

THE FRANCE OF LOUIS XIV

Stephen Cooper



Louis XIV (1638-1715)

Louis XIV (r. 1643-1715) has received a bad Press in England (though probably not so bad in Scotland and Ireland). After all, isn't he the villain who revoked the Edict of Nantes in 1685, an act which resulted in the expulsion of several hundred thousand Protestants and helped to impoverish France? And isn't he the hegemonist who took on half of Europe, provoked four major wars and reduced his country to beggary? Lastly, wasn't he the tyrant who ruled without a Parliament

and by means of *lettres de cachet*, setting up the *Ancien Régime* which fell with the Revolution of 1789? And in return for what, apart from the Palace of Versailles, which thousands died to build, though it is now a world heritage site?

There is another point of view (there always is, in History). I have long suspected that Louis is seen differently by many Frenchmen and women, largely because the *Ancien Régime*, while it may have been absolutist, had replaced another kind of government, which was much older and much more terrible for the majority of people - namely, feudal anarchy.

The French kingdom has always been much bigger than the English, whatever medieval English heralds may have thought or pretended; and its sheer size had a profound effect on the political development of the French state. There was always a greater degree of provincialism there, which means that there is even now an extraordinary variety of cheeses to be had, but also that the medieval French kings found it almost impossible to impose their will for long, let alone any degree of uniformity. From late Carolingian times onwards, France had local elites which were largely self-governing and where the bullies could get away with much more, especially in mountainous districts like the Massif Central. She was also the home of feudalism, in all its forms, which was a centrifugal force (except, as it proved, in the highly unusual case of England after the Norman Conquest). Politicians say now, at least from time to time, that they favour decentralisation; but feudalism in France often meant that local tyrants dominated the scene, in an age when the Crown had no standing army and few police to rely on, and when the smack of firm government was always difficult to deliver, given the distances involved.

The Capetian monarchs tried to put the feudal jigsaw back together again, and largely succeeded in the 13th century; but in the 14th the Valois broke it up, when they created huge *appanages* for their sons, notably in the case of Burgundy. This left Louis XI, Cardinal Richelieu and Louis XIV with the challenge of putting the pieces back together again. The French public therefore had some reason to be grateful to the monarchy, when it began to reverse the age-old flow of power to the regions; but one would not expect the English (or the Dutch) to see it that way, when 'Louis the Great' began to project his forces outside France, into the Netherlands, Germany and ultimately Spain.

With these ideas in mind, I recently read Voltaire's *Siècle de Louis XIV* (1750) and was surprised by what I found. I had expected this great figure of the Enlightenment to take a sceptical, even hostile, view of Louis; but in fact he seems to have thought that Louis made France great again; and that the so-called Sun King had given men of talent and ingenuity the opportunity to display their talents, perform great works, contribute to Progress, and do their fellow men and women much good in the previous century.

I was equally surprised when I re-read Esprit Fléchier's *Les Grands-Jours d'Auvergne*, which I first bought when I was 16 but had forgotten about. Perhaps it is the infinitely more obscure Esprit Fléchier who deserves most credit as an interpreter of his age. He, by the way, was a clerk, and *Les Grands-Jours d'Auvergne*

was a kind of Assize, held in 1665, when the central government in Paris sent superior judges down to mountainous Auvergne to put her affairs in order. The remit was amazingly wide, since these men had jurisdiction over criminal, civil and even ecclesiastical affairs; but their mission was the same in all areas. 'As everyone knows', wrote Fléchier:

'The Grands-Jours bring justice to those who are oppressed by tyrants, and seek redress'.

'Tout le monde sait que les Grands-Jours sont particulièrement la justice des opprimés contre les tyrans'.

It turned out that the tyrants included royal officials, and even judges; but they mostly consisted of local aristocrats, who could often bring along their own soldiery, and could now be convicted of '*contumace*', contumacy - an offence unknown to English common law, but which I suspect was a form of treason.

Fléchier's book is not a treatise, nor is it an accurate list of pleadings or procedures. It is almost a novel: full of local colour, gossip and stories of romance, love affairs and petty jealousies between rival groups of Roman Catholics (Protestantism being something of a spent force). Some of his stories full of irony and genuinely amusing - for instance the stories about the vain attempts of the chief Judge's mother to form a charity amongst the local women, and reform a nearby nunnery; but, at its heart, the book contains a convincing explanation of why the monarchy was more popular in 17th century France than we have been led to believe by generations of English historians.

Fléchier shows how Louis XIV was regarded in his own country, not as the grand tyrant of Europe, but as the monarch who finally brought law and order to the provinces, and did so by bringing the petty tyrants to book; and one begins to see why French history took such a different turn from England's, politically and constitutionally. Two cases, drawn from Fléchier's account, may serve to illustrate the point.

The first concerned the Baron of Senegas, who was accused of multiple offences, of three different types. The first category consisted of usurping the power of the state for his own ends: so, the Baron had corruptly secured the election of certain officials; levied unauthorized taxes and duties; raised troops on his own authority, but paid them out of public funds; used armed force to interfere with the raising of lawful taxes; and manipulated the local currency. The second category of offence concerned the Christian religion: the Baron had stolen a sacred banner; demolished a chapel and used the rubble to fortify one of his houses; collected the tithes due to a local priory, and forbidden those liable to pay the tithe to pay it to the proper authority. Finally, the Baron had murdered 'two or three'(!) people, and unlawful imprisoned or kidnapped others; had compelled his peasants to do unpaid work for him on the roads (*corvée*); and, worst case of all, he had arranged for one

poor disobedient servant to be shut up in a damp cupboard, where there was no room for the prisoner to stand or sit, and deprived the wretched man of all but a small amount of food. After a few months, the prisoner was released, but his features were now almost unrecognizable and his skin was covered in a revolting kind of fungus.

Despite clear evidence of guilt, the Baron defended himself against all accusations, both vigorously and ably. He said that all the witnesses were themselves criminals, or biased, or corrupt. The taxes he had levied were legitimate feudal dues, to which he had a long and well-established right. With regard to the charges of sacrilege, no complaint had been lodged by the Church. As for the murders, they were cases of justifiable homicide; and, as for the various acts of cruelty, his family had an ancient right under feudal law to run a private prison. In any event, the cruelty shown towards the man in the wardrobe had been greatly exaggerated; and he had only done what the law allowed.

The court found him guilty on all counts.

The second of our cases concerned a gentleman called La Mothe:

La Mothe placed great importance on his rank, and the right to carry a sword. His ancestors had long enjoyed immunity from prosecution for breaches of the criminal law on account of their position in society. He assumed he had the right to inflict violence on others, and since he did not aspire to riches, he wanted to assert the continuing validity of his privileges by committing some sort of crime himself. He therefore ordered a peasant under his jurisdiction to perform some days' unpaid work on his land, threatening that if he refused, this would be the worse for him. Whether because he resented the master's haughtiness, or because he did not wish to work without pay, the peasant refused to obey, and even dared to answer back. Later, la Mothe found him asleep under a tree, fired a shot at him, and seeing that he had failed to kill him, gave him a few thrusts with his sword and finished him off. He realized that he might have to face the consequences and fled; but the provost arranged of his arrest on the road to Clermont, and had him taken into custody.

We can see that this was a society where the abuse of inherited power and privilege by an hereditary aristocracy was an everyday occurrence; but it was the King's job to reduce or control it (whereas the revolutionaries of 1789 sought to abolish it altogether, along with the aristocracy). But how far was Fléchier's fond hope that the tyrants could be brought to heel, fulfilled?

Returning to our two sample cases, we are told firstly that:

There were 13 judges, of whom 7 were initially of the view that the culprit should be executed, but six thought the appropriate sentence was a large fine, an order that his goods should be confiscated, his houses razed to the ground

and that he should be banished from the realm forever. In the end, however, the man escaped with his life. The President of the court considered that his conduct deserved the most severe penalty, but others thought that the evidence against him was inconclusive. They were also afraid that if they imposed sentence of death, the news might get back to Paris, where they might be the subject of evil rumours. Some people [in Clermont] were disappointed that they had missed a fine spectacle [of the execution]; but they had to stifle their curiosity. Others thought that the Judges had gone soft.

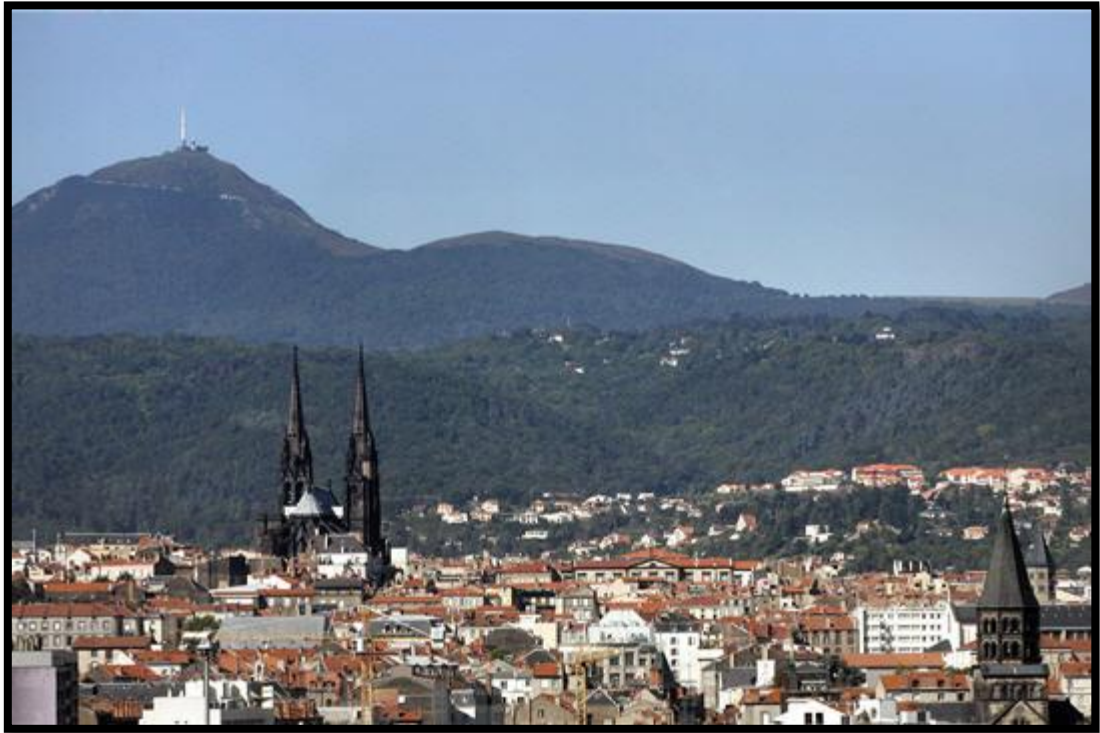
Of the second case, Fléchier writes:

The convicted man was ordered to pay a sum which he could not possibly afford. Personally I am not sure that the death penalty would not have been more merciful than the sentence he in fact received. As it was, he had to march to Toulon or Marseille to serve as an oarsman in the galleys. That in turn meant that he must undergo the indignity of being chained up like a slave, though he was of noble blood. Perhaps the worst penalty of all was to have to march to Provence and pass through villages where his enemies would lined the roads to insult him, taking their revenge for the way he had treated them in the past.

[But] there were those who took pity on him. The Archbishop of Lyons petitioned for his release, and proposed to use an ancient privilege, allowing the priest to free one galley slave from every chain-gang which passed through his territory. Another proposed that the relatives of the nobleman petition the vice-admiral of the galley fleet; and a third had the idea of buying the man out, and substituting another in his place.

Others again pointed out that the convict was a military man who had been wounded several times in his country's service and was not in any fit condition to row in the galleys. Instead his sentence should be commuted, so that he had to serve the king in some other capacity. Ultimately, his fate depended on the opinion of the doctors who were sent to visit him; and they supported the last of these requests. It was decided that the nobleman had suffered enough in spending three months eating little but bread, and suffering all the other inconveniences of being shut up in a miserable cell.

Reading the result in these two cases, we may think that, in the end, a man's inherited privilege still counted for more than it should. It is one thing to oppose the death penalty on the grounds of human rights, quite another to say that it should be applied unequally on grounds of class. But we are not looking at modern society here. The fact is that in these cases the local tyrants had been tried, convicted and sentenced, even if the sentences ultimately imposed were more lenient than they would have been in England, which was already a more egalitarian society.



Clermont-Ferrand