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Like another Chouannerie

Boulainvilliers' project for aristocratic rejuvenation

April 20, 2018 by Nulle Terre Sans Seigneur

The name of Henri, comte de Boulainvilliers (1658-1722) is, thanks to Michel Foucault and Hannah Arendt, largely associated with his Germanist position on the origins of the French nobility, which is frequently held to be an early example of modern racism. Actually the Germanist thesis predates Boulainvilliers' output, and held no such connotations. It emerged in opposition to the traditional ethnographic practice which held the Franks to be the descendants of Trojans. Boulainvilliers himself explicitly denied that the French nobility were ethnically pure, and did not consider this integral to his arguments. His identification of the Franks with the conquering military aristocracy separate from the Gauls had the intent of serving as an analytical device for his treatment of the French constitution, which Boulainvilliers thought was eroded by a myriad of usurpations and perversions throughout the centuries. I'll be borrowing plenty from Olivier Tholozan's 1999 thesis *Henri de Boulainvilliers: L'anti-absolutisme aristocratique légitimé par l'histoire* for this piece.

By the time of early modernity, there were various ideas of which organ of the French constitution played a special role. The peerage had its strongest defender in the Duc de Saint-Simon. The absolutists and their insistence on monarchical supremacy were the orthodox school of thought. The Estates-General (defunct as of 1614 during the time Boulainvilliers was writing) and the parlements also had a few radical defenders of theirs, but they were not as influential — Claude de Seyssel's Renaissance-era idea of a "balanced monarchy" having fallen out of favor, though the parlementaires did have their brief ascendancy during the Fronde.

Boulainvilliers, in contrast, maintained a feudal theory of aristocratic anti-absolutism that the *noblesse d'épée* (sword nobility), originating from Frankish leudes, were the rightful representatives of the French nation, and though externally differentiated from commoners, were initially internally equal, as with the Polish szlachta. The pre-existing Gallican magnates, as survivors of the Roman magistracy, were entirely distinct from the French nation and its military character. The purpose of drawing this boundary was not to make an ethnic claim to sovereignty, but to underline the crucial link between war and the state. The "equality in inequality" of the pioneer French nobility and the right to judgment by peers which they had was eventually botched when the king, only a military chieftain at first, unduly extended his influence beyond the boundaries of the royal patrimony, and soiled the solidaristic *maennerbund* of the nobility by his creation of a peerage, the use of ennoblements to elevate free commoners (never more than emancipated serfs in Boulainvilliers' view) into a courtier robe nobility, and other extra-constitutional measures.

The transition from the earlier warband society of tribal assemblies into the feudal system of patrimonial justice was thus a logically consistent transposition of the former model into later, more novel circumstances involving such exigencies as Magyar and Norman invasions.

In some sense, the defense of the Frankish warrior aristocracy and the fief as a legitimate legal relationship was a nativist argument. Whereas the absolutist argument held that the fief was an unlawful usurpation of authority, being both a privately held usufructuary right and an institution conferring public authority at the same time, Boulainvilliers stated that the royal grant of benefices was not a mere delegation of authority, but an alienation of it as a reward to the virtuous and senior members of the warrior aristocracy, i.e. "the public."

Now the more tempered defenders of royal absolutism did not deny that private justice was legitimate, but insisted that in this capacity they were acting only as royal justices and not as free magnates. One problem with this was its reliance on a modern, national conception of the nature of sovereignty. One moderate apologist of the French nobility, G.A. La Roque, in his "Traite de la noblesse" of 1678, pointed out that the tributary nature of a prince does not destroy his sovereignty, since there were many examples of kings themselves being vassals of greater lords or feudatories of some sort, while still exercising royal prerogative and displaying their own royal heraldry. Sicily and Ireland (as the Lordship of Ireland), for instance, were once papal fiefs, and acknowledged as such by the vassals invested with them. This implies that kings themselves are simply great magnates, undermining Filmerite assumptions of monarchical supremacy. This is not to say that reciprocal bonds and dues do not apply.

A famous episode of Frankish history as narrated by Gregory of Tours involved Clovis exacting retribution on a soldier who smashed a sacred vase (https://en.wikipedia.org/wiki/Vase_of_Soissons), after being implored to take action by the bishop of Rheims. The court historian Adrien de Valois argued that Clovis' action was a manifestation of royal prerogative inherited from the Roman emperors. Boulainvilliers, in his "Lettres sur les anciens Parlements de France," countered this interpretation and instead maintained that Clovis was acting in his capacity as general in dictating the distribution of spoils.

The Salic law was simply the tribal law of the Salian Franks, and could not be used to justify hereditary succession as an essential component of the crown. Actually, merits of hereditary monarchy aside, ideas of elective kingship still flourished around the beginning of the Capetian dynasty, as the historian Charles-Petit Dutailly documented (<https://archive.org/stream/feudalmonarchyin001918mbp#page/n47/mode/2up>), in *The Feudal Monarchy in France and England from the Tenth to the Thirteenth Century* (1936):

The Archbishop of Rheims “chose the king” in accordance with the agreement previously arrived at by the great men of the kingdom before anointing and crowning him, and the subjects who thronged the cathedral, greater and lesser nobility alike, gave their consent by acclamation. Theoretically the unanimous choice of the whole kingdom was necessary for the election but, in fact, once the will of those who were of decisive importance was made clear, the approbation of others was merely a matter of form. Nevertheless the conventions of the chancery attached considerable importance to it; the first year of the reign only began on the day of consecration and this rule, closely related to the theory of election, was to last for two centuries.

In fact, then, this Capetian kingship whose supernatural character we have been illustrating was, at the same time, elective. To the modern mind that may present a strange contradiction but contemporaries found no cause for surprise. The very fact that the kingship was so closely comparable to the priesthood justified its non-hereditary character. How could churchmen deny the divine nature of an institution because it was elective? Even bishops and popes were appointed by election. The monk Richer attributes to the Archbishop Adalberon a speech to the nobles in 987 which does not exactly represent the ideas of Adalberon but it is quite in accordance with the principles of the Church. “The kingdom,” he says, “has never made its choice by hereditary right. No one should be advanced to the throne who is not outstanding for intelligence and sobriety as well as for a noble physique strengthened by the true faith and capable of great souled justice.” The best man must reign and, we may add, he must be chosen by the “best” men.

This was the theory of the Church without modification or limitation. Once he had been elected by a universal acclamation, which, in fact, represented the assent of a few individuals, and consecrated, he became king by the Grace of God commanding the implicit obedience of all.

Contemporaries like David Hume actually regarded Boulainvilliers to be a republican. This is an interesting question. Certainly, he envisioned the monarchy in voluntaristic and contractual terms. The Frankish warrior aristocracy was the source of power, and he thought that the noble freemen had the right to bind themselves to lords other than the reigning king if the latter did violence to their property. Royal succession was simply one of many private rights. There’s definitely a nativist element to the whole picture, and one could almost draw a parallel between his noble ideology of resistance to latter-day democratic nationalist conflicts with the ruling authorities of composite dynastic states. But what makes him separate is his insistence on the essential role of class divisions in a society. This is anathema not only to the democrats, but to many of the absolutists who want merely a neat bifurcation between sovereigns and subjects, but care little for the natural inequalities in subjects except insofar as they serve the reasons of state. If he seems progressive in some respects, he outflanks his opponents from the right in other, more crucial ways.

Boulainvilliers distinguished the line structure and hierarchy of the military aristocracy during combat itself, and in peacetime after distribution of spoils. The inequality of ranks within the nobility itself was functional. The inequality between conquering warriors and serfs was important, however, for in the “*Memoires historiques sur l’ancien gouvernement*,” he asks “What could the French have done, as new conquerors of land without men to cultivate, or men without land to feed them and to subsist on their own?”

He portrays the use of taxation-in-kind as actually relieving the unfree from their burdens in having to obtain scarce coinage. The “natural humanity” of the lords had led to gradual emancipations. Going further than simply attacking the widespread trade in venal offices and petty ennoblements, he aims to deflate the very antinomy between monarch and society. This is perhaps his chief weakness, in that he doesn’t seem to appreciate the necessity of a “strangeness” and “alienness” to a ruler in order to

promote deference and project an image of being above faction. However, he does want to transpose that to the commoners, it seems. If society is a class construct, then there must be an underclass to govern over.

There is no way the bourgeoisie could ever take a liking to such a militaristic, heraldic and exclusivist republicanism, but it does seem to be the logical culmination of a feudal-aristocratic weltanschauung. The natural order of society had no place for a politically enfranchised Third Estate. Worth noting is that Boulainvilliers' natural order seems like an attempt to find the optimal cut-off point between clan-based society and the bureaucratic state.

(He was much more ambiguous about the ecclesiastical order. He did praise their attempts in reducing blood feuds through the Truce of God movement and the establishment of sanctuaries.)

We may compare Boulainvilliers' insistence on absolute monarchy as a despotism with Montesquieu's rejection of such a categorization. Montesquieu is overwhelmingly regarded as anticipating liberalism, and certainly many on that side have claimed him as their own. Yet, as Annelien de Dijn has pointed out, Montesquieu never intended (<http://www.anneliendedijn.yolasite.com/resources/Montesquieu%20in%20Context.pdf>) to be anything other than an orthodox French monarchist. In the introduction of *The Spirit of the Laws*, he wrote of his intention to give the reader "new reasons for loving his duties, his prince, his homeland and his laws." The problem was that being an orthodox French monarchist in the 18th century was difficult to distinguish from being a liberal because of how pozzed the French monarchy was by then, and so the confusion has remained.

Gilbert-Charles Le Gendre drew a distinction between pure monarchy and despotism, later expanded by Montesquieu, that at its core a monarchy, even if morphologically similar, was guided by a maxim of "fundamental laws" which tempered the ruler to govern in an ordered and lawful fashion. Despotism, lacking this legal culture, constituted not a degeneration of monarchy, but an altogether separate form of government. "Faithful obedience" vs. "dangerous slavery." The Parlement of Paris was also accorded a tempering role, but he was insistent on it not being an independent power.

Montesquieu's absolutism was not quite as unadulterated, in that he acknowledged intermediary powers as a nobility to be important components of a monarchy as opposed to despotism, but he was adamant about them being conduits rather than sources of power. He did concede to a need for a judiciary outside of the sovereign monarch, though, so perhaps this endeared him to a more liberal audience, along with his more famous coverage of the English constitution.

At the end of the day, however, Boulainvilliers regarded the social crisis in France to boil down to the extravagance and luxury of what passed for the French nobility in his own day ("the license of minds, the abuse of science, false opinions, ambition, luxury"), in contradistinction to the spartan virtues he sought to uphold. Service to the state had actually corrupted the nobility rather than refining it, by making it chase court intrigues and adopt pompous fashions.

Being a Spinozist, Boulainvilliers had positivistic leanings on the origins of social distinctions — actually concurring with many of the absolutist jurists of the day. He said that violence had introduced the distinctions of liberty and slavery, nobility and commonality; but although this origin is vicious, it has been so long in use in the world, that it has acquired the force of natural law.

In the perennial debate of whether nobility is about blood or virtue, Boulainvilliers answered both. The noble title “gives an absolute right that the favors of princes can neither give nor communicate with wealth and jobs alone, since it is attached to the blood line that births us.” (“Essais sur la noblesse de France”). At the same time, he stresses worthiness and even proposes revocation of title for those who shame the nobility. Above all, he seeks to discredit the idea that nobility should be meritocratic. Blood and stoic conduct are the essence, not administrative, artistic or scientific success. Important: he does not link nobility to land ownership per se.

All this said, Boulainvilliers did have a plan for sweeping reform of the nobility, to integrate it back into the bulwark of the French nation it was meant to be, in the “Memoire sur la construction d’un nobiliaire general.”

It had five main aims: to suppress confusion within the order, to provide for public registration of titles, to provide nobles with a means of enriching themselves, to promote virtuous conduct and to avoid usurpation of titles.

A general norm for prohibiting usurpations of titles or distinctive qualities of noble families, was of paramount importance to him. Though the purity of the old nobility of the sword could not be restored, he had rigorous standards nonetheless.

There were to be four ranks for ascertaining noble status: in the first rank were to be the royal family, the peers, the officers of the crown, the marshals and the high nobility who could trace their origins prior to 1300. The second rank was for knights or squires whose genealogy could be traced between 1300 and 1560. The third rank for knights titled between 1500 and 1600. In the fourth and final rank, ennoblements and offices after 1600. He did not care for what title (baron, comte, marquis, etc.) was held at that time, but for historical genealogy.

Boulainvilliers proposed the establishment of a “room” or “chamber” of the nobility who would establish a catalogue of noble families, and more importantly to be the judge of noble titles. The king was to have no role in it beyond a symbolic empty seat. The princes of the blood, great officers of the crown, marshals and members of the first rank nobility were to be at the apex of the organization. There would in addition be a group of twelve commissioners chosen by lot from among the high military nobility, who would hear cases on titular disputes. The chamber would also have retroactive power to review and reverse noble privileges given out during the reign of Louis XIV. The act of ennoblement itself was to be transferred to the chamber and stripped from the royal prerogative. In effect, this was a proposal for a sort of Baltic-style ritterschaft (knighthood/noble corporation) with the aim of elevating the nobility of the sword to national preeminence once more and putting the brakes on the clerks, bureaucrats, courtiers and similar classes of men.

From the registration fees and fines imposed on noble misconduct, a system of military academies for aristocratic education would be set up. More radically, he wanted to relax the customary prohibition of noble engagement in commerce, so that the poorer and less landed families could enrich themselves. However his stoical ethics prevented him from encouraging it too strongly. He was also contemptuous of the Colbertiste system of industrial protectionism, for clear reasons given his anti-absolutism.

Boulainvilliers’ groundbreaking aristocratic neofeudalism, misunderstood by his enemies and misconstrued by ideological historians, was to have a lasting impact on much of the French monarchist right, especially after the Revolution and up to the beginning of the Third Republic. Among the ultra-royalists and legitimists, although monarchical primacy was frequently argued as a contrast to popular sovereignty, the type of absolute monarchical supremacy popular to jurists of the Sun King era mostly

fell out of favor, as the vicissitudes of Jacobinism and Bonapartism had imparted into the nobility a desire for a rule of law to prevail in some form. To some, this meant an appreciation for English constitutionalism, but to others it meant a neofeudal sensibility: Coquille (<https://carlsbad1819.wordpress.com/2018/02/05/inneedfeudalismbecause/>) and Montlosier (<https://carlsbad1819.wordpress.com/2017/09/19/the-comte-de-montlosiers-swansong-for-the-debased-nobleman/>), being fine examples.

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3. Thorfinnsson says:
[April 25, 2018 at 10:40 am](#)

The modern fertility transition first occurred in the French aristocracy owing to the desire of aristocratic French women to participate in “society”. In less than 200 years the fertility of French noblewomen dropped from 7 children per woman to 2.

If we were to revive nobility (as an active, governing class) today regulating marriage and children would be critical. If a noble failed to marry properly or have enough children he should lose his status and perhaps have his property penalized.

Reply

- [Nulle Terre Sans Seigneur](#) says:

[April 25, 2018 at 1:19 pm](#)

Irrelevant for the noblesse de robe, whose titles are just favors of state and not a sign of an “active, governing class” per se. Their lineage going extinct means little. For nobles who exercise private justice, you need enough for the first-born son to get his primogeniture inheritance, and a few more for cadet branches. This will be replenished from endogamic networks. Failing to marry “properly” is an issue of canon law.

Putting pressure on noblemen to be fertile at threat of dérogeance will simply lead to a dynamic of acquiring more mistresses and courtesans, and poaching desirable women more generally, thus squeezing the market for commoners and raising the status of singlewomen by making them no longer as exceptional. Even if bastard children are excluded from directly inheriting a title, they could always re-insert themselves by purchasing an estate or office.

Reply

4. Pingback: [The left-right spectrum put in its proper meaning and context | Carlsbad 1819](#)

