The Parlement of Paris After the Fronde, 1653-1673

ALBERT N. HAMSCHER

The Parlement of Paris After the Fronde, 1653–1673

The Parlement of Paris After the Fronde 1653–1673

ALBERT N. HAMSCHER

UNIVERSITY OF PITTSBURGH PRESS

Feffer and Simons, Inc., London
Manufactured in the United States of America

LIBRARY OF CONGRESS CATALOGING IN PUBLICATION DATA

Hamscher, Albert N
The Parlement of Paris after the Fronde, 1653–1673.

Bibliography: p. 247
Includes index.
1. France. Parlement (Paris)—History.
2. France—Politics and government—1643–1715.
I. Title.
JN2428.H28 347'.44'035 76-6661
ISBN 0-8229-3325-X

To my Mother and Father

Contents

Tables

Acknowledgments

In preparing this study, I benefited immensely from the advice of many historians. My greatest debt is to J. Russell Major, who directed my graduate study and continually exposed me to superb teaching and high scholarly standards. Others who read the entire manuscript in various stages of preparation and kindly offered constructive criticism include George Cuttino, John Hurt, A. Lloyd Moote, David Sabean, Paul Sonnino, and J. H. Shennan. One of these gentlemen gently reminded me that if I accepted the counsel of all, I would "wreck the book." An exaggeration, perhaps, but his comment serves to underscore that all decisions about content and organization remained mine, and in consequence I alone am responsible for any errors in the text. I also wish to thank my colleagues at Kansas State University, who read portions of the manuscript and made valuable suggestions for its improvement; Charles Fieker in particular was very helpful on matters of style and organization. In Paris and London, the staffs of nine libraries and archives enthusiastically suggested research materials and, in some cases, graciously applied their paleographic skills to difficult documents. I am especially indebted to Michel Antoine for acquainting me with conciliar records and for impressing on me that a good study of the Parlement of Paris required familiarity with a wide variety of sources. Finally, I dedicate this book to my dear parents, who sacrificed so much to ensure that their son received the education that the Great Depression had denied them.

Financial assistance from the Ford Foundation, Emory University, and Kansas State University made possible the research and writing of this volume.

Introduction

Despite the great quantity of historical literature devoted to the reign of Louis XIV, the fate of traditional institutions after the civil wars known as the Fronde remains obscure.[1] This neglect stems primarily from the widely held assumption that the monarchy so consolidated its power after the Fronde that its former opponents suffered considerable loss of authority and influence. To be sure, few would deny either that the crown emerged from the abortive rebellion with its domestic strength enhanced or that in subsequent decades the king and his ministers undertook many ambitious reforms. But because this resurgence of royal authority has rarely been seen from the vantage point of traditional institutions, any generalization about the changes imposed on them is questionable. Indeed, so long as the monarchy's relations with established authorities remain unclear, our understanding of the broader issue of the nature and consequences of "royal absolutism" in the post-Fronde era will be incomplete and distorted.

The state of historical research on one such institution, the Parlement of Paris, illustrates the gaps in our knowledge about the domestic history of France in the second half of the seventeenth century. Parlement, one of the oldest and most powerful courts of law in the *ancien régime*, was a focal point of opposition to the crown in the early stages of the Fronde. For decades preceding this conflict, its members had continually challenged many royal policies and had forcefully defended their wealth, authority, and prestige from the eroding influence of administrative centralization. During the Fronde itself, many of the judges had boldly asserted for their court a legitimate constitutional role to approve and supervise royal actions and to participate with the king in the solution of national problems. Despite the importance of Parlement in the origins and course of the Fronde, however, no book or scholarly article has treated in any detail the history of the court after the conclusion of hostilities in 1653, and conventional interpretations about its decline in subsequent years lack firm roots

in archival sources. This neglect is regrettable, because the successful assertion of royal authority after the Fronde depended in large measure on the obedience of this frequently recalcitrant institution.

This book assesses how and to what extent the crown controlled the Parlement of Paris in the two decades after the Fronde. Such a study is warranted, because in the history of early modern France only the reign of Louis XIV after the Fronde remains *terra incognita* as regards the activities of this court. But more important, an examination of the relations between the crown and Parlement reveals in microcosm the methods, achievements, and limitations of royal absolutism in this period. The study begins in 1653, when Cardinal Mazarin returned to Paris from exile, and terminates in 1673, when Louis XIV reduced to a mere formality Parlement's right to protest, or remonstrate, royal decrees. This time period, though restricted, offers several advantages. First, it enables us to compare the policies of Mazarin, who retained his post of first minister after the Fronde, with those of Louis XIV, who assumed personal rule upon the cardinal's death in March 1661. Second, the history of institutions at its best requires an investigation of more than political and constitutional conflicts. The social composition of Parlement, its judicial authority, and the economic interests of the judges also bear directly on the problem of royal control, and a limited time period allows the full exploration of these often neglected subjects. Finally, the decades immediately following the Fronde were the most crucial to the formation of the relations between the monarchy and Parlement for the remainder of Louis XIV's reign.

The details of Parlement's organization and authority as well as the activities and interests of the judges will emerge throughout this study, but a brief survey of the court's evolution through the Fronde provides a context for later developments. Primarily a judicial institution, Parlement was the superior court of law in an area covering nearly two-thirds of the kingdom. Each year the *parlementaires* judged hundreds of civil and criminal cases in first instance and on appeal. They also regulated and supervised the conduct of the lesser tribunals in their area of jurisdiction. As the most prestigious court of law in France, Parlement exercised a necessary and useful function for the monarchy.

The internal organization of Parlement in the seventeenth century was complex. There were five *chambres des enquêtes* and two *chambres des requêtes*, the former collecting information on litigation and the latter hearing requests for justice. In addition to these seven chambers, there were three superior chambers of the court. The most prominent was the *grand' chambre*, the administrative hub of Parlement which distributed cases to the other chambers and had final say on all judicial decisions. There was

also a chamber that judged criminal litigation (*chambre de la tournelle*) and another that decided cases involving Protestants (*chambre de l'édit*). An interim *chambre des vacations* sat while Parlement was in recess in the autumn of each year.

Approximately two hundred magistrates staffed Parlement. Junior judges, both lay and clerical, sat in the chambers of *enquêtes*, held many of the seats in the *requêtes* on commission, and proceeded to the *grand' chambre* on the basis of seniority. Each chamber of *enquêtes* and *requêtes* had two presidents to supervise its judicial activities. The *grand' chambre* was composed of approximately thirty senior judges who were headed by eight *présidents à mortier* and a first president. The chambers of *tournelle*, *édit*, and *vacations* were composed of judges from the *enquêtes* and *grand' chambre* on a rotating basis. The first president, the chief official of the court, was assisted by the *gens du roi* (collectively known as the *parquet*), including a *procureur général* and two *avocats généraux*. Like the first president, these officials gave advice on litigation, delivered royal messages and decrees to the magistrates, and in theory represented the king's interests in the court. In addition to this regular membership, honorary councillors, dukes and peers, and *maîtres des requêtes* had the right to enter and sit in Parlement. Four *maîtres des requêtes* at any given time and all the dukes and peers also enjoyed full voting privileges. Finally, a host of advocates, clerks, guards, notaries, and solicitors aided the magistrates in their judicial business.

Besides its considerable judicial activities, Parlement had acquired over the centuries a number of administrative duties and privileges that rendered the court a formidable political force in the kingdom. By the sixteenth century, the judges had established the right to register and supervise the enforcement of many types of royal decrees. The French kings often turned this prerogative to their own advantage because judicial review at Parlement endowed their acts with a quality of public consent. But such a symbiotic relationship occasionally disintegrated when Parlement opposed a particular decree, refused registration, and voiced its objections through the right of remonstrance. On some occasions, the kings were able to command obedience only by sitting in a *lit de justice* at Parlement itself. The *parlementaires* could also pressure the crown and disrupt the implementation of its programs by holding plenary sessions to discuss public affairs, by modifying decrees before proceeding to registration, and by actually issuing their own judicial and administrative decrees contrary to the royal will. Moreover, Parlement's substantial police duties in the capital city, its supervisory powers over lesser courts, and its claimed role of defender of the Gallican church further enlarged the judges' sphere of political influence. Indeed, Parlement's conduct could have national importance because other Parisian and provincial officials frequently looked

to it for support and leadership in their own struggles to preserve their privileges and prerogatives; and quite naturally, still other discontented groups—be they peasant, urban, or noble—commonly welcomed disturbances at Parlement as one way to justify their own protests or rebellions. Clearly, then, Parlement's superior legal status and its varied administrative duties meant that the judges could never have been content with strictly judicial functions. Because of its perennial contact with public affairs through litigation and registration, Parlement had developed early in its history a keen desire to participate with the king and his advisers in the resolution of major issues. In addition, the magistrates had gradually accumulated the administrative machinery necessary to oppose those royal policies that offended them. The lack of a precise definition for Parlement's legitimate role in the vaguely defined realm of "affairs of state" provided a constant source of friction between the crown and its leading court of law.

By the opening decades of the seventeenth century, Parlement had also developed into a social corporation. Like most royal officials in *ancien régime* France, the *parlementaires* purchased their posts (*vénalité des offices*), owned them as negotiable property, and enjoyed the right to sell or bequeath them to candidates of their choice by paying an annual tax (*droit annuel*) to the royal treasury.[2] These procedures of officeholding profoundly influenced the social composition and collective mentality of Parlement. In the first place, ownership of an office and control of its transmission provided a judge with both security in office and freedom from royal appointment. The *parlementaires* thus could afford to act with remarkable independence in their relations with the monarchy. Equally important, the magistrates' right to choose their successors permitted them to recruit Parlement's membership along both family and social group lines. This in turn fostered social cohesion and pretensions among the judges that easily reenforced their political claims. *Parlementaire* families built dynasties in the court and intermarried; the judges developed a sensitivity to the social background of candidates for office and in time considered themselves to be the highest and most influential members of what contemporaries called the "nobility of the robe." The way that the magistrates acquired and transmitted their posts, therefore, had both social and political consequences that dovetailed with Parlement's traditional prestige and authority.

For a number of reasons, then, the Parlement of Paris that confronted the French kings of the seventeenth century possessed considerable judicial and administrative powers, cherished a tradition of political involvement, and exhibited strong sentiments of social elitism. Unquestionably, the magistrates could serve the monarchy well, and since the court's ori-

gins in the thirteenth century, successive kings had extended their influence in the realm with the aid of their leading judges. By the middle decades of the seventeenth century, however, the interests of the crown and Parlement had begun to diverge, and the judges obstructed rather than supported the growth of royal authority.

When France officially entered the Thirty Years' War in 1635, relations between the crown and Parlement deteriorated rapidly as the governments of Cardinals Richelieu and Mazarin relied on a host of financial expedients to support their foreign involvement. In order to compensate for the insufficiency of revenue from ordinary sources, these ministers and their advisers established new taxes and extended older levies, attempted to reduce judicial salaries and interest payments on government bonds (*rentes*), created and sold additional offices, and occasionally resorted to forced loans. They also sought out the services of financiers and tax farmers, who, with royal acquiescence, subverted regulations against fraud in financial administration and made huge profits at the expense of taxpayers. Moreover, in order both to enforce their financial policies and to increase administrative efficiency, Richelieu and Mazarin introduced other innovations aimed at circumventing the cumbersome, venal bureaucracy that protested and obstructed the monarchy's drift toward expediency. Intendants, nonvenal officials directly responsible to the king, entered the *généralité* level of the financial administration and usurped the functions of the established local officials, the *trésoriers de France* and the *élus*. They also interfered with the duties of the financial courts—the chambres des comptes and the cours des aides—and their inevitable involvement in judicial matters threatened both the authority of lesser judicial tribunals and the appellate jurisdiction of the superior courts, including the Parlement of Paris. While the intendants grew in number and authority, the king's councils extended their own administrative activities. The crown increasingly relied on conciliar decrees to authorize its policies in order to avoid registration procedures at Parlement and the other sovereign courts.[3] The councils also freely nullified the judicial and administrative decrees of Parlement and evoked from it litigation that concerned royal programs. In moments of desperation, the government even established extraordinary judicial commissions, exiled its most vocal opponents, and attempted to force royal officials into submission by threatening to revoke the *droit annuel*. The two cardinals justified all such actions by asserting that whenever the needs of state (as perceived by the king and his highest advisers) conflicted with the traditional privileges of established bodies, the latter must yield to the former.

Although all these royal measures appeared intermittently, they clearly represented a trend toward administrative centralization that one histo-

rian has recently referred to as a "governmental revolution."[4] Obviously, many groups in France objected to the monarchy's campaign to break free from the traditional restraints on its power. Peasants, already plagued by bad harvests and an abundance of financial burdens, resented the new levies, and the first half of the seventeenth century was rife with agrarian discontent. Townsmen too were angered not only by the proliferation of taxes, but by the steady erosion of their semiautonomous position in the state. The great nobles (*les grands*), resentful of a loss of influence in the highest circles of power and always anxious to enhance their material welfare, frequently aroused their clients to rebellion and exploited the grievances of others to advance their own cause.

Like all these groups, the crown's own venal officials, including those in Parlement, opposed the governmental revolution. Many of the financial expedients that Richelieu and Mazarin introduced undermined the *parlementaires*' economic vested interests, and threats to revoke the *droit annuel* jeopardized the market value of their posts as well as their security in office and control over Parlement's recruitment. Moreover, the crown's reliance on its councils and the intendants to accomplish its goals raised serious jurisdictional issues. Parlement interpreted the government's attempts to combat venal officials by transferring their duties to other royal agents as a direct challenge to its own functions, prestige, and claim to a participatory role in affairs of state. On a more general level, the *parlementaires* deplored the monarchy's arbitrary methods and the violation of normal legal procedure. The Parlement of Paris, that premier defender of law and tradition in France, found intolerable both the recent changes in the existing order imposed from above and the increasing disrespect which the king and his closest advisers showed for constituted authorities. By mid-century, the two-pronged financial and administrative attack on royal officials had created such an atmosphere of resistance that they temporarily suspended their perennial fratricidal struggles and united in opposition to the crown. In 1648, a growing constitutional crisis and sporadic rebellions in France exploded in the civil wars known as the Fronde, an early and significant aspect of which was the revolt of the judges.

In June and July 1648, representatives of the Parisian sovereign courts assembled in the Chambre Saint-Louis at the Palais de Justice to end the governmental revolution. Whether the actions of these men were rooted in self-interest or altruism, and whether they were reactionary or revolutionary, are questions that will doubtless always be the subject of some controversy. Perhaps the best way to understand the *parlementaires*' position is to recognize that a variety of motives underscored their protest. This can be illustrated by reference to the many decrees that the crown

either issued or sanctioned in May, July, and October 1648 in response to the collective opposition of the sovereign courts.

Unquestionably, this legislation reveals that the *parlementaires* had their own vested interests at heart and that they were concerned primarily with rectifying past abuses. They and the other judges pressured the government to guarantee the payment of judicial salaries and interest on *rentes*, to continue the *droit annuel*, to recall the intendants from all but a few frontier provinces, and to promise that the king's councils would act within the confines of sixteenth-century ordinances. Other provisions, however, such as those which reduced the *taille*, suspended the collection of extraordinary taxation, and assured the better supervision of financiers and tax farmers, showed that the magistrates intended their actions to benefit others than themselves. Furthermore, the *parlementaires* proved to be reformers as well as critics. To be sure, they were not a revolutionary group. Parlement derived its very existence, status, and powers from the king, and the judges never challenged the continuation of the monarchy or advocated fundamental social and economic change in France. But within the monarchial framework they promoted several constitutional concepts which, if successfully imposed on the crown, would have not only increased the authority of their court, but changed the daily operation of the royal administration. Underscoring all their demands and implicit in royal concessions were the principles that royal finances fell under the jurisdiction of judicial officials, that the judicial review inherent in the registration procedures amounted to veto, and that in general Parlement stood above the king's councils and was capable of initiating legislation and checking executive authority. In 1648, therefore, the traditional conservatism and self-interest of the judges combined with an impulse to promote state reform and to relieve some of the burdens on the rest of the populace.

The subsequent evolution of the Fronde beyond this peaceful "parlementary" phase into the violent civil war known as the "Fronde of the Princes" and the gradual dismantling of the judges' reforms are well known and require little elaboration here. Let it suffice to note that a variety of forces undermined the judicial revolt of 1648. The expansion of hostilities into a destructive duel between Mazarinists and the supporters of the great nobles placed the judges in a difficult position. Reformers, not revolutionaries, the *parlementaires* deplored the violence and excesses exhibited by both sides. Their response to constitutional crisis was strictly legalistic, and the government's promise at the Peace of Rueil in April 1649 to preserve the legislation of 1648 had removed all but a few extremists from an active role in the conflict. But Parlement thereafter

rapidly lost control of events, and its efforts to mediate a settlement and to preserve its earlier gains collapsed in the force of arms. Ultimately, the success of the judges' program depended on both the favorable disposition of the crown toward reform and the willingness of other groups to confine their demands to what the sovereign courts had already achieved. But the pressures of foreign and civil war made the termination of financial expedients and administrative centralization unacceptable to Mazarin and his advisers, and the great nobles never appreciated the ingrained legalism of the judges.

These problems were symptomatic of a more general disintegration of the united front of 1648. As the Fronde unfolded, *parlementaires* increasingly quarreled among themselves about their objectives, Parlement itself soon lost contact with and control over the other sovereign courts and lesser tribunals, and the many other groups involved in the conflict each pursued their own grievances. In short, the *frondeurs* were united only by negatives: their hatred for Mazarin and their antipathy to recent crown practices. The rebellion lacked the cement of common goals and alternatives to fuse the government's enemies together. This situation was conducive to anarchy rather than to cooperation, and the factionalism among his opponents and several fortuitous military victories enabled Mazarin to survive the onslaught. By 1652, order was restored in Paris and the royal administration already had begun to violate the concessions granted the judges in 1648. The cardinal's return to the capital city in the following year and the fall of the last *frondeur* city, Bordeaux, symbolized the collapse of the Fronde, and with it the revolt of the judges.

But the conclusion of hostilities failed to ensure a clear path for the unchallenged assertion of royal authority. Any attempt to trace the crown's relations with traditional institutions in the following decades must recognize that the defeat of the Fronde did not give the monarchy a *carte blanche* to embark on a program of radical innovation or to run roughshod over its recent foes. Mazarin's triumph was extremely tenuous, having resulted as much from the division among his critics as from his own force of arms or popularity. For the moment, the government certainly benefited from war-weariness in France and the disarray of the *frondeurs*. But the widespread hostility to the governmental revolution did not die in the civil wars, and the cardinal and his advisers had no guarantee that they would not provoke renewed domestic strife if they continued their previous policies. Indeed, one reason why historians have traditionally viewed the Fronde as such a tragic episode in French history is precisely because no one emerged from the conflict with a clear victory. The fundamental issues in contention between the crown and its opponents remained unresolved.

As regards the Parlement of Paris specifically, the Fronde was but a violent interlude in a long period of constitutional conflict that extended beyond 1653. Despite the erosion of its reforms and the humiliation of defeat, the court survived the civil wars with its membership, authority, and pretensions remarkably intact. Certainly, the judges were even less likely than before to propose revolutionary solutions to their grievances. But they still possessed the power and commanded the respect to obstruct the execution of unpopular royal policies, and the crown had little assurance that the court would not revive its call for reform or by its recalcitrance raise the spectre of a new Fronde. Thus, the famous *lit de justice* of October 22, 1652, at which a teen-aged Louis XIV boldly forbade the judges to interfere in "affairs of state," particularly royal finances, did not necessarily inaugurate an era of *parlementaire* submission. The magistrates had ignored similar prohibitions in the past, and no one in 1652 could predict how long their present quiescence would last. Even after the general pacification of the realm and Mazarin's return to power, therefore, the direction of Parlement's future activity was of utmost concern to the government. The major problem that confronted the cardinal and later Louis XIV was how to control this recalcitrant court of law. The principal problem for the historian is to determine what methods they chose and how well they succeeded.

Because it is essential to consider Parlement not only as a judicial court, but also as a social corporation with substantial political influence, the format of this study is primarily topical. The first two chapters analyze Parlement's membership in the period 1653–1673 to determine whether the crown attempted to control the court by recapturing the appointment of judges or by dissolving the social and family ties that often reenforced and directed the members' political expressions. For this reason, all royal legislation that had a potential impact on the councillors' right to choose their successors, the social relations among them, and the monetary value of their posts receives detailed consideration.

In the decades preceding the Fronde, the monarchy frequently alienated the magistrates by pursuing policies that threatened their prosperity. The third chapter evaluates the intent and effect of royal policies that influenced the sources of *parlementaire* wealth during the post-Fronde decades, asking whether the administrations of Mazarin or Louis XIV tried to avoid potentially volatile conflicts with Parlement by satisfying the financial vested interests of the judges, or whether they attempted to submit the magistrates to the royal will through a variety of economic sanctions.

The following two chapters concentrate on Parlement's political influ-

ence, its opposition to royal policies, and its participation in affairs of state. The discussion focuses on the issues that generated conflict between the crown and Parlement, the methods that each employed to secure the primacy of its views, and the degree of success that they enjoyed.

Judicial administration was Parlement's primary responsibility. During the first decade of his personal rule, the king issued several important ordinances that reorganized judicial procedures at every level. Because the future definition of Parlement's judicial authority and methods were at stake, the final chapter analyzes the legislation that comprised Louis XIV's famous "reformation of justice" and assesses its impact on the judicial functions of the magistrates.

There were thus a variety of ways that the crown could have controlled Parlement, all of which reflected the complex interaction between the procedures of officeholding, the court's judicial and administrative traditions and authority, and the judges' financial and political aspirations. The discovery of which alternatives, if any, the cardinal-minister and young king decided to pursue and successfully employed will both define their relations with a powerful and prestigious sovereign court and provide additional perspectives on the broader question of the rise of absolutism in the mid-seventeenth century, a period of redefinition of corporate prerogatives and royal authority.

The Parlement of Paris After the Fronde, 1653–1673

CHAPTER ONE

The Office of Councillor at Parlement in the Reign of Louis XIV

The procedures by which judges at the Parlement of Paris acquired and passed on their offices had important implications for their political activities, social attitudes, and financial interests. Because the *parlementaires* purchased their posts on the public market and owned them as negotiable property, they were free from royal appointment and therefore enjoyed remarkable independence in asserting their political claims. Except for the first president and the *gens du roi* of the court, who held their offices on royal commission, the judges also had the right to choose their successors. This control of recruitment in turn had important consequences for the social composition of Parlement and the collective mentality of its members. Not only did the judges build family dynasties in the court, they frequently rejected candidates for office whom they considered socially unworthy. These practices, in addition to the evasion of royal regulations designed to prevent family relationships in the court, enhanced social cohesion among the judges and nourished sentiments of social elitism that easily reenforced their political pretensions. Moreover, because an office in Parlement represented a considerable capital investment, the magistrates naturally had a vested interest in preserving the procedures of officeholding and a high market value for their posts. In several significant ways, therefore, the methods of office tenure and exchange in Parlement affected the attitudes and actions of the *parlementaires* and exercised considerable influence on their relations with the monarchy. For this reason, the policies of Cardinal Mazarin and Louis XIV toward officeholding bear directly on the problem of royal control of Parlement after the Fronde.

OFFICES AS NEGOTIABLE PROPERTY

The exhaustive studies on the *vénalité des offices*, or the trade in public functions, by Roland Mousnier and Martin Göhring explain both the

mechanics of the system and its implications for French institutions and society.[1] The sale of offices in France dates to the early Capetians, but it was during the reign of Francis I that *vénalité* became institutionalized. Francis and his successors created large numbers of venal offices for sale on the public market, an expedient that provided a lucrative respite for hard-pressed royal coffers. The *parties casuelles* was organized as a branch of the royal treasury in 1522 to receive the funds prospective officials paid to the crown for their posts. Slowly, even the offices of established institutions, including the Parlement of Paris, became venal. The size of the French bureaucracy grew as Francis and his successors tried to raise additional funds.

In some cases, the crown permitted officials to transmit their offices to whomever they pleased: a lineal heir, a distant relative, or the highest bidder. However, a compulsory clause in the standard resignations, called the forty-day reservation, specified that if a *résignant* (the official who desired to dispose of his post) should die within that period after the transaction, the office would revert to the crown without indemnity to either party. Because the transfer of an office was frequently a deathbed act, this clause stood throughout the sixteenth century as a serious threat to commercial security in the purchase of a post. Equally important, it jeopardized the transmission of offices within individual families.[2] Throughout most of the sixteenth century, however, there were alternatives available to many officials to avoid the forty-day reservation. Often an official could obtain, with the payment of a fee, letters of *survivance* which allowed him to pass his office at any time either to his lineal heir or to a prospective buyer (process called *resignatio in favorem*). By the 1580s, the crown also occasionally sold outright grants of heredity for some offices.

During the reign of Henry IV, the hereditary tendencies already present in the transmission of offices became firmly established. The famous declaration of December 1604 stipulated that if an officeholder paid an annual tax of one-sixtieth the value of his office (based on the price at which the crown sold the post or on later revaluations by the Conseil d'Etat), he was assured the freedom to bequeath his office at any time to whomever he pleased. The buyer who had paid his *marc d'or* (tax paid to the crown upon the assumption of a post) seldom failed to secure his royal letters of provision in due course.[3] Thus, as the system of *vénalité* combined with *resignatio in favorem* in 1604, the control of institutional recruitment passed from the crown to the public market and the officials themselves.

The system of *vénalité* and the annual tax, called the *droit annuel* or simply the *paulette* after the financier who proposed it, held significant

consequences for the relations between the monarchy and its judicial and financial officials. The immediate results benefited the crown. Kings welcomed the extra revenue that office sales and the *paulette* provided, and by granting officials the privilege of choosing their successors, the monarchy disrupted the powerful nobility's control of many officeholders through patronage.[4] The crown also won the gratitude of officials who appreciated both the tacit recognition of the hereditary tendencies in officeholding and the rise in the capital value of their posts owing to their control of office transmission.[5] Furthermore, the *paulette* was subject to renewal every nine years, and by periodically threatening to abolish it the monarchy could hope to prevent the coalescence of officials with rebellious malcontents such as *les grands,* who frequently incited all segments of the population to protest unpopular royal policies. There are many examples in the first half of the seventeenth century of officials, including those in Parlement, subordinating their urge to join other discontented groups against the "governmental revolution" in favor of their still more pressing self-interest to preserve control of their offices. To the most eminent historian of venality and the *paulette*, the monarchy's capacity to neutralize its judicial opponents in this fashion signified an important stage in the growth of royal absolutism in the seventeenth century.[6]

Despite these advantages to the monarchy, the fact that many royal officials did indeed seriously challenge the "governmental revolution" during the Fronde reveals that any absolutist tendencies generated by the *paulette* were extremely fragile and undependable. If one looks back over the political and financial turmoil that accompanied the Wars of Religion, the advantages of the *paulette* seem obvious. But a forward glance into the seventeenth century reveals equally significant liabilities for royal authority. For if the *paulette* originally helped the crown to secure the independence of its officials from the great nobles, it was only a matter of time before these officials began to assert their independence from the crown itself. As a result, much of the administrative history of seventeenth-century France focuses on the monarchy's efforts to regain control of its own venal officials.[7] Successive royal administrations had to grapple with the basic problem that it was the officials, not the king, who recruited the membership of traditional royal institutions. Free from direct royal appointment to venal posts, the judges in Parlement could afford to oppose royal policies that offended them. At the same time, they became committed to defending the procedures that bestowed security in office and increased the capital value of their charges. If threats to abolish the *paulette* might temporarily bring recalcitrant officials into line, they did not offer a fundamental solution to the freedom of action officials gained by the control of their offices. In fact, if royal tampering with the *paulette* coin-

cided with other grievances on the part of the judges, as was the case in 1648, it could intensify their resistance to the point of civil strife.[8]

In addition to these political implications, the combination of venality with the *paulette* had social consequences that could adversely affect royal authority. French institutions became the preserve of the wealthy, for it was only they who could afford to purchase an office. This was especially the case after 1604 when the commercial security in an office conferred by the *paulette* increased the market value of most venal offices. At the same time, owing to the freedom in office transmission offered by the *paulette*, officials increasingly chose their successors along both family and social group lines. As social cohesion matured within judicial and financial institutions, officeholders became more attentive to excluding prospective members who did not fit the social composition of the corporate group. French institutions were no longer simply administrative units with certain judicial, financial, or political functions; they were also social corporations with an intense awareness of social status and privilege. This in turn gave administrative and political pretensions a social base. The crown's highest venal officials easily employed sentiments of social elitism to substantiate their claim for an active role in those public affairs the king and his councils increasingly saw as their own exclusive responsibility.

The Parlement of Paris was very much involved in this process. During the fifteenth and sixteenth centuries, prospective councillors secured their offices by one of three procedures: royal appointment, election by the magistrates (often on the basis of merit), or *resignatio in favorem*.[9] Although family dynasties in Parlement appeared as early as the reign of Charles VIII, they were relatively few in number and still in a nascent stage of development.[10] His successor, Louis XII, had tried to limit Parlement's use of election and *resignatio in favorem* to prevent the court from becoming a "closed body narrowly recruited from a certain number of Parisian officer families."[11] As the trend toward *vénalité* developed in the sixteenth century, however, Parlement became more the preserve of certain social groups and wealthy families than an institution whose members were selected on the basis of merit.[12] By the end of the century, Parlement was staffed almost entirely with members whose social origins lay in established *parlementaire* and lesser robe families and the upper segments of the wealthy bourgeoisie.[13]

The institution of the *paulette* tax in 1604 profoundly influenced the social mentality of the magistrates in the Parlement of Paris. Many families established dynasties in the court, and the concept of *noblesse de robe*, whatever its legal ambiguities, developed to the point that the judges considered themselves the equals of any other nobles in France. Mousnier believes that as a result of the *droit annuel*, the *parlementaires*, who already

enjoyed a high degree of social status owing to their elevated judicial function, "separated themselves from the rest of the officials." The *présidents à mortier* and their sons considered themselves members of the *haute noblesse*, while ordinary councillors joined the *petite noblesse*. "It seems," concludes Mousnier, "that all the magistrates of Parlement rose socially as a body and left the third estate."[14] In the course of the seventeenth century, the *parlementaires* frequently used their conception of themselves as a privileged social elite to buttress their asserted administrative and political prerogatives in the struggle against royal centralization.

The governments of Cardinal Mazarin and Louis XIV had two alternatives regarding the venality of offices and the *paulette* after the Fronde. The one best suited for controlling Parlement was to attack the system directly, ending the sale of offices and abolishing the *droit annuel*. At one stroke this would recapture the control of institutional recruitment for the crown and weaken the resistance of the court to royal policies by removing the security in office that the magistrates enjoyed. Such drastic reform could also dissolve the social basis of political pretensions by breaking the family and social group monopoly of offices in the court. On the other hand, the crown could leave the procedures intact. The judges could continue to control the recruitment of their membership and to portray Parlement as a prestigious social corporation. If the royal administration chose the latter course of action, it would have to devise other methods to subdue this powerful and traditionally troublesome court of law.

Parlement and the Paulette After the Fronde

The *droit annuel* expired every nine years, thus providing the government with a periodic opportunity to revoke it if and when circumstances permitted. The first expiration date after the Fronde fell in 1657. The analysis of the government's decision in that crucial year, however, will be better understood in the context of the important edict on the *droit annuel* of October 6, 1638, which described the conditions under which the tax operated during the first few years of Louis XIV's reign.

The 1638 edict had its origins in the turbulent relations between the crown and Parlement during the last years of Richelieu's administration. The financial pressures of the Thirty Years' War had compelled Louis XIII and his first minister to introduce a host of extraordinary financial measures to meet rising costs.[15] The royal administration imposed new taxes, created additional venal offices, and further utilized the provincial intendants to circumvent the resistance of provincial branches of the royal administration to the crown's programs of expediency. It came as no surprise when Richelieu turned to the Parlement of Paris as a source of