

THE FRENCH MONARCHY,
1483—1789.

CHAPTER I.

A SURVEY OF FRANCE AT THE END OF
THE XVTH CENTURY.

FRANCE at the end of the fifteenth century had fully recovered from the effects of the English wars. The devastated fields were again cultivated: civilization had returned to the districts from which foreign invasion and civil war had banished it. Observers speak of the country as flourishing throughout its length and breadth: the population was increasing, and commerce showed an unprecedented volume and activity. The great towns, largely self-governed, were centres of industrial life: Rouen, Tours, Toulouse, Montpellier, Nîmes, Bordeaux, Bayonne, Marseilles, were the chief provincial capitals. Probably no country in Europe possessed such inherent power for resistance or attack. England had hardly yet recovered from the Wars of the Roses, and the Tudors did not feel themselves quite secure upon the throne: Italy was richer and more civilized, but so disunited as to be helpless: neither the Empire nor Spain possessed such a strong or popular Monarchy as France.

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The European world generally was passing through a very critical stage in its perpetual transformation. Vast changes in the very constitution of European society had come in the last two centuries: the materials for further unsuspected revolutions in politics and religion were accumulated on every side. The mediæval conception of things was almost dead, and though the institutions that had been generated by that conception still presented an imposing appearance, they were seriously threatened—all the more seriously because they did not suspect the coming attack. The shock which the Church had received by the so-called Babylonian Captivity, the Great Schism, and the Great Councils of the fifteenth century, had shaken the very foundations of its power, both secular and spiritual, though the external traces of the blows had been very nearly smoothed away. The mind of Europe, no longer satisfied with the old ideas, finding what had once been a fortress against barbarism and anarchy now a prison-house, was feeling after new ideas and new guides and was developing new and unsuspected energies. Thus it had turned with eagerness to ancient Classical learning and seemed to find in the literature of Greece and Rome ideas more in harmony with its wants than in anything that the Mediæval Church had to offer: for good and for evil—and largely for both—the ideas of Paganism in art and in letters, in science, in philosophy and morals passed current in all the chief centres of civilization in Europe. Sometimes the Church adopted the new ideas, unsuspecting of their future effects: where it resisted them it was ineffective or despised. But the revival of the ancient literature was by no means the only great formative influence of the time. Printing had come on the heels of the New Learning. Columbus had found land beyond the Atlantic waters, and this and other geographical discoveries gave an incalculable impetus to men's thoughts and imaginations. Everywhere men were ready to push away from the old landmarks into unknown waters. Italy was the first country that was affected by these

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new ideas. We shall see how they passed from Italy to France, how eagerly they were welcomed there, and how far-reaching were their effects. But in this preliminary chapter it is not the social and intellectual but mainly the political condition of France that we are to examine.

In France as in most other European countries the Monarchy and the Nobility were the two great antagonists whose combats and rivalries had filled the Middle Ages and given to French political life its most characteristic features. There had been since Charlemagne, perhaps since the Roman Empire, the tradition of a strong Monarchy in France, but during the ninth, tenth and eleventh centuries it had seemed to be overwhelmed by the centrifugal force of noble feudalism, which, at one time a principal support of order in a very dark age, had become in its turn the enemy of a higher order. Under Philip Augustus, Saint Louis, and Philip the Fair, the Monarchy had emerged into great dignity and power; but it seemed hopelessly ruined in the long agony of the Hundred Years' War. Every kind of force opposed to the Monarchy triumphed for a time. Many of the towns were almost independent: the nobles ruled their own territories almost without reference to the royal will. A new era had come with Louis XI. Romance has fixed his portrait in the popular imagination as the incarnation of cruelty, hypocrisy and superstition. But the verdict of history must be something very different. He curbed the power of the Nobility and sometimes broke it: in doing so he was neither scrupulous in his choice of means nor careful of the feelings of those whom he struck. But he gave to France the beginnings of the settled order that is the first condition of progress. A great historian has said of the royal authority in the days of Louis XI: "It towered over the great vassals, and even the provincial and popular elements, commanding peace, compelling obedience, concentrating in itself all the interests of the

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nation, terrible from the suddenness with which it punished, everywhere present, taking counsel from no one, firmly established in itself." When Louis's power passed in 1483 to his son Charles VIII, the Monarchy was one of the most powerful in Europe and incomparably the first political force in France. The period that we are to traverse in these volumes sees, with slight interruptions, a gradual increase in the power of the Monarchy until it culminates with Louis XIV about the year 1660: soon after this, it begins to decline.

The machinery of the royal government was very far from the full development that it received subsequently at the hands of Henry IV, Richelieu and Louis XIV: but already nearly all the future is to be found in germ. The Council of the King was the chief centre of power and from it are developed all the chief agencies of government. It was divided into three chief sections—(1) the *Council Proper* (the Small or Privy Council)—(2) the *Parlement* or supreme Judicial Court, whose attributes and functions we must examine more at length, and (3) the *Cour des Comptes*, the financial tribunal. All three are engaged not only in governing the country but also in sustaining and extending the royal prerogative against both Church and Nobility. We shall trace other divisions and developments during future reigns. Meanwhile it may be well to notice that the Council proper and the Parlement are far the most important. The chief royal officers were first and above all the *Chancellor*, the chief representative of the royal power and the head of the whole civil organization, the *Maitre d'Hôtel*, at first the superintendent of the Royal Household, but later an important state functionary, the *Constable*, the head of the land forces, and lastly the *Admiral*, who was at first in command of the sea forces, but later merely a high military dignity. The Constitutional History of France shows how the royal administration encroaches upon all rival authorities whether of Church or State, until at last it rules in France without any effective limitation.

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A French writer has noticed upon how widely different lines the French and the English nobility have developed. Both, in feudal times and in the ^{The} **Nobility.** times that follow after the decay of feudalism, possessed both political and pecuniary privileges. But while in England the nobles have in the course of centuries lost their financial privileges and maintain their special political powers, the opposite has been the case in France: there the Monarchy succeeded, as we shall see, in destroying their political power, and in practically excluding them from the government, but, until the Revolution swept away both Monarchy and Nobility, the nobles continued to possess most of their immunity from taxation.

That immunity had been natural and justifiable in the feudal period when their military service had formed the chief support of the State in war. But feudalism as a military system had virtually disappeared, and still the nobles retained, and for a long time were destined to retain, the powers and privileges that were only justified by that system. They paid none of the direct taxes of the State; they were free from both the property-tax that fell on the rest of the population (the *taille*) and from the salt monopoly or *gabelle*. And they had the right of exacting taxes or feudal dues of various kinds from the peasants who fell within their jurisdiction. Those who held their land on the tenure that was known as *censive* had heavy payments to make to their Seigneur quite apart from the taxes that were paid to the State. These varied in different districts and partly took the place of rent. Sometimes the peasant had to make to the Seigneur certain payments in kind, a certain proportion of his crops or of his sheep or poultry. All over France he was hard pressed by the cruel game-laws: great game destroyed his crops and he might use no violence in driving them out: his methods of culture were restricted lest certain manures or the reaping of the crops at a certain time should interfere with the breeding of partridges. The

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peasant too could be called away from his own work and forced for a certain number of days in the year to work gratuitously for his Seigneur. Dues and tolls were exacted on the roads or at the crossing of rivers, not by the State but by the nobles. In many districts he might not thresh his own corn where he could do it most cheaply, nor press his grapes in his own winepress. He must go to the wine-press or the threshing-floor of his feudal lord and there pay what dues were customary (*banalités*). Nearly three hundred years later the wife of a French peasant thus described her lot to an English traveller: “her husband had but a morsel of land, one cow and a poor little horse, yet they had a *franchar* (42 lbs.) of wheat and three chickens to pay as a quit rent to one Seigneur, and four *franchars* of oats, one chicken and one franc to pay to another, besides very heavy *tailles* and other taxes.” It would be of course a very great mistake to transfer the feeling of the period of the Revolution about these matters to the end of the fifteenth century; but the position had not essentially changed during the interval.

Besides these rights and immunities the nobles also had considerable rights of administering justice, which varied according to the wealth, position, and birth of the noble. The chief clue to the domestic history of France during the first two of the three centuries that these volumes deal with is the constant encroachment of the Crown upon the prerogatives of the nobles. There is no need to paint the nobles in very dark colours. They were nearly always brave to recklessness and often generous and enlightened, but it is clear that France was wholly the gainer by the substitution of royal for noble justice, and would have been immensely the gainer if the royal taxes had extinguished the feudal.

The Clergy were the first of the three estates of the Realm—

The Church. Clergy, Nobility, Commons; but here for convenience they are treated after the nobility. The Church was very wealthy. Machiavelli says, “The Prelates

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of France carry away two-fifths of the revenue of the kingdom," and he gives eighteen as the number of archbishoprics, and counts 146 bishoprics, and nearly 1000 abbacies. In France, as elsewhere in Europe, the question of the relation between the Government and this powerful and wealthy corporation was a very important one.

From 1438 until 1516 the relations of France and the Church were governed, except for a brief period during the reign of Louis XI, by the Pragmatic Sanction. That great State document had been adopted at a time when the great Councils were attacking and limiting the authority of the Papacy, and when the French Monarchy had not yet recovered from the crushing defeats that it had suffered in the Hundred Years' War. The character of the time is reflected in the Pragmatic Sanction: it was a rebellion of the great dignitaries of the Church against the authority of the Pope, and the King of France was too weak to turn it to his own advantage. Its chief provisions were the following: (1) the authority of Councils was declared to be superior to that of the Pope; (2) the elections to bishoprics and abbacies were placed in the hands of the chapters, which consisted of the cathedral officials and dignitaries; (3) all appeals to Rome in ecclesiastical cases were forbidden; and (4) nearly the whole of the payments hitherto made to the Papacy were cancelled: such as remained were to be regarded as free gifts.

The Pragmatic Sanction was popular with the bulk of the Church in France, and was eagerly welcomed by the legal corporation of the Parlement. But clearly it was not likely to please either Pope or King, and both were at the beginning of the sixteenth century far stronger than they had been in 1438. Accordingly upon the first opportunity a great change was made and, though to speak of this is to anticipate the progress of events by twenty years, it will be convenient to notice it here. In 1516 Francis I, flushed with his victory at Marignano in the previous year, met the Pope at Bologna and made a new agreement—the famous Concordat—which

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governed ecclesiastical appointments in France thenceforward down to the Revolution.

By the Concordat the right of self-government was taken away from the Church of France: in the new distribution the King got power and the Pope got wealth. The King of France procured the right of nominating to any vacancies in bishoprics or abbeys. The acceptance of the King's candidate lay, as a matter of form, with the Pope; as a matter of fact, the King's nomination was really final. To compensate this vast concession the Pope received the *annates*: that is the income of the first year after each new appointment. It seems that there is no stipulation as to *annates* in the text of the Concordat; but they were granted informally and the grant soon developed into a custom.

The Concordat was a fact of the utmost importance for the future of France. It was in harmony with the general tendency of the sixteenth century to subordinate the ecclesiastical to the temporal power. The Kings of Spain procured similar rights. The motives that actuated Francis I—the desire to efface the rival authority of the Church—were at the root of the more violent changes that were introduced by Henry VIII into England. After the Concordat there was little room for jealousy between the Kings of France and the officials of the Church: no more than between the Kings of England and the Church of England after the Reformation. It is the Concordat that gives to France her long list of ecclesiastical statesmen such as Cardinals Richelieu, Mazarin, Fleury, Dubois, Brienne. It was not so much that the Kings chose their ministers among bishops and cardinals as that they rewarded their ministers with ecclesiastical revenues and titles. The titles came to them, as it was said, from Rome by way of Paris. There was much natural opposition to the Concordat. Parliament for a long time refused to register it: the University protested against it; but in the end the royal authority overbore all resistance.

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All the Clergy were privileged: they paid none of the ordinary direct taxes to the State. But their immunity was by no means complete. The King always looked to the Clergy to give him large contributions both for the ordinary and the special needs of the State. Their chief pecuniary privilege was indeed this: that what was exacted from others was granted by them, and they doubtless thus escaped from anything like the burden which their vast wealth would have justified.

Chief among all the agencies by which the royal power was advanced must be reckoned the Parlement of Paris. We have seen already how it formed at The Parlement of Paris. first part of the King's "Court," and, except in special circumstances and towards the end of the Monarchy, it remained faithful to its origin.

It was the supreme judicial court of France, subdivided eventually into at least seven chambers, but at the time of which we are speaking into three, the *Grand' Chambre*, the *Chambre des Enquêtes*, and the *Chambre des Requêtes*. It is not necessary for our purpose to go into its methods of procedure: it is enough for the present to regard it as the supreme Court of Appeal for France, and in other cases besides those of appeal the most important tribunal.

The members of the Parlement held their office by right of purchase, and were not removable except for proved misconduct. The high prices that had to be paid for appointment raised the fees charged in its courts, and were said to lead to various kinds of corruption. The accidental political action of the Parlement has often overshadowed its normal judicial action: yet it is this that gave it its real importance. It had furthered the King's prerogative by finding expedients for withdrawing cases from the jurisdiction of the nobles on the ground that they were royal cases (*cas royaux*), and for interfering with the administration of the Church on the ground that its procedure was in conflict with the laws or violated the canons of the Church (*appels comme*

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d'abus). Pope Pius II had said “the Bishop of Rome, whose diocese is the world, has no more jurisdiction in France than what the Parlement is pleased to allow him.” By the sixteenth century its supremacy in France was clearly recognised.

The political powers of the Parlement became during the period we are to deal with of great importance. All turned on one undoubted right that they possessed—the right of registering the King’s edicts : until they were registered by the Parlement they were not binding. At first, it would seem, this registration had been a matter of convenience and a mere form. To the very end of the Monarchy there was always a dispute as to what it implied. Had the Parlement the right to discuss as well as to register ? If it might discuss, might it protest ? If the protest was not admitted, might it refuse registration ? Sometimes Parlement advanced very high pretensions. Its members were, they said, the real though unelected representatives of the Nation—the States General in miniature. At other times they traced back their origin to the King’s “Court,” recalled its independent character in feudal times, and declared themselves equal in authority to the King. The view taken by the Kings themselves was of course something very different. They regarded the registration as a mere useful form. If the Parlement hesitated about registering, they first issued orders for immediate registration : if there was further resistance they went down themselves, held a session that was called a “bed of justice,” from the throne on which the King sat, and enforced registration. In the King’s presence registration was never refused, though often it was made with the appended note that it was only done “under constraint of force.”

Besides the Parlement of Paris there were certain Provincial Parlements. At the beginning of the sixteenth century there were Parlements at Toulouse, Bordeaux, Grenoble, Dijon, Rouen, Aix and Rennes. Their functions were similar to those of the Paris Parlement, but their political importance was of course vastly less.