

18.2 The Ideal Absolute State (1697): Jean Domat

The stable monarchy that Louis XIV inherited was largely the product of two master political craftsmen, cardinals Richelieu and Mazarin. These statesmen actually ran the day-to-day affairs of the French state under Louis XIII and during Louis XIV's minority, respectively. Under their strict control, the French nobility was subdued and made to realize that the king was absolute in his authority and would tolerate no defiance. It was under their direction, from 1610 to 1661, that absolutism was advanced out of the realm of theory and made a part of the political life of France. The practical rule of any government must be justified through some doctrine, whether it be a devotion to the principles of democracy or to the more blatant dictum "might makes right." Louis XIV justified his absolutism through the belief that God so willed it. Such a "divine-right" monarch ruled with the authority of God and was beholden to no power except that of God. For his part, the king was accountable to God and was expected to rule with the best interests of his people at heart.

The following selection explains the theoretical basis of Louis's absolutism. Jean Domat (1624–1696), one of the most renowned jurists and legal scholars of his age, was responsible for a codification of French law that was sponsored by the king himself. This document is from his treatment of French public law and may be regarded as the official statement of divine-right absolutism.

Source: Church, William F., ed. & trans., *The Impact of Absolutism in France: National Experience Under Richelieu, Mazarin and Louis XIV*, pp. 377–381. Copyright © 1969. This material is used by permission of John Wiley & Sons, Inc.

All men being equal by nature because of the humanity that is their essence, nature does not cause some to be inferior to others. But in this natural equality, they are separated by other principles that render their conditions unequal and give rise to relationships and dependencies that determine their varying duties toward others and render government necessary.

The first distinction that subjects some persons to others is that which birth introduces between parents and children. . . . The second distinction among persons is that which requires different employments in society and unites all in the body of which each is a member. . . . And it is these varying occupations and dependencies that create the ties that form society among men, as those of its members form a body. This renders it necessary that a head coerce and rule the body of society and maintain order among those who should give the public the benefit of the different contributions that their stations require of them. . . .

Since government is necessary for the common good and God himself established it, it follows that those who are its subjects must be submissive and obedient. For otherwise they would resist God, and the government which should be the source of the peace and unity that make possible the public good would suffer from dissension and trouble that would destroy it. . . .

As obedience is necessary to preserve the order and peace that unite the head and members of the body of the state, it is the universal obligation of all subjects in all cases to obey the ruler's orders without assuming the liberty of judging them. For otherwise each man would be master because of his right to examine what might be just or unjust, and this liberty would favor sedition. Thus every man owes obedience even to unjust laws and orders, provided that he may execute and obey them without injustice. And the only exception that may exempt him from this obligation is limited to cases in which he may not obey without violating divine law. . . .

According to these principles, which are the natural foundations of the authority of those who govern, their power should have two essential attributes: first, to cause justice to rule without exception and, second, to be as absolute as the rule of justice, that is, as absolute as the rule of God Himself who is justice, rules according to its principles, and desires rulers to do likewise. . . .

Since the power of princes comes to them from God and is placed in their hands as an instrument of his providence and his guidance of the states that He commits to their rule, it is clear that princes should use their power in proportion to the objectives that providence and divine guidance seek . . . and that power is confided to them to this end. This is without doubt the foundation and first principle of all the duties of sovereigns that consist of causing God Himself to rule, that is, regulating all things according to His will, which is nothing more than justice. The rule of justice should be the glory of the rule of princes. . . .

Part 18: From Old Regime to Revolution

The power of sovereigns includes the authority to exercise the functions of government and to use the force that is necessary to their ministry. For authority without force would be despised and almost useless, while force without legitimate authority would be mere tyranny. . . .

There are two uses of sovereign power that are necessary to the public tranquillity. One consists of constraining the subjects to obey and repressing violence and injustice, the other of defending the state against the aggressions of its enemies. Power should be accompanied by the force that is required for these two functions.

The use of force for the maintenance of public tranquillity within the state includes all that is required to protect the sovereign himself from rebellions that would be frequent if authority and force were not united, and all that is required to keep order among the subjects, repress violence against individuals and the general public, execute the orders of the sovereign, and effect all that is required for the administration of justice. Since the use of force and the occasions that require it are never-ending, the government of the sovereign must maintain the force that is needed for the rule of justice. This requires officials and ministers in various functions and the use of arms whenever necessary. . . .

One should include among the rights that the law gives the sovereign that of acquiring all the evidences of grandeur and majesty that are needed to bring renown to the authority and dignity of such great power and to instill awe in the minds of the subjects. For although the latter should view royal power as from God and submit to it regardless of tangible indications of grandeur, God accompanies his own power with a visible majesty that extends over land and sea. . . . When He wishes to exercise his August power as lawgiver, He proclaims his laws with prodigies that inspire reverence and unspeakable terror. He is therefore willing that sovereigns enhance the dignity of their power . . . in such manner as to win the respect of the people. . . .

The general duties . . . of those who have sovereign authority include all that concern the administration of justice, the general polity of the state, public order, tranquillity of the subjects, security of families, attention to all that may contribute to the general good, the choice of skillful ministers who love justice and truth . . . discrimination between justice and clemency whenever justice might suffer from relaxation of its rigor, wise distribution of benefits, rewards, exemptions, privileges and other concessions, wise administration of the public funds, prudence regarding foreigners, and all that may render government agreeable to the good, terrible to the wicked, and entirely worthy of the divine function of ruling men by wielding power that comes only from God and is a participation in his own.

As the final duty of the sovereign, one may add the following which stems from the administration of justice and includes all others. Although his power seems to place him above the law, since no man has the right to call him to account for his conduct, he should observe the laws that concern himself not only because he should be an example to his subjects and render their duty pleasant but because he is not dispensed from his own duty by his sovereign power. On the contrary, his rank obliges him to subordinate his personal interests to the general good of the state, which it is his glory to regard as his own.

Questions:

1. Louis XIV was a divine-right monarch. What does this mean, and how did Louis use religion to strengthen his political position in the state?
2. What are the responsibilities of the king and the political advantages of absolute rule?