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## ABOUT THE SCARCITY OF UTOPIAN LITERATURE IN 17TH CENTURY-FRANCE<sup>1</sup>

Prof. Alberto Iglesias Garzón

### I. INTRODUCTION

When writing about this subject, a general warning must be done, due to my researching field, which is not utopian thought but considerations about Law and Justice in 17<sup>th</sup> century France. Therefore, I will not be extremely rigorous in my conclusion as the whole intention of this paper is to propose some hints that could help to narrow down the final reason.

Somehow, utopia and law, are easily related as utopian thought works as a critical pattern to the law system. No direct utopian references come to my mind when treating this subject in seventeenth century in France; although we might as well consider that it might have had some influence. It is as if a second step, being utopian works the first, had been taken in 17<sup>th</sup> century-France.

It was talking to professor M.A. Ramiro how I started to feel curious about the lack of utopian thought and writings at that time in France. Reading Raymond Trousson's *Voyages aux pays de nulle part: histoire littéraire de la pensée utopique*<sup>2</sup> would confirm this scarcity and digging a bit more on the subject would show not so many studies had explained deeply none of the reasons. The main cause for this lack of studies lays on the unfinished discussion whether a theory of utopian thinking is able to be proven.

My paper tries to show a point of view that might help to find out why this shortage is produced, or, why utopian literature did not appear frequently in seventeenth century-France. Although, I must confess, my intentions here are to gather up new ideas that could explain and help understand such a complicated century.

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<sup>1</sup> I would like to express my gratitude to the organizing team of these 4<sup>th</sup> conferences about utopian thought for accepting this paper and especially to professor M.A. Ramiro for running this initiative.

<sup>2</sup> Bruxelles, Ed. Université de Bruxelles, 1975.

Let the utopian theory be assumed. That is, let us depart from the idea that utopian literature has got its own basic rules which would define it and tear it apart from other forms of literature. Utopia's theory is assumed here as a form of literature which content resides upon a critic of society and governments' order. That means newborn utopian works could be predicted by a simple check out of the social situation. That is, if society comes across some sort of political crisis, utopia comes out as a way of proposing new ideals.

This starting point would also assume that some sort of utopian history could be written and that it would perfectly match those critical moments for society. On the contrary, J.C. Davis in his review of Frank Manuel and Fritzie Manuel *Utopian Thought in the Western World*<sup>3</sup> would deny this possibility by saying that Utopian literature would not be necessarily linked to any social conditions, or to any mathematical rule that would precisely point out when utopian writings would spring out from society.

Depending on the conclusions of this paper, we will be able to add some new arguments to support the first theory: If social situation was not leaving any room for criticising government misconduct, we might be adding points to those arguments (that is, the connexion between society and utopia).

Let us consider the 17th century England. We can see the large amount of utopian literature that was popping up at the time. Mr. Davis would show it in a book of his own, *Utopia and Ideal Society*<sup>4</sup>. Why there was not a similar phenomenon in France? Did not the Frenchmen have anything to protest for? We might face the problem otherwise. Why would necessarily be utopian writings in France? Every country has got its own literary history that is the reason why no "pícaro" genre was in England and no "libertine" literature was in Spain, just for proposing some examples.

Let us review shortly some facts in order to clear up some of these prior doubts.

The reason why utopia is being studied in the XVIIth century is that there are not french utopian writings in the XVIth century, along with the fact that, in what comes to history of ideas, the XVIIth century does not keep a solid structure but it is usually divided into two big different moments. From the time Bourbon's first arrival until what Paul Hazard has called the crisis of european conscience<sup>5</sup>, authors usually refer to as

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<sup>3</sup> Cambridge, Belknap press of Harvard University Press, 1979.

<sup>4</sup> *Utopia and the ideal society: a study of English utopian writing 1516-1700*, Cambridge, London, New York, Cambridge university press, 1981.

<sup>5</sup> HAZARD, P.; *La crisis de la conciencia europea: (1680-1715)*, (trad.) Julián Marias, Alianza, Madrid, 1988

Baroque period, and from that moment until the death of Louis XIV in 1715, the Classical period<sup>6</sup>. I am going to focus on the first period.

Being 1616 the date of the first French “utopia”- *Histoire du Gran et admirable royaume d’Antangil*- the production of this kind of writings stops out of a sudden until 1676. Moreover, the translation of Thomas Moore’s *Utopia* would not reach France until Sorbriere, along with Hobbes’ books, did it in 1643.?????

In the meantime the other utopian works such as Cyrano de Bergerac’s *Histoire comique des Etats et Empires de la Lune* in 1657 and *Histoire comique des Etats et Empires du Soleil*, 1662 ; and Denis Veiras’ *History of the Sevarites*<sup>7</sup>, 1665 were the most utopian-like writings in the first 75 years of the century. On the contrary, these would not be considered but a mixture between utopia and “Extraordinary Journey”<sup>8</sup> rather than proper Utopia. The combining utopian form with the extraordinary journey is an ordinary way of presenting utopia during the whole century.

After that in 1676, *Les aventures de Jacques Sadeur dans la découverte et le voyage de la Terre australe*, by Gabriel Foigny and in 1699 Fenelon’s *Les aventures de Télémaque* were just two pieces and they were not even a whole utopia but a literary work which would include some utopian highlights without leaving the extraordinary journey element. Between them, *Recueil de quelques Memoires servans d’instruction pour l’établissement de l’Isle d’Eden*, 1689 made no exception to the former rule. This sums up to a total of three literary utopian works in a whole century, even though new utopian literature keep being discovered, none of them receive an utopian treatment by the researchers<sup>9</sup>.

It was, in fact, the beginning of the French utopian genre but since the first writing in 1616 until 1699 there is a gap that, apparently, has got no reasons to be. After Fenelon’s adventures, many other utopian like works would appear. That gap is what is furnishing this paper.

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<sup>6</sup> Although some other authors prefer to start the new classic period when Louis XIV takes reaches the crown AA.VV.; *L’État Baroque, 1610-1652. Regard sur la pensée politique de la France du premier XVIIe siècle*, Paris, Vrin, 1985 y AA.VV. ; *L’État Classique, 1652-1715, regards sur la pensée politique de la France dans le second XVIIe siècle*, Paris, Vrin, 1996.

<sup>7</sup> In french D. Vairasse, *Etat de Sévarambes*. He wrote it in England and so it should not be taken as the most proper reference.

<sup>8</sup> Vid, ATKINSON, Geoffroy; *The extraordinary voyage in French literature.1. Before 1700*, New York, B. Franklin, 1967.

<sup>9</sup> Except Myriam Yardeni; *Utopie et Révolte sous Lois XIV*, Zinet, Paris, 1980, p. 15 donde dice que la utopía en el XVII ya no guarda los mismos caracteres que las del renacimiento. *L’utopie n’est plus une évasion, ou un jeu d’esprit, mais une révolte...*p. 17. Of course XVII’s century french “utopia” sought by some french authors, is considered a proper Utopia no matter how it had evolved since Renaissance. I will leave the concept of utopia to experienced reserchers in the sujet.

A very reasonable doubt may come up to mind as it is a period that faces a totalitarian government. Borbon's absolutism would never guarantee free opinion let alone free public critic, for obvious reasons. Did censorship be a major cause for the scarcity? I do not think so. Censorship was a powerful tool of social control but let us not forget it was firstly employed by religion, which would eventually use of temporal power to accomplish censorship. It was not a real matter for utopians as long as they would not mess with religions' affaires, not too far away, to be trustful, from politics.

The "right" for censorship was originally created in 1521 by François 1st. It implied reviewing only theological books but after a few years, censorship had extended to most of disciplines (medicine, literature, geography, etc). Before 1723 censorship was not really effective<sup>10</sup>. This is the date when the "Library Code" was published. Before that date, dissention between different parties guaranteed the protection of publishers who were not under a really strict control. Insulting libels, books and pamphlets were often published against authority. In 1650's the *Mazarinades* firmly criticised government and there were no chance of stopping it, no matter censorship. According to the library code, no book could be printed if it did not count with prior permission from monarchy, that is why a special consideration must be done to censorship chronology and so, we could affirm that the existence of censorship would not be reason enough to explain why utopian literature was not being produced.

## II. SOME POSSIBLE<sup>11</sup> REASONS

Always departing from the basis of a possible utopian theory and its necessary connexion to social environment, I will bring along three mayor causes which might help to understand the phenomena.

1. Social and economy order in absolutism. Would show no deep disorder in absolute monarchy.
2. The scientific revolution. This sums up the change of scientific mentality and the abandon of fantasy.
3. Enforcement of the state legitimacy and law as a prove of utopian ideas trying to be carried out in practise.

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<sup>10</sup> NEGRONI, Barbara; *Lectures interdites, le travail des censeurs au XVIIIe siècle, 1723-1774*, Paris, A. Michel, 1995.

<sup>11</sup> Let us not think of these reasons as an exhaustive list. I am only trying to evaluate what the social consciousness was at that time. The phenomena will probably be not even explained through these reasons as it is a very complex matter which final answer requires far more that this few pages.

1) The Borbon's period in France is deeply marked as the paradigmatic form of absolute monarchy. That would definitively be confirmed after 1665 when Louis XIV would finally be free from Mazarin's power. The "absolute" tag means, among many other things, that the king would not need any external support to rule and to keep under control the country, as for instance economic or military aid from nobility, as it used to happen during Middle Ages and Renaissance.

Thriving absolutism means less and less power to feudalism and parliamentary activity which concerns two different social classes. Firstly nobility, secondly bourgeoisie (or we might say *noblesse d'épée* and *noblesse de robe*). These classes<sup>12</sup> gathered up the majority of people with free time and enough culture for writing. In what concerns clergy, its writings would never be utopian as God's concerns would define another kind of literature. In what concerns the occupied working class they had not aptitudes for writing, in most of cases. Although the two first numbered classes were most prone to be writing utopias, let us consider another facts.

Nobility would be facing a growing power (from the king) that could even punish misconducts of feudal landlords, thanks to a juridical form called *Les Grands Jours* in which the King would establish and *ad hoc* Court to judge the abusing nobility. In any case nobility, as a whole, would not have any deep reason to critic monarchy as its own nature implies the necessity of having a king from which to obtain legitimacy from in order to be obeyed and to keep their privileges. More over, nobility will economically depend from the will of the king who was the major tax collector and the juridical owner of every land, according to *eminen property* theory. No reasons from the nobility to attempt to change government either to criticise it as its interests were marching along with the those of the king. Being part of the ruling class, there was no need of altering what was already working.

Bourgeoisie had a mayor interest in a growing and empowering monarchy. This is the grouping were utopian thought should be looked for.

The alliance between bourgeois and monarchy had in France one of its most clear forms. The king would profit the economic strength of this group. Bourgeois would profit the peace, security and stability that only absolute monarchy had proven to be able to establish. What was that relationship all about? If we pay attention to the justice

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<sup>12</sup> It is far more easier to reconstruct a general landscape of the social situation by classes as it is how social order was then divided. The deep differences between social groups mark the importance of a study based in classes not in persons.

administration we will find out. Far before the 17<sup>th</sup> century, when it reached its peak, some administration charges or positions were being sold by the King. It is known as *La venalité des offices*<sup>13</sup>. The bourgeois will pay for a charge into the justice administration, as a judge or secretary or prosecuting lawyer hoping, and they sure did, to obtain large profits out of the plaintiffs. It is what we call today bribery but it was left unpunished most of times. Of course, the enormous amount of money it meant forced to consider the charge as a whole life investment. It was serious business for bourgeois since it was possible to sell the charge to another family, to give it away as a last will act and to operate with it as if it was any other good of your own.

But it was not. It was a serious charge with a very serious function. The King would try to regain these positions during the whole 17<sup>th</sup> century. He established new taxes and tried by all means to get them back. The best proven solution was to create parallel charges (what we call today government employee), not for sale, and giving them legitimacy to judge the same cases as the paid for judge. However, the king would not confiscate the charges and would respect property, in order not to break up the profitable relationship with bourgeois.

One major reason that made of the *venalité* a profitable investment is that bribery was not punished. The laws the judge could apply for one case were so unequal, twisted, confusing and opened to so many interpretations that the same case could be judged into completely opposite ways, by the same court, by the same law and always keeping a total legal legitimacy<sup>14</sup>.

The judge would be equally supporting the sentence on a legitimate rule with a legitimate procedure, even though it could mean different results. The doors for unpunished bribery and profit were wide open.

I would consider then the bourgeoisie as an ally of monarchy to which they would express a sincere attachment. After all, as B. Porchnev<sup>15</sup> points out, the biggest goal for a bourgeois was obtaining a nobility title and quit doing business.

As in what concerns the lowest class or the regular people and small bourgeoisie let us say that the fact that a powerful king existed meant, basically, the hope for justice

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<sup>13</sup> MOUSNIER, R.; *La venalité des offices sous Henri IV et Louis XIII*, Presses universitaires de France, 1971

<sup>14</sup> Michel de Montaigne would write in his Essays, "The Law that was being applied in France was so confusing and its interpretation has been obscured by so many centuries of different opinions, that once I met a judge who had written by the side of a roman rule –*question pour l'ami*-, that is, a matter for the friend".

<sup>15</sup> *Les soulèvements populaires en France au XVIIe siècle*, Paris, Flammarion, 1972.



and peace. The King would work as the highest court where they could appeal, theoretically. Regular people had in mind, the religion wars from last century, the starvation, the army stealing and abusing of farms and other producing premises. Even though the monarchy was producing enormous outcomes in the national budget and more and more taxes were demanded, the King meant peace and a certain resource against abusing nobility and other forms of injustice<sup>16</sup>.

Could we say then there were not important revolts in 17<sup>th</sup> century-France? I would not say so as there were many. Most of them including only peasants in the countryside with no other ideology than poverty. The last important revolution took place in the middle of the century in Paris and it is known as *La Fronde* (the Sling). As it is a very complex matter, let us just say it aimed to remove the power of the Louis XIV's mother (Anne d'Autriche) and her right hand: Cardinal Mazarin, but not monarchy itself (no matter how absolute it was) as all revolutionary forces kept thinking monarchy was the ideal form of government<sup>17</sup>.

## 2) The scientific revolution

Science in XVIIth century was completely different from XVIth's<sup>18</sup>. Fantasy is left behind and new modern concerns come over the mentality of scientist as for instance: the observation of reality under a cause-effect relationship. The attachment to reality is not optional for any theory; it must be a start off point. That might explain why the extraordinary journey which includes some hints of reality would cover utopia during the XVIIth century. The abstract non-rational construction was not adequate to influence its time anymore. Some attachment to reality was demanded.

In France the importance of rational method grew up, to the point it was believed as capable of achieving all knowledge and so every reform was up to mankind. Those were new times for social engineering where utopia was just not enough. A rational understandable method was demanded for every initiative and the time for action had finally arrived. A new pragmatic spirit covers up the whole century and so Utopia itself is nothing but a rhetorical form. Utopia was already proposed as an ideal but it did not

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<sup>16</sup> If we take a look at Moliere's last edition of *Le Tartuffe*, we can see how the King is represented as the last resource for justice, no matter how small the amount the case is. It is very curious to see how the king is represented in theater as almost a sacred idol, see APOSTOLIDES, Jean-Marie, *Le prince sacrifié*, Paris, les éditions de minuit, 1985

<sup>17</sup> Any of the most recent studies about *la Fronde* would share this point of view.

<sup>18</sup> GUSDORF, Georges; *La révolution galiléenne*, tercera parte de *Les sciences humaines et la pensée occidentale*, Paris, Payot, 1969.

show which was the way of achieving it. It only talked about ideals and results but never about proceedings.

The scientific mentality did not think of utopia as a *no-where* that was impossible to reach. Everything was possible, as long as a proper method was used. So, the time for achieving utopia might have begun in the XVIIth century. Social order would be soon established under two basic pillars: more absolute monarchy backed up by catholic faith (which would lead to the revocation of the Edit de Nantes). The absolute monarchy and the reinforced catholic faith were two of the XVIth's century ideals from humanists who had a major influence in France. XVIIth century seems to be putting those ideas in practice.

As professor Lyman points me out, there were a large amount of utopian writers at that time in England that were also scientists. How is this explained, then?

The answer lays upon the substantial difference that England and France established when rejecting scepticism. This matter, so important to science, is at large solved by Locke and Descartes both using different methods. Locke would use empirical methods and Descartes a deep rationalism, or, to put it in another way, to achieve knowledge Locke would trust his senses while Descartes would trust his reasoning.

In France Descartes played a very important role. He was an important part of the new concept of nature that popped up in the second half of the century. It is what is known today as *mechanism*. The basis of this concept laid upon the extreme rational discourse for everything, as for instance Spinoza trying to order the moral geometrically. If the more geometrico, which was very attached to mechanism, method was not used, the matter was not understood to be properly analysed. This, of course, meant a break point for other forms of human knowledge as S. Toulmin<sup>19</sup> points out that could include history and every other human science.

In what comes to social order, most of the French imaginary accepted an organic organization. That is, to compare society with a human body and assign every function to some duty (King, head; army, hands, workers: legs, etc.). This is what the barroque mentality added to the way social order was thought. No science was being used in what concerns an ideal organization of society. It is as if that step had been already taken. Science was making its efforts in other fields but society had not been seriously

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<sup>19</sup> TOULMIN, Stephen; *Regreso a la razón: el debate entre la racionalidad y la experiencia y la práctica personales en el mundo contemporáneo*, Barcelona, Península, 2003.

considered as a scientific object. The paradigmatic wise person in XVIIth century was the scientist and it was an elite that was concerned about physics, astronomy and maths.

The scientific revolution meant, as in what concerns this matter, two different things. First one is that cultural elites were not concerned about government and secondly even though they were, they would use a method that would be based on nature, and one of its laws is that the strongest always rules. Pascal would say that being not possible justice to be the strongest, force should be justified.

The situation in England was very different from the peaceful times in inner France. Civil war which finally lead to the Glorious Revolution could only mean difficult times that only scientific elites, which were most prone to approach the problem<sup>20</sup>, could speculate about new possible forms of government.

This helps understanding the utopian theory as it links utopian thinking to social order. As long as there are not social crisis, society does not need new ideals. If there had been a major disagreement with monarchy, social order would have been deeply and carefully planned, including some ideal objectives even by scientists. If society itself does not need to change, there is no need of converting society into a scientific object. But again, it must be done a focused study over the legitimacy of English government and the methods used by scientists as it is clear that observation might be a faster way of giving society the status of scientific object, no matter the rest of nature.

### 3) The growing legitimacy of the state

The beginning of the century in France when the absolutism was uprising several studies revealed how concerned the Frenchmen were about government. Pierre Constant, *De l'excellence et dignités des rois*, 1598. Jérôme Bignon, *De l'excellence des rois et du royaume de France*, 1610. Robert Bellarmin would write *Le monarque parfait, ou le devoir d'un prince chrétien*, 1625 and Nicolas Vauquelin des Yveteaux *Institution du Prince*, 1643. All of them would glorify the power and legitimacy of the Kings in France.

The King, being the absolute power, would obtain so much strenght that would even face a juridic reform concerning private law (Roman law and "French common law" or customary law). This is the first time such a project is carried out even though it was

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<sup>20</sup> This is at least in France where mechanic conceptions about nature would include the social order as a part of it.

required long ago<sup>21</sup>. It is also at this point where the utopian influence can be seen at its utmost, since a coherent and equal law for everyone was one of its basis.

Thanks to the theory of Jean Bodin back in the *six books of the republic*, that was supported firmly against his opposite theories such as those of F. Hotman, Philippe du Plessys-Mornay or Théodore de Bèze. The former would support the absolute power of the king. The absolutism did not find any important theoretical-obstacle in its way besides, of course, from natural law that could not ever be suppressed by any human authority (I will not dig any further into this as it is a non closed debate). What is really important is that the king had a growing legitimacy to undertake reforms in what concerned law. It is possible to see here, not just an empowering exercise of the king, but also one of the first steps of the utopian perfect law system. The clear and non contradictory law was a basic social need for most humanists. It is not casual that most of them backed up the monarchy system, trying to improve it. Society was not a scientific object but law sure was starting to.

And so it was in 1665 when Louis XIV gathered up the “Memoires pour la reforme de la Justice<sup>22</sup>”. Looking for clear methods of interpreting law and, most important, the equal application of law to everyone. This reform aimed basically to make law’s operation more clear and to avoid arbitrary judging. Most of the “Memoires” showed the inconvenient and difficulties of facing and changing the established law, as for instance:

- Roman law and customary law were already legitimate long before monarchy was in France.
- The monarchy, in order to obtain obedience, had confirmed most of the customary law in the different provinces.
- Customary law meant strong local power and any change in its rules meant disagreements with local landlords which made this matter more delicate. Specially when it came to collecting taxes and deciding who to employ.
- Hitting the core of roman or customary law meant considering the legitimacy of the king above the law, which was by then only a theory, not a fact. Of course,

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<sup>21</sup> Since the first humanists in the XVIth century eventhough misregarding the Utopian form that Thomas Moore initiated.

<sup>22</sup> Fonds Clairembaud, Bibliothèque National de France, MF. 13455, site Richelieu. N.P. These memories are somewhat analysed by VAN KAN, J.; *Les efforts de codification en France, étude historique et psychologique*, Rousseau & cie, Paris, 1929.

the king would work on changing this and undertake power through force but it could never be illegitimate, as the divine power of the king doctrine.

Many “Memoires” were gathered up to advice about such possible changes. Most of them were very critic with the formal law system and the justice administration model, based on private justice.

The major and finally chosen advice was to reform the civil and penal procedure without changing the core of any rule. That way:

- Formal requirements were asked for in every process of the kingdom, as a way of showing that the authority of the king was up to every court in the country.
- The *equal process* rule had a growing importance as it implied employees from the king being in every court in France, facing the charge of judge that someone had paid for long ago. Public employees and paid-for charges were at stake as the former had to judge and the latest had to be sure it had been done according to the legal procedure of the king. No sentence was effective in France if it did not count with the signature of the public employee.
- It was a nice way of stopping arbitrary acts in what concerned justice administration. That way the charge will loose interest as an investment and eventually will be managed exclusively by the King.

This reform has got certain similarities with utopian’s concerns: the search for equal justice for everyman and well known-laws and rules to which adapt self-behaviour. This is also a start off for the legitimacy of the king that was partly based in his capacity for administrating justice. This shows the second cause for the lack of utopian writings: the start off of a reform long ago proposed by humanists and utopians meant no further need of asking for it. Let us say Thomas Moore’s Utopia was considered not as an old theory but a binding one which demanded to be carried out.

In 1689, Jean Domat, by far the most important jurist of the 17<sup>th</sup> century-France, would say so although not mentioning Thomas Moore but God. First, he considered the king as the highest resource of Justice in the kingdom and, in second place, he sort of took over from utopians in what concerns law. Domat would arrange the *law in its natural order*<sup>23</sup> trying to avoid contradictions in justice administration. He explains himself by saying that such order in law is as necessary as order in building up. Buildings, streets in a perfect geometrical order would be an example to the law which

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<sup>23</sup> There is, of course, a link between Domat’s natural order and the considerations about science and law reviewed in the second point.

should be equally geometric. Domat uses a very well known utopian resource: the symmetrical city, to explain the necessity of a symmetrical law.

Domat's master work was to start off the first modern method in reading and understanding the great amount of roman and customary laws. Its objective: to make laws more clear and understandable to everyone. The method, applying scientific resources to achieve a natural plan which would give as a result a prevailing order of laws.

I see no difficult in relating Domat and the Utopian thinking, with the exclusive distinction of Domat's being based on religious matters regardless his intentions, this is enough, at first sight, to disqualify him as an utopian.

This was ten years before Fenelon wrote his utopia. He wrote it for the education of the daulphin<sup>24</sup>. In its content, social critic can be appreciated. Fenelon had already wrote some critics to the King, that never reached him, but he made them more explicit in his masterwork as an inner opposition to the foreign war Louis XIV was carrying out, grew bigger<sup>25</sup>.

### III. CONCLUSION

These causes would work as combined energies that would avoid the creation of a proper soil for harvesting utopian writings. That would explain this scarcity as the 17<sup>th</sup> century is in a certain way carrying out what was the demand of humanists and utopians from 16<sup>th</sup> century. This adds new arguments to the theory that links utopia to social crisis as in the first period of Absolute monarchy, until middle 80's, where the growth and development were strong no utopian literature sprung out. The revocation of Edid of Nantes and the foreign wars would break that peaceful period which and so, new times for utopia started off from that time.

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<sup>24</sup> GRÉGOIRE, Vincent; Les "mondes utopiques" de l'île des plaisirs et de salente: deux leçons du précepteur Fénelon, *Revue du XVIIe siècle*, 739-758

<sup>25</sup> CORNETTE, J.; *Le roi de guerre, Essai sur la souveraineté dans la France du Gran siècle*, Payot & Rivages, Paris, 1993