

**'Les parlements étaient sans doute plus préoccupés d'eux-mêmes que de la chose publique.'**

Tocqueville's cynical statement about the motives of the *parlements* at the end of the *ancien régime* period is one which many subsequent historians have followed. Indeed it is hard to argue that in rejecting almost all of the necessary legislation of the 1787-8 session the parlements were doing anything other than proving their own 'constitutional' necessity. Their reasoning followed a very selfish tone, such as the rejection in 1787 of the commutation of the *corvée royale* into a cash payment - the remonstrance from the *parlement* of Grenoble for instance, says '*there are privileges one cannot abolish without altering the very constitution of the Monarchy, whose strength and continuation depend on the preservation of the intermediary ranks which compose it.*' before continuing to therefore claim that magistrates should have an exemption from this tax.

Apparently, *parlements* did not busy themselves solely with their own position. In fact, it is very noticeable how consistently they declared themselves loyal to Louis XVI, but how they were acting to maintain his position and dignity against the bad counsel of his ministers. For example, Joly de Fleury rejected Calonne's reform plan since it '*could pervert the maxim, immutable in France, that the king's domain is immutable*' If condemnation of 'ministerial despotism' was a common theme, this can be said merely to be a means to resist royal policy without offending the king.

As regards the public, almost every one of their actions in the last two years of the *ancien régime* was done with what they considered the 'public good' in mind. The fact that the *Parlement de Paris* published its remonstrances can in itself give a good indication of what they considered their role to be. The remonstrances are full of attempts to maintain liberty - though liberty in this sense could also mean privilege. An example, that of the remonstrance against the *séance royale* of 19 May 1788, says that '*The sole will of the king is not a complete law... in order for that will to command adherence, it must be published legally... it must be freely validated.*' Since the validation was to occur within the *parlement* itself, once again it is clear that the fight for liberty was also for liberties.

Yet it is also too easy to blame a magistracy for being selfish when it was excluded from the decision-making process. The crown's financial crisis of the end of the 1780s was deliberately removed from their field of vision, and the *parlements* denied access to royal accounts. The fact that the Assembly of Notables was given access was hardly likely to these accounts was hardly likely to create an atmosphere where the sovereign courts were likely to take seriously the crown's request - why should this be when the *parlement* was '*obligated to give its suffrage where the Notables only proposed a simple opinion?*' From the evidence of the *cahiers* just eighteen months after this, it is clear that the upper classes - who composed the magistracy - were not innately opposed to reform and Lamoignon himself had been a *parlementaire*. The crown's attitude towards the magistrates provoked stalemate at least as much as *vice versa*.

**'L'Église d'ailleurs était elle-même alors le premier des pouvoirs politiques, et le plus détesté de tous, quoiqu'il n'en fût pas le plus oppressif.'**

Tocqueville's attitude towards the church is something which is in fact very contradictory. as he says, he started his study of the *ancien régime* full of prejudices against it and ended full of respect for it. In his judgement of its relations with the people he is similarly mixed.

On the one hand, it may well be said that the Church was indeed the first of the various powers at a purely political level with its unequivocal royal support and influence on the lives of every Frenchman. But on the other hand we must not assume that on a temporal basis the Church was so predominant. It is true that in the north-east of the country, the Church owned significant percentages of the land of the order of 30-40%; but this was extremely variable from region to region. As one moved west and south across the country, and amount of Church holdings decreased substantially, and one of the best figures we have is that overall the Church probably owned only 6% of the land. In the localities, therefore, the Church was very rarely the great political power that Tocqueville claims - clearly this was the crown itself.

As for being oppressive, it is true that the system of tithes did appear to be an enormous burden on the peasant community. Yet what appeared more oppressive was the fact that in addition to the *taille*, *vingtième*, *corvée* and compulsory billeting of soldiers, the tithe clearly did not benefit the local *curé* to any significant degree. Tithes were collected by the bishop, who passed only a small percentage back down to the local *curés*, instead keeping it for purposes of his own. Paying for a bishop's lifestyle at Versailles or *dons gratuits* to the king and therefore not for the elements of the church which actually affected most people, could clearly make the church's demands appear oppressive.

However on the other hand, as Tocqueville himself points out, the Church also felt much more of a responsibility towards its tenants than lay seigneurs did, and in planning new projects such as a new road or canal often considered the well-being of the inhabitants of the region

Although people resented the church structure, they certainly did not resent their own *curés*, who by virtue of their birth and standard of life often had a great deal more in common with their parishioners than with their ecclesiastical superiors. Noticeably it was a group of *curés* who made the first breakaway from the clerical order at Versailles that eventually formed the National Assembly. As Tocqueville also says, nowhere was there a more national or enlightened clergy than in France - though not quite the temporal power he makes it out to be.

**'Les philosophes ne sont guère sortis des idées très générales en matière de gouvernement; les économistes, sans se separer des théories, sont cependant descendus plus près des faits.'**

Initially at least this comment of Tocqueville's would appear to be rather unfair, in that as he freely admits, economists in the shape of the physiocrats did take a share in government at the end of the 18th century, while the philosophes remained in the opulent salons of Paris. The latter had no pressing necessity to confront facts in their theories, while the former had to construct their theories around what was actually feasible.

However this very difference Tocqueville draws between the two main types of intellectual in the later years of the *ancien régime* is in some ways quite correct. Much of the reputation of the *philosophes* lay in the fact that they were self-consciously thinking of idealised versions of Man, and not with what existed already. Their theories were often based on America - a new and faraway land where society could be built from scratch. The physiocrats on the other hand proffered a coherent program of reforms - commutation of the *corvée*; limiting of the guilds etc. Mere details as far as the *philosophes* were concerned, but nevertheless an integral part of physiocratic theory.

Another reason for Tocqueville's contrast of the apparent practicality of the economists as opposed to their *philosophe* counterparts is that the latter's work tended to be critical of the existing social structure without suggesting any means to improve it, while this was one of the main areas where physiocrats in particular did attempt to make progress. Voltaire, for example, refuses to suggest a means to improve the situations in which Candide finds himself. Although the freeing of the grain trade did not turn out to be the success its proponents had wished, the main cause of the *guerre des farines* was at least as much the actual shortage of bread after the poor harvest of 1774 as the effects of a removal of subsidy.

Yet the barriers between the two types of thinker are not as clear-cut as Tocqueville is attempting to make out. Certainly Turgot for instance shared the *philosophes'* distrust of religion, such that one of Louis XVI's first complaints about him was that he did not attend mass - and Turgot's articles were included in the *Encyclopédie*.

**'Louis XVI, pendant tout le cours de son règne, ne fit que parler de reformes à faire.'**

What is certainly true is that Louis XVI of all the courtiers of Versailles during his reign was almost the only person who understood that drastic reforms to the judicial and financial aspects of the kingdom were necessary. Certainly after Necker's publication of the *compte rendu* there appeared to be no need to economise. That the king knew otherwise is shown by the survival of Turgot as long as he did, in the teeth of extreme courtly hatred. Yet there is a very long list of attempted reforms that Louis abandoned before a hostile reception on the part of courtiers, magistrates and people. Louis himself was also well prepared to make economies, as can be witnessed by his urging restraint on expenditure on his coronation.

In the very first real decision Louis had to take as king destroyed Maupeou's attempt for reform, in restoring the *parlements*: despite understanding and sympathising with the need for this reform, he clearly did not have the willpower to complete it, as was the case eventually with the abandonment of free trade on grain, and the destruction of the Six Edicts legislation.

Yet towards the end of his reign, Louis's actions were not mere words: with Calonne he produced a radical reform plan which he solidly backed up until the forced departure of Calonne, and again in a disguised form with Brienne and Lamoignon. Even then, serious reforms such as the partial toleration of Protestants and legislation regarding provincial assemblies was passed. Louis was prepared to use force to quell uprisings against Lamoignon's judicial reforms.

We cannot entirely blame Louis for the failure of reforms, for his confidence in his ministers was invariably far greater than other peoples'. The fall of Calonne cannot in any sense be attributed to Louis's wishes. Instead, it was concerted opposition which demonstrated the point that Tocqueville makes when he says 'the king continued to speak as a master, but in reality he himself obeyed public opinion.' In the shape of bread-riots it was this which discredited the physiocrat *contrôleurs-généraux*; in the shape of the Notables it was this which destroyed Calonne's reforms; it was appeals to the Estates-General which subverted Brienne's attempts to raise revenue. As Tocqueville also says, 'the experience showed that the most dangerous moment for a bad government is ordinarily that when it starts to reform itself' - Louis planned genuine reforms and more than mere thoughts. That these did not succeed in being implemented was a function of external opposition.