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978-0-521-48362-9 - Politics and the Parlement of Paris under Louis XV, 1754-1774

Julian Swann

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POLITICS AND THE
PARLEMENT OF PARIS
UNDER LOUIS XV,
1754-1774

Politics in eighteenth-century France was dominated by the relationship between the crown and the magistrates of the Parlement of Paris. The prestige and influence of that venerable institution provided a traditional check upon the king's authority, but after 1750 the Parlement entered a period of prolonged confrontation with the government of Louis XV. The religious, financial, and administrative policies of the monarchy were all subject to sustained opposition, and the magistrates employed arguments which appeared to challenge the very foundations of royal authority. This struggle was brought to an abrupt conclusion in 1771, when chancellor de Maupeou implemented a royal revolution, breaking the power of the Parlement and exiling its members to the four corners of the kingdom. In order to explain why the crown and the Parlement drifted into such destructive conflict, this study reexamines the conduct of government under Louis XV, the role of the magistrates, and the structure of judicial politics in eighteenth-century France.

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For my parents, Ron and Barbara

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Preface

The French revolution was particularly unkind to the magistrates of the Parlement of Paris. Their institution was abolished in 1790, many of its members perished in the Terror, and to add insult to injury historians ever since have accused them of either causing or encouraging the collapse of monarchical authority in 1789. That this should be the case is not especially remarkable because the opposition of the Parlement to the crown after 1750 remains central to the debate about the origins of the French revolution. Having only recently been exonerated from the charge of leading an aristocratic reaction, the magistrates are now in danger of being convicted of contributing to the ideologies and discourse that undermined the *ancien régime*. The idea of noble judges in the vanguard of the revolution is a curious one, but there is no doubt that from 1750 until 1771 when chancellor de Maupeou's revolution destroyed the Parlement and exiled its members, Louis XV faced serious resistance from the court. The desire to know more about the causes of that opposition was the starting place for this work, and after a decade spent studying the *parlementaires* I am not sure to have found the answer. Instead, the following offers an interpretation of how judicial politics functioned in eighteenth-century France, the problems of government and the role of the Parlement. It is, I hope, less a study of the origins of the French revolution, than of politics under the *ancien régime*.

While preparing this book and the doctoral dissertation upon which it is based, I have accumulated many debts to both individuals and institutions. My interest in French history began as an undergraduate at the University of Lancaster, and was encouraged by Ralph Gibson and Joe Shennan. It was the special subject taught by Joe Shennan, which first fired me with

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enthusiasm to study the Parlement and his help and guidance in the initial stages of my research was invaluable. I was equally fortunate to have Tim Blanning as a research supervisor at the University of Cambridge. His constant support, guidance, and constructive criticism did much to calm the stress and anxieties associated with the completion of a Ph.D. I hope that his emphasis on the need to look beyond the walls of the *Palais de Justice* at the broader historical perspective has to some extent been heeded. While working in Paris, my work was guided by M. Guy Chaussinand-Nogaret. His seminar at the Ecole des Hautes Etudes en Sciences Sociales was a stimulating and fertile source of ideas, and the generous hospitality extended by himself and his family greatly appreciated. Both William Doyle and Joe Shennan offered many helpful suggestions for improving the completed thesis, and a number of other scholars have offered advice and criticism. Al Hamscher, Roger Mettam, and Hamish Scott have all shown characteristic generosity by reading drafts of the book, pointing out the occasional howler and, especially, making constructive suggestions for its improvement. Pursuing research can be a lonely business, and I have been lucky to share the friendship of a group of scholars similarly afflicted by a fascination for eighteenth-century France. Countless pleasurable hours have been spent discussing the Parlements with Rob Alexander, Peter Campbell, Joël Félix, Roger Mettam, and Munro Price, and they have bravely shouldered the burden. I am deeply grateful to all of these friends and colleagues for their help and assistance, but the remaining defects of this study are my own.

My research has received financial assistance from a variety of institutions. My postgraduate studies were funded by a British Academy research studentship and a Scouloudi Fellowship awarded by the Institute of Historical Research. Further research trips were made possible by grants from the Owen Taylor Fund of the Voltaire Foundation, the Central Research Fund of the University of London, and the Twenty-Seven Foundation of the Institute of Historical Research. Working in a foreign capital is an extremely expensive business, and without the help of these institutions this book would not have been possible. I am deeply grateful to them all.

Finally I owe an enormous debt of gratitude to my family. My parents offered unwavering support throughout the course

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of my studies, and together with my sister, Jan, kept me fed and clothed even in the most difficult moments. Last, but not least, Manon has endured living with somebody who for much of the time appears lost in the eighteenth century. Their support and encouragement never ceases to remind me that there are some things in life that are even more important than the Parlement of Paris.

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Abbreviations

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|---------|--|
| AAE | Archives du Ministère des Affaires Etrangères |
| AN | Archives Nationales |
| AN, AP | Archives Nationales, Archives Privées |
| BEWSRO | Bury St Edmunds and West Suffolk Record Office |
| BMB | Bibliothèque Municipale de Besançon |
| BN | Bibliothèque Nationale |
| BN, NAF | Bibliothèque Nationale, Nouvelles Acquisitions Françaises |
| BPR | Bibliothèque de Port-Royal |
| BS | Bibliothèque du Sénat |