VII
CONCLUDING REMARKS

To the chagrin of nearly all Toulousan barristers, revolutionary or counterrevolutionary, theirs was one of the very few important cities to remain under Jacobin domination during the Directory. Former federalists like Janole and Gary reappeared in public life and combatted the Jacobin municipality with such vehemence that they were easily taken for royalist sympathizers. The whole Toulousan bar undoubtedly took heart when Napoleon came to power and ended the “anarchy” of Jacobinism. The barristers showed their appreciation by rallying to the Napoleonic regime. Even pronounced counterrevolutionaries concluded that Bonapartist law and order deserved support, at least until the Bourbons could be restored. Jamme emerged from hiding to become rector of the University of Toulouse. Furgole and Duroux fils accepted magistracies at the civil court.¹

Although a few counterrevolutionaries did return to honorable positions, most passed into obscurity, unrewarded for their fidelity to the parlementaires. In the end, the beneficiaries of the Revolution proved to be the moderate revolutionaries, those who had accepted the Republic but had dissociated themselves from Jacobinism. Such barristers—Desazars, Flottes, Mousinat, and others—were placed in honorable public positions by the succeeding regimes, Napoleonic and Bourbon alike.² Gary’s son became a baron of the Empire, and Loubers, once a modest advocate at the Seneschal Court, presided over the Civil Tribunal after the Restoration.³ Those who had refused to anchor themselves to any one regime did well, for in the revolutionary period flexibility was rewarded above all else.

¹For Furgole and Duroux, see Calendrier de Toulouse pour l’an X de la République française (Toulouse, 1802); p. 59; for Jamme, see Armand Pratviel, “La réorganisation des Jeux Floraux en 1806,” Revue des pyrénées 18 (1906): 208-9.
It seems strange that there was so much shortsightedness and so little flexibility at the Toulousan bar after 1789. Why did the barristers perceive the Revolution as a threat, a source of dislocation? Was this not a Revolution made by men like themselves in Paris in the name of "commoners"? It was, to be sure, but Toulousan society (and, probably, much of French society) was not structured in such a way that broad appeals to "the Third Estate" could evoke a uniform response—even within the narrow stratum of the well-to-do. Frenchmen in the same general legal and economic categories, like Seneschal Court officers and barristers, had very different interests, loyalties, and political traditions; these differences were significant in 1789.

The men we have studied had stronger identities as "barristers" than as "commoners." They confronted the revolutionary events not as autonomous individuals but as a group whose responses, leadership, frames of reference, and loyalties were shaped by its particular interests and by past experiences. The barristers' ties to the aristocracy of magistrates were strong and were reinforced by shared interests (both material and psychological) in preserving the integrity of the Parlement. Furthermore, the barristers' social isolation strengthened their professional esprit and inhibited a consideration of other interest alignments. It was as such a group that the Toulousan advocates faced the events of 1789. The result was that they were particularly sensitive to the destructive elements of the Revolution, remained oblivious to its long-term advantages for themselves as individuals, and retreated to a defense of the Old Regime. A more realistic political response would have required wider loyalties, greater individualism, and more self-assertiveness than the barristers' social habits permitted. The minority who did possess independence of judgment and the capacity to identify with "commoners" supported the new order and joined the "revolutionary bourgeoisie," which was just emerging as a political entity.

Most barristers at the Parlement probably wished to forget that they had lent their support to commoners in that "war between the Third Estate and the other two orders" about which Mallet du Pan wrote in January of 1789. By attacking privileges and by advocating a stronger voice for the Third Estate at Versailles, the barristers had cooperated in the destruction of the Old Regime. Their action had not arisen from a sense of social oppression, though; nor was it a response to career frustrations or to resentments caused by blocked channels of social advancement.4 Instead, most of these barristers were guided by new

4There are several reasons for believing that changing rates of social mobility were unimportant in explaining the barristers' role in the initial stages of the Revolution. On the one hand, their high level of mobility into the noblesse did not inhibit the barristers from attacking privileges. Conversely, complete exclusion from the Parlement failed to
attitudes concerning privilege and merit and by the fear that France could not be properly reformed without a commanding role for the Third Estate in the Estates-General. This political stance did not preclude a continued attachment to Old Regime elites and institutions. The barristers followed the revolutionary movement only so far as it suited their interests as *avocats au Parlement*; beyond this point, most withdrew their support.

The legal men who were most animated by a sense of social antagonism and who led the attack on the local aristocracy were the personnel of the Seneschal Court. Their long-standing conflict with the Parlement was, evidently, an important impetus for revolt. Before 1789, this discord corresponded only imperfectly to ‘‘noble-commoner’’ divisions, and it was hardly a matter of opposing privilege on abstract or philosophical grounds. But it did create a tradition of contention with the aristocracy, and in 1789 this corporate conflict fused with the nationwide attack on the ‘‘privileged orders.’’ Ultimately, it proved a more potent force for revolutionary mobilization than did enlightened attitudes or exclusion from the Parlement.

The social and political cleavages within the Toulousan legal community—both before and after 1789—belied attempts to generalize about the barristers on a national level. The many deputies in the Constituent Assembly who came from the bars of provincial France must have reflected the multiplicity of interests, opinions, and loyalties within this professional category. Jean Baptiste Viguier could not have been the only advocate to leave the assembly in disgust with its work. On the other hand, the very process by which deputies were selected ensured the presence of a disproportionately large number of outspoken barristers like Barère or Robespierre, men who had long been conspicuous on the local level for their talents, ambition, and

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3 Thus, this case study supports George V. Taylor’s argument that the origins of the Revolution were essentially political. See his article “Noncapitalist Wealth and the Origins of the French Revolution,” *American Historical Review* 72 (1967): 469-96.

4 As late as the end of November, 1789, Duroux addressed “Nosseigneurs of the National Assembly,” requesting them to preserve a Parlement in Toulouse. See his petition in *A.M.*, AA–95.

5 John McManners has written of a similar kind of corporate tension in his brilliant *French Ecclesiastical Society under the Ancien Régime: A Study of Angers in the Eighteenth Century* (Manchester, 1960), chap. 8. I have borrowed from his model of conflict between canons and *curés*.

6 A collective biography of the men in the National Assembly would be an important contribution to the study of the French Revolution. Hopefully, this work provides an understanding of the socioprofessional context from which at least a fourth of the deputies were drawn.
bold speculation. Advocates in the left wing of the Constituent Assembly had often practiced before nonsovereign courts outside the provincial capitals. Moreover, all these barristers, as deputies, were removed from local influences and placed in contact with new men and ideas in the capital, where their political preferences and options appeared in a new light. By deciding to settle the struggle against privilege and absolutism outside the framework of traditional institutions and legal relations, the deputies rejected their professional identities along with their loyalties to their provinces and to their courts. For many, pleading became a defunct occupation to which they would never return. The new France they were about to create had no place for those black-robed men who claimed mastery of an obscure and labyrinthine law.

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9According to Philip Dawson, *Provincial Magistrates and Revolutionary Politics in France, 1789-1795* (Cambridge, Mass., 1972), p. 238, there were seventy-seven former avocats in the “patriot” minority of deputies in 1791 (totaling 287 altogether). Sixty-five came from outside the villes parlementaires, twenty-seven of them from cities without bailliage courts.