

LOUIS XV
AND THE
PARLEMENT
OF PARIS,
1737-1755

JOHN REGISTER



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I



THE BACKGROUND: THE PARLEMENT AND THE KING

Autrefois notre seule liberté, notre seul moyen de résistance à l'oppression était ce refus de concourir activement à l'exécution d'une opération qu'on désapprouvait [*sic*].

Condorcet to Loménie de Brienne, 23 January 1791

MANY VISITORS to the heart of Paris will see the Ile-de-la-Cité; there, even if they only go round the Conciergerie with its tragic memories of Marie-Antoinette, they become aware of the imposing buildings which surround them. Perhaps the sight of a sealed police van sweeping briskly into the main courtyard and disgorging handcuffed prisoners may suggest to them that the place is in use as a court of criminal justice. Few, however, will realise that it has been in constant use as such for over six hundred years and that over two hundred years ago it was the seat of France's most venerable court, the *Parlement* of Paris. Between 1715 and 1771 the *Parlement* was made up of 250 men from 592 noble or recently ennobled families who had bought their offices and with it the right to dispense the King's justice over an area that covered about a third of France.¹

The kings of France had always regarded the dispensation of justice as the most exalted of their kingly duties after their Christian obligations, and the splendid ceremonies of the *sacre* at Reims, where they received the sceptre known as the 'Hand of Justice', solemnly reminded them and their

¹ For these and other details concerning the social composition of the *Parlement* in the eighteenth century, see François Bluche, 'Le Rôle des offices dans la mobilité sociale des familles du Parlement de Paris', in *Amterkäuflichkeit: Aspekte sozialer Mobilität im Europäischen Vergleich (17. und 18. Jahrhundert)*, ed. Klaus Maletke (Berlin, 1980), pp. 69-76 which completes and corrects the same author's *thèse complémentaire*, *L'Origine des magistrats du Parlement de Paris au XVIII^e siècle (1715-1771): Dictionnaire généalogique in Paris et Ile-de-France: Mémoires publiés par la Fédération des sociétés historiques et archéologiques de Paris et de l'Ile-de-France*, vvi (Paris, 1953-4 [1956]), referred to hereafter as Bluche, *L'Origine des magistrats*; and his *thèse principale*, *Les Magistrats du Parlement de Paris au XVIII^e siècle, 1715-1771* (Paris, 1960), *passim*; see also David D. Bien, 'Aristocratie et anoblissement au XVIII^e siècle', *Annales, économies, sociétés, civilisations*, xxix (1974), pp. 23-48, 595-34, especially pp. 510-12.

Table 1. *Calendar of sessions of the Parlement*

Sessions of the Parlement

St Martin's Day (11 November) to the eve of the Nativity of the BVM (7 September).

Holidays and Feast Days

Christmas (25-28 December)

Three Meat Days and Ash Wednesday

Holy Tuesday (*mardi-saint de Pâques*) to the Monday after Quasimodo (13 days)

Eve of Whit Sunday to Trinity Monday (9 days)

Ascension Day

Corpus Christi (*fête-Dieu*)*Foire St Denis* (9 October)

St Nicholas (6 December)

New Year's Day

Ste Geneviève (3 January)

St Hilaire (13 January)

St Charlemagne (28 January)

'Reduction of Paris' (22 March)

Translation of St Gatien (2 May)

Foire St Denis (June)

Assumption of the BVM and 'Vœu de Louis XIII' (14-16 August)

If a feast occurred on a Sunday, it was celebrated also the next day.

Vacations

7 September to 11 November, though a vacation chamber sat from 9 September until 27 October, the eve of the feast of Sts Simon and Jude.

This table has been established with the information supplied in Bluche, *Les Magistrats du Parlement de Paris*, pp. 53-54, and the *Handbook of dates for students of English history*, ed. C. R. Cheney (London, 1955), pp. 40-65.

subjects of this duty. They had created the *Parlement*, and in 1301 Philip the Fair had made it a sedentary court in Paris, where it occupied a royal palace.² Reminding the eighteenth-century *parlementaires* of the origin of their institution was the *Palais* itself, the adjoining Sainte-Chapelle with its relic of Our Lord's crown of thorns brought back and venerated by St Louis, their founder. However, the character of the place is still that stamped upon it by the passage of the *parlementaires*. Despite the destruction of its bustling complex of mediaeval streets and houses in the first half of the nineteenth century and their replacement by some grim instances of Third Republic state architecture, the *Palais* remains their building, and its main façade on the street after one has crossed the pont de la Cité is the one which they left to posterity: it was built after the fire of 1776 and is in the neo-classical style

² On the history of the *Parlement* throughout the ages, see particularly E. Glasson, *Le Parlement de Paris, son rôle politique depuis le règne de Charles VII jusqu'à la Révolution* (Paris, 1901), 2 vols.; J. H. Shennan, *The Parlement of Paris* (London, 1968); Françoise Autrand, *Naissance d'un grand corps de l'Etat, les gens du Parlement de Paris* (Paris, 1981); on its history during the eighteenth century, see James D. Hardy, *Judicial politics in the Old Régime: the Parlement of Paris during the Regency* (Baton Rouge, La., 1967); Jean Egret, *Louis XV et l'opposition parlementaire 1715-1774* (Paris, 1970), a work which has the undeserved reputation of being 'revisionist' in its approach (cf. this author's review of it in *French Studies*, xxvi (1972), p. 201); and Bailey Stone, *The Parlement of Paris, 1774-1789* (Chapel Hill, N.C., 1981), which is also based on the late Jean Egret's research.

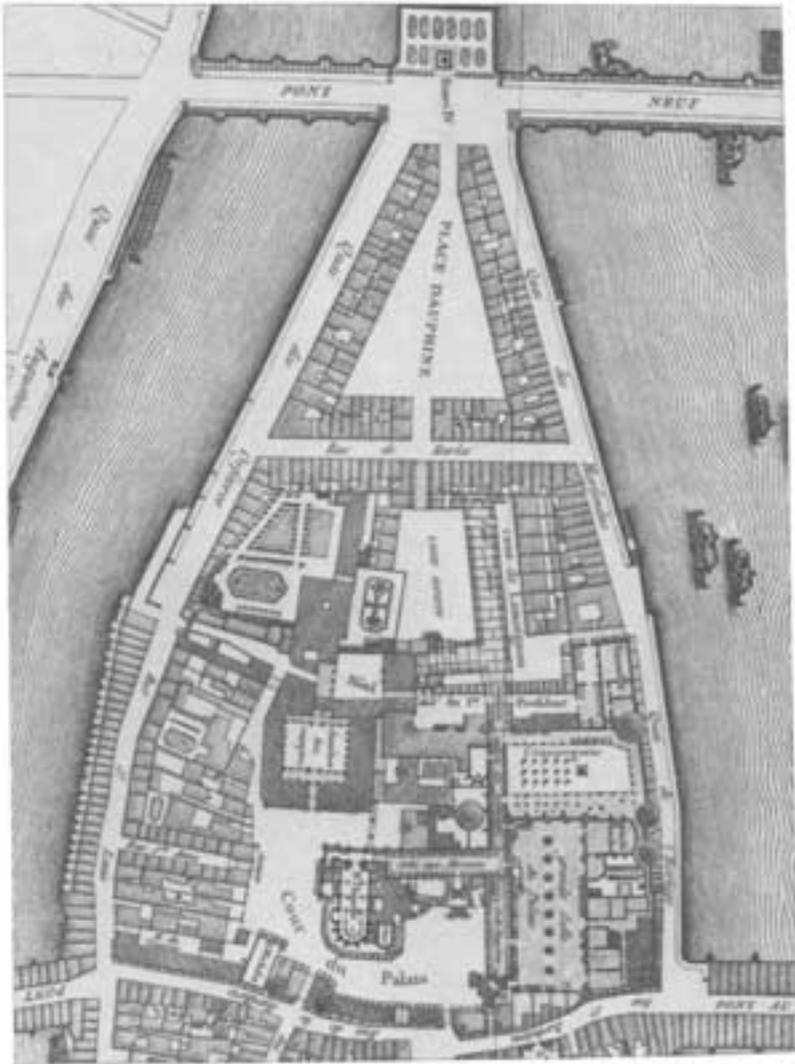


Figure 1 Plan of the Palais on the Ile-de-la-Cité, taken from the plan done by the Abbé Delagrive and known as the Bernage Plan (1754). The *salle Saint-Louis* was the room marked *Tournelle*.

of the period. As *parlementaires* were classicists by training and inclination and tended to compare themselves to the Roman senate, their new façade was a fitting entrance to what they regarded as the temple of Themis.³

The courtyard was the *cour de may*, where on 1 May each year the first

³ A plan of the Palais appears at Figure 1; for this and other details, see Pierre d'Espezel, *Le Palais de Justice de Paris: château royal* (Paris, 1938), *passim*, and especially pp. 163 and 195; and also Bluche, *Les Magistrats du Parlement de Paris*, pp. 392–3 (on the *buvettes*).

president of the *Parlement* planted a may tree to symbolise the renewal of justice. The judicial year began on 12 November, the day following St Martin's day, and ended on 6 September; a Vacation chamber then sat between 9 September and 27 October to deal with urgent cases. The judicial year was further interrupted by holidays and feast days (see Table 1). Some of these were also days for ceremonial. The *messe rouge* at the start of the judicial year was when the *parlementaires* led by the first president and the nine *présidents à mortier* wearing the short toga (*épitoge*) trimmed with ermine over their red robes and the high, round cap (or *mortier*) on their heads led their colleagues on foot to mass in the *grande salle* of the *Palais*. On 22 March, this time 'en robes rouges et chaperons fourrés', *messieurs* went in state to the *Grands Augustins*, their ushers 'frappant de leurs baguettes', for the anniversary mass commemorating Henry IV's 'Reduction' of Paris.⁴ Avoiding the dilapidated and perilous *escalier du may*, the procession wound its way down a tricky flight of steps leading into the north side of the courtyard, went through the porte de la Colindre, into the rue de la Barillerie, across the pont Saint-Michel and along the quai des Augustins by the river to the church (which was demolished in 1794). Occasionally there were special ceremonies, for the birth or death of a member of the royal family, perhaps a *Te Deum* for some military victory: on 27 November 1766, for instance, at the requiem mass for the dowager queen of Spain at Notre-Dame, the Duc de Luynes, governor of Paris, went to fetch *messieurs* and led them down the steps into the courtyard flanked by the first president and President d'Ormesson, the ushers again striking their rods, and, preceded by 'des gardes dudit gouverneur de paris et cottoyés des archers de la ville', they walked to the cathedral.⁵

In the society of the *ancien régime* public ceremonies had an ancillary purpose: that of enhancing their participants in the eyes of the populace. Hence, no hitch was allowed to go unnoticed. In November 1746 at a requiem service for the Dauphine, again at Notre-Dame, the *parlementaires* were refused admission through the main doors by the guards on duty; they had to gain entry by the side doors. The first president, according to one account, 'se plaignit hautement et dit que le roy en seroit informé'. The King was duly informed and he assured the first president that he had given orders that such an incident should not be repeated.⁶ The *Parlement*

⁴ Bibliothèque du Sénat (hereafter BS), MS 805: 'Journal de M^r Flandre de Brunville', f. 305, entry for 7 Apr. 1769.

⁵ *Ibid.*, MS 802, f. 39.

⁶ Archives nationales, Paris (hereafter AN), 342 AP 2 (Joly de Fleury Papers): 'Mémoires commencés au mois de Juin 1746 de tout ce qui m'a paru Intéressant' (hereafter 'Mémoires' (1746–50) of J. O. Joly de Fleury), pp. 15–16; these are the autograph memoirs of Jean-Omer Joly de Fleury (1715–1810), *avocat général* (1746) and later *président à mortier* (1768) of the *Parlement*; see also Archives de Paris, 4 AZ 410: Maupeou to [Maurepas], 24 Nov. 1746.



Plate 2 View of the *grand'chambre* of the *Parlement* during the *Lit de justice* of 12 September 1715, engraving by De Poilly after a drawing by F. Delamonce

was the most powerful lay institution in the capital: within France it was the most senior of the thirteen *parlements* of the kingdom.

Within the *Palais* itself, the *Parlement* dispensed justice through a *grand'chambre*, five chambers of *enquêtes* and two of *requêtes*. The *grand'chambre* was the most important of these. It was made up of the first president, who was appointed by the King, the nine *présidents à mortier*, and thirty-three *conseillers* (twenty-one lay and twelve clerks). In addition there were honorary members: retired presidents who had received their *lettres d'honnoraires* from the King, two ecclesiastical *conseillers d'honneur nés* (the archbishop of Paris and the abbot of Cluny), six lay *conseillers d'honneur*, eight honorary presidents from the *enquêtes* and *requêtes*, and forty-four other honorary *conseillers*. And finally, the princes of the blood (as peers by birth), the dukes and peers and the six ecclesiastical peers could sit in the *grand'chambre*. Although they and the honorary members had a vote, they could not take part in the preparation of judicial proceedings: only the *présidents à mortier* and the thirty-three *conseillers* could do this.⁷

The *grand'chambre* dealt with the important cases and was the court of appeal from the lesser tribunals within the jurisdiction of the *Parlement*. It

⁷ Bluche, *Les Magistrats du Parlement de Paris*, p. 49.

was the only chamber of the *Parlement* before which the advocates pleaded. The *enquêtes* were concerned chiefly with the appeals from minor civil and criminal cases. The *requêtes* gave judgements in cases involving all privileged persons, namely those who enjoyed the privilege of *committimus*. It was in the chambers of *enquêtes* and *requêtes* that the young and sometimes boisterous *parlementaires* began their careers: as they gained seniority, so they moved up to the *grand'chambre*. Despite its division into chambers, the *Parlement* existed as a corporate body, and seniority within it – except for the *présidents à mortier* – was determined by the date of the magistrate's reception into the court, irrespective of the chamber to which he belonged (hence, the older ones tended to be concentrated in the *grand'chambre*).

The *gens du roi*, or the *parquet* (from the spot in the chamber where they took up their position), consisted of the *procureur général*, three *avocats généraux*, and the twelve *substituts* of the *procureur général*. The *procureur général* was at their head and his duties included the maintenance of discipline within the *Parlement*. He also acted as prosecutor for the Crown in criminal cases. Laws, whether edicts or declarations, for registration at the *Parlement* (and other orders from the King) were sent directly to him, and it was his duty to present the laws to the *Parlement* with his written opinion (or *conclusions*) as to the course of action which the *parlementaires* should adopt. The *procureur général* rarely spoke before the *Parlement*: that task fell to the *avocats généraux* (in order of seniority of appointment) who would use the resources of their rhetorical eloquence to support the course advocated by the *procureur général*. The *gens du roi* could not attend the debates of the *Parlement*; they withdrew from the chamber once the *conclusions* had been presented or the *avocat général* had made his *réquisitoire*.⁸

Historians are familiar with the office-holding system of the *ancien régime*. In addition to the magistrates and the *gens du roi*, the *Parlement* included a plethora of minor officials from clerks to *buvetiers*, surgeons and apothecaries. The most highly prized offices were the nine *présidences à mortier*. On the whole, however, they had become the preserve of a few famous dynasties whose names were linked to the history of the *Parlement*: Lamoignon, Talon, Molé, Le Peletier, Potier de Novion, Le Fèvre d'Ormesson. This did not prevent them from being sold from time to time when families ran into difficulties or were unable to provide an incumbent for the office. The average price of a *présidence à mortier* was 750,000 *livres* in the eighteenth century. The lesser offices of *conseillers* (worth about 40,000 *livres* in the 1750s) remained the basic channel of entry to the *Parlement* for well over a hundred families in the course of Louis XV's reign.⁹

⁸ On the *gens du roi*, see *ibid.* and Paul Bisson de Barthélemy, *Les Joly de Fleury, procureurs généraux au Parlement de Paris au xviii^e siècle* (Paris, 1964), *passim*. The *avocat général* was expected to learn his *réquisitoire* by heart: see AN, 342 AP 2: 'Mémoires' of J. O. Joly de Fleury, p. 38.

⁹ Bluche, *Les Magistrats du Parlement de Paris*, pp. 160–74, especially pp. 167–8.

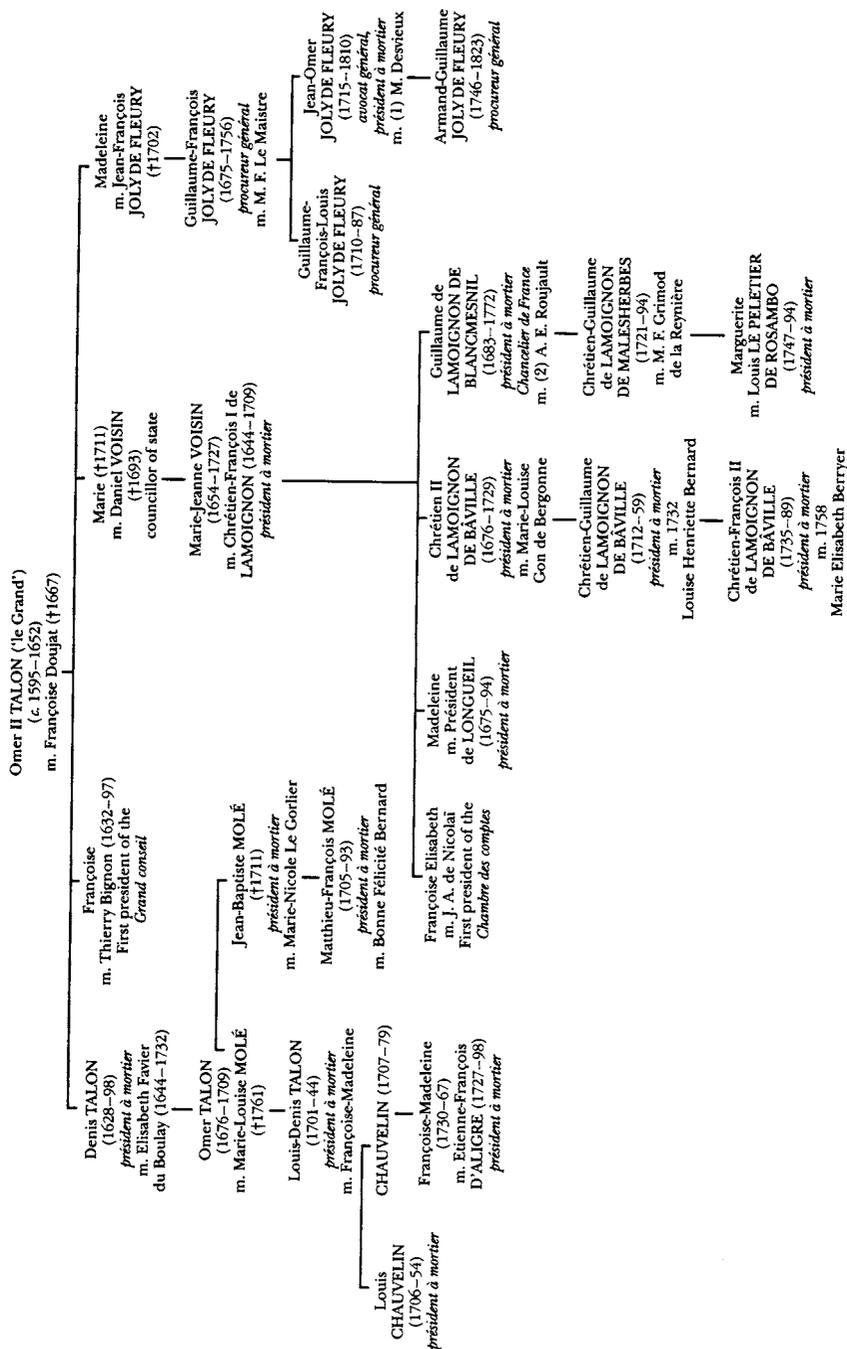


Figure 2 Table of some *parlementaire* dynasties and their alliances (by the author)



Plate 3 The wife of a *parlementaire*: the *Présidente* Bernard de Rieux, pastel by M.Q. Delatour (Musée Cognacq Jay, Paris)

Why did families divert a substantial amount of their wealth into purchasing judicial offices? After all, the offices carried with them some onerous duties. The financial returns were not great: a few leading *parlementaires* were given royal pensions (but they were rich men anyway). Those who actively involved themselves in their judicial duties received the *épices*, a sum which they were awarded by the first president at the expense of the litigants in civil cases.¹⁰ Although this system was decried at the time and

¹⁰ On the system of the *épices*, see *ibid.*, p. 171 and Stone, *The Parlement of Paris*, pp. 18, 45–52, 58, 67 and 74. In his account Stone has overlooked an interesting memoir of 1783 on the *épices* by First President d'Aligre in the Archives de l'Assistance Publique, Paris, Fonds

was open to abuse, it was not the prospect of the *épices* that chiefly drew men of noble families to enter the *Parlement*. There were many absentee magistrates who did not receive the *épices*, and indeed the burden of judicial work was unevenly divided as a result. It was more likely to be the social and professional status – the *état* – that membership of this august body conferred upon them. A senior magistrate in the government, Gilbert de Voisins, a former *parlementaire* himself, observed:

il n'est permis à personne d'ignorer que la noblesse est une qualité qui suit le sang, et que la robe est une profession de choix dont la noblesse est susceptible comme de celles de l'église et des armes. Les familles les plus distinguées ont fourni, et souvent dans le mesme temps, des prélats à l'église, et au Roi des magistrats, aussi bien que des officiers militaires...¹¹

Moreover, because the distinction between government service and the administration of justice was blurred under the *ancien régime*, the robe tended to supply the Crown with many of its administrators. Hence, it could be a matter of temperament or of family decision whether a young man remained a judge or steered his career towards the Royal Council. A stage, however brief, as a young judge in the *Parlement* was essential to a majority of those intending to enter the royal administration.¹²

Members of the *Parlement* were also drawn to it by its *esprit de corps*. Courtiers and writers tended to scoff at the robe, and 'the president' or 'the magistrate' was indeed a stock literary type: severe in manner, austere in his obligatory black clothes, pompous, haughty – *la morgue de la robe* – generally humourless; his wife remained a prude and *une bourgeoise*, even if seduced by these very courtiers and writers. Naturally, these types were a caricature of the reality. In his memoirs Cardinal de Bernis paid tribute to the magistracy by describing it as 'la partie de la nation qui a encore conservé le plus de mœurs et d'intégrité'.¹³ In his journal, the Marquis d'Argenson wrote that Keeper of the Seals Chauvelin 'a pris les manières et l'attitude d'un bon et ancien magistrat de race, grave et mesuré, ne soupant point et n'ayant point de maîtresse'.¹⁴ For many, membership of the robe amounted to a sacred calling. A new entrant was expected to live up to the

Montyon, *carton* 15; D'Aligre states therein that complaints that first presidents did not always apportion the *épices* fairly (citing the case of First President Le Peletier in 1742) led him to decide that he would henceforth apportion them in consultation with the *bureau* of the whole *Parlement*.

¹¹ AN, U 870 (Gilbert de Voisins Papers): unnumbered and undated notes in the hand of P. Gilbert de Voisins (1684–1769) on a memorandum by Daguessseau de Fresnes on the garb to be worn by councillors of state.

¹² Michel Antoine, *Le Conseil du Roi sous le règne de Louis XV* (Geneva and Paris, 1970), pp. 247–64. See also Vivien R. Gruder, *The royal provincial intendants: a governing elite in eighteenth-century France* (Ithaca, N.Y., 1968), *passim*.

¹³ *Mémoires et lettres de François-Joachim de Pierre Cardinal de Bernis, 1715–1758*, ed. F. Masson (Paris, 1903), 2 vols., i, p. 324.

¹⁴ *Mémoires du Marquis d'Argenson*, ed. René d'Argenson (Paris, 1825), p. 318. The celebrated Marquise de Monconseil had been Chauvelin's mistress at one time.

reputation of his father or of some other worthy relative; in 1748 the young Robert de Saint-Vincent was received by Chancellor Daguesseau upon entering the *Parlement* and he recalled later: 'Je me souviens très bien qu'il insista tout particulièrement sur l'éloge de M. Robert et qu'il m'exhorta à soutenir la réputation d'un nom qui méritoit d'être soutenu avec honneur.'¹⁵ When a *parlementaire* died, it might be said of him, as First President Molé said of Revol, a president of the *requêtes*: 'C'est une perte réel [*sic*] pour le service du Roy, et pour le parlement; beaucoup d'esprit, des connaissances étendues, et un parfaitement honette [*sic*] homme.'¹⁶ These were the qualities required, and that was the language of the robe.

Its permanent corporate existence had enabled the *Parlement* to preserve a strong *esprit de corps*.¹⁷ However, the *parlementaires* themselves should not be regarded as a social caste despite their tendency to inter-marry. Certainly, they were all noble and they or their families had chosen to enter the *Parlement* because of the social status which it conferred; but in the majority of cases their nobility was very recent and the antecedents of some families still marked out certain social differences. Out of 592 families that were in the *Parlement* during Louis XV's reign, 260 owed their ennoblement to the simple expedient of purchasing an office of *secrétaire du roi* which conferred nobility at the first generation.¹⁸ This was a consequence of the rapid social mobility that characterised the second half of the seventeenth century.¹⁹

In his memoirs *Avocat général* Joly de Fleury concluded his unflattering portrait of President Durey de Meinières with the tart comment that he saw in him 'tout l'orgueil de la platte finance dont il tirait son origin'.²⁰ The Joly de Fleury's owed their ennoblement in 1629 to the exercise of magisterial office over a few generations, while the Dureys were financiers who

¹⁵ Collection Michel Vinot Préfontaine, Paris: 'Mémoires de P. A. Robert de Saint-Vincent' (typescript copy of these memoirs which are still in the possession of his descendants), p. 114. Unfortunately, names and dates are not always accurately transcribed in the typescript copy, and the date of P. A. Robert de Saint-Vincent's admission to the *Parlement* is wrongly given as 1743 instead of 1748. The author also confused the sequence of certain events when writing his memoirs late in life during the Emigration.

¹⁶ Fonds Lamoignon (hereafter FL), Chartrier du château de Tocqueville (catalogued by the Archives nationales in their private archives series under the reference 154 AP II and available for consultation on microfilm with the owner's permission at the AN: 177 Mi 70-152 (hereafter Tocqueville MSS)), Mi 73, dossier 6, pièce 119; Molé to Chancellor de Lamoignon, 15 June 1760.

¹⁷ J. H. Shennan, 'The political role of the *Parlement* of Paris under Cardinal de Fleury', *English Historical Review*, lxxxi (1966), p. 521.

¹⁸ Bluche, 'Le Rôle des offices', pp. 70 and 72: 'La charge vénale et anoblissante de secrétaire du Roi domine donc et marque toute la société parlementaire.' See also, in the same collection, *Amterkäufllichkeit*, ed. K. Malettke, Bluche's other article, 'Von Monsieur Jourdain zu Monsieur Necker. Ein Porträt des "secrétaire du Roi" (1672-1789)', pp. 77-86, and also his 'Les Magistrats des cours parisiennes au xviii^e siècle: hiérarchie et situation sociale', *Revue historique de droit français et étranger* (1974), p. 95.

¹⁹ Bluche, 'Le Rôle des offices', p. 76.

²⁰ AN, 342 AP 2 ('Mémoires' of J. O. Joly de Fleury), p. 52.

briskly ennobled themselves in 1685 through the purchase of a *charge* of *secrétaire du roi*.²¹ It is typical of the double standards of the age, however, that, for all his sarcasm at Durey's expense, the *avocat général* was himself married to the daughter of a financier whose father had been ennobled in 1672 in the same way as the Dureys.²² There are some indications of the contrast in style and manners among these *parlementaires* from different backgrounds: Durey de Meinières again, whom Diderot once observed with his round wig and displaying a natural dignity in an encounter with a churlish lawyer, or else insinuating himself into the family secrets of others, if Joly de Fleury is to be believed; and the urbane patrician, President de Lamoignon, whom Jean-Jacques Rousseau dined with in the 1740s at the house of Madame de Bezenval and who had 'ce petit jargon de Paris, tout en petits mots, tout en petites allusions fines'.²³

The *Parlement* was not simply a judicial court: it had what would nowadays be described as political attributions as well. All edicts and declarations had to be 'registered', or transcribed in its records; the *Parlement* was then able to publicise and enforce the new laws throughout its jurisdiction. Registration was no mere formality. In the entry under 'Enregistrement' in the *Encyclopédie* of Diderot and D'Alembert, Boucher d'Argis concluded his exhaustive account with a neat summary of its full implications:

Les enregistrements des nouvelles ordonnances n'est pas comme on voit un simple cérémonial et en insérant la loi dans les registres, l'objet n'est pas seulement d'en donner connoissance aux magistrats et aux peuples, mais de lui donner le caractère de loi, qu'elle n'aurait point sans la vérification et enregistrement, lesquels se font en vertu de l'autorité que le roi lui-même a confié à son Parlement.²⁴

For this reason, edicts and declarations were placed before the *Parlement* by the *procureur général*, usually at an assembly of all the chambers. The *Parlement* had the right of making 'remonstrances' to the King before registering any law. In 1673 Louis XIV had curtailed this right by insisting that registration should always precede any remonstrances the *Parlement* might wish to make; the reluctant registration of this measure was accompanied by a protest which Daguesseau later described as 'le dernier

²¹ Bluche, *L'Origine des magistrats*, entries under Durey de Meinières (p. 167) and Joly de Fleury (p. 220).

²² *Ibid.*, entries under Jean-Omer Joly de Fleury (p. 221) and under Desvieux (p. 149).

²³ D. Diderot, *Correspondance*, ed. Georges Roth (Paris, 1959), v, p. 55, letter of 21 July 1765 to Sophie Volland; Jean-Jacques Rousseau, *Les Confessions*, ed. A. Van Bever (Paris, 1926), ii, pp. 89-90: the editor (p. 360, n. 44) identifies the president as the future Chancellor de Lamoignon, but this attribution is probably inaccurate: he was more likely the latter's nephew, Lamoignon de Basville (1712-59), who became a *président à mortier* in 1730.

²⁴ *Encyclopédie, ou Dictionnaire raisonné* (Paris, 1752), v, p. 702.

cri de la liberté mourante'.²⁵ The argument that the *parlementaires* had little cause for apprehension at the King's suppression of their right of presenting remonstrances to him before they registered new laws because that stipulation applied only to letters patent is a flawed one. Letters patent necessarily accompanied edicts and *déclarations*, and the 1673 stipulation was therefore a means of facilitating the passage of these more significant pieces of legislation through the *Parlement*. The declaration of 1673 was rescinded by the Regent Philip of Orleans in September 1715, when he needed the support of the *Parlement* to quash Louis XIV's will.²⁶ Thereafter, the *Parlement* took advantage of its right to examine laws carefully and, if need arose, to make remonstrances before it gave them formal recognition by the essential act of registration.

It was the first president's task to draft the remonstrances on these and on other occasions, and in a memoir of 1747 for his guidance, his secretary, Boizot, dealt neatly with the question of their scope:

les Remonstrances roulent ordinairement

- 1° sur les entreprises de la Cour de Rome et des gens d'église, sur l'autorité et les droits du souverain et de la couronne
- 2° sur l'enregistrement ordonné par le Roy d'édits et de déclarations qui sont préjudiciables, ou à ses intérêts, ou à ceux de ses peuples
- 3° sur les entreprises contre les privilèges de la compagnie.

Finalemment le Parlement ayant été étably pour conserver les droits de la Couronne et rendre la justice au nom du Roy, à tous ses sujets, dans tous les cas où les intérêts de S.M. et ceux de ses peuples peuvent être attaqués, il est obligé d'user de remonstrances, pour se mettre à l'abry des reproches qu'on pourroit lui faire, ce droit de remonstrances est même dans son institution.²⁷

No extract better summarises the exact rôle which remonstrances played in the life of the *Parlement* under Louis XV or conveys the untranslatable flavour of *parlementaire* language than this. The *Parlement* did not and could not see itself as existing in opposition to the King: it was an emanation of his authority, a reflection of his sovereignty: its purpose was to enlighten him, to warn him, to remind him and, if need be, to endeavour to correct him by respectful means. For this reason remonstrances were replete with expres-

²⁵ Daguesseau, *Œuvres complètes*, ed. André (Paris, 1769-89), xiii, p. 545, quoted in F. Monnier, *Le Chancelier Daguesseau ... son influence sur le mouvement des esprits 1700-1750* (Paris, 1860), p. 256.

²⁶ On the events of September 1715, see Hardy, *Judicial politics*, pp. 3-50; and J. H. Shennan, 'The political role of the *Parlement* of Paris, 1715-23', *The Historical Journal*, viii, 2 (1965), pp. 179-200, especially pp. 185-6.

²⁷ BS, MS 435: 'Le Premier Président du Parlement de Paris dans l'exercice de ses fonctions', by C. L. Boizot, pp. 438-9.

sions of respect, loyalty and obedience where the Monarch was concerned.²⁸

When *parlementaires* assembled to discuss the sort of issues which Boizot described, they did so in the *grand'chambre* with its fine Gothic ceiling and on the far wall, above the bench reserved for the presidents, there was a Flemish altar piece (now in the Louvre) depicting Calvary and the figures of St Louis, their founder, St Denis and Charlemagne in the foreground (see Plate 2).²⁹ It was here that the councillors of the *grand'chambre* normally held their meetings. At one corner of the room was a raised dais. In a moving speech to his assembled colleagues on 9 March 1767, Monsieur Drouyn de Vandeuil described it:

Dans l'angle des deux bancs d'en haut est un siège en forme de cube, symbole de stabilité, sur lequel on place le Dais, les coussins et le Tapis où le Roi s'assied quand il vient au Parlement tenir son Lit de Justice. Cette place est toujours censée remplie par le Roi, et personne ne l'occupe en son absence.³⁰

Before their eyes, *parlementaires* had a permanent reminder of the origin of their power, and even if their eyes strayed they would light only upon the royal fleur-de-lis on the surrounding tapestries.

These fundamental beliefs concerning the nature of sovereignty and the origins of their authority were to retain a lasting hold over the minds of *parlementaires*, though their interpretation and application were to create tensions and dilemmas for them. Boizot described some of these when listing the qualities required of a first president, who was

partagé continuellement entre la cour et sa compagnie dont les intérêts sont presque toujours opposés. Le P.P. est pour ainsi dire celui qui tient l'équilibre et un médiateur qui travaille sans cesse à les réunir; dans une position si délicate, quelle supériorité de génie et de talents ne faut-il pas pour parvenir à

²⁸ Daguesseau, *Œuvres complètes*, xiii, pp. 554–6: 'Fragment sur l'origine et l'usage des Remontrances'; Monnier, *Le Chancelier Daguesseau*, pp. 208–9, 256–7, 260–3. For the text of the remonstrances, see *Les Remonstrances du Parlement de Paris au XVIII^e siècle*, ed. Jules Flammermont (Paris, 1888–98), 3 vols. (hereafter referred to as Flammermont, *Rems.*).

²⁹ Jean Guiffrey, 'Le Retable du Parlement de Paris au Musée du Louvre', *Les Arts* (1904), pp. 9–12 (with illustrations, especially that on p. 11). Attributed at one time erroneously to Van der Weyden, the reeredos was given as 'Ecole de Paris, vers 1475' by Guiffrey but is now once again attributed to the Flemish school, if not to Van der Weyden. The reeredos was damaged in the fire at the *Palais de Justice* during the Paris Commune of 1871 and was restored in 1891 when it was also transferred to the Louvre. It appears in several paintings and prints representing the *grand'chambre* in the eighteenth century; see, for instance, Sarah Hanley, *The 'Lit de Justice' of the Kings of France: constitutional ideology in legend, ritual and discourse* (Princeton, N.J., 1983), pp. 285, 308–9; and Plate 5. The recent interpretation of the reeredos given by Christian de Mérindol in 'Le Retable du Parlement de Paris: nouvelles lectures', *Histoire de la Justice*, v (1992), pp. 19–34 is highly questionable.

³⁰ BS, MS 802: 'Journal de Mr Flandre de Brunville', f. 182: speech given on 9 March 1767. Drouyn de Vandeuil's interpretation of the symbolism of the cube has not been considered by Sarah Hanley; see her *The 'Lit de Justice'*, *passim*.