

Embezzlement and High Treason in Louis XIV's France. By Vincent J. Pitts. Baltimore: Johns Hopkins University Press, 2015. Pp. ix, 224.

Early-modern France is often held up as one of the most straight-forward stories of state building in Europe. Despite this, it is, more often than not, difficult to get a handle on exactly what "state building" means. Like the bourgeoisie, the French state seems to have been ever rising. In *Embezzlement and High Treason in Louis XIV's France* Vincent Pitts tells the story of the trial of one of Louis XIV's Finance Ministers, Nicolas Fouquet, for abuse of his public office. In so doing he elucidates how private and public interests coexisted in seventeenth century France. He also brings the reader closer to a moment in the history French state-building that clearly illustrates the details of how rule of law came to be better respected.

One of the main contributions of the book is to portray in detail how private interests and public office frequently overlapped in the seventeenth century. As Pitts describes, when Fouquet was made the Superintendent of Finance in 1653 he became a participant in the, "...fun-house world of distorting mirrors, where the private and public obligations seemed to blur" (34). In the 1650's Fouquet mortgaged his wife's properties for 2 million livres to provide 1.2 million to the crown. It is estimated that he borrowed in his name about 30 million for lending to the crown and when he was arrested in 1661 he owed about 8 million on behalf of the crown and 4 million for his private affairs to more than 500 individuals. Fouquet's accounts and those of the French crown were virtually one and the same. One of the great strengths of the book is the detail it provides regarding this overlap. For example, I was fascinated to discover that the Fouquet family operated a fleet of privateers to prey on English, Dutch, and Spanish shipping and to support this fleet, they purchased, and fortified, the island of Belle-Isle off the coast of Brittany.

Unsurprisingly, given the overlap between Fouquet's personal finances and those of the state, he also was in a condition of legal limbo. The blurring between private and public finance was both risky and lucrative. Furthermore, as all prominent financiers knew at the time, while the crown could not keep close track of where all the money was going, it could, from time to time, try some of the financiers for corruption and thereby send a signal to the others to be more prudent. That Fouquet knew this is without question -- in his own correspondence he describes his fear of a trial as one of the reasons he fortified Belle-Isle.

In 1661, Jean-Baptiste Colbert, Louis XIV's Controller General, had Fouquet arrested and charged with numerous crimes, including stealing from the state and, most importantly engaging in treason by plotting to overthrow the government. The meat of the book is Pitts' description and analysis of this trial. This is a valuable analysis for a several reasons. On the one hand, Pitts does a great job of telling the story of how Fouquet, despite being under extreme duress, was able to fend off his accusers with aplomb. More generally, however, Pitts' description of the trial sheds light on how the various interests of the magistrates responsible for running the trial interacted in a debate over the importance of acceding to the will of the crown (Colbert) versus respecting proper legal procedure, or respect for rule of law.

The formal legal mechanism used to try Fouquet was known as a *Chamber de Justice* and it had a long and successful history in France. For example, both Sully and Richelieu had used them with great success in 1607 and 1624 to recover millions of Livres from financiers with little political repercussion (62). According to Pitts' account, however, Fouquet's trial seems to have marked a turning point in that, unlike the previous *Chambres*, many of the judges in Fouquet's trial objected to

the way in which legal procedure was subjugated to the needs of the exchequer. Pitts provides great detail on the debate among the magistrates running Fouquet's trial over issues of procedure. For example, whether he should have access to the over 60,000 documents which were registered. Some magistrates argued that this would cause the trial to drag on for too long, others argued that not giving him access would be contrary to legal precedent (91). In another instance, one of the head magistrates, D'Ormesson, objected to what he determined to be "entirely false" accusations against Fouquet contained in one of the official reports of the court (107). Importantly, these were not simply academic debates, many of the same magistrates at Fouquet's trial would be called upon a few years later to formulate the general administrative code, known as the Code Louis which would form the cornerstone for legal procedure in France up till the Revolution (168-9).

One interesting question about which I would have liked to learn more is to what extent the Fouquet trial was different because of the newfound respect for legal procedure by some judges versus the role played by public opinion. In addition to the several printed defenses published by Fouquet himself, which were apparently popular enough to be read far from Paris in the provinces, Fouquet had many powerful friends who were also in the public sphere. People such as Madame Sévigné and Marie de Maupeou (Fouquet's implacable mother). The poet Paul Pellison wrote three defenses of Fouquet which were very popular and the poet Jean de la Fontaine also provided his support. As Pitts tells us, one modern scholar has called this support for Fouquet's case a "literary Fronde" (named after the recent civil war known as the Fronde, 1648-53) (77-8).

Another minor quibble I have with the book is that at times it clearly takes the side of Fouquet and portrays him as the innocent victim of the evil and capricious Colbert (e.g. p. 49). However, an alternative hypothesis (which is also suggested in many parts of the book) is that we side with D'Ormesson and conclude that Fouquet, while definitely a product of his times, was nonetheless guilty of participating in the corruption of public finance under Mazarin. In this interpretation, most, if not all, of those involved with high finance during the first half of the 17th century were guilty --- Fouquet was just the unlucky one who was sacrificed in order to clear the way for the reforms that Colbert had planned for the second half of the century.

In the last half of the seventeenth century, Colbert undertook many reforms which brought fiscal institutions under closer state control (economists today might say he invested in "state capacity"). For example, he encourage the unification of much of the tax farm system under the *Can Grosses Fermes*, attempted to standardize weights and measures (largely unsuccessfully), suppressed internal tariffs and tolls (with moderate success), passed a uniform administrative code (the Code Louis), and brought greater uniformity to the fiscal system. Making these reforms required a reallocation of property rights away from fiscal agents (e.g. financiers, traitants, tax farmers, etc...). These reforms would have been too costly if Colbert had attempted to pay these individuals off, thus the need for "renegotiation" of the terms of their contracts. One possibility is that Fouquet and Colbert simply disagreed on the degree of coercion required for this renegotiation to proceed. By Pitts' account, furthermore, there is evidence that Fouquet underestimated the reforming intentions of Louis XIV and thought the young king's personal control over the government would be short-term. Pitts claims that Colbert and Le Teller understood this, but Fouquet "... continued to behave with the flamboyance of the Mazarin years, living extravagantly and perhaps, within the confines of the council... being openly dismissive of the king's competence in matters financial" (53).

Embezzlement and High Treason in Louis XIV's France is a fine book. I thoroughly enjoyed reading it and found the experience rewarding. It can be read on several levels. It is a compelling account of a

political drama in mid-seventeenth century France, but it's also a window into the process by which rule of law gradually becomes established. It should be read by anyone who studies old regime social history or who wants a detailed narrative of the political economy of state building.

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