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H-France Review Vol. 6 (July 2006), No. 84

**Cédric Glineur**, *Genèse d'un droit administratif sous le règne de Louis XV. Les pratiques de l'intendant dans les provinces du Nord (1726-1754)*. Orléans: Presses Universitaires d'Orléans, 2005. iii + 450 pp. Index, notes, and bibliography. €36 (pb). ISBN 2-913454-26-7.

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How is a continuous and routinized body of administrative law, a *droit administratif*, created and implemented in a state characterized largely by personalized, customary, and decentralized types of authority? That is the problem that Cédric Glineur, *maître de conférences d'histoire du droit* at the Université d'Orléans, seeks to examine. The focus of the study is the *intendant*, an official whom Alexis de Tocqueville famously made into a symbol of the process of administrative "centralization."<sup>[1]</sup> Rather than trying to assess whether *intendants* in the provinces were petty tyrants or enlightened administrators, Glineur proposes to explore how it was possible for an abstract, independent administrative sphere to put down permanent roots in the first half of the eighteenth century.<sup>[2]</sup>

To study this problem, Glineur compares two intendancies in northern France: those of Hainaut and Flanders--the latter encompassing the tiny provinces of Walloon Flanders, Maritime Flanders, and Cambrai. All were regions conquered and annexed to France by Louis XIV. The comparative framework allows Glineur to test how royal administrative authority spread in localities with quite different legal traditions so characteristic of the old regime. In Hainaut, the new French *intendant* replaced the *grand bailli* of the count of Hainaut, who had already accumulated a wide assortment of judicial, administrative and financial competencies. As a result, the *intendant's* power there was largely uncontested. In the different jurisdictions that constituted the intendancy of Flanders, the *intendants'* authority varied. Maritime Flanders had no estates to vie with *intendants* for power. Walloon Flanders did have provincial estates, but largely developed a working relationship with the *intendants*. Finally, Cambrai's estates, which recalcitrant members of the clergy dominated, were frequently characterized by resistance. Overall, then, one can find examples of outright centralization, careful negotiation, and frank hostility between *intendants* and local authorities all within a very small territorial expanse.

In order to study the institutionalization of an administrative legal tradition, Glineur limits his study to the period 1725-1754, the stable and prosperous early period of Louis XV's reign. He thereby deliberately excludes early problems associated with the initial deployment of the *intendants* and later problems during Louis XV and Louis XVI's reign arising from the chronic turnover of royal ministers and battles between the crown and *parlements* over proposed reforms.

During the relatively quiet decades under study, Glineur argues that French state began to carve out a new kind of administrative sphere. One aspect of this process was the gradual movement from a personal to more impersonal mode of administration. At the outset of this period, administration was literally incarnate in the person of the *intendant*, because the "intendancy," defined as a legally recognized institution, did not exist (73). The *intendants* were the king's men, just as the sub-delegates, secretaries and clerks working for the *intendants* in their bureaux were the latter's men. Gradually, however, the government generated a greater need for information, archives were formed, the number of sub-delegates and clerks increased, and the officials remained in the *bureaux* as *intendants* came and went, giving the intendancy a routine, permanent character. Appeals to the "public good" began to be coupled with "the service of the king" in order to justify administrative action. The word "intendancy" began to be used interchangeably with that of *intendant*. Glineur observes that the emerging separation

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of the institution of the intendency from the person of the intendant accompanied a similar dissociation, studied in detail by Michel Antoine, of the the *conseil du roi* from the king's person.[3]

Nonetheless, the transition to administrative impersonality remained incomplete: what might be called "pre-bureaucratic" forms of administration continued to exist, and sometimes even increased in scope, although Glineur does not dwell on the latter trend. *Intendants* owed their appointments to the purchase of the venal office of *maître des requêtes* and to connections at the court of Versailles. In fact, one sign in 1754 that the provincial estates of Walloon Flanders were being brought into the orbit of the French government was that the secretary of the royal governor of the province (the Prince de Soubise) also became the permanent representative of the estates at the court of Versailles. After this time, the person designated to represent the Flemish estates in Paris was always a person with ministerial or court connections.

The majority of Glineur's study is devoted to describing in detail two components necessary to the formation of an independent administrative tradition: first, the various kinds of juridical instruments put at the disposal of *intendants*, and, second, the different types of activities subject to the *intendants'* control. No overarching narrative organizes this analysis. Rather, generalizations emerge as the different types of legal tools and activities are classified and analyzed.

Glineur provides examples of all the types of legal instruments available to the *intendant* in his work as both administrator and judge, including *ordonnances*, *règlements*, *mandements*, *apostilles*, *lettres d'ordres*, *lettres circulaires*, *commissions*, and, *arrêts* of various sorts, notably the *arrêts du conseil*. One reason that Glineur spends so much time enumerating these different instruments is his contention that the monarchical government was greatly concerned with maintaining correct legal forms. Legal instruments defined what was permissible and thereby bound the *intendant's* scope for action. In its most general sense, for example, the *ordonnance* codified the *intendant's* power to command. It explicitly had to state that the *intendant's* authority in a particular matter stemmed directly from authority delegated by the king and had to be signed by a third part, usually the *intendant's* secretary, to verify that the *intendant's* signature was valid. Otherwise, it could be treated as illegitimate.

The receipt of authority through royal delegation, however, did not excuse the *intendant* from following local laws or customs that might come into play. It was incumbent on *intendants* to gather information justifying the reason for a specific policy and to obtain the consent of rural communities if necessary. Precedence remained a powerful factor in legitimating both administrative policies and judicial decisions made by *intendants*. Despite an ongoing concern for precedent, Glineur's evidence suggests that the *ordonnance* was critical in expanding the domain of the *intendant's* action in several ways. *Ordonnances* could legally only be appealed to the king's council, and not to the *parlements*. Furthermore, *intendants* used *ordonnances* to solve disputes for which neither royal legislation nor local law seemed adequate. As these *ordonnances* accumulated and became retrievable through archival classification, the *intendants'* own rulings gained the status of precedence. Thus, as Glineur observes throughout his work, the development of a more abstract administration occurred most successfully through the repetitive implementation of many small decisions that formed routines and habits, rather than by the imposition of any full blown legal instruments vesting overarching power in the *intendants*.

The increased use of royal decrees known as the *arrêts du conseil d'état* was another sign of both the greater penetration of royal administrative authority into provincial life. *Intendants* actively participated in the drafting of these *arrêts* at all stages. Once the royal council finalized an *arrêt*, it passed the decree on to the *intendant*, who then transmitted copies to the relevant provincial authorities to be publicized. Glineur observes that the *arrêts du conseil* tended to replace royal *lettres patentes* as the primary means by which the royal government intervened in the provinces (p. 122). The import of this change might have

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been even clearer had Glineur stated explicitly that *lettres patentes* had to be registered by a *parlement* in order to be considered valid, whereas the council's *arrêts* did not.[4]

Given the concern of royal officials to honor precedent, it is not surprising that the domain of the *intendants* over traditional matters such as royal taxation remained somewhat limited, particularly in the intendency of Flanders where the powers of provincial estates had been confirmed. Often more important than institutional limitations, however, was the simple lack of manpower to enforce the royal government's will. During the War of the Austrian Succession when tax receipts lagged, for example, the provincial estates of Cambrai rebuffed threats by the royal government to lodge troops with its members or even have them arrested as a way to speed up collection of taxes. The estates rightly observed that if the government resorted to such measures, no one would be left to look after the provisioning of royal troops (p. 207). When the *vingtième* established a more egalitarian system of tax collection, taxpayers in Cambrai, many of them clerics, merely refused to make declarations of their revenues on which the new tax would be based.

The growth of a more complex and specialized state, however, generally favored the expansion of the *intendant's* role. The royal government was continually promoting new endeavors that were not necessarily bound by previous custom or institutional prerogatives. Glineur cites public assistance, economic activities like the grain trade, and public works as the most important of these activities. Such initiatives gave the *intendants* more room for maneuver and called for the coordination of resources across jurisdictional divisions that the royal government could best address. In an effort to promote the export of cloth internationally, for example, the royal council issued a slew of regulations in order to establish more uniform standards. It fell to the *intendant* to enforce these *arrêts* and to approve the manufacture of any new type of cloth. Likewise, at mid-century the royal government brought in specialized engineers to oversee the complex dredging of canals throughout the region and made maintenance of canals a provincial concern, rather than the responsibility of individuals whose property bordered the canal.

Material constraints always remained. This meant that local authorities had to be partners, or even the primary agents, in the operation of any important venture. To combat begging, the *intendant* Bidé de La Grandville established *hôpitaux généraux* in Dunkerque in 1737 and in Lille in 1739, but the administration of the charities was left to municipal authorities and financing depended heavily on money from private foundations. Likewise, the provincial estates of Walloon Flanders, Artois, and Cambrai became responsible for raising loans and taxes to pay for the more sophisticated, inter-regional approach to canals.

Examples of centralization, conflict, and cooperation, then, can all be found in Glineur's detailed work. Glineur himself tends to have a progressive orientation toward the period: he seems most interested in showing that, when all is said and done, policies in the first half of the eighteenth century laid the foundations for modern administration (for example, p. 131). Increased direction from the royal council, more impersonal modes of administration, greater trans-local coordination of resources, a growing emphasis on the public good, the beginnings of a national orientation toward the economy and fiscal policies pegged to economic performance—all of these can be found by mid-century. The administrative system of France in 1750 was not that of Louis XIV.

Nonetheless, as already noted, Glineur's study avoids the far more tumultuous period after the Seven Years War when controller generals rose and fell with alarming rapidity, Louis XV lost control of politics at court, French indebtedness skyrocketed, and one reform program after another failed. One could paint these conflicts as the product of an enlightened, reforming state against backward,

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privileged-oriented provinces. Yet many of these problems stemmed from the monarchy's own modes of administration and finance.

Sovereignty remained vested in the king's person, even though the royal council became increasingly dissociated from the Sovereign himself. Because the tenure of ministers was dependent ultimately on the king's will, the presence of a weak king fomented volatile ministerial politics. Factionalism at court continued to play as critical a role as ever in advancing one's career, and patronage remained an essential part of the system. The purchase of a venal office as a prerequisite to entering royal service meant that there was an enduring patrimonial quality at the base of the emerging abstract royal administration. The royal government turned increasingly to provincial estates for war loans, so that at least the larger provincial estates became noteworthy players in the finances of a monarchy periodically flirting with bankruptcy. Finally, royal reformers, like Laverdy, Turgot and Necker, looked increasingly to the formation of local representative bodies, rather than to an extension of the *intendant's* power, as a means of enhancing French national spirit.

What might be the effect of these trends on the budding abstract administrative tradition at the local level discussed by Glineur? Such trends do not negate Glineur's findings or careful research, but they do suggest that assessing the importance of this development for the old regime as a whole requires looking at a longer perspective and wider field.. The French state spawned, or drew into its orbit, personal, patrimonial, courtly, corporate, representative, and depersonalized administrative institutions that all played vital, although not necessarily compatible roles in the eighteenth century. The fate of the intendancies was ultimately bound up with conflicts generated by and conducted within these various institutional spheres.

Glineur largely attributes the failure of the *intendants* to have a greater impact on their administrative regions to the lack of financial resources and manpower of the French state. Perhaps the contradictions characterizing administration within the monarchical state itself played an important role as well. These contradictions may help to explain why the abstract administrative tradition forming under Louis XV did not evolve peaceably and continuously into the modern state of the nineteenth century, but experienced a revolution in between.

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## NOTES

[1] Alexis de Tocqueville, *L'ancien régime et la révolution* (Paris: Michel Lévy frères, 1856).

[2] A useful overview of recent literature on the intendants is François-Xavier Emmanuelli, "L'intendance dans l'enseignement et la recherche en France aujourd'hui," *Revue d'histoire de droit français et étranger* (2002): 77-85. As Emmanuelli observes, current studies have documented instances of cooperation and "co-administration," as well as rivalry, between the *intendant* and local corporate bodies like the *parlements* and municipal governments.

[3] Michel Antoine, *Le conseil du roi sous le règne de Louis XV* (Geneva and Paris: Droz, 1970).

[4] As noted, for example, by Mireille Touzery, *L'invention de l'impôt: la taille tarifée 1715-1789* (Paris: Comité pour l'histoire économique, 1994), pp. 68, 150.

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ISSN 1553-9172