

The Growth of the Territorial State of France

In the twelfth and thirteenth centuries, the French Crown ruled over a very small area on the Seine River, called the Île de France. It was very small, but very rich in grain production. In those days, the monarchy was based upon domainal incomes of the king himself. However many people and regions he ruled, the king had to live of his own. What there was of a state was based on the personal military contract. Moreover, the crown was limited by the many corporate privileges of the estates and various institutions. For example, towns, nobles, universities, and guilds all enjoyed corporate privileges.

The rising wealth brought on by the Commercial Revolution, however, created the means to refinance the French monarchy, if it could figure out how. At the same time, these same economic forces rendered the nobility obsolescent and weak. The French kings, over the course of the Renaissance period, managed to make considerable, though hardly perfect progress in territorial state building. While the story of French state building was a long one, the main progress was made, first, under Philip le Bel (1285-1314), at the beginning of the Renaissance period, and then under Richelieu and Louis XIV during the seventeenth century.

Using the rules of feudalism:

Edward I of England held much of the rich wine growing area of what we call southwestern France today. This is the area where most of those wonderful Bordeaux wines are still produced and which were already exported to England and northward. Edward held this land feudally, as the Duke of Guienne. In addition, Edward was allied with another enemy of France with desirable wealth, namely, the Count of Flanders. Flanders, of course, was the home of wonderful, rich towns based upon long-distance trade. They were wealthy towns producing wool cloth, especially. They used English wool. Now Philip prepared to use the rules of feudalism, namely the feud, to take these wine and wool cloth producing areas for France.

Territorial representative assembly:

One of the first things that Philip the Handsome did to increase his power in preparation for war with England was to call the first Estates General. This was new. Previously, feudal lords called what was known as the Great Council, a meeting of the vassals for the purpose of changing some part of the feudal contract. These Great Councils were increasingly called in the Thirteenth century in order to gain revenues. But now, Philip provided us with a wonderful example of how and why state builders used territorial legislatures. The Estates General idea allowed him to appeal strongly to the bourgeoisie for loyalty, as well as revenues. In the house of the Third Estate, you see, the bourgeoisie represented all of the commoners. In order to collect more revenues, or raise loans, the king needed to change the contracts he had with his vassals and common subjects. At the same time, he could make them feel patriotic, loyal to the crown and gear them up for the impending struggle with England and Flanders.

Territorial bureaucracy:

Philip the Handsome marks a transition to a new monarchical government as he attempted to prepare France for the impending struggle with England under Edward I. In order to defeat the English and seize these wonderful plums, Philip realized that he needed to strengthen his government. So he set out to centralize and bureaucratize his power. Until the end of the thirteenth century, the royal government of the crown represented an amorphous structure involved with the king's personal court or *curia regis*. As the responsibilities grew, the kings had delegated increasing power and responsibility to clergymen and powerful nobles in his court. Some progress was made in the mid thirteenth century when a distinction was first drawn between the kings' personal household affairs (personal, domestic or family matters) and those of the state. Hence, a distinction was made between the *Hotel du Roi*, which handled the royal domestic and household functions,

on the one hand, and the *Curia Regis*, which handled the rest of the king's business, that is the affairs of state. The latter consisted of several groups of courtiers entrusted with permanent power as government ministers.

Another development was the rise of the small council of the king, called the *Conseil du Roi*. While the king still summoned huge councils of his vassals for really important decisions during this period, this small council became the main means of running the state under Philip. It made all of the day-to-day decisions and represented the heart of the executive branch of the monarchy. It developed most policy decisions. It dealt with the endless details of general policy, foreign affairs and internal politics. This small council was dominated by the king who personally attended every meeting.

Equally important was the development of a separate and permanent office for the dispensing of royal justice. The King's law must be extended to all. Philip the Handsome established the *Parlement de Paris*, with its permanent offices in Paris. By 1320, all of its permanent buildings had been erected and staffed on the Île de Cité, in the middle of the Seine River. This represented the highest court of appeal in France from then until the end of the old regime. It was the highest court of justice, the top of the judicial branch of government. It had authority over tax questions, all appeals from lower courts and, like our Supreme Court, it quickly developed the power of guardian of the French Common Law, or basic law. This power was exercised through the privilege of registering the edicts of the king. Unless the Parlement registered an edict, it did not achieve the status of common, basic law; i.e., it was unconstitutional.

Philip also was responsible for turning royal finances over to a separate bureau of accounts. The *Chambre des Comptes* received permanent housing, staffing, and processes under Philip le Bel. It handled all royal incomes and expenditures.

Even before Philip, kings began the task of attempting to send royal agents from Paris out to the far corners of their realms. First, agents called the *prévôts* were sent out to the regional holdings of the crown. The king delegated them with vast powers to enforce

his policies outside of the Île de France. They were like little kings, who originally went out as royal judges and fiscal agents to collect the king's revenues from his domains, but their power expanded as time went on. They were very important, because they carried on a constant war of attrition with the regional nobility, which was never inclined to cooperate with the king.

After the mid thirteenth century, the crown began sending out another agent, called the *baillis* in the north and *sénéchaux* in the south. These agents were appointed by the *Conseil* and carefully supervised. Within their *bailliage* or *sénéchaussee*, the *baillis* or *sénéchaux* acted with full royal authority; they were like little kings in their districts. The establishment of these administrative districts was of great importance in the political context of the latter thirteenth century, for they cut across the old feudal seigneurial districts and, thus, worked to diminish their traditional authority. They were purely administrative units, without feudal connections. But the French crown never finished the job. It never completely eliminated the old feudal units.

This fatal flaw in the modernization of rule by the French crown meant that there were always confusing, overlapping jurisdictions during the old regime. Nobles, communes, and Church courts had always practiced justice. By the end of the thirteenth century, the Crown was trying to convince people that final authority rested with the king's courts; that is, with territorial courts. But the older, competing court systems were not eliminated. Nevertheless, the Crown got away with this weak arrangement because the king's courts were popular during the Renaissance period. They seemed more fair and objective, no doubt because they were more distant and removed. Furthermore, they used more thorough and objective investigations and recorded the evidence, rather than such ancient and traditional methods as the use of the ordeal to decide whether one was guilty. Indeed, the major step in the modernization of territorial justice was the introduction of Roman Law procedures, along with Roman law itself. Very important, subjects could appeal to the *prévôt's* courts from a seigneurial court, thus undermining the authority of the nobility. In their

administrative districts, the *baillis* and *sénéchaux* also held court, in addition to their administrative duties. They heard appeals from the courts of the *prévôt's* or seigneurs. One could then appeal from the *bailliage* or *sénéchaussee* courts to the *Parlement de Paris*, which was the highest court of royal instance.

It is also of importance that we take note of what sort of people was employed by the crown to undertake all of these offices, about which we have been talking. The king did not employ his great feudal subjects in these offices, but rather mostly commoners. More to the point, the crown employed educated people who were willing to specialize and act professionally. Hence, these royal agents were usually good bourgeoisie who were trained in the practical affairs of the business world or trained in the Roman Law and its procedures. They had to be literate people, with practical and legal training, who could make objective decisions and keep accurate records.

Royal agents were men like Pierre Flotte and Guillaume de Nogaret and Enguerrand de Marigny. That is, they were unflinching royalists or supporters of the crown. As Guillaume de Nogaret once described them, "They are not nobles, but they are *chevaliers du roi*, the king has taken them for his men, from that their honor; from that their dignity...." And de Nogaret added: "They are in infinite number in the kingdom."

Territorial Army:

This was the weak spot of the crown during the Renaissance period. The crown was not able to develop a good army for several reasons. First of all, there was the terrible One Hundred Years War with England that required much more than some kind of mercenary force. Second, while the taxes gained by the crown during the period were sufficient to build a state and win the war with England, they were never sufficient to build an army that was commensurate with the size and wealth of France by the end of the period. It all goes back to the fact that France was too corporate and regionally divided. The

monarchy was only willing to sweep the various corporate groups, including the nobility, under the rug; it was not ready to sweep them out the door. Hence, to look at only one aspect of the problem, taxes were not uniform. There was the *decime* on the clergy, hearth taxes on the town folks, and *tailles* for only the third estate, which meant mostly the peasantry. Because of corporate privileges, none of these was collected routinely or fairly. Everything involved making a deal. With that observation, we turn to issue of territorial taxes or the establishment of the Tax State.

Territorial taxes:

During the latter, darkest days of the One Hundred Years War with England, Charles VII, the Well-Served, managed to get the privilege of collecting the *Taille*. Charles was indeed well served, by Joan of Arc and by the French bourgeoisie. In the year 1459, the Estates General voted the *Taille* to the king without any limitations. It was a head or property tax on all commoners (that is, the Third Estate), which replaced an earlier hearth tax. French kings were still depending on it in 1789. He also got the privilege of collecting the *gabelle* on salt and *aides* on the sales of other, various goods. So the French kings managed to get along with the *Taille* and these other indirect taxes, all of the territorial sort, in the sense that they applied to all of France, as it expanded, not just the Île De France.