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REVIEW ARTICLES

IDEOLOGY AND THE ANCIEN RÉGIME

Politics, ideology and the law in early modern Europe: essays in honour of J. H. M. Salmon. Edited by Adrianna E. Bakos. Rochester, NY: University of Rochester Press, 1994. Pp. xii + 343. ISBN 1-878822-39-X. £55.00.

Changing identities in early modern France. Edited by Michael Wolfe. Durham and London: Duke University Press, 1997. Pp. vii + 390. ISBN 0-8223-1908-X. £42.50

Royal and republican sovereignty in early modern Europe: essays in memory of Ragnhild Hatton. Edited by Robert Oresko, G. C. Gibbs, and H. M. Scott. Cambridge: Cambridge University Press, 1997. Pp. xxi + 671. ISBN 0-521-41910-7. £70.00

Images of kingship in early modern France. By Adrianna Bakos. London and New York: Routledge, 1997. Pp. x + 249. ISBN 0-415-15478-2. £52.50.

Reviewing collections of essays is never straightforward. It rarely proves possible to do justice to all the contributions. On the other hand the ostensible subject matter of the three collections considered here, alongside Professor Bakos's monograph, offered some assurance that the problem would be reduced by a degree of thematic cohesion. Unfortunately this is not the case. Although all three edited volumes may be read with profit, only that produced by Robert Oresko and his collaborators comes close to justifying pretensions to thematic coherence.

The contributions brought together by Adrianna Bakos in honour of John Salmon are undoubtedly an appropriate tribute to his wide scholarship and intellectual depth. They provide an eclectic but satisfying journey through the French intellectual and cultural landscape from the end of the middle ages to the early nineteenth century, with a couple of visits to England. Notwithstanding the geographical concentration (hardly Europe as the title asserts) Professor Bakos has chosen not to provide an overview or conclusion; it would have been wise also to have eschewed the attempt to achieve an artificial 'thematic unity' by dividing the volume into sub-sections. Frederic Baumgartner's informative discussion of Louis XII's Gallican Crisis of 1510–13, which gave rise to his image as 'the quintessential Gallican King, who had braved papal excommunication to protect the rights and liberties of the French Church' contains much of interest about politics and religious ideology but little about 'Politics and law' as implied by the section title. The same is true of Mark Greengrass's tidy analysis of how the Estates General of 1576 came to propose to the king that he should reunify the realm in the one Catholic faith. Lisa Parmelee's essay on 'Neostoicism and absolutism in late Elizabethan England' would have fitted just as well in the last section entitled 'Historiography and political theory' as it does in the first on 'Culture and ideology'. Other topics included in this diverse collection of essays include demonology, the historiography of the Massacre of St Bartholomew, John Locke on the dissolution of society, and the survival of French legal traditions through the revolutionary period.

The pieces assembled by Michael Wolfe hang even less well together, giving the impression that the volume has largely served as a convenient vehicle for their

publication. What Donald Kelley's piece on the Spanish historiography of Spanish overseas settlement has to do with French identity is beyond comprehension. Richard Golden's comprehensive description of the European geography of witch hunts inevitably does touch on France, albeit to show that the realm was comparatively free from them; but the bulk of the essay is simply not about France, nor the identity of those that lived there. Likewise, John Salmon's scholarly presentation of the conflicting attitudes of nineteenth-century French Romantics towards the Renaissance tells us far more about the attitudes of the former than of early modern Frenchmen or women. If the remaining thirteen essays are about France, focusing with two exceptions on the cultural, ideological, and religious history of the sixteenth century, the question of French identity is rarely mentioned let alone tackled head on. Mack Holt's thoughtful discussion of the assimilation of the Duchy of Burgundy into the French realm is the only contribution which begins with a clear conceptual statement relating his material to the idea of Frenchness.

Unfortunately Professor Wolfe's introduction, enticingly entitled 'Becoming French in early modern Europe', contributes nothing to our understanding of the process. For the most part he merely summarizes the essays which follow, offering a few formulaic remarks to link them together. Inasmuch as Wolfe does allude to the question of French identity, he reveals a lack of conceptual clarity and purpose. While the title refers to 'changing identities' in the plural, the introduction talks about 'the historical emergence of *a French identity*' (my italics). The essays, he claims, 'grapple with the problem of French identity' in the context of the 'by no means stable heritage of French identity that emerged from the middle ages', a statement which might have given both his authors and readers a clear point of departure had it been explained.

In fact the essays are devoted to fairly discrete studies of groups and individuals, some of which do have an intrinsic interest. Robert Descimon offers an admirably sophisticated discussion of the subtle but significant shifts that took place in the views of Parisian *parlementaires* about the nature of nobility. These are deftly placed in the context of magisterial preoccupations with their own material interests, particularly as the latter were affected by laws of inheritance of which the judges were themselves the guardians. Their ambiguous relationship to the central state is also nicely shown. The latter had its own agenda, driven largely by financial requirements, which led it to resist *parlementaire* claims to perfect transmissible nobility while simultaneously reinforcing the privileged status of the magistrates as officeholders. But what, we might ask, did this emerging *noblesse de robe* have in common with those noblewomen whose military interests are the subject of Kristen Neuschel's vigorous essay, or with the resistance of aristocratic nuns to reform of their institutions which, as Charmerie Blaisdell reminds us, had in many cases become little more than convenient residences for superfluous daughters?

Although this volume inevitably touches on social, cultural, and intellectual features of the period which did indeed go into the making of a French identity, the failure to conceptualize or even explore the relationship between specific identities and Frenchness in general means that little light is shed on the latter. One is left speculating on what might have been included in a volume which really did grapple with the essential agents in the creation of Frenchness: the state and the *étatique* tradition, corporatism, provincialism, the family, the land and its exploitation. Class is dealt with only in oblique fashion. Blaisdell's essay on recalcitrant nuns, entitled 'Religion, gender and class', has little to say about the third item except that her nuns were by definition

upper class. One would never guess from this collection that French identity was rooted, until the middle of the twentieth century, in a rural civilization. Moreover, with the exception of Alfred Soman's meticulous deconstruction of a 1742 infanticide trial, the book concentrates almost exclusively on the activities and attitudes of the literate and privileged. The lower orders appear only in the role of victims.

Inadvertently, however, the attempt to give the book a formal thematic unity does prompt some major questions about the conceptualization of identity. The second section on 'Dissent and deviance' contains five discussions involving women: as nuns, as agents of Catholic renewal, as victims of witch hunts and infanticide trials, and finally as a being possessed. Yet what is striking is not the marginal character of the phenomena described but their inseparability from both popular and upper-class culture. Growing religiosity, a pervasive misogyny (Golden thinks this was the most misogynist period in European history), belief in possession and exorcism, all reflected profound and pervasive assumptions about the eternal conflict between good and evil, about hierarchy and order.

Passing over the inflated claims to thematic coherence therefore, there is much to reflect on in both of these volumes. Perhaps the boldest piece is that by Sarah Hanley in which she argues that the so-called, and intellectually discredited, Salic Law was more or less discarded as an ideological prop of the monarchy in favour of an authoritarian and male conception of the marital regime. The analogy between domain and dowry and the image of the king as husband is familiar territory. But Hanley goes on to suggest that, together with the myth of the Salic Law, Roman conceptions of paternal power were also weakened. Some of the argument appears to be overdone. The notion of the king as husband of the realm surely did not replace the image of him as a father, no more than paternal power was diminished because women passed on marriage from the authority of fathers into that of husbands. Fathers continued to emancipate their children and negotiate marriage contracts on their behalf; there are even occasional examples of widows seeking paternal authorization to remarry. Moreover, whilst royal jurists did find it useful, as Hanley observes, to appropriate the customary notion that 'le mort saisit le vif' (death endows the living) in order to link it to the idea that 'the king never dies', it is surely straining the argument to render the former as 'the husband never dies'. As Hanley herself recognizes, this rule of inheritance did not even mean that property always and necessarily passed from male to male.

What Hanley's essay does reveal with great clarity is the profoundly conservative tenor of the culture which sustained the French regime. The same may be said of Bakos's volume as a whole. It is not just that the sources of French political ideas were classical, customary, or religious. But they were part of a culture which reinforced hierarchy and conformity and encouraged submission to church, to family, and to state. The preservation of order required that society be purged of its heretics, of its witches, and of upstart or wanton women whilst the noble body should be strengthened by bathing and exercises as taught by the ancients! Gallicans and Jansenists might dispute the balance of power between king and church or between Estates and *parlement*; but such debates, admirably illuminated by Frederic Baumgartner and Adrianna Bakos, simply moved the intellectual furniture around without opening up spaces for ideological modernization.

Wolfe's collection also pushes the reader towards similar conclusions, confirming a fairly conventional view of the way in which the intellectual eclecticism of the sixteenth century bowed before increasingly conservative impulses. Theoretical rights of

resistance, constitutionalism, religious pluralism, philosophical scepticism, were restrained, vanquished, or transformed. Although much of the volume is helpfully informative it is thus not as novel as is suggested. The idea that the roots of the Catholic Reformation may be traced partly to the activities of the Holy League is not new. It is also strange to find Wolfe challenging the assumption that the Edict of Nantes constituted a great breakthrough, as though historians still believe this. The idea that the Huguenots were driven into an impasse partly as a result of their own loyalism has long been understood. That said, Barbara Diefendorf does provide some helpful information on the particular role played by Parisian women as conduits for the renewed spirituality generated by the League, and Mack Holt offers an interesting argument to the effect that the assimilation of Burgundy into the French realm was eased by the conviction of its inhabitants that they were more Catholic than the French themselves.

Two articles on Montaigne (by William Bouwsma and Zachary Schiffman) also postulate a direct connection between the impossibility of religious co-habitation, and the philosophical 'blockage'. These show how Montaigne's radicalism was tempered by realism about the limits of what could be achieved in face of the violent religious conflicts from which he sought to escape. Rejecting conventional notions of hierarchy and order, sceptical about traditional forms of education, bitterly critical of venality of office, egalitarian in his recognition of individual worth and of 'the ordinary', Montaigne also anticipated the steady retreat from the public domain into the private which was to set the philosophical tone for much of the seventeenth century, a development, it is worth noting, which has been excellently summarized by Nannerl O. Keohane.[1]

Cultural and intellectual blockages were accompanied or sustained by changes in the legitimation of political authority and a growing emphasis on royal ceremonial. Laurent Bryant offers an unusual picture of the shift away from representations of the king as judge, army leader, or saint to an image – at once both domestic and patriarchal – of royal supremacy. It was a shift which marked the end of the experiments with assemblies in which the king still appeared as a sort of *primus inter pares* as had occurred in 1517, 1527, and 1557. Such assemblies were of course also carefully stage managed and part of a process whereby the people learnt to appreciate spectacle and drama, to become audiences rather than participants.

Overall, the essays in both volumes seem to be very helpful to those who emphasize the profoundly conservative and traditional character of seventeenth-century French culture. This, however, is my reading of the material rather than one offered by either Bakos or Wolfe themselves. By contrast, Oresko and his fellow editors make explicit their scepticism about approaches to the idea of 'sovereignty' which emphasize its modernity. Indeed they state without demur that Jean Bodin himself erred in supposing sovereignty to be both indivisible and complete. Attributes of power, they argue, were not simply construed in terms of the overriding capacity to make law but by a series of much more traditional prerogatives: making war and peace, minting money, granting pardons, ennobling commoners, legitimizing bastards, treating with ambassadors, and so on. Such rights, as the very varied contributions to their volume show, were exercised over European realms or, indeed, parts of realms which were ill formed, and by dynasties who ruled and legitimized themselves in a highly personal and immediate fashion. The

[1] Nannerl O. Keohane, *Philosophy and the state in France from the Renaissance to the Enlightenment* (Princeton, 1980).

formation of both state and nation was still in its infancy, the old world of lordship persisting long into the period, competing with and restricting the emergence of the centralized state.

This starting point – a multi-faceted conception of sovereignty – provides a launchpad for some wide-ranging contributions, mostly about the way in which claims to sovereign rights were asserted. The effort that might go into the acquisition or defence of the attributes of sovereignty is illustrated, on the one hand, by the persistent and ultimately successful endeavours of the House of Savoy, and on the other by the increasingly desperate attempts of the exiled Stuarts to maintain their status. A rather different sort of example is provided by an analysis of the status and ambitions of Charles de Gonzague-Nevers who in 1627 'considered that he had become Carlo I, 8th duke of Mantua'; both a servant of the French king and his juridical equal, dynastic and territorial aggrandizement in his case proved quite counter-productive.

Given such themes, 'royal' iconography and propaganda are consequently well represented in what is a lavishly produced book (even though ageing eyes may struggle with the details of some of the reproductions). The role of visual imagery in making up for what diplomacy might not achieve is a central motif. Peter Barber's essay on the many uses to which maps were put and Geoffrey Symcox's depiction of the transformation of the 'rustic backwater' of Turin into a masterpiece of baroque urbanism, a suitable home for the Savoyard bureaucracy and the nobles who were induced to settle there, are both highly informative. The perceived importance of titles is also conveyed with erudition. Isabel de Madariaga discusses Peter the Great's appropriation of the title of emperor, and Grete Klingenstein skilfully depicts the anomalous relationship of Imperial and Austrian rulers. As a woman Maria Theresa could not cast a vote in the Imperial elections and so this power was transferred to her co-regents. The desire of the House of Habsburg to maintain its claim to the position of German Emperor was thus a crucial factor in determining the ruling arrangements in Austria.

Apart from two rather narrow pieces on diplomatic history, the essays in this collection generally stick to the main theme. But it is unfortunate that they do not include a discussion of sovereignty in the context of French developments. John Rule's essay on the French inner council makes some pertinent observations about the nature of decision making but it also contains much minutiae about the timetable of meetings and council procedures which were hardly fundamental.

Adrianna Bakos's monograph, however, fully sustains the picture of the highly personal way in which royal power in France was depicted and legitimized. For this she has used the changing assessments of Louis XI made by writers and pamphleteers over two hundred years or more. Their views provide a prism which allows Bakos to develop an unusual slant on the well-worked field of French political ideas. To some writers of the ancien régime Louis XI was a tyrant who bled the country dry and who was responsible for undermining the power and influence of the French nobility; to others he was the epitome of firm rule, a strong king who brought order to the realm but nevertheless understood the need to take wise counsel. Such divergences of view are not surprising given that his reign (1461–83) marked a critical moment in the struggle of the French monarchy to impose a degree of centralized control on a highly unintegrated realm which had just emerged from the travails of the Hundred Years War.

Professor Bakos's first achievement is simply to demonstrate the importance of Louis XI to political literature throughout the ancien régime. The frequency with which he

still figured in eighteenth-century political debate is remarkable, so much so that Bakos has difficulty in avoiding a degree of repetition as old arguments were replayed by successive generations of writers. Yet by the same token she brings home the continuing importance of historical argument in discussions about the nature of power and the limitations on its use. Only slowly did this approach give way to arguments based on universal theoretical abstractions.

At one level, therefore, this study simply confirms the way in which historical examples can be used for many purposes and the same facts adduced attached to differing conclusions. Whilst committed absolutists found in Louis XI a role model who was able to tax at will, constitutionalists could stress his preparedness to consult the Estates General. Bakos then deepens her analysis by relating the changing image of Louis XI to the unresolved tension between the absolutist and constitutionalist tendencies in French political thought. In the aftermath of the Massacre of St Bartholomew these tendencies became highly polarized. For resistance theorists Louis XI's reign illustrated the dangers of unlimited power, but absolutists used it as an example of the benefits of strong government which France would do well to heed. Later, in the early decades of the seventeenth century, the image of an all-powerful Louis became increasingly useful to those who espoused the principles of *raison d'état*, whilst the diminishing force of constitutionalist ideas left those who opposed the ministerial tyranny of Richelieu and Mazarin with little to say but that Louis XI was in fact respectful of the limits on his power. When constitutional ideas reasserted themselves towards the end of the century Louis XI's reputation diminished once more. But paradoxically the *parlementaire* writers, who subsequently took up the cudgels against overweening royal authority, found in him a strong monarch who recognized the need for self-restraint and who accorded the *parlement* its proper role. Even more remarkably, post-revolutionary writers were to find in him an apostle and protector of the bourgeoisie.

Bakos argues – although not quite with the originality which she claims – that the essential reason for the often subtle shifts in depictions of Louis XI reflected the fact that absolutist and constitutionalist thought were two tendencies within a 'discursive web' rather than discrete, opposing theories. The entangled strands of thought thus made it easy to borrow ideas for contrary purposes. This argument would have been helped by focusing more sharply on the underlying dualism of French thought, resting as it did on the assumption that the French monarchy was both absolute and limited. It was this dualism which explains why the views of seminal writers like Commynes and Bodin could be drawn on by both constitutionalists and absolutists. It was a dualism rooted in two phenomena: first in a set of political arrangements in which powerful centralizing and powerful decentralising tendencies coexisted; second in the metaphysical conception of a universe of contrary forces held together by an overriding power, a vision most powerfully presented by Jean Bodin.

Between them, then, these books (far from intentionally in all cases) confirm a rather traditional view of the chronology of cultural and intellectual change in which the Enlightenment rather than the eclecticism of the sixteenth century constituted the real divide between old and new ways of looking at the world. Amongst the suggestive comments to this effect Soman's passing observation that it was not until the ancien régime neared its end that the infanticidal mother became a victim deserving of sympathy rather than fearful repression sticks in the mind. And, if Bakos is right, it is not until the last half of the eighteenth century that historical arguments about political

power began to be reworked in the context of a new universal language expressing abstract concepts of liberty, property, and security; at the same time the idea of the nation was detached from noble preoccupations with their ancient birthright and appropriated by the people.

This perspective, though challenged in recent years by some scholars who have detected significant elements of cultural modernization co-existing with the hierarchical and backward-looking ideologies of the seventeenth century, has certainly displayed a remarkable resilience. One of the most relevant recent contributions in this regard is Charlotte C. Wells's demonstration of the way in which the emergence of a modern concept of citizenship detectable prior to 1600 was checked in the seventeenth century as ancestry and blood came to account for more and more and as an emphasis on service to the king obscured the distinction between citizens and foreigners.[2]

Old 'grand narratives' receive a further and more novel boost from the essays on sovereignty in the Oresko volume. Despite the fact that these largely associate sovereignty with dynastic rule, they include three invaluable discussions on its development in republican or quasi-republican polities. The pivotal event here was the establishment of the Dutch Republic, which subsequently became a source of encouragement and inspiration for defenders of liberty and a fatal warning to upholders of the old order. These essays by Koenigsberger, Dunthorne, and Gibbs should finish off any suggestions that constitutional alternatives to absolute monarchy were not available before the nineteenth century. More strikingly, they offer a perspective which links together the Dutch revolt, the English revolutions of the seventeenth century, and finally the American in a continuum of debate and practical reform. It is shown beyond dispute how the long and ultimately victorious struggle of the Dutch to free themselves from Spain remained a reference point for those engaged in later struggles against 'tyrannical' kings. Parallels between the causes, outcomes, and the major players in each of these great upheavals were there for the making by polemicists and serious writers alike. There is nothing really surprising about any of this except perhaps the tardiness with which British historians have come to recognize the significance of the Dutch political experience for the political evolution of European regimes. Hopefully these essays will redirect attention to those in the sadly neglected volume edited by Karel Davids and Jan Lucassen and towards the highly important study of Dutch political thought by Martin van Gelderen.[3] The latter provides a lucid demonstration of the way in which Renaissance republicanism and older notions of natural liberty were brought together with Dutch constitutionalism. The result was a potent ideology which inter alia made it possible to take the concept of sovereignty out of the hands of its monarchical exponents and turn it against them. Those who think that Whiggish or Marxisant grand narratives have been consigned to the historiographical dustbin still have much work to do. Not only was the defence of liberty against 'tyrants' an important motor of European politics, it was infinitely more successful in countries oriented to trade and commerce than those where hierarchy and religious conformity counted for more.

Even when revolution finally overwhelmed the French monarchy, key elements of the

[2] Charlotte C. Wells, *Law and citizenship in early modern France* (Baltimore, Maryland, and London, 1995).

[3] Karel Davids and Jan Lucassen, eds., *A miracle mirrored: the Dutch Republic in European perspective* (Cambridge, 1995); Martin Van Gelderen, *The political thought of the Dutch Revolt, 1555–1590* (Cambridge, 1992).

social and cultural fabric survived. Donald Kelley, in his contribution to the essays edited by Bakos, paints a thought-provoking picture of the power of tradition amongst the men of law. Although the corporate organizations of lawyers, including the *parlements*, were swept away, revolutionary politics precluded the systematic elaboration of a new jurisprudence. When the new Civil Code was finally drawn up in 1806 it was imbued with an imperial rather than a revolutionary spirit, reflected particularly, he suggests, in its roman precepts about public law and the authority of judges. He might have added that, despite the destruction of the seigneurial framework, private law, particularly that pertaining to family and property, was equally imbued with the principles and many of the values of old customary law. The marital regime and its attendant rules of inheritance in the early nineteenth century would certainly have been recognizable to the misogynists, patriarchs, and lawyers of the sixteenth. Kelley thinks that 1848 had more radical consequences. Yet the legacy of the ancien régime lingers on even in the most recent law codes. At one level these continue to sustain and reflect a highly symbiotic relationship between the central state and the judiciary and at another a view of the family which, in some aspects, has not changed for centuries.

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