Introduction

Empire of Fear: France, the Birth of the Royal State, 1561–1651

Estat que c'est

That which one rightly calls State is nothing other than an order, by means of which are governed several households and communities, having for a goal the good of all in general. But we may also call State these households and communities assembled together under the same Government; and be it the one or the other sense, we may say that all general considerations that can serve in the handling of public affairs, regard either the establishment, or the conservation, or the expansion of the State.[1]

Philippe de Béthune, *Le Conseiller d'Estat*, 1633.

Introduction

Cité – Ainsi anciennement on exprimoit ce qui est auiourd'huy desnommé Estat. Jacques de la Guesle, *procureur* general, May 27, 1588, Parlement of Paris.[2]

Toward the end of this project, when reading the inventory of the town archives of Avallon, I came across a phrase related to a lawsuit over a *rente* of 13 *l.* owed to the canons of the city: "*l'empire de la crainte,*" the empire of fear. Reading the original from the town archives revealed that

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[1] Philippe de Béthune, *Le Conseiller d'Estat ou Recueil general de la politique moderne*, ed. F. Monnier, préface M. Fumaroli (Paris: Economica, 2012), 304. I owe Marc Fumaroli enormous thanks for several illuminating discussions; how sad that I cannot share the final product with him. "Ce que l'on appelle vraiment Estat n'est autre chose qu'un ordre, par le moyen duquel sont gouvernez plusieurs mesnages & communautez, ayant pour le but le bien de tous en general. Mais nous pouvons aussi appeler Estat ces mesnages & communautez r'assemblez sous un mesme Gouvernement; & soit ou en l'un ou en l'autre sens, nous pouvons dire que toute les considérations generales qui peuvent servir au maniment des affaires publiques, regardent ou l'establissement, ou la conservation, ou à l'accroissement de l'Estat."

[2] "Thus one formerly expressed that which today is named State." De la Guesle claimed that Henry III's reform of the kingdom, an edict (May 23, 1588) rescinding more than eighty edicts related to fiscal expedients, reminded him of the way the Franks and the Gauls had merged, making of "two *Cités*," one. *Les Remonstrances de Messire Jacques de la Guesle, procureur general du roi* (Paris, 1611), 10.

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the phrase came from the editor of the inventory, L. Prot.[3] The original phrase, in a *plaidoyer* [legal brief] for the town's *échevins* was in Latin, in a document written otherwise in French: *summo metu et tempore bellorum civillum quæ in se metuin includunt*, or in great fear and in a time of civil war; the final phrase might best carry the sense that a civil war does not simply include fear, but encourages it. The deceased husband of the widow seeking reimbursement, Renée d'Aulenay, had been a Protestant. His nearby chateau of Girolles housed a contingent of Protestant soldiers which created a climate of fear that the town *échevins* claimed had coerced their predecessors to agree to pay Philippe de Loron's debt to the canons.[4]

Three great fears dominated French political life at the birth of the royal State: fear of civil war, exacerbated by dynastical instability; fear of the democratization in politics, which climaxed in the 1570s, and had a second wave in French towns between 1588 and 1594; and fear that the monarchical commonwealth could no longer provide the political framework needed for reforms and stability – not simply the physical "*repos*" [calm] everyone craved, but an institutional structure that could carry out needed reforms. Henry IV's reform of the French episcopate – eschewing the *method* proposed in *cahiers* of 1560 or 1576 but implementing *the policy changes* that the *cahiers* had suggested – offers an ideal example. French subjects at multiple levels, between 1576 and 1614, would call upon the king to use his "puissance absolue" to carry out their desired reform.

The new political framework would become the royal State. Philippe de Béthune, one of France's leading diplomats, knew the workings of the French State as well as anyone. His two definitions of "Estat" differed greatly. He first paraphrased the standard definition of "respublique," drawn from Jean Bodin and Cicero as a group of households and communities living together under a single order (law), seeking the common good. His second meaning takes us into the realm of the State as practical political unit: the government of those multiple households and communities.[5]

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[3] M. L. Prot, *Inventaire analytique des archives d'Avallon* (Avallon, 1882), EE 51.
[4] AM Avallon, EE 51. These archives are held at the AD of the Yonne, in Auxerre. Loron had borrowed 165 *l.* in 1567; his widow sought five years of arrears. The sides argued about how dangerous a given moment had been, which, in their respective tellings, determined whether the town *échevins* had acted freely or under duress. Nearby Vézelay had a Protestant force and Avallon was besieged by Protestant *reîtres* in 1569. The *échevins* in question included the father of Georges Filsjean, civil judge and chief champion of Henry IV in 1589, so not necessarily the town's most militant Catholics.
[5] By "communautés," Béthune meant legally constituted groups. *Cité* could be used either for the town, for the town and its nearby villages, or for what was more commonly called

Many – above all those running governments – sought to combine the two meanings, to claim that the terms *res publica* (and *cité*, the French translation of *civitas*) meant the same as the State, a usage English speakers connect to the opening words of Thomas Hobbes's *Leviathan*.[6] Governments all over the world today use the same strategy, especially to neutralize opposition to government policies: if the State and the republic are one and the same, then anyone opposed to a State's ill-conceived military action is a traitor; if they are separate entities, then someone defending the interest of the republic against the will of the State is a patriot. This precise scenario has played out for US citizens of my age, from Vietnam in the 1960s, under a Democratic President, to Iraq in the 2000s, under a Republican one: the State does not care about your partisan political affiliation.

Local political figures, like the syndics of Bergerac, writing to Henry of Navarre in May 1588, illustrated the profound confusion of the late sixteenth century. In a single document they referred to the "state of a republic," with state clearly meaning governance; to religion as one of the pillars to "stabilize and assure a republic"; to justice as "another bond to conserve every state or republic"; to seeing "a State troubled by those who perturb the public peace"; and to Cicero's dictum that "finances […] are the sinews [*nerfs*] of republics."[7] A writer like Pierre de Belloy, in his 1587 defense of Salic Law and the Bourbons, also used a bewildering variety of combinations, from describing the Salic Law as a "Law of the State and Crown" and a "subject that touches the common Law of the Kingdom, and the State of our republic," to the loyalty royal officers owed to the "State of his Majesty."[8] In June 1593, during the critical dynastic moment when the Catholic League convoked an "Estates General" to determine who should be the *Catholic* king of France, the judges of the Parlement who had remained in Paris pronounced the

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the *pays*, such as the bailiwick. Condorcet used "droit de cité" to mean the rights of citizenship: *Sur l'admission des femmes au droit de cité* (Paris, 1790).

[6] "For by Art is created that great LEVIATHAN called a COMMON-WEALTH, or STATE, (in latine CIVITAS) which is but an Artificiall Man." In *The French Monarchical Commonwealth, 1356–1561* (Cambridge: Cambridge University Press, 2022), I emphasized the contrasting definitions of *civitas* [*cité*] and *respublica* on a practical level; groups like merchants and artisan masters were citizens in the former but not, in the eyes of the noble and legal elites, in the latter.

[7] The more common paraphrase of Cicero's phrase was that finances were the sinews of war. G. Charrier, *Les Jurades de la Ville de Bergerac* (Bergerac, 1895), t. IV (1576–1598), 218–224.

[8] P. de Belloy, *Examen du discours publié contre la Maison royalle de France, et particulièrement contre la branche de Bourbon* [Paris, 1587], preface folios 2v, 4r, and pp. 15–16. He accused the Guise family of making war on the State. For de Belloy, Law was the soul of the Republic, and every citizen was part of the "Cité."

Salic Law as a fundamental law of the kingdom. In his biography of his friend Pierre Pithou, the great jurist Antoine Loisel claimed Pithou as the main author of this text, defending the inviolability of the Salic Law, "to which we owe a part of the conservation of the State."[9] Mention of the Salic Law clearly introduces the gendered element of the creation of this recharged patriarchal system, a matter to which we shall turn in Chapters 1 and 5.

In this book, I continue my examination of the evolution of French political ideas and discourse from the days of Charles V to the beginning of Louis XIV's personal reign. Rather than use the traditional methods of intellectual history, like the perpetual dialogue with the dead that justifies all political orders, or a context drawn from the best-known political treatises of the given time, I want to step back from the intellectual context to understand its social and political context. I believe the relationship between these contexts to be a symbiotic one. Rather than a history of a concept's influence on the social, I want to understand their reciprocal relationship, keeping in mind the wise counsel of Quentin Skinner, that we must think about the universe of texts of a given moment to understand "the intellectual context in which the major texts were conceived."[10] Here I will begin my reading with the *political* context in which authors like Jean Bodin conceived their works.

This book picks up where I left off in *The French Monarchical Commonwealth* with the transition in 1560–1561. The earlier volume traced the dominant political vocabulary and framework between the crisis of 1356–1357, when the rhetoric of the "bien de la chose publique" took over French political discourse and the meetings of the Estates General at Orléans in 1560–1561. Although this vocabulary obviously existed in parallel with royalist arguments that have been carefully documented by scholars like Jacques Krynen and Jean Barbey, I argued that the main political discourse, evident in local and regional political debates, focused on a monarchical commonwealth.[11] The first book ended with the Estates

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[9] A. Loisel, *Divers opuscules tirez des mémoires de M. Antoine Loisel*, ed. C. Joly (Paris, 1652), 271. J. Parsons, "The Political Vision of Antoine Loisel," *Sixteenth Century Journal* 27, no. 2 (1996): 453–476. N. Lyman Roelker, *One King, One Faith: The Parlement of Paris and the Religious Reformations of the Sixteenth Century*, (Berkeley: University of California Press, 1996), ch. 14, credits Pithou and Guillaume du Vair as the chief authors of the text. Du Vair gave the key speech in defense of their argument. http://ark.cdlib.org/ark:/13030/ft409nb2zv/

[10] Q. Skinner, *Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1978), I, xi.

[11] Francis I and Henry II certainly championed a much more aggressive royal discourse and, as I have discussed in previous work, also laid the foundations for the actual physical State of the Bourbons.

General of December 1560, where the deputies tried to create a viable institutional framework for such a commonwealth: they failed.

In mid-century the government shifted to a new phrase, the "good of the king's service" [*bien du service du roy*]. That phrase gave way to the "good of my/our/his/your State," in the 1570s, but a phrase privately adopted by royal secretaries like Pomponne de Bellièvre, "the good of *the* State" [*bien de l'Estat*], emerged as government's formula of choice. Those writing to the king, invariably seeking some favor or service, naturally shifted their terminology to the royal preference. The new orthography shows us the conscious choice for a neologism, just as the shift in modifier to the definite article, "the," marked the birth of the State as an abstract concept tied to a specific governmental model.[12]

French legal elites created the State as the solution to three interlocking practical problems: dynastic instability, religious conflict, and the democratization of commonwealth politics.[13] Trained lawyers that they were, they sought arguments to justify the case of their new client, the State: in reading them, we must first remember the purpose, tactics, and strategy used by early modern lawyers in their *plaidoyers*, because so many of these writers – Bodin, Étienne Pasquier, et al. – had been or still were practicing *avocats*.[14] The great texts of Classical Antiquity provided some help, but their vocabulary did not entirely suit the new reality.

Jacques de la Guesle made explicit the transition of the political community, the *cité*, turning into the State; he reminded the judges that the restoration of good order and the "reestablishment of the authority

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[12] H. Lloyd, *Jean Bodin, "this pre-eminent man of France"* (Oxford: Oxford University Press, 2017), 120–142, especially 141–142, on Bodin's use of the term "state": I would take it to be far more ambiguous, and would further argue that standard usage of "estat" in the 1560s differed radically from the usage of "Estat" emerging in the 1570s. I agree completely with Lloyd's analysis of Bodin's separation of "state" and "government." See Lloyd's pathbreaking *The State, France, and the Sixteenth Century* (Boston: George Allen & Unwin, 1983) and M.-D. Couzinet, "Jean Bodin: état des lieux et perspectives de recherche," *Réforme, Humanisme, Renaissance* 40 (1995): 11–22.

[13] J.-L. Guez de Balzac, *Le Prince* (Paris, 1631), 25–26, gives a clear summary of this point of view, in speaking of the challenges facing the duke of Rohan as leader of the Huguenots, called him a slave of an infinity of masters: "His authority, which has no other base than the passion of the lower people [menu peuple], is built on mud: it depends on the whim of an artisan, who believes he has the right to demand from him [Rohan] an explanation of all that he does."

[14] Lloyd, *Bodin*, 121, reminds us Bodin was "first and foremost a lawyer." J. Foa and Ronan de Calan, "Paradoxes sur le commissaire. L'exécution de la politique religieuse de Charles IX (1560–1574)," *Histoire, Economie et Société* (2008): 3–20, discusses some of the ramifications of Bodin's legalistic distinction between *officier* and *commissaire*, picked up and amplified by Charles Loyseau. J. L. Gazzaniga, "Avocats, littérateurs et érudits au XVIe siècle," in *Études d'Histoire de la profession d'avocat* (Toulouse: Presses universitaire de Toulouse 1 Capitol, 2004), 139–156, rightly stresses the changes in patterns of thought generated by study with Alciat, Baudouin, and Cujas.

of the sovereign Courts" were "useful and necessary for the bien de l'Estat."[15] In capitalizing the word "State" for this meaning, I am following the usage of those who began this practice. Jacques de la Guesle, born in 1557, was part of a new generation of jurists raised in Bodin's rhetorical universe; men like his father, Jean, or Achille de Harlay, came to maturity in the dying days of the commonwealth and clung often to its vocabulary, as we see regularly in Harlay's speeches.[16]

From Monarchical Commonwealth to Royal State

Glossing Nicole Oresme's 1373 statement that a kingdom was a large "cité" containing several partial ones, Philippe Duplessis-Mornay, in a pamphlet written for the Estates General of 1576, declared that the kingdom was "one *Cité*, one house, one body, which has but one King, one Father of the family, one head, which ruins, burns, dies all together."[17] His pamphlet provides an example of the shift between an earlier discourse centered on the "bien de la chose publique" or the "bien public" to one focused on the "bien de l'Estat," and built on the definition of sovereignty we associate with Jean Bodin's *Six Livres de la République* (1576). He blends the newly favored metaphor, of the king as the father of his people, with the old favorite, the king as the head of the body politic.

   Bodin reminds us that sixteenth-century people used the term "respublique" in a variety of ways. The Provins priest Claude Haton, referring to the Huguenot captain François La Noë's feigned conversion to the royalist cause in 1573, said it "turned much to the damage of the king and the *respublique françoyse*," a term meaning the larger political unit in which he lived.[18] Haton spoke regularly of the "respublique" of the town of Provins: the Latin *civitas* or, in Oresme's formulation, *cité*. In a small number of cases, Haton referred to the "respublique" of Provins's *pays*, particularly with respect to any meeting of bailiwick estates. He believed in a "respublique chrestienne," which mainly

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[15] *Remonstrances de Jacques de la Guesle*, 34. In the middle of this remonstrance about fiscal edicts, he stated that the king intended to have the Estates General settle the matter of the succession, absent a direct heir. La Guesle and his father were close allies of Achille de Harlay.

[16] T. Hamilton, *Pierre de l'Estoile and his World in the Wars of Religion* (Oxford: Oxford University Press, 2017) for a renewed vision not just of l'Estoile but of the Politiques and the "Social World of the Palais de Justice" (ch. 2), an element of the jurists' *formation* not to be ignored.

[17] Nicole Oresme, *Le livre de Politiques d'Aristote* (1373), ed. A. Menut, *Transactions of the American Philosophical Society*, new series, v. 60 (Philadelphia: APS, 1970). P. Duplessis Mornay, *Remonstrance aux estats pour la paix* (Lyon: J. Ysoret, 1576), 54.

[18] Haton, *Mémoires*, III, 21–22, 1573, paragraph 48.

focused on Western Christianity. In one unusual case, he referred to "the *respublique de l'eglise de Prouvins*, by which I mean the faithful [*fidelles*] of the town."[19]

The town government of Toulouse, in a meeting held on March 31, 1561, complained about assemblies of "students and artisans both inhabitants of the town and foreigners [*estrangers*] to preach and to dogmatize to the great scandal of the Republic faith and Christian religion."[20] For them, Toulouse was a *res publica*, a term they had adopted in place of the more accurate *civitas*, but illustrating the deliberate effort to combine the meanings of the two in precisely Oresme's dual usage of *cité*. At the other end of France, the town government of Boulogne-sur-Mer attacked (1573) Gilbert Monet, the substitute for the royal procureur, who was trying to "offend against and molest the community and republic of the town" by means of "inventions."[21] Even in 1614, the arquebusiers of Paris, in their *cahier*, would refer to the "bien and utility of the chose publique" and warn against "those ill-intentioned to the Republic."[22]

International relations reflected this transition in vocabulary. In its preamble, the 1559 Treaty of Cateau-Cambrésis said Henry II and Philip II had acted "principally for the honor of God, spread of His holy name, propagation of our holy faith and religion, repulsing of the enemies of the Christian republic, and for the common good, relief and repose of their peoples and subjects." Article 19 of the treaty, however, contained a key new political word: Philip II would keep his father's county of Charolais "under the sovereignty of the said king of France."[23] The term "bien public" obviously had public relations value even in 1598, when Henry IV, in a rare break from his usual wording, used it in multiple documents about the Peace of Vervins.

Henry III and his contemporaries transformed political discourse in an unusually public forum, because the Estates Generals of 1576 and 1588 discussed openly the king's sovereignty, defined in a sense most associated with Bodin's formula in the *République* – the power to give public law to all those living in the kingdom. French political rhetoric, at all levels of government, shifted fitfully but permanently from a discourse

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[19] Haton, *Mémoires*, III, 9–10, 1573, para. 19.

[20] AM Toulouse, BB 11, image 220 (online). "Republique foy et religion chrestiene."

[21] *Inventaire sommaire des archives communales antérieurs à 1790: Boulogne-sur-Mer* (Boulogne-sur-Mer, 1884), 138, deliberation of November 24, 1573.

[22] AN, K 675, piece 8. The four jurés who signed the *cahier* included three men whose signatures suggest marginal literacy and education; documents drawn up by such individuals retained the old vocabulary even in 1614.

[23] https://books.openedition.org/cvz/642 The small county of Charolais, purchased by Duke Philip the Bold in 1390, was not legally part of the duchy of Burgundy. France legally acquired it in 1678.

built on the "respublique" to one built around "the State." If, as Richard Tuck has pointed out, "On the eve of the civil wars in the Netherlands and France, Ciceronianism in one form or another […] was still the dominant approach to politics," during the late sixteenth century, the political shift to a State involved a change in rhetorical register, from Cicero to Tacitus, from republican to imperial, not just in vocabulary but in structures of thought.[24]

Imperial vocabulary brings to mind the key role of the colonial enterprise in the development of European ideas on international sovereignty, but in the French case that took place primarily after the period examined here.[25] References to "empire," in the sense of territories outside of Europe, began to filter more often into political discourse in the late sixteenth century; a few speeches used the term and started to develop a discourse of the king of France as ruler of an "empire" outside of France's own boundaries, and outside of Europe. De la Guesle, in his speech about the Edict of Union in July 1588, lauded the fact that the French now braved the "faithlessness" of the sea, and had come to know Guinea, the Moluccas, the Straits of Hormuz, the Rio Plata, and places even more distant, "from which one can take profit." He warned the Parlement that a change in the "State" could only end in the thunderous collapse of "this powerful Empire."[26] Going back to Francis I, the monarchy had shifted its iconographic representation to this imperial motif, first in the use of the closed, imperial crown for the king, and then

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[24] R. Tuck, *Philosophy and Government 1572–1651* (Cambridge: Cambridge University Press, 1993), 33. Tuck discusses this Ciceronian element in his chapter 1; see also his pp. 6–7, on the dueling concepts of *utile* [to oneself] and *honestum* [moral]. M. Fumaroli, *L'âge de l'éloquence* (Geneva: Droz, 1980, reprint 2002). R. Schneider, *Dignified Retreat: Writers and Intellectuals in the Age of Richelieu* (Oxford: Oxford University Press, 2019), ch. 1, provides a clear explication of how the "reform" of the French language, tied to Malherbe and Guez de Balzac, fitted into a more comprehensive rejection of a rhetoric based on pedantic repetition – especially in speeches – of endless Classical citations and *exempla*. In this rejection of pedantry, I would particularly highlight the influence of noble culture, in works like Gabriel Chapuis's 1580 translation of Castiglione; the ideal courtier shows *sprezzatura* in his or her use of learning. Chapuis dedicated the work to his patron, Nicolas de Bauffremont, who spoke for the nobility at the Estates of Pontoise and who helped compose the speech given by his son, Claude, for the nobility at Blois in 1577. The succinct speech of Claude (fifteen minutes) and the endless harangue of the Parisian avocat Versoris, for the Third Estate, provided a practical example of the contrast; accounts of the meeting show listeners reacted in precisely that way.

[25] L. Benton, *A Search for Sovereignty. Law and Geography in European Empires, 1400–1900* (NY and Cambridge: Cambridge University Press, 2010). S. Beaulac, *The Power of Language in the Making of International Law. The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia* (Leiden: Brill, 2004), emphasizes the contrast that developed between internal and external meanings of sovereignty.

[26] *Remonstrances de Jacques de la Guesle*, 40; 49: July 21, 1588. La Guesle speaks of "*rupture et esclat.*"

in the use of "exotic" staging at events like Henry II's famous entry into Rouen in 1550, with its cast of fifty Brazilian warriors, and an equal number of Rouennais notables pretending to be Brazilians. Other royal entries would also feature indigenous Brazilians, above all Tupinambá, and battle scenes – both land and sea – involving forces from all over the globe.[27] Pierre Mathieu, in his 1598 edition of two triumphs of Henry IV at Lyon, would refer to the king as "*insignis imperator*" (distinguished emperor).[28] In *internal* politics, however, the colonial enterprise began to take on much more importance under Louis XIV, whose contemporaries often emphasized French global dominance specifically in the realm of language.[29] Jean-Baptiste Massillon, being inducted into the Académie Française in 1719, would claim that "no French person found himself a stranger anywhere, because his language was the language of all the courts, and not being able to vanquish like us, our enemies wanted at least to speak like us."[30] Massillon, a renowned preacher, was not alone in recognizing the imperial power of language.

The new politics of the 1560s and 1570s generated a fundamental problem because, going back to Oresme's definitions – and the actual illustrations created for the two original manuscripts of his *Politiques* – the "citizens" of the kingdom-as-*cité* were the upper clergy, the military nobility, and the men of counsel. For Oresme, merchants, artisans, and peasants were not citizens. That division created enough problems in Oresme's own lifetime, because those first two non-citizen groups were most assuredly citizens in many of the local *cités* that made up the larger one. In the climate of the Estates Generals of 1560 and 1576 and the massive contemporaneous meetings about redacting customary laws, excluding merchants and guild masters – even, in 1576, in much of the kingdom, peasants – was literally impossible within the framework of the monarchical commonwealth.

In most of the kingdom, the structure of the Estates General process exacerbated this tension. Village and castellany assemblies, numerically dominated by peasants, composed *cahiers de doléances* – invariably under

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[27] On Valois entries, Neil Murphy, *Ceremonial Entries, Municipal Liberties and the Negotiation of Power in Valois France, 1328–1589* (Leiden: Brill, 2016).

[28] These entries naturally reprised many Classical elements and motifs; when Charles IX arrived in 1564, the city of Troyes emphasized the "Troyens" [Trojans] so beloved of sixteenth-century mythmaking about the origins of the Franks.

[29] Colonial matters certainly did enter into local politics in places like Brittany, where various groups petitioned the Estates for access to Canadian trade in the first decade of the seventeenth century. They all fought against Samuel de Champlain's claim to a monopoly. I will be dealing with "empire" in French politics, with special focus on Louis XIV, in a separate article. Krynen's classic work on *L'empire du roi* shows the second meaning of that term, one that M. Phil picked up in his use of "empire de la crainte."

[30] Massillon's speech can be found online at www.academie-francaise.fr/discours-de-reception-de-jean-baptiste-massillon

the supervision of a member of the legal elite – and elected a deputy to the bailiwick assembly. In towns, urban general assemblies, which usually included artisans, to say nothing of merchants, received *cahiers* from individual guilds and even anonymous suggestions from individual citizens, generated their own *cahier*, and elected several deputies to that bailiwick assembly.[31] Bailiwick assemblies, except in Normandy, had relatively few merchants, and the Estates General had virtually none, let alone artisans or peasants who made up the overwhelming majority of the population. The successive chapters look at each level of political participation prior to 1589: Estates General, provincial estates, bailiwick assemblies, and town and village councils and assemblies.

The Estates General of 1614 I believe to have taken place in a political system fundamentally different from the meetings of 1560, 1576, and 1588. Contemporaries almost all viewed the 1588 Estates as illegitimate; they focused on the meetings of 1560, 1576, and 1614. The 1560 meeting at Orléans and the follow-up small meeting at Pontoise in August 1561 demonstrated a coherent monarchical commonwealth framework of governance and rhetoric built around the principle of election – of prelates by the cathedral chapters or monks/nuns of an abbey; of parish priests by the parishioners; of judges, by the local legal elite; of tax officials by local merchants; of the *bailli* by the local nobility. The Blois meeting of 1576 introduced the new vocabulary of State but remained rooted – especially at the local level – in the old commonwealth rhetoric of elections. As we shall see, the tensions between the two systems – a monarchical commonwealth, built around elections, and a royal State, relying on the king's judgment – stand out clearly in the documents of 1576–1577.

The Estates General of 1614, in contrast, took place within the royal State; the bailiwick and governorship *cahiers* focus almost entirely on detailed administrative matters, not on fundamental political issues like ending the Concordat of Bologna (1516) or creating a new structure for the king's council. In 1560 or 1576, most deputies thought the king should share power with elected assemblies, and so devoted considerable energy to the specific powers of such assemblies; in 1614, deputies knew the commonwealth model had given way to a royal State, in which elites would share power *within* the government, not in representative assemblies.[32]

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31 The central government mandated the use of a locked trunk, with a slot on top, placed in the main reception room of the town hall, to receive these anonymous suggestions.

32 On the multiple meanings of "representative" in this period, see the excellent discussions in Y. Simonnet, S. Hayat, C. Péneau, eds., *La représentation avant le gouvernement représentatif* (Rennes: Presses universitaires de Rennes, 2020). The electoral bodies

Both the upper nobility and the legal elite unequivocally rejected, on a *practical* level, the principle that merchants should play a significant role in an Estates General.[33] Town governments had long had a small, oligarchic council that ran the city, but which consulted on certain matters – like a new tax – a general assembly whose composition varied widely from town to town: in Lyon, that usually meant a council made up of two members from each of a varying number – from thirty-six to sixty – of guilds and associations, whereas in Dijon it meant all male heads of households. Town elites in Dijon or Rennes and many other cities petitioned Henry IV to restrict the suffrage in their town, a clear example of the anti-democratic urge that played so great a role in the creation of the royal State.[34]

In order to keep control of the polity that Oresme's formulation had justified, his three groups of citizens had to transform the "respublique françoyse" into the royal State, and thus to insist that Oresme's general *cité* should now be called l'Estat, just as la Guesle told the Parlement in 1588. The men of counsel running the central government, the military leadership, and the prelates – all of whom benefitted from this transition – effectively throttled efforts by their subordinates to share central power outside the framework of the central government, which included, let us remember, the Court, where high nobles lobbied for their rewards.[35]

Everyone used commonwealth terminology in 1560 or 1576: the royal government, the nobility, the Parlementaires, the legal men, the Estates General, the local and provincial estates, the town councils, and ordinary people, like Haton, in their private writings.[36] This commonwealth

mentioned in most of the *cahiers* – except for choosing the local curé – remained thoroughly oligarchic; in the conception of those drawing up the *cahiers*, they were supposed to remain so.

[33] C. Wells, "The Language of Citizenship during the French Religious Wars," *Sixteenth Century Journal* 30, no. 2 (1999): 441–456, emphasizes a shift from a local meaning to a national one. A small number of merchants did participate in bailiwick assemblies, and a few sat as deputies at the Estates General; some peasants participated in bailiwick assemblies in Normandy and other isolated regions. When the king called meetings to discuss the coinage, as in 1498, or his finances, as in 1558, he typically would invite merchants from leading towns.

[34] C. Cuttica, *Anti-Democracy in England 1570–1642* (Oxford: Oxford University Press, 2022), demonstrates similar forces at work across the Channel. See Chapter 4 below for details.

[35] M. Marraud offers a superb examination of this process among Parisian elites: *De la Ville à l'État. La bourgeoisie Parisienne XVIIᵉ – XVIIIᵉ siècle* (Paris: Albin Michel, 2009). The aristocracy also sought at court the rewards sought by their clients, a vital element of aristocratic power.

[36] In July 1575, de l'Estoile refers to the "publicains" of Poitou, as rising up against new taxes on the "pretext of the bien public," from which they took their nickname. The following month, anti-tax riots in Bordeaux again used the "pretext of the bien public": de l'Estoile says they had as little regard for the bien public as for "their old boots." De

rested on the principle of election, so that the two great evils mentioned in most of the *cahiers* of 1560–1561 and 1576 were the Concordat of Bologna, which gave the king the power to name bishops, and most abbots, abbesses, and priors, and the legalized venality of judicial office (1523).[37] The Burgundian historian Pierre de Saint-Julien de Balleure went so far (1580) as to accuse the mastermind of these two acts, Francis I's chancellor, Antoine du Prat, of separating the king from the "bien public." The bailiwick *cahiers* sent with deputies to the Estates General demanded a return to election of both bishops and judges; local *cahiers*, and some of those from the bailiwicks, also demanded that parishioners elect their curé.[38]

The clergy's procès-verbal at the Estates General of 1560–1561 at Orléans makes clear that the term "estat" had long been in use to describe types of political units – they feared recognition of "sacramentals" would lead to the end of the monarchy and the creation of a popular state [*estat populaire*].[39] The nobility at the "Estates General" of Pontoise, in 1561, spoke of the "pernicious inconveniences" that divisions in religion could bring to "the state of this kingdom" [*l'estat de ce royaulme*].[40] The phrases "affaires d'Estat" and, starting in the 1550s, "secrétaire d'Estat," were in common parlance, using the capital "E", but the abstract concept, "the State," would spread outside a tiny circle only in the last quarter of the century. The political scientists Colin Hay and Michael Lister put this change into a definition of the "modern state":

What is invariably taken to characterize the modern state is the simultaneous combination of, on the one hand, its claim to act as a public power responsible for the governance of a tightly delineated geographical territory, and, on the other, its separation from those in whose name it claims to govern.[41]

l'Estoile, *Journal*, I, 83 and 88. L'Estoile here uses a common rhetorical device of the time: accusing your opponents of merely pretending to seek the "bien public." Such remarks may suggest a jaded elite response to such claims, but they also make it clear that the "bien public" remained an important phrase in justifying political action.

[37] "Election" varied widely in practice, from genuine mass adult voting, for example for Dijon's mayor, to what we might consider affirmation of a choice basically imposed from outside, like a cathedral chapter rubber stamping the king's nominee as bishop. What mattered was the principle of the recognized electors publicly affirming the right of the given person to function in the "dignity" in question.

[38] I use "bailiwick" here as shorthand for the wide variety of assemblies – more than eighty – that elected the deputies to the Estates General. Details in Chapters 1 and 3.

[39] BNF-Arsenal, Ms. 2189, f. 53v. "Sacramentaires" here refers to Protestants.

[40] BNF, M Fr 3970, fol. 6 (image 17 online). Lloyd, *Bodin*, 136, for examples of his multiple uses.

[41] C. Hay and M. Lister, "Introduction: Theories of the State," in C. Hay and M. Lister, eds., *The State: Theories and Issues* (Houndsmill: Palgrave, 2006). 4. As they point out (3), "our conception of the state has not developed in isolation from the development of the institutions we associate with the state." In the period covered here, 1560–1651,

Hay and Lister turn to Skinner for three key elements of this "state," as it developed after Bodin and Hobbes: (1) individuals, as subjects, owe service and loyalty to the state, not the ruler; (2) the authority of the state is singular, that is, sovereign in the post-Bodinian sense; and (3) the state is the highest civil authority. This first point is problematic for the France discussed here, because nobles, in particular, believed they owed loyalty and service both to the king *and* to the State or, in some formulations, the *patrie*. Marshal Vauban's *definition* of nobility (c. 1691) emphasized valor "and blood spilt for the State," in one formulation, and blood spilt "for the service of the King and the salvation of the Patrie" in another.[42] For a noble, royal service translated into the king's *bienfaits* for one's family and clients, so the loyalty and service had to focus on the king, yet the noble also served the political community – the *patrie* – now deliberately confused with the State, just as Vauban's writings make evident. If anything, the relationship between the king and the high nobility and the ministerial and judicial elite became more, not less personal under Louis XIV.[43] Those syndics of Bergerac, in their 1588 *cahier* for Henry of Navarre, cited Solon as the source for the principle that "the grandeur and conservation of all republics consists in two things: the remuneration of the good and the punishment of the bad."[44]

The early, halting uses of the word "Estat" cannot hide the overwhelming dominance of the old vocabulary in 1561. When the clergy sought to justify given articles, they still wrote that "it would be greatly useful for the bien public that justice be administered by the men of the three estates, especially in the Sovereign Courts" (art. 100). When they sought reform of the universities (art. 86), they informed the king that:

Because from Universities and Schools proceed all light and all doctrine, both in regards to religion and other things – good letters serving for the administration of the *respublique* when they are well conducted.

the geographical territory had not yet become "tightly delineated," in part for logistical reasons; significant improvements in cartography played a major role in tighter delineation. See David Buisseret's essay in a volume he edited – *Monarchs, Ministers, and Maps: The Emergence of Cartography as a Tool of Government in Early Modern Europe* (Chicago: University of Chicago Press, 1992).

42 M. Virol, et al., eds., *Les Oisivetés de Monsieur de Vauban* (Paris: Champ Vallon, 2007). Quotations from "Idée d'une excellente noblesse" (241–250) and "Des Moyens à tenir pour faire une excellente noblesse par les services" (251–260), both c. 1691.

43 J. Swann, *Disgrace in Bourbon France, 1610–1789* (Oxford: Oxford University Press, 2017). I am indebted here to many conversations with the late Roger Mettam and with Peter Campbell.

44 Charrier, *Jurades de Bergerac*, 221. This bromide appeared in countless documents and *cahiers*; the first of the anonymous Parisian *mémoires* prepared for the Estates in 1614 spoke of the "punishment of vices and recompense of virtue" (AN, K 675, piece 1). Speeches at assemblies invariably made the same point.

Jean de Serres, later a royal historiographer, in his 1572 account of recent French history, would use the title *Commentariorum de statu religionis et reipublicæ in regno Galliæ*.[45] Local documents show the ubiquity of the term "respublique."

The Aristotelian idea of "each member doing the estate and office to which he is called," as a speaker at the 1560 Estates put it, permeates all the sources. From the town council up to the Estates General, speakers extolled the virtues of the stable society, in which each person knew his or her place, accepted that place, and sought to carry out his or her functions to the best of their ability.[46] This practice *defined* justice, a point made by the *cahier* of nearly every Parisian guild in 1614, as they complained about other guilds infringing on their right to a specific economic activity. As *garde des sceaux* Guillaume du Vair put it to the Parlement of Toulouse in 1621, "His Majesty has always believed that this justice of which he has been since his birth so enamored, consists in rendering to each that which belongs to him."[47] Du Vair sounded exactly like the Protestant François Grimaudet, *avocat du roi* at Angers, speaking to the estates of Anjou in October 1560: he told them "the soul of this monarchy, is the prince, true image of God, the power [*puissance*] of whom is fortified and supported by justice [...] the end of which is to render to each that which belongs to him."[48] Bodin, in his *Juris universi distributio* (1578), defined jurisprudence itself as the "art of giving to each his own, in a manner to safeguard human society."[49]

Arlette Jouanna has argued that the *Politiques* – above all the legal elite – made the conscious decision to opt for the strengthened definition

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[45] C. Dardier, "Jean de Serres, historiographe du roi; sa vie et ses écrits d'après des documents inédits 1540–1598," *Revue Historique* 22, no. 2 (1883): 292–328, cites (301) a 1571 edition of which no copies survive. No place of publication is given, but he hypothesizes Geneva for the first three volumes, of 1572.

[46] This view of "natural" social stability reflected existing views on motion. Hobbes, *Leviathan*, ch. 2, makes explicit the connection between Galileo's ideas on motion and new ideas about human society. A. Blair, *The Theater of Nature: Jean Bodin and Renaissance Science* (Princeton, NJ: Princeton University Press, 1997), analyzes this connection.

[47] Philip VI's 1346 edict on coinage made the point that a sound coinage was needed to permit rendering of each person's due. Du Vair: BNF, M Fr 16517, fol. 14. L. Moote, *Louis XIII, the Just* (Berkeley: University of California Press, 1989), on Louis XIII's obsession with being "le Juste."

[48] *Remonstrance faite par M. Francois Grimaudet, sic du roy a Angiers, aux Estatz d'Anjou, assemblez dernierement audit lieu*, 2 (unpaginated): https://gallica.bnf.fr/ark:/12148/bpt6k79350z.image. The Sorbonne condemned parts of his speech as heretical.

[49] "Jurisprudentia est ars tribuendisuum cuique, ad tuendam hominem societatem." J. Bodin, *Exposé du droit universel/Juris universi distributio*, ed. S. Goyard-Fabre, parallel French translation by L. Jerphagnon (Paris: Presses universitaires de France, 1985), 12. They use the 1580 edition as the base text.

of royal sovereignty, precisely because they feared the chaos of the civil war.[50] She emphasized the shifts in the writings of men like Louis Le Roy,[51] the historian Bernard du Hallan, and Guy du Faur de Pibrac between 1570 and 1580: all three moved away from the principles of the monarchical commonwealth, with its elements of aristocracy and timarchy,[52] and toward a unified version of lawmaking "sovereignty" and the power of the "Souverain," terms that took their new, broadly accepted meaning from Bodin's *République*, a book dedicated to Henry III's mentor, Pibrac.[53]

Grimaudet defined law as "a sovereign reason, imprinted by God in the good *esprits* of men, which commands the things which are to be done, and forbids the contrary, made and published by the one who has the power [*puissance*] to command."[54] What was the purpose of this law? "The end of the law is the *bien public* and the *salut* of men in general, to conserve all the inhabitants of a Monarchy or Republic, and not to make some happy by the oppression of the others." Grimaudet thus brought together the traditional commonwealth purpose of the "bien public" and the term "salut," which meant health both physical and spiritual (as in salvation). If the purpose of the law was "salut," then the true religion could not be separated from the purpose of civil government, and virtually every writer or political speaker argued – as the syndics of Bergerac did in 1588 – that religion, obedience to one's superiors, and justice were the firmest columns supporting the commonwealth. For Grimaudet, edicts made for the benefit of those who command, or of specific people, were not laws, "because in them there is lack of divine reason," and were instead "Tyrannical commands." The "*vertu*" of the prince led subjects to obey his laws, just as his laziness (*lacheté*) led them to disobey the

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50 A. Jouanna, et al., *Histoire et dictionnaire des Guerres de religion, 1559–1598* (Seyssel: Champ Vallon, 2000), ch. XXIII, 254–268.

51 Louis Le Roy's translation of the *Politics* from the Greek still uses "democratie" for the corrupted form. His revised second edition, dedicated to Henry III, *Les Politiques d'Aristote* (Paris, 1576) is online at Gallica. In Book III, ch. 5 (pp. 165–166) he says, "when the multitude governs for the public utility, one calls it Republic, by the common name of all republics." The other legitimate forms are Kingdom [*Royauté/Royaume*] and Aristocracy, and the corrupted ones are Tyranny, Oligarchy, and Democracy (166).

52 Timarchy could extend to broad participation by heads of taxable households.

53 In 1570, Pibrac got Bodin, suspected of Protestantism, released from the Conciergerie.

54 We greatly underestimate this theme of royal obedience to "sovereign reason"; even Guez de Balzac, *Le Prince*, 75, praises Louis XIII for preferring the "cause of the Public" to his own sentiments, thereby obeying "sovereign Reason." This reason leads the king to avoid "extending more than one should sovereign authority, because he restrains himself within his civil Justice." Guez de Balzac here contrasts Louis's willingness to pardon some rebels, but his unwillingness, despite the "tears of Princesses, the prayers of the Court, and his own will," to pardon Montmorency de Bouteville, who had been executed for repeatedly violating the king's edict against dueling.

law.[55] Grimaudet expressed contempt for counselors who told Princes their "sovereignty" meant they had power [*puissance*] over the persons and goods of the people. Such men were worse than "tigers and wolves, because they know how to enact injustice under the color of justice" and pretend to act for the bien public.[56]

The failure of the Orléans Estates made the impracticality of the old system apparent to many politicians, but local *cahiers* in 1576 show that the vast majority of the local elites who wrote them still thought in terms of reviving the monarchical commonwealth as a practical system of government. The Estates General of 1576 offers a classic example of the coexistence of two vocabularies – of the monarchical commonwealth and the royal State – in a dangerous moment of transition. Moreover, the long tradition of the former meant it had a coherent formulation and core principle – election – whereas the novelty of the latter meant its champions struggled to find, and effectively impose, a precise vocabulary, a task achieved under Henry IV.

The new political circumstances demanded the use of the new vocabulary of State, which made the Estates General of 1614 radically different from its predecessors. The main religious question shifted away from the place of the Huguenots in French society, and toward the king's relationship to the pope. The bailiwick *cahiers* focused almost exclusively, often in several hundred articles, on administrative reforms – on making the State function more efficiently – rather than demanding the restoration of the monarchical commonwealth's principles and practices, as the *cahiers* of 1560–1561 or 1576 had done. The 1614 Estates debated an issue central to the development of the king's *puissance absolue*: the independence of the king, as *king*, from papal jurisdiction. The Code Michau of 1629, which its printed title page insisted was based on "the complaints and grievances done by the Deputies of the Estates of his kingdom" in 1614 and "on the advice given to His Majesty by the Assemblies of Notables held at Rouen in the year 1617 and at Paris in the year 1626," showed that this jurisdictional dispute included not simply the

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[55] F. Grimaudet, "De la Loy," in *Opuscules Politiques*, from *Œuvres de François Grimaudet* (Paris, 1669), 476–477. He provides extensive Classical citations about the need for the prince to obey the law, "Queen of all mortals and immortals." His *Opuscules* were first published just prior to his death in 1580. He specifically cites Bodin's *République*. "Vertu," like Machiavelli's *virtù*, involved a range of characteristics, such as strength, the ability to act effectively; the *Dictionnaire de l'Ancien Français* of 1694 gave "a habit of the soul, which leads it to do good," as the second meaning; Nicot's *Thrésor de la langue francoyse* (1606) cited the proverb that "estimer vertu estre le souverain bien" [to esteem *vertu* is the sovereign good].

[56] Grimaudet, *Opuscules politiques*, 67–68. Grimaudet's constant point of reference is Cicero's *De officiis*.

pope and the king, but all of the royal judiciary: article 23 specifically forbade prelates and ecclesiastical judges from "using any censures against our Judges and Officers."[57]

In the 1590s, the Parisian avocat Antoine Arnauld, arguing for the University of Paris against the Jesuits, would formulate a clear statement of lay supremacy, tied directly to religiously motivated "*parricide*," both actual and attempted. In 1614, Arnauld would craft the first draft of the controversial first article of the Third Estate about this issue, which thus tied their debates directly to the concomitant controversy in political theory associated with Cardinal Robert Bellamine and William Barclay.[58] What might have been an arcane philosophical dispute took on sinister practical meaning with the assassination of Henry IV. As we shall see, jurists throughout the kingdom drew up similar articles for the Estates General.

Where others have sought to trace this change through the writings of political philosophers and legal scholars, here we will focus on the vocabulary of practical politics, and its symbiotic relationship with political theories and their expression.[59] Many of these theoreticians, like Bodin, Guy du Faur de Pibrac, or the legal scholar Guy Coquille, were also major politicians. All three of these men were deputies to the Estates General – Pibrac in 1560, when he wrote the local *cahier* at Toulouse; Bodin in 1576, when he helped write the local *cahier* of the Vermandois and led the Third Estate at Blois; Coquille as a deputy in 1560, 1576 (when he was part of the twelve-man commission that wrote the Third Estate's general *cahier*), and 1588.[60] Their practical concerns – as local judges, as royal commissaires, as agents for great aristocrats, as deputies, as municipal officers – formulated the political problems they sought to solve; their intellectual *formation* provided the range of theoretical justifications to which they could turn. I argue here that they began with the practical and only then turned to the theoretical, but I understand that each of them sought to develop theoretical works that would then shape the practical workings of the French monarchy by establishing the *langage* in which political discussions took place.[61]

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[57] https://gallica.bnf.fr/ark:/12148/bpt6k9740132x/f3.item
[58] Pierre Pithou's *Libertés de l'Eglise Gallicane* of 1594 makes it obvious that Arnauld's wording reflected common thinking of the Parisian legal elite of that time. Pierre was a brother of the chronicler Nicolas.
[59] Nannerl Keohane, *Philosophy and the State in France. The Renaissance to the Enlightenment* (Princeton, NJ: Princeton University Press, 1980).
[60] Coquille kept journals of all three meetings, now lost. Pibrac was also part of a group of seven men appointed to make sure the speech of Jean de Lange for the Third Estate at Orléans accurately reflected the content of their *cahier* (LDR, I, 178–179).
[61] The three men show the extent to which the jurists understood the intellectual challenge in the broadest possible way: Bodin also wrote treatises on monetary theory and

My special focus will be nearly 1,000 *cahiers de doléances* [grievances] generated at multiple levels of estates, and the municipal deliberations of a score of French towns. Regent Anne of Austria called a meeting of the Estates General for 1649, but then postponed it due to political unrest; she reissued, and again rescinded this call in 1651. A few *cahiers de doléances* survive even for these two aborted meetings, and a comparison between those documents and the well-known Mazarinades – the thousands of political pamphlets produced during the Fronde – provides an appropriate epilogue to my story.

I begin my inquiry in the history of the State as social fact; I interrogate the quotidian reality of a political life, often dirty and malodorous, and always disordered. I want to situate these ideas in their political reality, that is, the practical needs of the moment. These ideas have a sense in a practical context and in the balance of power of the forces of their political system. Annabel Brett has emphasized that the "boundaries of political space were fundamentally contested not only at a practical but at a theoretical level," in her examination of the theoretical roots of that contestation in the evolving meaning of natural law; here we will focus on how the practical conflict of interests affected the theoretical contestation.[62] I want to examine how the extra-language elements interacted with language, influencing choices of vocabulary, rhetoric, and ideas, but then, in turn, was influenced by those choices thereby limiting the range of subsequent practical, not just linguistic, options.[63] Cary Nederman has rightly suggested that we move beyond Skinner by means of "a more intelligible relation to the actual contours of historical practice."[64] I begin here precisely in the realm of historical practice, at multiple levels

demonology; Coquille specialized in customary law, but composed treatises on the powers of the Estates General and on Gallican Liberties; Pibrac remains most famous for his poetry, but he composed, on the orders of Catherine de Medici, an apology of Henry of Valois's behavior during the St. Bartholomew's Day Massacre, to help allay Polish fears about Henry's religious intolerance. Leading historians of the day, like Jacques de Thou and Estienne Pasquier – bosom friends of Pibrac – were often jurists; both de Thou and Pasquier studied with Cujas. With respect to Tuck's discussion of Bodin (*Philosophy and Government*, 26–27), I would certainly agree about the uses to which later writers put Bodin's *République*, but disagree about Bodin's own interpretation of his work, which I read in light of his active political life, as made manifest by his actions as a deputy at the Estates General of 1576.

[62] A. Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law* (Princeton, NJ: Princeton University Press, 2011), 3.

[63] R. Koselleck, *L'expérience de l'histoire*, trans. A. Escudier, ed. M. Werner (Paris: Gallimard, 1997), 142–143.

[64] C. Nederman, *Lineages of European Political Thought* (Washington, D.C.: Catholic University of America Press, 2009), 15.

of governance and political action; my approach seeks to complement, not conflict with the inquiries of these intellectual historians.[65]

The available language, and the concepts it expresses restrict to some degree both language and extra-language actions.[66] Actors fighting against those restrictions reveal to us the strains on the political system and its language. The creation of new vocabulary, either by means of neologisms, or by orthographic modifications (*estat → Estat*), or by assigning new meanings to existing words (*souverain*), makes manifest the strains new reality placed on old vocabulary and concepts.[67] Some words common in sixteenth-century elite political discourse, like *timarchie* (for Aristotle's legitimate form of "popular" government), proved ephemeral. Other key words, like liberty or democracy or republic/commonwealth, had contested meanings: in the case of democracy, the two primary meanings were antonyms. Many of those attacking more "democratic" political forms associated democracy with ochlocracy – mob rule.[68] Robert Schneider is certainly right that the "civil wars," as they called them, only made matters worse: "the wars were important in fashioning a social vision that held the 'people' in contempt as an ever-threatening, turbulent, wayward force whose proclivities can only be described as mindless."[69] The excesses of the League raised this distrust to a fever pitch, but the far more democratic process of the Estates General of 1576 and

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[65] Sophie Nicholls, *Political Thought in the French Wars of Religion* (Cambridge: Cambridge University Press, 2021), provides an effective presentation of the more traditional approach, with a particular emphasis on getting away from simplistic dichotomies like *Ligueur* and *politique*. For the theological dimensions of political ideas – above all those drawn from the various traditions of Scholasticism – see also A. Brett, *Liberty, Right and Nature: Individual Rights in Later Scholastic Thought* (Cambridge: Cambridge University Press, 1997).

[66] On avoiding a "rigid" linguistic framework, see H. Clark, *Compass of Society: Commerce and Absolutism in Old-Regime France* (Plymouth: Lexington Books, 2007), xi, and the remarks about the influence of concepts such as *lex mercatoria* and "liberté de commerce" on early modern political economy in: E. Marquer, "'Doux commerce' et droit naturel: la fable de la lex mercatoria," *Astérion*, n° 20, 2019 (July), ed. A. Skornicki and E. Debray: https://journals.openedition.org/asterion/3829. In a perfect example of the culture of paradox, deputies from both the nobility and the Third Estate regularly called for the "liberty of commerce," often defended as a "natural right," but then equally demanded (Third Estate) that their town's "rights, liberties, and privileges" be protected *as part of* the liberty of commerce. One of those "rights, liberties, and privileges" for major port and river towns was the staple privilege, which is the antithesis of what we call "free trade."

[67] In French medieval texts, "souverain" = Latin "superior." Oresme's text and glossary gave French more than 100 new words, including "oligarchie" and "aristocratie."

[68] Gabriel Naudé, *Considérations politiques* (1639), 16, gives "Democratie" as the legitimate form of popular government, and "ochlocratie" as the illegitimate one. (Using here the 1673 edition printed at Strasbourg, available on HathiTrust. On Gallica, the 1667 edition, p. 18.)

[69] Schneider, *Dignified Retreat*, 21.

the concomitant mass participation in the redaction of customary laws had already soured elites – above all the Parlementaires – on widespread popular participation in politics. Pierre de Belloy made a remarkable claim in this regard: "the first institution of Kings was founded on the protection and defense of subjects, in fault of which Kings are no longer Kings, just as the people is no longer a people if it refuses obedience and the natural subjection it owes to its Seigneur."[70]

De la Guesle, in his May 1588 speech, referring to the mixed reputation of the Estates General, claimed that only once did the Estates lead to "poison": the sessions that took place during the captivity of John II, that is, when the bourgeoisie of Paris, led by Étienne Marcel, seized effective control of the government.[71] Two months later, presenting the Edict of Union, he launched into an explanation of why a State like France, with a large nobility, could never be a Republic; he asked "Do you think that this beautiful city [Paris] consists of its palaces and houses or in this mass of rubble [*amas de mouëllons*]?" For la Guesle, societies had governments appropriate to their social configuration; in France, that meant a monarchy, with its numerous nobility, a situation that was not compatible with the equality needed in a Republic. The meaning of these Classical political terms depended on local political reality, and when the shared political heritage splintered in the late sixteenth century, political vocabulary became both more heavily vernacular and more difficult to translate from one polity to another.[72] La Guesle shows the shift in meaning of "république" between Bodin's use in 1576 to mean a legitimate political body, of which monarchy was one form, and la Guesle's usage just twelve years later, in which "république" and monarchy had become antonyms, because the form of political organization was now the "State."[73]

A far-reaching political and theological dispute of the 1630s can illustrate well the immediate practical consequences of the effort to make the State a synonym for the commonwealth. The controversy began as an exchange about the French war with Spain. Offering a justification for France's pending declaration of war (1635), Besian Arroy spoke of the "laws of the State" and divine laws in his *Questions décidées Sur la*

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[70] De Belloy, *Examen*, 66.
[71] *Remonstrances de Jacques de la Guesle*, 33.
[72] H. Lloyd, ed., *The Reception of Bodin* (Brill: Leiden, 2013), shows how different polities made varying uses of Bodin's writings. La Guesle contrasted (49–50) France, with its strongly armed nobility, with Swiss cantons, where the nobility had been "chased out." The obvious contrast would be the Polish-Lithuanian Commonwealth, on which see D. Pietrzyk-Reeves, *Polish Republican Discourse in the Sixteenth Century* (Cambridge: Cambridge University Press, 2020).
[73] Most political discourse in 1588 still used the old sense of republic.

Iustice des Armes des Rois de France (Paris, 1634).[74] This forgettable work generated a more famous response, the *Mars gallicus* (1635) of Jansenius (Cornelius Jansen), which lay behind one of the great controversies of French monarchical history. Cardinal Richelieu viewed Jansenius always in a political, not a religious context. Louis XIV, Cardinal Fleury, and Louis XV felt the same way.[75]

Arroy insisted that kings of France held God-given "*puissance absolue*" and "sovereign authority," but added that "the intention of a Sovereign who makes war for the advancement of the *bien public* is just." Unjust royal action led in the opposite direction: if "Kings are the Mediators between God and men," and if kings take their authority from God, then "the evil abuse this authority in converting it into tyranny," by following their passions. Jansenius (rightly) replied that neither Thomas Aquinas nor Augustine – both cited by Arroy – had spoken of "sovereign authority," but only of the authority of the Prince. Jansenius reprised a phrase from Isaiah (5:20) long cited by French orators, going back to Jean Gerson's *Vivat rex* sermon of 1405: "Woe to them that call evil good, and good evil; that put darkness for light, and light for darkness." The French translator of Jansenius offers us a perfect example of French thinking in the 1630s: when Jansenius speaks in Latin of the *res publica*, the translation speaks of "l'Estat" – the same linguistic legerdemain performed by Philippe de Béthune. Bodin himself in the 1586 Latin version of the *Republic*, to translate "souveraineté," would revert to the phrase he had used in 1566, *summum potestatem*, abandoning the term *maiestas* he had preferred in 1576.[76]

The neologism "Estat" created problems. In 1642, the historian Louis Chantereau le Febvre, when refuting the claims of the dukes of Lorraine to descend in the male line from Charlemagne, attacked many pretensions of the Lorraine-Guise family, including the title taken just prior to the death of Henry III by the duke of Mayenne, "lieutenant general de l'Estat de France"; on the next page Febvre used the correct title, "l'Estat et Couronne de France."[77] This title reflected a series of resolutions by

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[74] Arroy was a doctor of theology at the Sorbonne, whose faculty approved the publication.

[75] D. van Kley, *The Religious Origins of the French Revolution* (New Haven, CT and London: Yale University Press, 1996).

[76] One example: ch. XVIII, "publicarum rerum gubernaculum tenant" (*Mars gallicus*, 44) becomes "ceux qui ont en main le Gouvernement des Etats" (*Le mars françois*, 85). For sovereign power, or sovereignty, Jansenius utilizes "summum potestatem" (ch. VIII), Bodin's early (1566–1573) Latin translation for "souveraineté." C. Jansenius, *Mars gallicus* (1636), *Le mars françois* (1637). Jansenius often cited Gilbert Génébrard, *Chronographia*: Génébrard was one of the principal preachers of the League and a ferocious enemy of both Henry III and Henry IV.

[77] He took this title in early 1589, prior to the death of Henry III.

the theology faculty at Paris, starting with the January 7, 1589 affirmation that the people of France were no longer bound to their oath of loyalty to Henry III. A month later, they specifically stated that Henry had broken the tie of "mutual obligation," and they henceforth referred to him as "Henri de Valois." By early April, they issued an *arrêt* to the effect that parish priests should no longer offer prayers for the king at each Mass. The new oath of the Catholic League spoke of the "conservation of the catholic religion and the State."[78]

He attributed to the Catholic League the creation of this "quality that shocked all Physical and Political rules." Febvre then contrasted a king, who can create one or several lieutenants, because he is an entity [*suppost*][79] both physical and political, and a State, which is a purely moral being, and cannot so act.[80]

But a State, a Crown, cannot create them [lieutenancies] because it is only a nakedly Moral Being, which has no action: and when a Republic or other political Community creates and establishes Officers, it is as a Political and Physical Body long recognized and received in the *pais*.

Febvre argued that the Republic is a political community; the State is not. One defined a *république* in Ciceronian terms: a group [*amas*] of *citizens* living under a common law, seeking the common good. The State, as Paul Pellisson would say to the Académie Française in 1652, was a group of *people* [*amas de gens*] living under one ruler. No one living in

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78 *Le serment de la saincte Union pour la conservation de la religion catholique et de l'Estat* (January 26, 1589); see the discussion in T. Amalou, "Entre réforme du royaume et enjeux dynastiques. Le magistère intellectual et moral de l'université de Paris au sein de la Ligue (1576–1594)," *Cahiers de Recherches Médiévales et Humanistes* 18 (2009): 145–166. François de Rosières' *Stemmatum Lotharingiae ac Barri Ducum* of 1580 notoriously put forth the claim that the Guise, as descendants of Charlemagne, and not the Valois, were the legitimate kings of France; Duplessis Mornay (1583) and others, like de Belloy [*Examen du discours*] ridiculed Rosières's argument. Rosière cooled his heels for a while in the Bastille and on April 26, 1583 appeared before the royal council – with the dukes of Guise and Mayenne present – to demand pardon for what the *arrêt* describes as "things repugnant to the truth of history both against the honor and reputation of the Kings of France, predecessors of his Majesty, as well as against his dignity and honor." Rosières got down on his knees to beg forgiveness. Chancellor Cheverny reminded Rosières that in an ecclesiastic with good knowledge of "bonnes lettres," such writings were lèse-majesté and merited the death penalty. Catherine de Medici asked Henry III, for the love he held for her and for "Monseigneur de Lorraine" to pardon the offense. *Arrests et proces verbaulx d'execution d'iceux, Contre Iean Tanquerel, Maistres Artus Desiré, François de Rosieres, & autres* (Paris, 1583), 21–23. A. Cullière, *Les écrivains et le pouvoir en Lorraine* (Paris: Garnier, 1999), 279–282 on the trial.

79 *Suppost* meant a part of the body, as in the phrase "supposts de l'Université," to refer to the constituent elements of the University of Paris – the example given by the 1694 DAF.

80 L. Chantereau le Fevre, *Considérations historiques sur la genealogie de la maison de Lorraine* (Paris: Nicolas Bessin, 1642), 7.

Pellisson's France believed that all people were political citizens, yet the monarchy would try its best to convince everyone that the State and the commonwealth were the same thing.[81]

The term "*puissance absolue*," invariably translated as "absolute power" bedevils our understanding of the French monarchy to this day. In the sixteenth century, and well into the seventeenth, the term "*absolue*" meant independent, and referred back to the king of France's longstanding claim to have power independent from other earthly rivals, above all the pope.[82] When Jean de la Guesle told the Estates General, on December 17, 1576, that Henry III wished to have a "power [*puissance*] sovereign and infinite" to do well, but willingly accepted that his authority and power [*pouvoir*] were limited, Guillaume Taix, canon of Troyes, one of the deputies, mused to himself that la Guesle was fighting against the "murmuring" that "the king wished to attribute to himself a power [*puissance*] to do whatever would seem good to him [*tout ce que bon lui sembleroit*], without any regard to the reason or the counsel of the Estates."[83]

We need to recognize the paradoxical attitude of elites toward "puissance absolue": in 1576, the clergy asked Henry III to use it to implement the Decrees of Trent; in 1588, the Guise and their allies urged him to use it to enforce the July edict banning Protestants and supporters of Protestants from the French throne. In 1614, the drapers of Paris, complaining about the tapissiers infringing on their rights, said the latter relied on a 1612 ruling [*sentence*] of the Parlement in their favor, but this ruling – the drapers claimed – contradicted their statutes, issued by the king. "The said arrêt being directly contrary to the statutes and

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[81] The separate issue of legal, rather than political citizenship, has been closely analyzed by P. Sahlins, *Unnaturally French: Foreign Citizens in the Old Regime and After* (Ithaca, NY: Cornell University Press, 2004) and by C. Wells, *Law and Citizenship in Early Modern France* (Baltimore, MD: Johns Hopkins University Press, 1994). Early modern French people used the term "citizen" in an Aristotelian sense of someone "who ruled and was ruled in turn," as Oresme had put it in his 1373 glossary. That differs somewhat from the distinction free/unfree emphasized by Skinner as the key to what he (uncomfortably) calls the "republican" tradition inherited from Rome, above all in Cicero. Speakers did indeed use this pairing – claiming that royal "puissance absolue" was making them unfree – but the main emphasis lay with a citizenship tied to actual civic function, or at least eligibility for such function. Q. Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008), viii–x. Skinner prefers "neo-Roman" to "republican," but uses the latter because he feels "constrained" to follow "the terminology now in general use" (viii). I share his concern with "republican" and have opted for "commonwealth," to use the term contemporaneous English followed (spelled then as Commonweale, as in R. Knolles's 1606 translation of Bodin).

[82] Guez de Balzac, *Le Prince*, 45, speaking of Louis XIII, stated that he "bore the most independent Crown that was in the world" [*la plus independante qui soit au monde*]. By the period covered here, the king's independence from the emperor was no longer in doubt, and virtually never came up.

[83] Taix, "Journal," 274–275.

ordinances [granting their privileges], which cannot be corrected by the parlement above the will and puissance absolue of Kings who had issued" the statutes.[84] No one would suggest that the Church, or the Guise, would have been enthusiastic about *puissance absolue* in other contexts, like selling Church property to pay royal debts, and we surely do not think of guilds relying on appeals to *puissance absolue* to protect their monopolies, yet political *practice* put it rhetorically to such use.

These thoughts surely came to mind because of the ongoing debates about the shifting meaning of "*puissance absolue*," which would become particularly prominent in the 1580s, when Henry III cited it to enforce sovereign court registration of one financial edict after another.[85] The king had the <u>right to make</u> law on the basis of *puissance absolue*, **but he did not <u>make</u> law on that basis**: edicts and ordinances of Henry III or Henry IV spoke of "*pleine puissance, autorité royale et certaine science*," that is, to the power to do something, the right to order it done, and the wisdom to determine its concordance with reason. Kings referred to *puissance absolue* only to overcome resistance to the initial promulgation, that is, to assert that the king, not any sovereign court, was the final judge of the law in France.[86] Aside from the interlude 1673–1715, sovereign courts in France retained the right to make remonstrances, prior to registration, to the king when they found an edict or royal letters violated existing law, reason, and/or justice. The king would respond with letters (*lettres de jussion*) ordering the registration mandatory to make enforceable law; these letters would cite the king's *puissance absolue* as the supreme lawgiver.[87] Focusing solely on the king's view of this matter

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[84] AN, K 675, piece 20.

[85] A. Jouanna, *Le pouvoir absolu* (Paris: Gallimard, 2013), for a careful deconstruction of the term "absolu" and its use. Notice in her title the French noun *pouvoir*, which, like *puissance*, is translated into English as "power," even though the two words in French do not have the same connotation.

[86] Royal lawyers took as a given the principle Henry III defended, that the king could not be subordinate to his own subjects in lawmaking. "Pleine puissance," the French translation of "plenitudo potestatis," provided the great danger to lawyers trained in the *mos gallicus* tradition of Andrea Alciato and Jacques Cujas. Alciato called it "nothing other than violence" [*violentia*]. Popes had claimed it since the thirteenth century; French kings did so from Philip IV onward. On Alciato, see: J. Black, *Absolutism in Renaissance Milan. Plenitude of Power under the Visconti and the Sforza 1329–1535* (Oxford and NY: Oxford University Press, 2009), xxxiii–xxxix. Virtually every leading political-legal figure of sixteenth-century France had studied with Alciato and/or Cujas; most had studied in Italy.

[87] Louis XIV famously removed (1673) the right of pre-registration remonstrance; Philippe d'Orléans, as part of the deal breaking the Sun King's will, restored it in 1715. For an important recent overview, see G. Aubert and O. Chaline, eds., *Les parlements de Louis XIV. Opposition, coopération, autonomisation?* (Rennes: Presses universitaires de Rennes, 2010). When letters failed, the king would hold a lit de justice; in the seventeenth century, the king often sent a member of the extended royal family to hold the lit, at which

occludes the fundamental role of the legal elite in theorizing, as well as actualizing the monarchical State.

I come at this project from a rather different perspective than that of a Skinnerian expert on the development of modern political thought or even from Reinhard Koselleck's *Begriffsgeschichte*, although I keep constantly in mind his dictum that "without common concepts, there is no society, and above all, no political field of action."[88] I am trying to find the intersecting genealogies of several related concepts, and the various "*langages*," traditions of political discourse (and utterance of such discourse, in performance), and the words attached to them, but to situate my analysis at all times within practical politics.[89] Early modern political "performers" drew from many political "*langages*" in creating a given speech or written text: medieval Scholasticism, biblical exegesis, Patristic writings, Classical Republicanism, political Aristotelianism, Platonism, Stoicism, Renaissance emblematic, common law, Roman law, and the papal-conciliarist debate, to mention some of the more prominent.[90]

Going far beyond simple "neologisms", I think European early modern political thinkers deliberately shifted to their vernaculars in order to create a new, more accurate political vocabulary. Watching Jean Bodin try to translate "souveraineté" into other languages offers a perfect example.[91] Governments, representative bodies, and political writers and

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the judges had to register the edict without reservation. The Parlement of Paris would make note of the forced approval in its official registration book.

[88] R. Koselleck, *Futures Past: On the Semantics of Historical Time*, trans. K. Tribe (Cambridge, MA: MIT Press, 1985), 74.

[89] Pierre Bourdieu's analysis of *langage* – the specialized vocabulary often used to exclude – gets a thorough explanation in the context relevant here in *Sur l'État. Cours aux Collège de France (1989–1992)* (Paris: Seuil, 2012).

[90] A. Pagden, ed., *The Languages of Political Discourse in Early-Modern Europe* (Cambridge: Cambridge University Press, 1987). List derived in part from Pagden's introduction and from John Pocock's essay on "The concept of a language." See also the remarks by Janet Coleman: "The Practical Uses of Begriffsgeschichte,": www.jyu.fi/yhtfil/redescriptions/ Yearbook%201999/Coleman%20J%201999.pdf. Tyler Lange, in *The First French Reformation. Church Reform and the Origins of the Old Regime* (NY and Cambridge: Cambridge University Press, 2014), emphasizes the role of papalist arguments from the fifteenth century in forming the intellectual framework of legists at the Parlement of Paris, especially among judges educated in canon law at Paris. I am consciously using Pierre Bourdieu's term *langage* here, because these various "languages" (in the title, for example, of the Pagden volume) were a specialized vocabulary, employed by specific groups in large measure to exclude non-members of the group. Outsiders would adopt these terms, often modifying them and, through usage, change their meaning. Nicholls, *Political Thought*, ch. 2, dissects the intellectual traditions drawn upon by the judicial elite.

[91] He insists the Italian is *signoria* but then says a city like Florence – whose government was known as the Signoria – was not a sovereign entity. Italians, like Botero, soon settled on *sovranità*.

orators, deliberately played with these ambiguities in terms like *pays* or *patrie*, just as they sought to use a sly linguistic modification of "public," involving a change from adjective to noun, to help camouflage the naked brutality of the State (*Estat*) claiming to be the Republic. Where the monarchical commonwealth sought the "*bien public*" [public good], the Bourbon monarchy sought the "bien **du** public" [good of the public] and the "bien de l'Estat." As Anna Di Bello has recently argued, Bodin, in "a moment of grave crisis of the French monarchy," and indeed of general European political disorder, "grasped the necessity of rethinking the State, its foundations and its exercise of sovereignty."[92] Bodin was hardly alone in this enterprise, which engaged the entire French legal elite. Bodin's English translator, Richard Knolles (1606), operated a similar linguistic shift in the first sentence of his *Six Bookes of the Commonweale*: Bodin spoke of "puissance souveraine," but Knolles flipped the parts of speech, and translated the term as "puissant sovereignty," clear evidence that Bodin's noun – defined by him in chapter 8 of book I – had come into common currency and no longer needed to wait for a definition.

The State: Bourdieu and Foucault

Pierre Bourdieu and Michel Foucault gave fascinating lectures on the State at the Collège de France; each of their approaches informs my work here. Creating this new State, and its rhetorical justifications, required elites to overcome a logical inconsistency between social reality and its discourse. Lecturing in the late 1970s, Foucault's term governmentality has given us a framework for understanding the rise of the State and relied on what I view as the Annalistes's imperfect interpretations of the nature of early modern society.[93] They posited a stable, sedentary society; Foucault, relying on their prodigious research, emphasized the contrast between the rhetoric of elites, obsessed with keeping everyone in their place, both physical and social, and a social reality built on immobility. My own research, and that of others, has shown that French society had both elements of stability – some peasant families long remained

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[92] A. Di Bello, *Stato e sovranità nel De Republica libri sex di Jean Bodin* (Naples: Liguori Editore, 2014), 10, "Bodin coglie la necessità di ripensare lo Stato, le sue fondamenta e l'esercizio della sovranità." Nicholls, *Political Thought*, ch. 7, examines the relationship of Bodin's *République* and Leaguer political thought. I strongly agree with her emphasis (172–174) on the importance of divine and natural law as restraints on the sovereign's power.

[93] M. Foucault, *Sécurité, Territoire, Population* (Paris: Seuil, 2004).

rooted to their villages – and of mobility.[94] Robert Mandrou suggested long ago that France was also a society in movement.[95]

Foucault recognized that governmentality involved multiple layers of government, not just the central State; as we shall see, local judges sought above all to expand their *own* power and jurisdiction. The city of Beauvais protested the bailiwick's 1614 *cahier* on the grounds that leading local judges had drawn it up with their corporate interest in mind: "Recent months betray the secret thought of the redactors of the cahiers of the bailiwick, men of the robe who, as we see better and better, under the pretext of consolidating royal authority, dream above all to establish and extend their own."[96] The clergy fought a bitter and largely losing battle over jurisdiction with royal judges; in many ways that battle paralleled the one between the king and the pope about royal independence.

Champenois demands in 1588 did not come *from* the central government but were directed *to* the central government.[97] Their rhetoric attacking mobility of persons, goods, and ideas was not, however, a hypocritical justification for a power grab, but rather a reaction to the exponential increase in movement across all three of those categories. Foucault was certainly right to focus on governmental control of movement, but those efforts at control took place in a mobile, not an immobile society.

If we seek to reconstruct as well as we can the reality lived by these political actors, we must better understand the roots of what Bourdieu called their political *langage*.[98] This *langage* could be an unconscious creation, but far more often it was a deliberate construction. Speeches, remonstrances, *cahiers de doléances*, debates, letters patent – all had their

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[94] James B. Collins, "*Translation de domicile*; Rethinking Sedentarity and Mobility in the Early Modern French Countryside," *French History* 20, no. 4 (2006): 387–404; and "Geographic and Social Mobility in Early Modern France," *Journal of Social History* 24, no. 3 (1991): 563–577. For the broader context, see Leslie Page Moch's *Moving Europeans: Migration in Western Europe since 1650* (Bloomington: Indiana University Press, 2003). My own lecture, "Hit the Road, Jacques," at the Collège de France treats this issue at some length: *La monarchie républicaine* (Paris: Odile Jacob, 2016).

[95] R. Mandrou, *Introduction à la France moderne* (Paris: Albin Michel, 1961).

[96] G. Monbeig, "Notes relatives aux Etats-Généraux de 1614," *Bulletin de la Société d'Etudes historiques et scientifique de l'Oise* IV (1908): 1–32, 5. Monbeig relied on documents from the municipal archives of Beauvais, which were destroyed by fire in 1940. He cites both the *cahier* (AA 12), of seventy-eight articles, drawn up by the judges, and the complaints of the town government that it was "completely prejudicial to the town."

[97] Their articles had a close affinity with Bodin's analysis of the Roman censure, *République*, book VI, ch. 1. See the stimulating analysis on Bodin on this issue in L. Catteeuw, *Censures et raisons d'État.* (Paris: Albin Michel, 2013), esp. 124–138.

[98] Bourdieu's analysis of *langage* – the specialized vocabulary often used to exclude – gets a thorough explanation in the context relevant here in *Sur l'État. Cours aux Collège de France (1989–1992)* (Paris: Seuil, 2012).

goal(s), and the vocabulary, rhetoric, and literal performance act chosen was the one that might best obtain the desired result. Speaking here as the son of two professional politicians, I take the goal of politics to be getting results, not scoring rhetorical points, yet scoring such points often provides the act needed to achieve one's goal.

This new obsession with a specific agnatic family became obvious after 1589, when the Bourbons simultaneously insisted the Salic Law made one of them the rightful heir, yet denied the entirely legitimate claim of the Courtenay family to be in the line of succession, as agnatic descendants of Louis VI.[99] The Burgundian historian Pierre de Saint-Julien de Balleure called the king the "souverain chef de l'Estat" [sovereign head of the State].[100] In a classic sixteenth-century paradox, the hero king of the commonwealth's champions, Louis XII, was universally known as the "père du peuple," and even commonwealth-themed orations urged the king of the moment to aspire to this title.[101] The French body politic was indeed "shattered" during the Wars of Religion, but rather than disappearing, "the corporate union" that manifested its unity shifted from the "respublique" – the collective body of citizens – to the State.[102]

My previous work as an historian undergirds this book; I have spent most of the last five decades in local archives, reading tax rolls, municipal deliberations, local court records, notarial archives, civil registers, and a host of other documents generated out in the field. I have written about popular rebellions, in which those clearly outside the then-accepted definition of citizen set forth their political goals. When I first read the memoirs of royal councilors like Pierre Jeannin, I had previously looked at the reactions of those whom they sought to direct or to tax, to cajole or to coerce. I have always tried to balance the perspectives of those at each level of the process in question, from the village tax collector to the superintendent of finances.

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[99] La Guesle's remonstrance on behalf of the Edict of Union quite specifically makes the State into the body politic.

[100] P. de Saint-Julien de Balleure, *De l'origine des Bourgongnons* (Paris, 1581), 58. Saint-Julien regularly used the commonwealth vocabulary of bien public: the "State" references overlap with them.

[101] P. Aladjidi, *Le roi, père des pauvres, France XIIIᵉ – XVᵉ siècle* (Rennes: Presses universitaires de Rennes, 2009), shows the extensive royal use of one specific version of this metaphor. C. Cuttica, *Sir Robert Filmer (1588–1653) and the Patriotic Monarch. Patriarchalism in Seventeenth-Century Political Thought* (Manchester: Manchester University Press, 2012). French orators often used the variation "père de la patrie."

[102] Schneider, *Dignified Retreat*, 17, finds a dichotomy of "crown and 'particulars'"; my emphasis here is on the State, not the crown. His introduction contains a thorough discussion of the works of literary scholars like Hélène Marlin-Kaiman and of the historian Christian Jouhaud, with respect to this new intellectual world.

Rather than seek the origins of the vocabulary of State in Renaissance Humanism or Reformation theology or debates about papal versus conciliar power, I seek them in the political problems facing French governments at all levels in the second half of the sixteenth century. A new concept like "the State" arose to deal with specific problems, but it then modified the behavior – and the vocabulary – of political actors who now lived in a royal State, not a monarchical commonwealth. The ties of religion and politics are obvious in the Wars of Religion, but the impact of Humanism on vocabularies, on historical understanding (and the methods of both history and legal studies), and consequently on patterns of thought, cannot be ignored.[103]

Actions, words: how do they come together? As a historian, I want to find out how one got action, both in terms of the bare-knuckle brawl for power, wealth, prestige, and their accoutrements, and in terms of what one had to do and *say*. Language takes us back to the power of knowledge, and of the word, in which it is expressed: the edicts of pacification all contained prominent articles forbidding offensive speech. When he issued edicts related to towns returning to allegiance to him, Henry IV made sure to emphasize that he "had inhibited and prohibited, inhibits and prohibits them […] from injuring, reproaching, outraging, offending, or provoking each other […] by deed or word." They needed to live, he told the residents of Auxerre, as "good friends and fellow citizens."[104]

As Antoine Arnauld, whose eponymous father literally wrote the first draft of the 1614 article, remarked: "we are no longer in the times when the Popes can use the power [*puissance*] they formerly attributed to themselves to depose Kings. Christianity would be lost were they to try it."[105] Jurists in the generation of Antoine Arnauld, *père* and Jacques de Thou created the new vocabulary of the monarchical State. As Howell Lloyd pointed out in his fine biography, Bodin constantly and extensively modified the *République* from one edition to the next, and the Latin version especially differs in important ways.[106]

The printed "speech" created by the treasurers general of France for the king in 1576 suggests that the new vocabulary had already penetrated the upper levels of provincial administration. They lamented their

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[103] M. Barral-Barron, *L'Enfer d'Erasme. L'humaniste chrétien face à l'histoire* (Geneva: Droz, 2014), on the difficulties of Erasmus integrating profane history into his historical exegesis of religious traditions.

[104] Abbé Lebeuf, *Mémoire concernant l'histoire ecclésiastique et civile d'Auxerre* (Paris, 1743), t. II, *Preuves*, 329.

[105] Arnauld, *Lettres*, II, 193. He repeated his criticisms of the papal position in a letter to Vaucel on October 30, 1683 (II, 361).

[106] In addition to Lloyd, *Bodin*, see Di Bello, *Stato e sovranità*, on the contrast of the "national" French text of 1576 and the "international" Latin version of 1586.

absence from the Estates and made an interesting riff on a Ciceronian metaphor: finances became the sinews of "the monarchy," allowing for the upkeep of the "state." In closing, they wished for perpetual prosperity and "a happy growth of your State."[107] One change in Poitiers's preamble stands out: Henry III spoke of finding "the most appropriate remedies for the bien de nostre Estat."[108] Poitiers was the first pacification edict to mention the "bien" of our/the State. In the Edict of Nantes, Henry IV would refer to the "salut et repos de cest Estat" and to "*les maulx particuliers des plus saynes parties de l'Estat*," which he thought could best be healed by removing their main cause, civil war.[109]

The mass provincial confusion in the aftermath of the St. Bartholomew's Day Massacre, the similar confusion about the oath for a Catholic "league" in February 1577, and the (illegal) cooperation among provincial estates in 1578–1580 all bespoke this weakened royal authority, even leaving aside the constant low-level warfare during the pauses between the eight official civil wars.[110] As the combination of dynastic instability, religious conflict, and democratization of politics eliminated the old commonwealth as a viable form of polity for ruling elites, they turned to a new creation, the royal State, to vanquish "the empire of fear." If we might come back to Massillon's comment about how Louis XIV persuaded his enemies to speak his political language, we might consider that Louis's predecessors had first to convince their own subjects to do so. Let us see how they did it.

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[107] *Harangue faicte au roy [...] par messieurs les tresoriers generaulx* (1576), 12.

[108] The Sorbonne has put all of the edicts of pacification online: http://elec.enc.sorbonne .fr/editsdepacification/edit_08

[109] "*Particuliers*" carries the sense of specific, and not simply individual; no English word entirely captures the connotation, because "*particulier*" and "*personnel*" were not synonyms. See Chapter 3 for more on this change.

[110] Contemporaries always called them civil wars; they began anew in 1616–1617, as depredations by Protestant corsairs from La Rochelle attacking Catholic shipping became a land war in 1620, and continued episodically until the Peace of Alais (1629).