

NANNERL O. KEOHANE

Philosophy and the State in France

The Renaissance to the Enlightenment



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*Philosophy and the State
in France*

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THE RENAISSANCE TO THE ENLIGHTENMENT



Nannerl O. Keohane

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Preface

IN the liberal tradition closely associated with Anglo-American political experience, two principles are often taken to be fundamental: that power must be checked and divided if it is not to be abused, and that the rights of individuals are the basic elements to be safeguarded by the state. In France, from the sixteenth century until well into the eighteenth, the first of these principles was rejected outright and the second commonly ignored. Bodin's assertion that sovereignty is indivisible was taken as axiomatic by his countrymen; and Frenchmen were more concerned with interests than with rights. Careful political thinkers, no friends to tyranny, arrived at conclusions about the organization of power, and the status of individuals within the polity, at odds with those we sometimes regard as self-evident.

Yet the ideas of these thinkers are not alien to our beliefs about well-ordered states. Concepts of sovereignty and interest developed by French philosophers and jurists are important components of a stock of ideas and attitudes common to citizens of constitutionalist democracies today. By exploring the development and flourishing of these concepts in French political theory before the Revolution, we may hope for a clearer understanding of our principles. And the unfamiliar guise in which these concepts appear in their native settings can renew our awareness of the diverse solutions human beings can devise for durable political dilemmas.

This study is intended as a contribution to such understanding and awareness. It is a history of ideas, of traditions of discourse among a small number of literate and privileged Frenchmen who wrote about politics in the period between the full flowering of the Renaissance and that of the Enlightenment. Since most of these writers were self-conscious about the connection between their enterprise and that of authors from antiquity through the Middle Ages, the book is an account of one part of a lengthy dialogue in political philosophy. One prominent theme in this dialogue, particularly important during the era discussed here, is the juxtaposition of philosophy and the state. This juxtaposition marks the contrast between the contemplative life of the philosopher and the active life of rulers and men of affairs. It also attends the presentation of a new task for philosophers discoursing about

politics, who are confronted with a new phenomenon: the modern state. The ideas I discuss were developed in response to contemporary events in the polity and society, and some notion of those events is necessary for a satisfactory grasp of those ideas. I have tried to provide enough historical narrative to make the period comprehensible to those unfamiliar with it, and enough discussion of economic and social issues to remind readers that these ideas are reflections upon facts. My major sources, however, are books and essays written by philosophers who helped shape the character of the new polity.

The book is meant to be useful to readers with disparate backgrounds and reasons for interest in the material. Since it is not intended solely for specialists in French life and letters, I have translated all quotations. Unless otherwise noted, the translations are my own. Many of the works have never been translated, and others are available only in unreliable or partial translations. Occasionally I have quoted directly from familiar translations that I did not think I could improve upon; in other instances I have consulted several translations as a check on my interpretation. I have modernized spelling and grammar in the few instances in which I used contemporary English versions of the texts.

One of the purposes of the book is to introduce readers to a rich and varied secondary literature. I have, therefore, provided a generous bibliography, but limited it to those works I found sufficiently pertinent to mention in the notes. A few books were specially important in determining the direction of my argument and suggesting sources. Lionel Rothkrug's work first revealed the richness of the seventeenth century, and stimulated the expansion of a book originally conceived as covering the period from 1685 to 1750. Books by W. F. Church, Julian Franklin, Donald Kelley, and Etienne Thuau were particularly valuable on the Renaissance and early seventeenth century. The importance of the individualist tradition became clear from reading A. J. Krailsheimer and Anthony Levi. Albert Hirschman's book helped focus several arguments in the final version. Quentin Skinner's study was published after mine was completed, but his approach to our craft as expressed in several earlier essays influenced me a good deal.

A number of scholars have read all or part of the manuscript and have made valuable suggestions. Donald Kelley and George Armstrong Kelly gave good advice on the organization of the whole study, as well as helpful reactions to each chapter. Others who read large portions of the book include Charles Drekmeier, Julian Franklin, Albert Hirschman, Bruce Kuklick, John Pocock, Melvin Richter, Judith Shklar, and Giovanni Sartori. Among the numerous colleagues who

read a section or a chapter, I am particularly indebted to Paul Baltes, Roger Boesche, Blair Campbell, Paul David, Elisabeth Hansot, Roland Pennock, Molly Shanley, Peter Stillman, Richard Teichgraeber, and Gordon Wright. Peter Breiner, Martine Mont-Reynaud, Claude Fillet, and Catherine Stark assisted with specific research problems. Helen Morales and Lois Renner typed the early versions, and Kate Hughes the final draft. I am happy to acknowledge my debt to all of these.

Fellowship support for early stages of research and writing was provided by a grant from the American Association of University Women and a Summer Stipend from the National Endowment for the Humanities, plus sabbatical support from Swarthmore College. Research and leave funds from Stanford University, as well as grants from the National Endowment for the Humanities and the Rockefeller Foundation, administered through the Center for Advanced Study in the Behavioral Sciences, supported the last stages of the work. Like many another fortunate maker of books, I take special pleasure in recording my gratitude to the Center for months of blissful scholarly solitude interrupted only by stimulating conversations with colleagues. The Center bears a certain resemblance to Rabelais' abbey of Thélème. It is a utopian place to live and work; unlike most utopias, it proves better than its promise.

Sanford G. Thatcher and Margaret Case of Princeton University Press provided excellent editorial support and insight at all stages of publication. Among other institutions and their staffs, I am indebted to the libraries of Harvard, Yale, and Stanford Universities, the Bibliothèque de l'Arsenal and the Bibliothèque nationale. Parts of Chapter Three appeared in *Political Theory*, and I am grateful for permission to reprint those portions. Stanford University Press graciously allowed me to quote extensively from Donald Frame's translation of Montaigne's *Essays*. Parallel versions of Chapter One and Chapter Fifteen appeared as essays in *Constitutionalism* (NOMOS XX) and in *Political Theory*.

A final debt that I am happy to recognize is to my family, for support and encouragement of all kinds. My father taught me to love philosophy and history. My children accepted the long hours at the typewriter with good humor. My mother-in-law made many of those hours possible, and shared professionally in the excitement of writing. My husband Robert O. Keohane read, argued, nurtured, raised my confidence and my consciousness, and to him, above all, I am grateful.

There is one sense in which the entire book must be bracketed. There are few women on these pages—an occasional member of a salon or a utopia, a mother recognized for raising citizens for the *patrie*. For the most part, these are men writing about male pursuits.

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As a woman, I take an ironic pleasure in writing about men who thought women incapable of participating in or discoursing about politics. This is a book in which masculine nouns and pronouns are used almost exclusively. To have done otherwise would suggest what is not true: that these writers believed politics to be a matter for both sexes. It is well to specify this exclusion at the outset; and I hope that readers who are forewarned will sometimes pause to reflect upon it.

Musing on such topics, I think of the contributions my mother made to the writing of this book. She exchanged her press card for an apron when she married, and taught us and tended us until we were all through college, when she went back to a promising career cut short by an early death. I am grateful for what she did, yet frustrated by the knowledge that she never had the opportunity to finish her own book. With these things in mind, I dedicate this one to her memory. Montesquieu said of his long treatise: *Prolem sine matre creatam*. The same could surely not be said of mine.

*Philosophy and the State
in France*

Introduction

ONE way of picturing the pattern of political development in France assumes a traditional constitutionalist monarchy enduring from medieval times, abruptly superseded by an absolutist regime in the seventeenth century. Contemporaries of Richelieu and subjects of the aging Louis XIV sometimes took this pattern for granted, contrasting their situation with the "good old days" of Henry IV, Francis I, or Saint Louis. Their nostalgia was not unfounded. The French monarchy did become more concentrated and powerful in the seventeenth century.¹ Dynastic and aggrandizing warfare dictated major changes in the state. A new administrative structure focused on the intendants in the provinces, and provided a greatly expanded place for government in the economy. A more or less successful policy of weakening old noble families and corporate institutions helped tip the balance of power in favor of the crown. But the differences between the seventeenth-century "absolutist" state and the "traditional" monarchy are not so great as has sometimes been supposed. The will to rationalization and centralization was present in the polity long before Richelieu came to power in the 1620s. Even at the height of Louis XIV's ascendancy, in the 1670s, pockets of privilege, custom, and exclusion flourished in France.

It is a commonplace, but one that bears repeating here, that no state is ever "absolute" in the sense of wielding power that is effectively unlimited. The structural conditions that dictate how power will be deployed beyond the monarch's throne or office, and the results of ordinary human frailty, set limits even when no institutions are responsible for doing so. The most "unlimited" tyranny may be most threatened with limitations of both sorts, and disciplined authority may find its reach extended by imposing limitations on itself. These insights were central to the arguments of French publicists who distinguished between absolute royal power and despotic power. At no time did the French monarchy claim power unlimited by considerations of the

¹ Richard Bonney concludes his careful study of *Political Change in France under Richelieu and Mazarin*, p. 441, by asserting that "in political terms, France in 1661 was scarcely recognizable as the same country that had survived the trauma of Henri IV's assassination and the troubles of Louis XIII's minority."

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common good; and the moral purposes of Christianity were accepted as governing the ways a king's power should be used. Submission to divine laws, however vaguely formulated, and to some version of the fundamental constitutive laws of the French polity was part of what it meant to kings of France to exercise a *puissance absolue*.

What made their power "absolute" insofar as it ever was so, was their claim to act as the final interpreters of those laws, to reorganize the realm in accordance with their own vision of what the common good required, and to require from the French people whatever resources were needed in money and in arms to pursue their policies without waiting for the legitimating imprimatur of any other institution.² French monarchs of the seventeenth century, especially Louis XIV, managed to make good on these claims to a greater extent than their predecessors. In this sense, the regime was more "absolutist" than before. But the rhetoric accompanying the claims and the potential obstacles to the exercise of royal power remained very much the same.

As several historians have pointed out, the old regime rarely destroyed any institution.³ New magistrates and officers were added to those whose powers they supplanted, whose claims and privileges to some extent remained intact. The practice of selling offices that became general in France after the fifteenth century encouraged the creation of new posts, and discouraged the disappearance of old ones. Judged purely as a political device, this policy illustrates the ambiguous character of a number of policies pursued by French monarchs. It demonstrates the flexibility of control available to an absolutist king, who could create offices at will. But such officers developed independence and corporate consciousness, which placed limits on that same flexibility in the future.⁴ This pattern characterized the *ancien régime*: new practices were superimposed on old ways of doing things, new taxes added to the old. Yet the old practices, like the old taxes, continued as elements to be reckoned with.

The central dilemma faced by the French monarchy in the early

² The clearest discussion of "absolutism" is Fritz Hartung and Roland Mousnier, "Quelques problèmes concernant la monarchie absolue," in the Proceedings of the Tenth Congress of the International Committee for the Historical Sciences, iv, 1-55.

³ "This regime did not suppress, it superimposed; it allowed old institutions and ancestral forces to become fossilized, or rather sleep, never dreaming that they might someday be resuscitated." Goubert, *L'Ancien Régime*, II, 16. See also Eugene L. Asher, *The Resistance to the Maritime Classes: The Survival of Feudalism in the France of Colbert*, and Robert R. Harding, *Anatomy of a Power Elite*, on the fortunes of the provincial governors.

⁴ Roland Mousnier, *La Venalité des offices sous Henry IV et Louis XIII*, pp. 581-667.

modern period, the dilemma to which such practices were a response, was the consolidation of control over a territory peopled by subjects of diverse cultures and ancient customary expectations, dominated by numerous powerful lesser lords. The specter of petty seigneurial overlordship haunted French politics and political theory long after feudalism as a social and economic system had been weakened. Noble contentiousness against the crown was a recurrent threat, and some form of “bastard feudalism” characterized the society and polity right up to the end of the *ancien régime*.⁵ Until the sixteenth century, French monarchs were also preoccupied with bringing into the kingdom rich duchies and provinces that had maintained a more or less independent status, areas such as Burgundy, Brittany, Provence, Navarre. Even when subjected to the crown of France, these provinces retained many of their traditional customs and privileges, including provincial and regional assemblies and a plethora of provisions for municipal government. Agents of the king were required to bargain for taxes with notables assembled in various institutions in areas where zealous particularism remained strong for centuries. In other areas corrupt oligarchies were relieved of their civic duties with little bother, and to general relief. The outcome was a bewildering variety of expectations and arrangements that offered rich material for a centralizing government to attack, as well as durable resistance to such efforts.⁶

The label “Renaissance monarch” has been coined to describe the kings throughout Europe in the fifteenth and sixteenth centuries who dealt with such challenges by focusing power in their own persons and their courts, promulgating the notion of a state radiating from the central figure of a brilliant individual, the prince.⁷ Many Frenchmen welcomed the Renaissance monarchy as an alternative to local tyranny and civil strife. They assumed that the business of a king is to protect all his subjects equally in their several conditions, and that in order to do this effectively, he should enjoy a kind of power that they described as *absolue*. It seemed to them that the attempt to put barriers in the way of royal power was bound to have unsatisfactory consequences. It would frustrate a benevolent ruler unnecessarily, and ham-

⁵ Joseph R. Strayer, *On the Medieval Origins of the Modern State*, pp. 57-88, discusses “bastard feudalism.” On the fate of feudalism in early modern France, compare Robert Mandrou, *La France aux XVII^e et XVIII^e siècles*, pp. 64-80, and J.H.M. Salmon, *Society in Crisis: France in the Sixteenth Century*, ch. 2. Jerome Blum, *The End of the Old Order in Rural Europe*, places the French case in a European perspective.

⁶ Wallace K. Ferguson, *Europe in Transition: 1300-1520*, pp. 177-181; Pierre Goubert, *L'Ancien Régime*, vol. II: *Les Pouvoirs*, ch. 4.

⁷ J. Russell Major, *Representative Institutions in Renaissance France, 1421-1559*, ch. 1.

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per his ability to benefit his people. It would provide dangerous alternative loci of power in the state to threaten the security of ordinary subjects. And it would open the way for invasion from abroad, in the form of English arms or papal domination of the church.

The most pressing threat to the consolidation of the French monarchy until the end of the fifteenth century had been English control of territories on the mainland, and the reiterated claim by English monarchs to the throne of France. This contributed to the enduring disinclination on the part of many Frenchmen to preach doctrines of resistance to the monarchy. The threat of English arms led to support for embattled kings, and doctrines of resistance were associated from the earliest times with the rebellious and cantankerous English, whose "regicidal proclivities" were contrasted with the loyalty, stability, and firm allegiances of the French.⁸ Of equal importance to some Frenchmen was the integrity of the French church to control its own policies and offices. An absolutist monarch was an ally for Gallicanism against ultramontane domination.

For most Frenchmen of the sixteenth and seventeenth centuries, however, the real threat of tyranny came not from across the Channel or the Alps, and not from Paris, but from much closer to home. They worried more about overmighty subjects than about authoritative sovereigns. They looked to the concentrated power of the king as a bulwark against particularistic oppression in the polity. As Roland Mousnier put it, "there was no need to insist on the guarantee of the rights of individuals. The rights of the strong were sufficiently guaranteed by the nature of things. The rights of the others could only be guaranteed by the power of the King."⁹ Power in the hands of kings meant protection against the abusive power of others, and Frenchmen expected kings to protect each of them against disproportionate power in the hands of their fellows. This attitude, which made it difficult for Frenchmen to cooperate in influencing or attempting to control the central government right up until the Revolution, can be discovered in late medieval times. In assessing the regime of his master Louis XI, who died in 1483, the memoirist Philippe de Commynes observed, "although some of his successors were a bit more compassionate toward the people and less quick to punish than he had been, this gives no cause for blaming him, nor grounds for saying that I have ever seen a better prince. It is true that he pressed his subjects hard; but

⁸ P. S. Lewis, *Later Medieval France: The Polity*, pp. 91-93.

⁹ "Comment les Français du XVII^e siècle voyaient la constitution," *XVII^e siècle* no. 25-26 (1955), p. 28.

he never allowed anyone else to do so, at home or abroad [*ny privé ne estrange*]."¹⁰

Frenchmen who welcomed consolidation of power in the monarchy were thus not unconcerned with the securities and liberties of subjects. They believed that concentrated power provides more effective protection for all members of a community than divided power; and they regarded the traditional complexities and deep-rooted interests that comprised the polity as sufficient warrants against abuse of power, rendering specific institutional barriers designed to prevent abuse unnecessary. Throughout the early modern era, however, two types of institutions offered some prospect of a more regularized limitation on the power of the central government, and spokesmen for these institutions discoursed about absolutism in different tones from those used by men who glorified the Renaissance prince.

The two types of institutions were the parlements, or superior courts of justice in the several provinces of France, led by the parlement of Paris; and the assemblies of the three orders of the kingdom, the Estates-General at the level of the whole nation, and the provincial estates that remained vigorous in several areas. The parlements were a recurrent focus for opposition to the program of the centralizing monarchy. They were a central factor in the civil war that occurred during the minority of Louis XIV, the Fronde. When the Sun King reached his majority, he bent his efforts fairly successfully to rendering the parlements incapable of offering effective opposition to this will. But the parlements revived in the early and middle decades of the eighteenth century as a force to be reckoned with by his successors. The doctrines developed by these magistrates to defend their role in law-making—their privilege to remonstrate with the king before they agreed to register his laws—are central to one of the traditions of argument that we will explore. The parlements never became a major counterforce to the absolutist monarchy, an independent locus of power in the state, however; and it was not part of their own conception of their role that they should be so.

The assemblies of the notables and estates of the kingdom were an outgrowth of the royal council of feudal times. They were created by late medieval monarchs to determine and shape public opinion on the eve of important national ventures requiring financial support. As a

¹⁰ Philippe de Commynes, *Mémoires*, edited by Joseph Calmette, II, 324. Similar sentiments were frequently expressed by fifteenth-century Frenchmen, including Gerson; see the useful discussion of "Jean-Juvenal des Ursins and the Common Literary Attitude towards Tyranny in Fifteenth-Century France" by P. S. Lewis, *Medium Aevum* xxxiv (1965), 103-121.

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prelude to negotiating with each province, locality, and group of notables when money was needed and ordinary revenues were insufficient, monarchs occasionally sought general support for their policies, and commitment in principle to a new tax, in central assemblies. The people resisted this innovation, partly because they were anxious to protect the privileges associated with local and provincial institutions, and were slow to recognize interests binding them to other parts of France; and partly because the difficulties of traveling made men unwilling to be delegates to such assemblies.¹¹ The notion that the Estates-General was a bold and vigorous popular institution suppressed by the absolutist kings does not withstand examination. In the fourteenth and fifteenth centuries, the monarchs tried to use the assemblies as instruments for their own purposes, and the people resisted. Once the kings managed to establish the convention that they could tax the people regularly without some national assembly granting its consent, they no longer had much need of such bodies. In periods of crisis for the polity in later centuries, when either prince or people felt that the convening of an Estates-General would be beneficial, it proved difficult to institutionalize such meetings. The old regional hostilities, the stubborn resistance to tax increases and to tax reforms, and the jealousies and suspicions among the three orders, blocked efforts to establish patterns of cooperative behavior that would make the estates effective participants in governance. No widely accepted tradition of argument would have justified such a course of action. The provincial estates continued as forces to be reckoned with in certain areas of the kingdom right up into the eighteenth century. But they worked more to differentiate one province from another, and to ensure the retention of special privileges or exemptions, than to deflect or modify the general intentions of a determined king and ministers.

Thus, instead of an abrupt replacement of limited monarchy by absolutism, there was a more complicated pattern. Old claims and privileges remained persistent, and the new institutions set up by the monarchy developed their own independent prerogatives. Yet from the late fifteenth century onwards, there was a trend toward concentrated power, marked by peaks and valleys—the alternation of *temps faibles* and *temps forts* in the power of the king.¹² The times of weakness occurred when the king was sickly or incompetent, and especially

¹¹ Joseph R. Strayer and Charles H. Taylor, *Studies in Early French Taxation*; Lewis, *Later Medieval France*, ch. 4.

¹² The terms *temps forts* and *temps faibles* are used by Denis Richet, *La France moderne: L'esprit des institutions*; an older description of this process of development that remains worth consulting is George Pagès, *La Monarchie d'Ancien Régime en France*.

when he was a child. Regencies for minor kings meant danger for the monarchy. The *temps forts* were the early decades of the reigns of mature and aggressive monarchs, particularly Francis I, Henry IV, and Louis XIII and XIV.

This view of the course of political development in early modern France, occurring through periods of monarchical advance succeeded by noble resurgence and monarchical retreat, is borne out in the researches of numerous historians. The social and economic changes that accompanied this political development have attracted increasing attention in recent years. There have been numerous analyses of the shifting configurations of orders and classes that provided the bases for the Renaissance monarchy and the absolutist state. Scholars dispute heatedly about whose interests were served by these regimes, and precisely what role they played in economic development and social change. From one perspective, the absolutist state appears as a "redeployed and recharged apparatus of feudal domination, . . . the new political carapace of a threatened nobility."¹³ From another, the same regime is seen as hospitable to the interests of nascent capitalism, providing protection for the developing bourgeoisie against the self-protective instincts of the feudal aristocracy. From yet a third perspective, the absolutist state is regarded as an arbiter or neutral force, a transitional regime in which the interests of old aristocracy and rising bourgeoisie were neatly held in balance, a situation that allowed the monarchy itself to prosper.¹⁴

These arguments among modern scholars echo the substance, though not the phraseology, of disputes by Frenchmen of the *ancien régime*. Then as now, it was possible to see the monarchy as based in the middle class, as balancing off the new against the old, or as closely tied to the fortunes of the old aristocracy, depending on what one feared or hoped for. So many tenaciously held perspectives bespeak a complex situation. Nobles, townsmen, merchants, peasants, and officers of the crown all played their parts in supporting and opposing the cen-

¹³ Perry Anderson, *Lineages of the Absolutist State*, p. 18; another version of this same position is taken by Boris Porchnev, *Les Soulèvements populaires en France de 1623 à 1648*, p. 43.

¹⁴ Scholars who see the regime as hospitable to capitalism include Nicos Poulantzas, *Political Power and Social Classes*, and Immanuel Wallerstein, *The Modern World-System*. The third perspective is that of Roland Mousnier, *Les XVI^e et XVII^e siècles*, and Jacques Ellul, *Histoire des institutions de l'époque Franque à la Révolution*. Mousnier is criticized by A. D. Lublinskaya, "The Contemporary Bourgeois Conception of Absolute Monarchy," *Economy and Society* 1 (1972), 65-92; in *French Absolutism: The Crucial Phase, 1620-1629*, Lublinskaya subjects various hypotheses to critical examination, and offers evidence for a position closer to that of Poulantzas or Wallerstein.

tralizing monarchy in France. One aspect of that support and opposition, the aspect that concerns us in this study, is the effort by such men to explain what they saw happening around them, and justify what they hoped would emerge from a situation they recognized as novel and uncertain.¹⁵ Members of the aristocracy wrote to defend beleaguered privileges and bolster their influence in the polity. Jurists proud of their corporate independence and zealous of their craft mined treatises of Roman law and reinterpreted ancient practices to defend their courts against monarchical encroachment. Other jurists, equally proud of their position as ministers of the king, mined those same treatises and reformulated those same practices to demonstrate the sanctity of untrammelled sovereign power. Officers of the growing administrative bureaucracy developed theories explaining their own roles in the new governmental structure and bolstering the authority of the king who had created them. Kings and prime ministers themselves took up the task of defining and defending what they were doing.

Not all those affected by the centralizing monarchies spoke for themselves so eloquently, of course. The views of French merchants may or may not have been represented by those treatises we now recognize as liberal or constitutionalist in tone. Their interests were voiced in a few bold economic tracts, at first mercantilist and later laissez-faire in tone, written by members of the lesser nobility. But the merchants rarely spoke for themselves. And the great mass of the poorer people, the peasants and artisans, spoke quite another language than that of learned tracts in their recurrent and often desperate efforts to defend their lives and meager privileges against the ravages of war, seigneurial oppression, and monarchical taxation. Occasionally, as in the pamphlets issued by the men of the *Ormée* at the height of the Fronde, ordinary Frenchmen found their own voice in political argument; or else a particularly far-sighted and sensitive member of the upper classes, such as Vauban, would speak for them. For the most part, the political and economic interests of the middle and lower classes were expressed in other ways.

Still, a great number of Frenchmen did write about politics during these centuries. Not all of them wrote as partisans of some clear-cut

¹⁵ Michael Oakshott, *On Human Conduct*, part III, makes vivid the novelty of the task facing men who tried to understand "the character of a modern European state" in the early years of its formation. "Everything in this state . . . was vaguely familiar, but nothing was recognizably the same. Little had been lost on the way, little undeniably new had been added, but all had been changed." Furthermore, he adds, "the character of a state is not a model from which copies may be struck off; it is what the effort to understand this experience has made of it" (p. 198).

interest in the economy and polity. There were more detached observers of the passing scene, philosophers of politics, who sought some more transcendent vantage point on political reality. Such men were not disinterested; but their situation as men of leisure and principled bookishness allowed them to connect the struggles they saw taking place around them with other features of *la condition humaine*, as recorded by men of their sort in other times and places. They wanted to provide guidance for like-minded men on what is worth struggling for, what one is obliged to do as a member of a larger community, and how far one may be justified in cultivating the pleasures of a private and retiring life. Like those men more actively involved in the transformative events in society and polity, they tried, in their own way, to render a bewildering succession of events more manageable.

Their ideas were not developed in isolation, of course. In their thinking about politics, Frenchmen demonstrated a number of intellectual preferences and debts. They were familiar with the classics of Greek and Roman literature so dear to the humanists of the Renaissance: Plutarch and Seneca, Plato and Aristotle, Cicero and the Epicureans. They were for the most part jurists by training, and were steeped in Roman law. In wrestling with the problems of defining sovereignty and specifying areas in which the sovereign has no business intervening—in delimiting the public and the private realms—they relied heavily on Roman formulas. In providing guidance about the ends for which political power should be used, and in defining the good life for members of a political community, they depended on the philosophers of the polis, the sages of the Roman republic, and the fathers of the church.

Among contemporaries, Frenchmen were in regular correspondence with men of letters throughout Europe. Their ties with Italy, Holland, and England were particularly strong. Hobbesian ideas were taken more seriously by Frenchmen than they were at home, and it is worth recalling that they had been developed while Hobbes lived in France. Much of what we find novel in Mandeville and Adam Smith is rooted in the nascent utilitarianism of the Jansenists of Port-Royal, who were themselves Augustinians and Hobbists. The ideas of the Jansenists were transmitted by English visitors, including Locke, and by numerous Protestant exiles who left France in the 1680s for England and for Holland. The natural-law arguments of Locke and Pufendorf found their way into France through the translations and treatises of Barbeyrac and Burlamaqui in the early eighteenth century, but they did not come as alien imports. Many of the arguments central to that tradition had been developed by dissident Huguenots during the Wars of

Religion in sixteenth-century France, and then diffused throughout Europe, to find a place in the doctrines developed in the Netherlands and Germany in the seventeenth century, and a voice in the claims of the Puritan soldiers in the English civil war.¹⁶ Despite these and many other fruitful borrowings, however, it is possible to isolate those political arguments that are most distinctly French in their origin and expression, and see how they are rooted in French political experience.

These were immensely fertile centuries for ideology, theory, and philosophy in politics. For the first time, the printing press made pamphleteering possible, and distributed learned treatises to a wide audience.¹⁷ Men formed the habit of thinking historically, attempting to fit their own times into a spectrum of development over centuries, categorizing and interpreting the past. They tested themselves against the ancients in incessant disputes about the relative excellence of ancients and moderns.¹⁸ They wondered about their own virtue and the virtues of their times; they longed for a better past, which they hoped to find in some remote present, in some far corner of the world yet unexplored. They were optimistic about the prospects for a science of man, and convinced themselves that a burgeoning of discoveries in what Francis Bacon called "civil knowledge" was just around the bend. In these and other ways, there were continuities in thinking about human beings, society, and politics that provided the durable context within which more specific discussions about kingly power and corporate and popular participation in the French polity were placed.

It is these continuities in argument that I want first of all to stress. Paul Hazard, introducing his excellent study of the dawning of the Enlightenment in France, asserted that "one day the French people almost to a man were thinking like Bossuet. The day after, they were thinking like Voltaire."¹⁹ This memorable *mot* is misleading on both counts. Many Frenchmen long before 1680 had more in common with Voltaire than with Bossuet; and quite a few of them after 1715 found Bossuet's ideas more congenial than Voltaire's. This makes for difficulties for intellectual historians, who must post signs and fences along

¹⁶ J.M.H. Salmon, *The French Religious Wars in English Political Thought*. On Mandeville's French background, Thomas A. Horne, *The Social Thought of Bernard Mandeville*, ch. 2.

¹⁷ E. H. Kossmann, "The Singularity of Absolutism," in Ragnhild Hatton, ed., *Louis XIV and Absolutism*, pp. 3-17.

¹⁸ Samuel Kinser, "Ideas of Temporal Change and Cultural Process in France, 1470-1535," in Anthony Molho and John A. Tedeschi, eds., *Renaissance Studies in Honor of Hans Baron*; Hans Baron, "The Querelle of Ancients and Moderns as a Problem for Renaissance Scholarship," *JHI* xx (1959), 3-22.

¹⁹ *La Crise de la conscience européenne*, translated by J. L. May as *The European Mind*, p. xv.

the routes that arguments have taken. Yet the indebtedness of Diderot and Voltaire to Bayle and Fontenelle and Malebranche, and of these in turn to Pascal, Descartes, Naudé, and Gassendi, and of all of them to Montaigne, Charron, Bacon, and Bodin, is clear. As Norman Hampson pointed out, the Enlightenment “looks like linking up with the Renaissance, itself receding in the direction of the twelfth century.”²⁰ Beyond that there are the echoes of antiquity, the deep familiarity with the classics that permeates the *Essays* of Montaigne, or the formidable grounding in the *Politics* of Aristotle and the codebooks of Roman law that distinguishes Bodin’s *République*.

Yet despite the continuities there were also changes. The differences between Bodin and Montaigne on the one hand, and Rousseau and Montesquieu on the other, are obvious enough. The point is that the changes took place within a basic continuity of arguments and preoccupations, and that the changes in political argument themselves tell us a good deal about developments in society and polity in the intervening centuries. Historians of political thought have tended to exaggerate the differences and to speak of ruptures or silences in French thought between the sixteenth and the eighteenth centuries, because they have regarded the seventeenth as a wasteland populated only by sterile and complacent supporters of the Bourbon kings.

The seventeenth century, far from being a wasteland in French political thought, was a pivotal and exciting period. This conviction determines the structure of my argument. The overall purpose of this book is to chart the development of ideas about philosophy and politics, monarchical power and popular participation, the sovereign and the subject in early modern France. This development spanned several centuries; but the names and central arguments from the sixteenth and eighteenth centuries are generally familiar to students of political thought. Although much work remains to be done, the Enlightenment has been studied from several points of view. If one wants to know more about the wars of religion, good books can be consulted. It is the seventeenth century that is still alien to us. This is the piece of the puzzle that most urgently requires putting into place if we are to understand the course of political argument in France. In this study, therefore, the discussion of the sixteenth and eighteenth centuries is governed by the desire to see how they provided the foundations and capstones for seventeenth-century arguments. Without some knowledge of sixteenth-century preoccupations, the seventeenth century cannot be understood; and the importance of seventeenth-century argu-

²⁰ *The Cultural History of the Enlightenment*, p. 15; see also Ira O. Wade, *The Intellectual Origins of the French Enlightenment*.

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ments is more firmly established when it is apparent that they bore fruit in the political theories of the Enlightenment. The ideas expressed between the accession of Henry IV and the death of Louis XIV, however, are our primary concern.

In any study such as this, choices of topics and emphases must be made that will appear wrong-headed or eccentric to other scholars. Within the seventeenth century itself, the political ideas in the dramas of Racine and Molière are not treated. Little attention is given to the political theory of exiled Frenchmen after the revocation of the Edict of Nantes, including such important figures as Bayle and Jurieu. Arguments for popular sovereignty and natural liberty in the tracts produced by sixteenth-century Huguenots are slighted. This reflects my judgment that accounts already available do full justice to the Huguenots, and that because of this, scholars tend to exaggerate their role in French thought and overlook other traditions of argument.²¹ I have paid less attention to arguments about religion and the state, and the Gallican tradition among jurists, than some readers will find warranted. But this book is not intended as a comprehensive survey. I have tried to identify the most important contributions to a fairly coherent set of arguments to which countless other Frenchmen contributed in less striking ways. And I have been particularly concerned with theorists who offered distinctive solutions to political dilemmas recognized as important by their contemporaries, and still of concern to us today.

A corollary preoccupation that has guided my choices from the outset has been the desire to shed light on the political theories of Montesquieu and Rousseau, by showing how their arguments are rooted in earlier French thought. One reason I (and presumably many of my readers) find this material worth pondering is that it helps us understand two great figures with whom we are already familiar. Many of these themes find a denouement in the ideas of other important thinkers of the Enlightenment—Voltaire and Diderot, Helvétius and the Physiocrats. To work out all these denouements, however, is a matter for another book.

To understand how political thinkers who shared basic premises about monarchy and its purposes could nonetheless disagree among themselves on important points, it is useful to think of three modes of

²¹ For Jurieu, Guy H. Dodge, *The Political Theory of the Huguenots of the Dispersion* is the standard work; there are good discussions of Bayle in the works cited above by Wade and Hazard. More generally, the importance of natural law in French thought is brought out in studies as diverse as those of Robert Derathé, *Jean-Jacques Rousseau et la science-politique de son temps*, and Kingsley Martin, *French Liberal Thought in the Eighteenth Century*.

political argument in France: constitutionalism, absolutism, and individualism. The notion of traditions of argument, vocabularies, or modes of discourse has proved fruitful for several historians of political thought in recent years, and serves well in this enquiry.²² The names that I have chosen for the three modes of argument have the defect of being somewhat shopworn, but they bring with them an initial cluster of connotations that will help clarify the traditions I describe. A first statement of the central themes in each of these three modes of argument will be made here and in the next three chapters. A full understanding of the differences and areas of congruence among them depends on seeing what happened to them as they developed along separate courses and then gradually converged.

In political theory, an alternation of periods analogous to the *temps faibles* and *temps forts* of the monarchy itself can be discerned: periods when constitutionalism was prominent in France, and periods dominated by energetic absolutist argument. These periods do not correspond exactly to the strong and weak periods of the monarchy, but the two were correlated. Absolutist arguments tended to dominate in the first decades of a period of strong kingship, and the last years of a period of weakness. Constitutionalist arguments were more often heard at the end of a strong reign, and the beginning of the *temps faibles*. The reasons for this pattern are fairly obvious: royalist rhetoric was evoked by the brilliant prospects and early achievements of a Francis I or Louis XIV, as well as by the deep longing for order and stability of a people worn out by civil war. Constitutionalist arguments were heard when long reigns began to be felt as a burden on the people, and alternatives to autocratic rule were worth exploring. This pattern was maintained, in broad outline, from the mid-sixteenth to the mid-eighteenth century.

There was also a secular trend toward absolutism in French political theory, underlying the peaks and valleys, from the fifteenth through the seventeenth centuries. But we should be careful not to exaggerate this trend, or assume a unilinear development. Propagandists for the late medieval Valois kings assiduously cultivated various myths associated with the sacred character of kingship. They stressed the christological aspects of the monarch's status as head of the *corpus mysticum*, his second, immortal, and unfleshy body—his realm.²³ An apologist for Charles VI, Jean de Terre-Vermeil, referred to his king as "God on

²² See particularly Quentin Skinner, *The Foundations of Modern Political Thought*, and J.G.A. Pocock, *Politics, Language and Time*.

²³ Marc Bloch, *Les Rois thaumaturges*; Ernst Kantorowicz, *The King's Two Bodies: a Study in Medieval Political Theology*.

earth" nearly three centuries before Louis XIV established himself in godlike splendor at Versailles.²⁴ And some of the refulgent royalist rhetoric of the reign of Francis I or Henry IV matches anything produced by the Sun King's adulators. Beneath the myths and rhetoric, the juristic basis for absolutism was laid early on as well, in the principles of *la puissance absolue* drawn from the Roman law, and in the Gallican insistence on the freedom of the French king from control by any source.²⁵ Thus several elements of absolutist thought were available at the beginning of the sixteenth century.

Until the later part of that century, the elements distinctive of absolutist thought were used interchangeably with those we associate with constitutionalism. But by the end of the religious wars, two separate ways of conceiving the French monarchy began to be apparent. The constitutionalists remained faithful to the arguments of Renaissance jurists, as the absolutists moved toward the theory of the divine right of kings, and a fascination with *raison d'état*. Only after Bodin's theory of sovereignty was combined with ancient images linking monarchy and religion was a theory of divine right properly so-called produced in France. This step was taken during the reign of Henry IV, by publicists grateful for the blessings of strong government and anxious to secure them to posterity, as well as wishing to please their king. The final element in absolutist thought was added in the 1620s and 1630s under the auspices of cardinal de Richelieu, who saw to it that *raison d'état* became part of the political reason supporting the monarchy of France. Thus, in several stages, an absolutist dogma was forged that supported and justified the activities of Louis XIV.

Bodin's theory stands as one of the crucial junctures in the development of absolutist thought, even though Bodin himself retained many elements of the constitutionalist tradition. The major early source of constitutionalism was the political theory of Claude de Seyssel, a Renaissance civil servant and jurist who wrote a treatise for the edification of the young Francis I. French constitutionalism, from its medieval origins into the eighteenth century, was a distinctive blend of legalism, pluralism, and historicism. It was a theory of a complex polity, centered around a monarch whose power was formally absolute, but making room for effective sharing in power by other bodies in the state, especially the judges, the assemblies of the nobility, and the clergy.

²⁴ Lewis, *Later Medieval France*, pp. 81-85.

²⁵ As William J. Bouwsma points out, however, Gallicanism had, from the outset, important implications for constitutionalist thought as well; "Gallicanism and the nature of Christendom," in Molho and Tedeschi, *Renaissance Studies*, pp. 811-830.

Constitutionalist theory relied on a vague but durable conception of French fundamental law constitutive of the monarchy itself, law that the monarch did not devise and had no power to alter. It differed from English constitutionalism in depicting an harmonious tension of mutually connected authorities within the state, rather than a mechanical conception of checks and balances. During the period covered in this book, constitutionalist argument in France put increasing stress on French history as the source of evidence for, and legitimation of, its claims.

Whereas constitutionalist theory described a complex polity, absolutist theory depicted a regime organized by perfect unitary sovereignty. This tradition stressed the central role of the monarch himself as the ordering principle of all social life, the ultimate source of authority and energy within the state. References to the king as the image of God mark absolutist theorists, while constitutionalists were more likely to speak of the king as a paternal figure, or as the servant of his people. The absolutist king was sometimes depicted as the master of the lives and even the property of his subjects, superior to the fundamental laws of the polity, the source of all law and the embodiment of the law of nature. Absolutism required on the one hand an intense personalization of kingly power, an incarnation of pure authority in a single human individual to be adored and obeyed, and on the other abstraction from any human qualities in the intangible symbol of the state, pure authority and public purpose organized without human frailty. The tensions between these two requirements plagued absolutist theory throughout our period, and the former tended to give way to the latter over time.²⁶ But the king as individual remained important to absolutist politics—the single figure accountable to none but God himself and the image of God upon the earth.

The images and arguments of absolutism are so alien to our own ideas about the constitution of a satisfactory polity that we may find it hard to see how men could have accepted them. These images correspond to a type of political organization that historians describe as an exotic, ephemeral hybrid, “a strange and dangerous beast . . . an isolated, short-lived type of state that, with all its glitter and display of power, was largely unsuccessful.”²⁷ The extraordinary hubris, the intellectual pride and isolation of absolutist monarchies make them

²⁶ J. H. Shennan, *The Origins of the Modern European State 1450-1725*; Heinz Eulau, “The Depersonalization of the Concept of Sovereignty,” and more generally, Preston King, *The Ideology of Order*.

²⁷ Kossmann in Hatton, *Louis XIV and Absolutism*, p. 5; and Anderson, *Lineages*, p. 29.

inaccessible to us. Yet some of these images and suppositions linger in the reification and deification of the state to which we are not immune. To understand how such images could have been so potent in the period of their full-blown splendor, it is important to set aside the notion of the state as one organization among others, one part of a complex social and economic structure existing side by side with other human institutions.²⁸ This concept of the state is common to liberalism, to Marxist theory, and to contemporary political science—not, of course, unrelated to one another. In sharp contrast to these views, absolutist theory makes the state constitutive of social order and unity in a very direct way. For absolutist theorists, the will and power of the king provide the cement and structure for society, just as God's will and power construct the universe. The ordering authority of the king literally holds the nation together; as Bodin describes it in a trenchant metaphor, such sovereignty is like the keel of a ship that makes the difference between a vessel and an "evil-favored hoop of wood."²⁹ When this is kept in mind, it is easier to see why apologists for absolute monarchy were so adulatory, and how they could praise absolute power while condemning tyranny and despotism in the same breath, as alien to the exercise of such godlike power.

Defenders of the French monarchy insisted that there was a profound difference between absolutism and tyranny. The distinction became increasingly difficult for many Frenchmen to discern. The constitutionalist arguments of sixteenth-century jurists and historians were somewhat self-consciously reiterated during the abortive rebellions of the mid-seventeenth century, without achieving enough novelty or ascendancy to provide a forceful ideology for those rebellions. Apart from that, constitutionalism was rather stagnant and peripheral throughout much of the seventeenth century, until it was revived and given new importance in the last decades of the Sun King's reign, as discontent with the activities of the monarchy began to grow. The old Seysselian notion of fruitful participation by corporate bodies in the state began to be revived, and the historical interests of late Renaissance jurists were renewed a century later. In this setting, and in conjunction with continental natural-law theories and the ideas of English Whigs, French constitutionalism began to develop once again. During this period, men such as Fénelon and his adherents in the circle of the

²⁸ Recent attempts to make absolutist argument more comprehensible include L. J. MacFarlane, "Absolutism, Tyranny and the Minimum Conditions of Constitutional Rule," *Government and Opposition* xii (1977), 212-233; and Alfred Stepan's discussion of "organic-statist" thought, *State and Society*.

²⁹ *The Six Bookes of a Commonweale*, edited by Kenneth McRae, I, 2, ix.

duke of Burgundy put forth the rudiments of what was later called the *thèse nobiliaire*, an offshoot of the constitutionalist tradition that attempted to give a revitalized hereditary aristocracy an institutional role in the French polity, based on the councils discovered in the mists of the French past. This “noble thesis” was set over against the durable *thèse royale*, the thesis of absolutist politics that found its own novel expression in the eighteenth century in the arguments we now associate with enlightened despotism. At this time the two modes of argument that had originally appeared so similar were sharply opposed to one another, as this ceaseless dialectic of ideas continued to run its course.

The third mode of argument that played a crucial role in French political discourse was individualism. This was not initially a way of thinking about politics so much as a philosophic exploration of the delights of privacy, based on a sharp separation between public and private life. As such, however, it had from the beginning important implications for politics. It engendered a critical attitude toward authority, and encouraged the withdrawal of energy from public life. The individual made his appearance in French philosophy in the *Essays* of Montaigne. This book was the fertile source of the fascination felt by generations of Frenchmen with the psychology of the self—the passions and interests, self-exploration and self-expression of the individual. Montaigne focussed attention on the single person as a complex and intriguing microcosm rather than as defined by his role in a larger structure—the church, the family, the status order, or the state. Despite his own punctilious attention to his public duties, Montaigne expressed contempt for politics in his influential book. In doing so, he helped inaugurate a durable strain in French thought that served as a critical counterpart to the near-fanatical reverence felt by most Frenchmen for their king.

Beginning in the late sixteenth century, and continuing well into the seventeenth, at the same time that Frenchmen were deifying their monarch in a way unmatched in European thought, other Frenchmen (or even occasionally the same ones) were treating all things political as objects of contempt—petty, sordid, unworthy of sustained attention by a man with better things to do. These two extremes existed comfortably side by side because those who felt contempt for politics, like Montaigne and his successors among the *libertins*, were convinced of the importance of absolute monarchical power in providing the order that made it possible for them to live their own lives. They therefore gave scrupulous public support to the political order they mocked among themselves. The subversive potential of this approach is apparent, despite their care to avoid subversion. But as it happened, it was

not the subversive but the positive aspects of this stubborn individualism that were important in French political philosophy.

In order to understand why this should have been the case, it is important to remember that France from 1560 until 1660 was rarely free from civil disorder; religious, economic, regional, dynastic upheavals marked these years. Rebellions reminded Frenchmen of the costs of civil conflict, and this bolstered their desire for security and peace. The rebellions were for the most part isolated, disconnected occurrences, and no coherent theory of opposition brought them together. The political theories of the Huguenots and the members of the Catholic League during the religious wars of the late sixteenth century are important exceptions to this rule. But during the first half of the seventeenth century, rebellion was common in France and theories of rebellion almost unknown. Even during the Fronde, in the 1650s, little that deserves the name of theory appeared to justify what was being done. Instead, the recurring disorders reinforced the tendency of those Frenchmen who wrote about politics to support the monarchy and extol the virtues of ordering power.

Montaigne's spiritual descendants were therefore quite content to cultivate their private gardens while giving firm support to royal power. During the seventeenth century, two different kinds of arguments deepened the political relevance of the individualist tradition. On the one hand, the arguments of the interest of the state developed by Richelieu and his protégés in the 1620s and 1630s to give further legitimacy to the performance of the king were taken over by such aristocratic rebels as cardinal de Retz to explain their own personal activities during the confusions of the Fronde. Interest of state was domesticated in France. The Machiavellian arguments about the strange permutations of vice and virtue in the public realm, which Montaigne had mused about, became central to political discourse. Retz and his co-conspirators fancied themselves little states, negotiating, fighting, following the rules of *raison d'état* in their dealings with the court and with one another. This provided an early model of the interested individual in politics; but it was a sterile one in several ways. These rebels could explain their own behavior according to the maxims of *raison d'état*; but they could provide no reasons for preferring one possible outcome of their struggle to any other—save that victory was better than defeat. But victory in such a situation has no substance. There was no myth, no vision of an alternative way of organizing politics, to give them energy and unity. They lacked any notion of a public or common interest that transcended the selfish individual interests of each Frondeur. Each individual was by definition isolated by his

interests, divided from and suspicious of his fellows. This absence of any sense of common purpose and mutual trust was one reason this rebellion failed so dismally to make any lasting difference in the polity.

On the other hand, in the decades immediately after the Fronde, another set of arguments renewed the fascination with individual psychology and motivation that had occupied so many Frenchmen since Montaigne. Jansenist theorists associated with the monastery of Port-Royal, especially Pascal and Nicole, developed arguments that joined individualist and absolutist themes. Jansenist theory, although strictly Hobbesian in stressing complete obedience to sovereign power, used ideas formulated by earlier French individualists in such a fashion that their implications for a utilitarian social theory were made clear for the first time. The Jansenists described society as an intricate network of individual actions impelled by human passions, especially the passions of ambition and of greed. These passions had been analyzed by earlier individualists; but Jansenist authors, drawing upon insights taken especially from St. Augustine, dwelt on the rich consequences for the economy and for the entire society of behavior motivated by such passions. They showed how “virtuous” human action is normally the product of some “vicious” passion. It is behavior suggested by an enlightened self-love that happens to have beneficent consequences for others. True virtue in their eyes was *la charité*, the self-abnegating love of God and thereby of our fellow men. This is a rare quality that comes through God’s grace to those blessed individuals who are participants in the community of saints.

By exploring the connections between the passions and self-interest, and by showing how men impelled by greed and ambition serve one another’s interests in society, Jansenist thinkers struck a subtle blow at the foundations of absolutist theory. They undermined the crown-centered, self-sacrificing patriotism of French absolutism by preaching the stubborn prominence of self-love in the human psyche; and they ejected the monarch from his role as ordering authority for the entire society, godlike source of energy, action, and harmony within the state. They stressed the violent and utilitarian aspects of his role, rather than arcane insights and majestic governance. Since they recognized the importance of awe in instilling obedience in mortal men, the Jansenists kept the king perched high upon his pedestal. But they described him not as a god, but as the superintendent of a hospital of madmen, the source of useful fear and legal regulation. He became the overseer and referee of society rather than its keel or linchpin. And the Jansenists redirected attention from the organizing activities of the monarchy to the energetic activities of all individuals within society,

as the basic constituents of social life. Thus they brought active individuals into the absolutist polity, and circumscribed more narrowly the role of the absolutist king.

The selfish greed that marks fallen man in Augustinian theology might seem unpromising material to use in constructing a portrait of a cooperative individual as a political actor. But by the end of the century, this transformation had in fact occurred. Selfish greed became more and more respectable as its social utility was disclosed, and in its new guise as enlightened self-interest, was finally accepted as a simple neutral truth about human nature.³⁰ A convincing and fruitful political psychology was built upon this notion. The individual motivated by enlightened self-interest, unlike the conspirators of the Fronde, sees clear reasons why he should cooperate with others and serve others' needs to get what he wants. On this basis, a theory of common interests, and finally of the public interest, could be constructed. The public interest ceased to be a vague term synonymous with the age-old *salut publique*, and incorporated within it the interests of individual Frenchmen connected with one another in diverse ways. Interests were shown to bring men together as well as divide them from one another, and the connection between the individual and the political community that had been broken for so long in French political philosophy could finally, in the eighteenth century, be repaired.

³⁰ Albert O. Hirschman charts the fortunes of ambition and avarice in *The Passions and the Interests: Political Arguments for Capitalism before its Triumph*. Lester K. Little, "Pride Goes before Avarice: Social Change and the Vices in Latin Christendom," *American Historical Review* LXXVI (1971), 16-49, deals with an earlier period.

PART I

The Order of the Kingdom and
the Order of the Soul



Sixteenth-Century Constitutionalism

1. THE ANCIENT CONSTITUTION

Studies of French constitutionalism often begin by asking whether it can be said that France had a constitution during the *ancien régime*. Revolutionary leaders, convinced of the importance of a properly written and labeled document, produced a constitution in 1791; but at least one observer, Arthur Young, disapproved of their proceeding as though "a constitution was a pudding to be made by a receipt."¹ A number of their contemporaries asserted that France had always had a constitution, "for how could it be that a state which has flourished for 1,300 years was never constituted?"² By this they meant something more than the common-sense notion that states, like other complex entities, must have a minimum of form. As their proud reference to France's long flourishing makes clear, they assumed that their *patrie* had always had a distinctive political structure that was the basis for its health and longevity.

One indication that France had always had a constitution was that Frenchmen had constitutional disputes regularly throughout the *ancien régime*, and they tended to agree roughly on what it was that they were arguing about. The word "constitution" was rarely given political significance in France until the late seventeenth century; but questions about *la régime et gouvernement du monarchie* and *les lois fondamentales* dominated French political discourse long before that.³ Innumerable treatises were written to stake out the precise provisions of the elusive constitution of the polity. Major steps in the argument were based on barely perceptible nuances in interpretation of familiar phrases, and impassioned disagreements founded on differences so subtle

¹ Quoted in Charles H. McIlwain, *Constitutionalism Ancient and Modern*, 3-4.

² André Lemaire, *Les Lois fondamentales de la monarchie française*, p. i. See also W. F. Church, "The Problem of Constitutional Thought in France," *Etudes des . . . assemblées d'état*, pp. 173-182.

³ Roland Mousnier, "Comment les Français du XVII^e siècle voyaient la constitution," *XVII^e siècle*, no. 25-26 (1955), p. 11, follows Walther von Wartburg in arguing that Bossuet was the first to use "constitution" as a synonym for fundamental law. E. M. Beame, "Limits of Toleration in Sixteenth-Century France," *Studies in the Renaissance* XIII (1966), 255, finds a reference in a pamphlet of the late sixteenth century.

that they hardly appear to be worth bothering about. In such a complex and homogeneous intellectual universe, it is hard to draw sharp distinctions among theorists. Nonetheless, historians have commonly discovered two fairly distinct intellectual tendencies in arguments about the French polity during the *ancien régime*: absolutist and constitutionalist.⁴ Most French theorists, whether constitutionalist or absolutist in temper, began with the assumption that their king possessed a *puissance absolue*. This conveyed the sense that he was not subject to the authority of any human will, inside or outside his realm. Most theorists also agreed that the king was subject to divine law, and that he should rely on the best counsellors and magistrates he could employ to help him govern beneficently and justly, rather than arbitrarily and oppressively. Beyond this, constitutionalist theorists asserted that the king was subject to the fundamental laws of the French realm, a point on which absolutists tended to equivocate, and to the ordinary positive laws that he and his predecessors had made, a point that absolutists straightforwardly denied.

Much of the frustration experienced by students of French constitutionalism arises from this apparently paradoxical assumption that power can be both absolute and limited. In order to make sense of it, it is important to remember that the *puissance absolue* ascribed by constitutionalists to the king did not include the power to extend the activities of government beyond those spheres in which it had traditionally operated; and constitutionalist theorists were quite clear that absolute power could be abused. The notion of abuse of power implies some understanding about proper uses, some notion of frameworks for monarchical activity and procedures for carrying on that activity. Constitutionalists, unlike absolutists, asserted that some institutions in the state—normally the parlements—were charged with ensuring that these frameworks and procedures were respected by the monarchy. Yet such supervisory activities had to be accommodated to the notion that the parlements were also part of the monarchy itself, arms of the king for the provision of justice to the people.

French jurists and political theorists had trouble identifying firm institutional obstacles to the abuse of *la puissance absolue* because they found the notion of divided sovereign power profoundly uncongenial. Even before Bodin asserted clearly that sovereignty, by definition, cannot be divided, sixteenth-century Frenchmen took for granted that

⁴ Mousnier, "Comment les Français," for example, distinguishes between those jurists who "adhered to the Constitution without reserve" and those *men du côté du Roi* who wished the same principles applied in ways more favorable to monarchy.

authority must have some specific unitary locus in the state. Most of them also took for granted that this locus must be in the king. During the religious wars, some argued that the locus ought instead to continue in the people; but arguments for popular sovereignty were very much in the minority in France. The disinclination to think in terms of a division of authority marked French theorists until the late seventeenth century, and was not seriously challenged until the *Spirit of the Laws*.

Despite this deep-seated aversion to the notion of divided power, there was an equally deep-seated attachment in French theory to fundamental law. Even if no clear-cut human sanctions for this law could be agreed upon, there was consensus on what the *lois fondamentales* were supposed to provide: a statement of conditions for accession to the throne of France, and of the legitimate extent and proper uses of power in the state. The ancient constitution of France, like that of England, supposedly determined the pattern of succession to the monarchy and regulated the relationships between the king and all his subjects, setting out rights and obligations on both sides. But while the French constitution possessed rather more precision than the English about the former subject, it did much less well at setting out clear limits on authority and obligation.

The *loi Salique*, which set out the conditions for monarchical succession, was the nucleus of the fundamental law. Its provisions were universally understood, and had sufficient sanctity that they were virtually unassailable. One royal publicist under Henry IV, Jerome Bignon, spoke of this law as "engraved on the heart of Frenchmen," not written down on paper, but "born with us, not invented by us, but drawn out of nature herself, who taught it to us as an instinct."⁵ The instinct, if such it be, was given a name only in the fourteenth century, when an ancient law governing the disposition of private property was put to use to exclude Edward III of England from the throne of France; and several provisions of the Salic law still excited controversy when Henry of Navarre, a Protestant, was heir to the throne.⁶ Nonetheless, the basic rules for accession to the French monarchy were almost universally acknowledged. But France had nothing comparable to Magna Carta; and it was in this vexed area of the proper uses and extent of the royal authority, on the one hand, and the privileges of subjects, on the other, that constitutional disputes were joined.

The constitutionalists were, for the most part, loyal monarchists. They were orthodox jurists, historians, and administrators, who took

⁵ *De l'excellence des Roys et du Royaume de France* (1610), cited *ibid.*, p. 15.

⁶ Denis Richet, *La France moderne*, pp. 46-54.

for granted the royal *puissance absolue* and depicted a close harmony among the laws and institutions of the kingdom. They must be distinguished from those polemicists who opposed absolute royal power, particularly the sixteenth-century Huguenots and members of the Catholic League, who stressed the primary authority of popular institutions and argued for strict limitations on the king. Such men were also “constitutionalists” in a different vein; but their arguments formed a tangent to the main stream of French thought. Hotman and his colleagues, including the author of the *Vindiciae contra tyrannos*, have attracted the attention of modern scholars because their doctrines of popular sovereignty and the contract of government have become central in interpretations of the development of liberal political ideas. Yet the arguments of Seyssel and Pasquier were more important in shaping French political thought in the sixteenth and seventeenth centuries, and more representative of the ideas of Frenchmen generally.

2. PHILIPPE DE COMMYNES AND MEDIEVAL CONSTITUTIONALISM

Several of the central themes and images of sixteenth-century constitutionalism were developed in medieval discussions of the polity; and while we cannot explore those roots extensively, it is well to have some notion of how things stood in the late fifteenth century. The best-known writer about politics during this era was Philippe de Commines, who left the service of Charles the Bold of Burgundy in 1472 to become one of the most trusted advisors of King Louis XI of France. In retirement, he composed a set of vivid *mémoires* about the period, describing events, assessing characters, and offering the fruits of his experience as guidance for politicians in the future.

In Commines's *Mémoires*, most of the themes characteristic of French constitutional argument are to be found, even though they are indicated only hastily. Unlike most French constitutionalists, Commines was not a jurist, and had little formal education. He was a clever and devoted servant of two successive masters who were enemies, and he was rewarded for his efforts with rich lands and impressive titles. These circumstances help explain the mixture of cynical realism, ardent admiration for strong monarchy, and stubborn defense of feudal privilege that can be discerned in Commines's book. The major differences between his ideas and those of his constitutionalist successors arise from the absence of the perspective of the legal scholar or historian. Commines pays little attention to the *lois fondamentales*, or indeed to laws of any sort, in discussing the French monarchy. Apart from this, his arguments have a good deal in common with

those of French constitutionalist writers, and provide a good introduction to three themes: the pluralistic notion of counterpoise and conflict in the state; the importance of good counsel and good training to assure that the prince's will is well-ordered and sound; and the political realism that recognizes the importance of prudence and calculation in the achievement of the common good.

Like many later French social theorists, Commynes took for granted that human beings try naturally to gain dominance over one another because of their strong passions, particularly covetousness and the love of power. "Neither our natural reason, nor our sense, nor fear of God, nor love of neighbor will restrain us at all from doing violence to one another . . . or from taking the possessions of others by all possible means," asserts Commynes. The only effective restraints come from the opposition of other human beings who attempt the same adventures against us. Fortunately, "God has created neither man nor beast in this world without establishing some counterpart to oppose him, in order to keep him in humility and fear."⁷ Commynes held a general theory of counterpoise. Each of us, as individuals, as well as estates, communities, and nations, has a counterpart set over against us by divine mercy to keep our ambitions and avarice within tolerable bounds. This works fairly well within a particular society, since dissensions and divisions balance one another, and mutually opposed desires and energies neutralize wickedness; justice, the settling of disputes by superior authority, provides further constraint. But the superior authorities themselves, the princes, have no superiors on earth; and if God in His wisdom had not also given them counterparts (such as England, in the case of France), "nobody could live under their rule or even near them."⁸

Even with counterparts among other princes, the dangers of princely aggression are great, observes Commynes; and much adversity comes to the people because of it. Counterpoise works well enough among ordinary people, within a framework of justice provided by the king; but the will of the king threatens to become an unbalanced source of energy, and requires channeling to ensure that it will be used for good ends. Powerful lords can always provide pretexts to justify encroachments, and flatterers in their entourage will hasten to assure them of the rightfulness of their cause. To guard against these things, princes need to be educated carefully and provided with wise and

⁷ *Mémoires*, ed. Calmette, v:18 (vol. II, 207-212). There is a fine translation of the first five books of *The Memoirs of Philippe de Commynes* by Isabelle Cazeaux, edited by Samuel Kinser with a useful biographical introduction.

⁸ *Ibid.*, v:20 (vol. II, 237).

honest counsellors. A disordered royal will—*une volonté désordonnée*—is the evil to be avoided by these measures. The part played by the king's tutors, his ministers, his parlements, and the various assemblies of his subjects, in ordering his will and directing it to beneficent purposes was emphasized by Commynes, and was central to French constitutionalist argument from medieval times until the eighteenth century.

Commynes, like many Frenchmen before the age of Louis XIV, took for granted that no king or seigneur on earth had the right to take any part of his subjects' property without their consent. He asserted heatedly that to contravene this prohibition meant to perpetrate *tyrannie et violence* against the people. The consent to which he referred was that of the assemblies throughout France that had traditionally been consulted before new revenues were raised. The feudal roots of this idea are clear in those passages where Commynes differentiates the prince's "domain" from the properties of his subjects, and equates taxation without consent with manifest tyranny. But he does not describe these assemblies as setting limits on kingly power. In his view, those who claim that the king's authority will be diminished by calling together the estates of the realm are guilty of *lèse majesté*, since they imply that the royal will is undermined rather than strengthened by association with the wills of his subjects. Commynes asserts that the loyal subjects of the king of France have always shown themselves eager to give their sovereign what he asks, and they present petitions and grievances most humbly for his consideration. The assemblies are not described as a counterpart to the royal will. They are formally necessary to legitimate taxation, which amounts to an invasion by public authority on the private realm unless consent is given; but they facilitate royal policy instead of hampering or blocking it.⁹

In discussing the king's procedure in calling together the estates, Commynes observes that he "only summoned certain given persons whom he thought would not oppose his intentions." This is described as one of several "shrewd moves" undertaken by the king in a period of difficulty.¹⁰ Commynes is a great admirer of royal shrewdness, a

⁹ v:19 (vol. II, 218); Commynes goes on to say that the place where "la chose publique est myeulx traictée et règne moins de violence sur le peuple . . . c'est Angleterre." His description of England (see also iv:1) indicates that he regarded the well-established situation of the Parliament as a great asset for the monarchy, and for the polity more generally. This opinion was an exception to the general tendency among French constitutionalists to ignore or belittle England before 1720.

¹⁰ III:1 (vol. I, 174-175).

trait that has led some to speak of him as the “French Machiavelli.”¹¹ But this same tone is regularly found in French social thought. Long before Richelieu institutionalized *raison d'état*, Frenchmen were comfortable with the notion that courses of action that would ordinarily appear immoral were to be sanctioned when they were undertaken for the good of the kingdom. Such policies generally fell under the heading of “prudential” actions, and prudence was consistently praised as a princely virtue in French thought. Commynes notes that such behavior might appear deceitful or untrustworthy; he says his purpose is to provide an accurate account of what happened, even if it appears questionable. But beyond that, he asserts that when the princes he describes are “compared with other princes, these two will appear great and notable,” because of the benefits they brought their people. Louis XI will be even more highly regarded than the duke of Burgundy, because he “left his kingdom increased and at peace with all his enemies.” Besides that, France was the final victor in their mutual conflict; and Louis’s chroniclers provide the definitive account of the events in which both participated. They can therefore turn Burgundy’s great projects to his “prejudice and shame; for those who win get all the honor.”¹²

Such realism about politics is a hallmark of Commynes’s approach. Many of his successors among French constitutionalists echoed it, without the tone of cynicism that sometimes colors Commynes’s accounts. French jurists had few illusions about the efficacy of homilies and moral didacticism to keep strong kings in order. The first systematic theorist of the French constitution, Claude de Seyssel, began his major treatise by rejecting most of traditional political philosophy as useless, since no real-world polities were ordered as reasonably and virtuously as those discussed in learned treatises. Perhaps for this reason, he and most other constitutionalists paid less attention to the role of the laws of nature or divine law in ordering the royal will than one might expect. But they did rely heavily on one type of law that was comparatively unimportant in Commynes’s account—the fundamental laws and ordinances of the French monarchy—as the framework within which the royal will was to be ordered and bent to good uses. In Seyssel’s treatise on *La Monarchie de France*, as in French constitutionalism from medieval times until the revolution, such laws and ordinances focus discussion of the right ordering of the polity.

¹¹ Kenneth Dreyer, “Commynes and Machiavelli: A Study in Parallelism,” *Symposium* v (1951), 38–61, discusses a number of affinities. See also more generally, Donald R. Kelley, “Murdr’ous Machiavel in France: A Post Mortem,” *Political Science Quarterly* LXXXV (1970), 545–559.

¹² v:9 (vol. II, 154–155).

3. CLAUDE DE SEYSSSEL AND *La Monarchie de France*

Claude de Seyssel (1450 [?]–1520) was a diplomat, jurist, and churchman active in the service of Charles VIII and Louis XII. By birth a Savoyard, by training a legal scholar, and by reason of his proven usefulness to the French king an ambassador and negotiator in several European countries, Seyssel combined a thorough acquaintance with the law with a broad experience in contemporary politics. When Louis died in 1515, Seyssel wrote a political testament called *La Monarchie de France*, and presented it to his new sovereign, Francis I. The treatise was published in 1519 under the more ambitious title *La Grant Monarchie de France* and reissued periodically thereafter.¹³

In writing about the monarchy of France, Seyssel brought to his task not only his legal training and political experience, but also an extensive familiarity with ancient history. He had translated several classic histories for Louis, including those of Xenophon, Eusebius, Thucydides, and Appian Alexandrin.¹⁴ These were later published, and Seyssel's observations in the preface to one of them—the *Histoire d'Appien*—were as familiar to later Frenchmen as the argument of the *Monarchie de France*. In Seyssel's eyes, the major lesson to be learned from Appian's history was the effect of civil dissension and overweening ambition in the destruction of the Roman state. Machiavelli's focus upon Livy and the origins of Rome is paralleled by Seyssel's interest in Appian and its demise, as a way of showing what must be avoided if the French kingdom were to continue to flourish: the encroachment of overly ambitious people or seigneurs on other parts of the complex social organism, an encroachment that threatens the mutual interdependence of the whole.

Seyssel provides a peculiarly Renaissance rendering of the ancient theory of harmony and counterpoise. In his vision of the world, all things that come into being are necessarily impermanent. *Les corps mystiques*, political bodies, like natural bodies, must decay. The four humors that compose the human body are contrary to one another,

¹³ For Seyssel's biography, see Jacques Poujol's introduction to his edition of *La Monarchie de France*, which includes a discussion of the various editions of the *Monarchie* and its influence. The best essays on Seyssel's political theory are J. H. Hexter, "Claude de Seyssel and Normal Politics in the Age of Machiavelli," in Charles S. Singleton, ed., *Art, Science and History in the Renaissance*, pp. 389–415; and J. Russell Major, "The Renaissance Monarchy as seen by Erasmus, More, Seyssel and Machiavelli," in Theodore Rabb and Jerrold Siegel, ed., *Action and Conviction in Early Modern Europe*, pp. 17–31. An extended version of this section on Seyssel is N. Keohane's "Claude de Seyssel and Sixteenth-Century Constitutionalism in France," in Pennock and Chapman, ed., *Constitutionalism*.

¹⁴ Paul Chavy, "Les Traductions humanistes de Claude de Seyssel," in André Stegmann, ed., *L'Humanisme français au début de la Renaissance*, pp. 361–376.

and compete for domination; in the long run one gains excessive prominence in the body and destroys it. So the "mystical body of human society," having been "assembled by a civil and political union" must in the end, because it is "composed of multiple judgments and discordant wills repugnant to one another," decline and fall into nothingness.¹⁵ The primary thesis is that tension is an essential feature of political society; each part will attempt to gain dominance over all the others, and unless this unhealthy monopoly can be forestalled, "ruin and total mutation" will occur. But well-governed polities can prolong their flourishing through the internal harmony and consonance of the several parts.

To support his thesis, Seyssel draws on comparative material from history and from contemporary polities, particularly Rome and Venice. His conclusion is that even the most excellent among popular and aristocratic states are more vulnerable to destruction by internal conflict than a well-ordered monarchy. Both types of regimes are marked by an increasingly particularistic pluralism. Each part of the state desires hegemony, and all have "more regard to their particular passions than to the public good." Popular and aristocratic states have no protection against these *mauvaises humeurs*; monarchy's great advantage is that it provides a single strong will above the fray to regulate conflict, forestall the process of encroachment, and ward off the day of doom.¹⁶ This argument for the superiority of monarchy—the provision of a strong will above incessant conflict, a single authority to be revered and obeyed by all—was central to French political argument. Other reasons were also offered during Seyssel's own time and afterwards: that monarchy is rightful because the king is God's image on earth, His counterpart in the political plane of the great chain of being; that monarchy is superior to other forms of government because of its efficiency and rapidity in decision making. But two distinctive elements of Seyssel's defense recurred often in later thought: that monarchy is superior because only a single leader enjoying complete authority can control the complex forces that make up a political system, keep order among them, and prevent the fatal tendency to encroachment; and that a hereditary monarch has a clear psychological advantage over any other ruler in commanding obedience and esteem among his subjects.

Frenchmen until the eighteenth century took for granted the nu-

¹⁵ *La Monarchie de France*, edited by Poujol, part I, section 3, p. 108. Cf. Paul Archambault's study of "The Analogy of the 'Body' in Renaissance Political Literature," *Bibliothèque d'Humanisme et Renaissance* xxx (1967), 21-52.

¹⁶ I, 2-4, pp. 104-110.

cleus of Seyssel's claim: that only a royal will obviously superior to all partial wills within the realm, unlimited by any of those wills, can prevent petty tyranny within the state. Rousseau's political philosophy, at first sight so far removed from Seyssel's Renaissance monarchy, retains this nucleus in the *volonté générale*. The notion that it is a grave disadvantage for government to be subject to the partial wills of those who are governed, that such subjection is not a source of liberty but of chaos and destruction, distinguishes French theory from the beginning of the sixteenth century, and sets it apart from Anglo-Saxon modes of thought. The second part of Seyssel's claim—the psychological advantage of hereditary monarchy, the symbolic power of kingship to elicit awe and obedience among ordinary men—was also accepted by many later theorists, including men like Montaigne and Pascal, who were more fascinated by the effect of the royal spell on other men than subject to it.

Seyssel did not write as a pure apologist for monarchy, however, and this was not the main source of his influence. The other side of his argument in the *Monarchie* must immediately be brought to bear on his defense of the superiority of kingship. For if it is true that only a single will can control the complex forces in the state, it is also true, in Seyssel's eyes, that these forces themselves provide both the restraints on the monarch's power, and also the effective basis for the exercise of his authority. Seyssel had no illusions about the excellence of kings; he knew that the personal imperfections of monarchs are the Achilles' heel of this form of government. But he was convinced that, at least in France, this weak point had been effectively secured by a constitution sufficiently pliable to make room for the active will of a talented and vigorous monarch bent upon working for his people's good, yet strong enough to restrain the disordered will of a depraved or imbecilic successor, and prevent him from destroying the kingdom while it awaited a better king.

In his preface to the translation of Appian's *History*, Seyssel asserted that "taken as a whole, the French realm participates in all three ways of political governance," that is, that there are traces of democracy and aristocracy as well as monarchy in the regime.¹⁷ But Seyssel did not associate any particular institutions with the roles, and his contention is not reducible to the familiar assertion about mixed government. He describes a pliant interconnection of mutually limiting spheres of authority, all combining to work together harmoniously in the government of France, beginning with the king and those officers closest

¹⁷ This "Prohème" is included in Poujol's edition of *La Monarchie de France*; p. 80.

to him, and encompassing every official, down to the merest parish clerk. Members of each estate of the realm have offices and dignities open to them appropriate to their situation.

And in this way, the goods and honors, charges and administration of *la Chose publique* being divided and distributed among all the estates proportionately, according to their condition, and each individual in those estates maintained in his preeminence and equality, there follows a harmony and consonance which is the cause of the conservation and augmentation of this Monarchy. And the affairs of the kingdom prosper to the extent to which the kings (who are the fountain and the source from which emanate and flow all the streams of good *polices* and justice) are attentive in upholding this union and correspondence, like true and natural Princes who are concerned primarily with the common Good of the kingdom, which they identify with their own.

Seyssel speaks of the French monarch as having "all power and authority to command and do what he wishes," but holds that this "great and sovereign liberty is so well regulated and limited by good laws and ordinances, and by the multitude and great authority of officers who are near his person and in the several parts of his Kingdom," that a king can hardly manage to act violently or against the good of his subjects. The coupling of "laws and ordinances" with those officers who participate in guarding and administering the rules, is significant; it is the effective activity of the latter that gives substance to the former, in Seyssel's theory. Surrounded by counsellors, exercising his justice through a great number of officers, aided particularly by parlements, a "true Roman senate," the king finds himself hedged in on all sides by those regulations and institutions he and his predecessors have established.¹⁸

In his major treatise, Seyssel does not reiterate the view that the French monarchy included elements of aristocracy and democracy; he goes out of his way, in fact, to reject this notion.¹⁹ But the notion of complex legal and institutional constraints against the exercise of a *volonté desordonnée*, and the notion of power increased rather than diminished by such constraints, recur as keynotes of the larger work. In the *Monarchie de France* they are expressed in Seyssel's most famous and fruitful contribution to French thought: the theory of the three bridles. The metaphor of the bridle was a happy choice. Unlike

¹⁸ "Prohème d'Appien," pp. 81-84. From medieval times until the Revolution, this comparison between the parlements and the senate was common.

¹⁹ *La Monarchie de France*, I, 12, p. 120.

brakes or obstacles, bridles regulate and direct energy as well as restraining it. They are flexible and sensitive, rather than mechanical and automatic. Bridles can be used to restrain the headlong energy of a runaway monarch, and then be relaxed to move in gentle harmony with a well-intentioned king, subtly informing his direction, yet setting no obstacles in the way of his productive energy. This was the sense Seyssel wished to capture in his image. And this notion of a flexible and durable constitution, responding differently to different monarchs for the long-run benefit of the polity, dominated French constitutional argument until the middle of the eighteenth century. The specific image of the bridles was sometimes used in later thought, and the corresponding verb—*refrénér*—was common.

The three bridles described by Seyssel are *la religion*, *la justice*, and *la police*. Long indoctrination in the precepts of Christian morality helps deter kings from tyrannical behavior; but the bridle of religion does not depend on the tutelage of princes in vague guidelines that they are always exhorted to obey. The crucial thing about the first bridle is not what the prince believes, but what the people believe about his religion, based on his overt behavior. Like Machiavelli, Seyssel used the career of Numa Pompilius as an example of the benefits that accrue to leaders who have the “color and appearance of religion and of having God on their side.”²⁰ The devout people of France obey their kings because they regard them as instruments of the divine will, and this inclination will be disturbed if the king commands something that is obviously impious. Thus even a monarch who has little use for Christian ethics cannot afford to deviate too much from their dictates if he wishes to retain the enthusiastic obedience of his people. The institutional aspect of this first bridle is also important. Any priest, however lowly, can condemn the king in his pulpit and the king will not dare to silence him, says Seyssel, because of the popular outcry that would result.

In discussing *la justice*, the second bridle on the prince, Seyssel focuses on one institution—the parlements—that ensure, in his eyes, that justice is better established in France than anywhere else in the world. Originally created by the kings to guarantee the *civilité* of the laws and institutions of the kingdom, the parlements have made themselves so respected in their authority that “kings have, so far as distributive justice is concerned, always been subject to them.” Not only do they help him give justice to all his subjects; by passing judgment on his

²⁰ 1, 9, p. 117; cf. Machiavelli, *Discorsi* 1, 11; and Joseph Strayer, “France: the Holy Land, the Chosen People, the Most Christian King,” in Rabb and Siegel, *Action and Conviction*, 3-16.

own laws and ordinances, they “effectively restrain the absolute power our kings desire to use.”²¹

La police is the third of Seyssel's bridles. This is a recurrent term in French theory that is difficult to translate. Seyssel applies the notion very broadly. He uses it initially to refer to those ordinances set up by kings themselves, confirmed by time and usage, which provide the procedural patterns for the government of the realm. Here, as in the case of the parlements, institutions originally created by the king, which derive their formal authority from his will, act as restraining influences on the exercise of his power. Besides these ordinances, *la police* includes “another order and form of living in this kingdom that tends to the same end,” that is, the exercise of well-tempered power.²² This is a reference to the other part of the political *corps mystique*: the body of the nation, the three estates of the people themselves, “well-regulated and held together” in their own patterns and consonances. This is a primary source of the constitutional order that Seyssel finds in France: not only is there a single head to govern the “mystical body,” but that body is itself well-ordered in several estates and conditions, so that the energies of each part of the body are controlled internally, in addition to providing a bridle upon the king who governs them. Seyssel here follows a well-established tradition in France, gradually eroded in the next few centuries—the tradition that the nation as a body possessed customary rights and privileges, distinct from those enjoyed by the monarch, and not subject to his dictates. His description of the king's power as *absolue*, like that of most of his contemporaries, refers only to a certain sphere of action appropriate to a king. Outside this sphere, in harmony with it but not completely subject to its control, was another sphere of legal right and established usage, another part of *la police* of France.²³

In discussing each of the three bridles, Seyssel stressed the subtle connections between the bases of the monarch's power and the limits on its use. Not only do the bridles discourage abuses, they also extend the king's capacity and constitute his power. Since a large part of the king's authority comes from his status as Most Christian King, French kings ought not only to “endure and submit sweetly” to the first bridle, but also “fortify it with their power.” Since the French king is traditionally revered first of all as the source and embodiment of

²¹ I, 10, p. 117.

²² I, 13, pp. 120-121.

²³ W. F. Church, in his magisterial study of *Constitutional Thought in Sixteenth-Century France*, pp. 77-81, refers to this “all-important doctrine” as a fundamental legacy from medieval times; see also Lemaire, *Les Lois fondamentales*, pp. 283-284.

justice, he ought to "study well how he can maintain and augment it." And as for *la police*, it is by means of "laws, ordinances, and admirable customs" of the kingdom that the prince prospers; not only is he bound by his coronation oath to honor them, but if he does not, he "enfeebles his strength and thereby diminishes his glory and his own renown."²⁴ Thus Seyssel insists that "this moderation and bridling of the absolute power of kings is to their own great honor and profit." He uses an analogy that recurs regularly in later French constitutionalism, asserting that if the king's power "were ampler and more absolute it would be worse and more imperfect; just as the power of God is not thought to be the less because he cannot sin or do evil, but is thereby the more perfect. And in the same way, kings are to be praised and prized much more when they choose in their great authority and power to be subject to their own laws and live according to them, though they could at will make use of their absolute power."²⁵ It is clear that Seyssel recognizes that the effectiveness of the bridles depends finally on the voluntary submission of the king. He must be shown why he should choose to subject himself to laws. To demonstrate the great advantages of such a choice, for the king as well as for the kingdom, was Seyssel's major purpose in writing the *Monarchie*.

4. SEYSSSEL ON THE ORDERS OF THE KINGDOM AND THE ORDERING OF THE WILL

The central distinction in Seyssel's major treatise is between an ordered and disordered will. His theory of decision making recognizes that royal decisions are not simply formal moments of the pure disposition of *volonté*, but are shaped by advice and information, and depend heavily on the quality of the counsel given to the king. A disordered will operates hastily and erratically, on the basis of poor, unsystematic information; an ordered will works smoothly and regularly, reflecting the sober deliberation by a number of men in cooperation with the king.

Unlike some later apologists for monarchy, Seyssel recognized that it is "impossible that a single man, or even a small number, however accomplished they may be, could understand and manage all the affairs of a large kingdom."²⁶ Later apologists were fond of the image of the far-seeing monarch raised high above his people, enabled to encompass the whole kingdom in his vision. Seyssel referred rather to

²⁴ *La Monarchie de France*, II, 14-17, pp. 149-155.

²⁵ I, 12, p. 120; cf. II, 11, p. 143.

²⁶ II, 4, pp. 133-134.

the "obfuscation of understanding" that afflicts a monarch who tries to do everything himself. In his constitutional theory, the best ordering of the royal will depends on a variety of councils, ranging from a small group of trusted advisors to the Great Council of the realm, in which the notables regularly present at court are joined by representatives of the major towns and cities of the kingdom. There is no notion that the consent of such an assembly is constitutionally mandatory even for new taxes, which sets Seyssel's arguments apart from those of many other jurists. Seyssel's focus is on the utility of such councils in royal decision making. They provide information and allow the king to publicize his policies and garner support. But they are not to be depended upon for insights into the major questions of governance. The minority in such large assemblies is always wiser and more far-seeing than the mass, argues Seyssel, yet there is great pressure to adopt the majority view, *la plus grande et commune opinion*.²⁷ Having little use for the political opinions of ordinary folk, Seyssel provides a much more prominent place in his constitutional system for the corporate bodies of trained jurists, the *parlements*, than for any of the various assemblies of the people, including the Estates-General, which he does not even mention by this name.

In the polity described by Seyssel, the role of the ordinary people is primarily social and economic. Unlike the absolutist theorists, he gives the subjects of the king a vigorous and active role; but their major contributions are made through their own *métiers* and occupations. They are responsible for filling certain offices in the *corps mystique* appropriate to their rank, but have nothing to do with the functioning of the head of the body, besides providing support and obedience. Seyssel's discussion of the *police* of the mystical body is noteworthy in that the three orders he describes do not correspond to those traditional in France, but show a probable Italian influence. Seyssel distinguishes between the *peuple gras* and the *peuple menu*, the two lower orders, and gives first place to the nobility. The clergy is an estate "common to all the others," whose members are drawn from throughout society.²⁸

In discussing the *peuple menu*, Seyssel warns of the dangers to be expected if these folk are given too much liberty or excited into action, because of their great number and natural envy of their betters. But then he proceeds to argue in a most untraditional vein that this same envy and energy can be a source of health in the social body when it is properly regulated, as it is in France. A member of the

²⁷ II, 4-8, pp. 133-141.

²⁸ I, 13-19, pp. 120-128.