

4 – Nobles of the Robe

The **state Administration** was occupying a position of its own, which was intermediate between the first two orders and the Third Estate.

Organs of the old feudal administration still existed, hollowed out of their essential functions, however not of their income. Since they were part of the primary means by which the feudal nobility could use to take advantage of the State for its own gains, they hadn't been eliminated as they lost their initial purposes. On the contrary, as we've seen, the most lucrative and the most superfluous of offices had been proliferating throughout the 18th century.

However along those useless organs, it had been necessary to create novel ones better suited to the current monarchy, in the realm of justice, police, and the tax system. Offices kept being made whose holders were appointed by the king. Yet at first, the king only paid them sparingly, were they even paid at all, thus they had to compensate themselves with the proceeds from taxes, sportulae imposed on the population. As the jurisdiction of their activity kept expanding, their income increased. The royal funds, still in terrible shape, had to resort, not only to grant, but to **sell** those lucrative offices. This practice was established as early as the 15th century in France and quickly became one of the main ways by which kings would acquire money. Hence their rapid proliferation. Not only members of steering committees of confraternities and corporations, but also master craftsmen themselves had become public officers who had to pay their fees themselves if their corporation wasn't wealthy enough to buy its independence. Cities were deprived of their autonomy, and if they didn't buy it back in hard cash, their magistracy and municipal dignities would become State offices, at the expense, obviously, of the residents who had then to pay those their sportulae. Nevertheless this was not sufficient to put an end to the never-ending financial woes of monarchs, and the State ended up inventing the most nonsensical of offices, which at the same time forced the population to pay taxes to those new officers. Such is how, for example, in the last years of Louis XIV's reign had been created the following offices : wig inspectors, pig inspectors, hay hauliers, king counselors, wood stacking controllers, fresh butter inspectors, salted butter tasters¹ etc.

1 Why institute in a kingdom the offices and dignities

Of king counselors...
Drink inspectors,
Slaughterhouse inspectors,
Inventory clerks,
Fine controllers,
Pig inspectors
Cutting balancers,
Firewood molders,
Molder helpers,
Wood stackers,
Fresh wood dischargers ,
Carpentry wood controllers,
Coal measurers,
Grain sievers,
Calf inspectors,
Poultry controllers,
Barrel assessors,
Spirit tasters,
Beer tasters,
Barrel rollers,
Hay hauliers,
Plank bridge stowers,
Fabric measurers,
Wig inspectors ?

Those offices which surely made the prosperity and splendour of an empire, formed numerous communities, each with their own trustee. All of these were eliminated in 1719, but only to make way for others of similar nature in the latter days.

Wouldn't it be better to cut down all the pomp and luxury from grandeur, instead of wretchedly sustaining them by such disgraceful and low means?

(Voltaire, Les Pourquoi, Mélanges philosophiques, littéraires, historiques, etc. Cramer édit. Genève 1771, Volume 4, p. 377). Translator's note.

From 1701 to 1715, the king got 542 millions pounds [7.3 billions euros] out of the sale of new offices. The profile of the purchaser was not a consideration. Army paymasters would buy the offices of those who were supposed to oversee them thus eliminating of any kind of checks and balances.

A great modern State couldn't be governed in such a fashion. A novel stratum of civil servants was implemented, a carefully centralised bureaucracy under the absolute control of the king. It rendered, not only the functions of feudal organs, but also those of venal offices, all the more superfluous, without however reducing their number nor the exploitation they caused.

On the contrary, venal offices gave birth to a new aristocracy. Exempted from taxes and granting many more privileges, the most important ones had become **hereditary**, in exchange of a fee and would bestow its holder nobility. And thus emerged the Nobles of the Robe against the old feudal nobility, the nobility of the sword. Economically independent from the king, this new nobility would prove greatly indocile, often more stubborn than the ancient nobility.

At the top of this aristocracy we could find the **Parliaments**, name which denoted the highest courts of Justice.

The conquering capitalist mode of production had rendered the jurist class especially important and essential. The more commodity production would become the dominant form of production, the more numerous and complex the contracts between individual owners of commodities would get, the more issues of contention could emerge. It was a domain where feudal laws and feudal justice were powerless. The new social relationships had made the development of a new law necessary, which initially they tried to build from canon law, until they had found roman law, its foundation, better suited to the task. Yet, was needed too, people who would spend a lifetime untangling the web of this novel law. The class of **jurists**, judges and lawyers had developed rapidly and eventually became as prestigious as indispensable. Indeed, were they to put an halt to their activity, and all trade and life would run the risk of stoppage.

Obviously, the highest courts of justice were enjoying a really special interest, all the more amplified by their political position. Kings of France saw in Parliaments, which drew their ranks in the Third Estate and would adjudicate on the basis of laws, the roman law, favouring absolutism, useful instruments in crushing the feudal nobility's opposition, and thus, they kept expanding their jurisdictions and powers throughout the 14th and 15th century. As a result of the venality of parliamentary offices, introduced in the 16th century, and the economic autonomy of Parliaments, whose importance for the entire political and social life kept growing and whose members were getting richer and richer from the abundant and proliferating sportulae, the situation was such that the courts of justice which initially derived their powers from their function as instruments of absolutism, ended up venturing to make use of those powers to preserve their own autonomy and privileges against the absolute monarchy itself, in a period where the monarchy, no longer facing any impediments, seemed all powerful.

Yet none of the above is enough to explain the crucial part played, from the 16th to the 18th century, by the oldest and most important Parliament, the Parliament of Paris. Neither its age nor rank can explain this, but only the fact that this Parliament was, precisely, the Parliament of Paris; Paris, the city which, as early as the French War of Religion, had shown that no king could afford to brave it with impunity. The Parisian public opinion's might was a decisive factor for the parliament's. Yet, it was for this very reason that the Parliament was forced to grant concessions to that same public opinion, to align their position in order to secure the support of the Parisians. This led to truly peculiar developments.

Obviously, magistrates, being economically independent from the king, were not only very indocile, but they would, generally speaking, exercise their power having only one thing in mind, their personal interest. They would not be stopped by the fear of being removed, nor moved by any hope of securing an advance, and even less so by a concern for the general interest of the territory they administered. They wouldn't settle for their regular income and their sportulae, and would thus try to expand it with any means necessary by abusing their authority. Taxmen would defraud the tax office, giving back their taxes to the rich who would

bribe them, and would then offset the losses by pressuring the poorest all the more. Justice was corrupt, police too. Chaos, insecurity and corruption would reign supreme in all aspects of the administration.

Atop of the Nobles of the Robe were the Parliaments, where corruption was the most severe. There, vileness, venality and cupidity prospered as well as an aristocratic arrogance and a fanatical hatred for any innovation that could put their privileges in jeopardy, which in turn, during the 18th century, drew the hostility of their progressist and honest elements as well as the ire of moralists. Voltaire would put all his energy into opposing « the murderers of Calas, Labarre et Lally », and the « Mémoires » published by Beaumarchais in 1774 had been a ruthless condemnation of the corruption which at the time was corroding the judiciary system in its entirety.

However, in order to preserve this corruption and its own privileges, the Parliament of Paris, that set the standard for all the other ones, had to keep its popularity intact among Parisians, it had to make the rallying cries that were widespread in Paris its own. Allied to the Parisians and the rebel faction of the aristocracy, the members of the Parliament climbed the barricades in 1648 during the Fronde. In accordance with the Parisians, the Parliament opposed the « despotism» of Louis XVI's ministers and called for « the right to self-determination » and « the liberty of the nation», and furthermore designating itself as the only legitimate agent of the popular will.

Among all the oddities of the prerevolutionary period, Parliaments are by no means the least peculiar; they passed off as protectors of the people's rights in order to keep for themselves the privileges that would guaranty them the ability to exploit the very same people.