Charles Loyseau, *A Treatise on Orders*  
[Excerpts]

[Introductory note: Charles Loyseau (1564-1627), an eminent jurist and legal scholar, wrote a series of treatises on French public law that gave powerful expression to the impulse to consolidate social order in the wake of the Wars of Religion. Born near Paris, Loyseau followed his father into the legal profession. He served as a lawyer in the highest royal court, the Parlement of Paris, and as judge in important local and seigneurial courts. First published in 1610, the *Traité des ordres et simples dignitez* is Loyseau’s most comprehensive theoretical work. His systematic account of the legal forms and moral principles underlying the traditional social order remained authoritative until the very end of the Old Regime.]

Foreword

It is necessary that there be order in all things, for their well being and for their direction. [...] Inanimate creatures are all placed according to their high or low degree of perfection: their times and seasons are certain, their properties regulated, their effects assured. As for animate creatures, the celestial intelligences have their hierarchical orders, which are immutable. And in regard to men, who are ordered by God so that they may command the other animate creatures of this world here below, although their order is changeable and subject to vicissitude, on account of the particular liberty that God has given them for good and for evil, they nevertheless cannot exist without order.

Because we cannot live together in equality of condition, it is necessary that some command and others obey. Those who command have several orders, ranks, or degrees. Sovereign lords command all within their state, addressing their commands to the great; the great [address their commands] to the middling, the middling to the small, and the small to the people. And the people, who obey all of the others, are themselves separated into several orders and ranks, so that over each of them there are superiors responsible for the whole order before the magistrates, and the magistrates to the sovereigns. Thus by means of these multiple divisions and subdivisions, the several orders make up a general order, and the several Estates a state well ruled, in which there is a good harmony and consonance, and a correspondence and interconnectedness from the highest to the lowest, in such a way that through order a numberless variety is led to unity [...] How could a general of an army be quickly obeyed by all of his soldiers, if the army were not divided into regiments, the regiments into companies, the companies into squads; if the command of the general were not carried at once to the staff officers, by them to the captains, by the captains to the corporals, and by the corporals to the simple soldiers, the lowest soldier of the army thus being notified in a very short time? But the effect of order is yet more admirable in a state than in an army. For the army is compressed into a small place while the state ordinarily extends over a great country. The entire army lasts but a short time while the state endures almost forever. And that is the work of order. For the king is attended by his general officers, who send his mandates to the provincial magistrates, who send them to the city magistrates, who see that they are obeyed by the people.

Thus it is for those who command and also for the people, which obeys.

Since the people is a body with several heads, it is divided by orders, Estates, or particular occupations. Some are dedicated particularly to the service of God, others to protecting the state by their arms, others to nourishing and maintaining it through peaceful occupations. These are our three orders or Estates General
of France: the clergy, the nobility, and the Third Estate. But each one of these three orders is again subdivided into subordinate degrees, or subaltern orders, following the example of the celestial hierarchy...

The degrees or subaltern orders of the clergy are sufficiently well known. For in addition to the four minor orders and that of the tonsure, there are the sacred orders of subdeacon, deacon, priest, and bishop, to which may be added the order of cardinals and the various other orders of monks. The degrees of the nobility are the simple nobility, the high nobility, and the princes. Finally, as for the Third Estate, which is the largest, there are several orders: men of letters, financiers, merchants, artisans, husbandmen, and laborers. Most of these, however, are mere occupations rather than constituted orders.

Chapter I. Of Order in General

[....] The order to which this book is dedicated is a species of dignity, or honorable quality, which pertains to a number of persons in the same manner and under the same name. It does not in itself confer upon them any particular public power. But besides the rank that it gives them, it also brings a particular aptitude and capacity to attain either offices or seigneuries [....] In French it is particularly called Estate, as being the dignity and the quality which is the most stable and the most inseparable from a man [....] As for its definition, order may be defined as dignity with aptitude for public power.

For as I have said [elsewhere], there are three kinds of dignity: office, seigneurie, and order. They are related not only in terms of what they have in common, namely dignity, but also in terms of what makes them different, namely public power, in which they each participate differently. For office implies the exercise of public power, which is why I have defined it as dignity with public function; seigneurie implies ownership of public power, which is why I have defined it as dignity with possession of public power; and, finally, order implies only aptitude for public power, which is why I have defined it as dignity with aptitude for public power.

For example, membership in the order of the clergy does not in itself confer any public power, but it nevertheless renders those who are honored by it capable of benefices and ecclesiastical offices. Similarly, nobility is an order which is not in itself a public charge, but which gives its members a fitness for several high offices and seigneuries assigned to the nobility. Similarly, to be a doctor or licentiate in the law is not an office, but it is an order necessary to attain offices in the judiciary. Hence the office follows the order, and is conferred upon those who are of the order to which it is assigned [....]

[To] pursue the nature of order in general, one must consider in the first place that, as order is more inherent and inseparable from the person than is office, forming the Estate of the person and imprinting upon the individual a perpetual character, more solemnity is ordinarily required to confer it than office, and more formality to take it away [....]

In all times, however, those whom one has wished to admit to orders have been examined or otherwise had their capabilities tested....We see that there are a great number of ceremonies for conferring all kinds of orders, whether ecclesiastical, sacred, or non-sacred, and for conferring religious orders (namely, the novitiate and the priesthood). To make knights, there are still other ceremonies which are completely different. And if there are no ceremonies to make princes and gentlemen, it is because these are irregular orders since they come from birth and not from any particular grant. In short, there are certain solemnities necessary to make licentiates and doctors, advocates and attorneys, and even masters of the trades.

Moreover, each order ordinarily has its particular mark, insignia, or visible ornament, which is solemnly displayed upon reception [....]
As the ancient citizens of Rome had the toga, so now all of the clergy wear the long robe, which according to the ceremonial of the Roman Church...must be publicly vested on those receiving tonsure, which signifies entry into ecclesiastical orders. Because this mark of the long robe is common to ecclesiastics and men of letters, ecclesiastics (at least those belonging to sacred orders) bear as their particular mark the tonsured head [...].

Besides this general mark, acolytes and other clerics of the four minor orders wear the surplice or the white robe [...] Subdeacons have the phanon as the mark of their order, deacons have the stole, priests the chasuble, bishops the miter, the staff, the gloves, and the ring; cardinals have the hat or bonnet and the scarlet robe [...] Monks have a larger crown or tonsure than secular clerics. Thus Jesuits, who are half monks and half secular clergy, have a tonsure of medium size...and in addition each order of monks has its distinctive habit, not only from one order to another, but also from the novices to the fully professed members of the same order.

Among the nobility, simple gentlemen have their formal coats of arms, while knights have their spurs and gilded harnesses (at least that used to be their particular mark, but now only those have them who can afford them). The orders of knights have the gold chain or some other mark of their order. In addition, princes have the prince’s cloak, which it is fitting that they should always wear.

Among commoners, doctors, licentiates, and bachelors have hoods of diverse sorts, according to the faculties to which they belong, as well as the long robe which they wear in common with ecclesiastics. Lawyers have the cornet, attorneys have only the long robe [...] Aside from these external ornaments, two other prerogatives of honor come from orders: title and rank. In regard to title, it is well-known that one may assume the title of one’s order and add it to one’s name, rather than the title of one’s office. For order inheres more in the person than office. This is why the title of the order remains after one’s resignation...while the title of the office is given up. Also, the title of the order must always be put immediately after one’s name and before the title of the office, because the office is most often conferred in consequence of the order to which it is assigned, as has just been explained [...] As for rank, which is the prerogative of taking priority in sitting or marching, it is certain that orders produce it principally, even more so than do offices, as the very name of order denotes and signifies [...].

In France, the three Estates have their order and rank one after the other, the ecclesiastical order being first, followed by the nobility, and the Third Estate last. This is true even though there are no statutes to this effect, because laws are scarcely made in matters simply of honor. But the ranks are willingly observed through honor, and certainly they are more honorable when they come from a voluntary respect... For honor and love are two things so sublime and exalted that they cannot be commanded; nor can they be obtained with good grace by force; nor can any action assure them. If one thinks one possesses them by force, this is not love but fear and subjection, not honor but tyranny and oppression....As love is necessary to the world, so are honor and rank; otherwise there would only be confusion among us. But it is necessary to earn both by merit, and maintain them by gentleness.

Thus since the ecclesiastical order is the first among us, it appears that even the least priest, even the lowest tonsured cleric, should take precedence over the greatest gentleman of the court (I refer here to private persons; those whose office gives them a particular rank are another matter) not because of his individual merit, but for the sake of his order and for that of God whose minister he is....But because the ecclesiastical order is considered an exceptional and extraordinary order in the secular domain, our Redeemer having said that his realm is not of this world...it is commonly observed at present that those who enjoy some secular
In France, the order of knighthood is lost by infamy, because every stain is strictly contrary to it....But as for other orders, whether ecclesiastical, noble, or of the Third Estate...they are not forfeited by infamy alone, nor even as a consequence of another punishment: it is necessary that one be formally sentenced to deprivation of order; and in the sacred orders of the Church an actual degrading is required in addition to formal deprivation [...]

If, therefore, after a sentence prescribing deprivation of order, the ornaments of the condemned are sometimes publicly removed, this is done either to increase the shame of the sentence, or (more importantly) to avoid insult to the order when the condemned is executed.

Chapter III. Of the Order of the Clergy

[...] In this Christian kingdom, we have bestowed on God's ministers the first rank of honor, rightly making the clergy (that is to say, the ecclesiastical order) the first of our three Estates of France....In nearly all the states of Christendom the clergy are similarly constituted as a distinct order, as in France, which has always been more Christian and has honored the Church more than any other nation on earth [...]

As in the case of each of the three orders or general Estates of France, there are among the clergy several degrees, or subaltern and partial orders subordinated one to another. While the clergy as a whole is generally divided into secular and regular orders, there are a number of secular and a number of regular orders [...]

Let us begin by considering the secular orders. The tonsure is the entrance into all ecclesiastical orders, that which makes a man a clerk and distinguishes the clergy from the people by the shaving of the hair... The tonsure is public evidence that one has dedicated oneself to God, renouncing and rejecting the extravagances of the body, notably the hair, which being an upper part of the human body has customarily been adorned and embellished by those in...
the world. Next come the four minor orders: porters, lectors, exorcists, and acolytes. Then come the three sacred orders of subdeacons, deacons, and priests. Above all these, there is the order of bishops, which is divided into bishops, archbishops, and primates or patriarchs. Finally, there is the order of cardinals which, while it differs from the other orders in having no particular consecration, yet is still more an order than an office [...]

Unlike the secular orders of the clergy, which are distinguished by degree one above the other, the regular orders are completely different and separate from each other. In my opinion, they may be divided into five: hermits, monks, regular canons, mendicants, and the military orders.

I have put hermits first because they are the oldest....In imitation of Saint John the Baptist, they took themselves into the desert to devote themselves more freely to a life of contemplation....Hermits have never been bound to the three vows....Likewise, they have no fixed rule of life, but instead frame it more or less strictly for the purposes of their devotions, even quitting it entirely when they so wish...

I call monks those who have a fixed rule of communal life....The rule seems to have been introduced into Christianity in imitation of the Essenes, who were a very devout sect of Jews....and first practiced by Saint Anthony in Thebes, Saint Benedict in Italy, and Saint Basil in Greece. The latter was the first to bind monks to the three vows that we deem essential to our religion: obedience, chastity, and poverty. In short, we mean a resignation and renunciation, made for the honor of God, of the three kinds of goods with which men are endowed in this world: obedience concerning the soul, chastity concerning the body, and poverty concerning worldly goods. There are so many orders of monks, that is to say so many different rules, that it would be long and trying to discuss them all [...]

Because monks were prevented from carrying out ecclesiastical functions outside their monasteries ...Saint Augustine organized for the religious life the priests at his church in Hippo who were charged with the administration of sacraments and other ecclesiastical functions. He called them not monks but canons, that is to say subject to a certain rule of life that was a mixture of clerical status and the pure monastic existence [...]

[The order of canons] was found so useful and so honorable that there was soon no cathedral without its canons. From this first institution, canons lived in the same way as the monastic orders, binding themselves to the three vows and even living a cloistered existence....But little by little, their opulence led them to relax this austerity, to dispense with the poverty of sharing ecclesiastical goods, and thus with obedience, and thereby to convert their order into a benefice. Consequently, those who have remained committed to their initial institution and still observe the rule of Saint Augustine are named regular canons, to distinguish them from those who no longer observe their rule, and who are therefore called secular canons [...]

Next come the orders of mendicants who, besides the vow of poverty (which affects monks only as individuals, since in common they may hold as many possessions as they may acquire) have vowed to beg: that is to say, to live on alms....As a result, having vowed mendicity both individually and in common, their order is incapable of possessing any buildings.

Last among the regular orders are the military orders, either the Knights of Saint John of Jerusalem, whom we call the Hospitalers or the Knights of Malta, or the Teutonic Knights...or others of a similar kind [...]

Chapter IV. Of the Order of the Nobility in General

Among the various plants and animals, nature itself has made this distinction: of a single species, some are gentle and domestic, while others are hardy and wild. These qualities are retained infallibly from their generation, so well, in fact, that the wild ones can never
produce domestic ones nor the reverse. Likewise, it is natural that plants and beasts retain the characteristics of their semen because their vegetative or sensitive soul proceeds absolutely from a physical source (a potestate materia; as the philosophers say). But the rational soul of men, which comes directly from God who creates it when he sends it into the human body, does not have any natural participation in the qualities of the generative semen of the body to which it is joined.

This is why I am astonished to see how nearly all of the most noted philosophers and poets, ignoring this difference in souls, fancy that there are certain secret principles of virtue transferred from fathers to children by generation. Take, for example, the reasoning of Socrates, who concluded that as the most noble apples, grapes, or horses were the best, so it would be for men of the most noble race. And Aristotle (in the Politics, book 3, chapter 8) says that among all nations nobility is esteemed and honored because it is probable that he is excellent who is born of excellent parents. He therefore defines nobility...as virtue by birth [....]

But this analogy [with the world of plants and animals] is false and misleading, for we often see that the children of good men are worthless and those of learned men ignorant....If sometimes the good morals of children seem to conform to those of their fathers, this is not the result of generation, which contributes nothing to souls, but rather the result of education. In this respect, indeed, the children of good families have great advantages when it comes to virtue. This is true because of the careful instruction they receive and the continuous and weighty example of their fathers, and because of their obligation not to demean or belie their blood; and finally because of the respect and good reputation that the memory of their ancestors has gained them.

In any case, either because they are presumed to be the inheritors of paternal virtue, or because one wishes still to reward in them the merits of this virtue, those who have issued from good blood have been esteemed above others in all the nations of the world, and in all times. They have even been constituted as a separate order and been given a degree of honor which sets them apart from the great majority of the people [....]

[In France] we have....that nobility which derives from ancient blood, and that which derives from dignities. The first has no beginning, the second has a beginning; the first is original, the second acquired. We tend to call the latter nobility and the former generosity or gentility, just as we commonly distinguish between noblemen and gentlemen.

To discover the origin of this gentility, or ancient and immemorial nobility, it is necessary to consider that as the Athenians and the Romans first divided their people into patricians and plebeians, so from the first establishment of this monarchy, its people were divided into gentlemen and commoners, the one group destined to defend and maintain the state, either by counselor force of arms, the other to nourish it by working the soil, engaging in commerce, or practicing the crafts. This division has continued up to the present time [....]

Alternatively, the nobility of France had its origin in the ancient mixture of the two peoples who came together in this kingdom, that is to say, the Gauls and the Franks who conquered and subdued them without attempting to exterminate or drive them away. But the Franks retained this prerogative over the Gauls, that they alone would hold public office, bear arms, and possess fiefs without having to contribute anything either to the lords of particular localities or to the sovereign for necessities of state. Instead, they were obliged only to fight in wars.

As for the conquered people, they were reduced to a condition of partial servitude....In addition to being in this condition of partial servitude and being incapable of holding offices, bearing arms, or possessing fiefs, the people were also required to pay the seigneur a tribute or land tax, and occasionally to provide taxes for the unusual needs of the state [....]
Now as the two races mixed and adapted to one another, this initially rigorous exclusion of commoners from holding offices, bearing arms, and possessing fiefs did not continue so strictly. But some vestiges of it still remain. In the case of offices, the principal ones, such as the crown, those in the king’s household, and provincial governorships, may only be held by gentlemen. In the case of arms, commoners are not admitted into heavy cavalry regiments, and were not in earlier times allowed to hold important commissions in the infantry. In the case of fiefs, they are still ineligible to hold the principal fiefs and seigneuries, and as for simple fiefs, they must still pay the tax of franc fief for the right to hold them. But gentlemen have carefully guarded the liberty of exemption from any subsidies or obligations other than joining the king in war [....]

Nevertheless....our ancient and immemorial nobility, whose beginnings are unknown, does not derive from right of nature, as does liberty, but rather from the ancient law and arrangement of the state....Nobility is not simply a particular privilege, contrary to the common law, but has its origin in a public and general law and proceeds from means established to this effect long ago in each country. Accordingly, it is of much longer duration and is more firmly held than are simple privileges. This is a fundamental point, the basic for deciding an infinite number of questions that arise in this matter.

All this is true of that nobility (“gentility”) which exceeds the memory of man. As for the nobility whose origins may be determined, in France it comes from ennoblement by the prince, who is ordained by God to distribute the substantial honors of this world....The prince may ennable in two ways: by means of a letter written expressly to this end, or by grant and investiture of offices and seigneuries that carry nobility with them, and in which the nobility that derives from dignity properly consists.

This ennoblement purges the blood and the posterity of the ennobled of all stain of commonness, raising him to the same quality and dignity as if his race had always been noble....Nevertheless, because....this abolition of servitude or commonness is only an effacing of a mark that remains, it seems more of a fiction than a truth, since the prince cannot reduce being to nonbeing [....]

Accordingly, in the common opinion, those ennobled either by royal letter or by the dignity of office are less esteemed than nobles by blood, although in fact they enjoy all the same privileges....That is why in France we are so interested in hiding the origins of our nobility, so that we may reduce this type of nobility to that of the immemorial sort [.... ]

We have three degrees of nobility in France: simple nobles, whom we call gentlemen and esquires; high nobles, whom we designate as seigneurs and knights; and those of the highest degree, whom we name princes. Each of these three degrees of nobility has its own effects. For simple nobility affects the blood and passes on to posterity in such a way that the older it is the more honorable it becomes. High nobility does not descend to posterity, at least in the same degree, but rather it is personal, being conferred upon the person for his particular merit, such as knighthood (which is a perfect order that perishes with the person), or by reason of his office or seigneurie (and in the latter case, it perpetually follows the office or seigneurie). Finally, princehood can come only from blood, but resides there in a manner opposite to that of simple nobility; for it is of a higher rank according to its recentness and its nearness to its source.

Chapter V. Of Simple Gentlemen

[....] The true rights of the nobility are as follows. First, as to power, it has been said in the first chapter that orders have no particular power, as offices have, but that they only produce an aptitude for offices, benefices, and seigneuries. This is confirmed
above all in the order of the nobility, to which several of the latter are particularly assigned.

The offices assigned to the nobility are, first, all the principal offices and many of the subordinate offices in the king’s household: namely, those of the Gentlemen of the Chamber, of the One Hundred Gentlemen, of Gentlemen Servants, of the Squires of the Stable, of the Gentlemen of the Royal Hunt and of the Falconry, and several others....It is the same for all the principal military charges, from command of cavalry regiments to simple service in the heavy cavalry....And as for infantry captaincies, gentlemen are also preferred; as, likewise, the edicts regulating nomination to the judicial offices maintain that gentlemen rather than commoners will be preferred.

As for benefices, although the ecclesiastical order is distinct from the order of the nobility, there are several cathedral churches, even several abbeys, where the dignities and even places as simple canons and monks are assigned to gentlemen. In general, however, gentlemen are favored in the Church by dispensations waiving requirements as to age, plurality of benefices, and even time of study required in order to become a doctor or a master.

Finally, in regard to seigneuries, it is claimed that all fiefs, since time immemorial, have been allotted to the nobility, and that commoners are today capable of receiving them only by dispensation, for which they pay the King the subsidy of franc-fiefs (which is to say, assigned to the free and gentlemen). However that may be, it is still true today that gentlemen alone are capable of holding either great or middling seigneuries. Thus the king’s attorney, and even a higher seigneur, can constrain a commoner to give up a fief that has not been expressly invested in him by the king [....]

So much for power. As for the honor pertaining to nobility, since it is the true effect of orders to produce honorable rank, as their name denotes, it is altogether reasonable that the nobility, which risks its life for the defense of the state, be honored by the people as its protector. Consequently, it is an established right among us that members of the order of the nobility outrank and take precedence over members of the Third Estate. There are only two exceptions to this rule, both of which concern offices with established rank. In the first place, those who are magistrates take precedence accordingly over gentlemen, as a result of the power of command which they have over them. Thus all those who reside within a magistrate’s jurisdiction can be called his judicial subjects since he has the power of judging their goods, their honor and their life, as the case may be. In the second place, those who hold ennobling offices, such as the officeholders in the sovereign courts, the secrétaires du roi, and others of the same type, must always take precedence over simple gentlemen by blood, because in addition to being noble like the latter, they are also officers of the king; they thus have public power and an excellent function, which simple gentlemen do not.

As for other marks of honor, nobles have the right to call themselves Esquire and to bear coats of arms, even if they are men of the city and of the long robe, ennobled only by their offices. Moreover, all nobles (except those of the long robe) have the right to carry a sword as the ornament and sign of nobility, and in France they are even entitled to wear it in the king’s own chambers [....]

It is a matter of debate whether commoners are formally obliged to salute nobles, as the latter believe, even though the contrary is true. For....the salute is a recognition and obligation of subjection, which is formally owed only by subjects to those who command them, either by right of possession (as their seigneurs) or by the exercise of public function (as their magistrates). As a matter of honor and propriety, a salute is given to members of the high nobility, namely great lords and holders of high office, and all those entitled to call themselves knight; and from this same sense of propriety, we salute senior members of our families. But the most well bred and cultivated among us salute all honorable
persons, just as they salute family members of equal rank, and friends, as a matter of simple civility and courtliness. But these latter actions belong to the domain of manners, not law.

As for profits and pecuniary emoluments, it has been said above that there are none that pertain purely to orders as such. But the privileges of the nobility are yet very great. They include exemption from the taille and all other personal taxes levied for purposes of war.\footnote{The taille, from which the nobility and clergy were exempt, was the basic direct tax of the Old Regime.} It is certainly a very reasonable privilege that those who contribute their lives for the defense of the state be exempt from contributing their goods. For the same reason, gentlemen are exempt from lodging soldiers in their homes. Gentlemen also have the privilege of hunting game in authorized places, seasons, and manners, a privilege which is justly denied to the common people for fear that it would lead them to abandon their ordinary employment to the public detriment. The hunt has also for good reason been limited to the nobility, so that nobles can maintain in peacetime an exercise resembling war [....]

It is another privilege of gentlemen that when they commit a crime, they are not punished as rigorously as the common people....This is true in terms of the severity of judgments and the nature of punishments (there are some punishments to which gentlemen are never condemned, such as hanging and flogging; on the contrary, common people are never decapitated....It is also true that nobles receive grace and forgiveness from the prince more readily than do commoners [....]

But there are two exceptions to this rule. The first consists in the fact that crimes repugnant to nobility, such as treason, larceny, perjury, or double-dealing are aggravated and made more serious by the dignity of the person committing them... The second consists in the fact that corporal punishments inflicted on gentlemen are milder, but pecuniary punishments must be harsher [.... ]

Activities leading to the forfeiture of nobility are those of the pleading attorney, clerk of the court, notary, sergeant, clerk, merchant, and artisan of all trades except glass-making....What is at issue here is the fact that these activities are performed for profit. For rightly speaking, it is sordid profit that derogates from nobility, whose proper characteristic is living off rents or at least not selling its labor. On the other hand, the employments of judges, advocates, doctors, and professors of the liberal arts do not derogate from nobility, even when nobles live by means of these professions, because this kind of profit (which proceeds from the work of the mind not the hands) is honorary rather than mercenary.

Tilling the fields does not derogate from nobility, not because of its utility (as is commonly thought) but because nothing a gentleman does for himself, and without taking money from another, implies derogation.

Chapter VI. Of the High Nobility

[....] Because the most perfect division is tripartite, I have most appropriately divided our nobility into simple, high and illustrious: meaning by simple nobility that which has not been raised by any other degree of honor; by high nobility that which is elevated and honored by some dignity, whether it be a knighthood, high office or seigneurie; and finally by illustrious nobility, that which derives from sovereign and illustrious blood, being connected by kinship with the sovereign prince, and capable of succeeding in turn to the sovereign power.

In order that this general division encompass all the degrees of nobility, which are far greater than three, it is necessary to subdivide the nobility of the higher degrees. We may divide the high nobility...into three: knights, great office-holders, and seigneurs....But each of these refers in the end to the same kinds of dignity, claimed generally by all the high nobility [.... ]
The order of knights is a quality of honor that kings and other sovereign princes attribute to those whom they wish to distinguish above other gentlemen as being nobler. They do this according to certain ceremonies designed to give the recipients greater distinction and prestige, ceremonies that the old tales have specified better than any good book. These consist of a vigil in church, followed by public and solemn prayers, after which the noble descends to his knees and is struck on the shoulder by the King with the flat of his sword...in the same way as slaves who were given their freedom in Rome were struck by the praetor with his rod....as the bishop confers the order of tonsure, and as in conferring the degree of doctor in universities one gives a slap to the candidate as a last blow to be received as one enters into a quality henceforth exempt from them...

Nobles of the other two degrees, simple gentlemen and princes, have their quality by nature, or at least from their birth, contrary to the rule common to other dignities. Knighthood, however, follows the common rule of orders in that no one is born a knight, but this order must be directly conferred upon the person. And even though princes rank above knights, princes are not true knights until they have received the order of knighthood. Even sons of kings are not born knights.

Chapter VII. Of Princes

[....]The supreme degree of our nobility belongs to those we call princes, thereby bestowing upon them by honor and as a title of honorary dignity the name of Prince, which properly belongs to the sovereign alone. For prince, according to its true etymology, means the principal chief, he who has the sovereignty of the state; and this is what we mean when we speak simply of the prince.

This prince, who is the living image of God....is so august and so full of majesty that those who are born of him or who are related to him through the male line merit a particular respect and a rank above other subjects. So too this lieutenancy of God on earth, this absolute power over men that we call principality or sovereignty, is so perfectly excellent that any position approaching or offering hope of acceding to it must have great weight or effect. If the ancient emperors established honorary offices or dignities to be bestowed upon those who held no offices but deserved to do so, then our kings, with even greater reason, have been able to impart to their kin this honorary title of Prince, although they may not enjoy the true principality (which is sovereignty) but only the aptitude to attain it, directly or through their posterity, according to their degree of succession.

I speak notably of our kings, since no other kingdom in the world that I know has formed and established an order of princes similar in title and rank to that in France.

Chapter VIII. Of the Orders of the Third Estate

Inasmuch as order is a species of dignity, the Third Estate of France is not properly an order. For since it comprises all the rest of the people apart from the clergy and the nobility, this would imply that all the people of France without exception were in dignity. But inasmuch as order signifies a condition or occupation, or a distinct kind of person, the Third Estate is one of the three orders or general Estates of France....In ancient Gaul, it was not taken into account or held in any respect or regard, as Caesar says in Book VI of De Bello Gallico. And following Caesar, Mr. Pasquier appropriately remarks in his Livre des Recherches that during the first two dynasties of our kings there was no mention of the Third Estate, nor were the simple people called to the general assemblies held to reform the state: assemblies then called

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2 Etienne Pasquier (1529-1615), lawyer and historian, was one of the most distinguished humanist scholars of sixteenth-century France. His Recherches de La France (which began to appear in 1560) sought to recover the early history of French institutions from the original documentary sources.
parlements, which we now call Estates General. These assemblies comprised only the prelates and the barons, that is to say the principal persons of the clergy and of the laity....Pasquier adds that in the third dynasty our kings had adopted the custom of asking the common people for aid or subsidies for the necessities of war. In order to secure the people’s consent (without which, at that time, no levy of funds could be raised) the kings henceforth summoned it to these assemblies which, for this reason, were called Estates General. This is why the common people is called the Third Estate...because it was added to the two others, which had been established a long time before. And this Third Estate of France enjoys much greater power and authority in our time than it did formerly, because nearly all of the officeholders of justice and finance belong to it, the nobility having scorned letters and embraced idleness [....]

The term “Third Estate” is more comprehensive than that of bourgeois, which comprises only the inhabitants of the towns, that in old French (and still today in German) are called bours....Furthermore, the term bourgeois does not properly comprise all the inhabitants of the towns. For nobles, even if they make their home in the towns, do not qualify as bourgeois because the nobility is an order completely separate from the Third Estate, to which the bourgeoisie belongs. This is why the bourgeois is ordinarily opposed to the “noble,” as when we say La Garde noble et bourgeoisie. Moreover, base persons among the common people have no right to call themselves Bourgeois, since they have no share in the honors of the city nor any voice in the assemblies, in which rights bourgeoisie consists [....]

What is more, properly speaking, bourgeois are not found in all towns but only in privileged towns, those which have the right to corporate and communal forms of government. For to be a citizen or bourgeois (as Plutarch defines it very well in his work on Solon) is to participate in the rights and privileges of a city; so that if the city has no communal government and corporate existence, neither officeholders nor privileges, it can have no bourgeois [....]

In France, as in ancient Rome, there are several orders or degrees of the Third Estate....men of letters, financiers, those serving the courts, merchants, husbandmen, ministers of justice, and laborers. It is necessary to speak of each separately.

For the honor which is due to knowledge, I have put men of letters in the first rank....Our men of letters are divided into four principal faculties, or branches of knowledge: theology, jurisprudence (under which are included civil and canon law), medicine, and the arts, which comprise grammar, rhetoric and philosophy. In each of these four faculties, there are three degrees: bachelor, licentiate, and doctor or master.

The bachelor....has completed his studies, and has been admitted to the course of the faculty leading to the doctorate or mastership. The licentiate has finished his course and completed all the required tasks and examinations, having been declared capable of obtaining the grade of doctor or master; that is why he enjoys nearly all the advantages of the doctor. Finally, the doctor has solemnly received the marks and signs of this dignity, and has obtained the power of publicly teaching others, and of conferring the same degree upon them, a power which the simple licentiate does not have [....]

Another order or dignity of men of letters is that of advocate, which is conferred publicly by a magistrate, and can only be conferred upon those who already have the degree of doctor or master, or at least of licentiate, of civil or canon Law [....]

In my opinion, financiers must rank after men of letters....By financiers, I mean all those who undertake the handling of finances (that is to say the king’s monies) whether they hold offices or not. For we are speaking here of orders, or rather of mere occupations, which are compatible with offices. It is true that in earlier times the tasks of finance were not offices, but simple commissions....The majority of these were conferred by the people
when it granted a levy to the king and named particular persons to allocate the levy equally, first among provinces...then among parishes...and finally among individual inhabitants of the parishes....But since venality of offices has become customary, even the most minor financial operation has been made into an office. And because these offices ordinarily carry little honor or power, their remuneration is generally very high; added to which it is expected that, as those who pick peas keep a few in their hands, so those who handle finances keep their share-which they rarely forget to do [

Next come practitioners or men of affairs...all those who, apart from judges and advocates, gain their living by the business and legal transactions of others. They are of two kinds: those of the long robe, namely clerks of the court, notaries, and attorneys....and those of the short robe, namely sergeants, trumpeters, appraisers, vendors, and others like them [

After the principal practitioners...come the merchants, as much for the utility, indeed the public necessity, of commerce...as for their usual opulence, which brings them credit and respect. In addition to the latter, their ability to employ artisans and laborers brings them much power in the towns. Thus merchants are the last group among the people to receive honorable titles, to be called “honorable men” or “honest persons” (bonnêtes gens) and “bourgeois of the town.” Titles such as these are attributed neither to husbandmen, nor to sergeants, nor to artisans, and still less to laborers, all of whom are reputed to be vile persons, as will shortly be explained [

Husbandmen must, in my opinion, follow merchants and precede practitioners of the short robe....since in France rural life is the ordinary occupation of the nobility, while commerce brings derogation of nobility. It is true that by husbandmen I mean those ordinarily engaged in tilling for others as tenants, an exercise which is as strictly forbidden to the nobility as is commerce. But be that as it may, there is no life more innocent, no gain more in accord with nature than that of tilling the soil, which philosophers have preferred to all other vocations. In France, however, administrative policy has lowered them so much, even oppressed them, by taxes and by the tyranny of the gentlemen, that one is astonished that they can subsist, and that there are enough of them to provide nourishment for us all. Thus one sees that the majority prefer to be valets and carters for others, rather than masters and farmers in their own right.

In any case, today we consider common husbandmen and all other men of the village, whom we call peasants, as vile persons [

The artisans, or tradesmen, are those who exercise the mechanical arts, which are so named to distinguish them from the liberal arts. This is because the mechanical arts were formerly practiced by serfs and slaves, and indeed we commonly call mechanical anything that is vile and abject. Nevertheless, because the mechanical arts demand considerable skill, masterships have been created in them, just as in the liberal arts. The statute requires a three-year apprenticeship under the same master (under penalty of beginning the apprenticeship again if one changes masters). Then one becomes a journeyman (in earlier times called a bachelor), that is to say an aspirant to the mastership. Finally, after three years as a journeyman working under a master, and having been found capable on the basis of public proof of adequate ability (in a piece of work called a chef d’oeuvre), one is received as a master. This is a very well-ordered arrangement, not only because no one is made a master who does not know his trade very well, but also because the masters thereby lack neither apprentices nor journeymen to help them in their work [

Although artisans are properly mechanics and reputed to be vile persons, there are certain trades in which manufacture and commerce are combined [...] Inasmuch as they participate in commerce, these trades are honorable, and those who exercise them are not numbered among the vile persons...but may be
addressed as “honorable men” and “bourgeois” like other merchants. Apothecaries, goldsmiths, jewelers, haberdashers, wholesaler, drapers, hosiers, and others like them fall into this category, as one sees in the statutes.

On the other hand, there are trades which reside more in bodily strength than in the practice of commerce or in mental subtlety, and these are the most vile [...]

For all the more reason, those engaged neither in manufacture nor commerce, and who gain their living only by the labor of their arms, whom we call gens de bras, or mercenaries, such as porters, masons’ laborers, carters, and other day laborers, are the most vile of the common people. For there is no worse occupation than having none at all. Still, those who are occupied in gaining their living by the sweat of their brow, according to the commandment of God, are far better to be maintained than so many able bodied beggars, with whom France is filled at present, because of excessive taxes. These latter cause needy persons to abandon everything, preferring to become vagabonds and tramps in order to live in idleness and carelessness at the expense of others, rather than to work ‘continually without profit or to earn only to pay taxes. If this is not put in order quickly, there will be two unfortunate results of the immense proliferation of this rabble that is occurring daily: the fields will be left untended for lack of men willing to engage in this work; and travelers will no longer be safe on the roads, nor peasants in their homes.