was not within the courts’ competence, being a spiritual matter, Montagny argued that it concerned general order and public tranquillity. The terms in which his protest was put are notable: the barristers had thought up new legal grounds, claiming that the parlement could interfere in matters forbidden to it under the edict of 1695 by virtue of its role in keeping public order—an argument with a great future in it. The First President persisted in his refusal, so Titon rose and denounced two books referring to Unigenitus as a ‘rule of faith’. One had already been condemned, Portail objected, but in the end the material was handed to the gens du roi for their opinion.11

After careful co-operation with the ministry, on 25 April the gens du roi reached no legal conclusions and limited themselves to suggesting that the woman first take the matter to an ecclesiastical court and that the First President suggest to the government that a problem was developing. Of course, this was too slow and measured a response for the Jansenists; Pucelle therefore led an attempt by the parti janséniste to have the parlement issue an arrêt declaring that Unigenitus was not a rule of faith. In spite of the First President’s counsels for moderation, and a temperate proposal thought up by the gens du roi and put by Goeslard, one of the loyalists of the previous summer, the court accepted that the refusal of sacraments in the parish of Saint Médard was ‘a signal for schism and division’, as La Fautrière argued, and voted by 100 to 42 for Pucelle’s motion which was duly published.

Fleury must have been in despair at the incompetence of Portail, who had been unable to have a moderate resolution accepted even though it had been agreed
MANAGING THE PARLEMENT: 1733–43 AND BEYOND

upon the night before at his residence with the presidents and several counsellors. In his letter of rebuke to Portail, the cardinal showed that he knew exactly how it worked: ‘as often happens, those who are the most hot-headed carefully consider in secret all the steps to take and keep it from you until the moment opinions are asked for, in order to surprise the parlement and lead it to carry their motion’.12

On 1 May the royal council quashed the parlement’s arrêt and evoked the case, whereupon stirring speeches from Pucelle and Titon led to the decision for remonstrances against the apparent status of Unigenitus as a rule of faith. The Jansenists seemed to be winning and the whole mechanism of escalation seemed about to start all over again. A firm and uncompromising royal reply to the remonstrances on 19 May led to the parlement doing no more than pass an internal resolution [arrêté] persisting in its position and promising to represent at all times to the King the consequences of his arrêt.13

There was now some fear in Paris that justice would once more be interrupted, as in 1732. However, by limiting itself to a simple annulment of the parlement’s arrêt and evocation of the cases, the ministry had actually avoided trouble—although Chauvelin was certainly in favour of harsh reprisals. Sensing that the public would not tolerate a second period of disruption, public opinion not being with them, it was the abbé Pucelle himself who counselled moderation in the courts.14 He was right to call off the attack this time, because the legal grounds were shaky and the atmosphere in the courts was no longer combustible. So the aftermath of 1732 now seemed to show that the majority of the magistrates would not rally behind extreme proposals.

In December 1733 the parlement decided to remonstrate on quite a different matter. To finance the War of the Polish Succession that had just broken out, Orry revived the dixième of 1710 and instituted a new form of rente called the tontine. His preamble to the edict on the dixième made it clear that the main aim was to collect funds rapidly, rather than to challenge the privileges of the local elites. Thus abonnements and the massive under-declarations of revenue that characterised the original dixième, even to the constitution of specially diminished rolls for the parlementaires, were permitted; where Orry complained to the intendants he was ignored by men who feared the local elites more than the controller-general.15 The remonstrances were presented on 21 December. As Barbier remarked, ‘the dixième will still be established, because the remonstrances tend only towards some modifications’.16

The outbreak of war ensured that the parlement kept a low profile on contentious issues, for fear of provoking accusations of disloyalty. The Jansenists were in some disarray as the parti split on the issue of the convulsionary movement. The strange cavortings of the preaching and prophesying enthusiasts led to scepticism from right-thinking magistrates, and the prestige of the Jansenist movement suffered from the public exposure of its internal divisions in a pamphlet war. The real War of the Polish Succession diverted attention from internal politics and there was little agitation in the parlement for a while. Remonstrances that had been decreed in 1735 were, in fact, put off until 1737
because there was little hope of getting a favourable response from the King while the Assembly of Clergy was in session. At this stage it was obvious that ‘these are empty protests in favour of the preservation of a so-called right and an imaginary permission to meddle in public and political matters, which they can never have any more than the master will let them’.\textsuperscript{17}

It was always royal policy to divide and rule, in order to prevent the combination of interests that might provoke another Fronde. In the parlement this meant attempting to divide the more senior magistrates of the \textit{grand'chambre} from their more unruly colleagues in the \textit{enquêtes}, as in 1732. But it was also desirable to prevent too close a union between the barristers and the magistrates. As we have seen, one of the features of the politics of the first few years of Fleury’s period was the close link that had developed between these two groups. A quarrel that broke out in 1735 between the parlement and its barristers was therefore favourably regarded by the ministry. It was the occasion for the dominance of the Order by the Jansenist clique of often distinguished barristers to be successfully challenged by more loyalist colleagues.

The success of their politico-religious campaign had given the leading clique an exalted idea of their importance. For example, when the bishop of Saint Papoul announced his conversion to Jansenism in 1735, they published a congratulatory letter as emanating from the whole Order of barristers, which it did not. Naturally, the parlement condemned this as a misrepresentation of the Order. Shortly thereafter, when Le Roy, a leading Jansenist, was pleading a case in the fifth \textit{enquêtes}, he was aggrieved to find that the \textit{avocat general} was allowed to plead from the \textit{parquet} while he was obliged to stand outside this special enclosure. His complaint amounted to an attempt to break down the distinction in rank between the barristers and the rather senior magistrates who were the \textit{gens du roi}. When the parlement upheld the decision of the \textit{enquêtes}, the barristers decided not to plead in that chamber until they were given satisfaction. A compromise was worked out between First President Le Peletier and some of the moderate lawyers, but was spoilt by the insistence of the magistrates on the barristers’ submission.

The dispute had serious repercussions in the Order because it became entangled with the preparation of a new \textit{tableau} that would strike off the Jansenist Maraimberg and admit many new aspirants to the bar—which Prévost was adamantly against. Finally, in July a group of moderates, including some Jansenists like Aubry, decided to break the strike by returning to work. Others followed, isolating Prévost. From that time on he lost his powerful grip on the order, although he continued to be active in writing consulations for Jansenists. According to Bell, this marked the end of their first incursions into politics in co-operation with the parlement.\textsuperscript{18}

If there was any doubt that the Order was curbed, it must have been dispelled in 1738. In that year the barristers were rather rattled by the attack on the \textit{avocats du conseil} who were simply abolished! As Barbier wrote: ‘Now we have several families without rank, without employment to live by and without reimbursement for the offices and practices that they had bought. That will be an example to all the companies and all estates to teach them the necessity of subordination and
obedience’. This may well have cooled their ardour. Of course, the barristers were repeatedly to come out in support of the parlement in the 1750s, and re-emerge as a powerful force in 1771.

* * *

As the war ended in 1737, a far more serious occasion for magistral militancy arose. In early 1737 a case of ‘public scandal’ occasioned by the burial of a Jansenist in Douai was reported to the parlement. After at first antagonising the enquêtes by refusing their request, the First President allowed a plenary session to be called; but when it assembled he refused to allow them to deliberate the case, arguing that it was in the sole competence of the grand’chambre. There was perhaps a desire in the courts to take up the case because Le Peletier, the First President, had not yet been put to the test by his magistrates, and he was certainly regarded with some jealousy by the supporters of Lamoignon de Blancmesnil whom he had beaten to the same post only eight months earlier. Rivalries between the leading families of presidents were a feature of parlementaire life which sometimes spilled over into the conduct of the courts. It looks as if Le Peletier had decided to give battle on his own ground, by provoking them and forcing a climb-down. For over a week, from 15 to 22 February, the chambers assembled and confronted the President in silence, as the chambers sought a procedural innovation to their advantage. Le Peletier was hard pressed, negotiations at first failed and only by the good offices of the solicitor-general was a suitable form of words found on 7 March. By keeping the ministry out of it and handling matters himself, Le Peletier had gained considerable prestige among his colleagues. This was the stuff of intra-institutional politics, and could be considered of little consequence. However, the Douai affair of February–March 1737 coincided with the fall of the Keeper of the Seals, Chauvelin, with which it was linked in some sources. The affair raises a number of important issues about the often ambiguous nature of the evidence, the mechanisms of court politics and the relations between the ministry and the parlement. All three areas are significant, but the last is to be particularly noted here. Was the affair in the parlement linked to the dismissal of a minister, and if so how?

It is a plausible thesis, for the most recent research on the Paris parlement has tended to emphasise its role in reflecting and influencing factional struggles at court. This has been argued for the Maupeou ‘reform’ of 1771 where the abolition and remodelling of the parlements has been seen as the result of a situation created by Maupeou in an attempt to discredit his ministerial rival Choiseul. In the 1780s the situation was said to have recurred during the crisis over financial legislation. Auget de Montyon, a late eighteenth-century historian of French finance ministers, recorded the connection between ministerial intrigue and groups in the parlement: Miromesnil, Lamoignon and d’Aligre were directing the group which was in opposition to Calonne. Hardman has found much evidence of factional interference during Calonne’s ministry. Thus the long-accepted notion of a dichotomy between the crown and the parlement should be abandoned.
It was rumoured at the time, and the suggestion has recently been taken up by Rogister, that Chauvelin was dismissed ‘because his adherents in the Parlement of Paris were trying to create trouble there and to discredit the new First President, Louis Le Peletier…according to the evidence of one of the avocats généraux’. But the evidence of the avocat général is, in fact, rather ambiguous, and his speculations are not confirmed by other evidence. A closer examination will suggest another dimension.

It is clearly true to say that there were elements in the parlement who were attempting to test the mettle of the new First President, and possibly to discredit him, and it is also true that there were magistrates who were forcing a debate on a case of refusal of sacraments in Douai. Chauvelin did indeed have agents, and yet, while these may have had influence at a later date (in the 1750s), what is less certain is that those creating the 1737 crisis were acting in this as his agents. Indeed, Rogister himself suggests that the situation is far from clear. With the aid of the fresh evidence used, and another perspective, it will be argued that the protagonists from the parlement were rather differently motivated. Whichever perspective is adopted, the whole episode undoubtedly constitutes a fascinating insight into the conduct of politics. The very uncertainty of the evidence is a testimony to highly devious behaviour.

The evidence against Chauvelin itself poses some problems of interpretation. It consists principally of a fragment of the manuscript journal of Daguesseau de Plainmont, youngest son of the Chancellor. He was one of the gens du roi in the Paris parlement from 1736 until shortly before his death in 1741, and was only 24 in 1737. His testimony contains a number of contradictions, but one of his assertions seems to be corroborated by the letters which the Chancellor wrote to his son at the time. The journal of Plainmont is a useful source of evidence for events in the parlement in 1737–8, for which other evidence from magistrates is sparse. Most particularly, it is invaluable for the insight it provides into the procedures of the gens du roi and the records of conferences within the parquet and with the ministry, even with Fleury himself. But when it comes to analysis, rather than accounts of the day’s events, the most disconcerting thing about Plainmont’s evidence is that he was evidently unsure of himself. There are passages where he appears to take for granted that Chauvelin was behind the crisis, and others where he actually states that he was.

When M. Le Peletier was made First President there was some dissatisfaction at his getting the place. The friends of his competitor, M. de Blancmesnil, complained openly about it, and on the other hand he was no better received by the parti of the Keeper of the Seals, who had always hated M. Le Peletier, and who moreover was pained that his nomination was not his own work and, fearing he might discover in the First President a redoubtable foe, he was afraid that the First President’s credit might be superior to his own which was beginning to decline. (The upshot has revealed how legitimate these fears were.) In these circumstances it is hardly surprising that he should wish to
create problems for the F.P. Everyone had something to gain. The two factions were united in wanting to embarrass him, by engaging him in some dangerous case and making him at least slip up, if not actually fall. Those who were neutral were not for their part unhappy to test the ground and see what kind of man they were dealing with.30

However, in addition to this passage, the following passage may be emphasised, in which Plainmont contradicts himself.

The First President sent for me in the evening and told me to assure my father of his resolve, but at the same time to make him undertake to do nothing on behalf of the [royal] court, so as to avoid falling into the trap set for him by M.Chauvelin, who would do all in his power to persuade the Cardinal to carry out some glorious coup that would muddy the waters still more. This is just what precipitated M.Chauvelin’s fall. As M.the First President either believed him to be the real source of the trouble, or was forcing himself to believe it, he made a last effort with the Cardinal to bring forward the moment of his fall, by making him believe that the end of the affair depended on this event. Myself, who have examined things calmly, I must admit that up to now I have seen nothing to persuade me to see M.Chauvelin as the cause of the matter. It might appear so, both because of its plausibility, and because of the conduct of those suspected of having been put up to it by him, but there isn’t enough to be sure. How guilty you are when you’re out of luck!31

In fact, one can draw at least three theses from the journal of Daguesseau de Plainmont. Chauvelin could have been trying to stir up a crisis, either because he wanted to destroy the credit of his enemy the First President or to hasten the departure of Fleury who was now widely rumoured to be unhappy with him; or the First President could have been trying to use the crisis to suggest that Chauvelin was behind it when really he was not, in order to have the Keeper of the Seals dismissed; or the crisis could have quite independent causes and have nothing at all to do with the fall of Chauvein, and might simply have given rise to rumours and speculation. To emphasise how difficult it is to know, there is a fourth interpretation of this affair which was overheard by a police spy. Although it is probably not correct, it is worth quoting because this ‘public opinion’ can be contrasted with the other better informed sources. At this time favourite topics with the nouvellistes were Jansenist scandals, events at court and the affairs of the parlement.

There is still talk of the dispute between the First President and the parlement, which is unfavourable to this magistrate. As usual he is accused of having sold himself to the Court; some even claim that he was in league with M.Chauvelin, former Keeper of the Seals, to try to finish off the company, and strip it of its main roles; they add that in this way, if a minister was not
These are murky waters indeed. Plainmont does end by assuring that the first interpretation is correct, but there is unfortunately no other firm supporting evidence for this. It is true that on the day after Chauvelin’s exile the Chancellor wrote to Plainmont on the events in the parlement, saying that he believed the spirit of peace had made considerable progress, that things were looking better for the morrow (in fact they were on the surface at least slightly worse after another day’s impasse), ‘if it is true that fear of appearing to yield to yesterday’s events has had some part in this morning’s delay’. This letter does not confirm Chauvelin’s implication in the parlementary crisis. Only two deductions may be made from it: first, that the Chancellor himself considered that Chauvelin might have been involved, as one would expect him to have done if he believed what the First President had told his son to tell him (though there is a hint of scepticism in his words); second, that the agitators in the parlement, aware of the rumours being circulated about Chauvelin, were anxious to demonstrate that they were in no way involved with him by refraining from pursuing a cause said to be his. Le Peletier cleverly helped them to make up their minds by accusing Titon and Thomé of being agents of Chauvelin—an accusation that could lead to dire consequences if the minister were dismissed, as rumoured. Clearly, we are dealing with extremely sophisticated tacticians who knew and could exploit the codes of conduct and sets of assumptions. It is wise not to jump to conclusions without firm evidence.

In a sense, too, historians should not ignore an absence of evidence where some ought to exist, as this can sometimes be as illuminating as information itself on this kind of issue. There is nothing at all about a ploy by Chauvelin in the unbroken list of police reports for 1736 and 1737, although towards the end of 1736 there was considerable talk of the fall of Chauvelin as inevitable because he had lost the confidence of Fleury. More significantly, in the secret registers and journals of the counsellors, from which so much has been learned, there is no hint of any manipulation by Chauvelin. Barbier too considered this hypothesis, but decided that since Le Peletier knew as well as anyone else the rumours about Chauvelin’s impending fall, he would never risk his position by attacking a man soon to be without credit; and Le Peletier was already known not to get on with the Keeper of the Seals.

Behind the machinations of courtly intrigue and behind their plausible glosses, lies another explanation for the crisis of 1737 in the parlement. The most important previously unconsulted evidence lies in the secret registers which were kept by counsellors in three of the chambers in the parlement; further evidence may be found in the memoirs of Luynes, and one published contemporary account. As for the crisis of 1730–2, an examination of the issues and the counsellors involved in the debates and conferences is a most fruitful approach. From the registers and private notes a list can be drawn up of the names of everyone who made an inflammatory speech or was mentioned as having

faithful to his King, he could by acting together with a First President, bring down the state.32
contributed to the crisis. The most important individuals were the abbé Pucelle, the abbé Clément, Titon, Thomé, Lesseville, Robert, Davy de La Fautrière and Ogier—all of whom we have met before in similar circumstances. It can hardly be a coincidence that all of these were noted for their antipathy towards the Bull Unigenitus and had played an important part in the earlier crisis; all were involved with the parti janséniste. Indeed, Fleury and Chauvelin, then dealing with the parlement, had been obliged to have Pucelle and Titon imprisoned, and had exiled in June 1732 counsellors Robert, La Fautrière and Ogier. It is even known that Chauvelin voted for their exile at the meeting of the conseil des dépêches where the matter was discussed. In the light of their strategy from 1730 to 1733, it might be concluded that the near-crisis of 1737 was another abortive attempt by an extremist clique to revive the issues which had created a stir earlier in the decade. In February 1735 five of these men had already unsuccessfully attempted to re-open hostilities against Unigenitus. In February 1737 they were able to take advantage of the general desire to test the mettle of the new First President. It was Lesseville and Titon of the fifth enquêtes who called for an assembly of deputies from the lower chambers. As in 1732 it was the chambers of enquêtes, the second and fifth in particular, which proved to be the most animated. Le Peletier cleverly used a procedural issue to create an internal crisis in the courts which prevented them from proceeding with the appeal. Le Peletier was even cleverer: he frightened the parti janséniste into dropping the affair by making them fear that they would be associated too closely with Chauvelin.

When the evidence of Daguesseau de Plainmont is seen in the context of the campaign of calumny against the Keeper of the Seals, the picture seems clearer. D'Argenson, commenting on the rumours about Chauvelin deliberately trying to disrupt Fleury's foreign policy, points out that it was an old tactic of court politicians to spread such stories. 'M.Chauvelin is accused of that old politics they so much accused the cardinal de Richelieu of, of complicating affairs deliberately in order to make himself necessary and to kill M.the Cardinal with overwork'. In the light of this, Le Peletier could be interpreted as having simultaneously made a second use of the crisis which itself was unconnected with Chauvelin, to try to discredit the minister still further. Plainmont, son of the Chancellor, was very probably duped by Le Peletier. His tactic would therefore have been an old court practice, probably concerted with the anti-Chauvelin faction among the ministers, which included Maurepas, who was supported by the Noailles.

The role of the First President was crucial in avoiding a full-blown crisis. Given the circumstances, the President was extremely astute in handling the affair by himself, without bringing the ministry into it and thus widening the scope. Le Peletier came out very well from his first baptism of fire with the parlement. In this period of agitation Le Peletier played a very different role from that played by his predecessor, Portail, from 1730 to 1733. Portail was a weak man, unsuited to the difficult task of being both a government man and leader of the parlement. In 1732 Portail had quite lost the respect and leadership of the parlement, and this was one of the factors that produced such a serious state of affairs that summer. Chancellor
Daguesseau was extremely impressed by the way the affair had been handled: ‘It is a great achievement, indeed, my dear son, that the affair should have ended in a manner that in truth decides nothing, and if they are very pleased at the palais [de justice] I can assure you that we are scarcely less joyous about it here, the King is compromised to no degree by what has happened and he remains the master to do all that he judges appropriate’.37

A slightly less well-informed observer, Barbier the lawyer, reasoned that although the parti janséniste had been stopped by Le Peletier this time, his own position as head of the company had been compromised—at least for some time. Barbier’s reflections on this are very ambiguous. ‘There is a strong appearance that the First President was not at all supported by the Court, and, that being the case, here we have a man lost and dishonoured in his company, who will no longer have any credit, and on whom, consequently, the Court will not be able to count.’ He reflected that it was not in the interests of a president to dominate his company too completely:

A First President who is clever, loved and respected by his corps, is a man to be feared by a minister; he can, by refusing to enter into the views of the ministry, put the blame for everything he will not do on the company, saying that he is not its master; and he has to be won over to get him to win over his company himself. When the resistance is general, two hundred and fifty magistrates who hold distinguished places in society cannot be punished as a single one can be; and when they are united, one of them cannot be punished for a common cause without all of them being punished. Since the public is involved in consequence of the cessation of business [that would result], it causes an outcry and creates problems.38

For the interpretation of the role of the parlement in ministerial politics during the ancien régime, this brief analysis has wider implications. Memoirs and first-hand accounts, while indispensable sources, are nevertheless fraught with danger for the historian. It is difficult, if not at times impossible, to disentangle the facts from the web of rumours which obscures them. Often, such tangled webs were spun with the very aim of trapping contemporaries in misunderstandings. Unless an attempt is made to consult all the possible sources, including those where evidence ought to be available if a hypothesis is to be proved correct, there will remain the risk of serious error. That there is often an interaction between the parlement and the ministry during their respective crises seems well established, but it should be remembered that the same assertion in the contemporary accounts on the nature of the relationship may conceal a more subtle system of contacts.

It was absolutely essential for a First President to win the respect of the parlement in order to exercise a guiding influence over its activities. Barbier was partly right in foreseeing longer term problems for Le Peletier with his company, for the events of 1738 will show the First President trying to regain credit in his company by working more closely with the Jansenists and standing up more firmly to ministerial pressure. His tactic was to oppose the combination of youthful indiscretion and
Jansenist machinations on occasions when there was a serious risk of confrontation with Versailles, and to take their side on lesser issues. Much depended on his ability to discern which of these two categories an incident fell into, for as we have seen a process of escalation might start with a relatively minor matter.

* * *

The affair of the canonisation of Saint Vincent de Paul the next winter saw Le Peletier making a stand against the ministry. The episode reveals the relationship between the *gens du roi* and the cardinal de Fleury in greater detail. It is clear from his degree of involvement that even at the age of 86 Fleury exercised as much control as possible over religious matters in the parlement. The way he did so in personal discussion is an interesting point for comparison with his successors. Daguesseau de Plainmont’s account of this episode, and of the following one on the refusal of sacraments in 1738, are the only occasions in the eighteenth century for which we have verbatim accounts of this sort of interview.

Fleury was adamant in refusing to allow the parlement to publish its *arrêt* against the needlessly ultramontane Bull canonising Vincent de Paul who, although undoubtedly of saintly conduct, had also opposed the early Jansenists. On 3 January 1738, the *parquet* went to Versailles to discuss the impasse. Upon their arrival, Plainmont heard, presumably from his father, that the Cardinal was resolved not to allow the courts to interfere in the reception of the Bull. That morning in conference Fleury declared ‘very firmly and masterfully’ that the King would not suffer them to take the least action against the Bull. On hearing of this intransigence, the First President appeared confident, telling Plainmont later that he believed the Cardinal had expressed himself so harshly in order to give the President the opportunity to show how much credit he had with the ministry. But Le Peletier was determined to act because ‘nothing was to be gained by delay, since a denunciation in an assembly of chambers would force his hand and he would then not be able to answer for the consequences, and they might go to extremes’.

That afternoon, the *gens du roi* again met the Cardinal. He regretfully allowed them to take action against some anti-Jansenist writings, but angrily protested against their lack of consideration for authors who were working on orders from the Court, and reproached the First President with being at the bidding of the parti janséniste. Le Peletier replied that he was neither Jansenist nor Molinist, but was a magistrate, neither leading the *parti janséniste*, nor directing the steps they took, but that this was far from the case with the cardinal who was at the head of the Molinist parti, that it was up to him to restrain its conduct and that if some fanatical deed slipped out from the bishops, or some constitutionnaire writing, he had only himself to complain to, without wanting to blame it on the magistrates.’ At this, the Cardinal only became more tenacious about the Bull. The *gens du roi* tried to argue that suppressing the cult of Saint Vincent de Paul was not the same as suppressing the Bull itself, which hardly convinced Fleury, who became quite annoyed at the hair splitting. Le Peletier insisted that if the *grand’chambre* were not allowed to act
alone, there would be a denunciation in the chambers which would be the start of a serious conflict with Rome; there was a danger of an appeal comme d’abus by the curés if nothing was done. Fleury was furious. Attacking the President personally, he accused him of not being master of his company, saying that the simple fear of an assembly of chambers would make him do everything that a denunciation itself could produce, that he had neither firmness nor credit! Le Peletier riposted that the previous year had shown he was not afraid of the assembled chambers, and argued that the Bull was dangerous and that if someone in his company did not denounce it he would do so himself, as his duty. Furious but afflicted, the Cardinal was too exhausted by the interview to continue, and the gens du roi left, the First President saying, ‘All this is a nuisance for M.le cardinal, but when this affair is completed in a measured and wise way, he will be quite satisfied, he’ll thank us—we cannot make an end of it soon enough’.

They retired to Plainmont’s room to debate their course of action. The First President was for taking action against the Bull, and Gilbert de Voisins and Joly de Fleury dared not contradict him. Young Plainmont made the sort of speech a young hothead would have made, namely that they were magistrates not church mice, that they should act according to the dictates of their conscience, to give in was to dishonour their offices and become slaves to the ministry, that he had had enough of waiting on the orders of the court before taking action, that they had already been in favour of action, and that if they waited till the Monday an order from the court would stop them. At which the attorney-general declined to opine and Gilbert joined with the First President. They then went up to see Chancellor Daguesseau, where the First President appears to have misrepresented the situation, by saying that he had won over the Cardinal and that he now expected the parlement to act swiftly—at which the Chancellor appeared rather surprised but said that it was their affair, though a delicate one.

Plainmont remained alone at Versailles, taking care to avoid his father, but managing to see Maurepas, whom the First President had confided in. The Secretary of State was on his way to the Chancellor, ordered by Fleury to write to the First President forbidding him to do anything about the Bull. The young attorney persuaded him to delay until the next day, which Maurepas appeared to be willing to do, either because he was happy to see problems arising between the President and the Cardinal, or because he was prepared to allow the parlement to take a step he might be able to control. Thus the very next morning the parlement had time to issue two arrêts against the Bull and the letter only arrived in the afternoon.

Fleury was furious. For some time now he had suspected Le Peletier of changing tack and wanting to favour the pretensions of his company on these issues in order to make up his differences with it. Now he was totally convinced of it, the more so because there were always others in whose interest it was to foment discord. Just at this time the controller-general was fighting off a jealous attack by Maurepas on his office of controller of the buildings and the parlement was making difficulties about the renewal of the lease on the General Farms, and so Le Peletier may have been
supporting Maurepas by creating problems. All this was reported to the Cardinal. In the event, the Jansenists made an error by having their curés complain, by means of a consultation from their barristers, about the royal letters patent in favour of the Bull, on the grounds that the King had been ‘surprised’. When the curés’ petition was published with a consultation signed by ten Jansenist barristers, it was so obvious to all that the aim was simply to provoke a scandal, in a manner rather unbecoming supposedly prudent and moderate curés, that there was hope that the other magistrates would not follow the Jansenists’ lead. The other judges were by now not prepared to be too obviously manipulated by the parti.

Soon after, the abbé Pucelle denounced a case of the refusal of sacraments in Chablis, producing a procès verbal, and on 16 January the gens du roi conferred with the First President. They had to decide if there was a case to answer, and if so what grounds the courts would use for intervention. In this exchange we can see the dilemma for magistrates about whether to act purely according to the law, or act in recognition of the fact that legal politics was the art of the possible. Gilbert de Voisins spoke of schism making its way in France, but felt that a direct complaint on the grounds of ‘public scandal’ was too precipitate a course; but he thought that an alternative of simply making representations to the King would not satisfy the zeal of those who had brought up the issue. He therefore wanted to encourage the relatives of the deceased Jansenist to petition the Bishop’s court, to which the parlement could reply by condemning the ecclesiastical judges. Joly de Fleury, the procureur général, warned that the affair did not lie within the competence of the parlement, and observed that the best way to favour schism was to support this request. Next came Joly de Fleury’s son, now one of the three avocats généraux, who was non-committal. Last in seniority, young Plainmont spoke like a real hothead: ‘Time was short and they should act with the greatest urgency’; according to him it was a case of ‘public scandal’, and the magistrates would be dishonoured if they did nothing, their arrêt would surely be followed by an annulment by the royal council, against which they would remonstrate, and the King would have to give in because he could not be seen to favour schism! He concluded: ‘There is nothing for it but to act, and act as soon as possible’. Joly de Fleury was furious, said he was too young to decide whether it was a ‘public scandal’; Le Peletier agreed with Gilbert de Voisins, and said they must confer with the abbé Pucelle. Nothing more was heard about it.

An issue which began in January 1738 and which also prefigured a later bone of contention between the ministry and the parlement, was the remodelling of the Grand Conseil. This court dated from the late fifteenth century and had jurisdiction over the whole of France, mainly for whatever cases the King might wish, but also cases of ecclesiastical benefices. There being no one quite suitable to become president of the Grand Conseil, it was decided to alter its composition and functions to make it a useful rival to the parlement itself. A royal edict suppressed the offices of First President and the eight other presidencies, and they were replaced by a councillor of state and eight masters of requests. Such a composition of its upper echelons would make the court a pliable instrument of royal policy. As Daguesseau de Plainmont recounted, ‘the cardinal was furious with the
parlement and the First President, about the arrêt against the canonisation of Vincent de Paul. It was suggested that displaying singular affection for another company whose rivalry the parlement feared would terrify the parlement; it was even added that [the Grand Conseil] could be used on occasions when the parlement did not wish to be helpful, that it was sure to register what the parlement would refuse, that even some of the jurisdiction of the parlement could be transferred to it if the parlement gave occasion by some enterprise, and so on… The edict was drawn up… The First President was not so worried about the edict itself [which reiterated an aspect of the court’s existing jurisdiction] but more so about a clause permitting the bailiwicks and seneschalcies to register and publish edicts—this was to undermine the basis of power of the parlement. He decided to write a circular letter to these lesser courts.42

Everything we have seen in previous chapters shows how jealous the parlement was of its corporate jurisdiction, and how zealous it was in defence of this. The president and many others in the parlement were said to be embittered by this edict. Many years later the crown did indeed try to exploit the Grand Conseil in the service of its religious policy, in 1753–4 and 1756, by having edicts registered there. The spectre of a rival court actually depriving it of a significant part of its role (actually as opposed to theoretically, because the court did already have such powers by earlier royal edicts) was enough to spur the judges to an irate protest, which under Jansenist influence escalated to a major confrontation.43 Whereas royal policy failed to intimidate the parlement successfully in the 1750s, in 1738 an already chastened parlement was further unsettled by the implied threat. Not only did the disciplinary regulation of 1732 still hang suspended over their heads, but now the Grand Conseil—was all set to usurp the parlement’s ecclesiastical jurisdiction, as it was widely rumoured. When at the end of the year the marquis d’Argenson’s brother, the comte d’Argenson, was the councillor appointed to fulfil the role of First President of the Grand Conseil, as he was known to be a dévot it was thought that his period of office would see the parlement deprived of its jurisdiction over appeals comme d’abus, and that justice, surrendered to the Court [of Versailles] would fall foul of all the intrigues of the dévots and the hypocrites’.44 This would of course leave the parti janséniste almost entirely devoid of any convincing legal recourse to attack the status of the Bull Unigenitus. Far better to await the Cardinal’s death than precipitate such a calamity, they must have thought.

On 30 January Pucelle told the gens du roi at the buvette that he was going to bring to the next assembly of chambers a matter of the refusal of sacraments to a dying Jansenist. In the event, though, the parlement had so much on its plate that the matter was not pursued. Pucelle was cautious because at the time of the fray over the two previous matters, both the King and the Dauphin had fallen ill and the parlement had forgotten to send for news. This was, of course, remarked upon as bordering on disloyalty.

The next affair was about another thesis passed by the Sorbonne, which had regarded the Council of Florence as ecumenical, while the parlement chose to condemn it as injurious to the laws of church and state. Distinguished protectors of
the Faculty of Theology, the cardinal de Rohan and the archbishops of Rouen and Embrun, complained to Fleury. Negotiations had gone on all winter, but on 16 March 1738, on the advice of the Chancellor the council quashed the parlement’s arrêt and the parquet recommended remonstrances. At this, ‘the chiefs of the parti janséniste met together the day before and decided on something stronger than simple remonstrances. Their resolutions were always secret, at least from the First President’. In the assembly, the presidents of the grand banc were for remonstrances, but Pucelle proposed adding a long arrêté to them, enunciating all the proofs against the Council of Florence.

This second avis was too forcefully put not to be followed; it drew greater strength from the reasons alleged by president Ogier to confirm it; its credit increased still further by a vehement declamation by Titon that I heard in its entirety from the door of the grand’chambre that leads to the parquet… (I have since learnt from this occasion that these celebrated republicans wrote down (or had written for them) their speeches beforehand, and that they had them passed on to the Ecclesiastical Gazette, and in fact this speech by M.Titon is reported almost word for word in the Nouvelles ecclésiastiques.)

But it was the proposal by another of the parti, president Thomé, that was to carry the day: by forty-seven votes to forty-three, the courts produced a ‘most insulting and vexed’ arrêté. An equivocal phrase saved it from being a direct contradiction of the royal council, for it referred to the ‘maxims of the kingdom and the liberties of the Gallican Church’.

At this point the parlement was beginning to make a real nuisance of itself—the King was said to be upset by the constant resistance of his parlement, and Fleury and the bishops were said to be hoping to withdraw all ecclesiastical affairs from the parlement. Young Daguesseau de Plainmont seems to have been bluffed into convincing the parti janséniste that they were going too far. He was told that the hardliners at Versailles intended to provoke the parlement to some indiscretion that would provide a suitable occasion to convince the more moderate Fleury to strike hard. They let it be known that this latest affair might just be the excuse they were looking for. This must have had its effect, for at the end of April Pucelle actually warned the parquet in advance of a plot to denounce another thesis in the assembly of chambers. Plainmont warned the parti via a M.Roulleau of the danger, and the parti decided to do nothing.

In June 1738 the parlement sent a deputation to Versailles to hear the royal reply to the remonstrances on the case of the Jansenist magistrate Carré de Montgeron who during his exile in Viviers had been refused holy communion. Fleury had little appetite for a deputation. The First President pressed him, telling him that to refuse one would only embitter the judges, while a firm reply from the King himself to their instances would ‘restrain them by mortifying them’. In fact, Fleury felt sure that the courts would choose the most determined Jansenists as deputies and the last thing he wanted to do was have to invite them to dinner.
afterwards, as was the custom according to the codes of civility. Perhaps he felt this was to confer too much honour on them, according to the scheme of things, for he did not want Chancellor Daguesseau to receive them either. To the fury of the Cardinal, Plainmont encouraged his father to offer them hospitality. On the Wednesday of the deputation, the King’s reply to the remonstrances was harsh, and when he spoke of the statement about the refusal of communion, he said he did not believe it: ‘Les faits sont faux’. During the afternoon, however, when Fleury was discussing the matter with the gens du roi, a courier arrived with the news that the Viviers affair was all true! Naturally, the King could not be seen to make erroneous accusations of falsehood so, since he had spoken too softly for most of the deputation to hear in the large antechamber, it was decided to change the reply, and report it only verbally.

The next day the First President assembled the chambers in the expectation of a reply, but none came, nor a reply to a courier. On Friday, there being no news and this being an insult to the magistrates, the most intemperate motions were being put forward. At last a letter from Fleury arrived and a fairly moderate arrêté was passed: tempers calmed and the affair was as good as over. The lawyer Barbier, speculating on appearances in his journal, thought that the reason for avoiding a written reply was to save the courts from the dishonour of having harsh words transcribed into the registers. The episode is a reminder that government was very much a matter of ad hoc responses on many occasions, even though the general forms and ceremonies were adhered to.51

The running battle against the refusal of sacraments and the Bull Unigenitus was still fought in law and in print, but to no avail. The affair of the catechism of Sens provoked a number of consultations, but by now the parlement was for a time at least, defeated. For more than a decade, the policy of Fleury against Jansenism had been reasonably effective. The parti was much diminished in influence, and many of its strongholds had been reduced to silence or acceptance. The outbreak of war again in 1740 made it difficult for the parti janséniste to indulge in disruptive parlementary opposition, so there was little activity on the religious front in the courts before the death of Fleury. Even the fiscal demands of the war were handled skilfully by Le Peletier, and after his resignation in 1743, by Maupeou the elder. Minor changes to royal demands were negotiated, the parlement was allowed to remonstrate to defend the people, a few changes were made and face was saved all round.52

After Fleury’s death in 1743 good management and consistent royal policy continued, probably under the influence of the King himself, the brothers d’Argenson and Maurepas. In 1749, the marquis d’Argenson, speaking as the ‘republican’ he was in private, could still comment thus:

In this reign, the Court has tried to corrupt and win over the parlement of Paris and some of the provincial ones, as the Kings of England have done in their national parlement. The First President is nothing more than a base and needy courtier…the great bench [grand banc] is made up of great idiots.
and the _parquet_ of children; the _grand’chambre_ is only a great collection of sheep in their dotage or just interested in judicial profits, and the greatest speechmakers of the _enquêtes_ have had their heads turned by a few favours from the court.\(^53\)

That was how to manage the courts. By August 1751 it appeared to Barbier that the prestige of the parlement had suffered a serious long-term setback as a result of ministerial policy. As it had been refused a voice in public affairs, and candidates preferred to purchase financial offices, the price of parlementary offices had fallen and many remained vacant.\(^54\)

Not until the Hôpital Général affair in 1751 did the Jansenists have an opportunity to renew their assault on the status of _Unigenitus_. Once again the religious issue was presented as a question of jurisdiction. ‘They are depriving the courts of an administration that is essentially its own’, wrote Barbier, and the abbé Chauvelin wrote a memoir to prove that very fact.\(^55\) They were however on shaky ground here as the Hôpital was run so corruptly, and a firm response by the ministry led to a defeat.\(^56\) For the ministry, however, worse was to come. Several factors were responsible for this change of fortune. According to the evidence of a leading member of the _parti janséniste_, Philippe-Augustin Robert de Saint-Vincent of the fifth _enquêtes_, Maupeou, the First President since 1743, covertly gave the _parti janséniste_ full rein in order to create problems for the ministry that he alone could solve.\(^57\) He was on particularly bad terms with Chancellor Lamoignon de Blancmesnil, having himself hoped to succeed Daguesseau as Chancellor in 1750.\(^58\) On several occasions he did nothing to prevent Robert de Saint-Vincent and his Jansenist colleagues from proposing motions that were bound to be passed by the hotheaded members of the _enquêtes_ and were sure to provoke the ministry. Matters were made worse by the increasing hold gained by the _parti dévot_ over the ministry. Boyer, bishop of Mirepoix and holder of _the feuille des bénéfices_ since the death of Fleury was now inclined to favour the Jesuits in ecclesiastical appointments, and the new archbishop of Paris, Christophe de Beaumont, was a committed constitutionnaire.\(^59\) His policies tended to raise all the old issues of the respective limits of the two powers, and instead of quashing his incendiary pronouncements the court at first supported him. This was to hand the Jansenists a golden opportunity on a plate, because the jurisdiction of the parlement was clearly being attacked. Thus two key elements for successful management were lacking. As in 1732, but for a different reason, the linchpin of royal control, the First President, was not helping to manage the courts; and royal policy was beginning to vacillate and side with the _dévots_.

The decision of Christophe de Beaumont to institute a policy of refusing the sacraments to penitents who could not produce a certificate of confession (_billet de confession_) from an authorised priest was enough to rekindle the fires of theological rage. Using a loophole in the edict of 1695, the barristers of the _parti janséniste_ characterised the refusal of the sacraments as a threat to public order and _Unigenitus_ as liable to produce schism. When the courts were prevented from intervening on
these grounds, the crisis of 1752–4 saw the usual factors leading to escalation and confrontation; it was almost a re-enactment of 1732, as the parlement was denied jurisdiction and ministerial management broke down.60 The Grandes Remontrances of 1753 were written by counsellors Lambert and Robert de Saint-Vincent with help from Le Paige, Durey de Meinières and the abbé Mey. They too led to an extended period of exile for the magistrates that lasted until a royal declaration of silence on 2 September 1754.

Strife over the same issues continued into the middle of the decade, when the Seven Years’ War began (1756–63) and the courts’ compliance was required for the registration of much needed taxes and loans. In 1756 ministerial policy, influenced by Machault and d’Argenson, was harsh towards the parlement; the year culminated with the declaration of 13 December 1756 reforming the courts and restricting its right to interfere in ecclesiastical matters. In January 1757 the ministry overplayed its hand by exiling sixteen ‘troublemakers’, namely the parti janséniste: the reaction was too harsh, and provoked corporate solidarity. After the dismissal of the two hardline ministers, royal policy under the cardinal de Bernis therefore changed to seeking a compromise with the courts—a compromise that soon came to look in late 1757 like capitulation on the question of religious jurisdiction.61 The dismissal of the intriguing First President Maupeou helped the cause of moderation for two years. Then the court faction of Mme de Pompadour and Choiseul decided to give the parti janséniste its way on the Jesuits, as that group formed the core of the parti dévot which opposed them, and for reasons of foreign policy. From there it was but a short step to the Jansenist victory over the Jesuits in the trial of 1761.62 The debate occasioned by these issues combined with the victory of the parti janséniste to bring the firm and relatively consistent policy of Fleury crashing down in ruins. The 1760s even saw the Jansenist magistrates collaborating with L’Averdy and Choiseul for the success of the ministers’ policies and, from 1768, working against d’Aiguillon and the younger Maupeou who had become Chancellor.

By the 1760s the small parti républicain, of whom d’Argenson had first written in 1732, had grown to be a clique of magistrates around Michau de Montblin and Durey de Meinières. The papers of Durey show them meeting together to discuss ‘droit public’, the emerging notion of public law. The parti janséniste still existed, and to some extent its publications had begun to share a patriotic rhetoric and ideology. The parti patriote employed the same opposition strategies that had been developed by the parti janséniste since the 1720s, and there is a strong sense that 1718 to 1771 is one coherent period of crown-parlement relations. The appeal to constitutional ideology used by the Jansenist barristers and judges to defend the parlement’s jurisdiction had proved to be an education. In a sense, the vigour of the anti-Maupeou rhetoric published by the parti patriote shows that in many ways the magistrates were reactionary and conservative. They attacked the Chancellor for factionalism and ministerial despotism, while defending the ancient traditions of the parlement. After all, the complex system of crown–parlement relations could work, if handled properly.
In contrast with these later episodes, the ministry of Fleury appears as a period of successful management. The whole repertoire of techniques that were at the disposal of ministers, was exploited in the interests of royal policy. Police surveillance, a flow of expert information to the council, informal discussions in preparation, attempts to divide and rule the chambers in the parlement, the use of patronage, firm responses, rumours, bluff, threats of the reform of the parlement, of the reimbursements of offices, of a disciplinary regulation, of the transferral of an important part of its jurisdiction to the Grand Conseil, discreet negotiation and compromise; all these stratagems and more were employed to control the excessive ardour of the courts. Good management clearly required considerable and close attention from ministers, and it could be rendered ineffective by that important characteristic of court politics, faction. It was extremely difficult to prevent the parlement being manipulated by faction in such a way that ministerial policy was undermined in the courts on legal issues. When the ministry was united under a determined monarch or first minister control was possible if difficult; when divisions opened up between ministers their conflicts would spill over into the parlement. The courts had within their power the means to disrupt policy, as happened in the Brittany affair of the 1760s and with fiscal policy in the 1780s. In all this the parlement was behaving in the same manner, for the same sorts of considerations. It was not the growing militancy of the courts that led to conflict (their behaviour was remarkably consistent) but failures of management resulting from divided and ill-prepared ministries under a vacillating monarch.

Looking back on the parlements’ pre-revolutionary opposition, Sénac de Meilhan did not regard them as an insurmountable obstacle for the government. He emphasised the limitations in their outlook and the possibilities for ministerial control.

The parlements, attached to their old forms, sometimes gave rise to opposition, but they were easy to defeat, by negotiation and by favours secretly offered to those who had the most credit. This grand corps was characterised by ignorance of affairs of state, their wisdom was always far behind their century, and it was easy for an adroit minister to present affairs to them in a favourable light; their remonstrances were often agreed in advance with the Court and the reply ready prepared, and the most eloquent of them were quite commonplace.63

Legitimate doubts may be raised about whether the activities of the parlement during the eighteenth century can be described as a rise in parlementary opposition. Perhaps the key to the pre-revolutionary situation was a failure in the system of royal control?
CONCLUSION

Interpretations of politics reconsidered; the political system of the ‘baroque state’; the crisis of the 1780s.

This final chapter will address some of the more general issues raised by the detailed analysis of political conduct in the time of Fleury. In the first of three sections, we shall return to questions of historical approaches to the study of politics. Administrative history, traditional narrative history and more recent theoretical perspectives all require further discussion. Second, it is apposite to formulate some wider views on the principal characteristics of the regime. The implications of the earlier chapters can now be developed in the context of wider reflections on the characteristics of the socio-political system, in order to arrive at a model of eighteenth-century political management and crisis more in keeping with the evidence. The third and final section sets out the argument that the collapse of the regime resulted more from a traditional crisis ‘of ancien régime type’, displaying traditional forms of political conduct, than from pressures created by those newer elements that were to come to the fore in 1789, and which led to the development of a new regime. I shall argue that we need to take seriously the proposition that the dissolution of the old regime stemmed from its long-term structural features, and that the collapse began at the centre—at court.

INTERPRETATIONS OF POLITICS RECONSIDERED

For the eighteenth century, politics and political activity is harder to pin down than might sometimes be thought. For a long time, the study of politics suffered from the stigma attached to what was derogatively called *l’histoire événementielle*, mere events, and therefore was pursued more by scholars working in a traditional vein and often in defiance of the new directions. The study of the court was no exception to this tendency and has only recently benefited from a revival in interest. In spite of Elias’ stimulating sociological interpretation of the court, based not on a detailed study of politics and its many sources but (brilliantly none the less) on memoirs and definitions from the *Encyclopédie*, historians have been slow to return to full-scale
CONCLUSION

studies of politics at the centre. For a long time, historians were simply not looking for politics as it was experienced by the men and women of the eighteenth century. They concentrated upon politics as it became in the nineteenth century—administrative and bureaucratic, and as it was invented by the *philosophes* of the eighteenth century—theoretical and constitutional. It has thus been possible to overlook some aspects of old regime political life that were crucial to contemporaries but which no longer strike us as important.

Much of the problem lies in the fact that *ancien régime* politics is not susceptible of a simple definition. It cannot be equated with ideological conflict, nor with the bureaucracy, nor can it be adequately studied through discrete areas such as foreign policy, religious affairs, provincial administration and so on. The very separation of these areas in bureaucratic and archival terms conceals their considerable overlap in practice. Foreign policy became a field of conflict for factional ambitions; rivalries between clans at court spilled over into provincial administration as battles were fought out in municipalities, estates and parlements, between rival cliques who were also clients of the courtly factions; provincial rivalries between competing groups within urban elites acquired a courtly dimension as patrons interceded on a higher level. Conflict at court, rivalry between institutions, differences between ministers in council, even in foreign policy, rarely stemmed from ideological differences, and was more usually a reflection of established, entrenched positions. Most of the rewards sought from victory in such conflicts were ultimately social or financial. There is no simple equation between politics and ministerial policy.

We are therefore obliged to seek complex frameworks of explanation. If it is true that in this postmodern age all history must be seen as a form of narrative fiction, then the key question must be what it is appropriate to include in the narrative. Different varieties of history can provide new layers of complexity. Biography and traditional narrative history have long operated with a restricted notion of what it is relevant to include. Thus, within these traditions, the material forming the basis for theories of *mentalités*, sociological structures, or discourses, is rarely referred to. Yet all these more theoretical approaches have a vital part to play in building up a picture of sufficiently rich texture. Problems arise when the practitioners of any single approach lay claim to a monopoly of explanation. This is certainly the case with the problem of the nature of the *ancien régime* and its fall.

A bureaucratic vision of politics fails to do justice to the complexities and also tends to oversimplify the issues at stake in political conflict. Such a version of the regime stresses administrative issues as the source of the regime’s problems. Thus, one argument goes, if only Maupeou’s reforms of the judicial system in 1771 had not been overturned in 1774, the parlements would not have subsequently stood in the way of administrative reforms in the 1780s. Another is that if only Necker’s reforms of the fiscal system and its bureaucracy had been allowed to continue under his guidance, the regime would not have had to face its fiscal nemesis in 1787–8. In fact, the very notion of a struggle between reform and reaction is based on the assumption that the state functioned bureaucratically and that administrative solutions would have been sufficient to the problems. Such views can be situated
within a long historiographical tradition going back to Tocqueville, and perhaps even to Turgot. But it is as well to remember that Turgot the administrative reformer fell from office as a result of his failure to appreciate the nuances and complexities of other areas of politics.

It is not only an older tradition that simplifies the issues. A more recent historiographical view suggests that competing discourses of justice, reason and will undermined the regime. I hope to have shown that, for all their interest, those discourses currently studied do not necessarily reflect the prevailing practices of courtly or judicial politics, and that they did not necessarily shape the actors in the drama even when they used them—a point to which I shall return. Neither the bureaucratic nor the discourse-based approach quite succeeds in doing justice to the nature and operation of power in the regime or to its inherent problems. Each tends to misrepresent the actual causes of conflict and crisis, the first by imposing its own modernising bureaucratic agenda on the past, and the second by making inherent contradictions or competing discourses into the motor of history, in a neo-Hegelian alternative to Marx. On the other hand, the older tradition of narrative history fails to do justice to the advances made by those trying to provide conceptual frameworks. The great merit of both the other views is their attempt to arrive at an explanation that takes account of deeper structures. A purely narrative or empirical model usually ignores the structural problems within the system and the construction of meaning by cultural codes, and does not consider the language of politics to be in itself a problem.

The socio-political figuration as described in the present work can be called upon to evaluate the notion of political culture that is currently widely employed to conceptualise the problems of the end of the ancien régime. In the introduction to a series of distinguished studies on the political culture of the old regime, Baker gives a definition of politics: ‘Politics, broadly construed, is the activity through which individuals and groups in any society articulate, negotiate, implement and enforce the competing claims they make upon one another’. Politics would thus cover a very wide range of activities: essentially, it would be the strategies by which people get what they want. This is a fair definition to employ so long as there is no unconscious slippage into the assumption that it relates only to state policies. Of course, if what contemporaries wanted was largely social advancement and more corporate status at the expense of many of those activities presupposed by a modern definition of politics as ‘affairs of state’, then a charge of anachronism might be levelled at any work that ignores social aims so completely in favour of conclusions drawn solely from the study of ‘political’ and theoretical discourse. The attempt to explore the intellectual roots of the Revolution, or the invention of the Revolution, during the last decades of the old regime, in terms of the discourses, is, of course, an important task. The problem is with the transition from identifying the discourses in general within specific texts, to explaining the use of such discourses within the political situations of the time. There is a great danger that without the painstaking reconstruction of the situation in detail, the discourse may be attributed as a motive for action. ‘Political’ activity in the ancien
régime was most often engaged in for social or jurisdictional motives. It therefore follows that the utterance of a particular discourse should not necessarily be taken for an expression of motive.

Unfortunately, this slippage is all too frequent in studies of the ancien régime where definitions are implicitly much more closely related to ‘state’ activity according to that bureaucratic tradition we have already questioned. Courtiers, with all their considerations of prestige and family ambitions, fit into the first definition rather well, but hardly at all into a narrower one as the state is currently defined. (It would of course be desirable to define the state as so interrelated with society as to be at many points thoroughly imbricated with its structures and attitudes—this is largely my point.) The narrow, statist, definition has disadvantages, especially for the study of provincial France where perceptions of the state were vague, and where ambitions, careers, and to a large extent life in general, were conducted in a world far removed from concerns about the monarchy and its policies. Even provincial institutions were in some areas only a somewhat remodelled adoption by the crown of pre-existing provincial courts, which were therefore identified by the local population far more with local autonomy than royal authority. We should, for example, surely find that urban ‘politics’ was as much a matter of advancement for individuals and families, the accumulation of money, honour and dignity, as it was about the undeniable contradictions of royal fiscal policy. Even at the provincial level royal concerns were not matched by those of leading officers and dignitaries in the locality, including royal intendants. Just as for urban elites, royal politics—even in the meetings of the provincial estates—was often more a question of exploiting the monarchical interest for the sake of personal and familial considerations than a matter of shared assumptions and language.

Foucault and his disciples have rendered historians an important service in showing the importance of language and its construction of meaning, and in relating this to the construction of the historical persona. As individuals and members of collectivities we are constructed by discourses of whose significance we are often unaware. But it is dangerous to assume that the ‘actors’ in the past were entirely unconscious of these processes, and that therefore intention is not a problem for historians. In this there is a risk of what E.P. Thompson so eloquently characterised as ‘the enormous condescension of the present towards the past’. The multi-faceted nature of personality and motivation in the past is often underrated by historians of institutions and by those interested in discourses.

Such an idea rather undermines the notion that a man as psychologically individual as Robespierre could ever be no more than ‘the mouthpiece of [the Revolution’s] purest and most tragic discourse’. During the struggles and conflicts of the latter days of the old regime, there is plenty of evidence of the manipulation of discourses, of the selection of those most favourable to a particular strategy. What, then, are we to make of the idea of ‘parlementary constitutionalism’ that is employed in numerous works as an explanation for the magistrates’ conflicts with the ministry? Does it do justice as a notion to the varieties of motive in a parlementaire crisis, or does it beg the question most in need of an answer—was it a
rhetorical position or a genuine motive for intervention in the affairs of state? ‘Isms’ are often too simple a label for human motivation. Do we want to perpetuate that administrative historian’s error of reifying institutions by regarding them as presumably homogeneous loci for discourses? Far from it. The existence of different groups in the parlement, and the narrow majorities for many crucial and controversial motions, both reveal a lack of unanimous sentiment on the issues at stake. The appearance of unanimity that is created by corporatism in the ancien régime can be very misleading: it was just that a majority vote led to corporate solidarity triumphing over individual preferences. (On several occasions private letters from magistrates bear witness to deep misgivings about the steps taken by their corps.) Individualism was less pronounced than today, and to stand aside from one’s corps was not only a highly individualist stance, it was also dangerous. Lawyers would be disbarred, and magistrates excluded from their functions as after 1774–not by the ministry, but by their colleagues.13

Wider explanatory structures are therefore required if we are to escape the notion that people act ideologically or discursively in a simple monocausal way. Jansenists, though concerned for their religion, also thought and acted as magistrates, or barristers, or merchants. They were clients, in need of protection, and were not free-standing individuals able to act independently. Some judges were ambitious, like the youthful Chauvelin, others selfless like the abbé Pucelle. If they hoped to advance their career or family status, they had to use well-tried strategies, and these forced choices on them. It is these sorts of traditional behaviour, rather than the more explicit pronouncements, that best explain the actions of individuals. Many discourses went to make up the repertoire that individuals could draw upon: civility, courtliness, that of the perfect magistrate or the perfect cleric, for example, and many more explicit theoretical discourses like Jansenism or parlementary traditions were articulated. Indeed, one important aim of this study has been to show their interplay both in politics in a wide sense and in individual strategies. There is evidence of contemporary awareness of this, in the way men changed roles at times, exploited codes of conduct, using them tactically and strategically. As rhetoricians, steeped in both monarchical theory and classical republican imagery, educated people were most adept at manipulating the repertoire of languages available to them. Historians should always over-estimate the ability of those in the eighteenth century to understand what they were doing, and underestimate our ability to understand them!

Thus ambiguity is an important but sometimes neglected aspect of history. It was facilitated by role-playing, another important facet of behaviour. Ambitious Jansenists played down their Jansenism for office; men in opposition would entirely change their tune when in power, showing that they knew and understood the different codes operating in different offices. It is not so much a question of hypocrisy as of their having different priorities; obviously they had to defend their patrimony, to advance their family and they had patrons to serve. These wider codes of behaviour were of great importance to them; individuals observed a different balance according to temperament, age, rank and legitimate hopes. When
in 1730 at the lit de justice counsellor Robert taunted chancellor Daguesseau for having apparently changed his position on Jansenism (Quantum mutatis ab illo, he repeated twice to much applause), everyone would have understood that the Chancellor was required to act in the persona of his office, and that an accusation of hypocrisy was beside the point. What is revealing in Robert’s comment is how the injection of ideology into the political culture of the ancien régime opened the door to such accusations because morality was judged from different viewpoints. This was true not only of Jansenism with its virtuous austerity but also of patriotism with its classical republican virtue.

Equally difficult to get to grips with is the environment of the court. As the evidence of Part 1 shows, the language and codes of the court were extremely subtle and are now difficult to interpret. The study of court politics is therefore a complicated task conditioned by the ambiguities of the evidence and by the distance from our own categories. Yet it must be attempted and it is not an impossible one. By sifting all the evidence carefully and evaluating the position and potential reliability of the witnesses, their memoirs, their correspondence be it private or public, patronage-oriented or administrative, the minute changes in rank and position and the knowledge that hindsight confers, it has been possible to construct a sort of ‘real’ (or meta) account of what ‘actually’ happened (I use the terms real and actual loosely, all too aware of the problems inherent in trying to reconstruct a chain of events). Such an analytical narrative is of great use as a yardstick by which to measure even more problematic material. The evidence of individual memoirs, journals, newspapers or the reports of nouvellistes may then be measured for their accuracy as a portrayal of ‘politics’ against ‘what happened’. Only in this way may the nature of the discourse of journalists or other creators of public opinion be fully evaluated. One perspective carefully evaluated may throw light on another, thus courtly representations of politics must be understood within their own limited view of causality and their own narrative structures. But courtiers did have better access to the codes of politics than many other observers whose codes are closer to those we have made our own, as ‘rational’ and ‘enlightened’ historians.14

When seeking to understand how the political culture functioned, it is certainly misleading to give more weight to the languages used to reflect upon politics than to the discourses employed in day-to-day politics. It is probably even more misleading to analyse political life through the records of outsiders like journalists and enlightened critics for theirs is a very particular and uninformed representation of it. When all is said and done, given the nature of courtiers and the structure of life at the court, there was little likelihood of any outsider getting to the bottom of any affair.15 Even when a journalist was fed information by a minister, and there are examples of this in Lenoir’s memoirs for the 1780s, this might well have been done with a view to influencing public opinion in favour of a certain faction, rather than to enlighten. In the light of this, we might well conclude that many of the sources widely used for studies of political life are best used as evidence not of ‘what happened’ but of what was considered to be

301
plausible interpretation by an informed observer. Any failure to respect these limitations in the evidence and make proper distinctions will surely impair our understanding of those events which had a courtly dimension. It goes without saying that the loose use of anecdotal and memoir material is counter-productive. There is quite simply no short cut to the ‘facts’ of political life once the court is recognised as its focal point.

Based more upon the evidence of theoretical texts and journalistic commentaries, rather than on the daily practice of politics, the notion that there was a new politics of contestation from the 1750s has been gaining ground among historians. First, we might question why it is that the 1750s has been singled out. Does not all political language express ideology and, however consensual it might appear, does it not involve the possibility of conflict or contestation? This is surely as true of the seventeenth century as it is of the late eighteenth, for that is its function. To put the accent on a politics of ideological contestation from the 1750s may therefore simply be another way of saying that the language of politics looks more modern or ideological from that point on, and it appears to tie in with the period identified by orthodox historians as one of heightened class conflict. It is indeed true that the classical republican language of virtue and patriotism became more current, as did appeals to a constitution. But there was undoubtedly also a politics of contestation—be it defined as a ‘war of words’ or jurisdictional disputes—from 1718 to 1733 involving the parlement, lawyers and Jansenists—but as it was partly religious it has usually been overlooked. It has recently been shown that in the parlementaire disputes of the 1750s and 1760s much the same processes were at work as those we have emphasised in the 1730s. However, the complexity of the issues is well illustrated by the fact that the transformation to a more modern language took place largely as a consequence of Jansenist preoccupations articulated by a parti both within and without the Paris parlement. To put it in terms of the new language of historians, different discourses were operating at the same time on different levels to fulfil different strategies. To focus upon one discourse or strategy to the exclusion of others would be a mistake: as Van Kley has so clearly shown in his fine book on the Damiens affair, in the eighteenth century religious discourse should not be divorced from its ‘political’, jurisdictional or constitutional dimensions. It is also necessary to study not just the theories employed but also the articulation of interests. For the latter, such factors as corporate loyalty, jurisdictional concerns, hierarchy, honour, youth and ambition, all found to be important in the parlementaire crisis of the 1730s, have also been found to have had a major effect on the course of later disputes.

Another part of the discursive dialectic that is used to explain the Revolution is the emergence of public opinion. Important contributions to the debate on political culture have traced the development of the concept of public opinion as ‘an implicit new system of authority’. Public opinion was, in the words of Baker, ‘an abstract category, invoked by actors in a new kind of politics to secure the legitimacy of claims that could no longer be made binding in the terms (and within the traditional institutional circuit) of an absolutist political order.’
imaginary tribunal served to legitimate participation in politics and more particularly, opposition to absolute monarchy, by new groups. This was certainly the case and many examples in pamphlet literature in the 1770s and 1780s confirm its rhetorical role.\textsuperscript{22}

However, it was even more complicated than that. The history of public opinion is recent and not all aspects of it have yet been considered. From the perspective of the present work some omissions may be rectified. Public opinion obviously played a part in political culture before the mid-century—although not by that name, and without its later intellectual representations. Here also continuities deserve more emphasis. The Parisians’ fascination with news is well attested in the sixteenth century, while the Mazarinades provide extensive proof of the ready market for political and scurrilous pamphlets at the time of the Fronde. This ‘tribunal’, as it was later to be called, surely also existed in the eyes of ministers and courtiers long before the mid-eighteenth century. If not, it is hard to explain the function of provincial estates and the drawing up of cahiers for the several Estates General. In particular, the public was appealed to, as J.Klaits has shown, during the wars of Louis XIV.\textsuperscript{23} In the 1720s, financial edicts appealed to a notion of ‘the public’ and it is tempting to conclude that the realisation of the importance of public opinion for monetary credit preceded that of it as an impartial tribunal.\textsuperscript{24} Opinion affected the interest rates to be paid for government loans, in so far as subscribers were drawn from a wide spectrum within the elites. Of immense importance also was the campaign to inform the public of religious affairs, carried on by the \textit{Nouvelles ecclésiastiques}. The inner core of the \textit{parti janséniste} had an explicit understanding of public opinion as a tribunal, which predates other examples. ‘The public is a judge they have been unable to corrupt’, wrote the editors of the \textit{Nouvelles ecclésiastiques} on 1 January 1732.\textsuperscript{25}

Interestingly, there is another aspect of public opinion still more closely related to court politics and which is also observable as early as the 1720s, in the case of the due de Bourbon. Royal ministers were supposed to safeguard the commonwealth on behalf of the King; if it could be shown that they had against their policies the \textit{vox populi}, they would be endangering royal prestige and the ship of state by giving rise to disorders: fiscal or subsistence riots might occur. Therefore, interested parties could maintain that a minister should be dismissed before his policies jeopardised the state. Faction seized upon this and, in the same way as it pulled strings with clients in institutions to discredit policies, it was not above manufacturing public opinion as a powerful weapon in the game of ‘Ote-toi de la que je m’y mette’. For this reason, deliberately spread rumours (the ‘on-dits’), the hawking of placards, witty lampoons and songs that went the rounds were all constituent of a ‘public opinion’ which could be exploited. The activities of the \textit{parti janséniste} in publishing a news-sheet and appealing to a public show that they were aware of its uses in the 1720s. In that period, public opinion was certainly not an impartial tribunal, for courtiers, factions and ministers employed pamphleteers and spies to write polemics and spread rumours, attempting to create opinions favourable to them. So opinion was both generated by a genuine increase in interest and manufactured in part by
the state, courtiers and novellistes. This earlier usage by no means undermines the argument put forward by Baker that the concept of public opinion emerged as a tribunal that legitimised a new politics of contestation. It merely predates its use and highlights the continued importance of factional manoeuvres in exploiting the concept.

Thus public opinion in the late ancien régime was conceived of not only as an independent tribunal which was to become a force in politics, but also as a tool employed by both ministers and courtly or judicial opposition; it was another and newer element in an older political game. The public was not so well informed about the realities of politics, in terms of the true springs of events, as it was about the plausible interpretations that could be deduced from the very limited evidence available. It is notable that, for the most part, ‘the public’ did not play a significant role in the crisis of 1787–8. Before the summer of 1788, most pamphlets of substance were written by journalists, lawyers and hacks. There is even evidence from eyewitness accounts that the ‘popular’ disturbances in support of the parlements after the May edicts in 1788 were instigated and led by interested members of the basoche, the lower orders of the legal profession who depended for a living on the courts, and were not therefore the result of the anger of an informed public.26 Even at this late stage, therefore, most aspects of politics were not new. In terms of politics, opinion was embryonic, with little power and influence as yet. In brief, we should be careful not to antedate the significance of the changes that were embodied in the revolutionary regime.

The notion that the political culture of the period after 1750 was new therefore needs careful evaluation. To the present writer it is far from clear that the aggregation of several areas of culture pointed to in support of this argument adds up to a fundamentally new political culture. The desacralisation of the monarchy, a politics of contestation and public opinion are all categories that fit better into intellectual history than with studies of the operation of politics in practice. Such developments are not clear cut, nor easily assignable to a particular period. If it is a question of degree, of a critical point reached by an accumulation of changes, then it can still be argued that notwithstanding some significant developments and shifts of emphasis in the eighteenth century, the political culture of the ancien régime remained basically cast within its older mould. The socio-political structures of court, administration, patronage and clientage, the practices of management, faction, the courtly creation and manipulation of popular opinions, were all in evidence to the end. Once it is recognised that power functioned in many non-bureaucratic ways, then it can be seen that neither ‘the state’ nor ‘the bureaucracy’ had a monopoly on it. The very elite that was involved in public opinion, in the culture of the enlightenment, also shared power at court and in the provinces. It is thus hard to see a new political culture being created as a reaction to an ‘administrative centralisation’ that reduced even the elite to an equality of oppression, as Tocqueville would have it. In brief, the study of political practice, an area neglected by historians who advocate a new political culture, gives cause for doubt.
CONCLUSION

Many problems remain with the ways in which we conceptualise the *ancien régime* and its relationship to the revolution. Historians must continue to reexamine the political life of the *ancien régime*, with the aid of recent methodological insights but without becoming trapped by some of the assumptions in the approach taken by less empirical historians. Those who focus on the new politics and its discourses should take more seriously the view that the dissolution of the regime began at its centre. Any search for the ‘new’ political institutions and languages must be predicated on a fuller understanding of the pre-existing structures and practices. Those who emphasise the importance of contradictions should recognise that more than contradiction alone may be necessary to explain the dissolution of a long-standing political system. Regimes can often survive their inherent contradictions for long periods, and this had been the case with the absolute monarchy.

THE SOCIO-POLITICAL SYSTEM OF THE BAROQUE STATE

The reign of Louis XIV was long thought to have effected a transition to a more bureaucratic and centralised form of government, in which faction was controlled and power functioned administratively. Much of that ‘absolutist’ picture has been questioned, indeed abandoned, by recent historians of Louis XIV. His absolute monarchy now looks far from absolute or centralised in terms of power, and the processes of bluff, negotiation and compromise, of *ad hoc* responses to wartime emergencies, all seem to characterise his rule better than a systematic transformation of France into a centralised modern state. With this new image, the story of the second quarter of the eighteenth century is one of continuities.

The situation revealed in this book is one in which there were strong links between the social system with its hierarchies and privileges, and the court which continued to be of central importance as an instrument of government: we are therefore dealing with a socio-political system in which the influence exerted through social factors was as important an instrument of rule as the administrative elements. This study of the period of Fleury, by revealing the persistence of non-bureaucratic forms and practices of power, does not therefore confirm the existence of a modern centralised and bureaucratic state in the first half of the eighteenth century.

Consequently, and against a large body of earlier work, it is now possible to argue that a ‘baroque state’ existed, as a separate form of state, closely dependent on society, with its own coherence and characteristics, which had come into existence by the later sixteenth century and was to continue to exist, its essential characteristics intact, until the Revolution. What the Bourbon monarchy had succeeded in doing was devising a way of making the network of socio-political structures and ideologies that was ‘the state’ function in times of greater stress, and enable it to rise to the weightier demands put upon it. This situation did not preclude the adoption of some new functions in certain areas, but these, in spite of the intense historiographical interest in them (which has therefore overvalued their
significance), should be interpreted as grafts on to an older model. They did not result in a transformation into an all-but-modern administrative state, even if some of these newer elements were destined to come to the forefront during the Revolution and in the nineteenth century. The bureaucratic structures that existed in the eighteenth century were imbued not with the modern administrative spirit but with notions of honour, familial advancement, corporatism, patronage and clientage. All these are familiar features of the seventeenth-century polity.

The continuities should therefore be underlined, as the essential structures were the product of long-standing practices and rationales. Faction and court politics in the period of Fleury operated in similar if not identical ways to earlier and later practices. The factional manoeuvres of this period help to give the period its specificity, but are also typical of the political culture throughout the ancien régime. The institutional and individual strategies we have examined in such detail are replicated throughout the final decades of the regime. Even monarchical theory changed remarkably little over many generations; theoretical change came from the opposition, not the royal propagandists.²⁸ In the reign of Louis XV, power was still derived from God and was held by the King, whose sovereignty was undivided: he was still an absolute monarch. Although on many occasions the King could impose his will arbitrarily—for example, with lettres de cachet—there continued to be a long-standing and clear theoretical distinction between authority exercised legitimately according to the laws of France, and despotism, which was the abuse of power. Louis XV still had to exercise his considerable authority in a legal and Christian fashion and in particular he had to respect all the rights, privileges and customs of the corporations, orders and localities. Because France was not so much a unified state as a diverse collection of provinces and corporate bodies dominated by independently minded local elites, general policies were always difficult to frame and even more difficult to execute. Wise ministers realised this, and lowered their sights accordingly. In practice, as the present study shows in many instances, royal power to effect change remained rather limited: it was impossible to introduce sweeping reforms without being accused of despotism or meeting serious resistance in the form of the defence of privilege, often buttressed by appeals to a nebulous but hallowed order of things. For this reason co-operation and persuasion rather than force were necessary for government—hence the importance of patronage, clientage, propaganda and ceremony as vital aspects of the political system.

The structure of politics, and the varieties of political culture that co-existed within one state, therefore worked against the successful development of a bureaucratic state. This is because political life was extremely complex, as is shown by the previous chapters on political crisis and its management. The more recent bureaucratic elements in the state were not well adapted to the wide variations within political culture. The grumbling obedience to members of the administration that is displayed today was lacking then, because the ordered bureaucratic mentality hardly existed beyond the world of clerks and royal lawyers. The elite had limited respect for administrators of lower social rank, and the
independently minded seigneur or member of a corporation would expect some honourable compromise to be possible, and would turn to his patrons for help. Perhaps the administration was stronger than it looked and in many instances could have won a struggle with the elites, but the contemporary perception was of living in a precarious age in which social and political order remained fragile, liable to collapse. This sense of a hard-won and precarious equilibrium encouraged the continuance of traditional political compromises.

In this system, it could be argued that some aspects of the bureaucracy created tensions rather than resolved them. The stark administrative statement, the unexpected judicial ruling from a council, neglected the formulae that sustained honour and rank and could quickly generate similarly uncompromising replies. Thus the familiar process of escalating conflict would begin. To defuse the tensions and oil the wheels of the administration, personal intervention by respected intermediaries was always necessary. Bargaining and brokerage remained important aspects of political culture and operated as much through the ‘unofficial’ channels of patronage as through the administrative agents. Even when these officeholders, be they in council or in bureau, accorded requests, it was often in the guise of favours.

The baroque state was replete with inner tensions and unresolved contradictions that were hallowed by time. Successful politics, whether a matter of familial advancement, corporate independence or royal statebuilding, required this to be taken into account. Politics was an extremely messy business whose practitioners had to deal with far more than the issues in administrative terms, for they had to engage with corporate rivalries, family strategies, the social and political cohesion of local elites, with very little bureaucratic support in an age when bureaucratic procedures in themselves constituted an element of friction. Sensitive political management within the traditions of the regime was an extraordinarily difficult affair in which the possibilities for error were far greater than the chances of success. There were simply too many contradictory and competing elements to juggle with. The whole game was made all the more difficult by the convention that the King’s business was not something that was open to discussion or interference by those outside the royal council. Much of what today is considered to be the legitimate sphere of politics was not officially allowed—although, in contrast, some of what today is forbidden, under the label of corruption, was expected or tolerated.

Faction exploited networks of influence, including the manipulation of opinion, to achieve most often social but sometimes political goals. Because competition was for limited ends within a closed system, in many cases the success of one faction depended upon the defeat or discrediting of another. Factions would pull strings with clients in the various administrative or judicial institutions such as estates or parlements in order to make life more difficult for rivals and to sabotage their policies. This aspect of politics has been too little investigated in the Paris parlement and particularly in the Assembly of Notables. Talleyrand observed that the ‘intrigues, after having scandalously disrupted the Assembly of Notables, had
ended up dashing all the hopes that had been raised... It is easy to understand that the men and corps threatened by these reforms stopped at nothing to make them impossible, that these legions of ambitious men who competed for ministries, should have seized on this vast terrain for their great struggles'.

The socio-political system of government, as revealed for the 1720s and 1730s—a period that ought to have given different conclusions if the reign of Louis XIV had witnessed real changes—displays similar characteristics to other periods. The socio-political system of the baroque state therefore remained remarkably constant in its techniques over two centuries. It also tended to give rise to a certain pattern of political contest or ‘crisis’ over the same period. One of my prime concerns has been to reveal these recurring elements of crisis by means of a very detailed reconstruction of events on a daily basis.

The close study of 1730–2, and Swann’s evidence of the genesis of the crisis of 1770–1, reveals that political crisis in the ancien régime was not principally ‘about’ constitutional ideology; in fact, it was very little about it, in the conventional sense of competing political theories. Parlementaire crises were the product not of a single ideological or constitutional stance, nor of a single institutional position, but of a conjunction of several elements frequently occurring in this socio-political regime. In 1730–2, first and foremost was particularist resistance that was leading the parlement into a challenge to the royal right to legislate as it pleased. In order better to justify its claims, the parlement appealed to long-standing ideas on the limitations of the royal prerogative. However, although the activity of the parlement should not be seen as having been motivated by a constitutional theory, constitutional pronouncements could be the result of its resistance. Each side searched for plausible rhetorical positions to buttress its stance. This was usually fairly easy to do. The corpus of ideas which regulated the working of the French state was ill-defined and the subject of perpetual disagreement. If the royal government found it convenient to emphasise the divine origin of the King’s power and Roman concepts of sovereignty in the interests of practical legislative independence, opposition to policy or legislation could emphasise the royal duties to subjects and the need to respect forms and precedent. This last issue was capable of sustaining many a debate because, in the absence of clearly defined limits to the rights of the various bodies in the state, including the crown, there was a general recourse to precedent. Although everyone therefore accepted the status of precedent, those to which parties to a dispute appealed either lent themselves to conflicting interpretations, or different precedents were found supporting each side.

In this situation any dispute which led to a challenge to royal authority was always dangerous for the monarchy, because it was well aware that, in spite of its far-reaching theories, its power to enforce its will was still weak. Indeed, its own very wide theoretical claims had been developed with the aim of concealing and eventually doing away with this very weakness. Fortunately, usually neither party was willing to push its arguments to the limit during a crisis, for different but equally compelling reasons. On the one hand, those bodies which resorted to
theoretical arguments—the parlements, the estates or the ‘grands’ as the case might be—all realised that ultimately they owed their office, jurisdiction or status either to an act of the sovereign will or to royal recognition. They therefore depended on the position of the King for their own legitimacy, and so ultimately knew that they would probably have to capitulate. On the other hand, the monarch could not afford to appear arbitrary in the eyes of his subjects, although the problems which he had to resolve often forced him into a position of dubious legality.

Such a situation occurred in 1730–2. There was an element of bluff in the policies of both the crown and the parlement in 1732. The magistrates hoped that their resignations would not be accepted, and the crown hoped that it would not be forced to abolish or remodel the parlement. As usual, the ministry tried to avoid a resort to force. A subtle and preferably covert game of bluff, negotiation and compromise was played. The upshot was typical of confrontation during the ancien régime: there was a negotiated compromise in which the crown preserved the appearance of absolute authority and the institutions secured concessions. Other crises, however, particularly those of the 1750s and 1760s, if badly managed, could lead to a widening circle of discussion on the topic of those veiled mysteries of state that were uncovered by constitutional debate. Precisely because France had no agreed constitution, constitutional discussion was dangerous.

Apart from the danger of an appeal to ‘constitutional’ rhetoric that was inherent in even minor disputes, the analysis in Part 2 reveals the possibilities of manipulation of institutions by interested or disaffected groups. Whereas this study had disclosed the importance of Jansenists in several disputes, other studies of the parlements have shown the importance of court factions with clients among the magistrates.33 The frequency with which such allegations were made against ministers by their contemporaries suggests that this not only was a common vision of politics but also reflected a recurring situation.34 In this respect the evidence of Plainmont and the police reports in 1737 are useful examples of such assumptions. A recent study of the provincial parlements during the Fronde contains a good deal of evidence to suggest that the loyalty or disloyalty of the magistrates to Mazarin’s ministry was closely connected to their relations with the provincial governor, who sometimes could use his clients in the courts to influence decisions.35 He himself would have been involved in factional conflict at court and his interests there would often dictate the degree of zeal with which he tried to control his province.36

In such a political system, once a conflict had begun it became increasingly difficult to prevent its escalation almost to a point of no return. From 1730 to 1732 a sort of internal momentum to the events can be detected. A statement by one party led to a counter-statement, rather than to a dialogue.37 This was because the ministry could not be seen to negotiate: first, negotiations would detract from the royal claims to absolute sovereignty and second, in a society where status was of vital importance, if the crown stooped to open bargaining it effectively enhanced the prestige of the other party—for ever. The bureaucratic or administrative methods therefore served often to exacerbate the affair and to lead to the
crystallisation of two contrasting points of view. Even if there was middle ground it could not be exploited openly. The series of formal pronouncements thus created a situation in which the honour of each party was at stake and this in turn impelled both of them to attempt to achieve a more complete victory. A perfect example of this situation would be the crisis which led to the abolition of the parlements in 1771.

Within the courts, techniques of control existed too. The First President was a King’s man whose job it was to manage the law courts while leading them as well. On occasions he would have to take the side of the discontented in order to have a hope of holding his corporation together and moderating its claims. It was a supremely difficult job. The possibility of pensions and preferment to a better post could be held out to magistrates. Given the mixture of corporate loyalties, still-powerful notions of honour, and always the desire for more prestige, advancement and graces, such bribes would sometimes work—and sometimes not, depending upon the individual. Nevertheless, it was virtually axiomatic in the ancien régime that everyone in opposition had a price, although religious conviction and classical notions of virtue could create isolated exceptions to this rule. If not, blackmail or intimidation would be used—and that was common enough, be it threats, exiles or imprisonment.

As a means of resolving conflicts or preventing them from taking on substance, the ministry would normally resort to more informal methods. For example, in 1732, and more successfully from 1733 to 1743, the gens du roi, whose official role was as royal prosecutors, actually strove to dampen the ardour of the chambers. The avocat general Gilbert de Voisins even went so far as to allow Fleury to modify his speeches; although the official function of the procureur général was that of solicitor-general, Joly de Fleury was chiefly responsible for the negotiations which took place with the magistrates during their exile. The First President, until he lost the respect of his colleagues, was in close contact with the ministers and made valiant attempts to tone down the demands of the courts; later, he sought on several occasions to negotiate with the ministry. A prestigious individual might make discreet approaches in order to act as a mediator, like the maréchal-duc de Villars in 1732, the archbishop of Toulouse at the estates of Languedoc in 1750, or the due de Montmorency-Luxembourg in 1787. Pomp and circumstance would be exploited in an attempt to enhance royal authority, as when a lit de justice was held, or when deputies of the parlement were called to a royal audience, or in the permanent right of governors to sit beneath a canopy. The ministry, the governor or the intendant would, like Chauvelin in 1732 or Richelieu in 1740, make use of a network of clients to constitute a pro-ministerial party to counter-balance the activities of other factions. For this, the ability of the minister to secure the benefits of patronage for his clients was crucial. If he failed to do so he would be unable to fulfil his duty and would himself suffer loss of prestige and reverses in factional conflicts. All of these techniques of political management—none of which was bureaucratic in structure—were liable to periodic failure.

The crisis of the early 1730s was especially characteristic of crown-parlement
relations, but we have seen the importance attached to managing the periodic Assemblies of Clergy, while several studies of provincial estates provide considerable evidence of similar techniques at work in the provinces. In the provincial estates such conflicts were always possible if less frequent. Far too little work has been done on the role of governors and intendants in managing the pays d'états during the eighteenth century, with the exception of Brittany. A study of the governance of Burgundy, the Richelieu papers on Languedoc, Du Bouetziez de Kerouguen's study of the Breton estates of 1736, together with the considerable documentation among the records of the Secretary of State for foreign affairs (with several provinces to manage) all confirm that careful management was still regarded as essential. The main difference between those disputes involving the parlements and those involving the estates is that whereas the former tended to base their resistance on their established jurisdiction, the latter would appeal to the charters and privileges of the locality.

What then was the status or role of constitutional ideology? In the light of an empirical study of politics, it appears diminished: now less of a motivating issue in itself and more of rhetorical strategy covering traditional or factional opposition. Two cases serve to illustrate the essential point. The evidence of formal records from the Paris parlement in the 1730s, when the courts were being manipulated on jurisdictional grounds by the parti janséniste, and from the Assembly of Notables in 1787, when intrigue was partly instrumental in its failure, both give the impression that the issues were primarily legal and constitutional. Although there are some indications that all was not as it seems, it is only by going behind the scenes with the aid of informal records, as Van Kley has also partly done for the 1750s on the expulsion of the Jesuits, that the situation is clearly revealed. The formal language actually conceals the operation of partis or factions who expressed their opposition through a legalist discourse suited to the forum in which it was to be employed. Legal and perhaps constitutional language had to be used in courts of law. Thus an examination of new theories put forward in such disputes still leaves unsolved the question of at what point the modern political ideologies became the central issue.

In the light of an influential paper by Professor Mousnier in 1955, it is often argued that France had a constitution during the ancien régime, ‘a customary constitution, derived from the vital necessities of the body politic, in which the King was the head and the subjects the members. This constitution was beyond the royal will’. If there was a constitution then constitutional conflict must have been a possibility. But not all historians agree with the school of juristic historians who have sought to identify an ‘unwritten constitution’ in France. The efforts of such historians depend upon an arguable historical method, that of putting together all the statements of the various jurists, theorists, chancellors and magistrates over a long period and then calling attention to areas where they seem to agree. They deduce the existence of a vague monarchical constitution with wide areas of disagreement. Their method begs the question: it assumes that because there are constitutional arguments there must be a constitution. The study of political
practice shows that this is incorrect and it will be found that the monarchy never explicitly accepted even the existence of fundamental laws with the exception of the Salic law. There was not an unwritten constitution but only the recurring statement of opposing points of view, and no constitution. That is why the ministry had to avoid situations that would give rise to constitutional claims and why such arguments were potentially so dangerous. It is precisely because there was no constitution that precedent, privilege and liberties were so important. Historians should take seriously the idea that the disputes were often about the extent of the royal prerogative to affect rights and jurisdiction.

The baroque state was a socio-political system in which the main concerns were for vested interests, social position, corporate, local or provincial privileges, and in which issues of jurisdiction tended to be the mainsprings of conflict and opposition. Offended honour, the impetuosity of youth, familial, individual and corporate ambitions, all came into play to exacerbate a difficult situation. Against this stood the monarchy, whose instruments were ministers, governors and intendants, who were themselves the products of the same political culture, and who often did not succeed in playing their new role to the exclusion of other interests. Thus the ministers were never impartial and their proceedings reflected their sometimes divided loyalties and personal ambitions. Matters often got worse before they got better. Nevertheless, this sort of confrontation and crisis was a normal aspect of that political culture. Perhaps it reflected the absence of formal mechanisms through which demands could be ‘legitimately’ negotiated. Confrontation, crisis and compromise was part of the way the political culture worked—in this sense at least, much of politics was the politics of contestation.

During the sixteenth and seventeenth centuries failures of the political system were particularly frequent. Looking beyond the specifics of each case, several more general reasons for this can be found. The most usual was that the royal government overstepped the bounds of what was considered tolerable by the groups or institutions—in other words it went beyond what was considered its legitimate sphere of activity. This could be because of a change of foreign policy, the imposition of heavy taxes, the extraction of forced loans or any of those financial expedients to which the monarchy resorted during long periods of war. The crises manifested themselves as civil wars, provincial opposition or urban revolts, and parlementaire crises. Usually, the royal policies could be stigmatised by the opposition as ‘ministerial despotism’ and gave rise to the particularist resistance of the type which has already been described. The dire financial straits of the monarchy often led it to undermine its own system. There finally came a point during the 1640s when the office-holders refused to accept the tactic of divide and rule based on the paulette, and the weight of forced loans and taxes overcame the natural reluctance of venal office-holders, who were dependent on the crown for their posts, to rebel. Pressure of administrative change and taxation even overcame the loyalty of the nobility, which was the class most dependent upon the monarchy to defend the social hierarchy—and upon whom the monarchy depended.
Conclusion

After the Fronde, as Hamscher, Mettam and Beik have shown, the monarchy was acutely aware of the dangers and of the opposing forces. The exercise of royal power continued to leave a large place to informal practices, placing increased emphasis on bluff and propaganda developed behind a façade of bureaucratic power. In the eighteenth century, when a serious crisis developed it was often because some or several of these techniques had proved inadequate. A conflict would tend to become more serious as each technique of management ceased to be effective, leading to an increased reliance on the formal system. As has been shown, in the political culture of the seventeenth and eighteenth centuries, the formal system led only to increased tension. The contrast between the highly efficacious action taken in 1737 by the First President Le Peletier and the failure of his predecessor Portail in 1731 is instructive here.

Certain features of the institutional structure of the regime indicate that the monarchy was aware of the problems inherent in the system and had therefore developed this variety of techniques deliberately. Most of these were designed not to resolve crises but to prevent them from occurring in the first place by careful management. The memoir by d’Argenson in which he suggests an increase in the weight of patronage bestowed upon the grand’chambre shows that he was entirely aware of its importance in preventing the outbreak of disputes—informal techniques were actually built into the socio-political structure of the regime.46

If monarchical culture was fairly well adapted to the management of interests, it had great difficulty coping with ideology—whether in the guise of the religious dimension to opposition in the sixteenth century (and later with Jansenism), or as the parlementary claims to discern fundamental laws and an ancient constitution, or the classical republican critique of politics that crystallised into a new patriote ideology. During the eighteenth century the wider dissemination of a classical republican Utopian alternative to the regime meant that in the event of a political collapse the result was less likely to be the reconstruction of the existing regime (as after the Fronde) and more likely to be an attempt at its replacement with the Utopian vision—as happened in 1792–3.

Nor could the regime ever cope satisfactorily with internal problems on a large scale. In particular, the degree of adaption in the realm of royal finances required by the changing pattern of warfare continually raised problems beyond its capacity. On the one hand, with its noble military ethic, warrior traditions and European role the monarchy could not reduce its foreign commitments to the level that would match its existing resources.47 On the other hand, given the techniques and resources available, any root and branch reform would simply produce a crisis on a scale that was unmanageable. Particularly to be feared was any policy that would alienate several groups at once.

This should not be taken to mean that reform was impossible, only that it was bound to provoke a crisis—with all its dangers of escalation. It does not even mean that the only viable alternative was an attempt, such as was finally made, to reorganise fiscality along new lines. Less controversial options could have been explored, and indeed were explored, and Calonne only proposed the radical option...
in 1786 when his other solutions were blocked, and probably at a time when he should already have been dismissed. It would be also over-determinist to suggest that the crisis that did ensue could not have been managed, and that some compromise could not have been arrived at between the various elites and the ministry. In order to ask the right questions about the end of the regime historians must not fall into the error of assuming that what happened had to be. Hardly anyone before 1787 seriously thought that the existence of the regime was at stake, and all actions were predicated on this sense of security. That is why traditional roles were played out to the end. Yet the participants were deluding themselves: the balance was always precarious.

The baroque state was essentially weak, a system in tension, in which an equilibrium was preserved through deft intervention by the King’s men. It was based on the management of interests, and in so far as these had manifested themselves in the past the monarchy had navigated its way through a series of shoals with moderate success. One of the regime’s problems stemmed from the fact that it had grown up over a long period in an ad hoc fashion. It had not usually crushed opposition, it had compromised with it, respected it and circumvented it. This approach is not the hallmark of an inherently strong regime.

It is perhaps a mistake to regard the ancien régime as a solid structure whose collapse is surprising. The regime was very good at dealing with the old problems on a small scale; indeed its success during the seventeenth century in gathering the finance for a long series of wars without complete governmental collapse (as happened in Britain) can be cited on this point. However, its survival then was at the price of compromise, and the financial story shows that the system continued to exhibit serious inherent weaknesses. In the absence of an agreed constitution setting limits to the powers of specific bodies, the other issues over which conflict typically occurred (usually questions of rival jurisdictions or corporate interests) could easily lead to disputes which would escalate into confrontation, precisely because one statement would lead to a counter-statement, honour would become involved, allies would be drawn in and the stakes would be raised. Stalemate was often reached, only to be broken by negotiations behind the scenes. Each side knew the rules and played brinkmanship, such that intransigence became part of the rituals of the political culture. This failing was only truly dangerous when the influence of ideology stiffened the resistance of government critics, or when the issues were themselves of paramount importance for the monarchy. Then crisis could escalate into collapse.

THE CRISIS OF THE 1780s

The crisis of the 1780s is consistent with the theory of a crisis of the baroque state and is characterised by many of its traditional features. In 1743 Richer d’Aube observed that the political system was like a building on the brink of collapse: ‘Those capable of reflection, well informed, and sensible, unanimously agreed that France resembled a fine building, solidly built, whose foundations had long been
undermined, giving rise to fears for the collapse of the whole edifice’. D’Argenson made a similar analysis in the 1750s, as did Mably. The conditions for this collapse persisted during most of the 1750s, and from the late 1760s onwards. The malaise was deeply rooted in the socio-political structures of the regime. Although several ministers attempted piecemeal reform after this, no programme of reform was sustained between the 1750s and the 1780s. The socio-political system remained in the mould of the 1730s, and not substantially different in structure and practice from the reign of Louis XIV.

It is my contention that a fuller comprehension of the traditional forms and structures of political life is extremely important for an understanding of the political crisis in the 1780s. The courtly intrigue, the appeals to public opinion, the instability in the ministries and the uncontrolled drift into deeper crisis were all aspects of the long-term structures of politics, many of which can be traced back to the seventeenth century. A closer examination of the last years of the regime would therefore be required to test this model of the baroque state in tension, emphasising as it does structures and continuities, rather than the contingency of events. Such a study should help us to understand more precisely at what point the newer aspects in the political culture became a critical element in the situation. An analysis of the socio-political conflicts of these years in the light of the system can therefore throw light on the question of whether collapse was inevitable, and what elements of the conflicts were new in character. This is not the place for a detailed analysis of the crisis but a briefer survey is appropriate. By drawing out the implications of earlier chapters and posing a series of different questions, I hope to highlight unanswered questions and refocus the debate. My argument is that the most significant elements of the crisis that led to the collapse of the regime were surprisingly traditional, and that well-rehearsed roles were played out one last time—tragically with no sense of impending doom.

The relationship between the political culture of the ancien régime and the origins of the Revolution is doubtless destined to remain highly problematic. From within a historical tradition that looks back from the problem of the Revolution to answer questions raised by it, rather than forward from the problems of the seventeenth century, the emphasis has been laid heavily on the new or progressive elements, be they economic, social or intellectual. Much recent work tends in this direction. For most historians, the term ancien régime still refers to the social and political culture of France during the last few decades of the French monarchy before 1789, rather than to the continuities of the baroque state. Although most would agree that the regime in 1789 then contained many historic elements dating from much earlier, relatively few scholars of the Revolution approach it from the perspective of its long-term structures. To fit in with the obvious originality of the Revolution, the late ancien régime is therefore viewed as a period of increasingly rapid change, in society, culture and politics—in fact, as a period of the creation of a new political culture. The consequences of these changes are taken to be not only the particular forms that ‘the Revolution’ took after 1789, but also the very outbreak of Revolution after the crises of the
mid-1780s. The political crisis of the ancien régime, misleadingly called a ‘pre-revolution’, is thus confused with the origins of the revolutionary regime and regarded as the culmination of new trends that put too much stress on the antiquated structures of the system.51

Clearly the intervention of the bourgeoisie in several provinces in the summer of 1788 and early 1789 was indeed a consequence of the growth in numbers and self-awareness in this group. But the political crisis at the centre from 1785 to 1788 is harder to explain. For a long time it was regarded as the consequence of an aristocratic attempt to regain the political power it had lost in the seventeenth century. This ‘aristocratic reaction’ was led by the magistrates of the Paris parlement, who had intermarried with the high nobility and taken the ideological lead against the crown.52 Other historians within the same tradition emphasised the reforming policies of the monarchy and portrayed the noble reaction as a defensive movement in favour of existing social and fiscal privileges. Both views seemed to imply that what happened in the 1780s reflected changed circumstances and would not have occurred earlier, and drew heavily on the evidence of the parlementaire opposition. More recently, Skocpol has singled out ‘modernisation’ as the crucial stress laid upon the antiquated system;53 while lately the rise of consumerism has been mooted as highly significant.54 As we have seen, Baker has pointed to a new politics of contestation from the 1750s.55 Furet believes that the critical awareness of those contradictions leading inevitably to Revolution is to be located in the ministry of Turgot.56 Indeed, there is a growing assumption that the Maupeou coup of 1771 inaugurated a new political culture. It confirmed for many ‘citizens’ that the French monarchy was a despotism, and gave rise to a pamphlet war between the parti ministériel and the parti patriote that was the literary manifestation of the new politics of contestation. The new ideologies of ‘parliamentary constitutionalism’ and patriotism made their presence strongly felt then, setting the tone for a pre-revolutionary politics of contestation.57 In the light of this argument, the pamphlet literature written by numerous ‘patriotic’ critics is accorded privileged status as a key to understanding the collapse of the regime in 1787–9. However, although a certain section of the public was undoubtedly influenced by the dissemination of such ideologies, their impact upon the political situation has not been closely established before 1788.58 The journalistic evidence and pamphlet literature is important, but perhaps it is of more use in understanding the mood and ethic of regeneration in 1789 than in explaining how the monarchy lost control by the summer of 1788. Conversely, the evidence generated by the courtly politics that brought about a collapse from within is sometimes overlooked.

The history of the crises of the 1780s suggests that the traditional political structures, practices and beliefs of the ancien régime, and not those elements associated with a new political culture, were chiefly responsible for its collapse. Impressively detailed studies by Egret, Doyle, Stone, Hardman and Fitzsimmons all provide evidence for this argument.59 Although the idea of public opinion was exploited by factions at court to legitimise their position, and this is particularly true of Necker, there is little evidence that public opinion was the driving force behind the
opposition to Calonne and Brienne. Although some commentators noted the rise in public awareness, until the autumn of 1788 ministerial and court politics continued to display remarkable blindness to the state of the nation. The transition from one form of politics to another came late in the year, and it came quite suddenly. As Mallet du Pan wrote, in January 1789:

Public discussion has changed its aspect. It no longer troubles itself except secondarily with the king, with despotism, or with the constitution: it has become a war between the third estate and the two other classes, against whom the court has stirred up the towns. The parlement was an idol six months back; now every one detests and insults it: d’Eprémesnil, the avenger of the nation, the Brutus of France, is vilified everywhere. That is what in France is called the noble empire of opinion.60

This quotation is testimony to the sudden shift in the political situation that created a radical discontinuity in the terms of the debate. By then it was clear to many that the calling of the Estates General meant that the process of bargaining over taxation would lead to demands for the redress of grievances and permanent controls over the executive. In short, as had happened elsewhere in the past, some form of constitution was inevitable. A struggle had begun to determine whether it would be more or less favourable to the Third Estate. Only at this point did public opinion have a significant, that is positive, contribution to make, and it was less to the collapse of the regime than to the discussion of the basis of what was soon to be the new regime.

Throughout the crucial years 1785–8, poor ministerial management and the usual process of escalation were features of relations between the ministry and other institutions. The rhetorical processes of bluff led to the stakes being raised, with royal authority becoming perhaps inadvertently committed against corporate honour and provincial privilege. A crisis that began as a series of interlocking disputes at the centre spread to the periphery. The fine balance of power within the regime, a balance that was normally preserved by immobilism and deft management, suddenly came to an end and the apparently strong edifice collapsed like a house of cards.

The long-term inherent problems within the socio-political system were therefore not merely the precipitants of a revolutionary crisis. It was these very problems, in combination with failures of political management, that led to the collapse of the regime’s political authority. Certainly, the new ideologies, that new tribunal of public opinion, the politicisation through the melodramatic causes célèbres, the litigation between trades associations and the newspaper press, all played a vital role in creating the desire for a new political culture when the extent of this collapse became apparent. Moreover, studies of these processes are vitally important, because the new shape of politics and culture in the Revolution cannot be understood apart from them.61 But it is helpful to recognise that two almost distinct processes were at work: the collapse of the ancien régime, followed by the rebuilding of a new political culture amidst the ruins of the old edifice.62
This book, by means of a highly detailed analysis of politics at the centre during a neglected but typical period, has attempted to contribute to the wider debate on the political culture of the regime. I have argued that the system was socio-political and is to be understood more in terms of its continuities than a putative transformation either in the late seventeenth century or in the 1750s. It can be conceptualised as a baroque state in tension, whose internal stresses and centripetal forces had to be constantly balanced, appeased, and managed if the state was to survive. In addition to the bureaucracy, several techniques of control or political management were crucial features of the preservation of royal power. Of these, patronage and clientage, bluff, negotiation and compromise were the most important. This model of politics is derived from work on the seventeenth century and the study of the conduct of politics during the reign of Louis XV and seems to correspond well to the nature of the crisis of 1787–8. These final conflicts should therefore be regarded as very much an old regime crisis, and not as a necessarily revolutionary one.

Yet it has not been my intention to discount the value of recent theoretical developments. On the contrary, they provide a suggestive explanatory structure that helps to reveal how existing political ideas, the developments in political theories and in political language, in which words like nation, patrie and despotisme become common, the growing realisation of the paradoxes of the regime and the emergence of an informed public, all became instrumental in transforming a crisis into a revolution. It is interesting to surmise that the existence and wide adoption of alternative and Utopian social and political ideologies ensured that a collapse turned into a revolution. When a power vacuum resulted from the political conflicts of the 1780s, there was a concerted attempt to create an entirely new regime on the ruins of the old one. The precise intellectual roots of this attempt, and the way the project took shape during the political ferment of the late 1780s, rightly continue to inspire historical debate.
APPENDIX 1

Ministers with bureaucratic responsibilities during the ministry of the cardinal de Fleury

Dates in brackets are for birth and death. Other dates indicate the period of tenure of office. Where ministers are also ministre d’état this is indicated.

**Ghancelier de France**

Daguesseau (1688–1751), from 2 Feb. 1717 until 27 Nov. 1750. He was in exile from Feb. 1723 until 20 Aug. 1727 and his functions were exercised by the garde des sceaux. This arrangement continued until 20 Feb. 1737.

**Garde des sceaux**


**Secrétaire d’état with the department of foreign affairs**


**Secrétaire d’état with the department of war**

Voyer de Paulmy, comte d’Argenson (1696–1764), from 8 Jan. 1743 until 1 Feb. 1757; ministre d’état from 26 Aug. 1742.

Secrétaire d’état with the department of the marine
Phélypeaux, comte de Maurepas (1701–81), from 10 Aug. 1723 until 24 Apr. 1749. He exercised effective control in this office from 7 Sep. 1725, and became ministre d’état on 6 Jan. 1738.

Secrétaire d’état with the department of the maison du roi
Phélypeaux, comte de Maurepas (1701–81), from 8 Nov. 1715 until 24 Apr. 1749. He exercised some control in this office from 30 Mar. 1718, under the supervision of his father-in-law La Vrillière, took full control on 7 Sep. 1725 and became ministre d’état on 6 Jan. 1738.

Secrétaire d’état (with no department except provinces)
Phélypeaux, comte de Saint-Florentin (1705–77), from 17 Feb. 1723 until July 1775. He exercised effective control in this office from 7 Sep. 1725.

Contrôleur général des finances
Dodun (1679–1736), from 21 Apr. 1722 until 14 Jun. 1726.
Le Peletier Desforts (1675–1740), from 14 Jun. 1726 until 19 Mar. 1730; he was ministre d’état from 1 Jan. 1730 but ceased to be called to council after his retirement on 19 Mar. 1730.
Orry (1689–1747), from 20 Mar. 1730 until 5 Dec. 1745; ministre d’état from 11 Nov. 1736.

Lieutenant général de police de Paris, technically not a ministerial function
Hérault (1691–1740), from 29 Aug. 1725 until 30 Dec. 1739, when he became the intendant of Paris but died.
Feydeau de Marville (1705–1787), from 3 Jan. 1740 until 1747.
APPENDIX 2

The identity of the magistrates in the parti janséniste

Before identifying the theological persuasions of these counsellors, it is necessary to tackle the thorny problem of definition and identification. Without doubt there is a problem for historians with the identification of Jansenists in the parlement. Augustin Gazier, the influential historian of Jansenism who first used the Le Paige collection, was determined to imply that the involvement of the parlement was due to its concern for justice. If he could establish that, then his beloved Jansenists were, on the one hand, exonerated from accusations of involvement in the crisis of the monarchy and, on the other hand, clearly correct to protest against Unigenitus. He wrote: ‘Les parlementaires furent ce qu’on aurait appelé au temps de Port-Royal, des amis du dehors, gallicans par tradition et d’une manière excessive que Bossuet et Arnauld n’avaient pas admise, catholiques plus ou moins instruits et plus ou moins piquants; leur jansénisme consistait surtout à ne pas aimer les jésuites’.1

Most historians down to the present were misled by Gazier’s assertion. In a work that is otherwise invaluable, Bluche claimed that to Jansenists ‘it is permissible to add certain Gallicans who were especially obstinate in their opposition to the Bull Unigenitus, fanatical appellants’.2 But to do this confuses Gallicans and Jansenists and obscures the very issue most in need of investigation, by assuming that an accurate definition can be dispensed with. Until probably the middle years of the eighteenth century, and certainly until the mid-1730s, the term Jansenist seems to have been confined to people of doctrinal conviction—even if, as we have seen, the onset of miracles tended to cloud the older issues.3 Bluche deduced from a comment by Barbier that there were really sixty magistrates ‘entêtés sur le jansénisme’.4 In fact, it is not at all clear that Barbier, a lawyer who often used the word ‘Jansenist’ carefully as a doctrinal appellation, meant that there were sixty

3 Hence there was no reason why a Jansenist should not be ‘gallican’ in his attitude to Rome (the early history of the sect shows that that depended more on Rome than on the Jansenists) but the connection between a ‘Gallican’ viewpoint and the Jansenist doctrine was a contingent not a necessary one.
Jansenists, only that there were sixty people on that particular day in the parlement who sympathised with the Jansenist arguments. Of the thirty names given by Bluche more than ten should be discounted and even this number was reached by a less than rigorous method, as Van Kley has pointed out in his careful study. Simple praise by the Jansenist newspaper the *Nouvelles ecclésiastiques* is not enough to prove a Jansenist, because the editors showered compliments on anyone who rendered service to their cause. Only a positive assertion of attachment to ‘la vérité’ should be accepted from this source.

However, one sure means of identification does exist: inclusion in the two-volume *Nécrologe des plus célèbres défenseurs et confesseurs de la vérité au dix-huitième siècle*, compiled by René Cerveau in 1760 and 1767. It is a Jansenist ‘book of saints’ and of course ‘la vérité’ refers to their beliefs on grace. For the most part it consists of a selection, on religious grounds, from the obituaries published in the *Nouvelles ecclésiastiques*. Therefore, if inclusion does indicate a real Jansenist, exclusion may not mean the opposite, because mistakes and omissions are possible, and several magistrates died after 1767 (when the *Suite du Nécrologe* was published) and so could not have been included. To this source therefore should be added evidence that a councillor assiduously visited the church and churchyard of Saint-Médard at a time when it was a noted centre for Jansenists because of the ‘miracles’, and the positive assertion by the lawyer Barbier that a person was a Jansenist. By this method, which is independent of the evidence in speeches by the magistrates, it is possible to identify the Jansenists among the fourteen most active in the 1730s. For the present study ‘Jansenist’ is taken to mean religious beliefs of Quesnellian, Figurist or older Augustinian traditions—a definition which was current in the early eighteenth century—or, failing that evidence, the belief that the Jansenist deacon Paris was a saint whose miracles demonstrated the justice of his cause.

Six counsellors are cited in Cerveau: N. Le Clerc de Lesseville (c. 1658–1737), conseiller d’honneur; the abbé P. Guillebault (c. 1660–1732), of the third cham

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6 The term was habitually used by Jansenists to denote their doctrine, and therefore I disagree with the interpretation placed upon it by J. McManners in ‘Jansenism and politics in the eighteenth century’, *Studies in Church History, XIII*, *Church, Society and Politics*, ed. D. Baker, 1975, pp. 253–73, esp. pp. 260–1, 264. If his interpretation of ‘la vérité’ as ‘truth’ is not accepted then his argument, which is an attempt to link the opposition to *Unigenitus* to the intellectual standards of the Enlightenment, must be questioned. His quotation from Joachim Colbert on p. 264 is better read as a defence of the miracles as demonstrating God’s intervention in favour of the Jansenist doctrine than as a defence of honesty, truth or reason. The argument on the need to defend truth was used mainly to justify a renewed appeal against *Unigenitus* after the declaration of 1720, and did exploit the ambiguity of the usage, but the use of ‘vérité’ to denote the doctrine was more usual. McManners appears to have antedated the development of links between the Enlightenment and Jansenism that was in fact to take place in the 1750s.

7 He left a church during the reading of Vintimille’s *mandement* on the Bull in December 1729, protested at the *lit de justice* to register the Bull in April 1730, and was exiled separately from other magistrates in September 1732. ‘Ce digne magistral étoit d’ailleurs attentif à remplir tous ses devoirs de Chrétien; il étoit humble, doux et appliqué à la prière’, Cerveau, *Nécrologe*, I, pp. 299–300, citing the *Nouvelles ecclésiastiques* of 6 April 1737.
ber of enquêtes, 8 L.B. Carré de Montgeron (1686–1754), of the second enquêtes, 9 N. L. de Vrévin (c. 1655–1733), of the grand’chambre, 10 J. N. de Paris (1695–1737), of the first enquêtes, 11 and the abbé R. Pucelle (1655–1745), of the grand’chambre. Pucelle is a special case, for he is to be found in Cerveau, but there is no assertion of attachment to ‘la vérité’ and in a letter to Fleury he specifically denied that he was a Jansenist, nor is he recorded as a visitor to Saint-Médard. On the other hand, he was clearly the leader of the partijanséniste in the parlement and in close contact with other Jansenists: a Jansenist abbé was a close friend of his and he possessed a complete set of the clandestine Nouvelles ecclésiastiques. 12 Either he was a Jansenist who lied when he replied to an accusation by Fleury, or he was opposed to Unigenitus for purely legal reasons. The former seems by far the more probable, and the letters written to him by bishop Colbert of Montpellier certainly confirm the impression that he shared the views of that indomitable bishop. Both L. Robert (166?–1745) a grand’chambrier 13 and the abbé A. J. Clément (1684–1747) of the second enquêtes were noted visitors to Saint-Médard. The latter also corresponded with the Jansenist bishops of Senez and Montpellier and visited Saint-Médard in the company of Titon and Paris, ‘aussi consesseurs et grands partisans’ according to Barbier. 14 Robert specifically went to worship in the church on the anniversary of the death of the Jansenist saint, Paris. Jean-Baptiste Titon (169?–1768) of the fifth chamber of enquêtes, was clearly a Jansenist but died too late to be included by Cerveau. He made no secret of his opinions, however:

8 Guillebault was refused the sacraments by his cure at the time of his death, but they were administered by the vicaire. On 3 April 1730, he spoke against the condemnation of Article 91 in Unigenitus and on 20 July 1731 was the principal speaker against evocation in a debate for remonstrances. Cerveau, Nérologe, I, p. 184.

9 After a libertine youth Carré de Montgeron was converted on 7 September 1731 on the tomb of deacon Paris. ‘Ennemi de la Bulle, il l’attaqua vivement’, and dared to present a book on miracles to the King on 29 July 1737. He was subsequently imprisoned (Cerveau, Nérologe, II, pp. 327–8). In September 1732 he was exiled separately, probably because he had proposed on 12 August that the parlement remain assembled—an unofficial strike.

10 ‘Fermement attaché à la Vérité, il en fut un des plus intrépides Defenseurs’, Cerveau, Nérologe, I, p. 293.

11 ‘Attaché à la Vérité, il fut toujours opposé à la Bulle’, Cerveau, Nérologe, I, p. 312. He died of his austere and penitential habits. In the parlement, he denounced a royal decree of 6 April 1732 on miracles, denounced the mandement of the archbishop of Paris and the Avertissement of the archbishop of Marseille on miracles.


14 Barbier, Journal, I, pp. 272–4; 111, p. 20. Notably, on 12 August 1732, when the crisis was at its height, he denounced a controversial thesis which had been passed in the Sorbonne on 18 July. In September 1732 he was exiled alone to the He de Ré. Clément was a ‘grand protecteur des miracles de M.Paris’—Barbier, Journal, II, p. 350.
M. Titon est un homme de quarante ans, qui a été plongé dans la débauche pendant sa jeunesse, mais qui a change du tout au tout depuis quelques années. Il s’est jeté dans la plus haute devotion; visite, tous les mercredis, les prisonniers, et, tous les samedis, les malades de l’Hôtel-Dieu. Il est grand janséniste, grand protecteur de M. Paris, et remplit exactement, avec cela, les devoirs de sa charge.  

Another who was omitted from Cerveau was C.F. Fornier de Montagny (1682–1742) of the first enquêtes until 1735 when he entered the grand’chambre, but Barbier described him as a ‘zélé janséniste’ and he went to Saint-Médard ‘to hear mass out of devotion’.  

A president of the second enquêtes, J.F. Ogier d’Enonville (1703–75) also died too late to be in the Nécrologe but he was described by the fanatical convert Carré de Montgeron as ‘respectable in all ways’ and ‘enlightened by God himself, which surely allows us to include him in the sect.’  

Thus, of the fourteen who were prominent in plenary sessions, eleven can on the grounds of reasonable evidence be classed as Jansenists, while a further three Jansenists who spoke little can be identified. The remaining three counsellors are difficult cases because there is no firm evidence either that they were, or were not, Jansenists. With Robert, L. Dupré (?–1754), of the fourth enquêtes, featured less prominently than the others and is not mentioned anywhere except in the various accounts of the proceedings. L. Davy de la Fautrière (1700–56), in the third enquêtes, was one of the foremost opponents of the royal policy. He has, in fact, been described as a Jansenist by two historians, but their evidence is far from conclusive. Previously a member of the Club de l’Entresol, he was one of those figures not uncommon in ancien régime politics, a man of considerable talent whose legitimate ambition had been frustrated. It may be that his long service to the Jansenists entitles us to conclude that he was of their number, for a career man would surely have abandoned an unsuccessful cause later in the 1730s—or perhaps like Carré de Montgeron he was converted after 1730? He never profited from his opposition, because he died still a counsellor of the third enquêtes after thirty years’ service.

15 Barbier, Journal, II, p. 272. He was imprisoned in May 1732 for suggesting that the First President be instructed to deliver to the King the speech which a different president had given in 1626 after defying the crown. Pucelle was imprisoned at the same time for trying to present this speech to the King when the First President failed to do so. Titon abandoned Jansenism in the early 1750s and became an informer for the corne d’Argenson: d’Argenson, Journal et mémories, ed. Rathery, VII, p. 177.


17 Bluche, Les magistrats, p. 252.


19 D’Argenson, Journal et mémores, ed. Rathery, I, p. 106: ‘Il arriva encore cet automne que M.de la Fautrière qui a beaucoup d’esprit, de savoir et de courage, ayant perdu son père, a été refus en cour sur une légère grace qu’il demandait, il s’est extrêmement mutiné contre le ministère et il ne menage rien dans ses avis sur les dernières affaires. Il est à côté de l’abbé Pucelle’. 

324
Finally, there is the somewhat similar case of P. Thomé (1690–1752). Although Bluche described him as a ‘janséniste notoire’, the _Nouvelles ecclésiastiques_ described him only as ‘souvent distingué par son zèle pour le bien public’. Yet, he was one of the most frequent and spirited speakers against abuses of ecclesiastical authority. Either he was a Jansenist, or a magistrate who was simply doing his duty and perhaps specialised in canon law. The fact that a satirical engraving of the parlement in 1738 portrayed him as the undisputed leader of the first _enquêtes_ could indicate that he liked the attention brought him by adherence to a controversial cause. It is, however, certain that he took part in meetings of the inner core of the _parti janséniste_ when deciding on tactics in the parlement. Another magistrate, Pierre Nicolas Robert de Saint-Vincent, of the second _enquêtes_ may well have been Jansenist, but there is no record of his active participation in debates. This is in marked contrast with his son who was received into the parlement in 1748 and very soon became, with Lambert, Le Fevre de Saint-Hilaire and the abbé Chauvelin, a leading light of the _parti janséniste_. Another believer in the miracles at the tomb of deacon Paris figured only occasionally in the records of the debates: Charles-Robert Boutin, of the first _enquêtes_ (from 1741). There is some evidence that P. Dupré de Saint-Maur of the second _enquêtes_ and J. Delpech de Méreville of the _grand’chambre_ were Jansenists, but not enough to be sure. The fact that not all members of the group were devoted Jansenists, and that it was possible to be a Jansenist and not take part in the fray, is a reminder that religious faith was only a part of the range of motivations a magistrate might have. Opposition might be tempered by the usual concerns of judges for family, career and loyalty to the monarch.

20 Bluche, _L’origine des magistrats_, p. 248.
21 Barbier, _Journal_, III, pp. 130–1.
22 B.P.R., L.P. 17, p. 1172.
APPENDIX 3
Chronological table of events in the Paris parlement, 1730–2

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1713</td>
<td>Papal Bull <em>Unigenitus</em>—Jansenism condemned</td>
</tr>
<tr>
<td>1714</td>
<td>Paris parlement resists <em>Unigenitus</em>; qualified registration</td>
</tr>
<tr>
<td>1718</td>
<td>Pope condemns policy of compromise—resistance to <em>Unigenitus</em> continues</td>
</tr>
<tr>
<td>1720</td>
<td>Royal declaration on <em>Unigenitus</em>—isolates extremists in the dispute</td>
</tr>
<tr>
<td>24 Mar. 1730</td>
<td>Royal declaration of <em>Unigenitus</em> as a law of state—very anti-Jansenist</td>
</tr>
<tr>
<td>3 Apr. 1730</td>
<td><em>Lit de justice</em> to register this declaration</td>
</tr>
<tr>
<td>1730</td>
<td>Evocations from parlement of cases affecting status of <em>Unigenitus</em></td>
</tr>
<tr>
<td>Oct. 1730</td>
<td>Maraimberg’s <em>Mémoire pour les Sieurs Samson</em> published, with 40 lawyers’ names, defending Paris parlement’s jurisdiction</td>
</tr>
<tr>
<td>30 Oct. 1730</td>
<td>Royal arrêt bans the <em>Mémoire</em> as containing ‘criminal’ propositions</td>
</tr>
<tr>
<td>25 Nov. 1730</td>
<td>After negotiations between lawyers and ministry, a royal arrêt compromises with the lawyers</td>
</tr>
<tr>
<td>9 Jan. 1731</td>
<td>Remonstrances on royal evocations</td>
</tr>
<tr>
<td>5 Mar. 1731</td>
<td>Parlement issues arrêt against Vintimille’s attack on Maraimberg’s Mémoire</td>
</tr>
<tr>
<td>10 Mar. 1731</td>
<td>Royal imposition of silence on matters relating to <em>Unigenitus</em></td>
</tr>
<tr>
<td>22 June 1731</td>
<td>Royal circular letter to bishops insists that the Bull is not a ‘règle de foi’ and proposes other descriptions. Room for manoeuvre</td>
</tr>
<tr>
<td>23 Aug.–26 Nov. 1731</td>
<td>Parisian lawyers strike over archbishop of Paris’ mandement</td>
</tr>
<tr>
<td>28 Apr. 1731</td>
<td>Arrêté from parlement against bishop of Orléans on subject of refusal of sacraments to Jansenists</td>
</tr>
<tr>
<td>25 July 1731</td>
<td>Remonstrances on arrêt du conseil which annulled parlement’s arrêt</td>
</tr>
<tr>
<td>30 July 1731</td>
<td>Royal arrêt annuls parlement’s arrêt of 5 Mar. 1731</td>
</tr>
<tr>
<td>18 Aug. 1731</td>
<td>Iterative remonstrances</td>
</tr>
<tr>
<td>3 Sep. 1731</td>
<td>Remonstrances on evocation of appeal in parlement against ordannance of archbishop of Paris favouring <em>Unigenitus</em></td>
</tr>
<tr>
<td>7 Sep. 1731</td>
<td>Arrêt by parlement confirming Gallican maxims in state: immediate royal annulment</td>
</tr>
<tr>
<td>Nov. 1731–Jan. 1732</td>
<td>Struggle by parlement to be allowed to debate this response; in December the King refuses audience to hear grievances of parlement</td>
</tr>
<tr>
<td>3 May 1732</td>
<td>Mandement of archbishop of Paris condemning <em>Nouvelles ecclésiastiques</em> and approving of <em>Unigenitus</em>, ‘reçu par toute l’église’, refused by some curés</td>
</tr>
</tbody>
</table>
8 May 1732 Parlement warned not to interfere, nor to deliberate on the warning
12 May 1732 Parlement’s refusal to concur
13 May 1732 Repeated warning and then, on 14th and 15th, arrest of two counsellors
16–26 May 1732 Judicial strike, in which the parlement is supported by the lawyers
13 June 1732 Parlement condemns mandement of 3 May
16 June 1732 Exile of four consellors
20 June–10 July 1732 Resignation of seven chambers of the parlement
4 Aug. 1732 Remonstrances on state of parlement
18 Aug. 1732 Severe royal disciplinary declaration on the parlement. Lawyers strike
3 Sep. 1732 Lit de justice to register declaration—parlement still refused it
7 Sep. 1732 Exile of 139 counsellors to undesirable places in France
7 Sep.–12 Nov. 1732 Judicial vacations, during which there are secret negotiations
11 Nov. 1732 Lettre de cachet recalling exiles
4 Dec. 1732 On humble plea of parlement, disciplinary declaration of 18 Aug. suspended
This avenue of interpretation will be further explored in another volume arising from current research, focusing on the relationship between ideology and the political crisis of the 1780s.

However, when this study was under way another study appeared with, to my relief, a very different focus: B.R. Kreiser, *Miracles, Convulsions and Ecclesiastical Politics in Early Eighteenth Century France*, Princeton, 1978.


Over sixty years ago, two very thorough studies of foreign policy were published—but nothing comparable yet exists on the internal history. Ecclesiastical politics, now seen as a vital facet of the eighteenth century, has been dealt with recently only as a secondary aspect of the main theme of fine books on miracles and the convulsionary movement of the 1730s. See Kreiser, *Miracles, Convulsions and Ecclesiastical Politics*, op. cit.; C. L. Maire, *Les convulsionnaires de Saint-Médard, miracles, convulsions et prophéties à Paris au XVIIIe siècle*, Paris, 1985. General histories of the Paris parlement have traditionally never considered the ministerial side of the issues, and have therefore reached rather partisan conclusions. Historians have generally divided into two camps, seeing them either as a selfish oligarchical group undermining royal reform, or as the last defence of the nation against despotism. See below, pp. 232–6, 238–9.


The most recent and most thorough biography of the King, by Michel Antoine, *Louis XV*, Paris, 1989, devotes only forty-five pages to Fleury as first minister.

The life by Verlaque is drawn from the abbé de Ranchon's manuscript biography of the 1750s with little visible attempt at further research; the brief study by M. de Sars, *Le Cardinal de Fleury*, Paris, 1946, makes no claims to treat his subject in depth. A. M. Wilson's *French Foreign Policy*, London, 1936, is a fine study, wider than its title, but no longer authoritative on the career of Fleury or ministerial politics.


Nineteenth-century French historians were preoccupied with the legacy of the French Revolution, and, after 1870, with patriotic views of the past.


Such was the tenor of the perceptive critique by Vicens Vives of the influential analysis of the absolute monarchy by Hartung and Mousnier in 1955. See below, pp. 8–15.
INTRODUCTION: APPROACHES TO POLITICS IN THE ANCIEN REGIME

1 The concept of mentalité has usually been applied to those groups that left little written evidence, but there is no reason why it should not suit the social elites, in so far as their world differed greatly from our own, and many of the same questions may be asked. For the concept, see M. Vovelle, ‘Mentalités et idéologies’, in Mentalités et idéologies, and his introduction to De la cave au grenier. Un itinéraire en provence au XVIIIe siècle. De l’histoire sociale à l’histoire des mentalités, Quebec, 1980. See also M. Bloch, ‘Sur le passé de la noblesse française: quelques jalons de recherches’, Annales d’histoire économique et sociale, VIII, 1936, pp. 366–78.


3 Cf. his comments on the form that a history of the state should take in Annales d’histoire économique et sociale, VI, 1934, pp. 306–7.


5 Often their authors were well aware of social and cultural factors, like patronage and clientage, which still prevailed in their own period, but they took them for granted instead of explaining them.


7 Tocqueville’s study is of course far too penetrating and stimulating to be equated solely with this orthodox view and no more, but it is largely through his influence that challenges to it went unheard.


9 P. de Saint-Jacob, Les paysans de la Bourgogne du nord au dernier siècle de l’ancien régime, Dijon, 1960 and H. L. Root, Peasants and King in Burgundy: Agrarian Foundations of Absolute Monarchy, Berkeley and Los Angeles, 1987. It must also be said that this policy is also evidence of the continued power of the seigneurs, who generally won their cases in the parlements.


NOTES


32 Kettering, ‘Gift giving and patronage’, op. cit.


34 See, for example, the dissolution of the d’Epernon clientage network in the 1630s, as studied by I.Crysafidou in Chapter 6, ‘Richelieu and the grands: the duc d’Epernon’, unpublished PhD thesis, Sussex University, 1991—a thesis rich in detail on the formation, operation and dissolution of a network in the first half of the seventeenth century. It surely deserves publication.

35 For the subdelegates, their historian notes, ‘At the end of the seventeenth century, the subdelegates had become as it were the intendants” “men”, in the feudal sense of the term’. See J.Ricommard, ‘Les subdélégués des intendants aux XVIIe et XVIIIe siècles’, 3 articles, L’Information historique, 1962, pp. 139–48, 190–5, 1963, pp. 1–7, quotation p. 146.

36 J.Rule, ‘The commis of the department of foreign affairs, 1680–1715’, Western Society for French History, Proceedings, 8, 1980, pp. 69–80 and D.C.Baxter, ‘Premiers commis in the war department in the later part of the reign of Louis XIV, ibid., pp. 81–9. It should be noted that this evidence is the more telling in that the commis in these departments were not venal office-holders as they were in the other ministries.


44 Emmanuelli, Un mythe de l’absolutisme bourbonien, pp. 44–5.

45 See R.Mettam’s chapter on the governing of Provence in ‘The role of the higher aristocracy in France under Louis XIV, unpublished PhD thesis, Cambridge University, 1967; A.Babeau, Le...


N.Elias, *The Court Society*, trans E.Jephcott, Oxford, 1983. When it was first published in 1969 in German, the references were not updated, and the text therefore reflects its era of composition. It was really taken note of after its translation into French in 1975. Perhaps the timing of this rediscovery is not unconnected with the move away from institutional history towards cultural studies then gathering way.


For a critique of this kind of evidence and the way in which Elias has used it, see A.Bryson, *The Concept of Civility in Early Modern England*, forthcoming, Oxford, Introduction. This important book also contains a critique of Elias’ use of Freudian psychology in his history of the civilising process.


We might note in passing that much recent work on the Revolution is emphasising a search for transparency.

See the articles by D.Gordon, D.Bell and S.Maza, in ‘The public sphere in the eighteenth century’, a forum in *French Historical Studies*, XVII, no. 4, 1992, pp. 882–936. Bell’s argument that the sphere was not exclusively bourgeois but was deeply influenced by both the French state itself and by ‘longstanding French political traditions’ (especially the judicial culture) seems to me to be persuasive and to be supported by the present study. Since 1962 when Habermas wrote, much work has been done on sixteenth- and seventeenth-century popular (i.e. urban) politics which would suggest that reasoning on religion and politics was not so much absent in these periods as


63 See below, Chapters 11, 12 and 14.


65 A fine and complex example of such history is M. Fogel, Les Cérémonies de l’information dans la France du XVIe au XVIIIe siècle, Paris, 1989.


69 Baker is careful to avoid this error in his writings, in which he emphasises his search for the discourses to be of significance later, in the Revolution.
NOTES

1971. Richet’s work on ideology at the time of the League is also revealing in the same respect. The novelty of a new politics of contestation in the 1750s therefore becomes harder to prove.

81 See G. Bossenga, *The Politics of Privilege: Old Regime and Revolution in Lille*, Cambridge, 1991. The study does not however consider ways apart from the experience of institutional conflict that may have contributed to the formation of a universalist rhetoric of resistance, for example, the officeholders’ education in the classics or their involvement with the publications and learned societies of the Enlightenment.


1 THE RISE TO POWER OF ANDRE-HERCULE DE FLEURY


2 The certificate of baptism is in the papers of cardinal de Fleury, B.N., N.a.f., 22404, and a copy of this certificate with his date of birth is to be found in B.P.R., L.P. 434, no. 2.


5 The holder of the post was required not simply to centralise the different sums sent by the tax collectors of the local communities, but also to make advances on the receipts.

6 André-Hercule was not the only child of Jean de Fleury and Lucrèce de Rosset. His older brother Gabriel inherited most of the family titles and became a councillor in the *conseil des comptes, aides et finances* of Montpellier. In 1674 the connection with the *conseil des comptes* was strengthened when his sister married Jean Cordurier, the court’s *avocat-général*. Another sister married in 1680 Bernadin de Rosset, a second cousin into whose hands fell the wealth of the Rosset, and it was his son who, in 1736, was eventually to receive the dukedom of Rosset de Fleury created in recognition of André-Hercule’s services to the state. Henry de Fleury, a second older brother and baron de Fozières inherited the offices held by his uncle, the treasurer general. See Sars, *Le cardinal de Fleury*, op. cit., pp. 12–15.

7 The *Dictionnaire de Moréri* says that he presented theses in Latin and Greek in which he expounded the principal dogmas of the Athenian philosophers. The papers of cardinal de Fleury, B.N., N.a.f., 22404, reveal that he was already at the collège d’Harcourt in 1668 and had been in Paris in 1666.


9 He took his four minor orders and subdiaconate at Béziers in 1674, all almost certainly through the good offices of Pierre de Bonsy. See Fleury’s papers, loc. cit., certificates of 1668 and 1674 and Saint-Simon, *Mémoires*, XI, pp. 138–45. For his licence and ordinations, see his papers, loc. cit., certificates of 11 July 1676 and 16 July 1676.


11 On Lamoignon (1609–77) see Saint-Simon, XIII, pp. 142–4 and notes and d’Ormesson’s description of his Monday literary gatherings. The cardinal de Bouillon’s sister-in-law, the duchesse de Bouillon, had the most important salon of the period and the hotel de Bouillon became the centre of a society where high aristocrats mixed with some of the greatest literary talents of the day. Mme de Sévigné, Mme de la Fayette, Corneille and Molière were often present, together with a host of minor talents who on occasion included Fleury. During the 1680s and 1690s Fleury also frequented other salons and was received by Pomponne and Torcy, by the maréchal de Villeroy and his wife, and particularly by the Noailles—see Ranchon, *Histoire…de Fleury*, B.N., N.a.f., 2076, pp. 10–14 and idem, rough draft, B.N., N.a.f., 21795, pp. 14–15, and Saint-Simon, VI, pp. 49–50 and VI, app. III.

12 His conversation was probably more literary than political, although Fleury may have been on the very fringes of the circle of the due de Bourgogne. He was ‘en grande liaison et commerce de lettres’ with Valincourt, the secretary to the comte de Toulouse. Valincourt, born in the same year
as Fleury, first became known for his critique of *La Princesse de Clèves* (1678). Later he succeeded his friend Racine as a member of the Academy and royal historiographer. His patron was Mme de Maintenon and, although Fleury was not to meet her until later, he probably already knew two of her intimates, Mme de Lévis and Mme de Dangeau. Prominent among the mutual friends of Valincourt and Fleury was Fléchier, the bishop of Nîmes, who was regarded at the time as a writer of a talent to rival that of Bossuet.

13 The marquis de Castries (1611–74) was ‘highly regarded at court for his merit, his family connections and his services’—Ranchon, ‘Histoire de Fleury’, B.N., N.a.f., 21795, pp. 5–6 (Ms 2076 makes no mention of these years). He too had benefited from the credit of Bonsy at court. In 1644 he had married that prelate’s sister, had inherited the governorship of Montpellier, and in 1668 he became one of the three lieutenants-general of Languedoc. Like Lamoignon he was much esteemed—see Saint-Simon, III, pp. 325–8.

14 The powerful and influential Noailles family was another Languedocien connection: see R. Mettam, ‘The role of the higher aristocracy in France under Louis XIV’, unpublished PhD thesis, University of Cambridge, 1967, art. on Noailles, Part II, Chap. 2 and on Noailles in Languedoc, Part III, Chap. 4; abbé Millot, *Mémoires politiques et militaires…de Noailles*, 6 vols, Lausanne, 1778, III, esp. pp. 253–4, 347–8. Fleury was fortunate enough to become an intimate, lifelong friend of the maréchale, who was one of those powerful, intelligent and immensely influential women at the court of Versailles.

15 Saint-Simon explains that Jean de Fleury ‘s’étoit fourré parmi les valets du cardinal de Bonsy, dont il avoit obtenu la protection du temps de sa faveur à la cour et qu’il pouvoit tout en Languedoc’. He presented his son, ‘qui plut tellement à cette éminence italienne qu’il en prit soin’, see Saint-Simon, VI, pp. 46–7.

16 Each quarter of the year, two almoners served and Fleury’s quarter began in July (*Etat de France*, 2 vols, 1677). This was a post usually reserved for the best court families, and the haughty courtiers raised their eyebrows when Fleury’s uncle was allowed to buy it for him, the son of a provincial tax collector—Saint-Simon, VI, p. 49. This may explain the very high price paid, some 77,000 livres, when the normal price was 50,000 to 60,000 livres—Ranchon, 21795, pp. 12–13. A certain abbé de Brou, born in the same year as Fleury and who became almoner in 1677, was appointed bishop of Amiens in 1687 and apparently had only bought the office of almoner in the hope of becoming a bishop—Saint-Simon, IV, p. 94.

17 ‘Fleury étoit connu et fort aimé de M.le cardinal de Bonsy, grand aumônier de la Reine. M.le cardinal de Bonsy lui procura un canonical de l’église de Montpellier; peu de temps après il le fit venir à la cour, où il lui fit acquérir une charge d’aumônier de la Reine, qui se vendoit alors’ Saint-Simon, VI, p. 49.

18 He was close to the King both by virtue of his functions and his personal credit. As a member of the House of Bouillon, foreign princes in France, he was near the pinnacle of the social pyramid. During the 1670s and early 1680s the house was at the height of its greatness.

19 Queen Marie-Thérèse wrote to several bishops soliciting his deputation, see A.N., O1 3714, fol. 89. He later also attended the assemblies of 1700 and 1705.


21 ‘La chapelle du roi était, pour les jeunes ecclésiastiques, une autre espèce de séminaire qui les préparoit à entrer dans le monde, comme les mousquetaires étoient une seconde education pour ceux qui se destinaient au service’, *Mémoires de la duchesse de Brancas, suivies de la correspondance de Mme de Châteauroux*, ed. E.Asse, Paris, 1890. The offices were regarded as ‘the open road to benefices’: Saint-Simon, XXVII, p. 127.

22 Saint-Simon claims that ‘Il n’estimoit pas sa conduite et disoit qu’il étoit trop dissipé, trop dans les bonnes compagnies et que trop de gens parloient pour lui’. He adds later that ‘le Roi n’avon pas tort de n’y trouver rien d’écclésiastique, et, quoiqu’il se conduisît fort sagement, il étoit difficile que tout en fut ignore’. Given that Fleury was later a model of good conduct as a bishop, and that Saint-Simon deliberately lied about his activities during the invasion of Provence in 1707, these allegations may not have been true.

23 ‘Soit que le Roi le trouvât trop répandu dans le monde ou par quelque mauvais office secret, il ne donna presque point de bénéfices et ne pouvoit se résoudre à le faire évêque’—P.Dangeau, *Journal*, ed. E.Soulié et al., 19 vols, Paris, 1854–60, (hereafter *Journal*) VI, pp. 452–3. A letter from Mme de Maintenon to archbishop Noailles reveals that the promotion really was a mark of esteem for the Noailles. ‘Je suis bien contente de la promotion, parce qu’il me semble que vous l’approuverés, Monseigneur, et qu’elle marque la considération que le Roy a pour vous. Mr l’abé de Fleuri
n’estoit pas, par luy seul, un personnage a estre systot Evesque’—Mme de Maintenon to Noailles, 22 November 1699, Correspondence générate, ed. La Vallée, 4 vols, Paris, 1865–6, IV

24 Villars was the governor of the province and he wrote to intendant Le Bret that he thought it ‘in the interests of Provence that such a clever and respectable man as M. de Fréjus should play a greater part in its affairs’. Fleury apparently refused the offer of this post which would have meant that he became a member of the committee of eleven which dealt with provincial affairs on behalf of the assembly between sessions. Villars to Le Bret, 15 August 1713, B.N., Mss fr., 8959, fols 13–14.

25 There is little reason to believe the accounts by Voltaire and Saint-Simon of Fleury at Fréjus. The dislike felt for Fleury by Saint-Simon is also exposed by his distorted account of the conduct of the bishop during the War of the Spanish Succession. Saint-Simon, XXVI, pp. 85–6.

26 Correspondence published in Saint-Simon, XV, app. V, citation from p. 532.

27 He augmented the modest revenue of the diocesan seminary, and he made efforts to provide better facilities for the parishes. At the annual meetings of the synod he tried to reform his clergy; indeed, after his pastoral visit in 1703 he promulgated a synodal ordinance designed to remedy many abuses. To judge by the terms of this ordinance, which was expanded in 1704 after the completion of his tour of the diocese, Fleury was strict and dutiful. See H.Espitalier, Les évêques de Fréjus du XIIIe siècle à la fin du XVIIle siècle, 2 vols, Draguignan, 1898, II, pp. 295–372. Fleury’s first pastoral letter urging acceptance of the condemnation of Fénélon’s Explication des Maximes des saints, is in A.A.E.,Mém. et Doc., France, 1730, fols 231–4.

28 In one letter Fleury remarks that he had begun a critical examination of the Réflexions morales in 1706. An examination of the contents of the personal library of Fleury in his country house at Issy reveals that almost all the books dated before the 1720s were the works of religious exegesis, thus indicating a long interest in matters of dogma. It included several works by Bossuet including his speech at the Assembly of Clergy in 1682; the Histoire ecclésiastique by Claude Fleury, 1692; three books by Père Thomasin of the Oratory; two copies of the Aventures de Télémaque by Fénélon, one dated 1699, the other 1717. Several books published between 1714 and 1720 are on grammar, education and languages. The overwhelming majority of books is on theology ‘Catalogue de livres du cardinal de Fleury qui sont dans son appartement à Issy’, B.N., N.a.f., 1727.


30 Fleury to Noailles, 17 October 1713, B.N., Mss fr., 23218, fol. 167.

31 See Espitalier, Les évêques, pp. 354–66, where he cites the mandement of 6 May 1714 at length.

32 In the summer of 1714 he related to Rohan how well received his publication had been, but confided his disappointment that it had failed to have a favourable effect upon one of his old friends, Colbert, bishop of Montpellier, who was at the forefront of the resistance to the Bull. With his friendship with Colbert in jeopardy, Fleury was sorry to see such bitterness and dogmatism. ‘They consider all those who do their duty as men devoted to the court. If they were prepared to confer and listen, I believe that some concessions could be made to avoid schism. But they go too far and want to have the upper hand.’ See Fleury to Rohan, Montpellier, 26 July 1714, B.N., Mss fr., 17748, quoted in V.Durand, Le jansénisme au XVIIle siècle et Joachim Colbert, évêque de Montpellier, Toulouse, 1907, p. 26.

33 See below, Chapter 9.

34 Saint-Simon, XXXIII, p. 403. On 11 June 1711 the Princess Palatine, mother of the future Regent wrote: ‘There is perpetual war between the Jesuits and the Jansenists, but the Jesuits are upheld by the King, which strengthens them very much. They torment the others in every possible way; and here one cannot get on better than by taking part against them’.

35 The account by Saint-Simon (XXVI, pp. 87–9) is a fascinating portrait in detail of the way in which a courtier would normally make use of his patrons; nevertheless, it errs from the truth on one important point. Saint-Simon attributes great dissimulation to Fleury with the suggestion that he adopted a religious stance purely to further his worldly career. The memorialist counted himself a supporter of the Jansenist faction and he quite simply blackened the character of a man he disliked by attributing to him undue ambition. In fact, Fleury did not suddenly manufacture a religious cloak for his designs. The expression of his religious opinions in the private letters to
Noailles in 1711 differs in no way from the attitudes which motivated his public activities in 1713 and 1714.

36 Sainte-Beuve, relying too heavily upon the reports to be found in the memoirs of d’Argenson and Bernis, laid the blame on Fleury’s doorstep: *Cauteries du lundi*, 4th edn, Paris, 1883, II, p. 488. Both of his sources had fallen foul of Fleury, the first for his connection with the disgraced minister Chauvelin and the second for his indirect ambition, and they subsequently sketched him in an unfavourable light. Fleury accused the preceptor of educating the King to suit his own ends, failing to bring out his better qualities, with the exception of religious devotion, and made up a tale of Fleury being discovered with the King putting paper curlers in his grey hair—F.J.Bernis, *Mémoires et lettres*, ed. Fr.Masson, 2 vols, Paris, 1859–67, II, p. 259. A.M. Wilson, *French Foreign Policy During the Administration of Cardinal Fleury, 1726–1743*, Cambridge Mass., 1936, repeats these stories, pp. 25–6.


41 *Dangeau, Journal*, pp. 37, 86.

42 ‘M. le Regent ne pouvoit que se louer de la manière dont l’éveque de Frejus vivot a la Cour. Ce prétât comme nous avons déjà dit n’entroit pour rien dans aucune intrigue, et ne se moit des affaires du gouvernement que lesquelles interessoit la religion, ou que les ministres le consultoient. Cheri, respecte de toute la Cour, il avoit aussi la Confiance d’un grand nombre de Courtisans.’ Ranchon, ‘Histoire de Fleury’ (1 751), rough copy, B.N., N.a.f., 21795, p. 118.

43 The memorialist explains that they had met towards the end of the life of Louis XIV, at the house of Mme de Saint-Géran. Much later, through Mme de Lévis, they became much better acquainted and Fleury used to dine with Saint-Simon: XXXVIII, pp. 31–3.


49 G.Hardy, *Le cardinal de Fleury et le mouvement janséniste*, Paris, 1925, pp. 11–12. ‘Fleury domina tout de suite dans cette Assemblée purement ecclésiastique. Son titre de précepteur du roi lui conférait une autorité particulière; on le savait ami des Jésuites et “soutenu sous main” par le prince de Conti, le due du Maine, le maréchal de Villars; son age, ses qualités diplomatiques, son ardeur a servir la cause de la constitution le distinguaient de ses confrères, plus timorés, comme Rohan, moins politiques, comme Bissy, ou trop intéressés, comme Dubois’—ibid., p. 12. If Fleury had been supported by the prince de Conti or the due du Maine it would have been a noteworthy disadvantage at court, for neither was highly regarded by either the Regent or Dubois, and Villars actually feared for his exile alter the Cellamare affair—Villars, LXX, p. 80. Nor was Fleury a particular friend to the Society of Jesuits, as has already been shown, and he did not support the appointment of a Jesuit confessor for Louis XV in 1722—Dorsanne, *Journal de l’abbé Dorsanne… contenant tout ce qui s’est passé à Rome et en France dans l’affaire de la constitution Unigenitus…*, 2 vols, Rome, 1753, II, p. 154.

50 Saint-Simon, XXXVIII, p. 235.


52 Saint-Simon, XXXVIII, pp. 269–70.
NOTES

53 Ibid., p. 272.
54 Ibid., p. 241.
55 Ibid., p. 242.

2 THE ACQUISITION OF A MINISTERIAL POST, 1721–3

1 This is equally true of the older works by Lacretelle, Lemontey, Leclercq, Bliard and the more recent study by Shennan.

2 For monetary rewards as an aspect of court politics, see J.Levron, Les courtisans, Paris, 1961, passim and especially pp. 97–14, translated as a chapter in R.Hatton, Louis XIV and Absolutism, London, 1976. In a brief but generally accurate memoir on politics from 1715 to 1726 the marquis de Lassy singled out the intelligent use of patronage as the regent’s method of governing. ‘Il prodigua des Graces; il donna des pensions, il jeta a la tête de tout le monde les Survivances des charges et des Gouvernements; il ajouta a la plupart de nouveaux appointements; il augmenta la paie des troupes et s’acquit par ce moyen un nombre considérables de Créatures, qu’il scut s’attacher encore par les manières les plus engageantes; car tout semblait parler en sa faveur, ses legeretes, ses foiblesses meme (car combien n’en eut-il pas?) contribuoient encore a le rendre aimable.’ Recueil de différentes choses, 4 vols, Lausanne, 1756, IV, 101–28, citing pp. 111–12.

3 Louis-Henri de Condé, duc de Bourbon (1692–1740), ‘Monsieur le duc’ in court parlance, became surintendant de (‘education du roi in place of the exiled due du Maine in 1718, but even by 1721 the young King was not very attached to him: see Saint-Simon, XXXVIII, p. 235.


5 Quotation from Saint-Simon, XXXVIII, p. 213; for letters dealing with favours, see A.A.E., Mém. et Doc., France, 1220–53.


7 Saint-Simon, XXXVIII, pp. 278–9, 282–4.


10 Saint-Simon noted in his Mémoires the weight of patronage they retained even in 1719 after the Cellamare affair, emphasising ‘le nombre, les établissements, la parentèle, et le poids dans le monde’, XXXVI, pp. 149–50.


14 J.J.-B.Fleuriau d’Armenonville (1661–1728) had been appointed secrétaire d’état on 3 February 1716, was made garde des sceaux on 28 February 1722 and resigned on 17 August 1727.

15 See below, pp. 152–3, 168–9, 175.

16 Saint-Simon, XL, p. 230.

17 The Regent claimed that ‘ce duc entroit dans les cabales contraires à son autorité, et qu’il fortifioit le cardinal de Noailles, son oncle, dans le refus qu’il faisait des pouvoirs nécessaires au confesseur que sa majesté s’étoit choisie’, Villars, LXX, pp. 130–1. The particular incident referred to was the appointment of the Jesuit Père de Lignieres as confessor to Louis XV as a part of the marriage arrangements with Spain.


19 A.A.E., Mém. et Doc., France, 139, fol. 161. This volume by Le Dran, ‘Sur le gouvernement du Royaume de franco sous la Régence du Prince Philippe petitfils de France due d’Orléans 1715 1726’, conveniently gives copies of the correspondence relative to this affair. See also Bourbon to Fleury, 17 August 1722, A.A.E., Mém. et Doc., France, 1252, fol. 26–9. G.Hardy stretches his evidence too far in attributing the flight to a conflict between the harsh persecution of Jansenists by Fleury and the liberalism professed as early as 1720 by d’Orléans: Le cardinal de Fleury et le mouvement janséniste, Paris, 1925, pp. 14–15.
20 Saint-Simon, XLI, pp. 8–14.
25 Saint-Simon, XXXVI, pp. 149–50.
30 See below, pp. 166–72.
32 Claude Le Blanc (1669–1728), counsellor in the parlement of Metz in 1696, he married the daughter of the doyen of that parlement. Later he became successively intendant in the Auvergne, at Dunkerque and at Ypres in 1706 and in Hainault 1708–15. After having been a member of the council for war during the Polysynodie he became in 1718 secrétaire d’état for war. His two brothers became bishops during the Regency, César at Avranches in 1719 and Denis Alexandre at Sarlat in 1722–Biographie Universelle, art. Claude Le Blanc.
33 Neither historical study of Le Blanc does justice to the material. The first, by V.de Swarte, Un intendant, secrétaire d’état au XVIIIe siècle, Claude Le Blanc, sa vie, sa correspondance, 1669–1728, Dunkerque, 1900, cites a few interesting letters but lacks a critical framework or deep knowledge of the politics. The value of the second, by C.Sturgill, Claude Le Blanc, Civil Servant of the King, Kentucky, 1973, is limited, as shown by his arguable use of the modern bureaucratic concept of the civil servant and little affinity for political behaviour of the time. The aspects of his career treated in the present study remained for the most part unknown to these authors.
34 Hénault, Mémoires, ed. Rousseau, pp. 95–6.
35 Jacques Fitz-James, maréchal-duç de Berwick (1671–1734) was the son of the Duke of York later James II, by his mistress Arabella Churchill.
37 It is known that Le Blanc employed a fairly large number of spies, although as little is known about them as about most other spies and pamphleteers of the eighteenth century. The abbé Margon was, however, arrested and put in the Bastille, and his papers confiscated. The several volumes contain nothing of political interest since documents incriminating various courtiers were either returned to their subjects or burned in the presence of the lieutenant de police on the orders of the duc de Bourbon. The abbé Margon was the son of a colonel of dragoons in Languedoc and his brother was lieutenant du roy de la province de Languedoc for the Béziers area. Cultivated and intelligent, he began as a Jesuit pamphleteer on Unigenitus. His family brought him to the attention of the Regent asking for employment for him in Paris (see letters of 29 February and 1 March 1716 in A.A.E., Mém. et Doc., France, Languedoc, 1641, fols 32–6). He was given a pension, worked for the Regent then Le Blanc and in 1722 d’Orléans had him compose a brevet de la calotte against Fleury with details provided by Le Blanc. After the death of d’Orléans he spied for Bourbon against Le Blanc, but false reports led to suspicions and a term in the Conciërgerie in 1724, where, incredibly, an ambitious and unscrupulous maître des requêtes had him compose, in prison, libels against enemies of the duc de Bourbon. Fleury, suspecting him, had him arrested in February 1726 and he was eventually sent to the Îles Sainte Marguerite. See Archives de la Bastille, ed. F.Ravaison-Mollien, 19 vols, Paris, 1866–1904, XIV, pp. 77–94; Papiers de l’abbé Margon’, Arsenal, A.B., 10950–3.
39 Ibid., fol. 3.
40 Ibid., fol. 108.
NOTES

41 The inauguration of the visa after the collapse of the Law system led to a verification of government expenditure, under the supervision of the Paris brothers. A false declaration by Le Blanc led to suspicions of financial irregularity. The affair took on considerable importance in 1723 and during Bourbon's ministry. See below, pp. 63–4, 100–2.

42 Saint-Simon, XL, 230–1.


44 For the conflicts between the crown and the parlement from 1715 to 1723, see J.H.Shennan, 'The parlement of Paris during the Regency, 1715–1723', Historical Journal, 1965, pp. 179–200 and J.D.Hardy, Judicial Politics under the Old Regime: The Parlement of Paris During the Regency, Baton Rouge La., 1967, passim.

45 Fleuriau d'Armenonville (1661–1728) had replaced Daguesseau as garde des sceaux on 28 February 1723 and his son became secrétaire d'état for foreign affairs on 10 August 1723. Le Pelletier de la Houssaye retired as contrôleur général in March 1722 and after the refusal of the post by Fagon, was succeeded by Dodun (1679–1736).


47 'Le duc d’Orléans ne prit point d’heures ny de jours fixes pour ce travail, il alloit chez le Roy comme a son ordinaire avec le portefeuille de signatures, et souvent il revenoit sans qu'il cut este ouvert. J'ai scu de M.le Duc d’Orléans que les jours qu'on ouvroit point ce portefeuille estoient les jours les mieux employes par cequc les trois heures qu’il restoit avec sa Maâse se passoient en conversations qui avoient pour objet les grands principes du gouvernement. Il m’a paru que M. le Duc d’orleans se preparoit avant d’aller chez sa Maâse, je l’ay vu lire quelquefois un chapitre du testamente Politique du card1 de richelieu et quelquefois d’autres mémoires'. From a sheet of notes given to Clairambault on 19 April 1738 by the valet of the duc d’Orléans, in B.N., Clairambault, 529, p. 293.


49 See Antoine, Le Conseil du roi, Chap. 2.

50 B.N., Ms fr., 10681, fol. 38.


53 For the offices, see B.N., Ms fr., 10232, pp. 971–6, 991–4, 1111–13. For the abbey, see Dubois to Tencin, 25 June 1723, A.A.E., Mém. et Doc., Rome, 52, fols 481–2.

54 'Discours de Mr Paris de la Montagne a ses enfants. Pour les instruire de sa conduite et de celle de ses freres dans les principalles matieres du Gouvernement ou ils ont participes', written in 1729, Arsenal, Ms. 4494, fols 56–64.

55 B.N., Ms fr., 10232, pp. 1015–18. The commission comprised three conseillers d'état and eight maîtres des requêtes.

56 The full political implications of the scandal have not been drawn before. M.Marion in his Histoire financière de la France, I, Paris 1914, p. 122 n., considered Le Blanc to have been guilty, while Sturgill, op. cit., is of the opinion that because he was subsequently acquitted by the parlement he must have been innocent—an unreasonable assumption given the circumstances.
3 THE MINISTRY OF THE DUC DE BOURBON, 1723–6

2 A.M. Wilson, French Foreign Policy During the Administration of Cardinal Fleury, 1726–1743, Cambridge Mass., 1936, p. 27.
4 B.N., N.a.f, 9511, p. 7.
5 A.-L. Lassay, Recueil de différentes choses, 4 vols, Lausanne, 1756, IV, pp. 118–19.
9 ‘Papiers de Berwick’ (ms memoirs), B.N. Ms, fr., 6831, p. 40. The published edition of these memoirs omits these remarks. Like Julius Caesar, both Villars and Berwick wrote of themselves in the third person.
10 Chambrier to Frederick William, 8 February 1724, A.A.E., C.P., Prusse, 73, fol. 251.
11 There is evidence of this in the only volume of her correspondence to have survived.
12 Villars, L.XX, p. 171.
13 Walpole to Newcastle, 24 April 1724, B.L., Add. Mss, 32738, fol. 258.
14 Idem to idem, 3 May 1724, loc. cit., fols 297–8.
15 21 June 1724, loc. cit., fol. 254.
19 Dureng, Le duc de Bourbon, pp. 16, 166–7; Wilson, French Foreign Policy, pp. 182–4.
quotes this passage in a very distorted form in order to show Fleury’s ‘subservience to the English ambassador’.

21 For example, in 1724 he gave Walpole the impression that he had been instrumental in securing Prussia’s accession to the Triple Alliance of France, Britain and Holland, even though he opposed the Protestant succession to the duchies of Berg and Julich on religious grounds so as not to offend the Pope, thought Walpole, while giving Walpole the impression he was ‘a good protestant in alliances to be made by this crown abroad’.

22 Walpole to Newcastle, 31 May 1724, loc. cit., 32739, fol. 29.

23 Newcastle to Walpole, 28 June 1724 (new style), ibid., fol. 200.

24 Two articles by Baudrillart discuss at length the legal validity of the renunciation; he concludes that the renunciation was valid according to French law: ‘Examen des droits de Philippe V et de ses descendants au trône de France en dehors des revendications d’Utrecht’, Revue d’histoire diplomatique, 1889, pp. 161–91, 354–84. Of course, contemporaries could not have been expected to agree with this view unless it suited them to do so.

25 The notion of a Spanish (action, which would be glad to set the establishment of the succession aside, should the young king fail, and throw Europe into blood once more, is no imaginary but a real and well grounded notion’, Bolingbroke to probably Lord Harcourt, 28 December 1723, in W.Coxe, Memoirs of Sir Robert Walpole, London, 1778, III, p. 315.


28 The two centuries of misrepresentation of Bourbon’s policy can most conveniently be dealt with in their most recent and authoritative version, to be found in the study of French foreign policy by Wilson. This book is employed here as an example of a certain approach to historical evidence which can easily lead to erroneous conclusions, convenient because the first chapter represents a summary by the author of the state of studies in 1936, which was the date of the last serious work on the subject. For an extended critique of Lodge, Dureng and Wilson’s view that, ‘True policy was sacrificed for ambition by Bourbon, whose real purpose was to bring about a marriage between one of his sisters and Louis XV, see P.R.Campbell, ‘The conduct of polities’, PhD thesis, University of London, pp. 126–33.

29 If France in 1725 misjudged the possible consequences of the affair, so too did her ally the British government, as the following extract from a dispatch from Newcastle to Walpole (1 March 1724/5 O.S.) reveals. It considers the consequences of the recent repudiation of the Infanta. ‘Whatever Monsieur le Duc shall think necessary for the interest of His Most Catholic Majesty, the King our master will not only very readily approve, but be glad if he can in any manner contribute to the success of it: and indeed let my own part, I do not see what ill consequences this can have towards the King; as it must undoubtedly cause for some time at least a very great coolness, if not an absolute breach between France and Spain, France will stand more in need than ever of the King’s assistance, and consequently will be obliged to act everywhere in the most perfect concord with His Majesty. The only thing that is in the least to be apprehended is that, if there has been any private negotiation between the courts of Vienna and Madrid, this may fling Spain into the Emperor; but if that should be the case, as long as England and France are so firmly united, there is little mischief to be apprehended from it.’

30 Wilson, French Foreign policy, op. cit., p. 33.

31 Fleury to Saint-Simon, 18 March 1725: ‘il n’est pas possible de n’estre pas touché de cet evenement et ne crois pas que je ne le suis autant que vous, quoi qu’il ne me soit pas permis de me justifier. Je ne puis avoir l’honneur de vous dire d’avantage aujourd’hui, et je me contente de vous assurer monsieur qu’on ne peut vous honorer ni estre plus inviolablement que moi votre tres humble et tres obeissant serviteur’ A.A.K., C.P, Espagne, 343, fol. 106.


34 The cardinal de Bissy to Fleury, Wednesday, 14 June 1726, A.A.K., Mém et Doc., France, 1259, fol. 107.

35 Morville to Polignac, 24 October 1724, in Dureng, Le duc de Bourbon, op. cit., p. 131.

36 A True and Impartial Account of All that has passed betwe from the French, London, T.Warner
NOTES

publ., 1728 or in French Relation fidèle de ce qui est passé, tant à Rome que de la part du cardinal de Noailles, sur l'affaire de la constitution depuis l'exaltation de N.S.P. le pape Benoît XIII, 1727.

37 Ibid., p. 7.
38 Ibid., pp. 13–14.
40 Bishop of Blois to Graveron, 5 February 1725, A.A.F., Mém. et Doc., Rome, 53, fol. 371–4; see also bishop of Nîmes to Polignac, 25 March 1725, loc. cit., vol. 669, fol. 84.
41 Durand, Le jansénisme au XVIIIe siècle et Joachim Colbert, évêque de Montpellier, Toulouse, 1907, p. 150.
43 B.L., Add. Mss, 20322, fol. 30.
44 True and Impartial Account, pp. 17–19.
45 Morville to Polignac, 9 October 1725, A.A.F., C.P., Rome, 670, fol. 368.
46 From the middle of November the formal dispatches of Polignac concentrate on the troubled scene in Rome, but the best description of the effect of the letter is to be found in a report which was not intended for presentation to the council of state. ‘Je n’ay mis, Mr’, Polignac wrote on 27 November, ‘dans ma depeche au Roy que ce qui m’a paru indispensables pour faire connoitre au conseil de la Mte l’effet que la lettre des deux cardinaux et du prelat ministre avoit fait sur l’esprit du Pape. J’ajouteray ici, pour ne rien cacher a M.le Duc, ny à vous, qu’il en a ete prodigieusement irrité. Il ne l’a regardé que comme le produit de la haine et du mépris qu’ils ont, dit-il, non seulement pour le card de Noailles mais pour sa personne…’
47 The above discussion differs substantially from that by G.Hardy (Le cardinal de Fleury et le mouvement janséniste, Paris, 1925, pp. 23–39) both in the details presented and in the conclusions drawn about the religious strategy of Fleury and, because the episode forms a pivot for Hardy’s overall interpretation, should be considered more closely. Hardy has a favourable attitude towards Noailles’ negotiations and interprets the response by Fleury as evidence of a particularly uncompromising and doctrinaire approach. This was the attitude of a bishop who was secure in the knowledge that Bourbon was taking the blame for the hostility which was aroused (p. 39). When Fleury became premier ministre he immediately tried out a more compromising policy, he argues. This view should be modified. Hardy relies too heavily on the evidence in the Journal of the abbé Dorsanne who was a staunch supporter of Noailles and therefore not an impartial observer. The fact is Bourbon was unwisely attempting to implement a policy that had already failed once and was still opposed by most of the French bishops. The bold action taken to stop Noailles was forced on Fleury who had no other means of combating a policy never put before the council. It is possible that Fleury was implicated in the steps taken by the Assembly of Clergy in 1725 to condemn propositions almost identical to the XII articles and to describe Unigenitus as a law of state, but there is no evidence. We can be sure that Hardy is mistaken in seeing Fleury’s apparently more conciliatory policy when he was premier ministre as a change of strategy, and in believing that a policy of accommodation was back in fashion. The remains of the correspondence dealing with the attempts to induce Noailles to accept Unigenitus after June 1726 actually reveals that Fleury was never prepared to compromise on any essential point. He made it clear to Noailles that he thought that to accept explanations would be tantamount to admitting that the appellants were right and the acceptants wrong. Noailles was too prestigious to attack openly, and so the negotiations were simply a tactic to deal with him; they did not represent a new strategy. Hence the policy pursued in 1726–7 was not at variance with the persecutions organised by the conseil de conscience from 1720 until 1726. The variations in tactics did not correspond to the political position of Fleury. His religious aims remained remarkably constant.
50 Dureng, Le duc de Bourbon, op. cit., pp. 257–62. Akabane, ‘La crise’, p. 282, with inaccurate figures on the state revenue for previous years, claims that there, was a significant fall in 1725 and implies that the cinquantième was only a response to the revenue crisis. With Dureng and Marion, I think
the project was a continuation of earlier reforms. But it is impossible to agree with Dureng (p. 259) that the tax was inspired by Law and Walpole: it owes much to Vauban. See H. Hauser, review of thesis by M. Cottier, ‘Le cinquantième’, in *La Révolution française*, n.s., II, 1935, pp. 190–1.

51 ‘Mémoire presenté par Mr Paris a Mgr le Duc de Bourbon au sujet des anciennes dettes de l’Etat, du mois de juin 1725’, B.N., Clairambault, 529, fol. 519–28: ‘Ceux qui possèdent les biens dont doivent etre appelles au secours de l’Etat pour sa liberation; c’est pourquoi nous avons determine l’établissement du cinquantième pendant douze années; ce n’est point la qualite des personnes, c’est la qualite des biens qui fournira le secours, il ne portera donc que sur ceux qui auront le moyen d’y contribuer; ce sont ceux qui retireront tout le fruit de l’imposition puisque son produit sera exactement employe au remboursement des capitaux des Rentes’. See also the preamble to the edict on the *cinquantième* in J. Isambert, ed., *Recueil des anciennes lois françaises*, 29 vols, Paris, 1822–33, XXII, pp. 289–93.

52 For the meeting, see Villars, L.XX, pp. 216–18.


55 On the pamphlet war about the fiscal privileges of the clergy in 1749–50, a war that saw Jansenists enter the lists against Jesuits, see M. Marion, *Machault d’Arnouville. Étude sur l’histoire du contrôle général des finances de 1749 à 1754*, Paris, 1891, repr. Geneva, 1978, Chapter 10; on Bargeton, whose *Lettres, ne repugnent* (1750) were prominent, see comme E. de Téte de Balincourt, *Daniel Bargeton, avocat au parlement 1678–1757*, Niimes, 1887. Stephan Noelke is currently preparing a German thesis on this debate.

56 Arsenal, A.B., 10155, fols 50–3, August 1725. The views at court were not very different: see a letter to Richelieu in *La vie privée du maréchal de Richelieu*, I, pp. 408–9, the letter is misdated September but could only be from August.


58 Although Farge is aware of the fact that courtiers and ministry tried to generate and manipulate opinion, her main aim in this path-breaking study is to shed light on the opinions of the common people, the way in which they were shaped, and the complexion they took on. She does not address the problem that the police reports seem to change in tone in 1726, with the appointment of Hérault, which perhaps reflects Fleury’s greater concern with political opinion than with the opinions of the common people (which of course needed still to be monitored for fear of popular-disorders). She is thus attempting the very difficult task of extracting popular thought processes from evidence that very probably comes somewhat from markets and workers’ cabarets especially in times of high prices, but mainly from higher up the social scale, as indeed with the *Nouvelles ecclésiastiques* which she discusses at length. The gazetins from 1725 to 1743 very often record opinions collected from the palais de justice and the fashionable cafés (referred to by the spies in their reports), and discuss parlementaire and ministerial politics with some sophistication (see, for example, reports concentrating on political rumours in 1736 and 1737, Arsenal, A.B., 10165, fols 231, 236, 228, 517, and 10166, fols 25–6, 27–8, 39, 42–3, 47). Their contents clearly do not even mainly stem from the common people, and this is probably consistently true of the reports by the chevalier de Mouhy, on whom see E. Cruickshanks, ‘Public opinion in Paris in the 1740s: the reports of the Chevalier de Mouhy’, *Bulletin of the Institute of Historical Research*, XXVII, 1954, pp. 54–68.

59 One such famous lackey whose garbled understanding of politics led him to more than bad words is Damiens: see D. K. Van Kley, *The Damiens Affair and the Unravelling of the Ancien Régime 1750–1770*, Princeton, 1984, esp. Chap. 1.

4 THE DISGRACING OF BOURBON


2 B. de Laborde, *La vie Privée du maréchal de Richelieu*, 3 vols, Paris, 1791 contains the correspondence between Richelieu and the duchesse de ****[sic]** from 1725 to 1728, I, pp. 406–17; III, pp. 267–82. The identity of the duchess has never been discovered, but there is some evidence to suggest that it might have been Angélique Victoire de Bourbonville (1684–1770), duchesse de Duras.
3 In his introduction to the Mémoires authentiques du maréchal de Richelieu, Paris, 1918, Boislisle remarks that a certain letter to Polignac is probably forged because no trace of it can be found in the register in which Richelieu recorded his letters. However, the only register of the correspondence in the Fonds Richelieu was made up in the 1830s and consequently includes only those letters which were then and still are available. Therefore, the absence of any note concerning a letter not preserved does not prove that the letter did not exist when Soulavie was doing his research in the 1780s (and probably stealing letters for his enormous private collection, now unfortunately lost or dispersed). Indeed, there is no record in the present collection of a great number of letters from Silly whose existence is testified by the replies from Richelieu during 1725 and early 1726. The register is clearly not an authoritative test of the authenticity of letters, or even of their existence.


6 Saint-Simon, XII, p. 192.


9 Copies of the reports of Chambrier are to be found in A.A.E., France, C.P., Prusse, 70, 73, 74, 83; those of count Louis Joseph d’Albert de Luynes, prince von Grimberghen to Charles Albert, Elector of Bavaria, may be consulted for this period in Munich, Hauptsstaatsarchiv, Kastenarchiv, 17081–91.

10 ‘Il y a aussi un brevet affreux centre M.le Duc; et il a raison d’en être outré, car c’est une satire des plus fortes et des plus piquantes, contre lui et contre tout ce qui lui est attaché. On propose un prix a celui qui en découvrira l’auteur; l’ancienne querelle de la naissance de 1588 n’y est pas oubliée; mais il faut etre bien fort pour écrire contre celui qui peut proscrire, et, sur cette naissance je vois le monde peu instruit dans le fait historique’—Marais to Bouhier, 29 June 1725, Journal et, Mémoires, ed. M.de Lescure, 4 vols, Paris, 1863 8, III, pp. 342–3.

11 C.A.Montgon, Mémoires de Monsieur l’abbé de Montgon…, 8 vols, Lausanne, 1748–53, I, pp. 409 10. The abbé Montgon was a self-important minor agent who was employed by Fleury in Spain, and left lengthy memoirs.


13 Ibid.


15 As early as April 1725 Fleury had suggested that the sacrifice to the wrath of Philippe V about the repudiation of the Infanta should be the dismissal of Duverny and Mme de Prie: Walpole to Newcastle, 4 April 1725, B.L., Add. Mss, 32742, fol. 510.


17 Louis II de Mortemart, 1681–1 746, due de Mortemart in 1688, after a military career received the order of Saint Louis in 1724.


19 ‘J’attens avec impatience quelques eclaircisseemens sur la façon dont M. le Duc et M de fréjus sont ensemble; ceux qui sont comme moy dans les pays étrangers sont aussise embarrasses que le doivent etre les ministres étrangers a paris qui ne doivent savoir a qui s’adresser pour le succes de leurs negociations. Cette ambiguité dans le ministere est bien malheureuse…’ F.R., 30, fol. 148.


21 Ibid.


NOTES

26 See Chapter 10 below for details of the way in which the parlement functioned.
27 Villars, LXX, pp. 188–9.
31 D’Echerac, La jeunesse, pp. 144–6.
32 A.Baudrillart, ‘Les prétentions’, passim; Walpole to Newcastle, 10 February 1725, loc. cit., 32742, fol. 146; idem, 7 March 1725, fol. 246; idem, 10 March 1725, fol. 274.
33 In his letters, Richelieu not only refers to the Orleanists (31 December 1725) but also makes several references to ‘the party opposing Bourbon’ and letters after the event discuss the renewed power of the cabal, as contemporaries called them. See Richelieu to Silly, 29 July 1726, F.R., 31, fol. 94.
36 F.R., 30, fols 188–9.
38 Richelieu to Silly, 9 February 1726, F.R. 30, fol. 187.
41 The duchesse de **** [sic] to Richelieu, 22 May 1726 (misdated as 1725, in La, vie privée, I, pp. 406–7; ‘Yesterday I dined with the the Bishop of Fréjus…He does not appear to desire the place of premier ministre; however, he has all the ascendancy. The king is more faithfully than ever his servant and it only depends on him to govern in place of the master’.)
43 Villars, Mémoires, LXX, pp. 264.
44 The most detailed contemporary account was penned by the Bavarian ambassador, Munich, Hauptstaatsarchiv, Kastenschwarz, 17091, and is reproduced in Campbell, ‘The conduct of polities’, PhD thesis, London University, 1985, Appendix 2, pp. 386–7.
46 Pallu was the son of the sous doyen of the grand’chambre of the Paris parlement. He became a counsellor in the third chamber of enquêtes in 1718, maître des requêtes in July 1726, intendant of the Bourbons in 1734, of Lyon in 1738 and a counsellor of state in 1749—Etat de la France, 1736, Bluche, L’origine des magistrats du Parlement de Paris au XVIIIe siècle (1715–1771), Paris, 1956.
47 Pallu le fils to Richelieu, received on 2 July 1726, F.R., 31, fols 80 ter, 81 and 82.
49 Richelieu to Silly, 20 July 1726, F.R., 31, fol. 91.

5 THE CONSOLIDATION OF THE MINISTRY OF FLEURY

1 F.V.Toussaint, Anecdotes curieuses de la cour de France sous le règne de Louis XV, ed. P.Fould, Paris, 1908, p. 44.
4 Frederick II to Voltaire, 21 October 1740, in Correspondance complète de Voltaire, ed. T.Besterman, letter 2208.
NOTES

8 ‘J’ordonne à…de faire et d’expédier tout ce que l’ancien évêque de Fréjus luy ordonnera de ma part de luy obéir et de luy rendre compte de toutes choses.’
10 The King thanked Breteuil warmly for his services and promised to re-employ him. He was given a pension of 16,000 livres.
11 Albert to the Elector, 14 and 26 June 1726, Munich, Hauptsstaatsarchiv, Kastenscharzew, 17087.
12 Camille d’Hostun de la Baume, due and maréchal de Tallard (1652–30 March 1728), lieutenant général in 1683, special ambassador to England 1698 1701, maréchal de France in 1703, governor of Franche-Comté from 1704, duc d’Hostun in 1712, pair of France in 1715, ministre d’État in 1726. According to Saint-Simon, who records only his early career, he was intelligent, hardworking, ambitious and polite Saint-Simon, VIII, pp. 247 and 333, XI, pp. 52–4, XII, p. 192. In the 1720s he was regarded as a member of the ‘old court’ and therefore pro-Spanish. Nicolas de Laye du Blé, marquis d’Huxelles (1652–10 April 1730), commandant en chef in Alsace in 1690 and in Strasbourg in 1702, subsequently governor of these territories, maréchal de France in 1703, plenipotentiary to Utrecht in 1713, president of the conseil des affaires étrangères during the Polysynodie, ministre d’État in 1726. Again, d’Huxelles was regarded as a member of the ‘old court’.
13 For a full exposition of this practice in France over several centuries, see L.Dollot, Les cardinaux ministres, Paris, 1952.
14 Sorba to Richelieu, 4 July 1726, F.R., 31, fol. 83; Richelieu to Silly, 2 September 1726, loc. cit., fol. 102; Sorba to Richelieu, 1 September 1726, loc. cit., fol. 100; Villars, Mémoires, LXX, pp. 267–8.
15 The PhD thesis of Dr E.G.Cruickshanks on ‘The factions at the court of Louis XV and the succession to cardinal Fleury (1737–1745)’, London University, 1956, was the first to deal with this largely neglected and misunderstood period, and remains crucial for our understanding of the later years. It seeks to explain the pre-eminence of the Secretaries of State in the government after Fleury and naturally concentrates upon the period from 1737 to 1747.
17 Richelieu to Silly, 1 July 1726, F.R., 31, fol. 78.
20 Richelieu to Silly, 13 July 1726, F.R., 31, fol. 89. This letter is one of those original manuscripts that is so evidently a reply to a letter of Silly reprinted by Soulavie in his Pièces inédites, II, that doubts on the authenticity of the latter should be dispelled.
21 François Richer d’Aube, ‘Réflexions sur le gouvernement de France’, B.N., N.a.f, 9511, p. 15. These ‘Réflexions’ in several volumes of clear script (ms 9511–17) are an important source for French political history from the late 1720s to 1748, and deserve publication in at least extracts. Richer d’Aube (20 March 1688 12 October 1752) was a man of considerable experience in government. He became a counsellor in the parlement of Rouen in 1710, commissioneer for the conseil de commerce in December 1720, maître des requêtes on 23 April 1722. He was intendant at Caen from July 1723 until January 1727, when he moved to the généralité of Soissons, where he remained until April 1731. He then served as maître des requêtes ordinaire de l’Hôtel du Roy. Fontenelle, of whom he was a distant nephew, proposed him for the Librairie in 1737, but he remained a master of requests until 1743, when he retired. (See Antoine, Le gouvernement et l’administration sous Louis XV, Paris, 1978, and Etat de la France, 1736.) He wrote for publication on morality, and on the role of intendants. He was a friend of the marquis d’Argenson (Journal et mémoires, ed. Rathcry, I, pp. 80–2) and shared his ideas on administrative reform.
23See the reports from several intendants in A.N., G’ 1140–1, and G’ 35–6; also the discussion in M.Marion, Les impôts directs sous l’ancien régime, principalement au XVIIIe siècle, Paris, 1910, repr. Geneva, 1976, pp. 130–5.
24Quelques esperances que l’on puisse avoir, soit de connoître les biens du clergé soit d’en tirer de grands secours aux deniers comptants, dans les circonstances ou l’on trouvo les divisions sur le
dogne en matières qui vont devenir fondamentales dans la Religion il semble que la prudence exige de prendre autres résolutions’—Arsenal, ms. 3857, p. 292.

27 Anonymous memoir, 1727, A.A.E., Mém. et Doc., France, 1260, fol. 156.
31 Villars, Mémoires, LXX, p. 264.
32 Sorba to Richelieu, 4 July 1726, F.R., 31, fol. 83; see also the ‘gazetins de police’, 13 July 1726, Arsenal, A.B. 10156, fol. 299, and 11 October 1726, fol. 399; Walpole to Newcastle, 25 June 1726, B.L., Add. Mss 32746, fol. 294.
33 Richelieu to Silly, 25 July 1726, F.R., 31, fol. 94.
34 Idem to idem, loc. cit., fol. 113.
38 Ibid., 9511, p. 15.
40 Silly to Richelieu, 21 May 1727, F.R., 32, fol. 199.
41 Silly to Richelieu, 16 April 1727, F.R., 32, fol. 78.
43 Quoted in Baudrillart, Les prétentions’, p. 128.
44 Silly to Richelieu, 6 May 1727, F.R., 32, fols 107–8, and, for the latter part of the quotation, letter of 21 May, loc. cit., fol. 199.
45 For this episode see Hardy, Le cardinal de Fleury, pp. 87–110.
46 For this sequence of events, never previously clarified, see especially Richelieu to Silly, 20 August 1727, F.R., 33, fols 95–7, for the chronology; idem to idem, 14 September 1727, ibid, fols 128–31; count Albert to court of Bavaria, Kastenschwarz, 17094; Chambrier to Frederick William of Prussia, 25 August 1727, A.A.E., C.P., Prusse, 83, fols 270–1.
47 See cardinal de Rohan to Dubois, February 1722, A.A.E., Mém. et Doc., France, 1251, fols 270–1.
50 Ibid., p. 25.
51 Ibid., pp. 29–30.
53 Toussaint, Anecdotes curieuses, p. 63.
60 See the copy of a letter from Fleury to a farmer general on 9 October 1726, Arsenal, ‘Gazetins de police’, A.B., 10156, fol. 393.
63 See the memoir on finances by Chauvelin, 31 December 1728, A.A.E., Mém. et Doc., France, 1262, fols 230–44. The marginal note reads ‘ce memoire du garde des sceaux Chauvelin ne contient que des generalites pour le retablissement des finances du Royaume; et a pour principal objet de decrier l’administration du controleur general Peletier des forts’.
64 See the anonymous letter probably to Fleury, explaining and denouncing the scandal, 9 March 1730, A.A.E., Mém. et Doc., France, 1266, fols 176–82; see also Richer d’Aube, ‘Réflexions’, 9511, pp. 45–6.
NOTES

65 Apparently Le Blanc had led him to believe this, while knowing full well that Fleury intended to avoid war if at all possible.


67 Richelieu to * * * * [duchesse de Duras?], February 1728, La vie privée, I, p. 280.

6 THE CONTROL OF PATRONAGE AND POLICY

1 There are, however, several studies that consider important aspects of the period: H. de Jouvencel, Le contrôleur-général des finances au XVIIIe siècle, Paris, 1901; G. Hardy, Le cardinal de Fleury et le mouvement janséniste, Paris, 1925; H. de Luçay, Des origines du pouvoir ministériel en France. Les secrétaires d’état depuis leur institution jusqu’à la mort de Louis XV, Paris, 1881; P. Viollet, Le roi et ses ministres pendant les trois derniers siècles de la monarchie, Paris, 1912; R. Vaucher, Robert Walpole et la politique de Fleury (1731–1742), Paris, 1924; A. M. Wilson, French Foreign Policy During the Administration of Cardinal Fleury, 1726–1743, Cambridge Mass., 1936. The foregoing studies were all written more than fifty years ago, and the latter two focus on foreign policy. More recent studies have very little to say on ministerial politics in this period: M. Antoine, Le conseil du roi sous le règne de Louis XV, Geneva, 1970, is the standard study of the working of the council; his Louis XV, Paris, 1989, excellent on institutions and the daily life of Louis XV, barely mentions faction or patronage in these early years; J. Shennan, ‘The political role of the parlement of Paris under Cardinal Fleury’, English Historical Review, LXXXI, 1966, pp. 520–42 does not examine the ministerial viewpoint.


4 For the ordinances, see A. Regnault, Les ordonnances civiles du chancelier Daguesseau, 3 vols, Paris, 1929, 1938 and 1965, for a sketch of his role as Chancellor, see A. Boulée, Histoire de la vie et des ouvrages du chancelier d’Aguesseau, 2 vols, Paris, 1848. See below, pp. 139–41.

5 See below, pp. 150–1.

6 See below, pp. 147–9 and 157–68.


8 The whole of the collection of documents in the ministry of foreign affairs relating to Fleury has been investigated. In the series ‘Mémoires et Documents, France’ some seventy volumes contain much of what remains of the correspondence of the Cardinal with both ministers and individuals of greater or lesser importance inside France. Many volumes dealing with individual provinces were also consulted where they contain letters to or from Fleury; those for Provence, Languedoc, Brittany and the Île de France were particularly useful. The scope of this book being limited to the structure of internal politics, the volumes of ‘Correspondance politique’ with the French ambassadors and other powers in Europe have chiefly been used in a way which permits conclusions about who was responsible for the drawing up of memoirs on policy at crucial periods. Ministerial memoranda provide an invaluable source of evidence on this topic, particularly if they have been annotated or replied to. The collections in the Archives nationales and Bibliothèque nationale have provided much further information on ministerial activity.

9 Report to Hérault, 6 August 1729, Arsenal, A.B. 10159, fol. 270.


Vintimille was thought to be a moderate and a politico in his attitude towards the Bull *Unigenitus*. His letters to Fleury when he was in Paris appear to confirm this. See B.R.Kreiser, *Miracles, Convulsions and Ecclesiastical Politics in Early Eighteenth-century Paris*, Princeton, 1978, pp. 54–7. However, the tone of the letters conceals the fact that when confronted with the recalcitrant Jansenists, he adopted a less moderate, more doctrinaire attitude which caused him to insert provocative statements into his pastoral instructions, thus causing problems for the ministry.


Bibliothèque Mazarine, mss 2357–8.

Bouffonidor, *Les fêtes de Louis XV, de ses ministres, maîtresses, généraux et autres notables personnages de son règne*, 2 vols, Villefranche, 1782, I, p. 201. ‘Couturier étoit à la tête du département de toutes les affaires ecclésiastiques’ is an ambiguous phrase when translated because the word *département* still had the meaning of ‘a sharing out’, rather than a bureaucratic body.

Couturier to Fleury, May 1738, A.A.E., Mém. et Doc., France, 1314, fols 203–4; idem to idem, fols 222–3.


Honoré de Beaujeu to Fleury, (1728?) in ‘Pièces fugitives en vers et en prose sur les affaires du temps 1721–41’, Arsenal, ms 2976, not paginated. The letter is perhaps apocryphal, but the point well made.

A.A.E., Mém. et Doc., 1266 and 1267, passim.


Ibid., p. 303.

Ibid.

Some volumes contain almost nothing but requests for patronage: see, for example, A.A.E., Mém. et Doc, France, 1274 (for 1732) and 1314 (for 1739).

For example, the duchesse douairière d’Orléans to Fleury, January 1732, A.A.E., Mém. et Doc, 1274, fol. 144.

See the letter from Toulouse to Noailles on this subject on 3 August 1732, A.A.E., Mém. et Doc, 141, fol. 139.

For example, the duc du Maine to Fleury, 11 August 1731, loc. cit., 1270, fols 103–4. For a fuller examination of how to make it in the world of finance and the role of the court, see Y.Durand, *Les fermiers généraux au XVIIIe siècle*, Paris, 1971, Chap. 2.

Ibid., p. 205.

On 4 September 1731, the due du Maine requested a favour from Fleury by letter instead of by audience: le scrupule que je me faits d’interrompre pour si peu de chose les importantes occupations que la conjoncture presente exigent de V Emce m’a engage a solliciter auprès d’elle, cette audience par écrit”—A.A.E, Mém. et Doc., France, 1270, fol. 192.

There is a satirical description of Fleury’s *coucher* in d’Argenson, *Journal et mémoires*, I, p. 113.


A.A.E., Mém. et Doc, France, 147, fols 14–16, 135–42, 143–53.

NOTES


40 For example, the proprietors of the salt mines of Peccais to Fleury, 18 February 1725, A. A. E., Mém. et Doc., France, Petits fonds, Languedoc, 1643, fol. 237–8; the cour des comptes de Montpellier to Fleury, n.d., 1725, loc. cit., fol. 239–40.

41 Cited in H. de Jouvencel, Le contrôleur-général des finances au XVIIIe siècle, 1901, p. 68. For information on the numbers of premiers commis in the central administration, see M. Antoine, Le conseil du roi, op. cit., p. 319, note 206. Thirty premiers commis accompanied the court to Fontainebleau in November 1735, and Fleury took with him four secretaries. See also J. F. Bosher, ‘The “premiers commis des finances” in the reign of Louis XVI’, French Historical Studies, III, 1964, pp. 475–94, who tends to emphasise their modernity and takes no note of this sort of patronage.


44 The public discovery of this state of affairs was to prepare the ground for the accusations of ‘ministerial despotism’ which became current from the middle years of the century when Louis XV was truly his own first minister.

45 ‘Réflexions’, 9511, p. 23.

46 A table showing all those ministers who held bureaucratic posts forms Appendix 1. The full range of duties of these ministers has not been indicated in detail. For further particulars, see the État de la France, 1736, IV, pp. 3–46; R. Mousnier, The Institutions of France under the Absolute Monarchy, 2 vols, Chicago, 1979 84, II, part 3.

47 For his role as Chancellor, see Antoine, Le conseil du roi, op. cit., pp. 206–10. His discussion also includes an exposition of the various functions of the Chancellor and the Keeper of the Seals. For the ordinances, see Regnault, Les ordonnances civiles, op. cit.


49 Antoine, Le conseil du roi, p. 124.


53 ‘M. le chancelier n’a pas du être fort flatté du peu d’empressement qu’a montré M. le cardinal a faire usage de ses lumières, apres en avoir tant fait pour le faire arriver. En effet, apres un entretien assez court, et tres vague, dit-on, S. E. lui a fait entendre qu’elle avoit a travailler avec M. le Garde des Sceaux et l’a congedie’—B. N., Mss fr., 10232, pp. 27–8.

54 Hénault, Mémoires, ed. Vigan, p. 296.

55 Ibid., p. 314.

56 It is in his role as minister for the marine that Maurepas has been best studied, by Chabault-Arnault in the 1890s, by Dagnaud in 1912, and more recently, since the sale of most of the minister’s private documents to America, by historians of the colonies. There is an excellent and more recent study by M. Filion, Maurepas, ministre de Louis XV, 1715–1749, Montreal, 1967; there are also two books by R. Lamontagne: Ministère de la marine. Amérique et Canada, d’après les documents Maurepas, Montreal, 1966; and Textes et documents Maurepas, Montreal 1967.

57 ‘Réflexions’, 9511, p. 196.


59 Saint-Simon, XXXIII, p. 96 and Filion, Maurepas, op. cit., p. 47.


On his administration of Paris, which necessitated working closely with the lieutenant-general of police, see the introduction to the Lettres de M.de Marville au ministre de Maurepas, A.de Boisiisle, ed., 3 vols, Paris, 1896–1905.


He was an influential member of the ‘regiment de la calotte’, whose ‘commissions’ were spitefully witty poems, and he collected songs. See E.Raunié, ed., Chansonnier historique du XVIIe siècle, 10 vols, Paris, 1879–84.


Ibid., pp. 198–9.


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NOTES

103 See below, pp. 260–9.
104 A.N., A.P., 257, carton 8.
105 These memoirs are scattered among the series Mémoires et documents in the A.A.E. Several may be found in Mém. et Doc., France, 503 and 505.
106 Richer d'Aube, *Réflexions*, 9513, p. 456. A marginal note reads ‘il y a encore bien des gens, qui ignorent cela, mais que cela n’est pas moins vray’.
107 See Part 2 Chapters 10 and 11.
108 A.A.E., Mém. et Doc., France, 1274, fol. 3.
111 Frederick II to Chambrier, 19 November 1740, in Flammermont, *Correspondance des agents diplomatiques*, p. 11.
113 A.A.E., Mém. et Doc., France, 457, fol. 63.
115 For an example of this correspondence, see Chauvelin to Fleury, with marginal notes by Fleury, 6 February 1737, A.A.E., Mém. et Doc., France, 1309, fol. 94, also in Campbell, *The conduct of politics*, Appendix III.
116 Albert to comte de Térring, December 1736, Munich, HSA, Kastenschwarz, 17147, no. 3.
117 Richer d'Aube wrote that l'etroite subordination dans laquelle M. le Cardinal de Fleury le tien, doit empecher qu'on ne luy attribue ce qui se fait de mal dans les parties de l'administration qui le regardent’: *Réflexions*, 9513, pp. 605, 613–14.
120 Notice des principaux evenements du ministere de mr Amelot qui a commence le 20 fevrier 1737 et a fini le 26 avril 1744–A.A.E., Mém. et Doc., France, 457, fol. 159 ff.
121 B.N., N.a.f, 490, and replies in ibid., 491.
123 B.N., Mss fr., 7190.
124 Villeneuve to Fleury, 31 January 1738, loc. cit., 490, fol. 17.
127 See especially A.A.E., Mém. et Doc., France, 1270, and (Ile de France) 1600.
128 Williams, *Bible*, p. 110, n. 65. According to Williams’ calculations (p. 111), in 1780 the number of spies could have been only around 350 men and women.
131 Albert, Prince Grimberghen to Count Térring, 30 January 1743, Kastenschwarz 17171.
133 See below, pp. 241–4.

353
NOTES

134 The correspondence between Fleury and Gilbert de Voisins is in the A.N., U 877. On 18 July 1729 Fleury wrote to Voisins: ‘Je prens done la liberte, sans vouloir afreusement vous rien prescrire, dont je suis infiniment eloigne, de vous envoyer mes observations que je sousmets a vos lumieres et a votre zeple pour le bien de l’etat. Vous en ferez tout l’usage que vous trouverez bon. Si j’osois je vous prierois de vouloir bien supprimer en entier l’article qui commence par le mot “Enfin”.’


136 For a more extended discussion of the power of the Noailles clan, in the context of the struggle for the succession to Fleury, see below, pp. 166–76.


139 There several in A.A.E., Mém. et Doc., France, 503 and 504.


141 See below, pp. 162–4.

142 A.N., G’ 1841–8; see also Antoine, Le conseil du roi, pp. 202–5.

143 A.N., G’ 1841–9, doc. 236.

144 Ibid., doc. 239.

145 Ibid., doc. 241.

146 Ibid., doc. 244.


148 Villars, Mémoires, LXX, p. 376.

149 Ibid., p. 386.

150 Ibid., p. 392.

151 Ibid., p. 475.


7 THE POLITICS OF FACTION

1 A.A.E., Mém. et Doc., France, 1266, fols 19–20. A marginal note reads: ‘c’est ce memoire la meme qui a cause la disgrace des ducs d’epernon et de gevres’. Other memoirs were composed at different times, see loc. cit., 1268, fols 184–8, and B.N., N.a.f., 6505.


3 Neither of these rumours seems to have been true. See d’Argenson, Journal et mémoires, ed. Rathery, I, p. 229.

4 ‘Etat de la cour’, A.A.E., Mém. et Doc., France, 1269, fol. 23: ‘Elle est toujours la principale actrice de la scene muette que jouent certains ennemis secrets de cette Emce et elle a dissimule avec un front serein tous les travers qu’elle a essuyes a ce sujet, aussy est elle toujours sortie du jeu, sans y rien perdre.’

5 F.-V. Toussaint, Anecdotes curieuses de la cour de France sous le regne de Louis XV, ed. P.Fould, Paris, 1908, pp. 71–2. In his Journal for July 1732 d’Argenson noted a revival of factional intrigue—I, ed. Rathery, pp. 21–7. In one of his memoirs on the parlement, he suggested to Chauvelin that the faction of the due de Bourbon might be involved in the opposition to royal policy.

6 A remark by Louis XV about Monteynard, the minister for war in the 1760s, indicates the need for a minister to have more than the support of the King. ‘Il faudra bien qu’il lombe, car il n’y a que moi qui le soutienne’, quoted in E. Boutaric, Correspondance secrète inédite de Louis XV, 2 vols, Paris, 1866, I, p. 5.

‘On parle avec tout l’éloge possible de m.le cardinal de Fleury. Les uns disent quo son eminence a plus conquis en deux ans de guerre que Louis quatorze n’a fait dans tout son Rayne sous le ministere de ceux qui sont passes pour estre de grand genie. D’autres disent que son eminence a su acquier au Roy l’épitette de grand sans qu’il en couste beaucoup de sang ny danger a la nation francaise.’ Conversation overheard in the palais royal, ‘gazetins de police’, 10 January 1736, Arsenal. A.B., 10165, fol. 15.


‘Gazetins de police’, 30–1 May 1736, Arsenal, A.B., 10165, fol. 236. On 18 July a report said: ‘On dit dans le public que M.le cardinal de fleury estoit malade…on pretend que celuy qui pourvoit perdre le plus a sa mort, ce seroit Mr le garde des Sceaux, parce quil a beaucoup denmemis et qui sont puissant, qui ne manquerroit de tacher de la desservir au pres du Roy’ ibid., fol. 310.


Ibid. p. 461.


See pp. 281–6.

The reports are in Munich, Hauptstaatsarchiv, Kastenschwarz, 17147, docs 1–20.

Albert, prince Grimbergen, to count Terring, 4 January 1737, Kastenschwarz, 17147, no. 4, quoted in Campbell, ‘The conduct of politics’, PhD thesis, 1985, Appendix V. This report is particularly interesting because it gives a very vivid impression of the cardinal de Fleury at court. On 1 February Albert wrote, ‘Quant a sa situation, elle n’a pas change de face, et les memes choses que l’on publoit ci devant sur l’instabilite ou il estoit dans son poste se disent toujours egalemens ses ennemis ayant grand soin d’entretenir les memes bruits dans le public pour le decréditer, et par la enhardir un chacun a l’attaquer a tort, et a travers pres du cardinal, mais ce qu’il y a de plus extraordinaire, c’est que dans le nombre de raisonneurs il ny en a pas un seul, qui cite un fait veritable contre luy, et quand l’on allegue ceux qui crient le point haut demeurent court”—loc. cit., no. 13.

For a different view, see J.M.J. Rogister, ‘A minister’s fall and its implications: the case of Chauvelin (1737–1746)’, in D.J. Mossop et al., eds, *Studies on the French Eighteenth Century*, Durham, 1978, p. 203: ‘Chauvelin’s official relations with Fleury at this time…seem to have been marked by a spirit of mutual confidence as late as 6 February’. The relationship between the crisis in the parlement and the fall of Chauvelin, an issue first raised by Rogister, is further discussed on pp. 281–8.

Kastenschwarz, 17147, no. 17.

For an exploration of this aspect, see J.M.J. Rogister, ‘New light on the fall of Chauvelin’, *English Historical Review*, LXXXIII, 1968, pp. 314–30. Although he has used the evidence of Daguesseau de Plainmont who was an avocat général, and the letters of chancellor Daguesseau, Rogister apparently did not have access to the police reports, the reports of the Bavarian ambassador, nor the secret registers of the debates in the parlement, nor material on the Jansenist parlementaire strategies. Taken together, these sources suggest a different interpretation. See pp. 281–6.

‘Gazetins de police’, 16–23 February, Arsenal, A.B., 10166, fol. 47.


Albert, prince Grimbergen to probably count Terring, 24 February 1737, Kastenschwarz, 17147, no. 20. My quotation marks inserted.

Idem to idem, 4 March 1737, loc. cit., no. 21.

Louise Elizabeth de Bourbon, princesse de Conti, to Fleury, 20 February 1737, A.A.E., Mém. et Doc., France, 1309, fol. 129; Louise Françoise de Bourbon-Condé to Fleury, 20 February 1737, ibid., fol. 130.

NOTES

31 Louise Françoise de Bourbon-Condé to the cardinal de Fleury, A.A.E., Mém. et Doc., France, 1309, fols 188–90. Other letters of interest from this period are: 6 June 1737, loc. cit. 1310, fols 19–20; 22 June 1737, ibid., fols 141–2; 2 July 1737, ibid., fol. 161; 3 July 1737, ibid., fols 165–6.
38 Cruickshanks, ‘Factions at the court’, p. 38.
40 For the foreign policy, see Wilson, French Foreign Policy, pp. 265–89, passim.
42 This paragraph is based on Wilson, French Foreign Policy, pp. 32–8, and Sautai, Les préliminaires. I find Black’s argument for a reassessment of French foreign policy in this period unconvincing: see J. Black, ‘French foreign policy in the age of Fleury reassessed’, English Historical Review, CIII, 1988, pp. pp. 359–84.
43 Millot, Mémoires politiques et militaires d’après les manuscrits du marechal de Noailles, 5 vols, Lausanne, 1778, III, p. 283.
44 Wilson, French Foreign Policy, p. 333.
45 For a different point of view with different conclusions, focused upon the outcome of the struggle for the succession to Fleury, see the meticulously documented thesis by Cruickshanks, ‘Factions at the court’. However, its structure might lead to confusion, because the chapters focus upon the five potential successors to Fleury rather than upon the actual system of factions, of which there were three, which saw considerable overlapping and fluidity in the groups.
48 Fleury to Tencin, 7 May 1740, in Hénault, Mémoires, ed. Vigan, p. 339. There is a document in the Archives de la Bastille revealing the complicity of Chauvelin and the princesse de Carignan in a matter of finance, for which Chauvelin wanted a ‘pot de vin’ of 100,000 livres—Arsenal, A.B., 11351, Carignan, fols 61–6.
52 The information from this and the following paragraph comes principally from Cruickshanks, ‘Factions at the court’, pp. 226–49.
53 Luynes, Mémoires, VIII, p. 218.
54 The Archives de la Guerre contain a good deal of his correspondence from 1727 onwards, which has been analysed by both Sautai and Cruickshanks. See Cruickshanks, ‘Factions at the court’, Chap. II, pp. 71–161; Sautai, Les préliminaires, pp. 133–40.
56 Saint-Simon, XXXVI, pp. 73–4.
58 Bibliothèque Victor Cousin, Fonds Richelieu, 11.
62 Saint-Simon, loc. cit.: ‘les ministres ne font qu’expédier à son mot’.

356
For the composition of Belle-Isle’s faction in the summer of 1741, see Cruickshanks, ‘Factions at the court’, pp. 107–16.

At this point Belle-Isle was mooted for premier ministre—see Richer d’Aube, ‘Réflexions’, 9515, p. 52.


Richer d’Aube, ibid., p. 52.

Ibid., p. 267.

Cruickshanks, ‘Factions at the court’, p. 126.

Toussaint, _Anecdotes curieuses_, p. 175.


‘Le Cardinal de Fleury a sci fraper un coup d’autorite qui deroute egalement ces deux partis, qu’il avoir autant a craidrune qu’il’autre’—ibid., p. 269.


Versailles, 11 August 1742, Bibliothèque Victor Cousin, F.R., 64, fols 69–70.


Mme de Tencin to Richelieu, 1 December 1742, _Correspondance_, p. 29.

Idem to idem, 5 November 1742, ibid., p. 10.


See Mme de Tencin to Richelieu, 3 January 1743 and 16 August 1743, _Correspondance_, pp. 35 and 164 respectively.

Cruickshanks, ‘Factions at the court’, pp. 143–9. Belle-Isle returned to favour in 1744, played host to Louis XV when he took personal command of the army at Metz and seemed set for even greater power—only to have his chances ruined on being captured by the British in December 1744 and taken to Windsor. When he was released seven months later he was out of the running; ibid., pp. 149–61.

For an extended analysis of the way factions exploited and misrepresented military activities in an earlier period, see the important PhD thesis of I. Crysafidou, ‘Richelieu and the grands’, University of Sussex, 1991.

Luynes, _Mémoires_, V, p. 36. For a useful survey of this period see especially Sareil’s chapter entitled, ‘En l’absence d’un premier ministre’, in _Les Tencin_.

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Luynes, _Mémoires_, V, p. 36. For a useful survey of this period see especially Sareil’s chapter entitled, ‘En l’absence d’un premier ministre’, in _Les Tencin_.

Tencin to Richelieu, 29 August 1743, B.V.C., F.R., 62, no. 67. This letter is previously unpublished.


Loc. cit., no. 68.


Bernis, _Mémoires_, II, p. 341 (15 November 1758, to Mme de Pompadour) and his memoir, II, pp. 83–93. The scheme foundered because of courtly and ministerial opposition, particularly from the ministers for war and navy.


NOTES

8 CONCLUSION TO PART 1: THE POLITICAL CULTURE OF COURT SOCIETY


5 It would be fascinating to be able to trace in more detail the relationship between these discourses and the mentalité of the elite, but the task is beyond the scope of this book.


9 ‘Sa Majesté ne tient jamais contre les exemples qu’on lui cite de son bisaieul’: the marquis d’Argenson, Mémoires et journal inédit, ed. Jannet, Paris, 5 vols, 1858, IV, p. 314.


13 Ibid.


15 This may explain why he felt more comfortable with his ‘secret du roi’ in which he elaborated an independent foreign policy through correspondence with the duc de Broglie.


17 The ‘day of dupes’ could be seen as an illustration of the way in which an individual without his own faction would have to face conceited opposition from rivals.

18 For the development of the French court, see works referred to in the Introduction, esp. by R. Asch, J. Boucher, R. Mettam, and J. F. Solnon.

19 At village level this is illustrated by N. Rétif de la Bretonne, in La vie de mon père, ed. G. Rouger, Paris, 1970.


21 See esp. W. Beik, Absolutism and Society in Seventeenth-century France, Cambridge, 1985 and S. Kettering, ‘Patronage in early modern France’, French Historical Studies, XVII, 1992, pp. 839–62; on Burgundian connections to the governors, the ducs of Bourbon, up to 1740, see P. Lefebvre, ‘Aspects de la fidélité en France au XVIè siècle: le cas des agents du prince de Condé’, Revue historique, CCL, 1973, pp. 59–106. During the eighteenth century these links were no doubt conceived of less in terms of clientage and more in terms of sociability, as expressed through provincial academies, freemasonry, and philanthropic societies. More work is needed.

22 For studies of the administration of war and foreign affairs, all of which refer to the continued


24 It was not unusual for the lieutenant-general of police to be ordered to confiscate and burn incriminating private papers for ‘reasons of state’.


27 J. N. Moreau, *Mes souvenirs*, ed. C. Hermelin, 2 vols, Paris, 1898–1901, 1, p. 141. See also d’Argenson, *Mémoires*, ed. Jannet, V, p. 160: ‘Le fond de caractère des ministres est celui de premiers courtisans; le bonheur du règne dépend de la volonté qu’aurait le monarque de les tirer de cet état; ce serait par un discernement plus fin et une volonté ferme de les soutenir dans leurs véritables fonctions. Ils sont essentiellement les censeurs de la cour, ce sont les juges et les courtisans de cette multitude de courtisans et de valets qui la composent: comment veut-on qu’ils jugent et qu’ils commandent sur des égaux qui peuvent les nuire? Ils les recherchent donc et en dépendent; un ministre mal avec eux est perpétuellement desservi auprès de son maître; il n’y a que la voix publique qui puisse le défendre; mais personne à la cour ne parle et ne stipule pour le public.’


34 Individual psychology was also perhaps less of an issue, as individualism was firmly subordinated to the interests of the family and corps.

35 On the traditions or inclinations of the peerage families, see R. Mettam, ‘The role of the higher aristocracy in France under Louis XIV’, PhD thesis, Cambridge University, 1967, part IV.


9 THE PARTI JANSENISTE IN THE 1720s AND 1730s


2 ‘The lawyers in the parlement were even fewer in number, and in a general way it can be forcefully affirmed that there was never anything, between the world of the Jansenists and the world of the parlementaires, that resembled an alliance, a secret understanding, or, if you will, a conspiracy’ loc. cit., p. 296.


5 D. K. Van Kley, *The Jansenists and the Expulsion of the Jesuits from France, 1757–1765*, New Haven, 1975. For the argument tracing the Jansenist debt in the 1750s back to conciliarism and the sixteenth-century debate, see especially D. Carroll Joynes, Jansenists and ideologues; opposition
NOTES

7 ‘The religious origins of the patroite and ministerial parties in pre-revolutionary France: controversy over the Chancellor’s constitutional coup, 1771–1775’, Historical Reflections/Refections historiques, XVIII, no. 2, 1992, 17–63. This research by Van Kley must raise the question of how far the pamphlets were a manifestation of a wider public opinion, an assumption that lies behind recent work on the effects of the Maupeou coup, or a clever campaign by a tiny group of publicists who may not have reflected Parisian opinion so accurately.
9 J.Egret himself was misled by Gazier’s assertions on the Jansenists and attributed the magistrates’ resistance to Unigenitus solely to gallicanism: Louis XV et l’opposition parlementaire, 1715–1774, Paris, 1970, pp. 17–33.
10 Egret, in the conclusions to his valuable synthesis of research published in 1970 (Louis XV et l’opposition parlementaire), played down the constitutional significance of the religious debate and divided the period to 1774 into three separate periods—see pp. 229–30.
17 The internal debates and disarray that characterised the movement in the mid-1730s prove that several different tendencies remained strong: see Dedieu, ‘Le désarroi’, passim.
22 Témoignage de la vérité dans l’église, Paris, 1714, 1718.
NOTES


26 Dedieu, ‘L’agonie du jansénisme’.


31 See Maire, Les convulsionnaires, pp. 127–34. Cf.Dedieu, who concluded from the identities of over 200 ‘brothers’ and ‘sisters’ that ‘C’est une erreur de croire. Comme le font M.Hardy et beaucoup d’autres historiens, que [cette génération mystérieuse] était “populaire et de bas étage”’ ‘L’agonie du jansénisme’, p. 189 n. Brother Pierre was an avocat au parlement, Brother Hilaire [de Blaru] was the comte de Tilly, Brother Noel was a count and Brother Etienne was a marquis. Of the convulsionary sects he adds (p. 202 n) ‘Il ne faut pas croire que ces sectes n’abritaient que des “canailles” de la basse plèbe’: for the figurist and convulsionary activities of the Vaillantistes also attracted some from the upper ranks of society. When persecution became more severe after 1735, convulsionaries were aided and abetted by persons of distinction, in whose houses they were sometimes arrested. At its height around 1732 the convulsionary movement may have attracted hundreds of participants and three to four thousand followers.


33 See Kreiser, Miracles and Maire, Les convulsionnaires.


36 This subject is the real strength of Kreiser’s excellent study.

37 Kreiser, Miracles, pp. 103–4.


39 Nouvelles ecclésiastiques, 1728, pp. 1–4.

40 Nouvelles ecclésiastiques, supplement to 1728.


42 Hérald to Fleury, 16 October 1727, B.P.R., L.P, 431, no. 43.

43 There is evidence that a few lawyers were involved in the parlement’s protests in 1718 and 1720, notably Prévost.


46 B.P.R., L.P., 414, 511 passim.

47 Obituary, citing a letter to Colbert of Montpellier in 1733: LP 414, no. 5, extract from Nouvelles ecclésiastiques, 1739, p. 200.


50 B.P.R., L.P., 17, and 460, no. 23.


53 The word ‘barrister’ could be used for all ‘avocats au parlement’, but since many never pleaded at the bar their function was more often that of legal adviser or ‘lawyer’. This was all the more true because only the grand chambre of the parlement had oral pleading, all the other chambers working from written records. In the text I have used ‘barrister’ when it is a question of consultations and reserved ‘lawyers’ for less specific occasions, partly as a matter of accuracy and partly for variety.


57 Consultation des avocats du parlement de Paris pour la cause de Monsieur l’Évêque de Senez, n.p., 1727.


60 See Van Kley, The Damiani Affair, Chap. 3; Swann, Politics and the Parlement of Paris.


64 A full account of these by one of the four lawyers involved in settling the affair, J.-J.L. Julien de Prunay, is document A.N., A.B.XIX 3947.

65 In a letter to the First President on 7 April 1728 the bishop of Senez called the parlement ‘l’azyle de la nation’, Alliance, 1679, 172, 403–21. This letter is more accessibly reproduced in its entirety in P.R.Campbell, ‘The conduct of politics’, PhD thesis, London University, 1985, Appendix VII.

66 In fact, their strategy was rather more subtle, as will be demonstrated below. The quotation is from written records. In the text I have used ‘barrister’ when it is a question of consultations and reserved ‘lawyers’ for less specific occasions, partly as a matter of accuracy and partly for variety.


69 In alphabetical order, in the 1730s these Jansenists were L.B.Carré de Montgeron (1686–1754), of the second enquêtes; abbé A.J. Clément (1684–1747) of the second enquêtes; the abbé P. Guillebault (c. 1660–1722), of the third chamber of enquêtes; P. Dupré de Saint-Maur (1697–1765) of the second enquêtes; J. Delpech de Méréville (poss. died in 1737) of the grand chambre; C.F. Fornier de Montagny (1682–1742) of the first enquêtes until 1735 when he entered the grand chambre; N.I. Le Clerc de Lesseville (c. 1658–1737), conseiller d’honneur, J.E. Ogier d’Enonville (1703–1775) president of the second enquêtes; J.N. de Paris (1695–1737), of the first enquêtes; the abbé R. Pucelle (1655–1745), of the grand chambre; L. Robert (1666–1745) a grand chambrier, Jean-Baptiste Titon (1692–1768) of the fifth chamber of enquêtes; N.I. De Vrénin (c. 1655–1733), of the grand chambre. The following three
NOTES

magistrates were prominent in the debates, definitely associated with the parti janséniste, but perhaps more as fellow travellers, or ‘republicans’ than as Jansenists: L.Dupré (?–1754), of the fourth enquêtes; L.Davy de La Fautrière (1700–56), in the third enquêtes; P.Thomé (1690–1752).


Gazier wrote: ‘Il n’y a pas de lien commun entre ces amis de la vérité; ils ne se connaissaient même pas, ils ne prenaient pas parti à l’occasion les uns pour les autres; ils prouvaient ainsi une fois de plus que l’esprit de cabale n’a jamais quoi que l’on en dise, animé les jansénistes, même lorsqu’ils étaient légion’—Histoire générale, I, pp. 318–19.


Ibid., pp. 109–10.

Ibid., II, pp. 130–6.

Ibid., III, p. 20.

Ibid., III, p. 42.

Strictly speaking, the order of lawyers was not a corporate body, but it regulated itself and its members behaved very much as if it were.


The process would be similar to the one identified in England by B.Tierney in Religion, Law and the Growth of Constitutional Thought, 1150–1650, Cambridge, 1982. Many of the sources cited in P. Riley, The General Will Before Rousseau, Princeton, 1986, are authored by Jansenists, and the term ‘general will’ itself originally pertained to God’s will. The present writer’s current research on the emergence of patriotic discourse in the 1750s suggests that there are strong links between these patriot currents and the Jansenist debate: ‘The parti patriote in thought and action’, unpublished paper delivered to the East-West Seminar, Naples, 1992. At the same seminar M. Valinsese presented a valuable paper on the hierarchy of grace and the debt owed theology by modern political culture.

Recueil des arrêts, III, p. 42 about Instructions pour calmer les scrupules.

B.P.R., L.P., 17, fols 789–800.

Cited in M.Marion, Dictionnaire des institutions de la France aux XVIIe et XVIIIe siècles, Paris, 1923, p. 423.


Ibid., pp. 1185–98.

The Spirit of the Laws, Bk 2, Chap. 4.

1 Before historians can have a clear picture of the nature of politics in this period and of the role and effectiveness of government, a large number of detailed studies will have to be carried out but they have yet to be started. As already noted, serious gaps in our knowledge remain: there are no detailed studies of the Secretaries of State for this period, of their policies, nor of their respective roles in the processes of government. An examination of the relations of the ministry with the surviving provincial estates would be particularly interesting, and a study is badly needed of the role of the high aristocrats who were provincial governors. Such tasks are vast and deserve studies in their own right, because the evidence is often not only scattered among many archives and private collections but is also rarely in sufficient concentration to permit sound conclusions for any short period of history.


7 See above, pp. 212–14.


10 See above, pp. 215–17. For an account revealing the surprising victory of Durey des Meinières’ avis reopening the question of the status of the Bull *Unigenitus* in 1752, see Robert de Saint-Vincent, ‘Mémoires de Pierre-Augustin Robert de Saint-Vincent, 1725–1799’ (a typewritten copy of which has been kindly put in the possession of Prof. D.K. Van Kley by M. Michel Vinot Préfontaine, in whose archives is the original), pp. 130–5. The author would like to express his thanks to Professor Van Kley and M. Michel Vinot Préfontaine for access to this important source. As a president of the first enquêtes, Durey opined after the grand chambriers.


14 B.N., Mss fr., 10908, fol. 56. This appears to be the only occasion when the actual numbers of magistrates present were recorded, for all other figures refer to the votes or ‘avis’ whose totals were often recorded after allowing for consanguinity.


16 Bluche, *Les magistrats*, pp. 216–17. The most assiduous were Titon, Soullet, Nau and Le Clerc de Lesseville, the first and last being Jansenists.

17 For a list of the personnel in the parlement in 1736, see the *Etat de la France*, 4 vols, chez Bauche, Paris, 1736, IV, pp. 253–307.


19 Ibid.

20 In his meticulous study, Bluche has shown that 951 magistrates from 1715 to 1771 came from only
590 families, 212 of which provided two or more counsellors: Les magistrats, pp. 121–30. Shennan, The Parlement of Paris, summarises much of this work in Chapter 4.

21 For example, the diarist Barbier’s father was on the council of the due d’Orelans; La Vigne was Chauvelin’s legal adviser, as was Normant; Fréteau was secretary for chancellor Daguesseau.


23 See, for example, B.Lamy, De l’art de parler, Paris, 1675; in the mid-eighteenth century P.L.C. Gin, De l’éloquence du barreau, Paris, 1767, was particularly popular.


25 ‘Quatrième mercuriale’, La dignité du magistrat, Œuvres choisies du chancelier d’Aguesseau, Paris, 1863, p. 42. Some other homilies focused on ‘the love of one’s condition’, ‘the morals of a magistrate’, ‘love of the patrie’, on attention, bias, true and false justice, for example. Daguesseau’s ‘Instructions on the proper studies for the education of a magistrate’ of 1716 were widely used for the next century.

26 Mercuriale of 1709: Œuvres choisies, p. 117.


31 The idea of an aristocratic reaction has found little favour with recent historians: see W.Doyle, ‘Was there an aristocratic reaction in pre-revolutionary France?’, Past and Present, no. 57, 1972, pp. 97–122.

32 Ford, Robe and Sword. Although Ford’s central thesis is doubtful, the book continues to stimulate, as it contains a particularly sensitive description of the magistracy in the early eighteenth century.

33 This view of course draws on Montesquieu, and is expressed by E.Carcassonne, Montesquieu et le problème de la constitution française au XVIIIe siècle, Paris, 1927.


39 Cobban argued that ‘from the revival of its claims under the regency to the moment when it brought the monarchy crashing down in a general destruction of the ancien régime, which it shared, it conducted a running war with the Crown’—A History of Modern France, I, p. 67.

40 Quoted in Doyle, ‘The parlements of France and the breakdown’, p. 446.

NOTES

Généraux, 1774 à 1789, second edn, Paris, 1813; Robert de Saint-Vincent, ‘Mémoires’, a typed copy of which is in the possession of D.K. Van Kley, covering the period 1748–74.


2 Hamscher, The Paris Parlement after the Fronde.


11 THE CRISIS OF 1730–2: THE GENESIS OF THE CRISIS

1 J. Flammermont, Les remontrances du parlement de Paris au XVIIIe siècle, 3 vols, Paris, 1888–9, I, p. xv: ‘Le cardinal de Fleury, après avoir été l’un des plus fervents janséniens, était devenu pour les besoins de son ambition un fanatique partisan des jésuites et, comme tous les renégats, il était dévoré d’une violente ardeur de brûler ce qu’il avait adoré.’


4 Ibid., p. 306. It seems fair to point out that, to judge from his various writings, Professor Shennan seems to have modified his opinion over the years. Whereas in his doctoral thesis his condemnation of the role of the ministry was rather cautious and criticism of the parlement frequent, in his subsequent article he is much more severe on the ministry, while in the book he arrived at the extremely unfavourable opinion quoted above.


6 G. Hardy, Le cardinal de Fleury et le mouvement janséniste, Paris, 1925.

7 For a fuller discussion of this method, see pp. 215–16 above, and Appendix 2, on the parti janséniste.

8 In the absence of records of the council meetings in which policy was discussed, there are two main sources for the opinions of the ministry in this period. The memoirs and letters written for and by ministers during the crisis are very revealing, and so too are the replies to the arrêtés and complaints of the parlement. Neither of these sources is comprehensive enough and they must be supplemented by a study of the letters written by Fleury and his collaborators to the constitutionnaire bishops and the Pope.

9 A. N., A. P., 257, carton 8, doc. 32.


12 On the subject of one agent, see the interesting report in A. A. E., Mém. et Doc., France, 1268, Ibis 243–4, in which the story of a certain Morin de Franche-Comté, a printer, is recounted.

13 See Fleury’s letter to the Pope, quoted in Campbell, ‘The conduct of politics’, Appendix VII.


16 A detailed account of the reductions of the congregation of Saint-Maur is to be found in an article by Dom P. Denis, ‘Le cardinal de Fleury, Dom Aleyson et Dom Thullier, documents inédits sur l’histoire du janséni sme dans la congrégation de Saint-Maur (1729 1730)’, Revue Bénédictine, 1909, pp. 325–70.


18 E. Appolis, Entre janséniens et jésuites: le tiers-parti catholique au XVIIIe siècle, Paris, 1960. This book is among the first to add significant nuances to the traditional picture of the conflict between Jansenists and Jesuits. Although not primarily concerned with Fleury (only in a peripheral sense) and without discussing his policy in more than general terms, he has provided valuable letters from the Vatican archives and given a new perspective to the debate.
NOTES

22 The career of a prelate like Laon indicates that there is a need for fuller studies on the mentality of the constitutionnaires. Much material for such a study is contained in the Maurepas collection in the Archives Nationales, series A.P., 257. Cartons A.P., 257, 14–19, contain more than 200 letters to Laon from 1726 to 1741, of which about 150 are from Fleury. They are especially revealing of the constant efforts made by the ministry to exert a diplomatic control over the constitutionnaire activities of Laon. Dr Nelson-Martin Dawson, who has worked on eighteenth-century catechisms, has now begun work on Languet of Sens, perhaps, the leading constitutionnaire, whose extensive correspondence must form a second important source for such a study.
23 Letters from Fleury to Laon, 23 January 1731 and 6 February 1731, A.N., A.P., 257, carton 14, fol. 78 and 79–80 respectively.
24 12 July 1732, A.N., A.P., 257, 14, fol. 110. That the ministry appreciated the extent of the problem caused by the over-zealous constitutionnaires is clear from the following memoir of 21 August 1731. ‘La bonne cause est soutenue par le grand groupe des eveques attachés au chef de l’église; mais les évêques ne sont pas uniformes dans leurs sentiments et moins encore dans leur conduite avec les opposants; quelques uns portent trop loin leur zèle et les prerogatives de l’épiscopacy et blessent l’autorité Royale; il en est qui ne sont vifs que par ambition, qui esperent de trouver dans la division et dans les malheurs de leur patrie des occasions de s’élever aux premières dignités; quelques uns sont disposes a faire des coups d’éclat; ils refusent de se prêter à la tranquilité de l’état et bien loin d’attendre d’eux des facilités pour rétablir la paix, on est reduit à prevenir leurs vivacités, et à adoucir l’amertume de leur zèle’—A.A.E., Mém. et Doc., France, 1270, fol. 128–37. Another memoir of May 1733 (A.A.E, Mém. et Doc., 1283, fols 157–9) makes the same point. Interestingly enough, the author considers the calling of a national council because bishops submit more easily to deliberations of the clergy than to orders from the court: ‘Mais aussi il faut estre bien sûr des suffrages, avant que de former ces sortes d’assemblées’.
25 For example, the case of Laon in September 1731.
27 Ibid., 1283, fol. 87.
29 A.A.E., Mém. et Doc., France, 1270, fol. 207. See also the letter from Fleury to the Pope, in Campbell, ‘The conduct of politics’, Appendix VII.
30 On this distinction, and for a subtle definition of gallicanism at this time, see G. Frêche, *Un chancelier gallican Henri-François Daguesseau…*, Paris, 1966.
32 Ibid.
34 Fleury to Daguesseau, 24 June 1729, A.A.E., Mém. et Doc., France, 1264, fols 288–9.
35 Ibid.: ‘la raison d’état doit être supérieure à toutes les autres’.
36 Luc Courchetet d’Esnans, ?–1776, was employed by Chauvelin to research in his library during this period. He wrote a number of memoirs and letters on the affairs of the parlement. He was also employed by Chauvelin in the bureaux des affaires étrangères. In the 1750s he wrote a number of works on international affairs.
37 In 1730, the *Nouvelles ecclésiastiques* (in Flammernont, *Les remontrances*, I, pp. 628–37) claimed that only about forty magistrates opined in favour of the declaration of 24 March 1730. The Gallican majority does not, however, explain why the struggle was carried on for so long or so vehemently, for the courts had rarely sustained their position in this way. For a further discussion of parliamentary Gallicanism, see below, pp. 250–1 and 269–72.
40 The Roman dimension was still important in politics, because the hostility of the papacy could still give rise to considerable problems.
41 See Richer d’Aube, ‘Réflexions’, B.N., N.a.f, 9513, pp. 513–4: ‘il est vray aussi que le parlement
qui n’est pas plus infaillible que le pape, auroit pu se tromper dans l’application des susd. maximes, et c’est de quoy il a diu etre uniquement question’.


43 Indeed, on 12 May 1732, Davy de La Fauvière, one of the most active members of the parti janséniste in the parlement, fearing that his colleagues might be swayed by such considerations, delivered a speech arguing that there were important differences between the duty of a magistrate and an homme d’état, and that the judges should therefore take no account of the ministerial view—see the report in extenso in Nouvelles ecclésiastiques, 1732, 12 July 1732, p. 129.


45 There is evidence that in the 1750s the Jansenists sometimes failed to secure their aims because they fell into the habit of turning their speeches into theological tirades, which greatly wearied their colleagues.

46 Richer d’Aube, ‘Réflexions’, B.N., N.a.f, 9511, pp. 410–18; the quotation is from p. 412. Of the surviving accounts of the events in the parlement, this volume by d’Aube is the most detailed for the winter of 1731–2.

47 In the pamphlet war over the vingtième in 1750–1 Machault d’Arnouville made use of Jansenist propagandists to argue the case against clerical fiscal immunities, and in the 1760s L’Averdy, a leading Jansenist magistrate became controller general, Lambert became a government adviser and a master of requests: see J. Swann, Politics and the parlement.

48 See the document ‘Sur les devoirs du premier president’, which gives a good picture of these considerations, cited in Chapter 10, note 6 above.

49 B.N., Mss fr., 10908, fol. 88.

50 The voting for 23 May 1732 is recorded in ibid., fol. 111; that of the weekend of 6 and 7 July 1732 and 9 July, is recorded in ibid., fols 124–5 and 126.

51 An example of this letter, Maurepas to Laon, 22 July 1731, is to be found in A.N., A.P., 257, carton 19, letter no. 24.


53 In his otherwise useful account of this, B.R. Kreiser, Miracles, Convulsions and Ecclesiastical Politics in Early Eighteenth-century Paris, Princeton, 1978, pp. 228–32, does not indicate that whatever the legal objections to the Instruction might have been, the real objection was not the condemnation of the Nouvelles ecclésiastiques, which had already been condemned by the parlement, but the reference to Unigenitus as a ‘décret apostolique reçu par toute l’Eglise’. It is an important point.

54 A magistrate noted the effect of the arrêt on the mood in the courts. ‘Le vague de son dispositif allarme les esprits, et fait voir d’abord toute l’étendue qu’on peut lui donner, si l’on en a envie, et l’on ne doute point que l’on n’ait envie et que cet arrêt n’annonce quelque nouvelle entreprise, et qu’il n’ait pour but immediat celui de fermer aux cures la voie d’appel comme d’abus, afin de les expédier plus promptement.’ B.N., Mss fr., 10232, p. 19.

55 Ibid., pp. 8–43; Nouvelles ecclésiastiques, 18 and 24 June, 1732, pp. 117–8, 121–4.


58 B.N., Mss fr., 10232, pp. 66–7. In the light of what was revealed about the activities of the Jansenist clique of lawyers, of whom Visinier was one, it seems certain that the magistrates in question were also Jansenists. Richer d’Aube also noted the collusion between the lawyers and the magistrates: ‘les avocats encouragent perpetuellement les chambres par leurs exemples et par leurs conseils’—‘Réflexions’, B.N., N.a.f, 9512, pp. 108–9.


60 This was apparent as early as 3 December 1731, when his suggestions on the course of action to take after the refusal of an audience at Marly were greeted by silence in the assembled chambers—Richer d’Aube, ‘Réflexions’, B.N., N.a.f, 9511, pp. 424–5.


62 Such was the strain of his position that Portail fell ill early in August and was off duty for more than a month.

63 B.N., Mss fr., 10232, pp. 139–49 (quotation from p. 144).

64 Villars gives the figure of 85 to 54 in his Mémoires, LXXI, p. 56. This was presumably the information which the government had received.

65 These were Ogier, La Fauvière, Robert and Vrevin. It is interesting to note the account given by Villars of the way in which this decision was taken. Villars, LXXI, pp. 56 ff.

12 THE CRISIS OF 1730–2: RESOLVING THE CRISIS

1 See Villars, Mémoires, LXXI, pp. 58–61.
2 For a brief discussion of similarities in the 1780s, see below, pp. 314–18.
3 The collection Joly de Fleury is in the B.N.
4 The ministry was obviously aware of the precedent of the Jansenist curés in the 1650s—see Tressan to Chauvelin, 6 May 1732, A.A.E., Mém. et Doc., France, 1275, fol. 195.
6 Ibid., pp. 84–5. A letter from Fleury to d’Argenson requesting his aid is quoted on p. 84.
7 A.A.E., Mém. et Doc., France, 1276, fols 264–6, July 1732: ‘Sur le reglement qu’il convient de faire sur les Remontrances des cours superieurs’. Chauvelin noted in the margin, ‘Quelles sortes de punition peut on faire au parlement encore sans s’exposer a une cessation des fonctions?’
11 J.-B. de Montullé, c. 1685–1750, was counsellor of the fifth enquêtes in 1706 and became a grand chambrier in 1732. He was chef du conseil of the prince and princesse de Conti.
12 A.C.F. de Paris de la Brosse, 1693–1762, was a counsellor of the fifth enquêtes.
13 C. Glucq, ?-1742, was a counsellor of the fifth enquêtes.
14 L.C.V. d’Irumberry de Salaberry, ?-1761, was a counsellor of the fifth enquêtes and became a grand chambrier in 1736 and was subsequently rapporteur de la cour.
15 A.A.E., Mém. et Doc., France, 1276, fol. 65.
16 Unknown counsellor to Chauvelin, 23 June 1732, A.A.E., Mém. et Doc., France, 1276, fol. 75.
17 He was chosen by the ministry to perform the delicate but honourable task of conducting the prosecution case in the trial of Damens after his attempt to assassinate Louis XV in 1756.
20 Ibid., fol. 266.
21 For the decision-making see Villars, LXXI I, pp. 59 60.
22 A.A.E., Mém. et Doc., France, 1276, fol. 71.
25 Ibid., fols 90–5: ‘projet de suppression des offices de ceux qui ont donne leur demission’.
26 A.A.E., Mém. et Doc., France, 1276, fol. 96.
28 Ibid., pp. 204–5.
29 B.N., Mss fr., 10908, fol. 122.
30 Ibid., fol. 123. This lengthy account was written by Jean-Jacques Nouet, of the third enquêtes. The comparison with the escalation of the crisis of 1770–1 need hardly be underlined.
31 A.A.E., Mém. et Doc., France, 1279, fol. 96.
32 B.N., Mss fr., 10908, fol. 124.
33 Ibid., fol. 125.
35 B.N., Mss fr, 10908, fols 130–1.
NOTES


38 Villars, LXXI, p. 70.


40 Ibid., p. 347.


45 Bluche thought, he identified a powerful clique, Van Kley has attributed the organisation of the trial of the Jesuits to their machinations, and Hamscher noted a small group in existence in the 1650s, while Shennan acknowledged the importance of the Jansenist magistrates in the 1730s.


47 In the ‘Mémoires de Pierre-Augustin Robert de Saint-Vincent, 1725–1799’ (a copy kindly put in the possession of Prof. D.K.Van Kley, by M.Michel Vinot Prèfontaine, in whose archives is the original), the magistrate says that 104 of his (roughly 180) colleagues had been educated by the Jesuits: p. 244.


49 Statements to this effect can be found in the recent works of Van Kley and Merrick on the 1750s. Van Kley, The Jansenists and the Expulsion of the Jesuits from France, 1757–1765, New Haven, 1975, pp. 38–42, fundamentally and crucially modifies older historiography by highlighting the role of the parti janséniste, but nevertheless accepts that most magistrates were motivated by Gallicanism. J.W.Merrick refers to the ‘political pretensions of the magistrates’ and suggests that ‘Gallicanism and legalism prompted other magistrates to take up the cause of Jansenism’ The Desacralization of the French Monarchy in the Eighteenth Century, Baton Rouge, 1990, pp. 50–1.

50 For a similar view of the different expressions or forms of Gallicanism, see R.M.Golden, The Godly Rebellion, Chapel Hill, 1981, pp. 12–14.


53 This seems to me to be a flaw in the work of R.Bickart, increasingly drawn upon after some decades: Les parlements et la notion de souveraineté nationale au XVIIe siècle, Paris, 1932.

54 Les remonstrances, I, p. 700.

55 The Grandes remonstrances of I 753 were principally composed by Lambert and Robert de Saint-Vincent, with the collaboration of L’Averdy, Clément de Feuillet, Durey des Meinières, the abbé Mey and Adrien Le Paige, some of whom furnished written materials. See Robert de Saint Vincent, ‘Mémoires’, pp. 145–50.


57 Ibid., p. 257.

58 Ibid., pp. 266–75, esp. p. 272.


60 This view has recently been taken up and substantiated for the 1750s and 1760s by J.Swann, in Politics and the Parlement of Paris under Louis XV, 1754–1771, Cambridge, 1995.

61 How far the reiteration of such claims became a factor in creating that very belief will be discussed further on pp. 294–5, 299–305 and esp. 308–9.

62 See especially the works of Hamscher and Kettering. Cubells concluded of the parlement during the Frondes: ‘the parlement of Paris could not be considered a revolutionary assembly, the
champion of liberalism for everyone. It was defending its own interests: for the parlement, controlling the government came down to ensuring the maintenance of an order of things that was favourable to its own prerogatives’, op. cit., 198.

For these later decades, the privileged insight provided by the memoirs of Robert de Saint-Vincent are particularly revealing on this count.


This point is not given sufficient weight by Van Kley, Jansenists, pp. 109–36, who assumes that ‘Gallicanism’ was the vital (actor. The crucial vote on the Jesuits was on whether or not to receive the procureur général appealing comme d’abus against the constitutional acts of the Jesuit order. It was passed by 98 to 13 a great majority of those present but only a small majority of the approximately 180 magistrates. In the light of the present analysis of 1730–2, it would seem that the crucial factor in the expulsion of the Jesuits was the deliberate failure of the ministry to take effective action. Of course, the ministry had its own reasons for wanting the Jesuits expelled, as did other states at this time: see Robert de Saint-Vincent, ‘Mémoires’, p. 211.

64 See Hamscher, ‘The Parlement of Paris and the social interpretation of early French Jansenism’.

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13 MANAGING THE PARLEMENT: 1733–43 AND BEYOND


2 Richer d’Aube, ‘Réflexions’, B.N., N.a.f, 9512, p. 175: ‘The public applause that…had foretold the success of the parlement, had greatly increased the esteem and respect in which it was held, and its consideration in the world. In the early months of this year, there was, more than ever, a strong desire [chacun s’empresseil] to purchase vacant offices in this corps, whose price has increased by half’.


4 G.Hardy, Le cardinal de Fleury et le mouvement janséniste, Paris, 1925, Chap. 6, pp. 293–322.

5 See Hardy, ibid., Chap. 6.

6 Fleury to Portail, 19 January 1733, B.N., Mss fr., 20958, fol. 6.

7 20 January, ibid., fol. 7.


10 ‘ibid., fol. 19.


12 Ibid., fol 32.

13 Ibid., fols 152–7; Mss fr., 20958, fols 19–32.


21 This is the important contribution to our understanding of judicial politics made by Register in Louis XV and the Parlement of Paris, Cambridge, 1995, which unfortunately appeared too late to be included in the present work in detail. It focuses on the crisis of 1753–4.
In two separate articles, the second bringing in more evidence than the first, Dr J.M.J. Rogister has argued that Chauvelin was pulling strings in the courts to create a crisis in the hope of hastening Fleury’s departure. The articles are fascinatingly detailed and insightful accounts of events, but the evidence to support the Chauvelin thesis itself is very slim. Lacunae still remain in his sources, for there is no evidence that he has had access to either the journals of the parlement by well-informed judges or the police reports. See Rogister, ‘New light on the fall of Chauvelin’, English Historical Review, LXXXIII, 1968, pp. 314–30; ‘A minister’s fall and its implications: the case of Chauvelin (1737–1746)’, in D.J. Mossop ed., Studies on the French Eighteenth Century, Durham, 1978, pp. 200–17.


The journal of Henri Charles Daguesseau de Plainmont is in B.P.R., L.P., 17, pp. 1151–1254 (December 1737–1740): ‘Recueil des affaires les plus remarquables qui se traitent a nos assemblées soit generales soit particulières’ (hereafter ‘Recueil’).

The police reports record that the Jesuits and the princesse de Carignan were disappointed at Blancmesnil having been passed over: report of 26/27/28 May, 1736, Arsenal, A.B., 10165 fol. 231.

See the secret registers of the chambers of enquêtes, B.N., Msfr., 10907 and 10909, and the accounts by magistrates in loc. cit., 10908, 20958, and the ‘gazetins de police’ for 1736 and 1737, Arsenal, A.B. 10165–6.

Chancellor Daguesseau wrote five letters to his son in February and March 1737, which Rogister has identified as misattributed to his brother as recipient (see Rogister, ‘New light’, p. 323, n. 8), in D.B.Rives, ed., Lettres inédites du chancelier d’Aguesseau, 2 vols, Paris, 1823, II, pp. 261–77. Only one very ambiguous remark refers to the effect of the disgrace of Chauvelin in the courts, 21 Feb, loc. cit., p. 469. The Chancellor’s unpublished assessment of the affair saw it as a victory of the First President over the courts: 7 March 1737, B.V.H.P, Ms. 1277, fol. 47. Rogister has also drawn attention to an ambiguous sentence from one of the reports sent to Chauvelin by Hérault: ‘Vous avez grande raison de dire qu’il y a a s’attrister et a s’affliger sur tout ce qui se passe’. This, however, may well not imply that the lieutenant of police had discovered something against Chauvelin when he wrote to him. From the context of the letter, it seems that he is merely commenting on the day’s events in the parlement, sympathising as it were. The full passage reads: ‘Vous avez grande raison de dire qu’il y a a s’attrister et a s’affliger sur tout ce qui se passe, on ne doute pas que demain la seance ne soit aussey muette qu’ajourd’hui’; Hérault to Chauvelin, 730 p.m., 15 February 1737, A.A.E., Mém. et Doc., France, 1309, fol. 121–2.


Ibid., p. 1159, my emphasis.

Some regarded Chauvelin as indebted to Le Peletier because the President had allowed Chauvelin’s nephew to lease his own office of président à mortier in 1736 when he was promoted. This report thus suggests the intriguing possibility that the affair began with an attempt by Le Peletier in concert with Chauvelin to ensure that on the matter of the remonstrances the chambers were deprived of any effective influence, in order to prevent future manipulation. At which, Chauvelin’s Jansenist associates might have decided the time was right for a pre-emptive strike by raising the Douai issue in order to link it to the question of the remonstrances, in order to try to force Le Peletier to resign, as Titon actually suggested to Le Peletier. Thus Chauvelin’s clients would have put their Jansenism before their patron.

had canonised Vincent de Paul (1576–1660), known to his century for his exemplary piety and the foundation of charitable congregations and institutions.

40 Plainmont, 'Recueil', p. 1180.
41 Barbier, *Journal*, III, p. 120.
45 Plainmont, 'Recueil', p. 1208.
46 Ibid.
47 This indicates quite clearly that the apparent ‘constitutional ideology’ to be found in this kind of language was less a motive than a cloak for other aims.
50 Plainmont, 'Recueil', p. 1215.
52 A good insight into these procedures is provided by the correspondence between First President Le Peletier and the minister for Paris, Maurepas, in A.N., 257 A.P. 21, liasse 10, 35 letters from Le Peletier to Maurepas (of which thirty up to 1743); ibid., liasse 7, 30 letters from First President Maupou to Maurepas, 1743–8. These may be augmented by the correspondence of Marville with the minister, in A.de Boislisle, *Lettres de M.de Marville an ministre de Maurepas*, 3 vols, Paris, 1896–1905, and S.Pillorget, *Claude-Henri Feydeau de Marville, lieutenant de police à Paris, 1740–1747*, suivi d’un choix de lettres médites, Paris, 1978.
60 On this crisis see B. de Lacombe, *La résistance janséniste et parlementaire au temps de Louis XV: l’abbé Nigon de Berty, 1702–1772*, 1948; A. Grellet-Dumazeau, *La société parlementaire au XVIIe siècle: les exilés de Bourges, 1753–1754*, 1892; J. M. J. Roger, ‘The crisis of 1753–4 in France and the debate on the nature of the monarchy and of the fundamental laws’, *Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions*, LIX, 1977, pp. 105–20 and the same author’s *Louis XV and the Parlement of Paris, 1737–1755*, Cambridge, 1995; J. Swann, *Politics and the Parliament*, Chap. 4. It is worth adding that since 1750 remonstrances were to be presented not just to a committee for verification before dispatch, but were now to be read to, and consequently modified by, a plenary session. First President Maupou senior was given lodgings at Versailles, making him more of a courtier and less of a magistrate, and not having been chosen as Chancellor he was not inclined to be helpful to the ministry. All three changes made management more difficult.
62 On Choiseul’s alliance with the abbé Chauvelin, L’Averdy, and Lambert, see Robert de Saint-Vincent, ‘Mémoires’, pp. 211–12. For the expulsion of the Jesuits see D. K. Van Kley, *The Jansenists and the Expulsion of the Jesuits*, op. cit. His argument does, however, attribute the whole affair to the Jansenists when, as Robert de Saint-Vincent suggests, Choiseul had his own aims, wanting to destroy the Jesuits without either he or the King being held responsible for it: ‘Mémoires’, p. 210.
NOTES

14 CONCLUSION


4 See K. M. Baker, *Inventing the French Revolution*, Cambridge, 1990, Chapter 5, ‘French political thought at the accession of Louis XVI’: ‘The different documents just discussed present three different views of a public political order…they suggest the existence of three broad strands of thinking, from the interaction of which the revolutionary ideology was eventually born’ (p. 126) ‘…For the Revolution came about as the result of a conflict between the efforts of reforming administrators to advance the principle of civic equality, along lines similar to those suggested by Turgot, and the resistance of those who defended the rights of the nation, first along lines suggested by Malesherbes and other parliamentary theorists and then along the more radical lines suggested by Saige’ (p. 127).


6 Baker himself explicitly defends his position against the argument that his approach omits the realm of the social by showing that within the theory social actions derive their meaning from within a discursively constituted realm of meaning.


8 The other view is put forward by G. Bossenga in ‘City and state: an urban perspective on the origins of the French Revolution’, in Baker, ed., *Political Culture of the Old Regime*, op. cit., pp. 115–140, but her book *The Politics of Privilege* contains research that also lends itself to a more socially oriented view.


11 For an interesting attempt to trace this phenomenon in the early 1770s, see M. Linton, ‘The Paris parlement and the rhetoric of virtue’, *French History*, IX, 1995, pp. 180–201.


15 The more extended sections in Campbell, ‘The conduct of politics’, PhD thesis, London University, 1985, on the fall of the due de Bourbon in 1726 and the fall of Chauvelin in 1732, seek particularly to investigate the sources in the fullest detail and evaluate the different sorts of...
NOTES

evidence, reproducing most of the evidence. It is remarkable how inaccurate many of the accounts in memoirs were.

16 Such might be a principal value of Pidansat de Mairobert’s works such as the Journal historique de la révolution opérée dans la constitution de la monarchie française, par M.de Maupeou, chancelier de France (London, 1776) and the Memoirs of Madame de Barry [1777]. E.Cruickshanks, ed., London, 1956. Mairobert was a leading nouveliste from the 1740s and kept registers from the discussions of politics etc. at Madame Doublet’s salon, which he used as nouvelles à la main and as material for publications, and, as J.Popkin and F.Moreau have shown, for foreign newssheets: see esp. F.Moreau, ‘Les Mémoires secrets de Bachaumont, le Courrier du Bas-Rhin, et les bulletinistes parisiens’, in J.Varloot and P.Jansen, eds, L’année 1768 à travers la presse, Paris, 1981.

17 Before the Foucauldian approach, Marxists and (paradoxically) non-Marxists alike, agreed that the transition to a class society by the 1750s was constitutive of the social dynamic of revolution, Even M.Vovelle has emphasised the importance of changing mentalités from the 1750s, especially in the field of religion. Mousnier, longtime doyen of French studies of the ancien régime and hardly sympathetic to Marxism, regarded the 1750s as a watershed between the society of orders and the society of classes—at least in terms of contemporary intellectual constructions, although not institutionally.


22 It is surprising that Papon, whose paragraph defining public opinion is quoted by Ozouf, writing in 1788, decided not to continue his commentary on opinion and the politics of 1787, but to devote the entire new volume to a consideration of public opinion in the Roman republic! This suggests that at that late stage he was unaware of a revolutionary aspect to contemporary events. J.P.Papon, De l’action de l’opinion sur les gouvernements, n.p., 1789.


25 ‘Le Public est un juge qu’ils n’ont pu corrompre.’


28 Baker has, however, argued that by drawing out into the open the implications of parlementary arguments, the royal replies and royalist pamphlets may actually have given the remonstrances a ‘radical coherence’ which they lacked ‘Representation redefined’, in Inventing the Revolution, p. 232. In my view the Jansenist theorists of the Grandes remontrances knew very well what their implications were, and only their forum limited their statements.


30 ‘Crisis’ is a much debated word and concept. I use it here in the sense in which it is widely used, not to indicate that final stage before death but of a political struggle whose outcome gravely affects the ministry or its opponents.

31 Register has written a valuable article on ‘The crisis of 1753–4 in France and the debate on the nature of the monarchy and of the fundamental laws’, Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions, LIX, 1977, pp. 105–20. He is absolutely right to emphasise on p. 105 that ‘The points at issue between [the crown and the parlement] were legal and procedural…. These legal and procedural points raised constitutional issues about the origins and nature of the French monarchy’. He also emphasises, as did Lemaire, the considerable extent to which both parties shared common ground.

33 See esp. Hardman, *French Politics*.

34 One of the due de Richelieu’s court allies wrote to him in 1740 reporting that the controller-general was accusing the Duc of deliberately sabotaging his financial operations in the estates by not doing all he could to promote them, and that his friends and Orry’s enemies saw in this the opportunity to attack Orry’s position: B.V.C., F.R., 34, fols 134–8.


36 The point is not made by Kettering, although there is some evidence to this effect in E. H. Kossman, *La Fronde*, Leiden, 1956. It is an area that would benefit from further research.

37 The lack of dialogue is one of the criticisms levelled at the system by the reformers of the circle of the duke of Burgundy. See R. Mettam, ‘The role of the higher aristocracy in France under Louis XIV’, PhD thesis, Cambridge University, 1967.

38 B. Stone, J. Kogister, J. Hardman and S. Kettering have drawn attention to the importance of this post in the development or control of potential crises. For an eighteenth-century view, see ‘Sur les devoirs du premier président’, B.N., N.a.f, 7981, fols 215–22.

39 See the correspondence to this effect in A.N., U877.


41 There is considerable evidence of this to be found in the papers of the due Richelieu who was governor of Guyenne. Doyle has made great use of them in helping to explain the workings of the parlement of Bordeaux in the 1770s, when Richelieu had a good relationship with the premier president du Gascq. See Doyle, *The Parlement of Bordeaux and the End of the Old Regime 1771–1790*, London, 1974.


48 In 1788 it was a different matter. By October 1788 the extremely insecure Louis XVI himself was rather gloomy about the comparison with Charles I: see J. Hardman, *Louis XVI*, p. 144.


51 I agree with Fitzsimmons, who writes that ‘the crisis of 1796–9 was not a pre-revolution if this implies that it led necessarily to revolution, and was either caused by or revealed the tensions that were to dominate the revolution’: ‘Privilege and the polity in France, 1786–1791’, *American Historical Review*, XCII, 1987, pp. 269–95.

NOTES

57 Baker, ed., *The Maupeou Revolution*, special issue of *Historical Reflections/Reflexions historiques*, XVIII, no. 2, 1992; D. Echeverria, *The Maupeou Revolution: A Study in the History of Libertarianism, 1770–1774*, Baton Rouge, 1985. It should be noted that the evidence of the 1771–4 pamphlets is *ex post facto*, after the coup, and is not written by the magistrates themselves. Van Kley (‘The religious origins of the patriote and ministerial parties in pre-revolutionary France: controversy over the Chancellor’s constitutional coup, 1771–1775’ in Baker, ed., *The Maupeou Revolution*), has shown that over half of the pamphlets were written by Le Paige and his associates; if we add to this the several pamphlets written by J. M. Augeard and J. B. Target each, we have a debate in which the public participated actively far less than is often suggested. This, of course, would not prevent the debate playing a part in contributing to the political education of the ‘public’. Indeed, S. Singham has several cases of patriote women: ‘Vox populi vox Dei: les jansénistes pendant la révolution Maupeou’, in *Jansénisme et Révolution*, C. Maire ed., special issue of *Chroniques de Port-Royal*, Paris, 1990, pp. 163–72.
58 However, see A. Cochin on Brittany in 1788: *Les sociétés de pensée et la révolution en Bretagne, 1788–1789*, 2 vols, Paris, 1925, esp. vol I.
62 There is not an entirely separate chronological division between these two processes. This can partly be explained by the fact that enlightened projects for a Utopian political and social order abounded after the 1750s, and the crisis opened up a space in which their hopeful proponents could express themselves more forcefully and in larger numbers.
A NOTE ON THE SOURCES

There is no ‘Fleury collection’, but a fairly large number of his letters and memoranda are to be found in different archives. This fact partly explains why the present writer decided to focus not on the man but on the political system in this period. For that enterprise, evidence is plentiful.

Ambassadors’ reports can be valuable when constructing a political narrative. Several of these men were extremely shrewd observers, well connected and familiar with the world of the court. Horatio Walpole, the British ambassador, got to know Fleury well, well enough to be duped by him, and his missives in the British Library are useful. Chambrier, the Prussian representative, was a more intelligent and far-sighted commentator, and his reports have not previously been used, although they are in the foreign affairs archives in Paris. Nor have those of the well-informed Bavarian ambassador, count Albert of Grimberghen. His letters are to be found in the state archives in Munich, and are particularly helpful on the period from 1725 to 1740.

Ambassadors also needed to be kept abreast of events at their own court, and such evidence has fortunately survived in the case of the due de Richelieu. An important aid to understanding the politics of the 1720s in particular, is the correspondence between the Duke and his informants or allies at court, notably the marquis de Silly, Mme de Prie, the duc de Noailles, Chavigny and the comte de Toulouse. The young Duke was then ambassador to Vienna, in which post he was a great success, but needed to be informed of the state of the factions at court in order to protect his career and interests. The Richelieu collection high up in the Bibliothèque Victor Cousin above the library of the Sorbonne had not been used for this period, although the abbé Souiavie and Laborde had had access to it in the 1780s for their competing lives of Richelieu.

Of an entirely different sort, and on an entirely different scale, is the Le Paige collection in the Bibliothèque de Port-Royal. Hundreds of volumes line the walls of a room, filled with the minute handwriting of Le Paige, the leader of the parti janséniste from the 1740s onwards. He managed to collect almost everything of interest to him on the question of Jansenism and the ministerial politics relating to it. Most significant pamphlets and judicial memoirs are there, but above all there are the letters of chancellor Daguesseau, the manuscript journal of Daguesseau de Plainmont his son, and the records of the activities of the clique of Jansenist clergy, lawyers and magistrates as they sought to exploit the legal recourse of the Paris parlement in their defence against persecution. These records of vital importance had barely been used for this period, although the abbé Souiavie and Laborde had had access to it in the 1780s for their competing lives of Richelieu.

In addition to these previously unused sources, the manuscript collections of the Bibliothèque Nationale, the Archives nationales and the Archives des affaires étrangères have been extensively consulted. As a rule to which few exceptions were made, all the sources previous historians of politics had referred to were read, and often more material was found. This enabled me to make connections between sources that historians focusing principally on one source or problem had often missed. Notable exceptions to this principle are the material on the convulsionary movement, previously researched by B.R.Kreiser, and presently a major source for Catherine Maire’s important thesis on Jansenism; and the Bibliothèque des Avocais, scrupulously combed by David Bell, whose work on the
Parisian barristers in the eighteenth century is forthcoming; the Bibliothèque du Sénat contains material on the parlement, mostly secret registers of debates duplicated in the A.N. and the B.N. Finally, my indications were that the Archives de la Guerre and Archives de la Marine contain few sources of capital importance for a study of politics at the centre, although their importance for the history of their departments cannot be underestimated. Unfortunately, the collection of the minister Maurepas was sold to Cornell University in the 1960s.

The foreign affairs archive contains whole series of government papers on France and the provinces of Provence, Brittany and Languedoc, together with political correspondence with Rome, Spain, Bavaria, Prussia (including previously unused reports of the Prussian ambassador in the 1720s). Much of the material in the series of memoirs and documents is ministerial memoranda on policy interspersed with correspondence between ministers and courtiers relating to place and patronage. The Archives nationales contain a fragmentary collection on finances, and a great deal on the parlement of Paris, including some secret registers of events drawn up by members of several different chambers. The major series O houses the papers of the Maison du Roi, while royal declarations are to be found in series K. An important element of the Archives nationales are the private papers that form the series A.P., in which among others are to be discovered some important letters from Fleury, Maurepas and others to the intransigent anti-Jansenist bishop of Laon (A.P. 257).

The Bibliothèque nationale proved a rich quarry on Fleury, on several of the provinces, on Jansenism and the Paris parlement. The enormous collection of the procureur général Joly de Fleury contains his correspondence with the ministry. Several more secret registers of parlementaire debates are to be found, with other accounts by magistrates of the conflicts with the ministry. Also in the Bibliothèque are accounts of court politics in the form of nouvelles à la main, the remaining correspondence of the Noailles, and the especially valuable unpublished reflections of Richer d'Aube, covering almost the whole period and beyond. Finally, the Arsenal has preserved the archives of the Bastille for this period, including police reports from the 1720s to the 1740s, and a wealth of snippets on Jansenism, the most important of which are the papers of the abbé d'Étemare and the comte d'Argenson's records of a royal commission.

Two other libraries each contain an important source. The Bibliothèque Mazarine holds the correspondence between Fleury and the archbishop of Paris, Vintimille de Luc, which is particularly helpful in understanding the problems of religious politics. In the Bibliothèque historique de la ville de Paris is to be found the manuscript correspondence of chancellor Daguesseau with his sons, and although most were published by D.Rives some unpublished letters are significant, and some of Rives' attributions are erroneous, as Rogister has shown. The other major source, the letters from Marville, lieutenant-general of police, to Maurepas in the early 1740s, have almost all been published by Boislisle and S.Pillorget.

No historian could truly claim to have examined all the extant political or private correspondence for any period, because the bureaucracy generated so much, and because so much of it still remains behind locked doors in private collections. There has been an acceleration of deposits in the archives since the 1950s, but much is still not only inaccessible but simply unaccounted for. What invaluable testimony must have been contained in the papers of a Chauvelin, a Choiseul, of the Chaulnes-Luynes lineage, some of whose correspondence may still be in existence? Nor have I attempted to read the material that would form the basis of histories of government departments.

MANUSCRIPT SOURCES

Titles of manuscripts are in inverted commas and dates of the manuscripts are in brackets. Descriptive comments on the documents have only been provided where particularly useful.

Archives du ministère des affaires étrangères

_Mémoires et documents, France_

134, 137–9; (Le Dran on ‘Sur le gouvernement de France sous la Regence du Prince Philippe… 1715–1726’); 140 (Memoires by Le Dran on Law system); 141 (Noailles papers 1712–57); 142; 143 (‘Traité des domaines’ by Le Dran for Louis XV on 31 December 1722); 146; 147 (Noailles correspondence 1737–57); 310, 312–14; 418 (Memoirs by Chauvelin, 1736); 457 (Chavigny, Amelot); 491 (‘Mémoires…pour l'instruction du Roy’, 1722); 501; 503 (memoirs by Pecquet, Chauvelin, d'Antin); 504 (Mémoire by
BIBLIOGRAPHY

d’Antin); 505; 507 (Noailles correspondence, 1735–6), 508 (the same, 1735–6); 511 (includes ‘Mémoires sur le choix d’un premier ministre’). 1220, 1233–4, 1251–8; 1259 (disgrace of Bourbon, 1726).

The following volumes contain the remains of the correspondence of the cardinal de Fleury interspersed with numerous other letters and memoirs, including the few that remain from Chauvelin, with the year in brackets. 1260 (1727), 1261 (1728), 1262 (1728), 1263 (1729), 1264 (1729), 1265 (1729), 1266 (1730), 1267 (1730), 1268 (1730), 1269 (1731), 1270 (1731), 1271 (1731), 1274 (1732), 1275 (1732), 1276 (1732), 1277 (1732) the last two with many memoirs and letters on the parlement. 1278 (1732), 1279 (1732), 1282 (1733), 1283 (1733), 1284 (1733), 1289 (1734), 1290 (1734), 1296 (1735), 1297 (1735), 1302 (1736), 1303 (1736), 1304 (1736), 1309 (1737): disgrace of Chauvelin, 1310 (1737): the aftermath of the disgrace, 1314 (1738), 1315 (1738), 1319 (1739), 1322 (1740), 1323 (1740), 1324 (1741), 1326 (1742), 1328 (1743–4). Other memoirs and letters of a diverse nature: 1286, 1287, 1288, 1291, 1292, 1295, 1298, 1301, 1305, 1306, 1307, 1308, 1313, 1316, 1318.

Mém. et Doc., Petits fonds

Bretagne: 1520 (1721–31), 1521 (1732), 1522 (1732–3), 1523 (1734), 1524 (1735), 1525 (1736–40), 1526 (1741–6).

Ile-de-France: 1598 (1720–9), 1599 (1729–32), 1600 (1732) incl. some on parlement, 1601 (1732), 1602 (1733–5), 1603 (1737–40).


Provence: 1730 (1681–1703): ‘Mémoire touchant l’affaire de M. l’ancien évêque de Fréjus’ (d’Aquin) and a mandement by Fleury. 1731 (1704–15), 1735 (1732), 1738.

Mémoires et documents, Allemagne


Mémoires et documents, Rome

41–66 is by Le Dran: ‘Annales de la constitution Unigenitus’. Vols 52–66 have been consulted. 73–5: ‘Mémoires de Le Dran relatifs au cardinal de Tencin’. 74–84: ‘Mémoires de Le Dran relatifs au cardinal de Noailles’, of which vols 83 and 84 have been used (1722–6).

Correspondance politique

Allemagne: 419 (1742) Chavigny.
   449: Belle-Isle/Chavigny correspondence.
   Autriche: 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159.
   Espagne: 340 (1725), 341 (1725), 342 (1725–6), 343 (1724–6), includes Fleury to Bermudez, 344 (1726), 345 (1726), 346 (1727), 347 (1727), 348 (1728), 349 (1727–8), 350 (1727), 352 (1727–30), 353 (1735–8), 356 (1736–7), 437 (1736), 440 (1737), 443 (1737), 444 (1737), 445 (1737), 446 (1737).
   Prusse: Correspondence between Frederick William I and Chambrier, ambassador to Paris. 70 (1721–3), 73 (1723–4), 74 (1724–5), 83 (1726–7), 88 (1728–9), 91 (1730–6), 105 (1737–40), 113 (1740–1), 114 (1741–2), 124 (1742), 128 (1743), 129 (1743–4).

Archives nationales

ABXXIX 3947: Julien de Prunay’s account of l’affaire des avocats’, 1731.
BB30 175: ‘Journal du comte de Belle-Isle’[à la Bastille].
E 3563.
E 3654–8: ‘Mémoires raportés au roy’ (3 March 1723 to 10 June 1726).
BIBLIOGRAPHY

G7 34–6.
G7 220–2.
G7 1140–1 on the cinquième (some misplaced with dixième docs).
G7 1746, 1747.
G7 791: requests for arrêts du conseil, 1724–6.
G7 1840: nominations to the council; 1841–8: conseil du roi (1708–1730); 1850 (1692–1736); 1851
(1715–41).
K 1394: Richelieu correspondence.
O7 350, 351, 352; 502.
X8 8299 bis: ‘Registres de la troisième chambre d’enquêtes’.
U 877: Correspondence of Gilbert de Voisins.

A.N., Archives privées

A.P. 257 (Maurepas): cartons 8, 10.
—Carton 14: Fleury to bishop of Laon (182 letters 1723–41).
—Cartons 15, 16, 17, 18: various bishops to Laon.
—Carton 19: ministers to Laon.
—Carton 20.
—Carton 21: esp. liasse 7 (30 letters from premier president Maupeou to Maurepas) and liasse 10 (35
letters from president Le Peletier to Maurepas, 1740–5).
—Carton 23.
—Carton 27.

Bibliothèque de l’Arsenal

2975, 2976.
3053: Commission on religious affairs (1731).
3308, 3329, 3720, 3723.
3857: ‘Mémoires sur la Régence’, and on cinquième.
3858 on Dubois.
3866: Mouhy to Marville, 1742.
3890, 3891, 3893.
4062: Finances.
4168, 4169, 4170: ‘Journal of the due de Luyves’.
4265, 4492.
4494: ‘Discours de M.Paris a ses enfants’.
4500.
4560: Finances during the Regency.
4589: Parlament in 1660.
4817, 4852, 5307, 5309, 5346, 5994, 6033, 6048, 5307, 5309, 5345, 5346, 5994, 6033, 6048.
6108: abbesse de Chelles.
6113, 6353.
6418: Noailles papers.
6607, 6608, 6609.
6614, 6615, 6616, 6618, 6619, 6620, 6622, 6623: ‘Papiers du comte du Bourg’.

Archives de la Bastille

[Journal de l’opinion publique sur la cour, les ministres’ [Gazetins de police]: 10155 (1724), 10156 (1725),
10157 (1726), 10158 (1727), 10159 (1728), 10160 (1729), 10161 (1730), 10162 (1730), 10163 (1733), 10164 (1733–
5), 10165 (1736), 10166 (1737–8), 10168 (1741), 10169 (1743–8).
10099, 10097, 10740–63, 10801.
10950, 10951, 10952, 10953: ‘Papiers de l’abbé Margon’.
11124: interrogations for stockjobbing scandal of 1730.
11351.
BIBLIOGRAPHY

Bibliothèque historique de la ville de Paris (B.H.V.P.)

1277 (former number P. 5538) Letters from chancellor Daguesseau to his sons.

Bibliothèque Mazarine

2359: ‘Recueil historique de tout ce qui s’est passé de plus remarquable au Parlement…depuis 1730’.

Bibliothèque nationale (B.N.)

Fonds français (B.N., Mss fr.)

1755, 1756, 1757, 1758, 2476, 2482, 2483, 2484, 2485, 2486.
2533: memoirs on government.
6505: Libel on Fleury.
6680–7: S.-P.Hardy, ‘Mes loisirs ou journal des événements…’ (1764–89).
6828–34: ‘Papiers du duc de Fitz-James’.
6920–2: Noailles papers (1661–1755).
6923: Amelot—Noailles correspondence.
6944: Letters to the maréchale de Noailles.
6945: Pâris-Duvernay—Noailles correspondence (1742–4).
6946: D’Angervilliers Noailles correspondence.
6947: Breteuil to Noailles (1742).
6949–52: To duc de Noailles on Unigenitus.
7039–43, 7177, 7190–1.
7547: ‘Judicium francorum’.
7565–6, 7570–1, 7573: papers of Durey de Meinières.
7675, 7676, 7677, 7678, 7679, 7680, 7681, 7682, 7683, 7684, 7685.
7728: General Farm (1720–44).
7743, 7744, 7745, 7745, 7765, 7766, 7767, 7768, 7769, 7770, 7771, 7774: Finance.
7749, 7550: Marcillac on parliament.
7940, 7941, 7942, 7943, 7944: ‘Papiers du maréchal duc de Berwick’.
7956: Chauvelin—Belle-Isle correspondence (1732–4).
7957: Belle-Isle to d’Angervilliers (1733).
7958: ‘Registre de la correspondance du comte de Belle-Isle et…Berwick’.
8346–8: D’Angervilliers (1733–6).
8362–79 and 8381–92: letters from contrôleur général and intendants des finances to the intendant of Dauphiné, with replies.
8954, 8956: Ministers to Le Bret (1706–34).
8959: Villars to Le Bret (1712–28).
8962.
8989, 9726.
10231: Parlement.
10232: Includes ‘Fragment d’un journal concernant les affaires qui agitèrent cette compagnie en 1732’.
10361, 10436.
10681: Richelieu-Morville (1724–6).
10692.
10893–4: ‘Traite des parlements de France’.
10907: Secret registers of fifth enquêtes.
10909: Anonymous parlementary journal, 1731–53.
11145: On revenues.
11231, 11232, 11427, 11788, 11791.
12673, 12674, 12675: ‘Chansonnier’ (1713–47).
12698, 12699: ‘Chansonnier’ (1721–30).
12767, 12986.
13689–90: ‘Nouvelles à la main’ (1738–46).
BIBLIOGRAPHY

14039: Letters to the marquis de Paulmy from magistrate in palais de justice (Sept. 1754–60).
16581, 16589, 16756, 16759, 17708, 19667, 19669.
20947–8: Unigenitus.
20972, 20973: Jansenism.
22979: Letters to Mme de Prie (1725–6).
23215, 23216, 23217, 23218, 23224, 23229: ‘Correspondance et papiers du cardinal de Noailles’.
23480, 24876, 24877.
25135: Memoirs on government.
25570, 32950.

Nouvelles acquisitions françaises (B.N., N.a.f.)

17, 19, 31, 320.
488.
490, 491: Fleury—Elector of Bavaria correspondence (1727–42).
498.
566: President Bouhier.
590–8: Portail papers.
1475, 1482, 1644, 1645, 1646, 1727, 1935.
2074: Unigenitus (1715–16).
2209, 2210, 2476, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560.
2599–2609, and 2722–2725: Correspondence of Harlay, intendant at Metz (1718–29).
2736, 2737, 2738: Ceremonial.
4088–90:‘Nouvelles à la main’.
5157, 5277.
7211–12: Richer d’Aube.
7981–2: ‘Mémoires sur le parlement de Paris’.
Lamoignon papers, extracts from the ‘conseil secret’: 8176 (1725–6), 8177 (1726 7), 8178 (1727–8), 8179 (1728–9), 8180 (1729–30), 8181 (1730 1), 8182 (1731–2), 8183 (1732–3), 8184 (1733), 8188 (1735–6), 8189 (1736–7).
9641, 9675, 9725, 9726, 9727, 9733, 10125, 10782, 13634.
21795–7: Rough copy of Ranchon’s biography of Fleury.
22109: Memoirs on government; ‘style du conseil’.
23729–37: Memoirs of the due d’Antin (to 1723).
22404–5: ‘Papiers du cardinal de Fleury’.

B.N.Collection Clairambault

529.

B.N.Collection Joly de Fleury

100–1, 117–18: on the parlement 1730–2.

B.N.Langueo(Benedictines)

100, 133, 152.

Bibliothèque de Port-Royal (B.P.R.)

Collection Le Paige (L.P.)

17: Contains Daguesseau de Plainmont’s journal.
BIBLIOGRAPHY

20, 414 (‘Recueil des consultations de Mrs les avocats du Parlement de Paris, 1740’), 417, 434, 448, 449, 451, 459, 460 (no. 23 is Le Paige’s account of 1735).
480, 483, 489, 511 (‘Mémoires a consulter, 1740–2’), 534, 535, 601 (‘Discours des convulsionnaires, 1733 44’), 1236–44 (‘Discours des convulsionnaires’).
1570, 1577 (‘Discours de piété par Mr pierre binault avocat’).

Bibliothèque Victor Cousin

Fonds Richelieu

22.
28: Letters from mistresses.
30–3: Vienna embassy 1725 to 1728.
34–9: Languedoc, Guyenne and Gascony.
40.
60: Manuscript memoirs.
61: Rome.
62–4: Correspondence: some important letters.

British Library

Additional manuscripts

32738–32796: Newcastle papers (1724–37).
20321, 20322, 20323: Correspondence of Cardinal Gualterio—including letters to Fleury.

Munich: Hauptstaatsarchiv

Kastenschwarz

17081.
17083 (1724), 17085 (1725), 17086, 17087 (1726), 17088, 17089, 17090, 17091 (March-December 1726), 17092, 17093, 17094 (1727), 17111, 17112 (1730), 17726, 17728, 17135, 17147 (1737), 17171 (January-April, 1743).

PUBLISHED SOURCES

Published primary sources are the essential point of departure. The period is rich in published memoirs and correspondences of ministers, ambassadors, leading magistrates and ecclesiastics. In addition, there are important edited collections of parlementaire remonstrances, royal legislation, and the procès verbaux of the Assemblies of Clergy.

Aguesseau, Henri François chancelier d’, Œuvres de M.le chancelier d’Aguesseau, 13 vols, Paris, 1759–89
— Œuvres choisies, Paris, 1863

Argenson, Marc Pierre de Voyer de Paulmy, comte d’, Correspondance du comte d’Argenson, ministre de la guerre: lettres de Marie Leczinska et du cercle de la Règne, ed. marquis d’Argenson, Paris, 1922
— Correspondance du comte d’Argenson, ministre de la guerre: lettres des maréchaux de France, ed.marquis d’Argenson, Paris, 1924

— Considérations sur le gouvernement ancien et présent de la France, Amsterdam, 1765
— Les Loisirs d’un ministre, ou Essais dans le goût de Montaigne, 2 vols, Liége, 1787

384
BIBLIOGRAPHY

Aube, François Richer d’, *Essai sur les principes du droit et de la morale…*, Paris, 1743

Aubigné, Françoise d’, Madame de Maintenon, *Correspondence générale de Madame de Maintenon*, ed. La Vallée, 4 vols, Paris, 1865–6


Boursier, L.F., *Explication abrégée des principales questions qui ont rapport aux affaires présentes*, Paris, 1732

Bouffondor, *Les fastes de Louis XV*, de ses ministres, maitresses, généraux et autres notables personnages de son règne, Villefranche, 1782

British Diplomatic Instructions, 1689–1789. ed. for the Royal Historical Society:

France, 1689–1721, ed. L.G.Wickham Legg, Camden 3rd series, XXXV

France 1721–1727, ed. L.G.Wickham Legg, Camden 3rd series, XXXVIII.

France 1727–1744, ed. L.G.Wickham Legg, Camden 3rd series, XXXVIII.

France 1727–1744, ed. L.G.Wickham Legg, Camden 3rd series, XXXVIII.


Carré de Montgeron, L.B., *La vérité des miracles opérés par l’intercession de M.de Pâris et autres appellans, démontré contre M.l’archevêque de Sens…*, 3 vols, Cologne, 1745–7


Colbert, C.J. *Les Œuvres de messire Charles Joachim Colbert, Évesque de Montpellier*, ed. J.C.Gaultier, 3 vols, Cologne, 1740

Colbert, Jean-Baptiste, marquis de Torcy, *Journal inédit*, ed. F.Masson, Paris, 1884


Consultation des avocats du parlement de Paris pour la cause de Monseigneur l’Evêque de Senez, n.p., 1727

Consultation de MM.les avocats du parlement de Paris au sujet du jugement rendu à Ambrun contre M. l’Evêque de Senez, n.p., 1727

385
BIBLIOGRAPHY


Courtin, N.A., *Nouveau traité de la civilité qui se pratique en France parmi les honnestes gens, seconde édition*, Amsterdam, 1677


Dorsanne, abbé, *A True and Impartial Account of All that has Passed Between the Court of Rome and Cardinal de Noailles, Done from the French (English translation of French work)*, T. Warner publ., 1728

Dorsanne, abbé, *Mémoires et instructions secrettes du cardinal de Noailles envoyées à Rome sous le pontificat de Benoit XIII*, n.p., 1753


— *Considérations sur les mœurs de ce siècle* (1750), ed. F. C. Green, Cambridge, 1939


— *Institution d’un prince: ou traité des qualités, des vertus et des devoirs d’un souverain, soit par rapport au gouvernement temporel de ses états, ou comme chef d’une société chrétienne qui est nécessairement liée avec l’Église*, London (Rouen), 1739


— *Réflexions sur l’histoire de la captivité de Babylone*, n.p., 1727

— *Histoire de la religion représentée dans l’écriture sainte sous divers symboles*, 2 vols in one, Paris, 1862

— *Principes pour l’intelligence de l’écriture sainte*, Paris, 1865

Faignuet, J., *Mémoires politiques sur la conduite des finances…*, n.p., 1770

Faret, N., *L’homme honnête ou l’art de plaire à la cour*, Paris, 1630, numerous reprints to 1681


Footnote:

Gazette de la Régence, ed. E. de Barthélémy, Paris, 1887


— *Mémoires du président Hénault*, ed. F. Rousseau, Paris, 1911

Instructions politiques pour un gentilhomme, ou l’art de réussir à la cour, Paris, 1695


Laborde, *La vie privée du maréchal de Richelieu*, 3 vols, Paris, 1791

La Bruyère, Jean de, *Caractères* (Nelson), 1945


Lassay, Armand-Léon de Maillaquin de Lesparre, marquis de, *Recueil de différentes chasses*, 4 vols, Lausanne, 1756


386
BIBLIOGRAPHY

—Mémoire sur les droits du second ordre du clergé: avec la tradition qui prouve les droits du second ordre, Paris, 1733
—Lettres sur les lits de justice, 18 août 1756, n.p., n.d
Les efforts de la liberté et du patriotism, contre le despotisme du Sr Maupeou, chancelier de France, ou Recueil des écrits patriotiques publiés pendant le règne du chancelier Maupeou…, 6 vols, Paris, 1775
Liste de Messeins les députés de l’assemblée générale du Clergé de France Tenue à Paris, par ordre du Roy, en 1681 et 1682
Lucchet, Histoire de Messeins Paris, Amsterdam, 1776
Maillart, Adrien, Tableau des avocats du parlement, Paris, 1738
Mémoire pour les sieurs Samson cure d’Olivet, Couët curé de Darvoi, Gaucher, chanoine de jargeau, diocese d’Orléans et autres Ecclesiastiques de différents diocèses, intimés. Sur l’effet des Arrests des Parlements, tant provisoires que définitifs en matière d’appel comme d’abus des Censures Ecclesiastiques, Paris, 1730
Mémoires de madame la comtesse de ***, n.p., 1744
Mémoires de la régence de S.A.R. Mgr. Le Duc d’Orléans, durant la minorité de Louis XV Roi de France, 3 vols, Paris, 1742
Mémoires tirés des archives de la police de Paris, pour servir à l’histoire de la morale et de la police, depuis Louis XIV jusqu’à nos jours, ed. J.Peuchet, 6 tomes in 3 vols, Paris, 1838
Mémoirs of the life and administration of the late Andrew-Hercules de Fleury, cardinal of the Roman church, by An Impartial Hand, London, 1743
Mercier, L.S., Tableau de Paris, 12 vols, Amsterdam, 1783–8
Millot, abbé, Mémoires politiques et militaires d’apres les manuscrits du maréchal de Noailles, 5 vols, Lausanne, 1778
Miromesnil, Correspondence politique et administrative de Miromesnil premier président du parlement de Normandie, ed. P.-J.-G.Lé Verdier, 5 vols, Rouen, 1899–1903
Montesquieu, Charles de Secondat, Baron of Brède and
—Correspondence, ed. F.Gobelin and A.Manze, 2 vols, Paris, 1914
—De l’esprit des lois, ed. G.True., 2 vols, Paris, 1945
—Mélanges inédits, Paris, 1882
—Pensées et fragments inédits, 2 vols, Paris, 1889–1901
Montgon, C.A., abbé de, Recueil des lettres et Mémoires écrits par M.l’abbé de Montgon, n.p., 1731
—Mémoires de Monsieur l’abbé de Montgon, publiés par lui-même. Contenant les différentes négociations dont il a été chargé dans les cours de France, d’Espagne, et de Portugal; et divers événemens qui sont arrivés depuis l’année 1725 jusques à présent, 8 vols, Lausanne, 1748–53
Montyon, A.J.B.R.Auget de, Particularités et observations sur les ministres des finances de France les plus célèbres, depuis 1661 jusqu’en 1791, Paris, 1812 (contains only a footnote on Orry)
Mouffle d’Angerville [attrib.], Vie privée de Louis XV, ou principaux événemens, particularités et anecdotes de son règne, 4 vols, London, 1781
Neimitz, J.C., La vie de Paris sous la Régence, 1718, ed. A.Franklin, Paris, 1897
Nouvelles de la cour et de la ville, 1743–1738, ed. E.de Barthélémy, Paris, 1879
BIBLIOGRAPHY

Nouvelles ecclésiastiques, on mémoires pour servir à l’histoire de la constitution ‘Unigenitus’, n.p. 1728–56
—De l’action de l’opinion sur les gouvernements, n.p., 1789
Picot, M.J., Mémoires pour servir à l’histoire ecclésiastique pendant le XVIIe siècle, 3rd edn, 7 vols, Paris, 1853–7
—Journal historique de la révolution opérée dans la constitution de la monarchie française par M.de Maupeou, chancelier de France, 7 vols, London, 1776
Poissens, chevalier de, Mémoires de la Régence, 3 vols, The Hague, 1729
Procès verbal de l’assemblée generale du clergé de France…en 1725
Procès verbal de l’assemblée générale du clergé de France…en 1730
Raunié, Emile, ed., Chansonnier historique du XVIIIe siècle, 10 vols, Paris, 1879–84
—Rome II 1688–1723, Paris, 1911
—Rome III 1724–91, Paris, 1913
—Espagne II 1701–22, Paris, 1898
—Espagne III 1723–93, Paris, 1899
—Pruisse, Paris, 1901
—Bavière, Paris, 1889
—Autriche, Paris, 1884
—Angleterre, III, 1698–1791, 1965
Richelieu, Louis François Armand du Plessis, maréchal due de, Mémoires authentiques du maréchal de Richelieu (1725–1757), ed. A.de Boislisle, Paris, 1918
Rousset, C., Correspondance de Louis XV et du maréchal de Noailles,…d’après les manuscrits du dépôt de la guerre, avec une introduction par C.Rousset, 2 vols, Paris, 1865
—Ecrits inédits de Saint-Simon, ed. A.P.Faugère, 6 vols, Paris, 1880–3
Sallier, G.M., Annales françaises, depuis le commencement du règne de Louis XVI, jusqu’aux Etats Généraux, 1774 à 1789, 2nd edn, Paris, 1813
Senac de Meilhan, G., Considérations sur les richesses et le luxe, Paris, 1789
—Du gouvernement, des mœurs et des conditions en France avant la Révolution, Hamburg, 1795
Sévigné, Marie de, Lettres de Madame de Sévigné, de sa famille, et de ses amis…Nouvelle édition, ed. J.A.A. Régnier, 14 vols, Paris, 1862–6
Seyssel, Claude de, La grande monarchie de France, ed. J.Poujol, 1961
Soanen, J., bishop of Senez, La vie et les lettres de Soanen, ed. J.-B.Gautier, 2 vols, Cologne, 1750
Soulavie, J.-L. Giraud de, Mémoires du maréchal de Richelieu, 9 vols, Paris, 1790
—ed., Mémoires historiques et politiques du règne de Louis XVI, 6 vols, Paris, 1801
Spanheim, E., Relation de la cour de France en 1690, ed. Schefer, Paris, 1882
Systeme de mélange dans l'œuvre des convulsions, 1735
Talon, Omer, Mémoires, ed. J.F.Michaud and J.J.F.Poujoulat, Collection des Mémoires..., LIX, LX, LXI, LXII, Paris, 1839
Tartarin, Guillaume, Nouveau tableau des avocats au parlement, Paris, 1731
Tencin, cardinal, Correspondance du cardinal de Tencin, ministre d'État et de madame de Tencin sa sœur, avec le duc de Richelieu, Paris, 1790
Toussaint, F.-V., Anecdotes curieuses de la cour de France sous le règne de Louis XV, ed. P.Fould, Paris, 1908
Van Hoey, Abraham, Lettres et négociations de Monsieur van Hoey, ambassadeur à la cour de France. Pour servir à l'histoire de la vie du cardinal de Fleury, London, 1743
Villette, Philippe le Valois, marquis de, Mémoires..., ed. L.J.N.Monmerqué, Paris, 1844
Voltaire [François Arouet], Œuvres complètes de Voltaire, 52 vols, Garnier frères, Paris, 1877–85
Walpole, Horatio [attrib.], Memoirs of the Life and Administration of the late Andrew Hercules de Fleury, in which are likewise contain'd some remarkable Circumstances relating to the Fall of M.Chauvelin, Keeper of the Seals; and the Rise of Cardinal Tencin, by an Impartial Hand, London, 1743
Walpole, Sir Robert, The Defence of Monsieur Chauvelin, late Keeper of the Seals in France in Answer to the Accusations brought against him before the King in Relation to his Conduct in the Administration of His Affairs, London, 1737

SECONDARY WORKS

Adam, A., Du mysticisme à la révolte, les jansénistes du XVIIe siècle, Paris, 1968
Album Helen Maud Cam, Studies Presented to the International Commission for the History of Representative and Parliamentary Institutions, 2 vols, Louvain, 1960–1
Antoine, M., ‘Une séance royale au conseil d’état sous Louis XV, Revue historique de droit français et étranger, 1950, pp. 413–25
— Les comités de ministres sous le règne de Louis XV, Revue historique de droit français et étranger, 1951, pp. 193–230
— Le fonds du conseil d’état au roi aux Archives nationales, Paris, 1955
— Le conseil du roi sous le règne de Louis XV, Geneva, 1970
— Le conseil royal des finances au XVIIIe siècle et le registre E 3659 des Archives nationales, Geneva, 1973
— Le gouvernement et l’administration sous Louis XV, Paris, 1978
— Le duc métier de Roi, Paris, 1986
— Louis XV, Paris, 1989
— Les remontrances des cours supérieurs sous le règne de Louis XIV (1673–1715) , Bibliothèque de l’École des chartes, 151, 1993, pp. 87–115
Appolis, E., Un pays languedocien au milieu du XVIIIe siècle. Le diocèse civil de Lodève. Etude administrative et économique, Albi, 1951
——‘A travers le XVIIIe siècle catholique. Entre jansénistes et constitutionnaires: un tiers parti’, Annales, E.S.C., VI, 1951, pp. 154–71
——L’histoire provinciale du jansénisme au XVIIIe siècle’, Annales, E.S.C., VII, 1952, pp. 87–92
——Entre jansénistes et zélants: le tiers-parti catholique au XVIIIe siècle, Paris, 1960
Ardoin, P., La bulle Unigenitus dans les diocèses d’Aix, Arles, Marseille, Fréjus, Toulon, 2 vols, Marseille, 1936
Avenel, vicomte G.d., ‘La fortune de la noblesse sous Louis XIII’, Revue historique, XXI and XXII, 1883
——La noblesse française sous Richelieu, Paris, 1901
——Le maréchal de Villars gouverneur de Provence. D’après sa correspondance inédite, 2 vols, Paris, 1892
Bailon, C., comte de, Lord Walpole à la cour de France, 1723–1730, d’après ses mémoires et sa correspondance, Paris, 1868
——Inventing the French Revolution, Cambridge, 1990
Barthélémy, Edouard de, Le cardinal de Noailles, Paris, 1886
——‘Marie de Médicis and the French Court in the XVIIIth Century’, London, 1908
——Philippe V et la cour de France, 5 vols, Paris, 1890–1900
Baxter, D.C., ‘Premier commis in the war department in the later part of the reign of Louis XIV’, Western Society for French History, Proceedings, 8, 1980, pp. 81–9


— The Ancien Régime, London, 1967


Berlanstein, L.R., The Barristers of Toulouse in the Eighteenth Century, Baltimore, 1975


Bersot, P.E., Études sur le XVIIIe siècle, Paris, 1955

Bickart, R., Les parlements et la notion de souveraineté nationale au XVIIIe siècle, Paris, 1932


Bièvre, G. M. de, Georges Mareschal, seigneur de Bièvre, chirurgien et confidant de Louis XV (1658–1736), Paris, 1906


Biographie universelle ancienne et moderne, ed. M. Michaud, 45 vols, Paris, 1843

Bisson de Barthélemy, P., Les joly de Fleury, procureurs-généraux au Parlement de Paris au XVIIIe siècle, Paris, 1964

Bitton, D., The French Nobility in Crisis, Stanford, 1969


Bláird, P., Dubois cardinal et premier ministre, 1656–1723, 2 vols, Paris, 1901

Bloch, Marc, Les rois thurnaturges: étude sur le caractère surrural et attribué à la puissance royale, Strasbourg, 1924


— The Historian’s Craft, Manchester, 1954


— The Ile-de-France, London, 1971

BIBLIOGRAPHY


Les honneurs de la cour, 2 vols, Paris, 1957


La vie quotidienne de la noblesse française au XVIIIe siècle, Paris, 1973


Un recueil inédit de portraits et caractères, 1703. Musée britannique, Ms Addit. 29507, Paris, 1897

‘Le grand hiver et la disette de 1709’, *Revue des questions historiques*, LXXIII, 1903, pp. 442–509 and LXXIV, pp. 486–542

‘La désertion du cardinal de Bouillon en 1710’, *Revue des questions historiques*, XL, 1908, pp. 420–71


— ‘The failure of the French revenue farms, 1600–60’, *Economic History Review*, XXXII, 1979, pp. 11–32

— ‘Cardinal Mazarin and his critics, the remonstrances of 1652’, *Journal of European Studies*, X, 1980. pp. 15–31


— ‘Cardinal Mazarin and the great nobility during the Fronde’, *English Historical Review*, XCVI, 1981, pp. 818–33


The Limits of Absolutism in Ancien Régime France, Aldershot, 1995


— *L’administration provinciale et municipale en France au XVIIIe siècle*, Paris, 1972


— ‘Current writing on the administration and finances of eighteenth-century France’, (review article), *Journal of Modern History*, LIII, 1981, pp. 73–83


392
BIBLIOGRAPHY

Boutry, M., Une créature du cardinal Dubois: intrigues et missions du cardinal de Tencin, Paris, 1902
—‘Le rôle des sentiments religieux dans la formation de l’esprit philosophique et anti-gouvernemental en 1732’, Lias, IV, 1977, pp. 207–59
Broc, vicomte de, La France sous l’ancien régime: le gouvernement et les institutions, 2 vols, Paris, 1887
—‘Lettres de Louis XV au comte de Coigny (1737–45)’, Revue d’histoire diplomatique, 1, 1887, pp. 512–24
Histoire de la politique étrangère de Louis XV, 10 vols, Paris, 1883–95, vols I–IV
Brunetière, F., Études critiques sur l’histoire de la littérature française, 2nd series, Paris, 1887
Buteau, Henry, L’ordre des avocats, ses rapports avec la magistrature: histoire, législation, jurisprudence, Paris, 1895
Cahen, L., Les querelles religieuses et parlementaires sous Louis XV, Paris, 1913
Campbell, P.R., The ancien régime in France, Oxford, 1988
—Louis XIV, London, 1993
Carcassonne, E., Montesquieu et le problème de la constitution française au XVIIIe siècle, Paris, 1927
Carré, H., Un précurseur inconscient de la Révolution; le conseiller Duval d’Eprémesnil, La Révolution française, XXI, 1897, pp. 349–73, 405–37, and separately with pagination from p. I (edition used)
—Le règne de Louis XV (1715–1774), Paris, 1911
—La fin des parlements, Paris, 1912
—La noblesse de France et l’opinion publique au XVIIIe siècle, Paris, 1920
—‘Le jansénisme pendant les premiers mois de la Régence’, Revue d’histoire ecclésiastique, XXI, 1925, pp. 479–509, XXII, 1926, pp. 759–96
—Le jansénisme durant la Régence, 3 vols, Louvain, 1929–33
—The Guise affinity and popular protest during the Wars of Religion’, French History, June 1995
BIBLIOGRAPHY


Ceyssens, L., ‘Les papiers de Quesnel saisis à Bruxelles et transportés à Paris en 1703 et 1704’, Revue d’histoire ecclésiastique, XLIV, 1949


Chabaud-Arnault, Ch., ‘Études historiques sur la marine militaire de la France, XII. La marine française sous la Régence et sous le ministère de Maurepas’, Revue maritime et coloniale, CX, 1891, pp. 49–85

—‘Études historiques sur la marine militaire de la France, XIII. La marine française pendant la guerre de la Succession d’Autriche’, Revue maritime et coloniale, CX, 1891, pp. 365–93


Chassaigne, M., La lieutenance générale de police au XVIIIe siècle, Paris, 1906


—Gens de finances au XVIIIe siècle, Paris, 1972

—Une histoire des élites, 1700–1848, Paris, 1975

—La noblesse au XVIIIe siècle. De la féodalité aux lumières, Paris, 1976


Chéruel, A., ‘Saint-Simon et l’abbé Dubois; leurs relations de 1718 à 1722, d’après les Mémoires de Saint-Simon et les correspondances du temps’, Revue historique, I, 1876, pp. 140–53


Church, W.F., Constitutional Thought in Sixteenth-century France, Cambridge, Mass., 1941

—The decline of French jurists as political theorists’, French Historical Studies, V, 1967–8, pp. 1–40

—Richelieu and Reason of State, Princeton, 1972

Clément, P., Portraits historiques, Paris, 1855

Clermont-Tonnere, E.de, Samuel Bernard et ses enfants, Paris, 1914


—The Social Interpretation of the French Revolution, Cambridge, 1964


Cochin, A., Les sociétés de pensée et la révolution en Bretagne (1788–1789), 2 vols, Paris, 1925

Cognet, L., ‘La dévotion mariale à Port-Royal et le jansénisme’, L’information littéraire, IX, 1957, pp. 139–46


Coleman, D.C., Revisions in Mercantilism, London, 1969

Colin, J., Louis XIV et les jacobites; le projet de débarquement en Angleterre de 1743–1744, Paris, 1901

BIBLIOGRAPHY

Comment les Français voyaient la France au XVIIe siècle, special issue of Dix-septième siècle, XXV–XXVI, 1955
Cook, T.A., Old Provence, 2 vols, Oxford, 1905
Corvisier, A., Louvois, Paris, 1983
—— Memoirs of Horatio, Lord Walpole, Selected from his Correspondence and Papers and Connected with the History of the Times, from 1678 to 1757, 3rd edn, 2 vols, London, 1820
Crousaz-Cretet, Paul de, L’église et l’état ou les deux puissances au XVIIIe siècle (1715–1789), Paris, 1893
—— Les horizons de la liberté, Aix-en-Provence, 1987
Cuilleron, M., Contribution à l’étude de la rébellion des cours souveraines sous le régime de Louis XV: le cas de la cour des aides et finances de Montauban, Paris, 1983
Dakin, D., Turgot and the Ancien Régime in France, Oxford, 1939
—— ‘In search of the Enlightenment: recent attempts to create a social history of ideas’, Journal of Modern History, XLIII, 1971, pp. 113–32
—— Provincial Magistrates and Revolutionary Politics in France, 1789–1793, New Haven, 1972
Delbecke, F., L’action politique et sociale des avocats au XVIIIe siècle, Louvain, 1927
Delumeau, J., Le catholisme entre Luther et Voltaire, Paris, 1971
Des Cilléuls, A., Histoire et régime de la grande industrie en France aux XVIIe et XVIIIe siècles, Paris, 1898
Desjardins, G., ‘Le fonds du conseil d’état de l’ancien régime aux Archives nationales’, Bibliothèque de l’École des chartes, LXI, 1898, pp. 5–55
Desnè, R., ‘Le laquais financier au grand siècle’, XVIIe siècle, no. 129, 1979, pp. 21–36
De Vries, J., The Economy of Europe in an Age of Crisis, 1600–1750, Cambridge, 1975
— Le mercantilisme, Paris, 1969
Doucet, R., Les institutions de la France au XVIIe siècle, 2 vols, Paris, 1948
— Was there an aristocratic reaction in pre-revolutionary France?’, Past and Present, no. 57, 1972, pp. 97–122
— The price of offices in pre-revolutionary France’, Historical Journal, XXVII, 1984, pp. 831–60
— Dupaty (1746–1788): a career in the late Enlightenment’, Studies on Voltaire and the Eighteenth Century, CXXX, 1985, pp. 1–125
— The Ancien Régime, London, 1986
Du Bouetziez de Kerouguen, Recherches sur les états de Bretagne: la tenue de 1736, Paris, 1875
Duchene, A., Lapolitique coloniale de la France, le ministère des colonies depuis Richelieu, Paris, 1928
BIBLIOGRAPHY


Durand, V., *Les évêques au XVIIIe siècle en Languedoc*, Montpellier, 1907
— *Le Jansénisme au XVIIIe siècle et Joachim Colbert, évêque de Montpellier*, Toulouse, 1907


— *La mission de Chavigny en Allemagne*, Paris, 1912


— *La mission de Chavigny en Allemagne*, Paris, 1912


Echerac, P.d’, *La jeunesse du maréchal de Belle-Ile*, Paris, 1908


— *The French Pre-revolution*, Chicago, 1977


— *La vieillesse de Richelieu* (1758–1788), Paris, 1921


— *La pensée et l’action coloniale de Maurepas vis-à-vis du Canada, 1723–1749*, Montreal, 1972


— *Les Jésuites et les parlements au XVIIIe siècle*, Paris, 1885

Fleury, vicomte, *La cour aux armées pendant la guerre de succession d’Autriche*, Paris, 1926

397
Foisset, Joseph-Théophile, *Le président de Brosses, histoire des lettres et des parlements au XVIIIe siècle*, Paris, 1842
‘The noble wine producers of the Bordelais in the eighteenth century’, *Economic History Review*, 2nd series, XIV, 1961–2, pp. 18–33
—‘La famille ministérielle des Phélypeaux: esquisse d’un profil Pontchartrain’, *Annales de Bretagne*, LXXXVI, 1979, pp. 117–40
—*In the Workshop of History*, trans.J.Mandelbaum, Chicago, 1984
—‘The revolution in local politics in Paris’, *Renaissance and Modern Studies*, XXXIII, 1989, pp. 53–68
—‘Parish politics, Jansenism and the Paris middle classes in the eighteenth century’, *French History*, VIII, pp. 403–19
—*Histoire générale du mouvement janséniste depuis ses origines jusqu’à nos jours*, 2 vols, Paris, 1922
Gazier, C.,*Histoire de la Société de Port-Royal et de la Bibliothèque de Port-Royal*, Paris, 1966
Germain, E., Langages de foi à travers l’histoire, Paris, 1972
Germain-Martin, J., La grande industrie sous le règne de Louis XIV, Paris, 1898
Godard, J., Le jansénisme à Lyon: Benoît Fourgon (1687–1773), Paris, 1934
Godard, Ph., La querelle des refus de sacrements, 1730–1765, Paris, 1937
—The Godly Rebellion, Chapel Hill, 1981
—ed., Church, State and Society under the Bourbon Kings, Lawrence, 1982
Goldmann, L., ‘Remarques sur le jansénisme: la vision tragique du monde et la noblesse de robe’, XVIIe siècle, XIX, 1953, pp. 177–95
—Le Dieu caché. Etude sur la vision tragique dans les Pensées de Pascal et dans le théâtre de Racine, Paris, 1955
—Courts and Cabinets, London, 1944
—Catherine the Great and Other Studies, London, 1954
V. The Monarchy in Decline, London, 1956
Goodwin, A., ‘Calonne, the Assembly of Notables and the origins of the révolte nobiliaire’, English Historical Review, 2 articles, LXI, 1946, pp. 202–34, 329–77
—Beauvais et le Beauvaisis de 1600 à 1730: l’histoire sociale de la France du XVIIe siècle, 2 vols, Paris, 1960
—Louis XIV et vingt millions de Français, Paris, 1966
—Cent mille provinciaux au XVIIe siècle (abridgement of above), Paris, 1968
Grant, R. A., ‘The nobility in early modern France’ (review article), European Studies Review, XII, 1982, pp. 87–95


Grisselle, E., 'Vers la paix de l'église de France d'après des lettres inédites du négociateur, le cardinal de Polignac (1725–1732)', *Revue d'histoire de l'église de France*, 11, 1911, pp. 271–95, 404–20


——'Paths to political consciousness: the Assembly of Notables, 1787’, *Studies on Voltaire and the Eighteenth Century*, CLXXXIX, pp. 886–91

——‘A mutation in elite political culture: the French notables and the defence of property and participation’, *Journal of Modern History*, LVI, 1984, pp. 598–634


——‘Y a-t-il un état des XIVe et XVe siècles?’*, Annales, E.S.C.*, XXVI, pp. 399–406

——‘L’histoire de l’état en France à la fin du moyen âge, vue par les historiens français depuis cent ans’, *Revue historique*, CCXXXII, 1964, pp. 331–60


——*The Paris Parlement after the Fronde, 1653–1673*, Pitsburg, 1976


——‘The conseil privé and the parlements in the age of Louis XIV: a study in French absolutism’, *Transactions of the American Philosophical Society*, 77, Part 2, 1987


Hardy, G., *Le cardinal de Fleury et le mouvement janséniste*, Paris, 1925

——‘Cardinal de Fleury et les philosophies’, *Annales historiques de la Révolution française*, II, 1925

Hardy, J.D., Jr, *Judicial Politics in the Old Regime: The Parlement of Paris During the Regency*, Baton Rouge La., 1967


——*Necker and the Revolution of 1789*, Lanham Md, 1986


——‘L’abbé de Saint-Pierre économiste’, *Revue d’histoire économique et sociale*, 1932

——*Crédit public et banque d’état en France du XVIe au XVIIe siècles*, Paris, 1933

Hatin, E., Histoire politique et littéraire de la presse en France, 3 vols, Paris, 1859


Honnert, R. and M. Augagneur, La vie du maréchal de Richelieu, Paris, 1929


Huppert, G., Les bourgeois gentilhommes, Chicago, 1977


Jansénisme et Révolution: special issue of Chroniques de Port-Royal, ed. C. Maire, Paris (Vrin), 1990


Jaffrel, F., Lutte doctrinale entre Monseigneur de Belsunce, évêque de Marseille, et le jansénisme, Marseille, 1882

Jebza, A., La France sous Louis XV (1715–1774), 6 vols, Paris, 1864–73

— ed., The French Revolution in Perspective, a special issue of Renaissance and Modern Studies, XXXIII, 1989


BIBLIOGRAPHY


Kolabinska, M., *La circulation des élites en France*, Lausanne, 1912


— *Noblesse, pouvoir et société en France au XVIIe siècle* (collected articles) Limoges, 1987


La Chenaye-Desbois, A.Aubert de, *Dictionnaire de la noblesse*, 3rd edn, 19 vols, Paris, 1863–76

La Socarras, M., *La marine militaire de la France sous le règne de Louis XV*, Paris, 1948

Lacon-Gayet, Georges, *La marine militaire de la France sous le règne de Louis XV*, Paris, 1902


— *Textes et documents Maurepas*, Montreal, 1970


402


Lodge, Sir R., ‘The Treaty of Seville (1729)’, *Transactions of the Royal Historical Society*, 4th series, XVI, 1933, pp. 1–45

BIBLIOGRAPHY


Major, J.R., Representative Institutions in Renaissance France, 1421–1559, Madison, 1960

—The Deputies to the Estates General in Renaissance France, Madison, 1960


—Representative Government in Early Modern France, New Haven, 1980


—Classes et luttes de classes en France au début du XVIIe siècle, Florence, 1965

—La France au XVIIe et XVIIIe siècles, Paris, 1967

—L’Éurope absolutiste, Paris, 1977

—From Humanism to Science, Harmondsworth, 1978


Marchand, J., Un intendant sous Louis XIV: administration de Lebret en Provence, Paris, 1891


La Bretagne et le due d’Aiguillon 1753–1770, Paris, 1898


—Histoire financière de la France depuis 1715, 6 vols, Paris, 1914–26, vols I and II

—‘Un essai de politique sociale en 1724’, Revue du XVIIIe siècle, I, 1913 pp. 28–42

—Dictionnaire des institutions de la France aux XVIIe et XVIIIe siècles, Paris, 1923

Martin, E., Histoire de Lodève, Montpellier, 1900


—Le siècle de Louis XV


—The Desacralisation of the French Monarchy in the Eighteenth Century, Baton Rouge La., 1990


—Le siècle de Louis XIV, Paris, 1966

—L’ancien régime, 7th edn, Paris, 1979


—‘Two dimensional history: Mousnier and the ancien régime’, History, LXVI, 1981, pp. 221–32
BIBLIOGRAPHY

—Power and Faction in Louis XIV's France, Blackwell, 1988


—Etudes d’histoire économique, Paris, 1971


—La noblesse bretonne, Paris, 1972


—Colbert, Paris, 1984


Michon, G., Essai sur l’histoire du parti feuillant Adrien Duport, Paris, 1924

Mobilité sociale au dix-septième siècle, La, special issue of Dix-septième siècle, no. 122, 1979


Monin, H., Essai sur l’histoire administrative de Languedoc pendant l’intendance de M.de Basville, Paris, 1884

Monnier, Francis, Le chancelier d’Aguessen: sa conduite et ses idées politiques et son influence sur le mouvement des esprits pendant la première moitié du XVIIIe siècle, Paris, 1860

Montiel, Amans-Alexis, Histoire des Français des divers états, 10 vols, Rodez, 1828–46


—Les origines intellectuelles de la Révolution française, Paris, 1952

Morris, W. O’Connor, ‘Villars’, English Historical Review, VIII, 1893, pp. 61–79


Mousnier, R., ‘Sully et le conseil d’état et des finances: la lutte entre Belliavre et Sully’, Revue historique, CXCII, 1941, pp. 68–86

—La vénaîlité des offices sous Henri IV et Louis III, Rouen, 1946

‘Les idées politiques de Fénélon’, Dix-septième siècle, nos 13–14, 1951–2, pp. 190–206


—‘Comment les Français du XVIIe siècle voyaient la constitution’, Dix-septième siècle, nos 25–6 1955, pp. 9–36


—La plume, la faucille et le marteau: institutions et société en France, du Moyen Age à la Révolution, Paris, 1970

—The Institutions of France under the Absolute Monarchy, 1598–1789, trans. A. Goldhammer, 2 vols, Chicago, 1979–84


La monarchie absoluë en Europe, du XVe siècle à nos jours, Paris, 1982

‘Les fidélités et les clientèles en France aux XVIe, XVIIe et XVIIIe siècles’, Histoire sociale—Social History, XV, no. 29, 1982, pp. 35–46


—La plume, la faucille et le marteau: institutions et société en France, du Moyen Age à la Révolution, Paris, 1970

—The Institutions of France under the Absolute Monarchy, 1598–1789, trans. A. Goldhammer, 2 vols, Chicago, 1979–84


La monarchie absoluë en Europe, du XVe siècle à nos jours, Paris, 1982

‘Les fidélités et les clientèles en France aux XVIe, XVIIe et XVIIIe siècles’, Histoire sociale—Social History, XV, no. 29, 1982, pp. 35–46

405
— *Problèmes de stratification sociale*, Paris, 1965
Musset, J., *L’administration contre la cour: le rejet d’une demande de grande concession dans la généralité de Caen, (élection de Bayeux) à la fin du XVIIe siècle* *Annales de Normandie, XXVIII*, 1978, pp. 113–40
— *Madame de Pompadour et la politique d’après des documents nouveaux*, Paris, 1928
Normand, Ch., *La bourgeoisie française au XVIIe siècle: la vie politique, les idées et les actions politiques, 1604 1661, étude sociale*, Paris, 1908
*Nouvelle biographie générale, depuis les temps les plus reculés jusqu’à nos jours*, ed., Dr Hoefer, 46 vols, Paris, 1855–6
— ‘The revolutionary Vergennes and Lafayette versus the farmers general’, *Journal of Modern History, III*, 1931, pp. 592–613
— *L’organisation corporative de la France d’ancien régime*, Paris, 1938
— *Histoire du droit français des origines à la Révolution*, Paris, 1950
— *Louis XIV et les protestants*, Paris, 1951
— ‘La vénalité des offices dans l’ancienne France’, *Revue historique, CLXIX*, 1932, pp. 477–95
— *La monarchie d’ancien régime en France*, Paris, 1941
— *Naissance du grand siècle. La France de Henri IV à Louis XIV, 1598–1661*, Paris, 1948
— *Les institutions monarchiques sous Louis XIII et Louis XIV* (Cours de Sorbonne), Paris, 1962
BIBLIOGRAPHY

Peck, L.L., “For a king not to be bountiful were a fault”: perspectives on court patronage in early Stuart England, Journal of British Studies, XXV, 1986, pp. 3–161
Perroy, E., ‘Social mobility among the French noblesse in the later middle ages’, Past and Present, XXI, 1962
—— Les premiers commis des affaires étrangères au XVIIe et au XVIIIe siècles, Paris, 1928
Pichon, J., La vie de Charles-Henri, comte de Hoym, ambassadeur de Saxe-Pologne en France et célèbre amateur de livres, 1694–1736, 2 vols, Paris, 1880
Pilet, M.J.P., Mémoires pour servir à l’histoire ecclésiastique pendant le XVIIIe siècle, 3rd edn, 7 vols, Paris, 1853–7
Pietri, P., La réforme de l’état au XVIIe siècle, Paris, 1935
—— Théologie et politique, Paris, 1973
—— La vie quotidienne du clergé français au XVIIIe siècle, Paris, 1974
Pocquet, B., Le pouvoir absolu et l’esprit provincial: le duc d’Aiguillon et La Chalotais, 3 vols, Paris, 1900–1
Porsnkev, B., Les soulèvements populaires en France de 1623 à 1648, Paris, 1963
—— Les Luttes politiques et doctrinales aux XVIIe et XVIIIe siècles, 2 vols, Paris, 1952
—— Richelieu and the Councillors of Louis XIII. A Study of the Secretaries of State and Superintendents of Finance in the Ministry of Richelieu, 1635–42, Oxford 1963

407
— Paris in the Age of Absolutism, New York, 1968
Raynal, Paul de, Le manage d’un roi, 1721–1725, Paris, 1887
Rébillon, A., Les états de Bretagne de 1661 à 1789. Leur organisation, l’évolution de leurs pouvoirs et leur administration financière, Rennes, 1939
Richer, A., Vie des Surintendants des Finances et des contrôleurs-généraux depuis Enguerand de Marigny jusqu’à nos jours, Paris, 1790
Richet, D., La France moderne: l’esprit des institutions, Paris, 1973
— Autour des origines idéologiques lointaines de la révolution française: élités et despotisme’, Annales, E.S.C, XXIV, 1969, pp. 1–23
— The Seven Years War and the Old Regime in France: The Economic and Financial Toll, Princeton, 1986
— The General Will Before Rousseau, Princeton, 1986
Robinet, Pierre, La compagnie des secrétaires d’état du roi, 1351–1791, Paris, 1933
— La France des lumières, Paris, 1993
— L’esprit révolutionnaire avant la Révolution, 1715–1789, Paris, 1878
— ‘How good were Louis XIV’s diplomats?’, Studies in History and Politics, 1985, pp. 89–102

408
BIBLIOGRAPHY


Roupnel, G., *La ville et la campagne au XVIIe siècle*, Dijon, 1922


—— *The King’s State. Proprietary Dynasticism in Early Modern France*, New Brunswick, N.J., 1980


—— *Religion and the Craft of Kingship*, Ohio, 1969

Rulhière, C.C.de, *Anecdotes sur le maréchal de Richelieu*, Paris, 1890


—— ‘Les idées politiques de Saint-Simon’, *Revue historique*, LXXXIII, 1900, pp. 1–23


—— *Les idées politiques au XVIIe siècle*, Paris, 1923

—— ‘La doctrine politique des parlements au XVIIIe siècle’, *Revue historique de droit français et étranger*, III, 1924, pp. 287–306

—— *Economic and Social Conditions in France during the Eighteenth Century*, London, 1935


Serviteurs du Roi: quelques aspects de la fonction publique dans la société française du XVIIe siècle, special issue of *Dix-septième siècle*, nos 42–3, 1959


—— *The political role of the parlement of Paris under Cardinal Fleury*, *English Historical Review*, LXXXI, 1966, pp. 520–42


409

Sicard, A., L’ancien clergé de France, 3 vols, Paris, 1905–9


Soulavie, J.-L. Giraud de, author of apocryphal memoirs:

— *Mémoires de la minorité de Louis XV*, 4 vols, Paris, 1792

— (Phélypeaux de Maurepas, J. apoc.) *Mémoires du comte de Maurepas*, 4 vols, Paris, 1791

— (Richelieu, maréchal de) *Mémoires*, Paris, 1868


Stathouer, Dr, ‘Un effort pour la formation d’un furstenbund en 1728’, *Revue d’histoire diplomatique*, XIII, 1899, pp. 188–98


— *The French Parlements and the Crisis of the Old Regime*, Chapel Hill, 1986


— The Eighteenth Century, New York, 1916

Sturgill, C., *Claude Le Blanc, Civil Servant of the King*, Kentucky, 1973


— Un intendant, secrétaire d’état au XVIIIe siècle, *Claude Le Blanc, sa vie, sa correspondance, 1669–1728*, Dunkerque, 1900


— *Jansénisme et politique*, Paris, 1965


Testu de Balincourt, comte E.de, *Daniel Bargeton, avocat au parlement 1678–1757*, Nîmes, 1887 (B.N. 8 LN 27 37491)
—*Lettres d’aristocrates. La révolution racontée par des correspondances privées*, Paris, 1907
—*Lettres d’aristocrates. La révolution racontée par des correspondances privées*, Paris, 1907
—*Lettres d’aristocrates. La révolution racontée par des correspondances privées*, Paris, 1907
White, E.N., ‘Was there a solution to the ancien régime’s financial dilemma?’, *Journal of Economic History*, IL, 1989, pp. 545–68
— The Nobility of the Election of Bayeux, 1463–1666: Continuity Through Change, Princeton, 1960
— Revolt in Pre-Revolutionary France, 1755–1757, Baltimore and London, 1995
— Les institutions de la France au XVIe siècle, Paris, 1948
— Aspects de la politique française sous l’ancien régime, Paris, 1964
Zevort, E., Le marquis d’Argenson et le ministère des affaires étrangères du 18 novembre 1744 au 10 janvier 1747, Paris, 1880
INDEX

absolute monarchy, 11–16, 220–1, 269, 305–14
absolutism, 11, 305
administration, see bureaucracy
Aguesseau, d’, see Daguessau
Amelot de Chaillou, J.J. (1689–1749), secrétaire d’état, ministre, 22, 130, 149–50, 162, 170, 173, 181
Angerville, N.P. Bauny d’ (1675–1740), secrétaire d’état, ministre, 125, 130, 143–4, 165, 169, 319
Antin, L.A. de Gondrin de Pardaillan, d’ (1665–1736), 130, 152–3, 161
Antoine, M., historian, 19, 145–6, 155, 181, 232, 311, 328, 329
Appolis, E., historian, 132, 242, 366
Argenson, Marc Pierre de Voyer de Paulmy, comte d’ (1696–1764), secrétaire d’état, ministre, 164, 172, 290, 292, 294, 320
Argenson, René Louis de Voyer de Paulmy, marquis d’ (1694–1757), secrétaire d’état, 32, 73, 75, 130, 148, 155, 157, 165, 175, 187–8, 189, 244, 246, 257, 260–3, 264, 267, 285, 292, 313, 315, 359
Armenonville, d’, see Fleuriel d’Armenonville
Arnaud de Bouex, N., maître des requêtes, 59
Arnauld, A. (1612–94), 198–9
Arrault, C., avocat au parlement, 209
Asfeld, J.V. Bidal d’, 200, 201–2
Assigny, Troya d’, 206
Auugnie, Françoise d’, see Maintenon
Aubry, C.J. (d. 1739), avocat au parlement, 208–9, 211, 217–18, 280
Bachelier, F.G., 165, 168
Baker, K.M., historian, 28–30, 298–300, 302, 316, 374
Barjac, M., 135
Barrister, see lawyers
Baudrillart, H.M.A., historian, 121, 342
Bavaria, Charles Albert de Wittelsbach, (1697–1745), Elector of, and Holy Roman Emperor, 78, 138, 150, 166, 169, 171
Bavaria, M.M.E. de Wittelsbach (1662–1726), Elector of, 138
Baxter, D.C., historian, 19
Bayard, F., historian, 15
Bayle, avocat au parlement, 209
Beaumont de Repaire, C.de (1703–81), archbishop of Paris, 293
Beik, W., historian, 313
Bell, D.A., historian, 212, 280, 332, 362
Belle-Isle, Charles Louis Auguste Fouquet, comte then maréchal-du-c de (1684–1761), 52, 55, 58–60, 63, 100–2, 113, 120, 131, 166, 170–5, 177, 184
Belle-Isle, Louis Charles Armand Fouquet, chevalier de (1693–1747), 63, 100–2, 184, 186
Bernard, S., 88–9, 91, 159
Bernis, F. J.de Pierre, cardinal de, 21, 232, 276, 294
Berroyer, C., avocat au parlement, 209, 217–18
Berwick, J. Fitz-James, maréchal-du-c de (1671–1734), 59, 72, 109, 115, 189
Besenval, P.J.V., baron de, 181
Besoine, J., 202
Béthune, A.de, duc de Charost (1663–1747), governor of Louis XV, 61, 108
Béthune, M.C.de, 169
Bissy, H.de Thiard de (1657–1737), cardinal, 48, 82–7, 133, 136
Bloc, M., historian, 10
Bleue, J.F., historian, 228, 233–4, 321
Boislelie, A.de, historian, 65, 93–5, 345
Bonney, R., historian, 15–16
Bonsy, P.de (1631–1703), bishop of Bézières, archbishop of Toulouse then Narbonne, cardinal, 41
INDEX

Bossenga, G., historian, 33–4
Bossuet, J.B. (1627–1704), 180, 197, 200, 240
Boucher, J. (d. 1768), abbé, 206
Boucher, J., historian, 17
Bouillon, E.T.de la Tour (1644–1715), cardinal de, 41
Boullenois, avocat au parlement, 206
Boulle, avocat au parlement, 209
Bourbon, L.-F. de, duchesse douairière de (1673–1743), 72, 130, 136, 161–3
Bourbon-Condé, House of, 20, 114, 130, 157–8, 162–6, 168, 177, 184
Bourde, A.J., historian, 144–5
Boursier, L.-E., abbé, 200, 206, 208, 211
Boyer, J.F. (1675–1755), former bishop of Mirepoix, 293
Brancas, M.de, 42
Breteuil, L.N.Le Tonnelier, baron de (1686–1743), secrétaire d’État, ministre, 112, 184, 193, 317
Brugiére, M., historian, 15
Bureaucracy, 3, 5, 9, 12–16, 19, 21–4, 35, 185, 187, 297–9, 304–7, 309–10
Cabinet, 57–61, 66–7, 92, 100–2, 113–15, 120–1, 162
Calonne, C.A.de (1734–1802), contrôleur général, 184, 186, 193, 234, 281, 313–14, 317
Capitulation, 117
Carcassonne, E., historian, 30
Carignan, V.M.A.de Savoie, princesse de, 168
Carré, H., historian, 145
Carré de Montgomer, L.B. (1686–1754), conseiller, second enquêtes, 266–7, 291–2, 323–4
Castries, A.P. (1664–1747), abbé, then archbishop of Tours, Albi, 49
Castries, Madame de, Isabelle de Bonsy (1626–1708), wife of below, 41
Castries, René-Gaspard de la Croix, marquis de (1611–74), 41
Caylus, M.M.de Marçay, comtesse de (1673–1729), 42, 121
Centralisation, 1, 9, 12–14, 305
Cerveau, R., 322–5
Chaillot, J.F., historien, 145
Chairost, duc de, see Béthune
Chartier, R., historian, 125–35
Chartres, duc de, see Orléans, L.
Châtenois family, 115
Chauvelin, H.-P, abbé, conseiller, third enquêtes, 293, 325
Chavigny, A.T.Chevignard de (1687–1771), 93, 149, 158, 166, 169, 171–2
Chevallier, L., (1674–1756), président honoraire, second enquêtes, 266
Chevreuse family, 152
Choiseul, E.F., duc de (1719–85), secrétaire d’État, ministre, 182, 186–7, 197, 281, 294
Church of France, see clergy
Guardienne, 88–90, 96, 105, 117–18
Clémenceau, P.de, 61
Clément, A.J. (1684–1747), conseiller, second enquêtes, 249, 285, 323
Clergy of France, 8–9, 86–7, 90–1, 98, 117, 132–5, 141, 143; and Gallicanism, 213–14, 271–2; and Jansenism, 197–9; and Richerism, 199–200; Assembly of, 9, 41, 43, 63, 87, 90–1, 96, 117, 134, 257, 280, 311
Clientage, 4, 9, 16–21, 24, 184–6, 229, 259, 300, 304, 306, 310
Cobban, A.B.C., historian, 70
Cochin, H., avocat au parlement, 209
Colbert, J.-B. (1619–83), contrôleur général, secrétaire d’État, 12–13, 15, 16, 23, 186
Colbert de Croissy, C.J. (1667–1738), bishop of Montpellier, 82, 85, 133, 211, 323
Colbert de Torcy, see Torcy
Comtesse, C., avocat au parlement, 209
Conseil de commerce, 142, 146
Conseil des dépêches, 62, 140, 153, 256, 267–8, 270, 279, 285
Conseil des finances, 61, 62, 112, 137, 145–6, 153
Conseil ecclésiastique (or Conseil de Conscience), 47–8, 62, 83, 133, 140, 143, 242–3
INDEX

Conti, L.A.de Bourbon, prince de (1695–1727), 72, 130
Conti, L.F.de Bourbon (1717–76), prince de, 151
Coudrette, C., abbé, 206
Council of State, see conseil du roi
Courchetet, L.d’Esnans (d. 1776), 246, 260–2, 264–5
court, the royal, 3, 5, 8, 30, 33–5, 298, 307–18, 375
Couturier, abbé, 133

Crisis, nature of, 6, 8, 30, 33–5, 298, 307–18, 375
Cruickshanks, E.G., historian, 149, 167–8, 174–5, 347
Cubells, M., historian, 215

Daguesseau, Henri (1638–1716), intendant of Languedoc, 139
Daguesseau de Plainmont, H.C. (1713–41), avocat général, 188, 282–7, 309
Dangeau, Madame de, 44, 102
Dangeau, P.de Courcillon, marquis de (1638–1720), 45
Dedieu, J., historian, 213, 361
Delpech de Méréville, J., conseiller in 1691, grand’chambrier 1723–37, 217, 268, 325
Dent, J., historian, 15
Denyau, A., avocat au parlement, 209
Desessarts, J.-B.Poncelet (1681–1762), 206
Desessarts, M.-A.Poncelet (1683–1785), 206
Dessert, D., historian, 15–16
dixième, 89, 146, 279
Dodun, C.G. (1679–1736), contrôleur général, 88–90, 320
Doyle, W., historian, 187, 215, 234–5, 275, 316
Driault, E., historian, 148–9
Duby, G., historian, 236
Dupré de Saint-Maur, P. (1697–1765), conseiller, second enquêtes, 216–17, 249, 268, 325
Durand, V., historian, 85
Duras, A.V.de Bouronville, duchesse de (1684–1770), 108
Dureng, J., historian, 70
Durey de Meinières, J.B.F. (1705–85), président, second enquêtes, 294
Egret J., historian, 215, 232–3, 238
Elias, N., sociologist, 25–6, 29, 32, 156, 184, 189, 316
Emmanuelu, F.X., historian, 23
enquêtes, see parlement of Paris
Espitalier, H., historian, 336
Étannes, V.M.duc d’ (1660–1737), ministre, 152, 153
Etienne, J.-Le Sesne de Ménilles d’ (1682–1770), abbé, 199, 201–2
Eugène, see Savoie-Carignan

fraction, 3, 6–7, 20–1, 32, 46, 51, 52–60, 67, 90, 113–17, 129, 156–7, 166–76, 182–7, 281–4, 294, 297, 303, 306–9, 311; see also cabal, old court
Fagon, L., 145, 169
Farge, A., historian, 91–2, 344, 353
Farmers General, 118–19, 146
Fénelon, F.de Salignac de la Mothe (1651–1715), 178, 199
Feydeau de Marville, C.H. (1705–87), lieutenant de police, 130, 151, 320
Fidelity, 13, 17, 19; see also clientage
Figurism, 200–5, 208, 220, 322
Filion, M., historian, 142, 328
First President, role of, see parlement of Paris
Fitzsimmons, M., historian, 316, 376
Flammermont, J., historian, 238, 272
Fléchier, E., 335
Fleuryiau’r d’Armenonville, G.L. (1661–1728), garde des sceaux, 54, 122, 319
Fleury, A.-H.de (1653–1743), ministre, 1–3, 6–7, 22, 39–40; family of, 40–1; education, 41, patrons, 41–5, 49; as bishop, 42–3; religious opinions, 42–3, 83, 277–8; becomes royal preceptor, 44–5; and education of Louis XV, 43–5, 61; and Louis XV, 2, 43–6, 61–2, 74, 113, 119, 121, 131–2, 156–7, 171–2; and faction, 46, 51, 55, 61–2, 113–17, 120–2, 156–7; and Jansenism, 47, 82–7, 212, 239–41, 257, 277, 287–9, 291–2; leaves court and returns, 56, 97–8; enters
INDEX

council de conscience, 47–8; becomes a ministre, 62; and Bourbon, 66, 68, 73–4, 100–7; character and aims, 69, 74–7, 110–12, 120, 188; his patronage, 73, 129–38, 165; and foreign affairs, 76–82; becomes cardinal 112–13, 119; and reform, 118–19; reorganises ministry, 122–8, and policy-making, 138–55; and Chauvelin, 122–4, 157–65; and War of Austrian Succession, 165–73; influence declines, 170–4; and lawyers, 210; and constitutionnaires, 241–4, 252, 291; and magistrates, 244–6, 265
Fleury, A.H.de Rosset, duc de, 334
Fleury, J.de, 40
Fleury, P.de, trésorier général, 40
Fontaine de la Roche, J. (d. 1761), 206
Ford, F.L., historian, 232
Fornier de Montagny C.F. (1682–1742), conseiller, first enquêtes, grand’chambrier in 1735, 216, 249, 278, 324
Foucault, M., historian and philosopher, 27–8, 299
Fouillou, abbé, 200
Fouquet, N. (1619–80), surintendant des finances, 15–16
Frederick II, King of Prussia, 110, 166, 172
Frederick William I, King of Prussia, 55, 95, 172
Frostin, C., historian, 23–4
Furet, F., historian, 28, 316
Gacon, N., avocat au parlement, 209, 217
Gallicanism, 211, 213–14, 235, 238, 245, 247–8, 250–8, 270–2, 278
Garrioeh, D., historian, 360
Gazier, A., historian, 195, 321, 363
Gennes, Père de, 206
gens du roi, see parlement of Paris
George I, G.-L. of Brunswick-Zell-Lünebourg, King of Great Britain and Ireland from 1714 (1660–1727), 80
Gesvres, F.J.B.Potier, duc de (1692–1757), 87
Gesvres, L.Potier, cardinal de, 82
Gilbert de Voisins, P. (1684–1769), avocat général, 228, 256, 288–9, 310; see also gens du roi
Gir, P.-L.-G., 209
Glasson, E., historian, 238
Glucq, C. (d. 1752), conseiller, fifth enquêtes, 262–3, 266
Goislard, A.C.de (1677–1733), conseiller, fourth enquêtes, grand’chambrier in 1730, 216
Goldmann, L., historian, 218, 270
Gooch, G.P., historian, 181
Grand Conseil, 289–90, 295
Grignon, F.A.de Monteil, comte de (1632–1714), 23
Grimbergen, L.J.d’Albert de Luynes, prince de (1652–1758), Bavarian ambassador, 95, 159–61
Guérin de Richeville, C.-L., avocat au parlement, 209
Guillebault, P. (c. 1660–1732), abbé, conseiller, third enquêtes, 322–3
Guillet de Blarz, P. (d. 1757), avocat au parlement, 209
Guizot, F.-P.-G., historian, 12
Habermas, J., sociologist, 26, 28–9, 189, 332
Hanscher, A., historian, 215, 234–5, 270, 313
Harding, R., historian, 17
Hardman, J., historian, 281, 316
Hardy, G., historian, 48, 138, 152, 238, 337, 343
Hartung, F., historian, 15
Hénault, C.-L., avocat au parlement, 58–9, 65
Henri IV, King of France, 181
Hérald, R. (1691–1740), lieutenant de police de Paris, 150–1, 320
Herminier, L’, avocat au parlement, 209
Huart, avocat au parlement, 209
Huxelles, N.de Blé, marquis d’ (1652–1730), avocat général, 150, 52, 79, 112–13, 119–20, 122, 125, 130, 347
Infanta of Spain, Marie Anne Victoire, 48, 78–81
Jansen, C. (1585–1638), bishop of Ypres, 197–8, 200
Jesuits, 42–4, 198, 370
Joly de Fleury, G.F. (1675–1756), procureur général, 1716–47, 229, 259–60, 262, 268–9, 278, 288–9, 310
Joubert, abbé, 206
Jouvencel, H.de, historian, 2
Joynes, D.Carroll, historian, 333
Keohane, N.O., historian, 218
Kettering, S., historian, 17, 215
Klaits, J., historian, 303
Kreiser, B.R., historian, 203, 205
La Borde, Père V.de, 200–1
La Bruyère J.de (1645–96), 31, 69, 75, 187
La Fare, E.J.de (d. 1741), bishop-duke of Laon, 147, 152, 242–4, 277
INDEX

La Fautrière, L. Davy de (1700–56), conseiller, third enquêtes, 230, 249, 251, 278, 285, 324
La Fayette, M.-M. Pioche de La Vergne, comtesse de (1634–1693), 41
La Jounchère, trésorier, 63, 88, 101
La Marck, P.E.E., comte de, 78, 79
La Mina, Spanish ambassador, 158
La Roche Flavin, B.de, 220
La Vallière, duc de, 189
La Vigné, N.de, avocat au parlement, 209
La Vrillière, L. Phélypeaux, marquis de (1642–1725), secrétaire d’état, 165, 141, 143, 320
Labrousse, E., historian, 218
Lambert, C.G. (1726–93), conseiller, second enquêtes, contrôleur général in 1787–8, 1789–90, 294, 325
Lamoignon, C.F.de, marquis de Bâville (1735–89), premier président and Chancellor, 281
Lamoignon, Guillaume de (1609–77), marquis de Bâville, premier président, 41, 334
Lamoignon de Blancmesnil, G.de (1683–1772), Chancellor 1750–68, 24, 219, 229, 281–2, 293
Langue de Gergy, J.J., bishop of Sens, 135, 218
Lassay, Armand de Madaillan (1652–1738), marquis de, 41–2, 71, 338
Lavely, C.J.F.de (1724–93), conseiller, first enquêtes, contrôleur général 1763–8, 186, 294
Law, John (1761–1729), 46, 51–2, 61, 67–8, 87–8, 90, 94
Le Blanc, C. (1669–1728), secrétaire d’état, 52, 58–6, 63, 88, 90, 92, 100–2, 112, 114–15, 118–22, 125, 228, 319
Le Bret, Cardin II (1675–1734), 23
Le Bret, Pierre Cardin (d. 1710), 23
Le Comte, avocat au parlement, 209
Le Dran, N.L. (1687–1774), premier commis, 133
Le Gauffe, L.A. (1712–1802), avocat au parlement, 151, 196, 208–9, 217, 219, 294
Le Roy, G., avocat au parlement, 209, 217, 280
Le Roy, G.-C., avocat au parlement, 209
Le Roy de Vallières, P., avocat au parlement, 209, 217
Le Tellier, M. (1643–1719), royal confessor, 44
Lefrançais, A., 204
Léger-Desgranges, H., historian, 196, 321
Lemontey, P.E., historian, 12
Lessèves, N. Le Clerc de (c. 1658–1737), conseiller d’honneur, 216–17, 250, 255, 285, 322
Lévis, Madame de (1678–1734), née Chartus, married marquis de Lévis, duc de Lévis-Ventadour in 1723, 44, 58, 102, 169
Lhéritier, M., historian, 145
L’Herminier, C.-N., avocat au parlement, 209
Louis XIV reign of, 1, 4–5, 8, 10–26, 40, 129, 198, 276, 305, 308, 315
Louis XVI, King of France (1752–93), 184, 186
Luçay, H.de, historian, 2
Luybes, C.P. d’Albert, duc de (1695–1758), 19, 115, 174, 183, 284
Luybes family, 115
Mably, G. Bonnot de, 315
Machault d’Arnouville, J.B.de (1701–94), contrôleur général, 294
Machiavel, N., 178
Mailly, F.de (1658–1721), cardinal de, 49
Mailly, L.de Mailly-Nesle, comtesse de (1715–92), royal mistress, 157–8, 169, 175
Maintenon, Françoise d’Aubigné (1635–1719), marquise de, 42, 44, 152, 168
Maire, C.-L., historian, 199–201, 204–5
Mairovert, M.F.Pidansat de, 32, 375
Mallet du Pan, J., 317
Maraimberg, F.de, avocat au parlement, 209, 212, 280
Marais, M. (1665–1737), avocat au parlement, 57, 65, 88, 90, 96
Marcillac, comte de, 121
Margon, abbé, 59, 339
INDEX

to, 225, 228–32; corporatism of, 228–9,
233–4, 229, 270, 274; self perception,
229–31, 248, 251; jurisdiction, 29, 31,
151, 194, 215–16, 222–5, 234, 244,
247–8, 251–8, 261–2, 270–3, 275–6,
290, 293–4, 311; procedure, 216–17,
226–8, 230, 255, 285–6, 311; First
President, role of, 223–8, 252, 254–5,
258, 270–5, 274; gens du roi,
role of, 137, 225–6, 229, 255–6, 260,
268, 276–8, 282, 287–92; enquêtes, role
of, 225, 288, 251–6, 264–9, 277–8, 280, 293;
requêtes, role of, 225, 288, 251–6, 264–8; and Jansenism,
213–17, 219–21, 243–54, 276–9, 281–
95, 321–5; and Bull Unigenitus,
246–58; and Gallicanism, 247, 270–2, 291; and
Douai affair, 281–7; and Saint Vincent
de Paul, 287–9; and Grand
Conseil, 290; and political crisis, 34–5, 235–74, 308–
12, 316
parliamentary constitutionalism, 215, 232–
3, 235, 270, 273, 275, 299
parti dévot, 102, 293–4
parti janséniste, 7, 33, 151, 199–221, 249–51,
254–8, 270–1, 273–4, 276–80, 302–3,
321–5
Pascal, B. (1623–62), 198, 200, 202
Pasquier de Coulans, D.L. (1698–1783),
conseiller, first enquêtes, grand chambrier
1754, 257–8, 262–4
patronage, 3–4, 9, 11, 16–21, 32, 41–2, 52,
73, 135–7, 152, 185–8, 229, 277, 300,
304, 306–7, 313
Pecquet Antoine I (1668–1728), premier commis
for foreign affairs 1700–25, 77, 79
Pecquet Antoine II (1700–62), premier commis
for foreign affairs 1725–40, 158, 165
Pelet, avocat au parlement, 209
Phélypeaux, see Maurepas and Saint-
Florentin
Phélypeaux family, 20, 40
Philippe V (1683–1746), duc d’Anjou, then
King of Spain, 46–7, 67, 78, 80–1, 102,
116, 138
police of Paris, 91–2, 151, 309; see also
Hérault
Poignac, M.de (1661–1741) cardinal, 83–5
political management, 8, 28, 52, 194, 197,
235, 238, 258–95, 304, 307, 309–14
politics, 4–6, 9–10, 20, 27–8, 31–2, 109,
116, 177–90, 223, 234, 239, 264, 269–
70, 286–7, 296–301, 304–5, 307
politics of contestation, 2, 7, 11, 28–9, 33,
302, 304–5, 308, 316
Pompadour, J.A.Poisson (1721–64),
marquise de, 186, 294
Pontchartrain, Jérôme Phélypeaux, comte
de (1674–1747), 23
Pontchartrain, Louis Phélypeaux, comte de
(1643–1727), Chanceller in 1699, 23–4
Portail, A. (1674–1736), premier président
1724–36, 250–8, 265–7, 277–9, 285,
310, 313
Pothouin, P.S., avocat au parlement, 209
Prédin, E., historian, 199–200
Prévost, C.-J., avocat au parlement,
208–9, 217, 280
Prie, A.B.de Pléneuf, marquise de (1698–
1727), 70, 73, 89, 91–2, 97, 99, 103–4
Prunay, J.-L.Julien de, avocat au parlement,
209
public opinion, 5, 27–9, 91–2, 193, 212,
301–4, 316–17
Pucelle, R. (1656–1745), abbé,
grand chambrier, 216, 249–51, 253, 261,
278–9, 285, 289–91, 300, 323
Quesnel, P. (1634–1719), 43, 83, 198–9
Ranum, O., historian, 17
Ravaiss, F., 100, 118
Ravitch, N., historian, 133
Raynal, P.de, historian, 78–81
Regent, see Orléans, Philippe II rhetoric,
rhetorical strategies, 29–31, 34, 229–30,
273, 300–1, 308–11, 317
Richelieu, A.J.du Plessis de (1585–1642),
cardinal, 3, 12, 17, 56, 182, 185, 240,
285
Richelieu, L.F.A.de Vignerot du Plessis,
duc de (1698–1788), 22, 73, 82, 93–9,
103–9, 113, 115, 120, 127, 167, 169–70,
173–5, 177, 181, 189, 310
Richer d’Aube, F. (1688–1752), maître des
requêtes, 71, 102, 115, 123–6, 135, 138,
142–4, 146–7, 149, 158–9, 167–8, 175–
6, 186, 253, 314–15, 347
Richter, D., historian, 40
Ripperda, J.G., baron then duke of (1682–
1737), 100, 104
Robert, L. (1662–1745), grand chambrier,
249, 285, 301, 323
Robert, P.N. (1676–1747), conseiller, second
requêtes, 325
Robert de Saint-Vincent, P.A. (1725–99),
conseiller, fifth enquêtes, 234, 293–4, 325
Rocquain, F., historian, 238
Register, J.M.J., historian, 234, 282–7, 371–
2, 375
Rohan, A.G.M.de Soubise de (1674–1749),
cardinal, 44, 48, 54, 59, 82–7, 133, 169,
241–2, 291
Rohan-Guémené, House of, 184
Rosset, B.de, 334
INDEX

Rosset de Fleury, A.H.de, duc de, 334
Rottembourg, C.A., comte de (1684–1735), 158
Rousselet, J.-B., avocat au parlement, 209
Rule, J.C., historian, 19

Saint-Florentin, L.Phélypeaux, comte de (1705–77), duc de La Vrillière, secrétaire d’état, 122, 130, 143, 320
Saint-Simon, L.de Rouvroy, duc de (1675–1755), 19, 25–6, 41, 46, 48, 52–4, 64–6, 76, 94, 141, 171, 183
Salaberry, L.C.V.d’Irrumberry de (1697–1761), conseiller, fifth enquêtes, grand chambrier in 1736, rapporteur, 266
Sareil, J., historian, 150, 172
Savoie-Carignan, Eugène, prince de (1663–1736), 73, 77, 113
Sénaç de Mélhan, G. (1736–1803), 295
Shennan, J.H., historian, 233, 238
Sicard, A., historian, 133
Silhouette, E.de, 130
Silly, J.J.Vipart, marquis de (1671–1728), 93–5, 111, 116, 120–1, 169
Skocpol, T., historian, 316
Soanen, Jean (1647–1740), bishop of Senez, 202, 206, 208, 211, 213, 325
Soulavie, J.L.Giraud de (1752–1813), historian, 93–5
Soyer, P., avocat au parlement, 209
Stone, B., historian, 234, 316
Swann, J., historian, 274, 308, 371

Tallard, C.d’Hostun, duc and maréchal de (1652–1728), ministre, 44, 53, 112, 120, 122, 130
Talleyrand, C.-M., 234, 307–8
Tencin, Madame de, 173, 177, 181, 187, 242
Tencin, P.Guérin (1679–1758), cardinal, 84, ministre, 131, 134–5, 140, 161, 166–7, 170, 172–6, 177, 242, 291
Thierry, A., historian, 12
Thomé, P. (1690–1752), conseiller, first enquêtes, grand chambrier 1748, 216, 249, 253, 268, 284–5, 291, 325
Titon, J.B. (c. 1695–1768), conseiller, fifth enquêtes, 249, 253, 261, 278–9, 284–5, 291, 323
Tocqueville, A.de, historian, 12–14, 298, 304
Tocry, J.B.Colbert, marquis de (1665–1746), secrétaire d’état, ministre, 49, 53–4

Toulouse, L.A.de Bourbon, comte de (1678–1737), prince légitimé, 102, 114, 152, 158, 164–5
Toulouse, M.-S.V.de Noailles, comtesse de, 102, 108, 121, 156, 164, 169
Tressan, L.de Lavierne de Monthenard de (1670–1733), archibishop of Rouen, 82, 133–4, 241–2
Troya d’Assigny, abbé, 206
Turcog, A.R.J., 184, 186, 298, 316


Vallières, Le Roy de, avocat au parlement, 209, 217
Van Hoey, A., 61, 77
Van Kley, D.K., historian, 33, 196, 302, 311, 322, 377
Vauguyon, duc de, 186
Vaulgrenant, F.-M.de Villers-La Faye, baron, 158

Ventadour, C.E.M.de La Mothe-Houdancourt, duchesse de (1651–1744), 44–5, 55
Villars, J.A.Roque de Varengeville, duchesse de (1675–1763), 44, 53–5
Villeneuve, L.S.R., marquis de, 150
Villeroy, F.de Neufville, duc de (1644–1730), 44–6, 48–9, 133
Villeroy, M.Le T Tellier, duchesse de (1678–1711), 42, 44, 53–6

Vincent de Paul, Saint, 287–90


Violet, P., historian, 2

Visa, 61, 63, 67–8, 88
Visinier, N.-G., avocat au parlement, 209, 217
Vives, J.Vicens, historian, 15
Voltaire, F.M.Arouet, dit (1694–1788), 83, 102

Vreven, N.L. (c. 1655–1733), grand chambrier, 257, 323

Walpole, H. (1678–1756), 64, 74, 76–7, 82, 95, 99, 102, 123, 148–9, 188
Wilson, A.M., historian, 70, 78, 81, 166