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Interdisciplinarity in Early Modern Political Thought: History, Theology and Law in the Huguenot Literature during the 1570^s

Abstract: Interdisciplinarity played an important role in the development of many early modern political doctrines. One of the most significant examples occurred during the French Wars of Religion (1562-1598): this period witnessed the emergence of the first fully developed theories of popular sovereignty in European political thought, when discontent with the Valois monarchy determined both parties in conflict, first the Huguenots, then the radical Catholics coalesced in the Catholic League, to advocate for active resistance against a monarchy which they perceived as tyrannical. Opposition to tyranny was something which medieval political thought had contemplated as well, but the theories developed during the second half of the sixteenth century were much more radical than these precedents, because they embraced an almost modern concept of the state, where the ultimate “sovereignty” was vested in representative assemblies such as the Estates General. The Huguenots had been the first to take such a bold step and they constructed their doctrine by resorting to arguments and methods from law, theology and history: such an interdisciplinary approach was a reflection of the intellectual background of the Huguenots authors, well-versed in these three fields, but also a political necessity, as it allowed them to avoid a too sectarian perspective. By basing their ideas on sources from Roman, feudal and even canon law, from the Scriptures and French and European history, the Huguenots were making the case that they were merely resurrecting an old constitutional tradition, which had fallen into disuse, but still remained imprescriptible.

Keywords: Huguenots, France, Sixteenth-Century, Resistance, Tyranny.

1. Introduction

Interdisciplinarity is not a monopoly of the modern times - nor of the academic environment. On the contrary, it can be encountered in much more different contexts – both temporal and social. One of the most remarkable and original cases of interdisciplinarity occurred in the Huguenot political literature from the second half of the sixteenth century. Taking

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their cue from some cautious remarks of Jean Calvin and driven by the political necessity to find a way to deal with what they considered to be the hostility, more or less overt, of the Valois dynasty, that generation of French Protestants developed a theory of popular sovereignty from which they derived a popular right of resistance against the oppressive behaviour of tyrannical princes. It was a theory far more radical than any of its medieval and Renaissance predecessors who also admitted the evils of tyranny, warned against it and, in some cases, even tried to provide some solutions: the made difference lies, first and foremost, in the depth and the thoroughness of the argument, as the French Protestants of the 1570^s provided an well-defined constitutional mechanism for remonstrating with, resisting and, when all else failed, even removing an incorrigible tyrant from his throne. The French Huguenots were not the first amongst the sixteenth-century reformers to take such a step: previously, the so-called Marian exiles, a group of English Protestants forced to take refuge on the continent in order to escape the persecutions unleashed under Mary Tudor, joined by the Scot pastor John Knox, have stated in categorical terms that rebellion against a prince who transgressed against God was lawful, even up to the point of deposing him. But, while they insist upon this point, based on Biblical and Roman law arguments, they do not actually specify a clear constitutional mechanism by which the censoring or the removal of a tyrant could come to pass: thus, their political thought had some clear anarchical implications, which made it vulnerable to the charges of sedition usually laid against the Protestants and which the Huguenots so vehemently rejected. It fell upon the latter to correct the shortcomings of this first generation of resistance theorists and develop a more adequate model.

Originally, the Huguenots hesitated to engage in a direct attack against the king itself, but preferred the safer solution (and one with a long tradition) of blaming the alleged “evil advisors”, who were misleading the monarch into oppressing what were otherwise loyal subjects: this was easier to do since both Francis II (1559-1560) and Charles IX (1560-1574) were extremely young (and, in the case of the latter, even under a formal regency until 1563) and clearly under the influence of their entourages, which did not include many friends of the Huguenots. Two of the most famous examples of how this argument was employed were François Hotman’s pamphlet “Le Tigre de France” from 1560 and the manifesto issued by the prince of Condé at the beginning of the first religious war, in 1562: the former was a bitter attack on the Cardinal of Lorraine, the uncle of Francis II and the person to whom the Huguenots ascribed the responsibility for the bloody reprisals which occurred in the aftermath of the so-called “conspiracy from Amboise”, while the second contained a categorical declaration that the Protestants have taken up arms not against the king, but only to defend the laws of the kingdom. More direct attacks against the monarchy

were not entirely lacking, but they appeared rather from the fringes of the Huguenot movement and they were condemned by the Huguenots themselves, as they conflicted with their professions of loyalty towards the Crown and provided a basis for the charges of sedition directed against them: such was the case of *La Défense civile et militaire des innocents et de l'Eglise de Christ*, a tract printed at Lyon in 1563 who argued for resistance against the “tyrant king” based on scriptural foundations and, due to its radical content, was condemned by the consistory of the city and all copies burned (Gaganakis 2006, 138). There were other tracts promoting similar ideas, issued especially from the Huguenot citadel of La Rochelle, such as *Question politique: s'il est licite aux subjects de capituler avec leur prince* or *Discours par dialogues de l'Edict de revocation de la paix*, both printed around 1568-1569 (Jouanna 2007, 332), but, until the events of Saint-Bartholomew, the notion of fighting against the king itself (let alone overthrowing him!) was not one of the key tenets of the Huguenot movement.

The most important Huguenot tracts arguing in favour of resistance were published after 1572, in the midst of a wave of anti-royalist Protestant propaganda, triggered by the slaughter of much of the Huguenot leadership during the night of Saint Bartholomew. The Huguenots attributed the responsibility for this event to the king Charles IX and his mother, Catherine de Medicis, and it seemed that open rebellion directed against the monarch itself became inevitable in this context. Consequently, they no longer hesitated to launch a direct challenge to the monarchy and a model of lawful resistance, enshrined in an alleged sovereignty of the people, was subsequently constructed in François Hotman's *Francogallia*, Theodore Beza's *Right of Magistrates* and the anonymous *Vindiciae contra tyrannos*. The first two of these works were published almost at the same time, immediately in the aftermath of the massacre of Saint-Bartholomew, in 1573 and 1574, respectively, while *Vindiciae* appeared several years later, in 1579. What characterizes all three them is their lack of a Calvinist focus: what they try out to do, instead, is to construct an argument as universal as possible, and they succeeded to such an extent that many of their points were to be borrowed later by their own Catholic enemies, coalesced after 1584 in the Catholic League. A major reason for their success was the interdisciplinary character of their methodology, an approach was eased by the intellectual background of the Huguenots authors, well-versed in Roman, feudal and canon law, theology and history.

2. The Historical Argument

History represented one of the main sources from which the three Huguenot authors derived their arguments, by pointing out constitutional precedents by which they could make the case that resistance against tyrants

was both lawful and sound. This was so because the past had always been surrounded by a powerful mystique for both the medieval theorists and their early modern successors, especially since many of the examples came from two ancient political traditions held in reverence by sixteenth-century humanists and lawyers, namely Rome and Greece. A successful political model bore the mark of legitimacy and, in the eyes of the political theorists (not just the Huguenots), was something to be emulated: being ancient was a positive attribute, not an indication that it had become outdated. From one perspective, though, this presented major difficulties for the Monarchomach triumvirs, because there was not really much in French history on which they could base their ideas of popular sovereignty and lawful resistance by the magistrates. The concept of an “ancient constitution” of France, depicted as an arrangement between the monarch and the people assembled in the Estates, was extremely appealing, but completely ahistorical: yet, despite the dangers which such an undertaking posed, François Hotman went straight down this path in his *Francogallia*, the first of three Huguenot monarchomach tracts. Ralph Giesey claimed that a powerful factor in Hotman’s choice of using French (alleged) historical precedents was his nationalism, stronger than in the case of his fellow Huguenot writers, basing his argument on the patriotic rhetoric which abounds in *Francogallia* and his insistence on France’s unique constitution (Giesey 1967, 54-55). Yet, as I have argued in a previous study,

the deciding factor was the fact that – as *Francogallia* was basically a constitutional treatise –, historical precedent had a massive significance for its argument, because “since the law was regarded as unchanging, to establish with certainty a given usage enjoying long acceptance in the past meant to give it validity in the present system” (Church 1969, 203). In the medieval and early modern period, accepted custom quickly gained force of law and a jurist like François Hotman could not have failed to make use of this principle in developing his theories. Nannerl Keohane asserted that Hotman “had provided the example for those who wanted to search the distant past for the true constitution of France”, arguing for «popular sovereignty, which few later jurists did» (Keohane 1980, 316). In Julian Franklin’s words, “the characteristics of the ancient constitution are thus presented as a standard against which subsequent changes must be measured and evaluated”. (Franklin 1969, 20). (Sălăvăstru 2017, 32)

For Hotman, the origins of his supposed French constitution stretched back to the period before the Roman conquest: the Gallic tradition which he invoked was characterized by the consultative nature of the exercise of power, as each Gallic polity possessed a “public council” where the affairs of the state were discussed, and the limited nature of the royal authority (in the case of those Gallic polities ruled by kings), bridled by “the reverence and the authority of good and honorable men, representing the person of

the people, which has given them this power” (Hotman 1574, 12). Yet, the ancientness of this constitution would not have meant much if it could have been argued that it no longer applied in Hotman’s times: and, therefore, one of his major concerns was to point out its imprescriptible character. For Hotman, even the Roman conquest did not alter the manner in which the legitimacy of power was obtained: the Romans ruled Gaul by strength of arms, but when the Franks invaded the country (which, in Hotman’s assessment, welcomed them as liberators), their rulers could not be considered kings of the new polity of “Francogallia” unless they were elected “by both people” (Franks and Gauls) gathered in a public assembly (Hotman 1574, 57-58). Basically, “Hotman argued that the French kingship had been anciently elective and the public council of the realm, the ancient *Parlamentum*, was coeval with the state itself” (Franklin 1973, 44). Hotman establishes a clear constitutional continuity between the Gallic politics and the new monarchy of “Francogallia”, especially since there was a clear congruency between the manner in which both Gallic and Frankish kings assumed the throne, namely by election: in his opinion, two separate historical traditions were merged to form an original elective “Francogaul” monarchy, where a public assembly, ancestor of the contemporary Estates General, chose the king and, equally important, retained the right to control or even depose him. As John Salmon remarked, Hotman’s stress upon Frankish election was meant to demonstrate the former sovereignty of the Estates, and when he referred to the need to return to the pristine constitution, it was this what he had in mind (Salmon 1987, 135). These Estates gathered on a yearly basis and exerted their powers over the kings throughout the entire Merovingian and Carolingian period, and even during the Capetians (although Hotman blames Hugo Capet for a certain diminution of their authority), showing its strength even during the reign of Louis XI, when, in Hotman’s assessment, it took a stand against this king’s abusive policies. But the fundamental problem of Hotman’s argument was the fact that it was historically inaccurate and nothing better illustrated this than his description of the events surrounding the League of the Public Weal during Louis XI, where Hotman depicted what was a classic aristocratic rebellion as a constitutional struggle. In Quentin Skinner’s analysis, Hotman’s basic assumption was that the ancient French constitution was normative for the present and the outcome of Hotman’s historical analysis was thus a theory of popular sovereignty in which “the highest administrative authority in the kingdom” was said to be vested at all times in “the assembly of the Three Estates” (Skinner 2004, 310-313).

Hotman’s fellow Monarchomachs, Theodore Beza and the author of *Vindiciae contra tyrannos*, likely realized that the evidence from French history for the kind of constitutional model which they were trying to advocate was weak and could not have sufficed to construct a convincing argument: there

is less resort to historical precedent in *Right of Magistrates* and *Vindiciae* (compared to *Francogallia*) and even less focus on French examples. Beza, for instance, makes the same point about the elective character of Merovingian and Carolingian monarchies and insists it was the Estates' right to elect and depose a king, otherwise "Pepin [in 751] and Hugo Capet [in 987] would have had no right [to the throne], because the lines of Merovech and Charlemagne had not been extinguished" at those times (Béze 1970, 39-44). Yet, the French example is integrated by Beza in a larger European constitutional tradition, tracing its descent to ancient Greece (especially to Athens and Sparta) and Rome and continuing up to Beza's time in a part of the European kingdoms, although in France it had already fallen into disuse. The right of resistance against a tyrant by the inferior magistrates is the key to Beza's constitutional scheme: the historical support for their rights is drawn from Rome's and, to a lesser extent, Sparta's example (Béze 1970, 18-21, 28). *Vindiciae*, in turn, goes back to the old dispute between Philip IV and Boniface VIII: if resistance against the latter by the king of France was permissible, according to the doctors of Sorbonne of that time, because it was an action directed exclusively against the person of Boniface and not against the Church or the office of the pope, then the same principle should apply to the inferior magistrates with respect to a tyrannical monarch (Brutus 2003, 57-59). The constitutional basis for the argument in favour of the resistance is the elective character of kingship: for the author of *Vindiciae*, this was the best type of monarchy and, while relies mostly on Biblical examples and natural law to prove his point, he also resorts to several historical examples, first from the history of Medes and Romans, then from those of contemporary kingdoms, including France, which, according to the author, had practiced this form of succession in the early stages of its monarchy (Brutus 2003, 71-74). The same examples of Sparta and Rome appear again with respect to the existence of magistrates who could even judge the monarchs – the ephors in case of Sparta and "the senate, the consuls, and the praetors, as well as praetorian prefects and governors of provinces" in case of Rome (Brutus 2003, 80-81). In the opinion of *Vindiciae*'s author, traces of this constitutional model can still be seen in France, although the magistrates no longer fulfill their duty accordingly, and remain very much alive in states like the Holy Empire, Poland or the Spanish kingdoms.

3. The Monarchomach Resistance Theory in Light of the Scripture and the Law

François Hotman's antiquarian approach displayed a significant flaw, which was soon exploited by the opponents of the Huguenots thesis of popular sovereignty: Hotman's French constitutionalist precedents were

inaccurate, to say the least, and was even suspected of having deliberately falsified his evidence. This determined the other two monarchomachs to give history a less important place in their arguments and turn more towards law and the Bible in order to prove their point. Even without taking into account the obvious weaknesses of Hotman's methodology, for Beza and the author of *Vindiciae* (unlike for François Hotman), historical precedent, no matter how ancient and prestigious, did not suffice: because, when the monarchy claimed to be divinely ordained, when an entire set of rituals had been designed to surround the person of the king with a sacral aura, an attack against the king (even a tyrannical one) could be regarded as an attack against the God's anointed and, therefore, blasphemous. That was more so when the Pauline assertion, that all power came from God, was taken into consideration. In order to parry this criticism, both Beza and the author of *Vindiciae* understood very well that it was essential to prove there was a right of resistance rooted in the Biblical tradition and the superiority of the people over their kings was just as divinely instituted as the kingship itself. For them, the foundation of popular sovereignty was rooted, first and foremost, not in the ancient constitution of the Francogallia, but in Biblical tradition. Both describe the Biblical monarchy of Israel as the most perfect one, being instituted by God himself, and refer to an original Biblical compact, between God, kings and people, which established a mutual set of obligations between the last two: the breaking of the compact would also dissolve the bonds of loyalty between king and people and would permit one to act against the other, since both were responsible to God for the good faith of the other party. Speaking about the author of *Vindiciae*, George Garnett correctly points out that "Old Testament Israel provides him with an incontestable model in the analysis of a covenant between God, king, and people" (Garnett 2006, 881-882), which has two parts, sacred and secular – and the same thing could be said about Beza and his *Right of Magistrates*. When they do refer to presumed French constitutional precedents, they do so by pointing out that they were merely emulating a divinely ordained political model established by biblical tradition. For this purpose, Beza and *Vindiciae* abandoned Hotman's special emphasis on the uniqueness of the so-called "ancient French constitution" and they paid equal attention to the constitutions of the other Christian monarchies, because it was more convenient for them to argue for a Biblical origin of the popular sovereignty they were trying to develop in their texts if they could prove that France was not an exception to the rule.

If the Bible was key to the argument of Beza and *Vindiciae*'s, it did not stand alone and law (in particular natural and Roman law) played an equally important role. Basically, Bible and law intermingled in the *Of the Right of Magistrates* and *Vindiciae* to provide the legal foundation for the people's corporative right of resistance. Kathleen Parrow suggests that "Catholics,

threatened with charges of treason, and Huguenots, threatened with charges of treason or heresy, based their justification for use of violence on the Roman law of Justinian's Code and Digest, the canon law of Gratian's Decretum and the papal decretals, and the French royal and customary laws" and were motivated in part by the need to avoid forfeiture of life and property which such charges undoubtedly brought with them (Parrow 1991, 705). But it can be convincingly argued that the main reason for the deployment of principles of law in the resistance tracts has much more to do with the ideological framework the authors were trying to develop, rather than with such prosaic interests. In the preface to his modern edition of *Vindiciae*, George Garnett claims that the mutual obligation between rulers and subjects "is framed in terms of the categories and principles of law, as interpreted by the commentators of the high and late middle ages and beyond; and to a much lesser extent those of canon law. Indeed, the juristic analysis of the sacred part of the covenant, first established in Old Testament Israel, provides the juristic model for analysis of the secular part" (Garnett 2006, 881-882). The original covenant between God, kings and subjects is described in terms of feudal law, by identifying the relationship between God and kings with that between lord and vassals, and of Roman law, by using several Roman legal concepts, such as tutorship, dominion or *vindicatio*, in order to define the relationship between kings and subjects. The king's rights over his subjects (which include not only the subjects' material assets, but even their lives) are analogous to the rights a tutor has, in Roman law, over his ward's property: they consist only of a right of administering it with the purpose of preserving the respective property or enriching it and any possibility of alienation of the ward's property is categorically excluded. Full ownership, *dominium*, belongs exclusively to the people – but since the people, according to medieval and early modern political thought, cannot govern itself, then it is in a permanent state of minority. The use of proprietary language in this manner in order to describe the covenant between God, kings and people provided a very useful analogy to model the structure of power and to activate the development of a populist political theory. But one final, and crucial, element of the law of property provided the mechanism for the radical core that made the monarchomach doctrine a fully revolutionary ideology, and not simply abstract political or legal speculation, namely the ancient action of recovery, *vindicatio* (Lee 2008, 394): in Roman law, this meant that the possessor of a *dominium* which had been conceded to someone else could reclaim his property in some extraordinary circumstances. In the scheme developed by the monarchomachs, especially in *Vindiciae*, that meant that the people could reclaim the political power which had been entrusted to its king if the latter misused it. This connection between the Biblical pact and the appropriate principles from Roman law was possible because, according to George Garnett, Roman law, like the

canon law with which it was closely interrelated, could not contradict God's – and that was something which future critics of the monarchomach theories like the Scot William Barclay and the monarchomachs themselves could agree on. For the sixteenth-century men, Roman law, as the pre-eminent expression of human rationality, was founded in God's providential ordering of creation, which was also, by definition, rational (Garnett 2006, 882).

Quentin Skinner correctly points out that, by resorting to “scholastic and Roman law traditions of radical constitutionalism”, the monarchomachs were able to reject “the characteristically Protestant tendency to suppose that God places all men in a condition of political subjection as a remedy for their sins. Instead they began to argue that the original and fundamental condition of the people must be one of natural liberty”, but he goes too far when commenting that this “enabled them to abandon the orthodox Pauline contention that all the powers that be must be seen as directly ordained by God. Instead they inferred that any legitimate political society must originate in an act of free consent on the part of the whole populace” (Skinner 2004, 320). What is actually rejected is the absolute character of the Pauline injunction, regardless of circumstances: political authority was, indeed, instituted by God, but its creation was dependent on specific conditions to which the people's consent was tied to. This can be noticed from the same description of the covenant described before: the pact between God, king and people is accompanied by a second agreement, by which the people acclaims God's choice for king and the latter assumes specific obligations with respect to the people's rights. In other words, there is actually a double agreement which set up the original monarchies: a “*foedus*” which established the duty of both the magistrate and the people to uphold the laws of God, and a “*pactum*”, which is a purely political contract, whose existence is predicated upon the natural law principle that, wherever equity and justice prevailed, no people had accepted a king except upon some specific conditions, and this pact takes the form of “a mutual oath between the king and the people” (Skinner 2004, 331). The resort to arguments derived from law allows for a secularization of the Biblical model of popular sovereignty: the Biblical pact described in both works is mostly religious in its purpose, aimed at preserving God's law, and the examples provided by the Old Testament of rebellions against tyrants were of a similar character – the people rising up against rulers who had violated the divine law. According to Quentin Skinner, the Huguenot writers treat the people's welfare as the final cause of the commonwealth, and proceed to equate this with their right to enjoy their properties – and what they mostly had in mind by this is the duty of the ruler to uphold the inalienable and natural rights of the people to their lives and liberties, which were the fundamental and natural properties which everyone may be said to possess

in a pre-political state (Skinner 2004, 328). Natural law, in particular, allowed them to argue that the right to rebellion against a tyrant did not necessitate an explicit divine sanction. Natural law also originated with God, but it did not necessarily have to be the outcome of a revelation: rather, it was enshrined by God in all human hearts and could be discovered through reason, therefore it represents the foundation of both Christian and heathen polities. Of course, there could be a distinction, as established by Beza, between “the natural law common to all nations and the public law of particular places”. While these two need not be identical, however, natural law contained such “general fairness and equity” that any polity forsaking them ought to be “utterly condemned and cast off” (VanDrunen 2005/2006, 157). In the words of David VanDrunen, “given that kings often do not follow their natural law responsibilities, these writers also turn to natural law for remedies against tyranny. They discover in it both ordinary checks on the power of rulers and extraordinary remedies in extreme circumstances” (VanDrunen 2005/2006, 158) – checks which, like they did in the case of the notion of a covenant establishing the monarchy and defining the king’s powers, are, once again, combined with scriptural arguments. This combination of scriptural tradition and natural law was possible because, in the opinion of the same David VanDrunen, “these resistance writers speak in general terms of the content of natural law by recognizing the basic principles of justice revealed in it” (VanDrunen 2005/2006, 157). Natural law is therefore another way in which the relationship between king and subjects is determined: both authors claim that the people preceded kings and that the latter were originally established by the former. *Vindiciae* arrives at this conclusion by reasoning that no one is born a king or is a king by nature “in himself” and that a king cannot rule without a people, while Beza argues that rulers are instituted for the good of the people and not vice versa, “as indeed Nature herself seems to proclaim with a loud voice”. Even if the Biblical tradition of the covenant between God, kings and people which set up the Israelite monarchy, interpreted as it was with the help of feudal and Roman law, indicated that the people possessed a right to act against their king if the pact was broken, one of the biggest obstacles in front of the Huguenot theory of resistance was the famous passage from Romans 13, which urged obedience towards rulers. In order to find a solution from this dilemma, *Vindiciae* appeals to natural law-type thinking: according to David VanDrunen,

when interpreting these verses, the author analogizes to the relationship of masters and servants generally to show that God must be obeyed above kings. At a later point, he elaborates his assertion of right “implanted by nature” by noting that Romans 13 speaks of kings as ministers of God for the good, in order to support the idea that a king using taxes to enrich himself is unworthy of his title. (VanDrunen 2005/2006, 154-155)

While Beza and the author of *Vindiciae* accept that resistance against a tyrant was lawful and even commendable, they both place some limitations on it, of a moral and legal nature. Just as their monarchy was not absolute, neither the right of resistance was. A king displaying some common vices was not necessarily a tyrant and neither some occasional unjust act represented proof of tyranny: for resistance to be morally acceptable, it had to represent an answer to manifest and incorrigible injustice, which threatened the entire realm or at least significant parts of it, and it must always be a last resort, after all remonstrances had failed. But, even in such a case, there were clear conditions as to who could actually resist a tyrant. Beza and *Vindiciae* make certain to distinguish between lawful resistance and unlawful sedition: the people did possess the right to oppose and even overthrow a king who had broken the original contract, but it did not exercise it directly. In particular, both authors are adamant that mere individuals could not resist a lawful ruler and their only recourse in face of injustice was flight. The basis for this position lies in the nature of the original contract: it was one in which the people entered as a corporation and, therefore, it could be annulled only by the people acting also as a corporation – more specifically, by certain political actors which have been delegated such powers enabling them to represent the corporative people.

There were two possible agents which could have resisted a tyrannical king: first, the magistrates of the kingdom (by which it was understood both the so-called officers of the Crown such as the chancellor, the constable, the marshals and the local governments of the various urban communities), second, the representative assemblies (whose role was more prominent in Beza's *Right of Magistrates*). This was necessary because, even though the latter were possessing of full and ultimate sovereignty, such representative assemblies might sometimes prove inadequate for the purpose of opposing a tyrannical king, first and foremost because they did not have a permanent existence. A fundamental role was thus entrusted to the magistrates of the kingdom, who possessed the right to resist flagrant oppression within their legal and territorial jurisdiction. Both Beza and *Vindiciae* trace their existence up to the foundation of the Israelite monarchy of the Old Testament: in *Right of Magistrates*, they were “the leaders of the twelve tribes, the captains of the thousands, hundreds and fifties and the elders of the people” (Béze 1970, 18) and in *Vindiciae* “the seventy elders of the kingdom of Israel”, “the leaders or princes of tribes”, “the judges and prefects of individual cities – that is, the captains of thousands, of hundreds, and others – who presided over as many families as there were” and, finally, “military commanders [fortes], dignitaries, and others, from whom the public council was assembled” (Brutus 2003, 46). Quentin Skinner refers to this theory of inferior magistrates as “providentialist” (Skinner 2004, 324-325), because it is through them that the people enforces the divine covenant upon their

kings: they take a direct part in the swearing of oaths which occurs both at the inception of the monarchy and at the beginning of each specific reign and, therefore, they are the ones responsible, on behalf of the people, to make sure that the law of God was upheld. Yet, even if such mechanism existed in the Jewish monarchy of Old Testament Israel, as argued with the examples provided, it remained the question whether those rights of the people were still in force, since it was plainly obvious (and even Hotman did not argued otherwise) that those principles have fallen into disuse. According to David Lee, the author of *Vindiciae*

argued that, even if long possession could transfer rights of ownership in the civil law, such an extraordinary transfer could never be interpreted to prejudice the rights of the people. In part, the argument relied on the medieval juristic theory of corporation as an immortal body which never dies. Prescription can operate only when there is a finite space of time in which long possession can be established. But since the people are immortal in this way, perpetual like the water of a flowing river, time and temporality are irrelevant considerations. The people's collective rights are, like them, immortal, imprescribable, and inalienable. (Lee 2008, 389)

Beza could not really find in the Old Testament an equivalent to the French Estates General – which was, according to the monarchomachs' theory, the only institution validated not just to resist a tyrant, but also to remove him from office, thus fulfilling the only task which the inferior magistrates were not mandated to carry out –, while *Vindiciae* refers briefly to a kind of extraordinary assembly which was supposed to represent the whole people of Israel, was comprised mostly of the previously mentioned magistrates and which convened when “the gravest matters had to deliberated upon” (Brutus 2003, 78-79). They refer to the existence of such representative assemblies at the beginning of the French monarchy and in other European kingdoms, but they are faced with an even greater difficulty than when they were arguing for the rights of the inferior magistrates: because, even though they were not exactly what Beza and *Vindiciae* purported them to be, those “officers of the Crown” existed on a regular basis and enjoyed numerous rights and privileges with respect to the king, the Estates General bore no actual resemblance to the version described in the treatises of the monarchomachs: the most significant power one could claim they possessed was the necessity to give their consent to taxation. Otherwise, their role was purely consultative and there could have been no discussion of a right to censor the actions of the king, let alone depose him. Beza, for instance, admitted that the Estates General no longer possessed any power to control the king, ascribing the responsibility for this situation to Louis XI, who, allegedly, had turned the French monarchy into a tyranny. Such constitutional transformation had no validity, though, because, first and

foremost, represented a breaking by the king of his coronation oath, which demanded him to respect existing rights and privileges, and, also, it contravened the fundamental laws of the kingdom. Beza could make such claims because, in this situation, they benefitted from the support of another principle of Roman law, that no prescription could harm the Empire: according to Ernst Kantorowicz,

by the thirteenth century, the concept had gained general acceptance that the fisc represented within empire or kingdom some sphere of supra-personal continuity and perpetuity which depended on the life of the individual ruler as little as Church property depended on the life of an individual bishop or pope. (Kantorowicz 1957, 177)

The principle had been employed by different monarchies, including that of France, during the preceding centuries, to defend the inalienability of the royal domain and rights: but, in the monarchomachs' political template, where ultimate sovereignty was transferred from the king to the people, the same principle was used to demonstrate that the extensive powers which the French monarchy had acquired and the diminution of the prerogatives of the Estates were unlawful. *Vindiciae* simply sidesteps the issue: it acknowledges the importance of the Estates in the past and in other contemporary kingdoms, but it does not make an explicit statement about whether they retained the right to depose an unfit monarch. Instead, it uses different examples from the actual history of the Estates since the fourteenth century to prove that they could override the will of the monarch (ignoring that, in the examples provided, the Estates were actually used by the kings of France to get rid of unfavourable treaties): based on the same principle of Roman law mentioned before, the past actions of the Estates are used as evidence that the people was still above the king, despite the presumed constitutional decline of the former in the Capetian era, and the monarch remained merely an administrator of his realm, just as he was in the Merovingian and Carolingian periods, when the Estates, according to *Vindiciae*, still enjoyed their right of deposition.

4. Conclusions

Despite the erudition they displayed in developing these theories, the political model proposed by the Huguenots could not take a concrete form: even if it answered the main theoretical issues which they had to solve, it quickly hit some massive hurdles. The main problem was the Estates General itself, which had been described in the Huguenot tracts as the embodiment of popular sovereignty and the only able to provide the most radical solution against tyranny, the deposition of the tyrant. The Estates General had indeed been summoned in 1576 and 1588, each time at Blois,

with the openly stated purpose of finding a solution to the crisis France was going through since 1562: on these occasions, there were attempts to carry out some reforms along the lines recommended by the Huguenot authors, in order to strengthen the authority of the Estates General and limit the power of the king. If the delegates taking part in the Blois assemblies would have shown more determination and political ability, a partnership between the king and the Estates could have emerged, which could have become a first step towards a constitutional monarchy. Despite this, the Estates General from 1576 and 1588 did not manage to act as an united body, each of the three estates having its own agenda and, most importantly for the Huguenots, they had been dominated by a Catholic majority, whose goal was not to stop the king's abusive actions against the Protestants, but to force Henry III to correct what the radical Catholics considered to be his main flaw: insufficient zeal in suppressing heresy. The alternative for the Huguenots was the individual resistance of the magistrates, which had been successfully carried out for a period by protestant princes such as Henry of Navarre or Henri of Condé or by the Huguenot cities from southern France, which had become de facto independent after 1572. Even so, the main weakness of this constitutional model was the fact it did not come from a deep ideological attachment, but was dictated by extreme circumstance: after 1584, when a real possibility that Henry of Navarre would become the king of France emerged, Huguenot authors such as Hotman or Mornay reconsidered their position. In these new circumstances, the arguments against unlimited royal power from the 1570s became, due to their universality, quite embarrassing for the Huguenots, because they were appropriated and used against them by their own enemies. A constitutional model based on scriptural, historical and law arguments could just as well be deployed against the Huguenots: this versatility and ideological ambiguity had for purpose to appeal to those moderate Catholics for whom internal peace was preferable to continued attempts to suppress the Huguenots, but the outcome was far from what was intended.

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