NATURALISATION OF POWER (1250-1600): UNRAVELLING THE STRATEGIES OF LEGITIMATION

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NATURE, LEGITIMACY AND POWER. A PRELIMINARY APPROACH

Naturalisation and legitimation. In the corridors of power

The aim of this volume is to understand how a political order manages to establish its legitimacy and endure. Among the diverse strategies used to legitimate power, the concept of 'naturalisation' was clear to us a recurring feature, especially in premodern societies and polities in which claiming the eternity of lineage, law, and institution was a prerequisite to establishing domination due to the instability of state apparatus. We take up Weber's terminology which precisely distinguishes power and domination: while 'Macht' (power) is the ability to impose one's will against any resistance, 'Herrschaft' (domination) is the ability to impose a decision arising from recognition of one's legitimacy by those who must obey[1]. 'Herrschaft' (domination) is the established power, a structured phenomenon that does not need force to be obeyed (force may not lead to acceptance) but relies upon concrete mechanisms and strategies.

To become dominant, power must be legitimate and, as such, recognised and accepted by all. But for recognition to be effective, it must be self-evident. Therefore domination needs to remove itself from the social-political struggle that produce it an destablish itself as a natural and incontrovertible state. It is this effort that we call 'naturalisation'. More or less conscious, it relies prin-

1. M. Weber, *Economy and Society: An Outline of Interpretive Sociology*, New York, Bedminster Press, 1968, 212.

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cipally on two intertwined notions: the dehistoricisation and the universalisation[2].

From a critical perspective, Marx was the first to identify the process among bourgeois economists who postulated the naturalness of institutions and relations of production, labelling as artificial any 'model' different from their own, such as feudalism. According to them, 'naturalisation' was a mystery. He wrote in his *Grundrisse zur Kritik der politischen Ökonomie*: «The whole history of production relations, therefore, appears with Carey, for example, as a falsification maliciously circulated by governments»[3]. It is falsification that aims at justifying the bourgeois order by presenting it as removed from history, and therefore eternal, whereas any order is necessarily transitory. Marx's argument relies on the old dichotomy between nature, supposedly permanent, and history, necessarily transitory. In a certain way, all his theoretical works aim to demonstrate 'scientifically' that the capitalist mode of production constitutes only a passing stage in the evolution of societies: the laws that govern it are historical and not natural. But 'naturalisation' does not aim only at dehistoricising social convention or political arrangement. 'Naturalisation' shores up them by asserting that it is dictated by nature, what implies that it is irrevocable and optimal[4].

This task of deshitoricisation is inseparable from that of universalisation or generalisation. The particular interest becomes the general interest. The substitution of the particular for the general was all the easier when, according to the Aristotelian-Christian movement (dominant from the thirteenth century on) nature was perceived as necessarily good[5]. As an essence or substance, it

2. P. Bourdieu – J.-Cl. Chamboredon – J.-Cl. Passeron, *Le Métier de sociologue*, Paris, Mouton-Bordas, 1968, 34-35.

3. K. Marx, *Grundrisse der Kritik der politischen Ökonomie*, in *Marx-Engels-Werkausgabe (MEW)*, Berlin, Dietz, 1983, XLII, 19-875: 21: «Die ganze Geschichte der Produktionsverhältnisse erscheint daher z.B. bei Carey als eine durch die Regierungen böswillig veranlaßte Verfälschung».

4. L. Daston – F. Vidal, *Introduction: Doing What Comes Naturally*, in *The Moral Authority of Nature*, eds Id., London, The University of Chicago Press, Ltd., 2004, 2.

5. P. Gottlieb – E. Sober, *Aristotle on* «Nature Does Nothing in Vain», *HOPOS. The Journal of the International Society for the History of Philosophy of Science*, 7/2 (2017), 46-71.

could not be an accident of the being and was justified by its simple existence[6]. As a natural organisation, the existing social and political order was not only eternal and necessary, but also good and, therefore, desirable. It existed for the benefit of all.

To naturalise domination would thus be to posit it as the only state comprising the universal interest of all.

State, power, domination. Some 'naturalised' categories?

Relying on historical, political and social phenomena, as well as on discourses produced by different actors of the past, our volume explores the categories of 'power', 'domination', 'state', that we commonly use without questioning them, as if they were universal and natural constants. In the 1970s Pierre Clastres had already brought to light the existence of a non-coercive power in so-called primitive societies, inviting anthropologists to abandon of their prejudices and ethnocentrism[7]. More recently, James C. Scott has challenged the idea that the state was the natural consequence of the appearance of agriculture and sedentarisation and has highlighted the resistance to its development and imposition[8]. In turn, Philippe Descola showed that the distinction between nature and culture was not that evident. According to him, it was the result of the «great divide», that is to say, a new mode of being in the world, a new arrangement, centered on the opposition between nature and culture, and built by the European naturalist ontology in the sixteenth and seventeenth centuries[9]. Far from the idea that we have of it, this organisation remains one of the least shared visions of the world on a planetary scale and in the course of human history[10].

6. According to Aristotle's ontology, substances such as a man or a horse are the basic, independent entities; accidents are the dependent entities that inhere in the substances.

7. P. Clastres, *La Société contre l'État*, Paris, Minuit, 1974.

8. J. C. Scott, *Against the Grain: A Deep History of the Earliest States*, New Haven-London, Yale U.P., 2017.

9. Ph. Descola, *Par-delà nature et culture*, Paris, Gallimard – Nrf, 2005, 114.

10. *Ibid*., 70.

Therefore, the idea of 'naturalisation' itself turns out to be problematic so much it rests on the 'modern' (naturalist) concept of 'nature', of an objectified nature, external to the human being, even of a transcendental nature. We could have spoken of reification, objectification or essentialisation to reveal the mechanisms used to shore up authority and domination. However, we decided to speak of naturalisation precisely because the term refers to two intertwined problems: 1. that of the relationship of man to nature and the construction of modernity; 2. that of the birth of sciences, including the human and social sciences. Indeed, the modern concept of nature has been consolidated over time, going far beyond the framework of the natural sciences. Whereas the scientists of the modern era created a nature separate from makind, the sociologists of the nineteenth century undertook to study society as a 'second nature', that is to say as an objective order distinct from the individual[11]. In this, they left a profound mark on the categories and intellectual operations of the humanities and social sciences.

Historiographical milestones

Naturalisation of power is often used to understand the mechanisms that produce the concepts of 'race', 'gender' and 'family'[12] since biologisation often structures these three domains. However, 'naturalisation' itself has yet spawned only a few specific academic works. We limit ourselves here to the literature concerning 'naturalisation' of power and forms of domination.

The medieval and early modern idea of nature is structured by discussions on the approaches of three Greek and Roman philosophers: Saint Augustin for whom politics appeared after the Fall and answered to the problems created by terrestrial life; Aristotle for whom human association is the first natural phe-

11. Z. Bauman, *Towards a Critical Sociology. An Essay on Common Sense and Imagination*, London, Routledge, 1976, 1-12. In the 1930s, Norbert Elias had to remind us that individuals did not exist without society and vice versa, N. Elias, *Die Gesellschaft der Individuen*, 1939.

12. P. Bourdieu, *La Domination masculine*, Paris, Seuil, 1998, *passim*.

nomenon, and for whom human being seen as a political animal; Cicero for whom there is a natural resistance of humans to politically associate, even though they are confronted to adversity (a will of non-association) and it must be opposed by reason through the means of rhetoric. The traces of these debates can be witnessed throughout the entire medieval and Early Modern period, as in the political Augustinism of Bonaventure (Giovanni di Fidanza), the Aristotelianism scholastic of Thomas Aquinas and Giles of Rome, or the Renaissance Ciceronianism of Poggio Bracciolini and Marsilo Ficino[13].

Following philosophy, history of law had sometimes discussed 'naturalisation' through the problem of natural law by opposition to positive (human) law in the medieval and above all early modern law systems, more specifically in the context of the affirmation of natural law in the seventeenth and eighteenth centuries[14].

In the twentieth century, some linguists tried to rethink the accepted beauty and natural perfection of languages, and to see them as cultural and rhetorical creations. Roland Barthes, for instance, did not hesitate to talk of French language as a 'sacred idiom' that appeared to be eminently political because:

> [...] at the moment when the upper classes wished [...] to overthrow the peculiarity of their writing and to turn it into a universal language, making believe that the logic of the French language was absolute. That is what one used to call the 'genius of the language' which was, in the case of French, to present in a sentence first the subject, then the action and finally the object, in accordance with what was called a 'natural' model[15].

13. C. J. Nedernman, «Nature, Sin and the Origins of Society: The Ciceronian Tradition in Medieval Political Thought», *Journal of the History of Ideas*, 49 (1988), 3-26; Id., «Cicero in Political Philosophy», in *Encyclopedia of Medieval Philosophy. Philosophy between 500 and 1500*, ed. H. Lagerlund, Dordrecht, Springer, 2011, 216-20.

14. See the synthesis of B. Tieney, *The Idea of Natural Rights: Studies on Natural Rights. Natural Law and Church Law. 1150-1625*, Atlanta, Scholars Press, 1997, esp. 43-77. This legal vision allows distinction of human beings possessing natural qualities (honesty, loyalty, peacefulness) that predisposes them to participate in public life: Th. Dutour, *Sous l'empire du bien. 'Bonnes gens' et pacte social (XIIIe-XVe siècle)*, Paris, Classiques Garnier, 2015, 223-31.

15. R. Barthes, *Critique et vérité. Essai*, Paris, Seuil, 1966, 28.

The construction of the 'natural ingenuity' of the language is connected to the late medieval and early modern shaping of nations and states, that were generalised and widespread in the nineteenth century. At this time, 'naturalisation' even encompassed the nascent sciences such as linguistics and grammar, geography and cartography, archeology and history[16].

This question was formulated by historians of the nation state in order to address historical problems such as colonialism and imperialism. It led their colleagues to focus on earlier periods and to study the emergence of earlier forms of state in Europe to consider the process of 'naturalisation'.

The late medieval state is a dynastic state or a 'feudal state' (to follow the expression of Jean-Philippe Genet)[17]. In the sphere of the dominant classes, strategies of power involving interpersonal relationships within small, closed groups of elite families overlapped with the Roman *gens* of late Antiquity and the early Middle Ages to create the dynastic group[18]. These noble families justified their domination through the argument of naturalness in which their members possessed natural qualities that placed them far above ordinary mortals, which therefore predisposed them to rule[19]. Political naturalness proceeded from the ideology of the dynastic clans and was transmitted to the states that those clans were shaping. The internal logic of the princely house connected with the logic of the state while a public and contractual logic was reborn from the same state, thus contradicting the logic of

16. B. Anderson, *Imagined Communities. Reflections on the Origin and Spread of Nationalism*, London – New York, Verson, 2006², esp. 145.

17. J.-Ph. Genet, *La Genèse de l'État moderne. Culture et société politique en Angleterre*, Paris, PUF, 2003.

18. J. Heers, *Le Clan familial au Moyen Âge. Étude sur les structures politiques et sociales des milieux urbains*, Paris, Seuil, 1993², 12-13.

19. R. Lenoir, *Noblesse et distinction dans l'œuvre de Pierre Bourdieu*, in *Marquer la prééminence sociale*, eds J. Ph. Genet – E. I. Mineo, Paris, Publications de la Sorbonne, 2014, 21-41: 36-37. See also the example of the naturalisation of the values and qualities of the house of Valois-Burgundy in A. J. Vanderjagt, Qui sa vertu anoblist. *The Concepts of* Noblesse *and* Chose Publicque *in Burgundian Political Thought (Including Fifteenth Century French Translations of Giovanni Aurispa, Buonaccorso da Montemagno, and Diego de Valera)*, Groningen, s.n., 1981, esp. 35.

princely house (Bourdieu)[20]. The principality and thereafter the late medieval and early modern dynastic state were ruled by dynasties who claimed their 'naturalness', a phenomenon that had already been observed by Jan Dhont in the 1950s[21]. The ideology of the nascent dynastic states were penetrated by this idea: the prince and his lineage were described as natural because they were supposed to descend from the lineage that had ruled their territories since time pretendely immemorial, and also because they had grown up in the country and therefore embodied its custom and laws[22]. Furthermore, the incorporation by the dominant groups of everyday gestures and words (what was later called 'etiquette' by the curial milieu) participated in this naturalisation. The *habitus* of the dominant groups were perceived and recognised as natural and superior by other social groups. The ascending groups even tried to imitate this *habitus* in order to gain recognition as legitimate (Elias)[23].

In contrast to this another political discourse emerged, presenting the vast majority of the commoners (the 'people') as puppets, which recognised, almost naturally, the superior qualities of the rulers and who loved them for this reason[24]. The (puppet) people were described as naturally disorganised and prompt to dissolve any form of social order by their «natural influence

20. P. Bourdieu, *Sur l'État. Cours au Collège de France (1989-1992)*, eds P. Champagne – R. Lenoir – Fr. Poupeau – M.-Chr. Rivière, Paris, Raisons d'agir – Seuil, 2012, 445, 484-85.

21. J. Dhont, «Les 'Solidarités médiévales', Une société en transition: la Flandre en 1127-1128», *Annales. Économies, Sociétés, Civilisations*, 12/4 (1957), 529-60: 529.

22. The political laboratory that was the Grand Principality of Burgundy in the fifteenth century, due to its conservatism, is particularly interesting to understand the construction of these discourses on natural lineages. See for example J. Dumolyn, «Justice, Equity and the Common Good. The State Ideology of the Councillors of the Burgundian States», in *The Ideology of Burgundy. The Promotion of National Consciousness, 1364-1565*, eds J. Darcy d'Acre Boulton – J. R. Veenstra, Leiden – Boston, Brill, 2006, 1-20: 16.

23. N. Elias, *Über den Prozeß der Zivilisation. Soziogenetische und psychogenetische Untersuchungen*, Basel, Haus zum Falken, 1939, vol. 1.

24. L. Scordia, «Le Roi doit avoir le cœur de ses sujets: réflexions sur l'amour politique en France au XVe siècle», in *Le Prince, son peuple et le bien commun. De l'Antiquité tardive à la fin du Moyen Âge*, eds H. Oudart – J.-M. Picard – J. Quaghebeur, Rennes, P.U. Rennes, 2013, 145-58: 150.

which is their natural tendency» to revolt, to follow the words of the Burgundian chronicler George Chastelain[25]. Therefore the naturally 'good government' of the prince was the only way to protect the world from the self-destructive natural tendencies of the subjects.

Therefore we witness that the emergence of dynastic states was accompanied by discourses justifying the mechanisms of domination induced by those states, and within those discourses 'naturalisation' occupies a central position. 'Naturalisation' can be even seen as the main characteristic of ideological or doxic systems (Bourdieu) which naturalise the balance of power. In other words, ideological or doxic discourses transform processes of social life to natural essences[26]. The interpenetration between doxic discourses and dynastic states has even led some scholars to say that those states were 'natural states' in which a 'dominant coalition' possessed the monopoly of access to resources, redistribution of wealth and legitimate violence (North, Wallis, Weingast)[27].

However, this brief landscape of the presence of 'naturalisation' in several scholarly works of the humanities and social sciences dedicated to the fabrication of domination and consent must not make us forget that this question remains often only a side issue.

One of the approaches proposing a broad perspective on the topic in the medieval period was developed in a collective volume published in 2014 by Maaike Van der Lugt. It considered nature as a progenitor of ethical forms. Different authors were interested in the moral and normative power of nature, in the nature seen as the source of Good, and in which nature was used

25. Quoted by J. Dumolyn, «Le Povre peuple estoit moult opprimé: Elite Discourses on 'The People' in the Burgundian Netherlands (Fourteenth to Fifteenth Centuries)», *French History*, 23/2 (2009), 171-92: 179. See also J. Dumont, «Une 'sociodicée' des États bourguignons. Le *Liber de virtutibus Philippi Burgundiae Ducis* de Jean Germain (ca 1451-1452)», in *Le texte médiéval dans le processus de communication*, eds L. Evdokimova – A. Marchandisse, Paris, Classiques Garnier, 2019, 307-28.

26. Bourdieu, *Sur l'État*, 197; T. Eagleton, *Ideology. An Introduction*, London, Verso, 1991.

27. D. C. North – J. J. Wallis – B. R. Weingast, *Violence and Social Orders. A Conceptual Framework for Interpreting Recorded Human Society*, Cambridge, Cambridge U.P., 2009, 30-31, 73.

as a standard to judge human actions, social and political systems, justice, arts and sciences, throughout the entire medieval period. The book focused also on philosophical and theoretical discourses on nature.

'Naturalisation': a key feature of late medieval and early modern power

The research on the naturalisation of power was conceived at the confluence of several fields of studies in the humanities and social sciences (especially anthropology and sociology). Yet we were careful to preserve a strong historical anchoring, which is inscribed in a diachronic perspective from the late Middle Ages to the Early Modern period (1300-1800), broadly allowing us to place our reflections in a long-term time period, at least from a political perspective. This period is characterised by the emergence, development and affirmation of the modern state in Europe. Naturalisation of power must be studied through this lens.

Social changes and the new involvement of individuals from the thirteenth century

The thirteenth and fourteenth centuries were marked by profound transformations in both the political and religious spheres, transformations requiring participation, involvement and consent. On the one hand the power of the rulers was far less strong and hegemonic than is generally believed. The development of power and authority made rulers more dependent on the dominating groups (the nobility, the cities), which provided him with loyal men and financial resources. No longer able to live on his own, the ruler needed the consent of the representative assemblies to levy taxes, which were so indispensable for conducting his political actions. He also needed the recognition of his subjects to gain legitimacy[28]. On the other hand, by introducing a

28. M. Hébert, *Parlementer. Assemblées représentatives et échange politique en Europe occidentale à la fin du Moyen Âge*, Paris, De Boccard, 2014, 2; as well as B. Schneidmüller, «Konsensuale Herrschaft. Ein Essay über Formen und Konzepte politischer Ordnung im Mittelalter», in *Reich, Regionen und Europa in Mittelalter und Neuzeit. Festschrift für Peter Moraw*, eds P.-J. Heinig

division and a hierarchy between clerics and laity, the Gregorian reform had led in the eleventh century to the implosion of the Christian people and brought to light an individual concept of salvation that would require the personal commitment of the individual[29]. As a result of these transformations, the individual was solicited on all sides and was subject to new needs, and the ability to satisfy (and instrumentalise) them became a new political issue[30]. This transformation is crucial: authorities (Church, rulers) contributed to affirming the subject in the research of its collaboration to strengthen their power. But in doing so, they also opened a space for criticism of the institutions and the proclaimed truths; they released the political communation[31], making necessary an increased development of the strategies of legitimation.

Our investigation closes on the beginning of the nineteenth century and the advent of a new political (hegemony of the nation-state model) and economic (industrial capitalism) order. The period under study is structured around the rupture between the medieval and modern periods, a rupture that we intend to challenge, and this questioning explains why limit this project to Europe. The entry into the modern age seems indeed to have had little effect on the structure and the political order remaining globally unchanged (monarchies of divine right, dynastic states), even after 1789. Our ambition is therefore to be sensitive to not only changes but also continuities, which are often underestimated.

– S. Jahns – H.-J. Schmidt – R. Chr. Schwinges – S. Wefers, Berlin, Duncker & Humblot, 2000, 53-87; *Concensus et représentation*, eds J.-Ph. Genet – D. Le Page – O. Mattéoni, Paris, Éditions de la Sorbonne, 2017.

29. Fl. Mazel, «Vérité et autorité: y a-t-il un moment grégorien?», in *La Vérité. Vérité et crédibilité: construire la vérité dans le système de communication de l'Occident (XIIIe-XVIIe siècle)*, ed. J.-Ph. Genet, Paris – Rome, Éditions de la Sorbonne – École française de Rome, 2015, 323-48.

30. J. Coleman, *The Individual in Political Theory and Practice*, Oxford, Oxford U.P., 1996.

31. J. Habermas, *Strukturwandel der Öffentlichkeit. Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft*, Berlin, Suhrkamp, 1990; *L'Espace public au Moyen Âge. Débats autour de Jürgen Habermas*, eds P. Boucheron – N. Offenstadt, Paris, PUF, 2011; É. Adde, «Idéologie nobiliaire et espace public dans les pays de la couronne de Bohême au XIVe siècle», *Hémecht*, 4 (2015), 401-20.

Nature as a historical concept

The concept of 'modernity'[32] commonly relies upon a radical change in man's relationship with nature. Traditionally it is assumed that a double divide occurred in the sixteenth and seventeenth centuries. First, the supernatural and natural orders separated from each other. It resulted in the exclusion of God from the earthly world. Second, the natural and the political orders also separated from each other (in opposition to the Middle Ages which became characterised by the indistinction of these different elements). In the context of the invention of scientific experimentation, the idea of a transcendent nature existing eternally outside humans and without them origin and became men's business (Hobbes).

However, the relationship to nature of the medieval people was no less relevant than that of the modern man. It was just different. Their nature corresponded to the sum of all beings and non-humans endowed with a meaning by the Divine Creation. The richness of creation was combined with the hierarchisation between the different elements constituting the world. A rising scale led from plants to God passing through animals and mankind. The world was organised around hierarchical 'couples' (the central duality of soul and body which governs the classification mode) and the principle of analogy between them: man was for the animal what Heaven was for earth, what the soul was for the body, culture for nature[33]. The analogic thought carried values among which animality was connoted negatively. Each being was given a more or less unfavorable rank that depended

32. For a criticism of the ideology of modernity, see M. Gauchet, *L'Avènement de la démocratie*, vol. 4, *Le nouveau monde*, Paris, Gallimard, 2017.

33. K. Thomas, *Man and the Natural World. Changing Attitudes in England. 1500-1800*, Oxford, Oxford U.P., 1996, 35. These recurrent oppositions, which implied a hierarchisation and aimed at organising the world were called 'Pauline pairs' by G. Caspary, *Politics and Exegesis: Origen and the Two Swords*, Berkeley, University of California Press, 1979. See also the chapters «Woman is to Man what Soul is to the Body» and «The Body/Soul Relationship and the Significance of the Body» in C. W. Bynum, *Fragmentation and redemption. Essays on Gender and the Human Body in Medieval Religion*, New York, Zone Books, 1992, 205-22.

on its 'degree' of animality. But the value of the elements composing these different 'couples' was not fixed and could change depending on the context and the associated elements. Woman was inferior in her relationship to man, but superior in her relationship to child. Medieval hierarchies were anything but stable. The relationship to the world of the medieval people was different from that of the moderns. This distinction made it possible to show that, behind the clear-cut and asserted divides, the nature and science of the modern people are much less transcendent and separated from humans than one might think insofar as they remain human constructions and therefore also immanent.

Conversely, the asserted immanence of the social and the political orders via the notion of a contract between humans that would be at the basis of all power does not prevent the transcendent Leviathan from escaping humanity, or perfect participation/representation from being impossible. Modern man constructed nature (immanence) whilst pretending to discover it (transcendence). They invented politics through the idea of contract (immanence) for producing an order which exceeds them (transcendence of the Leviathan)[34]. To better understand the instrumentalisation that is 'naturalisation' in the strategies of legitimation it is indispensable to keep in mind that nature is an 'object' both unconscious and conscious, because it is given by a specific history; socialisation and – dare it be said – culture, whilst simultaneously being shaped and reshaped more willingly and deliberately.

For medieval people, the world was frozen in naturalness. The concept of an immanent nature was necessarily mixed with social order, as is attested by the theories of the political body (*corpus politicum*) that represented and fixed the relations between social classes, or even the *hortus conclusus* figuring the kingdom. Hierarchies and inequalities were justified by their naturalness. The naturalism and the scientism of the moderns kept nature at a distance from the social. As a consequence, they denaturalised the social order and opened the possibility of formulating a criticism (a criticism which was the product of the naturalisation of

34. Br. Latour, *Nous n'avons jamais été modernes*, Paris, La Découverte, 1991.

the world). This concept started with the postulate that nature existed separately from culture and the social order.

Therefore, when we discuss the question of the naturalisation of power in this volume, we contribute to strengthening the 'great divide' of the moderns. We settle nature as something hat can be used in a field that is not its own (Marx's transgression) and we situate ourselves in the biased legacy of the modern man. Therefore we face a conceptual paradox: the naturalisation of the world by the moderns provides keys to denounce the naturalisation of power and, in the meantime, essentialises the distinction between nature and culture.

Working hypotheses

Several working hypotheses helped us to conceive this volume. They were reworked, criticised, improved and refined during through the collective work undertaken during the two conferences as well as through the different papers that form this volume.

During the considered period, the naturalisation of power accompanied the emergence, structuration and affirmation of a specific form of socio-economic organisation that was called dynastic state or modern state.

The dynastic state led progressively to the re-emergence of political societies inscribed in a laic *hinc et nunc* in contrast with a transcendental and universal Christendom ruled by the Church (Genet)[35]. The late medieval dynastic ruler saw his power and actions limited in space and to a specific number of individuals (the inhabitants of the kingdom). Therefore he could not build his legitimacy on the same principles as those which were structuring Christendom (transcendence, pontifical power, universality)[36]. Furthermore, the extension of royal prerogatives

35. J.-Ph. Genet, «Pouvoir symbolique, légitimation et genèse de l'État moderne», in *La Légitimité implicite*, I, *Actes des conférences organisées à Rome en 2010 et en 2011 par SAS en collaboration avec l'École française de Rome*, ed. J.-Ph. Genet, Paris – Rome, Publications de la Sorbonne – École française de Rome, 2015, 46-47.

36. Of course, dynastic rulers lent the Church some forms of sacralising and transcendental legitimations (for example, unction) and also theological justifications related to transcendence (for instance, the idea of *rex quasi semi*

in the fiscal, legal and military fields involved the use of other 'modes of legitimation'[37].

The common good was one of these new modes that were overused by late medieval and early modern rulers[38]. Our idea is that, beside of common good, 'naturalisation' was a further mode of legitimation in the period under review, which functioned in tandem with the common good. Indeed, if the common good allowed justification of the actions of legal, fiscal and military institutions (and therefore the extension of the royal or princely field), 'naturalisation' legitimised the ruler and his family as being those who could legitimately create and control the institutions. The naturalisation of the dominant group created a confusion between its members (the ruler and his dynasty) and the land and the people which they ruled, as well as, their history. 'Naturalisation' inscribed the dynasty in the customs and laws of the polity. Moreover, 'naturalisation' made the dynasty ethically superior to the subjects.

In the meantime, 'naturalisation' challenged the contradictory principle of 'contract of power' which occured in a project of governance that made the individual an agent of consolidation of power (firstly, emergence of the representative assemblies and the political contract at the end of the Middle Ages, and secondly of the social contract in the seventeenth and eighteenth centuries)[39]. 'Naturalisation' would therefore be a tool mostly used by rulers and dynasties, when other groups, which were fighting for more power, would prefer to use other strategies such as 'contractualism' which was a means to question 'naturalness' and to construct self-legitimacy based on the ideas of 'common will' and 'public good'. Therefore the analysis of 'naturalisation'

deus). However, during the period under review, those principles of legitimation were quickly replaced by others that shared no connection with transcendence.

37. The concept of explicit and implicit 'modes of legitimation' is described by R. Lenoir, «Pouvoir symbolique et symbolique du pouvoir», in *La Légitimité implicite*, I, 9-58.

38. De bono communi. *The Discourse and Practice of the Common Good in the European City (13th-16th c.)*, eds A.-L. Van Bruaene – É. Lecuppre-Desjardin, Turnhout, Brepols, 2010.

39. *Avant le contrat social. Le contrat politique dans l'Occident médiéval (XIIIe-XVe siècle)*, ed. Fr. Foronda, Paris, Éditions de la Sorbonne, 2011.

implies taking account of its neighboring concepts, such as 'contractualism', often carried by counter-powers or rival powers.

However, was the reality always so dichotomous? It appears that when one established power became weaker, another group could pretend to be more natural, for example in Bohemia. Moreover, if 'naturalisation' was not the apanage of secular powers, dynastic rulers could return to sacred and transcendental processes of legitimation, as for example in the case of Philip II of Spain. Indeed, in the context of the Counter-Reformation, Philip broke with a definition of the king as a natural prince to return to the transcendental idea of the *rex quasi semi deus*[40].

Finally, the 'naturalisation' of dominations is still at work today. One should not fall into the teleological trap and the so-called transition from 'naturalisation' to modern contractualism. The regimes of legitimation have changed and developed over time (with contractualism getting better press today in our modern Western polities), which has not transformed practices.

Methods

All these hypotheses will be investigated in the following articles, following an approach that privileges the study of discourses, lexicons, rituals, as well as transfers between different media forms and different registers of thought (theology, philosophy, political thought, scientific discourse).

Deshistoricisation is one of the major components of 'naturalisation'. The writing of history appears therefore as an essential link for the naturalisation of power. Numerous chronicles portray authority as having always existed. Genealogies participate in the shadowing of historical processes (struggles, breaches) by installing a continuity that goes back as far as the origin of the world and sometimes even to Greco-Roman gods or Biblical figures. Therefore naturalising power means situating it in a sort

40. S. Édouard, *L'Empire imaginaire de Philippe II. Pouvoir des images et discours du pouvoir sous les Habsbourg d'Espagne au XVIe siècle*, Paris, H. Champion, 2005, 189-237; M. Tanner, *The Last Descendant of Aeneas. The Hapsburgs and the Mythic Image of the Emperor*, New Haven, Yale U.P., 1993, 131-45; S. Thiry, *Matter(s) of State. Heraldic Display and Discourse in the Early Modern Monarchy (c. 1480-1650)*, Stuttgart, Thorbecke, 2018, 168-69.

of 'achronie' and presenting it as superior because immutable and immortal. It was, it is and it will be.

Philosophical and theological discourses fixing the social world in nature use the analogy between the human body and the political body, or they associate functions of the dynastic state to bodily functions (feeding, protecting, bringing Salvation). We find here also an analogy with the concept of the 'family', which is seen as the basis on which communities and indeed any sort of collective were imagined. From their side, the jurists and publicists highlighted the importance of royal blood, family ties and genealogy. A link were established between family and protection on the one hand, and the prince and the kingdom on the other, and this connection was to survive until the theories of nation state of the nineteenth century[41].

The efficiency and the effects of these discourses on 'naturalisation' are difficult to evaluate. Yet this question is asked throughout the articles that form this volume. The social realities are fictions with no basis other than the process of social construction itself. Yet they exist because they are collectively recognised. However, the naturalisation of the social world contributes to this recognition/acceptance without being open to dispute. In every use of classification concepts, we engage a description and a prescription which do not appear as such because they are universally accepted. In this way a noble is recognised as being of another nature than a commoner, through his own person and his social group as well as by the commoner and the social group the commoner belongs to. Such is the foundation of the specific ontology of social beings: inscribed together in the objectivity of the social structures and in the subjectivity of mental structures objectively orchestrated. Social beings present themselves to experience with the opacity and the resistance of things, even if they are the results of acts of construction. The legitimacy is above all inscribed in what is implicit, in what is not questioned[42]. Therefore we were conscious – perhaps more so than for other research questions – of what was left unsaid and the silence of the sources, which reveals as much as what they say[43].

41. Anderson, *Imagined Communities*, 143.
42. Genet, «Pouvoir symbolique», 9-10.
43. Lenoir, «Pouvoir symbolique et symbolique du pouvoir», 55-56.

The question of the naturalisation of powers eventually reveals a paradox appropriate to the profession of the historian. Historians proceed in a heuristic way if they do not want to stick to a catalogue of dates and facts without interpretation. In doing so, projecting backwards in the past concepts, categories, and contemporary problems make the sources speak. Nevertheless, by projecting back to the Middle Ages a nature derives from the modern day and a problem that derives from this definition of 'nature' and the modern relationship to it, are we not creating a false problem? This ultimate interrogation sits at the heart the articles of this volume.

THINKING NATURE IN THE SOCIAL WORLD

Maaike van der Lugt

NATURALISING THE LAW – LEGALISING NATURE THE ROLE OF MEDICAL ANALOGIES AND ARGUMENTS IN MEDIEVAL DISCUSSIONS ABOUT CONSANGUINITY, INCEST AND KIN MARRIAGE

In his *Anatomy of Melancholy* (first published in 1621), polymath and Oxford Don Robert Burton drew up a long list of the causes of melancholy – a disease he admitted to suffering from himself and which he considered the scourge of Jacobean society. «Parental propagation» was among these causes. Melancholy ran in families. Burton then proceeded to make the following case for exogamous marriage:

> For these reasons belike the Church & common-wealth, humane and divine lawes, haue conspired to avoide hereditary diseases, forbidding such marriages as are any whit allied; and as Mercatus adviseth all Families, to take such, *si fieri possit quae maxime distant natura*, and to make choice of those that are most differing in complexion from them; if they loue their owne, & respect the common good[1].

According to Burton, the laws governing kin marriages – whether human or divine – were rooted in the working of nature. Religious and secular authorities were united in prohibiting kin marriage in order to avoid the proliferation of hereditary disease. To support his view, Burton appealed to the medical authority of Luis Mercado (1525-1611), court physician to

1. Robert Burton, *The Anatomy of Melancholy* (I, 2, I, 6), Oxford, Henry Cripps, 1632[4], p. 61. By «allied» Burton clearly meant blood relatives rather than relatives by marriage.

Naturalisation of Power (1250-1600): Unravelling the Strategies of Legitimation. Edited by É. Adde and J. Dumont, Firenze, SISMEL - Edizioni del Galluzzo, 2025, pp. 23-50
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Philip II and Philip III of Spain and author of a highly influential treatise in Latin on hereditary disease[2]. According to Mercado, families should chose marriage partners for their offspring within families whose physical constitution was as different from their own as possible. Burton concludes that healthy marriage practices were not just a private issue, but a matter of public health.

The prohibition of kin marriage to which Burton referred had taken shape during the Middle Ages and still applied in his day, albeit in a less restrictive form[3]. This raises the question of whether and to what extent the authors and authorities who shaped and enacted these rules shared Burton's view that exogamy was necessary for the health of families and populations. Were the rules about kin marriage at least partly motivated or justified by a fear of hereditary disease? What, if any, were the views of medieval physicians on the matter and did legal scholars take them into account in their discussions on kin marriage? More generally, what was natural, human or divine about the medieval prohibition of kin marriage?

Due to the polysemy of the concept of 'Nature' and its law or order, some preliminary remarks might prove helpful[4]. Nature and natural law had many different meanings in medieval texts. Medieval authors talked about Nature with a capital «N»: an immutable and divine principle that imposed its order on the physical world and human society. But they also referred to the nature of a species, a sex, a people or a person. A version of the

2. Luis Mercado, *De morbis hereditariis*, in Id., *Opera omnia*, Frankfurt, Collegium Musarum Nouenarum Palthenianum, 1608, II, 672-82. Mercado published this treatise in 1605 but had already finished writing it prior to 1594. See D. F. Musto, «The Theory of Hereditary Disease of Luis Mercado», *Bulletin of the History of Medicine*, 35 (1961), 346-73: 346, n. 1. On Mercado's theory of hereditary disease, see also M. van der Lugt, «Les Maladies héréditaires dans la pensée scolastique (XIIe-XVIe siècles)», in *L'Hérédité entre Moyen Âge et Époque moderne. Perspectives historiques*, eds M. van der Lugt – Ch. de Miramon, Florence, SISMEL – Edizioni del Galluzzo, 2008, 273-320.

3. S. Lettmaier, «Marriage Law and the Reformation», *Law and History Review*, 35 (2017), 461-510.

4. See M. van der Lugt, «L'Autorité morale et normative de la nature au Moyen Âge. Essai comparatif et introduction», in *La Nature comme source de la morale au Moyen Âge*, ed. Ead., Florence, SISMEL – Edizioni del Galluzzo, 2014, 3-40, and references.

latter meaning is found in Burton's reference to Mercado and the idea that members of the same family have a shared nature, a concept Burton calls 'complexion'[5].

The idea of the order and law of nature also varied considerably according to context and discipline. It had different meanings in medicine, natural philosophy, theology, legal and political thought. Beginning in the twelfth century, when philosophers started claiming that humans could to a certain extent study the cosmos and natural processes without referring to God, they created the notion of the ordinary course of nature and conversely the category of the supernatural. But this distinction did not eradicate the older meaning of nature as divine creation and the manifestation, instrument and agent of God's power. According to the latter view, miracles and marvels were not against nature because they are part of creation. However, certain human actions, particularly sexual sins, were perceived as going against the ongoing creation of nature by God. These sins led to impurity in the sinners and their community; Nature could then take revenge against this impurity. Regarding kin marriage, this can be called the 'incestuous model' of natural law.

Medieval scholars similarly inherited Christian and Roman ideas about natural law. According to the Christian view, natural law referred to the 'state of nature': the condition of the world and humankind before the fall from grace[6]. In this genealogy of norms, marriage was part of natural law because it already existed in paradise. God created man and ordered him to leave his father and mother to become one flesh with a woman. After the fall and with the passing of time, natural law did not disa-

5. Complexion was a central physiological concept in Galenic medicine. It referred to the balance between the elementary qualities (hot, cold, dry, wet) and, by extension, the four humours in the body. Complexion could refer to both the individual and the collective nature, see V. Groebner, «*Complexio*/Complexion: Categorizing Individual Natures, 1250-1600», in *The Moral Authority of Nature*, eds L. Daston – F. Vidal, Chicago, The University of Chicago Press, 2003, 361-83; J. Chandelier – A. Robert, «Nature humaine et complexion du corps chez les médecins italiens de la fin du Moyen Âge», *Revue de synthèse*, 134 (2013), 473-510.

6. For medieval debates about the state of nature, see I. Rosier-Catach – G. Briguglia, *Adam, la nature humaine, avant et après*, Paris, Publications de la Sorbonne, 2016.

ppear, but its authority diminished as it was complemented by other laws, whether of divine or human making. This can be called the 'legal-historical model' of natural law.

Despite the strength of this historical model, non-historical views of natural law progressively gained traction. The renewed study of Roman law popularised a model of the legal system as a series of concentric circles. Here, natural law referred to a small number of fundamental principles, notably the coupling between male and female, procreation and the raising of children. These principles were shared by all societies and were even found in the animal kingdom[7]. From the thirteenth century onwards, the reception of Aristotle's political thought further opened the door to a vision of the legal, political and moral order that did not take into account the fall, the end of time, divine providence or grace. This article will show that medieval authors drew on several of these different models of nature and natural law, sometimes simultaneously, when discussing kin marriage and the laws that prohibited it.

The medieval system of impediments to kin marriage

The prohibition of certain sexual relations and certain marriages differs between societies. In medieval Europe, the rules around sexuality and marriage were primarily determined by the Church[8]. Until the eleventh century, kings and emperors also promulgated laws and regulations on the matter, but these largely reflected Church discourse and doctrine. Since Christian mora-

7. Justinian, *Digesta*, ed. Th. Mommsen, in *Corpus iuris civilis*, Berlin, Weidmann, 1872 (1, 1, 1, 3), I, p. 1: «Ius naturale est, quod natura omnia animalia docuit, nam ius istud non humani generis proprium, sed omnium animalium, quae in terra, quae in mari nascuntur, avium quoque commune est. Hinc descendit maris atque feminae coniunctio, quam nos matrimonium appellamus, hinc liberorum procreatio, hinc educatio; videmus etenim cetera quoque animalia, feras etiam istius iuris peritia censeri». See also Justinian, *Institutiones*, ed. P. Krueger, in *Corpus iuris civilis* (1, 2), 3.

8. J. Brundage, *Law, Sex and Christian Society in Medieval Europe*, Chicago, The University of Chicago Press, 1987; S. McDoughall, «Marriage: Law and Practice», in *The Cambridge History of Medieval Canon Law*, eds A. Winroth – J. C. Wei, Cambridge, Cambridge U.P., 2022, 453-74.

lity only allowed sex within marriage, the question of which persons were allowed to have sexual relations with each other and who was allowed to marry whom were largely the same. In the early Church, the ban on kin marriage stopped at first cousins, in accordance with most of post-classical Roman law. Roman lawyers created a method to calculate the degree of proximity between two members of the same family. However, between the eighth and the eleventh centuries, these impediments were gradually and spectacularly extended. A different method for calculating the degree of proximity took precedence. According to this 'Germanic' or canonical method, marriage was prohibited up to the seventh degree, as counted until the first common ancestor. This corresponded to the fourteenth degree in the Roman system. In 1215, at the fourth Latran council, the prohibitions were relaxed to the fourth degree (or eighth degree in Roman terms) which still made them twice as extended as in post-classical Roman law[9].

The diagram from a late thirteenth century manuscript of the *Liber Extra* (the Decretals of Pope Gregory IX), shown in Fig. 1, reflects this later situation. These kinds of images are often called the «tree of consanguinity» (*arbor consanguinitatis*), although they are usually arrow-shaped[10]. The diagram is held by a king, a sign of the political and dynastic implications of the prohibition of

9. On the evolution of the prohibitions, see P. Corbet, *Autour de Burchard de Worms. L'Église allemande et les interdits de parenté: IXe-XIIe siècle*, Frankfurt a.M., Vittorio Klostermann, 2001; K. Ubl, *Inzestverbot und Gesetzgebung: die Konstruktion eines Verbrechens (300-1100)*, Berlin, De Gruyter, 2008. The expansion of the prohibitions was not linear. In the fourth century, Imperial Roman legislation began including cousin marriage in the prohibitions. In the Justinian code, however, cousin marriage was no longer included (*ibid.*, 56-70).

10. On these diagrams see H. Schadt, *Die Darstellungen der Arbores Consanguinitatis und der Arbores Affinitatis. Bildschemata in juristischen Handschriften*, Tübingen, Ernst Wasmuth, 1982; Chr. Klapisch-Zuber, *L'Ombre des ancêtres: essai sur l'imaginaire médiéval de la parenté*, Paris, Fayard, 2000; S. Teuscher, «Bilatéralité *vs* conceptions androcentriques de la parenté en Europe: quelques réflexions à partir des *arbores consanguinitatis* de la fin du Moyen Âge», *Genre et histoire*, 21 (2018). Online. URL: http://journals.openedition.org/genrehistoire/3483, without pagination (last access 09.12.2022).

kin marriage, even though late medieval court records show that the rules also affected ordinary people[11].

The *arbor consanguinitatis* helped the reader to determine how and where to draw the line of prohibited spouses starting from *ego*, represented as an empty circle in Fig. 1. Direct ancestors and descendants are on the vertical axis; collaterals on the horizontal axes are on either side of *ego*. Every circle contains the position of a relative with respect to *ego* (daughter, brother, niece, great-uncle, etc.) and two numbers: the numbers in red at the top of each circle indicate the canonical degrees until *ego*, the numbers in black at the bottom the Roman degrees.

The term *consanguinitas* was itself borrowed from Roman law in which it was a technical term that referred not to marriage and carnal kinship but to civil kinship and the rules of succession in the paternal line. In a radical break with respect to this original meaning, medieval canonists in the twelfth century started to use *consanguinitas* as a synonym for carnal kinship (*cognatio carnalis*), referring to cognation and the bilateral impediments to marriage. From the thirteenth century onwards, the term *consanguinitas* became dominant in the debate on kin marriage[12].

As the diagram confirms, the prohibition of kin marriage was the same in both the paternal and the maternal lines[13]. It does not, however, account for the legal distinction between kinship

11. L. Schmugge, *Ehe vor Gericht. Paare der Renaissance vor dem Papst*, Berlin, Berlin U.P., 2008 (Id., *Late Medieval German Couples at the Papal Court*, trans. A. A. Larson, Washington, D.C., Catholic University of America, 2012); Ch. Donahue, *Law, Marriage and Society: Arguments about Marriage in Five Courts*, Cambridge, Cambridge U.P., 2007.

12. Fr. Roumy, «La Naissance de la notion canonique de consanguinitas et sa réception dans le droit civil», in *L'Hérédité entre Moyen Âge*, 41-66: 49-57; A. Guerreau-Jalabert, «La Désignation des relations et des groupes de parenté en latin», *Archivum latinitatis medii aevi*, 46-47 (1986-87), 65-108, for an overview of the vocabulary of kinship in medieval Latin. Early medieval ecclesiastical texts occasionally used the expression *propinqua sanguis* or *propinquitas sanguinis* in the context of kin marriage. Roumy, *La Naissance*, 50-51; C. Avignon, «Bâtardise, sang, chair et consanguinitas dans la pensée romano-canonique de la parenté au Moyen Âge (XIe-XIIIe siècles)», *Revista de Demografía Histórica*, 37 (2019), 25-45: 32.

13. However, Teuscher, «Bilatéralité» qualifies this bilaterality by showing that late medieval commentaries of the *arbores* reflected and allowed for patrilinear interpretations of the diagrams.

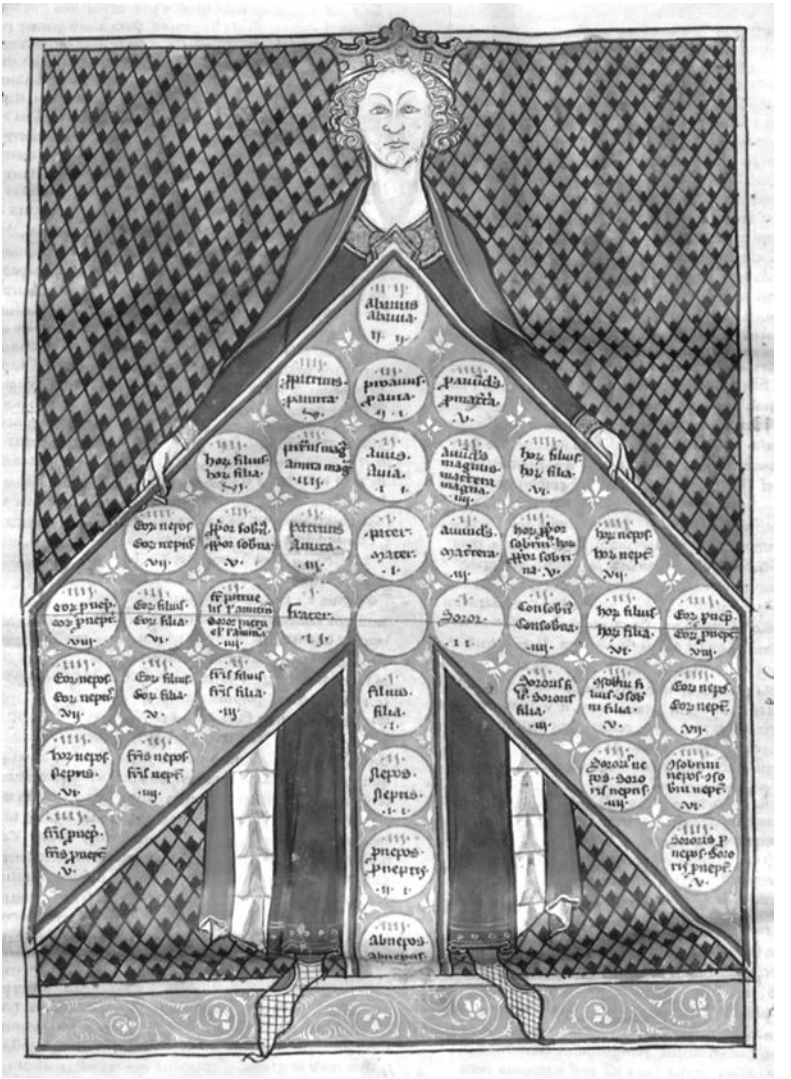

Fig. 1. Diagram indicating prohibited spouses in a manuscript of the *Decretals* of Gregory IX, Bruges, Openbare Bibliotheek, ms. 365, f. 2v (thirteenth century).

in the direct line and collateral kinship. Most medieval legal scholars and theologians followed Roman law in considering the prohibitions in the direct line to be unlimited. Consequently, they claimed, Adam would not have been able to marry anyone if he were still alive today[14]. As we shall see later on, these speculations and distinctions were important for the conceptualisation of kinship. In practical terms, however, marriage to collateral kin was, for obvious reasons, the central issue.

The reasons behind the system of impediments, its complexity and extraordinary expansion are still debated. While it is somewhat of a truism to state that the impediments reflect the Church's efforts to gain control over marriage, Jack Goody's well known thesis that the bans were a strategy for securing endowments by avoiding the concentration of wealth in powerful families has now been largely abandoned. It wrongly supposed that the Church and the laity were two discrete social groups with conflicting interests. Other functionalist interpretations understand the impediments to kin marriage rather as a way to make marriageable women more widely available to men of all social groups[15], or as a political instrument for unifying medieval society and counteracting centrifugal forces[16]. Alternatively, scholars have connected the extension of the bans with the pervasive ideals of sacred purity in early medieval society[17] or, more prosaically, with uncertainties about the methods of counting and the fact that principles from the laws of succession in the Germanic and Roman traditions came to be applied to marriage

14. M. Verbaarschot, «De iuridica natura impedimenti consanguinitatis in theologia et in iure canonico a S. Petro Damiano usque ad Decretales Gregorii IX (c. 1063-1234)», *Ephemerides theologicae Lovanienses*, 30 (1954), 697-739: 704, 718-20, 737-38.

15. D. Herlihy, «Making Sense of Incest: Women and the Marriage Rules of the Early Middle Ages», in *Women, Family and Society in medieval Europe. Historical Essays, 1978-1991*, eds D. Herlihy – A. Molho, Providence, RI, Berghahn, 1995, 96-112; Id., «The Family and Religious Ideologies in Medieval Europe», *Journal of Family History*, 12 (1987), 3-17.

16. Ubl, *Inzestverbot*. See also the review article by D. d'Avray, «Kinship and Religion in the Early Middle Ages», *Early Medieval Europe*, 20 (2012), 195-212.

17. M. de Jong, «An Unsolved Riddle: Early Medieval Incest Legislation», in *Franks and Alamanni in the Merovingian Period: An Ethnographic Perspective*, ed. I. Wood, Woodbridge, Boydell, 1998, 107-40.

practices. This is not the place to discuss these different interpretations in detail[18]. The aim of this essay is, rather, to examine another hypothesis whereby the medieval system of impediments to marriage was at least partly motivated by a fear for the health of offspring, as Burton and some modern historians claimed[19].

Kin marriage, eugenics and natural law

One characteristic of the medieval system of impediments to marriage seems to preclude such a eugenic dimension from the outset: the fact that the prohibitions concerned not just blood relatives, but also affiliate kin and spiritual kin. Marrying the aunt of one's godson or the sister of one's deceased wife was subject to similar impediments even though such unions did not increase the risk of hereditary disease[20].

On the other hand, medieval scholars could draw on the immense authority of Pope Gregory the Great († 604) to develop a eugenic justification for the prohibition of kin marriage. Answering a question from Augustine (a missionary from Rome and the first archbishop of Canterbury) about the limits of the ban on kin marriage, Gregory replied:

> [...] a certain secular law (*terrena lex*) in the Roman commonwealth allows that the son and daughter of a brother and sister or of two full brothers, or two sisters, may be joined in matrimony; but we have found, by experience (*experimento didicimus*), that the offspring of such wedlock cannot grow up (*subolem non posse succrescere*); and the Divine law forbids a man to «uncover the nakedness of his kindred». Hence of necessity it must be the third or fourth generation of the faithful that can be lawfully joined in matrimony; for the second, which we have mentioned, must altogether abstain from one another[21].

18. Ubl, *Inzestverbot*, for a detailed analysis.

19. Most recently Corbet, *Autour de Burchard de Worms*, 212-16. See also A. Esmein, *Le Mariage en droit canonique*, Paris, Larose et Forcel, 1891, I, 338.

20. For sexual and spiritual affinity the prohibitions extended to four degrees only when the prohibitions for ties by blood and marriage extended to seven degrees. See McDoughall, «Marriage», 456-57, 460.

21. Gregory the Great, *Libellus responsionum* XI, 56a, eds P. Ewald – L. Hartmann, in *Monumenta Germaniae Historica*, E 1-2, Berlin, Weidmann,

Gregory the Great was writing before the expansion of the system of impediments. As Karl Ubl pointed out, the pope had to improvise to justify the prohibition of cousin marriage. There was no Church council, papal decretal or law in Justinian's Code that included cousin marriage among the incest prohibitions. On the contrary, even though Theodosius had prohibited cousin marriage, Justinian allowed it; this was the *terrena lex* with which Gregory had to grapple[22]. Leviticus was not much help either. Gregory's reference to «uncovering the nakedness of one's kindred» (i.e., sexual intercourse with family members) was oblique for a reason. Leviticus did not mention cousins, but only direct ancestors and descendants, and brothers and sisters, in addition to nephews and their paternal aunts.

As for Gregory's argument about the offspring of cousin marriages, it was both new and vague. Did Gregory mean that consanguineous marriages were infertile or that the children born from these marriages would die young or be otherwise afflicted? More importantly, it is far from clear what Gregory meant by 'experience'. Was he referring to his own observations? To common convictions? To observations or beliefs described in other texts? Inbreeding, especially when repeated over several generations, is strongly correlated with an increased risk of birth defects as well as child mortality and morbidity. But these effects are not easy to identify, especially when infant morbidity and mortality are already high for other reasons, as was certainly the case in sixth century Rome. Even today in societies or groups with high levels of cousin marriage, awareness of the kind of

1891-1899, II, 332-43: 335: «Et quidem terrena lex in Romana republica permittit, ut sive fratris et sororis seu duorum fratrum germanorum vel duarum sororum filius et filia misceantur. Sed experimento didicimus ex tali coniugio subolem non posse succrescere, et sacra lex prohibet cognationis turpitudinem revelare. Unde necesse est, ut iam tertia vel quarta generatio fidelium licenter sibi iungi debeat; nam secunda quam praediximus a se omni modo debet abstinere». Translation A. M. Sellar, *Bede's Ecclesiastical History of England*, London, George Bell and Sons, 1907, 52-53 (Bede copied Gregory's letter to Augustine in extenso, see *infra*). Gregory uses the canonical system of counting. The authenticity of the letter has been contested, but Karl Ubl argues convincingly in its favour (Ubl, *Inzestverbot*, 219-51).

22. *Ibid.*, 56-70, 223.

health risks involved is often limited[23]. Gregory's exact meaning remains hard to gauge, but he does appear to defend the prohibition of cousin marriage on medical grounds. Moreover, Gregory's opinion on the matter was far from confidential. His letter to Augustine was circulated widely. Bede copied it into his *History of the English People*[24]. It was included in several canonical collections and ultimately found its way into Gratian's *Decretum*, the core text of medieval canon law[25].

However, medieval canonists and theologians did not follow Gregory's lead. They ignored his statement about cousin marriage or interpreted the passage in ways that changed, contradicted or neutralised its meaning. Their understanding of the prohibitions was informed by two basic models that differed both from Gregory the Great and from each another[26]. The incestuous model construed kin marriage above all as a sexual offence. It conflated kin marriage with incest, drawing on the biblical language of pollution and abomination and the Roman category of *nefas*, a violation of divine order. In this context, kin marriage was portrayed as a sin against nature and occasionally linked to defects in the offspring, a correlation that could also be

23. Moreover, this awareness may well be the result of public health campaigns rather than personal observations within the community. N. Joseph e.a., «Health Awareness and Consequences of Consanguineous Marriages: A Community-Based Study», *Journal of Primary Care and Community Health*, 6 (2014), 121-27; M. Teeuw e.a., «Consanguineous Marriage and Reproductive Risk: Attitudes and Understanding of Ethnic Groups Practising Consanguinity in Western Society», *European Journal of Human Genetics*, 22 (2014), 452-57. Researchers found a high awareness of the health hazards among female Saudi university students: H. Alahdal e.a., «Consanguinity, Awareness, and Genetic Disorders among Female University Students in Riyadh, Saudi Arabia», *Journal of Biochemical and Clinical Genetics*, 4 (2021), 27-34.

24. Bede the Venerable, *Historia ecclesiastica gentis anglorum* I, 27, eds B. Colgrave – R. A. B. Mynors, Oxford, Oxford U.P., 1969, 84.

25. Gratian, *Decretum*, *Secunda pars*, C. XXXV, q. 2, c. 20, ed. A. Friedberg, in *Corpus iuris canonici*, Leipzig, B. Tauchnitz, 1879 (new ed. Graz 1995), I, 1268-69.

26. See Chr. Rolker, «Two Models of Incest. Conflict and Confusion in High Medieval Discourse on Kinship and Marriage», in *Law and Marriage in Medieval and Early Modern Times. Proceedings of the Fourth Carlsberg Academy Conference on Medieval Legal History*, eds P. Andersen – K. Salonen – H. Møller – S. and H. Vogt, Copenhagen, DJØF Publisher, 2012, 139-59.

found in some medieval narratives about monstrous births. The stories about the misshapen son of Robert the First of France and his cousin Berta, whom he had married after repudiating his first wife, are a well known case in point. In the 1060s or 1070s, the zealous reformer Peter Damian reported that the child born from this incestuous union had the neck and head of a duck. The story reappeared in a chronicle at the time of Louis VI[27].

Crucially, however, monstrous birth was understood as a sign of God's wrath in this and similar cases, not as genetic or congenital defects[28]. Incest could also lead to other disasters (fires, earthquakes, war, defeat) that affected not only the guilty couple, but also their whole community[29]. Conversely, the belief that God punished parents through their offspring was also associated with other kinds of sexual transgression, such as having sex on holy days[30]. The pseudonymous author of a collection of fake capitularies from the mid-ninth century mentioned incestuous marriage alongside ravishment and elopement, considering them the cause of the generation of «blind, lame, hunchbacked, bleareyed, or otherwise defected» offspring. What these bad marriages had in common was their secrecy[31]. And even though Sigefroi of

27. G. Duby, *The Knight, the Lady and the Priest. The Making of Modern Marriage in Medieval France*, Chicago, The Chicago U.P., 1993², 84-85.

28. Fr. Héritier, *Les Deux sœurs et leur mère. Anthropologie de l'inceste*, Paris, Odile Jacob, 1994, 113; E. Archibald, *Incest and the Medieval Imagination*, Oxford, Oxford U.P., 2001, 50-51. See also Verbaarschot, «De iuridica natura», 714-16.

29. Héritier, *Les Deux sœurs*; Duby, *The Knight*, 91. On natural disasters as divine punishment see also J. Berlioz, *Catastrophes naturelles et calamités au Moyen Âge*, Florence, SISMEL – Edizioni del Galluzzo, 1998.

30. Thietmar of Merseburg, *Chronicon* I, 25, ed. Fr. Kurze, in *Monumenta Germaniae Historica*, *Scriptores rerum germanicarum*, n. s. IX, Hanover, Hahn, 1889, 33.

31. Benedict Levita, *Capitularia* III, 179, ed. G. H. Pertz, in *Monumenta Germaniae Historica*, *Leges* II, Hanover, Hahn, 1837, 113: «Ut nullus occultas nuptias aut raptum faciat, vel quam propinquus suus habuit ducat uxorem; sed dotatam et a parentibus traditam per benedictionem sacerdotum accipiat, qui vult nubere, uxorem. […]. Ex his autem procreari solent coeci, claudi, gibbi et lippi sive alii turpibus maculis aspersi. […]. Et alibi in canonibus scriptum est, ut nemo usque ad affinitatis lineam ex propinquitate sui sanguinis connubia ducat, neque virginibus sine benedictione sacerdotis quis nubere praesumat; oppido enim ista omnia cavenda sunt ne fiant. Sed postquam ista omnia probata fuerint, et nihil inpedierit, tunc si virgo

Gorze echoed Gregory the Great's words in 1043 when he issued warnings about King Henri III's impending incestuous marriage, he was asserting that the sterility of incestuous couples and lineages was divine punishment[32]. Nature, according to this view, was no more than the instrument of God's vengeful power, not an autonomous system of natural causes and effects. Within this framework, the qualification of kin marriage as an act against nature served as a scare tactic and polemical weapon suspending all debate.

This approach to kin marriage was more common between the eighth and eleventh centuries, when the prohibitions were expanding. While it did not disappear after that time, scholastic theologians and canonists tended to understand the impediments according to a different model, sometimes combining elements of both.

The legal-historical model of kin marriage prohibitions distinguished between incest and kin marriage, tending to rate the latter as a lesser sin than adultery. It relativised the impediments' connection to nature and natural law and explained the prohibi-

fuerit, cum benedictione sacerdotis, sicut in sacramentario continetur, et cum consilio multorum bonorum hominum publice et non occulte ducenda est uxor; ut boni ex eis filii domino miserante procreentur, et non tales, sicut superius dictum est». See also Ubl, *Inzestverbot*, 330, who implicitly criticises Corbet's interpretation of the passage (Corbet, *Autour de Burchard de Worms*, 214).

32. *Letter of Sigefroi of Gorze to Poppo (1043)*, in *Geschichte der deutschen Kaiserzeit*, ed. W. Von Giesebrecht, Leipzig, Duncker & Humblot, 1885, II, 717-18; cited by Corbet, *Autour de Burchard de Worms*, 213: «Pro his enim, qui parentum vitia sequuntur, terribilitedr et veridice dominus minatur, quod reddat iniquitatem patrum filiis ac nepotibus in tertiam et quartam generationem. Rogate ergo et iterum atque iterum opportune importune eum commonete, ut hanc nimis metuendam sententiam semper in mente habeat ac tantum incurrere periculum vigilanter caveat. Verum non modo animae, sed etiam corporis et in hac re metuenda est ultio, quia pro certo creditur, generationem ex illicita copulatione venientem diu non posse foeliciter succrescere. Hoc sane quam verum sit, liquido potest agnoscere, si de eius nobilissima olimque amplissima parentela quam pauci supersint, prudenter voluerit attendere». My interpretation of the letter differs from Corbet's. For the full text of the letter, with a French translation, see M. Parisse, «Sigefroid, abbé de Gorze, et le mariage du roi Henri III avec Agnès de Poitou (1043). Un aspect de la réforme lotharingienne», *Revue du Nord*, 356-57 (2004), 543-66.

tions based on social and historical factors. Those who adopted this approach followed Augustine in pointing out that the impediments did not apply in the state of nature or shortly after the fall from grace. In the beginning of the world, consanguineous marriages were necessary for the survival of humanity. But once humans covered the earth, exogamy became the norm, since it allowed for widespread charity and affection. Exogamous marriage aided social cohesion.

In a similar historicising vein, the canonist Huguccio (second half of the twelfth century) noted that the extended system of impediments did not apply to gentiles or Jews. Some canonists knew that marriage between first cousins was common practice among Muslims. They accepted that Muslim and Jewish converts to Christianity retain their consanguineous spouses by special dispensation. The status of the marriages of converts was not just a matter of speculation, but was also of practical concern – especially in the Crusader states, Sicily and Reconquest Spain[33]. By qualifying the impediments to kin marriage as particular to Christians, Huguccio strongly suggested that Gregory's stance concerning the sterility of cousin marriage had to be interpreted in a legal and not a biological sense[34]. The anonymous author of a somewhat later compendium of canon law reduced the idea of the punishment of children born from incestuous marriage explicitly to their illegitimacy[35]. This legalistic reading may have been directly or indirectly inspired by Augustine's interpretation of the statement in Leviticus 20, 20 that a man who married his paternal aunt or his brother's wife would die childless. Noting that such couples were capable of producing offspring, Augustine hypothesised that the Bible meant these children were not

33. See B. Z. Kedar, «Muslim Conversion and Canon Law», in *Proceedings of the Sixth International Conference of Medieval Canon Law, Berkeley 1980*, eds S. Kuttner – K. Pennington, Vatican City, Biblioteca Apostolica Vaticana, 1985, 321-32: 321-23.

34. Huguccio, ad. v. succressere: «Et nota quod dicit non posse succressere ego intelligo inter christianos nam apud gentiles non credo esse prohibitum tale coniugium nec in ueteri lege prohibetur». Cited in Verbaarschot, «De iuridica natura», 714, n. 76. Huguccio's position was rejected by several later canonists, see *ibid.*, 733-34.

35. *Summa Reginensis* (after 1215), cited and discussed *ibid.*, 716, 737.

progeny in the legal sense and thus could not inherit[36]. The *Glossa ordinaria* echoed this interpretation, while also suggesting that the lack of children referred to the lack of virtue, «which is the worst kind of sterility», confirming the absence of a biological reading of the prohibitions[37].

According to the legal-historical model of kin marriage, marriage practices and impediments were not part of natural law. They were not universal but varied according to circumstance and the changing needs of society. Marriage between brother and sister was a limiting case. However, beginning in the twelfth century, even this impediment was often no longer considered part of natural law, pertaining instead to divine law as recorded in the Old Testament[38]. Impediments to kin marriage outside the nuclear family (barring those mentioned in Leviticus) were determined by positive human law.

It is therefore no accident that Innocent III qualified the prohibitions at the council of Latran IV as human statutes (*statuta humana*). This qualification allowed the pope to invoke the excessive rigidity of the earlier system as the reason for reducing its scope from seven to four degrees[39]. The argument implicitly confirmed

36. Augustine of Hippo, *Quaestionum in Heptateuchum libri septem* III, 76, in *Corpus Christianorum Series Latina*, eds J. Fraipont – D. De Bruyne, Turnhout, Brepols, 1958, XXXIII, 224: «Sed quid est, «sine filiis morientur», cum filii ex huius modi coniunctionibus et ante nati sint et hodieque nascantur? An hoc intellegendum est lege dei constitutum, ut quicumque ex eis nati fuerint, non deputentur filii, id est nullo parentibus iure succedant?»; *Glossa ordinaria*, ad Lv 20, 20, in *Biblia latina cum glossa ordinaria*, [Strasbourg], Adolf Rusch pro Antonio Koberger, [1480/1481], (without foliotation), available at gloss-e.irht.cnrs.fr: «sine filiis morientur forte intelligendum est: lege constitutum, ut qui de his nati fuerint filii non reputentur, id est nullo iure succedant parentibus»; Nicholas of Lyra, in [*Biblia Latina*] *cum glosa ordinaria et expositione Lyre litterali et morali, necnon additionibus ac replicis*, Basel, Froben, 1498 (without foliotation): «Absque liberi morientur, […] Beatus Augustinus aliter exponit dicens quod si ex tali matrimonio alliqui pueri nascerentur, illegitimi reputarentur, nec succederent in hereditate. Et ideo per hoc intelligitur pena exheredationis, et eodem modo exponitur casus sequens».

37. *Glossa ordinaria*, ad Lv 20, 20 in *Biblia Latina cum glossa ordinaria*: «Sine filiis morientur, id est sine virtutibus, que est pessima sterilitas».

38. Verbaarschot, «De iuridica natura», 705-8; 725.

39. *Constitutiones concilii quarti Lateranensis una cum commentariis glossatorum* 50, ed. A. Garcia y Garcia, Vatican City, Biblioteca Apostolica Vaticana, 1981, 90: «Non debet reprehensibile iudicari, si secundum uarietatem tem-

the absence of a eugenic motivation for the ban on kin marriage. Clearly, Innocent did not feel pressured to explain that kin marriage was not so dangerous for the offspring's health after all.

Whereas the incestuous model conflated kin marriage with incest (thereby considered an abomination and act against nature), proponents of the legal-historical model reserved the latter qualification for incest within the nuclear family – especially between parents and children. They did not rationalise the incest taboo as a means of protecting the health of offspring either. Instead, the *Glossa ordinaria* on Leviticus 18, 7 denounced the confusion between generations created by incest: if a man begets a child with his own mother, this child would be both his son and his brother[40]. Thomas Aquinas cited Gregory the Great's letter via the *Decretum* to argue that incest taboos were defined by natural law, yet he flatly contradicted the pope's claim that incestuous unions could not produce viable offspring[41]. In this respect, humans were no different from other animals. Incest was not against natural law as defined in the Roman tradition. It was against nature because it violated the respect that children were expected to pay their parents. Accordingly, mother-son incest was even more unnatural than father-daughter incest because it cre-

porum statuta quandoque uarientur humana, presertim cum urgens necesitas uel euidens utilitas id exposcit». See Rolker, «Two models» 143-45, 153-57.

40. *Glossa ordinaria*, Lv. 18, 7, in [*Biblia latina*] (without pagination): «[…] ne confundatur generatio ne idem sit filius et frater»; Durandus of Saint-Pourçain, *In sententias theologicas Petri Lombardi commentariorum libri quatuor*, In IV Sent., dist. 40, q. 1, Lyon, Gasparis a Portonaris, 1560, f. 333r: «[…] series generationis debet procedere et non retrocedere. Sed aliquo modo retrocederet si proles iungeretur parenti ad opus generationis, esset etiam confusio consanguinitatis quia proles genita ex filio et matre esset patri frater, aut soror, quia ex eadem matre et genita ex patre et filia esset matri frater vel soror, quia ex eodem patre et simul cum hoc filius eius aut filia quod est inconveniens, quia secundum unum deberetur ei paritas, secundum aliud subiectio et inferioritas, quare inconveniens est ex solo dictamine rationis naturalis quod ingantur per matrimonium pater et filia, filius et mater et omnes quotquot sunt in recta linea ascendentium et descendentium». See also Verbaarschot, «De iuridica natura», 710.

41. Thomas Aquinas, *Summa theologiae*, *Supplementum* III, q. 54, art. 3, Rome, Marietti, 1948. This part of the *Summa* was put together by Aquinas' disciples after his death. It reproduces the content of Aquinas' commentary on the *Sentences*, see *infra*.

ated a conflict between two kinds of natural submission as defined in Aristotle's *Politics*: that of wives towards their husbands and children towards their parents. In other words, according to Aquinas, the natural law prohibiting nuclear family incest was an immutable social and political order, not a biological one.

Cosmology, physiology and the limits of kinship

Despite the absence of eugenic motivations behind the medieval ban on kin marriage and the fact that the prohibitions were increasingly viewed as positive human laws, some medieval scholars nevertheless tried to rationalise the extension and limits of the impediments by appealing to nature.

Indeed, some of these naturalistic arguments were no more than vague analogies. In his Latran IV ruling, Innocent III invoked the congruence (*congruere*) of the positive law of the Church with the microcosmic and macrocosmic structure of nature. The Church rightly set the number of forbidden degrees for the union of human bodies at four as this number characterised these same bodies, composed of four humours and the four elements[42]. Innocent used medical language (humours, elements) and we know from his other texts that he was familiar with the tenets of contemporary medicine – and more specifically with the Salernitan debate about the elements[43]. Nevertheless, the pope's argument about the limits of the prohibitions harked back to traditional numerical analogies. Earlier authors had invoked the six ages of the world, the seven gifts of the Holy Ghost, or the seven planets, to justify the shifting limits of the impediments to marriage[44].

42. *Constitutiones concilii quarti Lateranensis* 50, 91: «Quaternarius enim numerus bene congruit prohibitioni coniugii corporalis [...] quia quatuor sunt humores in corpore, quod constat ex quatuor elementis».

43. See Ch. de Miramon, «Innocent III, Huguccio de Ferrare et Hubert de Pirovano: Droit canonique, théologie et philosophie à Bologne dans les années 1180», in *Medieval Church Law and the Origins of the Western Legal Tradition. A Tribute to Kenneth Pennington*, eds W. P. Mueller – M. E. Sommar, Washington, D.C., Catholic University of America Press, 2006, 320-46.

44. See Albert the Great, *Sententiae* In IV Sent., dist. 40 art. 7, in *Opera omnia*, ed. A. Borgnet, Paris, Ludovicus Vivès, 1894, XXX, 450-51.

Glossators on the constitutions of Latran IV either ignored Innocent's justification or did not add anything substantial[45]. However, a few medieval scholars developed more detailed medical accounts of the prohibitions and the four-degree rule, leading them to define kinship and its limits in biological terms with a literal interpretation of the metaphor of shared blood. This was especially the case in the work of the thirteenth century Dominican theologian and philosopher Albert the Great[46].

In order to appreciate the singularity of Albert's contribution, it should be remembered that the legal metaphor of shared blood underlying the concept of consanguinity had not attracted much prior attention[47]. As mentioned previously, carnal kinship was not referred to as *consanguinitas* until the twelfth century. Moreover, the impediments to marriage were often explained by other metaphors, notably that of a source of a river and its tributaries (*ad similitudinem fontis*)[48], which was useful for explaining the method for counting the degrees. But while the river metaphor also evoked the notion that kinship was a stream that transported the same liquid between related individuals, this did not lead to the development of biological interpretations of kinship and marriage rules. In medieval theories of generation, meanwhile, blood played a relatively subsidiary role. Seed, not blood, was the key bodily fluid. Even though both Aristotle and Galen defined seed as a refined form of blood, medieval texts on generation

45. Johannes Teutonicus and Vincent of Spain ignored the argument. Damasius introduced a cross-reference to Innocent's *De missarum mysteriis* and his decretal *In quadam*. (*Constitutiones concilii quarti Lateranensis*, 448), two texts in which Innocent used the Salernitan theory of the elements as discussed by Miramon, *Innocent III*.

46. This section is based on Ch. de Miramon – M. van der Lugt, «Sang, hérédité et parenté au Moyen Âge: modèle biologique et modèle social. Albert le Grand et Balde», *Annales de démographie historique*, 137 (2019), 21-48. On the biologisation of kinship law and its limits, see also M. van der Lugt and Ch. de Miramon, «Peut-on parler d'une biologisation du droit de la parenté au Moyen Âge? La durée de la grossesse chez Cynus de Pistoie, Albéric de Rosate et Pierre Jacobi», *Droits*, 76 (2023), 31-55.

47. See also S. Teuscher, «Flesh and Blood in the Treatises on the *Arbor consanguinitatis* (Thirteenth to Sixteenth centuries)», in *Blood & Kinship. Matter for Metaphor from Ancient Rome to the Present*, ed. Chr. H. Johnson – B. Jussen – D. W. Sabean – S. Teuscher, New York, Berghahn, 2013, 83-104.

48. Roumy, *La Naissance*, 45.

also communicated other theories about the origin of seed. As for blood, it was primarily menstrual blood that nourished the foetus and which, in Aristotle's view, constituted the initial matter on which the male seed acted. As such, the biologisation of the concept of consanguinity was less straightforward than one might think. Albert had to be creative.

He discussed the impediments to marriage and the concept of kinship in at least three of his works: his *Sentences* commentary (a lecture course on systematic theology written several years after his arrival in Paris between 1246 and 1249)[49]; his commentary on Aristotle's *Ethics* of 1262[50]; and *On Animals* (a free adaptation of Aristotle's zoological works, which he began between 1256 and 1260 and finished before 1268)[51]. While the perspective changed according to the literary and disciplinary genre (theology, moral philosophy, natural philosophy), the three discussions nonetheless projected similar views.

In his commentary on the *Ethics*, Albert mentioned the rules about kin marriage and consanguinity within the context of natural love. In line with Aristotle (VIII, 12, 1161b-1162a), he explained that parents love their children as something which proceeds from themselves, and children their parents as something from which they have come forth, whereas brothers and cousins love each other because they arise from a common source and are «one and the same blood and one and the same root» (*fratres sunt unus et idem sanguis, et una et eadem radix*). The

49. Albert the Great, *Sententiae* In IV Sent., dist. 40 art. 7, XXX, 450-51. On Albert's life and works, see I. Resnick, «Albert the Great: Biographical Introduction», in *A Companion to Albert the Great: Theology, Philosophy, and the Sciences*, ed. I. Resnick, Leiden, Brill, 2012, 1-12.

50. Albert the Great, *Ethica* VIII, 3, 6, in Id. *Opera omnia*, ed. A. Borgnet, Paris, Ludovicus Vivès, 1891, VII, 548-49. An earlier, shorter and less personal commentary on the *Ethics*, written between 1250 and 1252 (ed. Albert the Great, *Super ethica commentum et quaestiones*, in Id. *Opera omnia*, ed. W. Kübel, Münster, Aschendorff, 1968-72, 1987, XIV/1-2), is of little relevance to our subject.

51. Id., *De animalibus libri XXVI* XVIII, 2, 9, ed. H. Stadler, *Beiträge zur Geschichte der Philosophie des Mittelalters. Texte und Untersuchungen*, 16 (1920), 1241-43. Albert does not address consanguinity in his *Quaestiones super De animalibus* (ed. Albert the Great, *Quaestiones super De animalibus*, in Id., *Opera omnia*, ed. E. Filthaut, Münster, Aschendorff, 1955, XII).

power of love between kin varied according to the greater or lesser proximity with respect to the common root, although social factors (closeness in age, sharing an education) also play a key role[52].

Albert introduced the concept of consanguinity in his discussion of the love between brothers and cousins, shifting to a legal vocabulary lacking in his source. In line with canon law, he admitted that the determination of the number of degrees (*gradus*) beyond which blood links (*vinculum consanguinitatis*) were dissolved was defined by positive human law, but he nevertheless proposed detailed analogies (*simile sumatur*) based on human anatomy and physiology.

He started by pointing out that all physiological transformations followed four stages. Seed was the end product of a four-stage process of digestion («coction», according to medieval terminology). Then he proposed the body as a metaphor for the kinship group (*consanguinitas*, *parentela*), focusing on the heart, the venous system and the physiology of digestion. The heart is like the stem (*stipes*, *praedux*), the other body parts like its progeny. The vein that exits the heart branches off several times until these branches reach the solid parts. In this system, food undergoes four coctions and no more, until fully assimilated. Because a kinship group is like a body, the impediments have been fixed at four degrees[53]. The comparison evokes an organic model of the group of relatives of the same blood. It seems inspired less by the law or the Aristotelian concept of natural friendship than by social and aristocratic understandings of kinship – a notion that is both biological and social, since blood kin are also friends.

Albert's argument about the limits of the impediments and kinship was nevertheless nothing more than an analogy. By contrast, in the *Sentences* commentary and the book *On Animals*, Albert connected the notion of consanguinity with the mechanism of generation and tried to define the greater and lesser proximity of members of a kin group in physiological terms within this framework. According to Albert, the initial matter of generation underwent a gradual process of dilution due to its

52. Id., *Ethica* VIII, 3, 6, ed. cit., 548.
53. *Ibid.*, 548-49.

repeated mixture with strange matter when brothers and sisters married outside their lineage. In the commentary on the *Sentences*, blood was mixed (*commixtio sanguinis*); in the book *On Animals*, Albert spoke of the «matter of generation» (*materia generationis*) and the «material principles of generation (*principia materiae generationis*) in sperm and menstrual blood».

This difference reflects the contexts of the discussion. In the *Sentences* commentary, the discussion about kinship was part of a series of questions about the sacrament of marriage, the natural place for the subject. The legal metaphor of the community of blood (*consanguinitas*) commanded the rationalisation. Albert also saw it as his task to take into account Innocent's analogy about the four humours and the four elements. But he replaced the four humours with blood alone and shifted the argument from blood as the constituent of the body to the way blood was shared among members of the same kin group. Each generation corresponded to a new mixture of blood (*nova commixtio sanguinis*), as the elements composing blood were more or less volatile. Fire, the most volatile element, changed at the first mixture with strange blood; at the second mixture, air changed, followed by water (third mixture) and finally earth (fourth mixture)[54]. After four such acts of generation, nothing of the original blood remained and kinship ended.

In his book *On animals*, Albert raised the question of consanguinity and the limits of kinship (but not the prohibitions themselves) in a long discussion on the mechanism of reproduction – or «generation», to use the medieval concept[55] – and the causes of family resemblance. Here he tried to reconcile the blood

54. Id., *Sententiae* In IV Sent., dist. 40 art. 7, XXX, 451: «Ad causam autem Innocentii dicendum, quod in qualibet generatione nova fit mixtio sanguinis cum sanguine alieno, et in quantum miscetur alteri, in tantum recedit a primo, et ab invicem. Elementa autem sunt facile et difficulter miscibilia. Maxime enim subtile (ut Philosophus dicit) est bene miscibile, et hoc est ignis, qui alienatur quasi in mixtura prima, et in secunda aer, et in tertia aqua, et in quarta terra et ita componentia corpus humanum recedunt a praeviis dispositionibus, et per consequens a consanguinitatem».

55. M. van der Lugt, «Generation in the Middle Ages. Past, Present, Future», in *Les Sciences au Moyen Âge (XIIIe-XVe siècle). Autour de Micrologus*, eds A. Paravicini Bagliani – D. Jacquart, Florence, SISMEL – Edizioni del Galluzzo, 2021, 365-87.

metaphor, his bilateral view of kinship, and Aristotle's theory of generation which attributed different but complementary roles to the male and the female (sperm/menstrual blood; active/passive; form/matter). It was not easy to combine loyalty to Aristotle with the need to equalise the contribution of sperm and menstrual blood in his explanation of the production of resemblances.

Children would resemble their father, Albert noted, if the power in the seed dominated female matter. In the opposite case they would resemble their mother. If neither prevailed the child would be a mixture of both (*confusa similitudo ad patrem et matrem*), and if the power of the parents was blocked the child could resemble other ancestors (*progenitores*) because the power of the sperm and the matter of the mother contained vestiges of ancestral characteristics. In general, such skipping did not go beyond four generations as every power has four degrees. Here, Albert was drawing on Galenic pharmacology, which measured the powers of drugs on a scale of one to four. Consequently, the power (*virtus*) in the matter of generation also varied according to four aspects: substance – material and efficient; power (*virtus*, understood here in a more limited sense); and operation (*operatio*). Through mixing with foreign matter, these four aspects would lose their identity one after the other, starting with operation and ending with material substance. The explanation of the process is less elegant than in the *Sentences* commentary since Albert could not reuse his model of the gradual dissolution of the four elements. In the Aristotelian theory of matter, elements were not separable components. But the fundamental idea of gradual dilution through mixtures with alien matter remained the same: after four mixtures, any resemblance with the original matter would vanish and kinship would end[56].

As described in the book *On Animals*, however, kinship was not symmetrical. Albert distinguished between collateral relatives and kinship in the direct line, noting that the latter continued indefinitely. In the direct line, the chain of transmission could never be broken because there was no addition of alien matter

56. Albert the Great, *De animalibus libri XXVI*, XVIII, 2, 9, XVI, 1241-42.

(*nichil omnino est extraneum*). That explains why, according to Aristotle, a child might sometimes resemble an ancestor whom no one recalled[57].

Albert deviated here from the bilateral model of mixture and gradual dilution, towards a vertical model of kinship focusing on descent in the male line. This raises the question of Albert's source of inspiration. The reference to Aristotle looks more like a justification after the fact. While Albert was possibly thinking of aristocratic lineages, a legal influence seems more likely. Even though he did not mention the prohibition of kin marriage, his reasoning followed the distinction between impediments in the collateral and the direct line previously mentioned. Albert's biologisation of this legal distinction was not entirely new. In his manual for confessors, Thomas of Chobham (c. 1216) had already proposed a similar interpretation: in a direct line, the same blood (*idem sanguis*) always descended from the same stem (*eodem stipite*), whereas the blood changed (*variatur magis et magis*) in the collateral line[58].

A similar crossover between legal and biological models appears to be behind the notion that resemblances did not extend beyond the fourth generation. This idea is not found in Aristotle or, as far as I know, in other medical or natural philosophical texts before Albert. Albert cites the Galenic notion of four medicinal degrees, but this again looks like a rationalisation *a posteriori*[59]. The idea of the limit of four generations appears to be a projection, rather, of the prohibition of kin marriage on to the mechanism of generation. Ultimately, whatever Albert's sources, his three discussions on consanguinity demonstrate the possible fusion between biological, legal and social models of kinship. Albert naturalised the law but he also legalised nature.

Albert's thoughts on kinship and the impediments to marriage remained an exception to the rule and exerted relatively little

57. *Ibid.*, 1242.

58. Thomas of Chobham, *Summa confessorum* IV 2 7a.12, ed. F. Broomfield, Leuven – Paris, Nauwelaerts, 1968, 161-62.

59. Albert the Great, *De animalibus libri XXVI*, XVIII, 2, 9, XVI, 1242: «Hoc autem ultra quatuor generationes non extenditur, quia quatuor gradibus omnis virtus mensuratur sicut per operationem medicinarum simplicium probatur».

influence. Later commentators on the *Ethics* ignored his image of the human body as an analogy for the kinship group, as well as the link Albert established between natural love, consanguinity and the limits of the ban on kin marriage[60]. The mixing and progressive dilution of blood as a rationalisation for the limits of the prohibition of kin marriage is found in condensed form in the *Sentences* commentary and the theological summa of his pupil, Thomas Aquinas[61]. Despite Thomas' authority, it then largely disappeared from scholastic theology, only being echoed again after the sixteenth century[62]. Albert's book *On Animals* was transmitted in many manuscripts and often cited, but his most original ideas about kinship and heredity were ignored. In his highly influential treatise on embryology (before 1285), Giles of Rome merely cited the idea that atavistic resemblances were limited to four generations[63]. The four-generation rule proved enduring. Thanks to its adoption by Giles of Rome, it became a commonplace in later medieval discussions on generation. Ironically, one early fourteenth century Italian physician, Dino del Garbo, went on to suggest that it was this fact of nature that led lawmakers to fix the prohibition of kin marriage at four degrees[64]. Here, the legalisation of nature and the naturalisation of the law had come full circle.

60. For a list of commentaries on the *Ethics*, see B. Sère, *Penser l'amitié au Moyen Âge. Étude historique des commentaires sur les livres VIII et IX de l'Éthique à Nicomaque (XIIIe-XVe siècle)*, Turnhout, Brepols, 2007, 401-5. I have consulted the commentaries of Guiral Ot, Walter Burley, John Buridan, Nicole Oresme and John Versor.

61. Thomas Aquinas, *Scriptum super Sententiis*, lib. IV, dist. 40, q. 1, art. 4; Id., *Summa theologiae Suppl.* III, q. 54, art. 4. This part of the *Summa theologiae* does not reflect Thomas' mature thought. At his time of death, Aquinas had not yet written the section on the sacraments. His disciples compiled a supplement based on his commentary on the *Sentences*, an early work that bore the strong influence of his teacher Albert the Great.

62. Teuscher, «Flesh and Blood» 95, 98. In the late thirteenth century, the idea is, however, found in the *Summa confessorum* of the Dominican John of Freiburg (IV, VI, 3, Paris, Jean Petit, 1519, f. 226v).

63. Giles of Rome, *De formatione humani corporis in utero* IX, ed. R. Martorelli Vico, Florence, SISMEL Edizioni del Galluzzo, 2008, 193-205.

64. Dino del Garbo, *Expositio in De natura fetus*, in *Expositio Jacobi supra capitulum de Generatione embrionis, cum questionibus ejusdem. Dinus supra eodem. Dinus supra librum Ypocratis de natura fetus*, Venice, Bonetus Locatellus for Octavianus Scotus, 1502, f. 77r: «[…] usque ad quartam generationem

This article has traced the posterity of two textual traditions: that of Gregory the Great's letter to Augustine, and Albert's commentaries. Neither of these traditions seems to lead to Robert Burton. Biological explanations of kin marriage prohibitions were very rare in the Middle Ages. Medieval discussions about the prohibition of kin marriage in theology and canon law only referred to defects in the offspring as manifestations of God's wrath. They did not conceive of these defects as the result of a chain of natural causes and effects.

Burton's underlying reasoning is found in another concept: that of hereditary disease. Burton cited the work of the physician Luis Mercado to support his claims about the eugenic motivation of the laws against kin marriage. As I have shown elsewhere, the concept of hereditary disease was a medieval creation. Medieval physicians such as Dino del Garbo forged the concept by transferring the legal terminology of the transmission of goods from parents to children to the biological realm. The legal metaphor allowed them to distinguish hereditary diseases as a subcategory of congenital afflictions while suggesting that natural heredity was a system governed by rules. Although ancient medicine already recognised that children sometimes suffered from the same diseases as their parents and proposed physiological mechanisms to account for this phenomenon, it lacked a specific term. Later medieval physicians also developed several physiological models to explain the mechanism of transmission. One of the more original explanations for recurring disease in certain families consisted of postulating the existence of an occult property in the matter of generation, sperm and menstrual blood, putting forth the idea of an invisible but active and indelible power that manifested itself in mysterious ways within the same family. However, medieval physicians did not charge kin marriage with being a cause or exacerbating factor[65]. They hardly ever even mentioned the practice.

potest retineri virtus progenitorum in spermate et in menstruo, abinde autem in antea annihilatur, et propter hoc forte sunt moti legiste ad ponendum legem illam quod usque ad quartem generationem non possit contrahi matrimonium». I owe this reference to Joseph Ziegler.

65. Scholastic physicians had access to an Arabic source suggesting that a child would be more gravely affected if both its parents were sick. This pas-

Mercado may have been the first physician to link hereditary disease to kin marriage. In his treatise, he advised affected people against marrying within the same affected family. Through the mixture of tainted seed with the pure and healthy seed of healthy partners, Mercado stated, the hereditary mark would gradually weaken and fail to manifest itself[66]. While Mercado did not mention the laws against kin marriage or the common good, it is easy to see how Burton reached his own interpretation of Mercado's advice.

It is probably no accident that Mercado wrote his treatise in the service of the Spanish Habsburg court. He must have been aware of the family's long-standing habit of marrying very close relatives[67]. More specifically, the marriages of his patron Philip II

sage did not generate much interest in the Latin West. See M. van der Lugt, «Les maladies héréditaires dans la pensée scolastique (XIIe-XVIe siècle)», in *L'Hérédité entre Moyen Âge et Epoque moderne. erspectiveshistoriques*, eds M. van der Lugt - Ch. de Miramon, Florence, SISMEL Edizioni del Galluzzo, 2008, 273-320.

66. Luis Mercado, *De morbis hereditariis*, 681: «In qua re id primum obseruatione dignum iudicaui, ne vitium parentum in omnem posteritatem firmiter transeat, quod nunquam connubio iungi debent duo parentes ex eadem vitiata familia descendentes, quippe tunc facile et longe immedicabilius malum in filios trahetur, quod vtrumque semen eadem labe infectum sit. Quapropter consultissimum est, ut sigillatio paulatim exstinguatur et delitescat, viros uxorem ducere alterius familiae, ut foeminas nubere aliis viris. Ratio profecto in promptu est, nam cum constet, tam virum, quam foeminam semen, idque prolificum emittere, facile coniici potest, infectum corrigi posse accesssu eius, quod purum et incorruptum est. (…) Ex quibus omnibus colligitur secundo, ad praecavendam seminis labem necessum esse, uxorem aut virum quaerere, qui temperie, modo substantiae et fere in omnibus individualibus conditionibus diffideat longis intervallis ab uxore; sic enim a generatione in generationem delitescet magis sigillum hereditarium, vincens inculpatum semen, ac praevalens supra vitiosum et prave affectum, siquidem ut dictum est, caussae, quae necessario conveniunt in generatione animalis non sunt ita necessariae et prorsus rebelles et indomitae, quod non possint a multis externis et internis caussis impediri, mutarique. Nam, ut idem Aristoteles dicit, illae facile possunt mutari et impediri, ac facile quoque deficere, ac nonnunquam caussis aliquibus impedimenta tolli et robur addi naturalibus principiis generationis, ita ut generatio integra et sine aliquo vitio evadat». See van der Lugt, «Les Maladies héréditaires», 305-6.

67. Modern analysis of the Habsburg family trees shows that inbreeding rates were very high, especially among the Spanish Habsburgs. They were the highest for Charles II and the second highest for Philip III. See

included a double first cousin (first marriage), a cousin once removed (second) and a niece (fourth). Only two of his male heirs survived until adulthood: the sickly, ill-fated and mentally unstable Don Carlos from his first marriage and the future Philip III, whom Philip II also deemed unworthy of succeeding him. The other three sons and a daughter from his last marriage all died in childhood. While such dynastic misfortunes were not uncommon before the advent of modern medicine, it would not be unreasonable to suppose that Mercado noticed a pattern, just as Gregory the Great had.

Mercado's proposition that marrying outside one's kin group would gradually extinguish the hereditary mark, thanks to the healthy seed from a different family, echoes the model of gradually diluting kinship. Yet the channel of transmission of this model remains elusive, and it cannot be ruled out that Mercado came up with the idea on his own[68]. Whatever the case, his treatise on hereditary disease did not appear out of thin air. Even though he never acknowledged them, Mercado stood on the shoulders of his medieval predecessors.

F. C. Ceballos – G. Álvarez, «Royal Dynasties as Human Inbreeding Laboratories: The Habsburgs», *Heredity*, 111 (2013), 114-21.

68. Mercado's model also accounted for latency. Through mixing over several generations the hereditary mark would gradually lose its capacity to manifest itself. It would be blocked but not disappear.

ABSTRACT

Maaike van der Lugt, *Naturalising the Law – Legalising Nature. The Role of Medical Analogies and Arguments in Medieval Discussions about Consanguinity, Incest, and Kin Marriage*

The medieval Church understood consanguinity in a broad sense, and for several centuries prohibited kin marriage up to the seventh degree – counted to the first common ancestor in both the paternal and maternal lines –, and after 1215 up to the still further reaching fourth degree. This paper assesses medieval understandings of the *raison d'être* of the system, the relationship between medical, social and legal models, and the ways in which medieval scholars interpreted the metaphor of shared blood underlying the notion of consanguinity. Medieval theologians and jurists ignored, contradicted or neutralised the eugenic rationale proposed by Gregory the Great. Instead, their understanding of the prohibitions was informed by two other models. The first conflated kin marriage with incest, calling it a sin against nature. While sometimes associating marriage between relatives with monstrous birth, it understood the latter as a sign of God's wrath, not as a genetic or congenital defect. The legal-historical model of kin marriage, on the other hand, qualified the link with nature and natural law and explained the prohibition in terms of social and historical factors. Despite the absence of eugenic motivations behind the medieval prohibition of kin marriage and the fact that the prohibitions were increasingly seen as positive human laws, some medieval scholars attempted to rationalise the extension and limits of the impediments by appealing to nature. Albert's discussions of consanguinity demonstrate the possible fusion of biological, legal and social models of kinship. Albert naturalised the law, but he also legalised nature. However, Albert's thinking on kinship and the impediments to marriage remained an exception to the rule and had relatively little influence. And although scholastic physicians forged the concept of hereditary disease, it was not until the Early Modern period that the concept was associated with marriage between relatives.

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POLITICAL NATURALISM AND COMMUNITARIAN VALUES. THE *CORPUS REIPUBLICAE* AND ITS MEANING IN THE TWELFTH CENTURY

Generally apprehended through Thomas Hobbes's *Leviathan* and Abraham Bosse's original depiction on its cover (1651; Fig. 1), the body politic is a prominent illustration of how nature can be used as a source of inspiration for discourses on power. It is ascertained that the analogy between the social or political community and a living body – and specifically the human body – was common in ancient and medieval times, and that many occurrences of it predate modern examples. However, today's common understanding of this image generally depends on a Hobbesian perspective. Therefore, it remains difficult to capture the signification of the analogy without immediately interpreting it as reflective of sovereignty, and of a commonwealth where individuals are but indistinguishable elements of a wider system of domination by fear and force.

Only by reconsidering the history of the organic analogy before the modern era can we escape such an interpretation, inevitably tainted by presentism. How it re-emerged in the twelfth century is of particular interest. This analogy was profoundly reinvented, essentially following the ample developments found on the subject in John of Salisbury's *Policraticus*. Completed around 1159, it is not a political treatise as we might conceive it, but primarily a moral text, a critique of the frivolities of courtiers, which consequently also discusses the virtues of a good prince and what distinguishes him from a tyrant, as well as the main characteristics of government. And it happens that John

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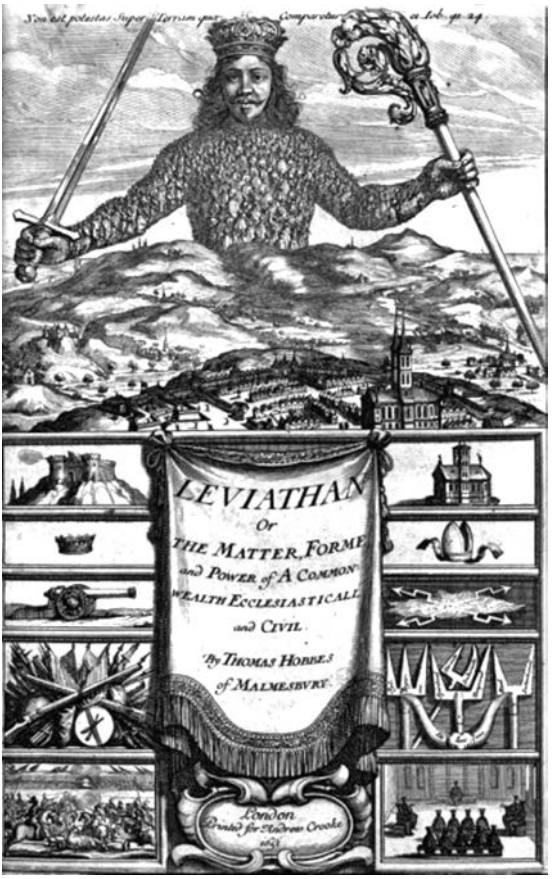

Fig. 1. Abraham Bosse, *Front page of Leviathan*, in Thomas Hobbes, *Leviathan*, London, Andrew Crooke, 1651. © Wikicommons.

of Salisbury's description of the realm, or the *respublica*, resorts to the organic analogy.

The vast dissemination of the organic analogy in the late Middle Ages is indeed related to the wide circulation of the *Policraticus*. However, the very success of this text is, conversely, a direct consequence of the strong appeal exerted by the analogy, and the image of the *corpus reipublicae*. It must therefore be

assumed that this image efficiently captured twelfth century views and thoughts on government. To what extent power and its characteristics were considered as natural can only be determined by a thorough investigation of John of Salisbury's words and the circumstances of their composition and propagation. Not only does the medieval meaning of the analogy vastly differ from what tends to attract our attention in Hobbes's *Leviathan*, but a more faithful outline of the precise sense of the image in medieval literature can also serve to clarify what political thought may have been in the Middle Ages, and in what respect its foundations differed from what can be witnessed in later discourses on the body politic.

… *corpus quoddam*…

It must first be noted that John of Salisbury never used any Latin phrase resembling the expression 'body politic'. John only states in Book 5, Chapter 2 of the *Policraticus*, and in a strictly descriptive and analogical way, that «a *respublica* is a sort of body»[1]. The development of the analogy into a metaphor – the body politic – used independently from a methodical description, was witnessed only later. Vincent of Beauvais was the first to use the expression *corpus reipublicae* in his *Speculum doctrinale*, written in the mid-thirteenth century[2]. This development is actually a sign of the appeal exerted by John of Salisbury's analogy and an indication that it was adopted by many authors across the Latin West in the late Middle Ages, along the same lines as the success of the *Policraticus* itself – the 'magnitude' of which 'amounts to a cultural phenomenon'[3]. Many references to John's

1. John of Salisbury, *Policraticus* 5, 2, ed. Cl. C. J. Webb, Oxford, Oxford U.P., 1909, vol. 1, 282: 66: «Est autem respublica […] corpus quoddam». Page numbers between brackets refer to C. Nederman's translation (Cambridge, Cambridge U.P., 1990) which is generally followed though with some changes.

2. Vincent de Beauvais, *Speculum doctrinale*, Douai, Balthazar Bellère, 1624. Online. URL: http://sourcencyme.irht.cnrs.fr/encyclopedie/voir/165 (last access 14.08.2020).

3. Fr. Lachaud, «Filiation and Context: The Medieval Afterlife of the *Poli-*

treatise are found in works produced in England, from John's contemporaries to John Fortescue in the fifteenth century. This influence is equally observed on the Continent, and uses of the organic analogy are made with direct reference to John of Salisbury in works by Giles of Rome, Nicole Oresme, Christine of Pisan, Jean Gerson, and Jean Juvénal des Ursins[4].

Such a success must first be assessed within the very category of images to which the body politic belongs. Gianluca Briguglia has already insisted on the fact that it must be considered, at any rate, as «much more than a literary expedient or a rhetorical ornament», and that it is preferable and necessary to explore «the essential tension between metaphorical language and political thought»[5]. As an analogy and later as a metaphor, it is, first and foremost, a fiction, and more specifically a political fiction. Admittedly, the category of political fiction in the Middle Ages may seem difficult to outline, as it remains a retroactive notion applied to a different context, when nothing close to our comprehension of it existed in Late Middle Ages. However, we could understand it to include examples of fictionalisation of history to value certain governmental values (as in many *chansons de gestes*); founding myths adopted by countless political entities; as well as many narrative devices commonly used in discourses on government. These would in turn include the platonic, dialogical form (as illustrated by numerous fictional *disputationes*) along with examples of dream visions which were sometimes themselves intertwined with a dialogue[6]. The organic analogy or metaphor would naturally constitute another of these devices, and a most efficient one at that.

It must also be acknowledged that political fictions, as with any other form of fiction, speak of reality and exert actions upon

craticus», in *A Companion to John of Salisbury*, eds Chr. Grellard – Fr. Lachaud, Leiden, Brill, 2015, 377-438: 377.

4. *Ibid*.

5. G. Briguglia, «*Est republica quoddam corpus*: una metafora politica nel medioevo», *Rivista di storia della filosofia*, 54/4 (1999), 549-71: 550. See also Id., *Il corpo vivente dello stato. Una metafora politica*, Milan, Bruno Mondadori, 2006, 1-13, 19-26.

6. Évrart de Trémaugon, *Le Songe du vergier*, ed. M. Schnerb-Lièvre, 2 vol., Paris, Éditions du Centre national de la recherche scientifique, 1982.

it. According to Paul Ricœur, whose contribution to the thinking of narrative is nothing short of essential, «poetic texts, too, speak *of* the world, even though they may not do so in a descriptive fashion»[7]. Literary works in general, «far from producing only weakened images of reality [...] depict reality by *augmenting* it with meanings that themselves depend upon [their] virtues [...] so strikingly illustrated by emplotment»[8]. The organic analogy and the subsequent evolution of its uses towards metaphor can therefore be described as a form of 'emplotment' of reality (or *mise en intrigue*), which *augmented* the understanding of government for medieval authors. Metaphor as such holds a specific power. In Ricœur's words, it «presents itself as a strategy of discourse that, while preserving and developing the creative power of language, preserves and develops the heuristic power wielded by fiction»[9]. Just as it speaks of power, a fiction, and particularly a metaphorical fiction, therefore unleashes a power specific to fiction. More recently this has been attracting Patrick Boucheron's attention as he considers political fictions and highlights the capacity of medieval powers to 'build governing metaphors'. Not only is there power in fiction, then, but fictions relating to power – what we would call political fictions – produce political effects. Medieval powers and rulers exhibit a constant «imagining potency which imposes itself on our lives through metaphors»[10].

The *corpus reipublicae* is an archetypal form of such political metaphor. This might also explain its indispensable presence, its great power of seduction. In a way, the organic metaphor could

7. P. Ricoeur, *Time and Narrative*, vol. I, trans. K. McLaughlin – D. Pellauer, Chicago, University of Chicago Press, 1984, 80.

8. *Ibid*.

9. P. Ricoeur, *The Rule of Metaphor. The Creation of Meaning in Language*, trans. R. Czerny – K. McLaughlin – J. Costello, London, Routledge, 2004, 5.

10. P. Boucheron, *Fictions politiques*, Course at the *Collège de France*, 2016-17 and 2017-18. Online. URL: https://www.college-de-france.fr/site/patrick-boucheron/course-2016-2017.htm (last access 14.08.2020); see Presentation. Online. URL: https://www.college-de-france.fr/media/patrick-boucheron/UPL2316578877926794427_Boucheron_Transcription_courT_2016_2017.pdf (last access 04.09.2020): «[...] les formes [...] du pouvoir médiéval [...] à construire des métaphores rectrices, c'est-à-dire la puissance imaginante du pouvoir qui consiste à s'imposer à nos vies par des métaphores».

be perceived by medieval minds as a particularly fitting and relevant depiction of a political community. In a similar manner to the Ancient Greeks who, as demonstrated by Paul Veyne, believed in their myths and were seeking truth through them[11], the *corpus reipublicae* could be understood, in the Middle Ages as a faithful account of reality. Accepting the constitutive dimension of imagination, and that fiction could depict and elucidate reality, would not have been unusual for medieval authors. Such mechanisms seem to have been familiar to John of Salisbury himself, as he praised the talent and ability of Virgil «who under the pretext of fiction expressed the truth of all philosophy»[12] – an opinion inherited from Macrobius and shared with William of Conches and other contemporaries[13].

Though fictional, the 'emplotment' of reality could therefore describe the world and serve to alter it and act upon it. In particular, before the progressive emergence of a truly organised and geographical vision of power and of the entities it is exerted upon, between the fourteenth and sixteenth centuries – which has been otherwise identified as a phase of territorialisation of politics and of powers[14] – the organic analogy was one of the only available theoretical tools that allowed for a mode of spatialisation of politics and political relations to exist, though it was

11. P. Veyne, *Did the Greeks Believe in Their Myths? An Essay on the Constitutive Imagination*, trans. P. Wissing, Chicago, The University of Chicago Press, 1988.

12. John of Salisbury, *Policraticus* 6, 22, vol. 2, 63 (p. 130): «[…] qui sub imagine fabularum totius philosophiae exprimit ueritatem».

13. P. Dronke, «*Integumenta Virgilii*», in *Lectures médiévales de Virgile. Actes du colloque de Rome (25-28 octobre 1982)*, Rome, École française de Rome, 1985, 313-29; É. Jeauneau, «L'Usage de la notion d'integumentum à travers les gloses de Guillaume de Conches», *Archives d'histoire doctrinale du Moyen Âge*, 24 (1957), 35-100; repr. in Lectio philosophorum. *Recherches sur l'École de Chartres*, Amsterdam, Hakkert, 1973, 127-93; Pseudo-Bernardus Silvestris, *Commentum quod dicitur Bernardi Silvestris super sex libros Eneidos Virgilii*, eds J. W. Jones – E. Fr. Jones, Lincoln, NE, University of Nebraska Press, 1977, 757.

14. L. Dauphant, *Le Royaume des quatre rivières. L'espace politique français (1380-1515)*, Paris, Odile Jacob, 2012; J. Le Mauff, «L'invention du territoire: Conscience spatiale et territorialisation du pouvoir (XIVe-XVIe s.)», *Cahiers d'Agora*, 3 (2020). Online. URL: https://www.u-cergy.fr/fr/laboratoires/agora/cahiers-d-agora/numero-3-l-etat-et-son-territoire.html (last access 17.08.2020).

of an idealistic nature. The image of the body was presented as an unrivalled resource to grasp the reality of society, its internal and hierarchical relations, and the position and role of government, in a consistent and concise manner.

This efficiency might partly explain the exceptional longevity of the analogy and of the subsequent metaphor. But this success is also inseparable from the malleable character of any metaphor, the fact that it could be adapted and reinterpreted over time, until, in the present case, the image embodied Hobbes's thinking of sovereignty and the state. As stated by Pierre Bayard, books are never exactly themselves, even and especially the most influential ones – and the *Policraticus* certainly falls into this category. To be more precise, even if it does not change materially, «a book is less a book than it is the whole of the discussion about it», a situation of speech in which it circulates and changes depending on interactions with the readers, and, through them, with all the other texts it comes into contact with, «a supple fabric of relations between texts and beings»[15]. For that reason, and as any other text, the *Policraticus* is never just the *Policraticus*: it is «not fixed once and for all but [...] a moving object, and [...] its mobility is in part a function of the set of power relations woven around it»[16]. This explains precisely how the organic analogy, disseminated in later medieval and modern thought from John of Salisbury's *Policraticus*, could have lasting effects through multiple readings and reformulations – most famously by Marsilius of Padua, Machiavelli or Hobbes[17]. This also pinpoints where the risk lies for us as we might be easily tricked by such interpretations and rewritings of the analogy and be led into thinking that a fiction could only – or always – have a certain meaning. As Hobbes's body politic is deeply rooted in John of Salisbury's words, we might conclude that the image always had a Hobbesian scope and even come close to what Bayard calls «plagiarism by anticipation»[18].

15. P. Bayard, *How to Talk About Books You Haven't Read*, trans. J. Mehlman, New York, Bloomsbury, 2007, 150.
16. *Ibid.*, 146.
17. Briguglia, *Il Corpo*.
18. P. Bayard, *Le Plagiat par anticipation*, Paris, Minuit, 2009.

With this critical perspective and these necessary precautions in mind, John of Salisbury's developments around the organic analogy and other contemporary accounts constitute an undeniable example of political naturalism which requires clarification.

… *sicut Plutarco placet*…

As he outlines the organic analogy in Book 5, Chapter 2 of the *Policraticus*, John of Salisbury gives a reference, a source for this fiction: «a *respublica* is, just as Plutarch declares, a sort of body»[19]. This reference to Plutarch and to an otherwise unknown text, the *Institutio Traiani*, is now considered as apocryphal[20]. However, we also know from other sources that the organic analogy was already used in ancient times. Passing comparisons between the *polis* and a living body are made both by Plato in the *Republic*[21] and by Aristotle in the *Politics*[22]. However, beside the fact that these passages are not developed into comprehensive analogical descriptions, a direct influence on John is quite impossible as the *Politics* were unavailable and virtually unknown before Guillaume de Moerbeke's translation in the 1260s[23], while Plato's *Republic* only reemerged in the late fifteenth century[24].

A more likely source is quoted by John of Salisbury in Book 6 of the *Policraticus*[25]. The source originated in Ancient Rome,

19. John of Salisbury, *Policraticus* 5, 2, vol. 1, 282 (p. 66): «Est autem respublica, sicut Plutarco placet, corpus quoddam».

20. This thesis is consensual since its formulation in 1943 (H. Liebeschütz, «John of Salisbury and Pseudo-Plutarch», *Journal of the Warburg and Courtauld Institutes*, 6 [1943], 33-39). However, M. Kerner («Randbemerkungen zur *Institutio Traiani*», in *The World of John of Salisbury*, ed. M. Wilks, Oxford, Blackwell, 1984, 203-6) claims it is the fragment of a lost original, though not by Plutarch. An attempt at a reconstruction has also been offered (*Die Institutio Traiani: ein pseudo-plutarchischer Text im Mittelalter*, eds H. Kloft – M. Kerner, Stuttgart, De Gruyter, 1992).

21. Plato, *Republic* 435e, 462d.

22. Aristotle, *Politics* 1253a, 1302b.

23. E. Schütrumpf, *The Earliest Translations of Aristotle's* Politics *and the Creation of Political Terminology (Morphomata Lectures Cologne)*, Paderborn, Wilhelm Fink Verlag, 2014, 9-25.

24. G. Boter, *The Textual Tradition of Plato's* Republic, Leiden, Brill, 1989, 259-78.

25. John of Salisbury, *Policraticus* 6, 24, vol. 2, 71 (p. 135): «Ait ergo:

more precisely in Livy's history of Rome, and was also present in Florus's *Epitome*, a summary of Livy that was commonly known in the Middle Ages[26]. Both authors record that, during the first secession of the plebs, the Roman Senate sent a former consul, Menenius Agrippa, to address the people. An acknowledged orator, Menenius told the following story to the angry crowd, speaking of the organs of the body to discuss the well-being of society: «[…] in the days when man's members did not all agree amongst themselves […] the other parts thought it unfair that they should have the worry and the trouble and the labour of providing everything for the belly». The arms decided to stop carrying food to the mouth and, while they hoped «[…] to starve the belly into submission», as a consequence «the members themselves and the whole body were reduced to the utmost weakness»[27]. Not only is this fable a politically meaningful analogy: it also had a political purpose, as Menenius aimed to restore unity and peace among the Roman people.

This account is thought to be the earliest example of political use of the organic analogy, though one of Aesop's fables is also much similar to this account[28]. However, as with other fables, it is not entirely certain whether it was not added to the Aesop canon much later. Moreover, the Aesopian version does not compare the organs of the body to parts of society, and it does not provide an explicit moral of a political scope either. Thus it can be considered neither analogy nor metaphor[29]. The Roman version remains the most plausible identified origin of John's use, whether direct or indirect, in spite of the fact that John repeats the story of the stomach and the members without naming Menenius or any author as a reference. In that regard, a slightly

«Accidit ut aduersus stomachum membra omnia totius corporis conspirarent tamquam aduersus eum qui uoracitate sua labores omnium exhauriret».

26. Florus, *Epitome rerum romanorum* 1, 17, ed. P. Jal, Paris, Les Belles Lettres, 1967, I, 37.

27. Titus Livius, *The History of Rome* [Ab urbe condita] 2, 32, ed. and trans. B. O. Foster, Cambridge, Mass., Harvard U.P., 1919, 323-25.

28. *Index* 130, in *Aesopica*, ed. B. E. Perry, Urbana, University of Illinois Press, 1952, I.

29. A. D. Harvey, *Body Politic: Political Metaphor and Political Violence*, Newcastle, Cambridge Scholars Publishing, 2007, 5.

different version is also found in Cicero's *De Officiis*, and is presented as an analogy of the interdependence between the organs[30]. We know that John of Salisbury had a good knowledge of Cicero, though it is unlikely that he had direct access to his texts and instead relied on more widespread compilations. John could well have been aware of this passage[31].

John of Salisbury however cites a quite different and non-textual source of his own account of the same fable, which might help to clarify both the inspiration of the analogy and its profound meaning. He claims to have heard it at the papal court from Adrian IV himself – a fellow Englishman and long-time friend[32]. This suggests the story was already widely known and that it might even had reached some level of popularity. It may not however have been commonly understood as a political lesson. More importantly, it does recall that the fable had already been appropriated and altered by Paul the Apostle who, in his first Epistle to the Corinthians, compared the community of believers to the organs of the human body; all of which are interdependent and follow a precise order: «just as a body, though one, has many parts, but all its many parts form one body, so it is with Christ. For we were all baptised by one Spirit so as to form one body»[33].

Christian authors had adopted this comparison early on, and by the twelfth century the story had lost most of the meaning it had in accounts by Livy or Cicero. In his commentary on Plato's *Timaeus* in the fourth century, Calcidius used a remarkably similar analogy and developed it in depth. «According to Plato and Socrates», he said, «the order of the *respublica* imitates the divine disposition that is found in the human body. The head holds a position that is superior and somewhat dominant to other mem-

30. Cicero, *De Officiis* 3, 5, trans. W. Miller, Cambridge, Mass., Harvard U.P., 1913, 289.

31. L. Hermand-Schebat, «John of Salisbury and Classical Antiquity», in *A Companion to John of Salisbury*, 180-214.

32. John of Salisbury, *Policraticus* 6, 24, vol. 2, 67-71 (pp. 132-35). See also Chr. N. L. Brooke, *Adrian IV and John of Salisbury*, in *Adrian IV, the English Pope (1154-1159)*, eds B. Bolton – A. J. Duggan, Aldershot, Routledge, 2003, 1-12.

33. 1 Cor, 12, 12-27.

bers and it is the seat of wisdom». He then continued his enumeration with the senators who «are placed higher and command the inferior parts by arranging their movements and actions»[34] and who are obeyed by the soldiers, just as the head is obeyed by the hands and the heart which are the organs of action and of courage. The lower parts, where the organs of lust are situated, are comparable to merchants and craftsmen, who in a city are motivated by desire and seek wealth and success. Finally Calcidius matched the feet with the farmers who work the fields around the city, further from the centre. Incidentally this description does not correspond to what is actually found in the *Timaeus*. In the passage discussed by Calcidius, Socrates only distinguishes classes of citizens «in accordance with Nature» in such a way that each citizen is assigned «his one proper and peculiar occupation»[35].

The revival and rearrangement of the analogy by John of Salisbury and his contemporaries also correspond to a broader contemporary trend, a new appreciation of nature, of God's Creation and its perfection, characteristic of the Renaissance of the twelfth century[36]. This devotion to nature as a model, suffused by Christian sentiments and combined with readings of ancient

34. Calcidius, *Timaeus a Calcidio translatus commentarioque instructus* 233, ed. J. H. Waszink, London – Leiden, Warburg Institute – Brill, 1962, 246-47: «Plato voluit in republica esse quosdam inperantes et providentes ut senatum, quosdam pugnantes ut milites quosdam servientes ut plebem. Et est Plato et Socrates in ordine rei publice divinam imitatus dispositionem que est in humano corpore talis: caput alciorem locum optinet et quasi dominium supra cetera membra, in quo est sedes sapitentie propter tres cellulas, de quibus alibi. Quemadmodum igitur sapientia est in capite et in reliquis membris providet, ita senatores in alciori loco existentes, id est in arce civitatis, inferioribus provident et eorum motus et acciones dispensant. Sub capite sunt manus que sunt prone ad agendum, et cor in quo est sedes animositatis. Ita sub illis de senatorio ordine sunt milites qui ad laboris tolerantiam proni sunt et ad rei publice defensionem animosi. Sub corde sunt renes in quibus humana viget concupiscentia. Ita sub militibus sunt cupedenarii, sutores, pellipariі et ceteri artifices. Ad ultimum sunt pedes: sic extra muros in suburbio sunt agricole ad colenda rura».

35. Plato, *Timaeus* 17c-d, in *Plato VII*, ed. and trans. R. G. Bury, Cambridge, Mass., Harvard U.P., 1929, 19.

36. J. Le Goff, *Les Intellectuels au Moyen Âge*, Paris, Seuil, 1957, 53-63.

authors[37], is reflected in an exceptional fascination with the human body witnessed in various texts. In his *De mundi universitate*, Bernardus Silvestris summarised the Platonic philosophy of the universe according to two parts: the *megacosmus* (the outer world) and the *microcosmus* (the human individual and his body). The human body is made the centre of the Creation, the point of equilibrium between its two halves. The philosophy of Hildegard of Bingen is another example of this division between *macrocosmus* and *microcosmus,* and fostered compelling graphic representations. Other famous sources use the human body and nature as an image of perfection, such as the Anonymous of York[38] or Alain de Lille's *De planctu naturae*[39]. It is unsurprising that such a widespread trend could have concrete consequences on political and legal considerations[40].

Even a few years before John of Salisbury wrote the *Policraticus*, a description of the *respublica* as a body had been issued by William of Conches in his glosses on Plato's *Timaeus*:

> […] in the city's citadel sits the senate, as the wisdom is in the higher part of the head; below is the army, as the courage is in the heart; below are the craftsmen, as desires are located in the lower part

37. Plato, of course (see below, n. 39), but also Cicero who, in *De amicitia* 19, p. 129, describes nature as «the best guide to good living». In Cicero, *De Senectute*, in Id., *De Senectute, De Amicitia, De Divinatione* 2, 5, trans. W. A. Falconer, Cambridge, Mass., Harvard U.P., 1923, 13, he also states that «[he is] wise because [he follows] Nature as the best of guides and obey[s] her as a god». Both books were present in the library at Canterbury at the time when John of Salisbury wrote the *Policraticus* and well known by him, as proven by his own use, in a development on the organic analogy, of the same claim that «nature, the best guide to living, is to be followed». John of Salisbury, *Policraticus* 4, 1, I, 235 (p. 28). See also Chr. Grellard, «La Seconde acculturation chrétienne de Cicéron: la réception des Académiques du IXe au XIIe siècle», *Astérion*, 11 (2013). Online. URL: https://doi.org/10.4000/asterion.2350 (last access 03.09.2020).

38. *Codex Justinianus*, ed. B. W. Frier, trans. Fr. H. Blume, 3 vol., Cambridge, Cambridge U.P., 2016.

39. T. Gregory, *Platonismo medievale. Studi e ricerche*, Rome, Istituto storico italiano per il Medio Evo, 1958, 144-50.

40. J. Krynen, «Naturel. Essai sur l'argument de la Nature dans la pensée politique à la fin du Moyen Âge», *Journal des savants*, 2 (1982), 169-90.



Fig. 2. Hildegard of Bingen, *Liber divinorum operum* (1174), Lucca, Biblioteca statale, Cod. lat. 1942, f. 9r. © Wikicommons.

of the body. And as the feet at the bottom step on the ground, ploughmen, hunters and shepherds work the land beyond the city walls[41].

William, who clearly drew inspiration from Calcidius's own commentary on the same text, had a great influence on John of Salisbury who had been taught by William during his years of study in France and who knew William's commentary quite well[42].

The organic analogy used and developed by John of Salisbury therefore follows a well attested Christian tradition; and the organic analogy, even when used to speak of government, is per-

41. William of Conches, *Glosae super platonem* 15, ed. É. Jeauneau, Paris, Vrin, 1965, 75: «Ad hanc vero similitudinem voluit Socrates in arce civitatis esse senatum ut in arce capitis est sapientia; sub isto esse milites ut in corde animositatem, sub quibus sunt cupidinarii ut in lumbis est concupiscentia. Et ut pedes bruti in inferiori parte calcant terram, ita agricole et venatores et pastores extra muros terram exercent».

42. C. Giraud – C. Mews, «John of Salisbury and the Schools of the 12th Century», in *A Companion to John of Salisbury*, 31-62: 38-39.

meated by religious thinking. This corresponds to our knowledge of political thought at a time when politics did not exist as an autonomous area of thinking and governmental issues were considered only through the lens of religion. As a matter of fact, Ernst Kantorowicz has highlighted how the medieval political use of the organic analogy echoed another contemporary use of the same analogy[43]. It is Isaac of Stella, a Cistercian monk – and another Englishman – who, almost at the same time as John's writing of the *Policraticus*, deepened Paul's words and applied the analogy of the body to the *corpus ecclesiae mysticum*, describing the Christian community as the very mystical body of the Christ. This theory had a tremendous influence on many thinkers, including Thomas Aquinas[44]. And not only is this analogy remarkably similar to the governmental one, but both can really be considered as two aspects of the same image, imbued with Eucharistic thinking. When Vincent of Beauvais spoke for the first time of the *corpus reipublicae* a few decades later it was precisely, as a *corpus rei publicae mysticum*[45].

Therefore, would one power rightly be exerted on the whole body according to nature in the same way as one God governs the Creation? A logical deduction from this seemingly general affinity with nature as a model might be to assert that society as a body was mainly perceived in the late Middle Ages as a hierarchical organisation filled with vertical relationships of power all based on and legitimised by their natural essence. John even seems to confirm this when he reminds us that:

> [...] nature, that best guide to living, is to be followed, since it is nature which has lodged all of the senses in the head as a microcosm [...] and has subjected to it the totality of the members in order that all of them may move correctly, provided that the will of a sound head is followed[46].

43. E. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology*, Princeton, Princeton U.P., 1957, 199-202.

44. H. de Lubac, Corpus mysticum. *L'Eucharistie et l'Église au Moyen Âge. Étude historique*, ed. É. de Moulins-Bueafort, Paris, Cerf, 2010 [1944].

45. See above n. 2.

46. John of Salisbury, *Policraticus* 4, 1, vol. 1, 235 (p. 28): «[...] sensus uniuersos in capite collocauit, et ei sic uniuersa membra subiecit, ut omnia recte moueantur, dum sani capitis sequuntur arbitrium».

Yet this assertion still yields to the temptation of a Hobbesian interpretation – and probably to our own modern passion for sovereignty as the essence of political power.

… *regitur moderamine rationis*

Once again let us read precisely how John articulates his analogy. «A *respublica* is, just as Plutarch declares, a sort of body which is animated by the grant of divine reward and which is driven by the command of the highest equity and ruled by a sort of rational management»[47]. What does this *moderamen rationis* – this «conduct according to reason» – consist of?

Quite logically, «the position of the head in the republic is occupied […] by a prince»[48] who effectively rules the body. However, John immediately gives more detail and introduces a distinction between two entities within the head. Above the prince, «just as the soul has rulership of the whole body so those who are called prefects of religion direct the whole body»[49]. It is the Church and its priests who hold the highest position, even though power is wielded by the prince. The very word 'power' might limit our apprehension of the subtleties inherent in the medieval way of thinking about government, in which the dominant position of the prince does not escape certain constraints and duties.

For sure, «divine disposition places him on top of the *respublica* and prefers him over others [...] on the basis of the mystery of [God's] secret Providence»[50]. Thus the prince not only holds power but he is «the public power» and «a certain image on

47. *Ibid*. 5, 2, vol. 1, 282 (p. 66): «Est autem respublica, sicut Plutarco placet, corpus quoddam quod diuini muneris beneficio animatur et summae aequitatis agitur nutu et regitur quodam moderamine rationis».

48. *Ibid*., 282-83 (p. 67): «Princeps uero capitis in re publica optinet locum».

49. *Ibid*., 282 (p. 67): «[…] sicut anima totius habet corporis principatum, ita et hii, quos ille religionis praefectos uocat, toti corpori praesunt».

50. *Ibid*. 5, 6, vol. 1, 298 (p. 69): «[…] dispositio diuina in arce rei publicae collocauit et eum nunc archano prouidentiae suae misterio ceteris praefert».

earth of the divine majesty»[51]. He is «raised to the apex and becomes illustrious as a result of his many and great privileges which are numerous and extensive as are thought to be necessary for him»[52]. This glorification of the prince goes on at length, but the evocation of his necessity is articulated in an illuminating way. «Certainly» says John, when speaking of the privileges of the prince and of his dominant power, «this is proper, because nothing is useful to the people except that which meets the necessity of the prince, since his will should never be found opposed to justice»[53]. What John understands by the expression *necessitas principis* is not a private necessity matching his personal needs and which would lead him to govern according to his own interest. The necessity of the prince is deemed equivalent to the utility of the people by John, as both ultimately reflect the necessity of the law, of its existence and of its absolute respect. There is no underlying, proto-Machiavellian dual meaning in the claim that the will of the ruler «should never be found opposed to justice». The law is the final, internal necessity of all government and it imposes itself on everyone – including the prince. John recalls the words from the *Codex Iustinianus*, according to which «a prince proclaims himself bound by the laws»[54] and this is precisely what differentiates a legitimate ruler from a tyrant. The latter is «one who oppresses the people by violent domination, just as the prince is one who rules by the laws»[55]. John's political naturalism in the *Policraticus* primarily follows a fundamental distinction between legitimate rule (*legitimi principatus*)[56] and illegitimate rule and this distinction relies on the respect of the law as a primary criterion.

51. *Ibid*. 4, 1, vol. 1, 235 (p. 28): «Est ergo [...] princeps potestas publica et in terris quaedam diuinae maiestatis imago».

52. *Ibid*.: «Tot ergo et tantis priuilegiis apex principalis extollitur et splendescit, quot et quanta sibi ipse necessaria credidit».

53. *Ibid*.: «Recte quidem, quia populo nichil utilius est quam ut principis necessitas expleatur; quippe cum nec uoluntas eius iustitiae inueniatur aduersa».

54. *Ibid*., 237 (p. 29): «[...)] se legibus alligatum principem profiteri». See *Codex Justinianus* 1, 14, 4, vol. 1, 259.

55. John of Salisbury, *Policraticus* 8, 17, vol. 2, 345 (p. 190): «Est ergo tirannus, ut eum philosophi depinxerunt, qui uiolentia dominatione populum premit, sicut qui legibus regit princeps est».

Besides, this naturalist approach is not solely expressed through the metaphor of the *corpus reipublicae*. Significantly, another analogy is used in the *Policraticus* by a reference to Virgil's *Georgics*, and serves a political purpose: the beehive[57]. This image was also probably common at the time, as it is found in Gratian's *Decretum*. Indeed, the major compilation of canon law, which circulated from the 1150s, proclaims (following Gregory the Great) that there cannot be more than one prelate in a church according to the assertion *in apibus princeps unus est*, taken as a guiding principle[58]. However, once again, John of Salisbury gives a quite different account. Thanks to a direct quote from Virgil's verses, he highlights how the beehive can be taken up as an ideal of social organisation where work is equally divided and its fruits shared; where individuals sacrifice themselves to the perpetuation of the community; and where the prince is venerated while he embodies the preservation of the common harmony. Another quote (from Horace) is given by John to summarise his social ideal: «each one demands material assistance from the other and both bond together in friendship»[59].

What the organic model reflects in the *Policraticus* must therefore be considered as the ideal image of a society that is based on interdependent links of solidarity and reciprocity, and that obeys a consistent organisation similar to the organs of a body or the bees in a hive. And this model is not considered worthy by John on purely abstract grounds, but also because it may bring about positive outcomes for the whole and benefit each of its members (*ut universitati prospiciatur*). The organic model guaran-

56. *Ibid*. 4, 7, vol. 1, 258 (p. 47).

57. *Ibid*. 6, 21, vol. 2, 60-61 (p. 127-29). See Virgil, *Georgics* 4, 149-280, ed. and trans. H. R. Fairclough, in *Virgil I*, Cambridge, Mass., Harvard U.P., 1916, 80-237: 206-11.

58. *Decretum Gratiani* II, causa 7, q. 1, c. 41, ed. E. Friedberg, Leipzig, Bernhardi Tauchnitz, 1879, 582.

59. John of Salisbury, *Policraticus* 6, 22, vol. 2, 63 (p. 130): «Alterius sic altera poscit opem res et coniurat amice»; Horace, *Ars Poetica*, in *Satires, Epistles and Ars Poetica*, ed. and trans. H. R. Fairclough, Cambridge, Mass., Harvard U.P., 1926, 410-11, 484-85. The beehive analogy has also undergone reinterpretations in the following centuries, as exemplified by Bernard Mandeville's famous satirical poem *The Fable of the Bees* (1714), which is considered an early formulation of basic principles of Smithian economics.

tees the common good. In keeping with his evocation of the beehive, John welcomes that:

> [...] the citizens are held to their varied occupations and, inasmuch as the duties of each individual are practised so that provision is made to the corporate community, so long as justice is practised, the ends of all are imbued with the sweetness of honey[60].

This notion of the common profit and some close variants, including common or public utility, are frequently used by John of Salisbury throughout the *Policraticus*. As a twelfth century author, John was less influenced in this respect by Aristotle – whose thought on the matter would be rediscovered later and would be more particularly the basis of Aquinas's developments on the *bonum commune* – than by Cicero[61]. *Communis utilitas* is a pillar of Ciceronian thought on government, the primary objective of any political community. The notion includes the safety of the people and of citizens, the preservation of the city and the happiness of human life. Public utility is the core element that any legitimate power should preserve and it is also the natural consequence of a state of justice. It logically complies with the respect of the law, according to Cicero, without any potential inconsistency[62]. And John of Salisbury made this vision his own. Power, according to the *Policraticus*, follows the law, and above all natural law and all the relations and rules fixed by God. Thus law imposes itself to all including the prince.

These views conflict with later accounts: Thomas Aquinas speaks of the capacity of a prince to make the law, to change it,

60. John of Salisbury, *Policraticus* 6, 22, vol. 2, 63 (p. 131): «Ita uariis tenentur occupationibus ciues et dum sic coluntur officia singulorum ut uniuersitati prospiciatur, dum iustitia colitur, fines omnium mellea dulcedo perfundit».

61. Especially by *De inventione* et *De officiis*. See Y. Sassier, «Bien commun et *utilitas communis* au XIIe siècle, un nouvel essor?», *Revue française d'histoire des idées politiques*, 32 (2010), 245-58.

62. Cicero, *De legibus* 2, 5, in Id,, *De Re Publica, De Legibus*, trans. C. W. Keyes, Cambridge, Mass., Harvard U.P., 1928, 382: «[...] ad salutem civium civitatumque incolumitatem vitamque hominum quietam et beatam inventas esse leges»; *ibid*. 3, 3, p. 466: «[...] salus populi suprema lex esto». See N. Wood, *Cicero's Social and Political Thought*, Berkeley, University of California Press, 1988, 128-29.

to exempt others from it. John of Salisbury for his part does not really see anything else in the prince than a true minister of the law[63]. This is not insignificant and John makes a statement and responds to a lively debate among glossators on the interpretation of the law. He deals with it cautiously: the prince can interpret positive law, but only to issue a reminder of divine law according to a strict hierarchy of legal rules – which at the same time deprives the ruler of any real autonomy. However, in other places he more openly and vigorously attacks the basic idea of legal exemption or exception[64].

These aspects tend to invalidate the idea according to which the organic analogy would unequivocally legitimise the superior position of rulers in the twelfth century according to an ideal, natural model. When referring to nature, John embraces a strategy of discourse that allows for the insertion of the *corpus reipublicae* into a wider hierarchy, dominated by the divine presence. The prince is subject to the soul, where the Church is found, and the whole body participates in a natural order that strictly follows divine law and obeys the very figure of God. The prince is but an element of a sizeable universal hierarchy. This approach allows us to assert that John of Salisbury acknowledged the imperative of an organisation of the social body, assigning a specific role and particular duties to each organ, while proclaiming the unity of the whole and the absolute respect for the laws. It is only as guardians of this order and of the common utility that rulers are legitimate, and their role is also inseparable from a situation of absolute submission to an order predetermined by God's will. There and only there lies the naturalness of princely power according to the *Policraticus*.

63. Y. Sassier, «Le Prince, ministre de la loi? (Jean de Salisbury, *Policraticus*, IV, 1-2)», in *Le Prince, son peuple et le bien commun. De l'Antiquité tardive à la fin du Moyen Âge*, eds H. Oudart – J.-M. Picard – J. Quaghebeur, Rennes, P.U. Rennes, 2013, 125-44.

64. Fr. Lachaud, «La Simonie et les clercs simoniaques dans le *Policraticus* de Jean de Salisbury: un aspect de la réforme morale et religieuse au milieu du XIIe siècle en Angleterre», in *Autour de Lanfranc (1010-2010). Réforme et réformateurs dans l'Europe du Nord-Ouest (XIe-XIIe siècles)*, eds J. Barrow – F. Delivré – V. Gazeau, Caen, P.U. Caen, 2015, 313-28.

Conclusion

The organic analogy was revived and reimagined in the twelfth century, in a way that established a natural foundation of power, but also embedded this power within a wider analogy founded on respect for the law and for divine order. There lies a source of legitimacy for the prince as well as obligation. More generally, and far from legitimising an absolute power of the ruler over the other organs, the use of this image emphasises the importance of reciprocity in political relations, and of the interdependence of all the organs of the body. Far from foreshadowing modern considerations of sovereignty, the analogy reflected a lasting and truly 'organic' conception of society stemming from Christian, communitarian values – or what Cary Nederman has called «communal functionalism» as a way to better characterise this understanding of a society where reciprocity and interdependence result from the diversity of members and their roles[65].

These communitarian views are also expressed in later, concrete uses of the analogy, and sometimes to substantiate claims addressed against rulers or their decisions. In France in 1298, Peter of Auvergne used the argument according to which all parts of the social body must be in balance to support the elimination of certain taxes[66]. In England the analogy was used to make a case for the importance of deliberation and consent in governmental matters, as by the bishop of Hereford in 1326[67] and by the bishop of Exeter in 1337. The latter recalled that, if the king is the head of the body politic, the bishops are its feet and keep contact with the ground while supporting the rest of the

65. C. J. Nederman, «Freedom, Community and Function: Communitarian Lessons of Medieval Political Theory», *American Political Science Review*, 86/4 (1992), 977-86.

66. Peter of Auvergne, *Quodlibet* 3, 14, Paris, BnF, ms. lat. 14562, ff. 33rb-vb, 44va-45ra. See E. A. R. Brown, «*Cessante Causa* and the Taxes of the Last Capetians: the Political Applications of a Philosophical Maxim», *Studia Gratiana*, 15 (1972), 567-87; repr. in Ead., *Politics and Institutions in Capetian France*, Aldershot, Routledge, 1991, 20-40.

67. Fr. Lachaud, «Filiation and Context: The Medieval Afterlife of the *Policraticus*», in *A Companion to John of Salisbury*, 377-438: 436-37).

body. The relationship between king and bishop therefore could not be severed without dividing: the realm[68].

Even in the fifteenth century, John Fortescue used the organic metaphor and directly referred to the *corpus mysticum* to describe the English political community while highlighting its united and interdependent nature: «Just as the body is held together by the nerves, so this mystical body is knit together and united by the law, which comes from the word *ligando*»[69]. By resorting to this etymology based on the Latin word for 'binding' instead of Isidore of Seville's more traditionally accepted etymology based on *legendo* ('reading'), Fortescue contended that the purpose of the law is to bring people together. Sure, he also highlighted the importance of power and that the body must not be headless, but Fortescue insisted on the consensual nature of the English monarchy as a *dominium politicum et regale*. This participated in an approach that linked the image of the body to a truly contractarian perspective, and Fortescue can be seen as a striking intermediary between the medieval organic analogy and a time when the oneness of contracting citizens and the sovereignty of uncontested power were to be found inseparable under the figure of Leviathan[70].

68. John de Grandisson, *The Register of John de Grandisson, Bishop of Exeter (A.D. 1327-1369)*, ed. F. C. Hingeston-Randolph, London, G. Bell & Sons, 1894, vol. 2, 840: «[…] ne poet pas estre sevree sans division du Roiaume».

69. John Fortescue, *De Laudibus Legum Angliae* 13, ed. and trans. S. B. Chrimes, Cambridge, Cambridge U.P., 1942, 30-31.

70. J. Le Mauff, «Material and Ideal Space: A Note on Territory, on the Organic Metaphor and on the Specificity of Late Medieval English Political Thought», *Études médiévales anglaises*, 94 (2019), 103-25.

ABSTRACT

Julien Le Mauff, *Political Naturalism and Communitarian Values: the* corpus reipublicae *and its Meaning in the Twelfth Century*

Because contemporary understanding of the organic analogy generally depends on a Hobbesian perspective, it remains difficult to grasp its medieval meaning without immediately interpreting it as reflecting sovereignty and a polity in which individuals are but indistinguishable elements of a wider system based on fear and force. The analogy itself reappeared as a political image in the twelfth century, following the rich development of the theme in John of Salisbury's *Policraticus*. This article examines John's formulation in context. His use of the *corpus reipublicae* established a natural basis for power, while embedding it within a wider analogy based on respect for the law and divine order, understood as both a source of legitimacy and obligation for the prince.

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CRÉATION DIVINE ET NATURALISATION DE L'ORDRE SOCIAL AUX XIIIe-XVe SIÈCLES. L'EXÉGÈSE VISUELLE ET TEXTUELLE DE LA GENÈSE DANS LES *BIBLES MORALISÉES*

Le centre des premiers systèmes de la nature ce n'est pas l'individu; c'est la société. C'est elle qui s'objective, et non plus l'homme[1].

Dans l'article fondateur qu'Émile Durkheim et Marcel Mauss consacrèrent aux «formes primitives de classification», les deux auteurs entendaient montrer que la faculté de l'entendement humain qui consiste à ordonner les choses entre elles, à créer des relations logiques entre les éléments, afin d''unifier la connaissance', était non pas une capacité innée – relevant de la seule psychologie – mais bien une science, c'est-à-dire une 'fonction' historiquement et socialement construite. Ils relevaient notamment que, dans nombre de sociétés traditionnelles, cette 'fonction classificatrice' pouvait être assimilée à une 'première philosophie de la nature', car l'histoire naturelle y agissait comme un 'conte étiologique': les caractères propres – ou supposés – de telle plante, tel animal, tel élément naturel avaient des fonctions totémiques et servaient de critères pour fonder et justifier les distinctions entre groupes humains. Mais là où certains auraient conclu à une primauté de l'ordre naturel sur l'ordre social,

1. É. Durkeim – M. Mauss, «De quelques formes primitives de classification. Contribution à l'étude des représentations collectives», *L'Année sociologique*, 6 (1901-2), 1903, 1-72 (rééd. É. Brian – J. Salomone – F. Weber, Paris, PUF, 2017, 119).

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É. Durkheim et M. Mauss inversaient le rapport de causalité et affirmaient un 'sociocentrisme' résolu:

> Les premières catégories logiques ont été des catégories sociales; les premières classes de choses ont été des classes d'hommes dans lesquelles ces choses ont été intégrées. C'est parce que les hommes étaient groupés et se pensaient sous forme de groupes qu'ils ont groupé idéalement les autres êtres […]. Les choses étaient censées faire partie intégrante de la société et c'est leur place dans la société qui déterminait leur place dans la nature[2].

Dans la société chrétienne du Moyen Âge occidental, le premier des 'contes étiologiques' était assurément la Bible et, en son sein, le récit de la Création. La tradition cosmogonique chrétienne est presque tout entière contenue dans les deux premiers chapitres du livre de la Genèse, à propos desquels les historiens du texte biblique s'accordent pour distinguer au moins deux rédactions distinctes, correspondant à un réagencement au sein de l'Ancien Testament de traditions judaïques différentes[3]. Ainsi, le récit qui occupe le premier chapitre (Gn 1) trouverait principalement son origine dans ce que l'on désigne parfois sous le nom de *Récit sacerdotal*, issu d'une tradition textuelle postexilique – datant peut-être de la fin du VIe siècle avant notre ère – et dont le style employé trahit les préoccupations du clergé des débuts du judaïsme, et notamment son souci constant de classification, manifeste dans le très ordonné récit de la création des éléments: la lumière et l'obscurité, la Terre, le soleil et la lune, l'air, les eaux et la terre ferme, les animaux, les plantes et, enfin, l'homme. Les influences de la mythologie mésopotamienne sur cette tradition vétérotestamentaire ont été soulignées de longue date, notamment dans le fait qu'elle offrait de façon comparable un récit combinant cosmogonie, zoogonie et anthropogonie[4].

2. *Ibid.*, 114-15.

3. Pour un bilan récent voir C. Uehlinger, «Genèse 1-11», in *Introduction à l'Ancien Testament*, éd. Th. Römer – J.-D. Macchi – C. Nihan, Genève, Droz, 2009, 197-216.

4. Parmi l'abondante littérature sur la question, voir R. Hendel, «Genesis 1-11 and its Mesopotamian Problem», in *Cultural Borrowings and Ethnic Appropriation in Antiquity*, éd. E. S. Gruen, Stuttgart, F. Steiner, 2005, 23-36; W. G. Lambert, «A New Look at the Babylonian Background of Genesis»,

Toutefois, à la différence des récits de création mésopotamiens, qui présentent une conception étroite du rapport entre la création de la nature et l'avènement de l'ordre politique, le récit de création biblique n'associe pas nature et civilisation, en ce que l'institution politique de la royauté n'est pas immédiatement donnée par le dieu créateur[5]. La création du monde par Dieu, telle qu'elle est relatée dans les deux premiers chapitres du livre de la Genèse, est bien davantage le récit de l'avènement d'une domination anthropologique du monde naturel, ce que les exégètes médiévaux n'ont pas manqué de souligner abondamment[6]. La narration biblique fonderait ainsi l'idée selon laquelle les logiques de domination seraient consubstantielles au monde lui-même, plaçant l'homme au sommet d'une hiérarchie des créatures divines[7].

Les exégètes médiévaux, qui ont abondamment commenté ces deux premiers chapitres bibliques[8], ne se sont toutefois pas limi-

in *The Journal of Theological Studies*, 16 (1965), 287-300; Id., «Mesopotamian Creation Stories», in *Imagining Creation*, éd. M. J. Geller – M. Schipper, Leyde – Boston, Brill, 2008, 15-60; J. Bottéro, *Naissance de Dieu. La Bible et l'historien*, Paris, Gallimard, 1986, 155-202.

5. D. Melvin, «Divine Mediation and the Rise of Civilization in Mesopotamian Literature and in Genesis 1-11», in *Journal of Hebrew Scriptures*, 10 (2010), art. 17. En ligne. URL: https://doi.org/10.5508/jhs.2010.v10.a17 (dernière consultation 10.06.2021); S. Anthonioz, «Les Fondements idéologiques et religieux des récits de création en Orient ancien. Parcours à travers quelques témoins mythologiques et bibliques», in *Cahiers d'études du religieux. Recherches interdisciplinaires*, 17 (2017). En ligne. URL: https://doi.org/10.4000/cerri.1685 (dernière consultation 10.06.2021).

6. J. Cohen, *'Be Fertile and Increase, Fill the Earth and Master it'. The Ancient and Medieval Career of a Biblical Text*, Ithaca, Cornell U.P., 1989.

7. L'épisode au cours duquel Dieu demande à Adam de nommer les animaux – «afin que tout être vivant portât le nom que lui donnera l'homme. Et l'homme donna des noms à tout le bétail, aux oiseaux du ciel et à tous les animaux des champs» (Gn 2, 19-20) – était à juste titre interprété comme une énonciation majeure de cette domination humaine sur l'ordre naturel et animal: G. Dahan, «Nommer les êtres: exégèse et théories du langage dans les commentaires médiévaux de la Genèse 2, 19-20», in *Sprachtheorien in Spätantike une Mittelalter*, éd. S. Ebbesen, Tübingen, Gunter Narr, 1995, 55-74. Sur l'iconographie médiévale de cet épisode biblique, voir X. Muratova, «Adam donne leurs noms aux animaux. L'iconographie de la scène dans l'art du Moyen Âge: les manuscrits des bestiaires enluminés du XIIe et du XIIIe siècle», *Studi medievali*, 18 (1977), 367-94.

8. Pour une première vue d'ensemble, voir A. Tarabochia Canavero, *Esegesi*

tés à cette seule interprétation, et certains, tels Isidore de Séville puis Raban Maur, se sont appliqués à établir des analogies entre certains éléments de la nature, ou certains animaux, et des catégories d'hommes, tirant ainsi le récit de la Création dans le sens d'une sociogonie[9]. Au tournant des XIIe et XIIIe siècles, leurs commentaires sur le livre de la Genèse, abondamment accueillis dans la glose ordinaire – et plus particulièrement dans les gloses interlinéaires[10] –, semblent alors avoir trouvé un écho auprès des maîtres parisiens de 'l'école biblique-morale', pour qui le travail exégétique et l'observation sémiologique du monde créé constituaient un tout, porté par la conception théologique d'être face à un 'livre-monde'[11]. Chez Étienne Langton (c. 1150-1228), par exemple, chaque objet de la Création est ainsi associé à une catégorie de vices et contribue à dessiner un paysage moral du monde: les curieux sont ainsi associés aux poissons, les orgueilleux aux oiseaux, les puissants ou les luxurieux sont les bêtes, et enfin les avares sont assimilés aux reptiles[12]. L'exégèse de la Création offre ainsi aux maîtres parisiens un cadre à l'affirmation d'un ordre moral et social naturalisé, dans un exercice classificatoire qui puise dans l'allégorie biblique les fondements d'un ordonnancement hiérarchique du monde social. Réceptacles de cette entreprise de domination herméneutique, les Bibles moralisées livrent ainsi une double exégèse, visuelle et textuelle, d'un ordre social naturalisé et peint spécialement à l'attention d'un public princier.

biblica e cosmologia. Note sull'interpretazione patristica e medievale di Genesi 1-2, Milan, Pubblicazioni della Università Cattolica del Sacro Cuore, 1981.

9. Isidore de Séville, *Quaestiones in vetus testamentum: In Genesin*, Cap. 1, in PL 83, 209-12; Raban Maur, *Commentaria in Genesim*, lib. 1, cap. 10, in PL 107, col. 467-68.

10. Ph. Buc, *L'Ambiguïté du Livre. Prince, pouvoir et peuple dans les commentaires de la Bible au Moyen Âge*, Paris, Beauchesne, 1994, 71-122, et notamment 97-100.

11. G. Dahan, *L'Exégèse chrétienne de la Bible en Occident médiéval (XIIe-XIVe siècle)*, Paris, Cerf, 2008, 106-8.

12. Étienne Langton, *Glossa in Heptateuchum*, Paris, BnF, ms. lat. 355, ff. 5-6: «Per hominem prelatum intellige iudicem, qui debet esse iudex, non ut vexet bonos, sed ut coherceat malos, et hoc ut presit piscibus, id est curiosis, volatilibus superbis, bestiis fortioribus»; Paris, BnF, ms. lat. 14414, f. 144b, dans la marge: «Perpisces curiosi, per volueres superbi, per bestias luxuriosi, per reptilia avari»; cité par G. Dahan, «L'Exégèse de Genèse 1, 26 dans les commentaires du XIIe siècle», *Revue des Études Augustiniennes*, 38 (1992), 130, 152.

La tradition cosmogonique dans les Bibles moralisées

La collection d'une quinzaine de manuscrits produits entre le premier tiers du XIIIe siècle et le milieu du XVe siècle, connue sous le nom de *Bibles moralisées*, présente en effet la particularité de constituer un essai de vulgarisation exégétique à l'attention d'un public royal et princier[13]. Trois familles de manuscrits se distinguent par les langues et les traditions textuelles qu'elles adoptent (Tableau 1): une rédaction primitive (A) réalisée dans l'entourage du roi Philippe Auguste, dans le premier quart du XIIIe siècle; une deuxième rédaction (B), élaborée dans le second tiers du XIIIe siècle, probablement sur commande de Blanche de Castille, mère de Louis IX; enfin, une dernière famille de manuscrits, inaugurée au milieu du XIVe siècle à l'initiative des Valois[14]. Ces manuscrits luxueux ne sont pas des copies exhaustives du texte biblique, mais relèvent davantage de l'entreprise exégétique, s'autorisant à paraphraser le texte plutôt qu'à le citer fidèlement, à en inverser certains passages pour la clarté de l'exposé, ou encore à opérer des réécritures par compilation de versets distincts pour servir l'interprétation sociale-morale qui en est alors proposée[15]. En cela, ils s'inscrivent dans la tradition scolaire de l'exégèse biblique, représentée notamment par l'*Historia scolastica* de Pierre le Mangeur, dans laquelle certaines interprétations sont d'ailleurs puisées[16]. L'une des richesses de cette tradition manuscrite réside dans l'organisation exceptionnelle du discours qui, associant systématiquement textes et images, est construit sur le principe d'une articulation entre sens littéral et sens spirituel de l'Écriture, dans lequel se juxtaposent systématiquement une citation ou une paraphrase du texte biblique suivie

13. G. Lobrichon, «La Bible des rois capétiens», in *'Tout le temps du veneour est sanz oyseuseté'. Mélanges offerts à Yves Christe pour son 65e anniversaire par ses amis, ses collègues, ses élèves*, Turnhout, Brepols, 2005, 205-28.

14. J. Lowden, *The Making of the* Bibles moralisées, I, *The Manuscripts*, University Park, Pennsylvania State U.P., 2000.

15. R. Haussherr, «Über die Auswahl des Bibeltextes in der Bible moralisée», *Zeitschrift für Kunstgeschichte*, 51 (1988), 126-46.

16. *Petri Comestoris Scolastica historia. Liber Genesis*, éd. A. Sylwan, Turnhout, Brepols, 2005, XXXIX-XXX.

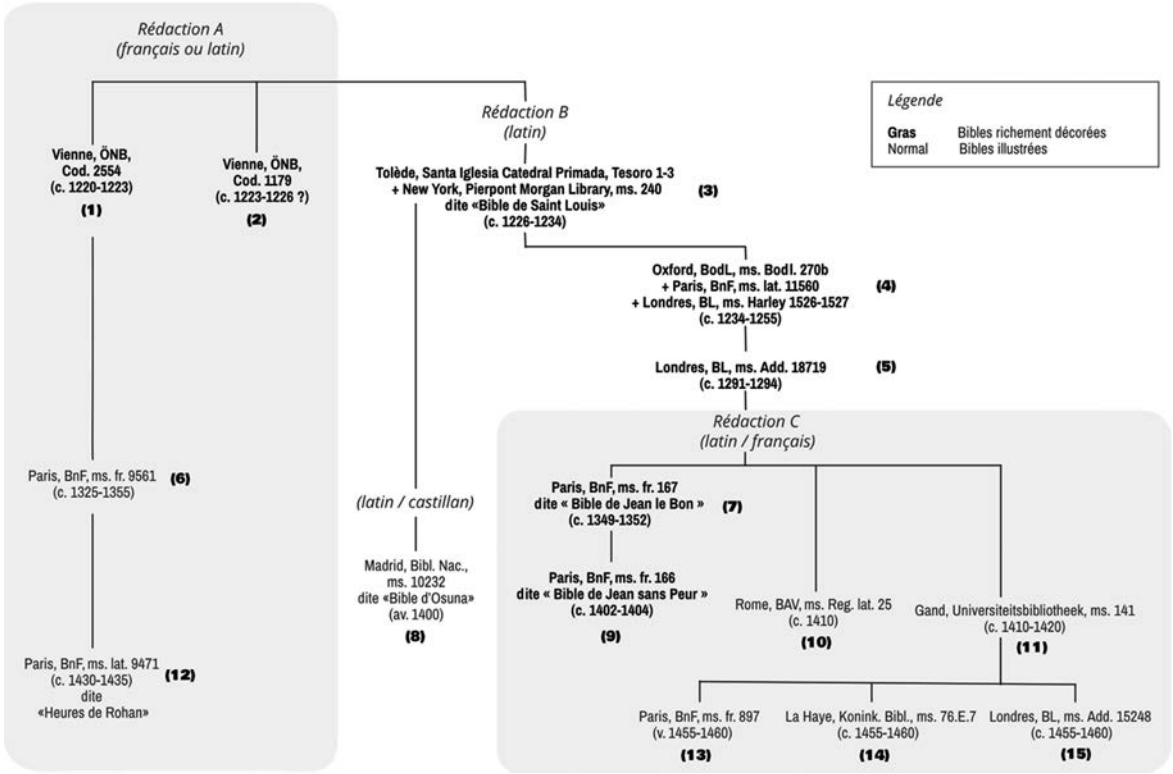

Tableau 1 – Tradition manuscrite des Bibles moralisées.

d'une exégèse spirituelle, nommée la 'moralisation', qui s'apparente à une forme d'actualisation du sens tropologique (ou moral) de l'Écriture pour lui donner un écho plus immédiat et ainsi l'inscrire dans l'actualité sociale et politique des commanditaires. Dans ce jeu complexe que proposent les doubles pages manuscrites, de renvois d'une image à l'autre, d'un extrait biblique à l'autre et d'une moralisation à l'autre, l'image n'apparaît que rarement comme une simple illustration du texte et constitue bien davantage un second niveau d'interprétation, complétant ou précisant visuellement l'exégèse textuelle[17].

Dans les témoins manuscrits de la rédaction originelle (A), les deux premiers chapitres du livre de la Genèse occupent à peine plus d'un folio recto-verso, pour une dizaine de paires de médaillons commentées[18] – auxquelles il convient néanmoins d'ajouter les célèbres frontispices offrant une image en pleine page du Dieu créateur muni d'un compas[19] –, et offrent des concaténations de versets ne se suivant pas forcément, provoquant parfois quelques redondances ou inversion dans l'ordre narratif[20]. Les rédactions suivantes (B et C) y consacrent en revanche entre trois et quatre folios, soit une vingtaine de paires de vignettes, en respectant plus scrupuleusement le texte et l'ordre des versets[21].

17. J. Lowden, «Reading» Images and Texts in the Bibles moralisées: Images as Exegesis and the Exegesis of Images», in *Reading Images and Texts. Medieval Images and Texts as Forms of Communication*, éd. A. Hageman – M. Mostert, Turnhout, Brepols, 2005, 495-525. Pour une première approche de l'abondante iconographie chrétienne de la Création, voir X. Muratova, «Création», in *Dictionnaire critique de l'iconographie occidentale*, éd. X. Barral – I. Altet, Rennes, P.U. Rennes, 2003, 234-41.

18. Vienne, ÖNB, Cod. 2254, f. 1r-1v; Vienne, ÖNB, Cod. 1179, ff. 2r-3v.

19. K. H. Tachau, «God's Compass and *Vana Curiositas*: Scientific Study in the Old French *Bible Moralisée*», *The Art Bulletin*, 80 (1998), 7-33; J.-C. Schmitt, *Penser par figure. Du compas divin aux diagrammes magiques*, Paris, Arkhè, 2019, 53-98.

20. Par exemple, Vienne, ÖNB, Cod. 22554, f. 1r (B) et Vienne, ÖNB, Cod. 1179, f. 2r (B), s'appuient sur les deux groupes de versets Gn 1, 6 et Gn 1, 9-10, synthétisés dans la formule: *Ici fet Dex le firmament, la terre en mi et la mer entor*. Même procédé au Vienne, ÖNB, Cod. 2254, f. 1r (C) – que le ms. Vienne, ÖNB, Cod. 1179, f. 2r (C) ne reprend pas – qui procède de la concaténation de Gn 1, 11-12 et Gn 1, 20-22, tandis que la paire de vignettes qui suit renvoie à Gn 1, 16 et 18-19.

21. Tolède, Santa Iglesia Catedral Primada, Tesoro 1, ff. 2r-6r; Oxford, BodL, ms. Bodley 270b, ff. 2r-6r; Paris, BnF, fr. 166 et 167, ff. 1r-3r.

D'un point de vue exégétique, le traitement réservé à ces deux chapitres apparaît très différent: le premier donne lieu à une exégèse résolument morale et sociale des étapes de la Création, tandis que le second chapitre offre l'occasion aux exégètes de proposer une interprétation ecclésiologique de la 'seconde création', travaillant la figure du couple formé par Adam et Ève pour promouvoir l'image de l'Église épouse du Christ. Quant aux autres passages bibliques renvoyant à une possible lecture cosmogonique – tels les Psaumes (8, 104 et 136) ou encore dans le livre de Job (38, 1-42, 6) –, ils ne donnent pas lieu, dans les Bibles moralisées, à une reprise de l'exégèse de la Création, mais à des interprétations diverses que nous laisserons ici de côté.

Dans ces manuscrits, au sein desquels le récit biblique sert de support à l'élaboration d'un tableau vivant des différents états de la société des XIIIe-XVe siècles, chacun associé à une interprétation allégorique et morale[22], l'exégèse de la Création donne lieu à une remarquable entreprise de distinction et de catégorisation, reposant sur un discours homologique entre catégories naturelles et catégories sociales (Tableau 2). À presque chaque étape de la Création, les moralisations proposent deux niveaux de lecture, faisant succéder à une lecture tropologique générale du verset commenté une lecture plus sociale, procédant par identification d'individus ou groupes de personnes, ainsi associés au sens moral délivré. Ce jeu d'identification, entre élément ou catégorie de la Création et catégorie sociale, aboutit à un tableau de concordances du monde créé, visuellement explicite pour l'observateur des doubles folios manuscrits, dans lequel à chaque astre (soleil, lune, étoiles), chaque catégorie de la nature (eau, ciel, terre), d'animaux (poissons, juments, oiseaux, reptiles) ou de végétaux (herbes, arbres fruitiers) correspond une catégorie d'hommes. À défaut de considérer ici en détail les dizaines d'enluminures et leur texte associé couvrant les six jours de la Création, nous porterons notre attention à l'exégèse des cinquième et sixième jours, consacrés à la genèse des animaux et de l'homme.

22. G. B. Guest parle ainsi de «wide social spectrum» (*Bible moralisée: Codex Vidobonensis 2554, Vienna, Österreische Nationabibliothek*, éd. G. B. Guest, Londres, Harvey Miller, 1995, 27; voir également D. Donadieu-Rigaut, *Penser en images les ordres religieux (XIIe-XVe siècle)*, Paris, Éd. Arguments, 2005, 11-27).

Tableau 2 – L'exégèse de la Création (Gn 1) dans les Bibles moralisées.

		Éléments	**Moralisation générale**	**Identification**
1er jour	**Gn 1, 1 & 3**	**Lumière**	Anges	Apôtres mettent fin au temps de la synagogue et ses obscurs prophètes
	Gn 1, 4-5	**Jour**	Bons anges et sainte Église/ Vertus	
		Nuit	Mauvais anges (exclus du paradis)/ Vices et péchés	
2e jour	**Gn 1, 6**	**Ciel**	Sainte Église	
		Mer	Amertumes du monde qui font souffrir l'Église	«Faux frères»
	Gn 1, 7-8	**Séparation des eaux**	Séparation des bons et des mauvais	
3e jour	**Gn 1, 9**	**Réunion des eaux**	L'assemblée des peuples appelée mer s'ils suivent les bons	
	Gn 1, 9-10	**Terre ferme**	Sainte Église (qui est ferme contre la convoitise et les persécutions)	
	Gn 1, 10-11	**Herbe, arbres et fruits**	Doctrine de la foi et bonnes œuvres	Bons chrétiens et bons prédicateurs
	Gn 1, 12	**Arbres et fruits**	Bonnes œuvres	Bons prédicateurs
4e jour	**Gn 1, 16 & 18-19**	**Soleil**	Dieu	Prélats et grands de l'Église
		Lune	Sainte Église (recevant la doctrine de Dieu comme la lune reçoit la lumière du soleil)	Clercs moyens de l'Église
		Étoiles	Clergé	Clercs communs

5e jour	**Gn 1, 20-22**	**Reptiles**	Diverses catégories de gens	Actifs, laborieux et terriens
		Oiseaux		Contemplatifs, spirituels et religieux
		Grands poissons (Baleine qui dévore les petits poissons)		Usuriers, puissants et grands seigneurs
		Petits poissons		Pauvres gens et petits
6e jour	**Gn 1, 25**	**Bêtes**	Fidèles et simples chrétiens	Différentes conditions de chrétiens
		Juments		
	Gn 1, 25-26	**Homme (seigneur des créatures de la terre)**	Hommes sages, rationnels et discrets de l'Église qui doivent gouverner les autres	
		Bêtes	Simples chrétiens	
		Oiseaux		
		Poissons Reptiles		
	Gn 1, 29-31	**Herbes, arbres et fruits**	Nourriture des créatures rationnelles	Contemplatifs se nourrissent des choses spirituelles

«Garnir le monde de diverses manières de gens»

L'exégèse du cinquième jour, qui voit la création des reptiles, des oiseaux et des poissons, donne lieu à une double interprétation des versets 20-22, avec des traitements quelque peu différents de l'une à l'autre. La rédaction primitive (A) opère une concaténation de plusieurs versets, associant la séparation de la terre et de l'eau (Gn 1, 9-10) et la disposition sur terre des arbres (Gn 1, 11), qui se déroulent au troisième jour, avec la formation aquatique des reptiles, des oiseaux et des poissons de différentes

tailles, intervenant en principe deux jours après[23]. La moralisation livre une série de correspondances qui offre une traduction sociale de cette étape de la Création: «La terre senefie sainte eglise, li oisel senefient les diverses genz del monde qi acrochent sainte eglise, li gros poisson senefie les gros usuriers qi mainjuent les petiz ce sunt la pouvre gent»[24]. Plus fidèles au texte biblique qu'elles se contentent d'abréger, les rédactions postérieures (B et C) associent les reptiles ou «rampants», aux «actifs» (*activi*), *cest a dire qui euvrent et labeurent*[25], ou encore à ceux qui montrent un attachement aux bien terrestres, tandis que les oiseaux renvoient aux 'spirituels' qui mènent une vie contemplative et se détournent des biens terrestres. Quant aux grands poissons ou baleines, alors qu'ils sont dans la première rédaction identifiés aux usuriers, ils deviennent par la suite les *potentes* ou «grand seigneurs», les deux partageant la même caractéristique d'être des prédateurs des petits poissons associés ici aux petits et pauvres gens. Dans les images correspondantes (Fig. 1-3), les *diverses genz del monde* sont représentés par des moines, des clercs et des laïcs qui, à l'aide de griffes – renvoyant aux oiseaux desquels ils procèderaient – s'accrochent à une figure de l'Église. Quant aux hommes spirituels, ils sont incarnés par un clerc placé derrière un autel, rejetant toute forme de simonie en refusant d'un geste de la main la gerbe de blé tendue par un homme laborieux, tandis qu'à l'extérieur du bâtiment, un homme se saisit d'une bourse qui lui est tendue.

Cette première distribution des rôles est complétée, voire précisée, par un second exercice d'exégèse intervenant au folio suivant et revenant plus spécifiquement sur la création des oiseaux, des reptiles et des poissons (Gn 1, 21). Les manuscrits des rédactions B et C reprennent la distinction déjà évoquée entre actifs et contemplatifs, ici explicitement associés aux religieux. Les enluminures en regard (Fig. 4-5) proposent un même dispositif

23. Vienne, ÖNB, Cod. 2554, f. 1c: «Ici depart Dex la terre de la mer et garnist la terre d'arbres et d'oiseax et la mer de poissons de gros et de menus»; *ibid*., f. 2c: «Hic dividit dominus terram a mari et ornat terram arboribus».

24. *Ibid*., f. 1C; f. 2c: «Terra significat sanctam ecclesiam, arbores significant bonos predicatores qui ornant sanctam ecclesiam bonis operibus et predicationibus».

25. Paris, BnF, fr. 167, f. 1v (c).

séparant la scène en deux registres, formalisés par un décor architectural qui permet de distinguer ce qui figure dans ou hors de l'Église, dans ou hors du 'siècle': dans le registre gauche, des clercs priant ou méditant, tandis que dans le registre droite un homme, portant un chapeau pointu en signe d'infamie[26], pèse son or – chez qui l'on peut éventuellement reconnaître l'usurier évoqué précédemment – ou des paysans se présentent munis de leurs outils.

Si l'on peut aisément établir une filiation, tant exégétique qu'iconographique, entre les rédactions B et C, celles-ci se distinguent néanmoins assez nettement du traitement qui est fait de ce verset dans la rédaction du premier quart du XIIIe siècle (A). Dans celle-ci, seule la création des poissons, de différentes tailles et différentes espèces, retient à nouveau l'attention des exégètes. Le texte français et son équivalent latin offrent une même moralisation: «Ce que Dex garnist la mer de diverses manieres de poissons senefie Iesu Crist qi garni le munde de diverses manieres de genz»[27]. Les médaillons qui lui sont associés sont d'une richesse iconographique remarquable (Fig. 6-7). Le monde y est représenté à la manière de *mappae mundi*, entouré de mer et découpé en continents par les fleuves, qui contribuent à diviser l'image en quatre registres auxquels sont associés quatre catégories de gens: dans le registre supérieur gauche, un cavalier à cheval tenant sur son bras droit un oiseau de proie, représente l'aristocratie guerrière; dans le registre supérieur droit, un boucher derrière son étal semble découper un porc devant une ou plusieurs femmes; le registre inférieur gauche, met en scène un changeur ou un banquier – représenté comme un clerc tonsuré – manipulant une balance dont il semble remplir un plateau avec des pièces d'or; enfin, le dernier registre – inférieur droit – montre un clerc, munis d'une verge ou d'une férule, enseignant à deux élèves penchés sur leurs livres. Cette exceptionnelle

26. D. Sansy, «Chapeau juif ou chapeau pointu? Esquisse d'un signe d'infamie», in *Symbole des Alltags. Alltag der Symbole. Festschrift für Harry Kühnel zum 65. Geburtstag*, Graz, Akademische Druck- u. Verlagsanstalt, 1992, 349-75.

27. Vienne, ÖNB, Cod. 2554, f. 1v (a); Vienne, ÖNB, Cod. 1179, f. 3v (a): «Quod deus ornat mare de diversis generibus piscium significat quod deus ornat mundum de diversis generibus hominum».

image d'un monde social créé, naturalisé et ordonné, abandonne ici le fonctionnalisme tripartite pour offrir quatre catégories de 'gens', dans des scènes qui renvoient à un tableau du monde urbain du début du XIIIe siècle, celui de l'école, des métiers de bouche et d'argent, plutôt que des paysans.

Dans les manuscrits des XIVe et XVe siècles appartenant à la rédaction A (Fig. 8-9), les créatures qui apparaissent sous les doigts de Dieu se font sirènes, dans une hybridation morphique – mi poisson, mi humaine – qui semble résumer à elle seule le jeu d'équivalence proposé par cette interprétation théologico-sociale de la Genèse[28]. Le paysage urbain – presque bruyant de ses multiples activités – y est accentué et offre un enrichissement de cette lecture catégorielle, ainsi que des interprétations iconographiques différentes. Dans un environnement aquatique renforcé par la présence de nefs et leurs passagers, les cavaliers et les usuriers sont toujours figurés, tandis que la scène d'enseignement renvoie davantage à l'iconographie de Jésus enfant enseignant aux docteurs qu'à celle du maître des écoles urbaines du début du XIIIe siècle. Les bouchers et leurs clientes ont disparu, remplacés par l'image d'un couple s'enlaçant, dans ce qu'il faut sans doute voir comme un jeu de mot autour du thème de la 'chair'. Quant à la dernière catégorie, qui occupe une position centrale dans le registre inférieur de l'enluminure, elle donne à voir un couple jouant à un jeu de société. Ce dialogue iconographique complexe offre donc un prolongement exégétique qui va bien au-delà des mots figurant en regard et traduisent une pensée théologico-sociale particulièrement féconde, qui se donne ici à lire dans l'image plus que dans le texte. Elle révèle une entreprise d'ordonnancement du monde, une démarche catégorielle qui vise à restituer, au sein d'un ordre naturalisé issu du geste de la Création, la diversité des statuts des hommes et – dans une moindre mesure – des femmes qui peuplent le monde.

28. L'idée de l'existence de monstres hybrides procédant de la volonté divine et du geste de la Création est déjà présente chez Augustin (*De Civitate Dei* 16, 8). À partir du XIIe siècle, leur association à l'élément aquatique dans la cosmogonie chrétienne s'impose autant dans l'exégèse que dans l'iconographie: J. Leclercq-Max, *La Sirène dans la pensée et dans l'art de l'Antiquité au Moyen Âge. Du mythe païen au symbole chrétien*, Bruxelles, Académie royale de Belgique, 1997.

Une telle démarche trouve un prolongement dans le traitement du verset suivant (Gn 1, 25), qui entend cette fois donner sens à la création, au sixième jour, des bêtes (*bestiae*) «selon leur espèce», des juments et des reptiles 'selon leur genre'. Malgré la mise en garde de saint Augustin, pour qui l'expression *secundum genus* était employée pour les plantes et animaux, et ne pouvait s'appliquer à l'homme, dont l'unicité était assurée par sa semblance à Dieu[29], les moralisations prolongent l'interprétation du texte biblique en expliquant que *les diverses bestes senefient diverses religions*[30], ou les fidèles et simples chrétiens qui sont, dans l'Église, de différents ordres et de différentes conditions[31]. Dans les images en regard (Fig. 10-11), le dispositif iconographique recourt, par souci de catégorisation, à une ornementation architecturale destinée à séparer et distinguer les diverses catégories d'hommes d'Église. Le bâtiment figuré doit être compris comme l'Église elle-même, épouse du Christ à qui Dieu donne naissance en la tirant simultanément du côté du Crucifié, comme il a donné naissance à Ève depuis la côte d'Adam, dans une lecture typologique à laquelle texte et image invitent[32]. Peuplée de représentants des divers ordres ecclésiastiques, l'Église accueille un évêque, des clercs séculiers et des moines – bénédictin et cis-

29. Augustin d'Hippone, *Genèse au sens littéral en douze livres* (1-7), éd. et trad. P. Agaësse – A. Solignac, in Id., *Œuvres*, sér. 7, Paris, Desclée de Brouwer, 1972, XLVIII, 244-45: «Non enim multa genera hominum, sicut herbarum, lignorum, piscium, volatilium, serpentium, pecorum, bestiarum, ut sic dictum accipiamus: secundum genus, ac si diceretur generatim, ut inter se similia atque ad unam originem seminis pertinentia distinguerentur a ceteris».

30. Vienne, ÖNB, Cod. 2554, f. 1v (b).

31. Oxford, BodL, ms. Bodley 270b, f. 4 (d): «Per bestias et jumenta accipiuntur fideles et simplices in ecclesia diversis ordinibus inter ses differentes»; repris dans Paris, BnF, fr. 167, f. 2 (d); Paris, BnF, fr. 166, f. 2 (d), et traduit: «Par les bestes et les jumens sont entendus les simples crestiens qui aident en la foy selonc leurs differens conditions».

32. Vienne, ÖNB, Cod. 2554, f. 1v (B/b): «Ici fet Dex homme à l'image et si l'endort et tret fors del cotei Adam Eve et fet unes et autres bestes; Ce qe Dex endormi Adam senefie le Père qui endormi le fil en la croiz. Eve qui issi del cotei Adam senefie sainte Église qui ist fors del cotei Jhesu Christ coronée de XII graces». Les diverses bestes senefient diverses religions. Sur la tradition exégétique de Gn 1, 27, voir E. Bain, «'Hommes et femme il les créa' (Gen. 1, 27). Le genre féminin dans les commentaires de la Genèse au XIIe siècle», *Studi medievali*, 48 (2007), 229-70.

tercien –, puis des prédicateurs, notamment issus des ordres mendiants – dominicains et franciscains[33].

Ordonnancement et hiérarchisation

La naturalisation de la domination

De telles représentations, soutenues par des images à vocation classificatrice[34], manifestent le désir d'ordonnancement du monde qui s'exprime au sein du genre de l'exégèse biblique, parfois depuis la production monastique des XIe-XIIe siècles, plus résolument dans l'exégèse morale des écoles, au tournant des XIIe et XIIIe siècles. Ainsi que l'a montré Philippe Buc, l'exégèse de la Genèse, qui tend à se fixer dans la glose ordinaire au cours des deux premiers tiers du XIIe siècle, portait également en elle une puissante pensée hiérarchique, justifiant théologiquement les principes de la domination politique[35]. Les Bibles moralisées héritaient de cette double tradition exégétique, à la fois homologique et hiérarchique, et, en la synthétisant, produisaient un schéma quasi systémique.

Le traitement qui est réservé à Gn 1, 26, dans les manuscrits appartenant aux rédactions B et C, offre ainsi une lecture hiérarchique de la Création au sein de laquelle l'homme – à l'image et à la semblance de Dieu – est présenté comme le «seigneur des poissons des oisiaus et des bestes et de toute creature qui se vivent sus terre»[36]. Les moralisations ajoutent que les bêtes sont les *simplices*, les *simples crestiens*, tandis qu'il convient de voir dans la figure de l'homme, ceux qui par leur sagesse et leur discrétion doivent, dans l'Église, dominer les autres en dignité et en pouvoir: «les simples crestiens et les discres sont mis ensamble en sainte eglise mes les plus saiges doivent gouverner et estre seigneurs quant a estat et a vie»[37]. Les enluminures correspondantes

33. Donadieu-Rigaut, *Penser en images*, 20-27.

34. J.-C. Schmitt, «Les Images classificatrices», *Bibliothèque de l'École des chartes*, 147 (1989), 311-41.

35. Buc, *L'Ambiguïté du livre*, 87-109.

36. Paris, BnF, fr. 167, f. 2v (D).

37. *Ibid.*, f. 2v (d): «Bestie terre et homo facta sunt simul. Bestie sunt simplices. Homo racionabiles et discreti qui simul sunt in ecclesia reciona-

(Fig. 12-13) donnent un visage à ces sages et discrètes personnes dont les vertus justifient l'exercice de la domination, celui de l'évêque – mitre sur la tête, crosse à la main et assis sur le trône épiscopal – qui ordonne aux clercs assemblés, debout devant lui, d'un doigt levé en signe d'autorité. L'iconographie joue là encore le rôle d'une glose visuelle et vient préciser le sens du texte: l'homme au sommet de la Création est le prélat au sommet de l'Église. Cette interprétation catégorielle et hiérarchique de la Création aboutit donc à l'affirmation de la *dominatio prelationis*: l'homme, parce qu'il est seul doué de raison et domine ainsi les autres êtres, est associé au prélat qui domine les «sujets» (*subjecta*) de l'Église. Les moralisations bibliques des XIIIe-XIVe siècles font donc leur les interprétations théologico-politiques développées dès la fin du XIe siècle, notamment dans les commentaires de Bruno de Segni († 1123), et qui se sont ensuite durablement imposées dans la tradition exégétique des XIIe-XIIIe siècles[38].

Si les Bibles moralisées héritent d'un corpus exégétique abondant et présentent finalement peu d'innovations dans le texte des moralisations, l'image se fait en revanche le lieu d'expression d'une entreprise catégorielle plus aboutie et donne à voir des figures sociales ou animales – porc, chèvre, mouton – parfois étrangères aux seuls commentaires bibliques. À l'ordre de la Création et la hiérarchie des éléments suggérée par la succession des jours, s'ajoute ainsi un discours exégétique établissant une

biles et discreti debent aliis precellere in ecclesia dignitate et dominio. Homo dicit fieri ad ymaginem et similitudinem deisque tales ymaginem preferunt dei quantum ad studia rationis. Similitudinem quantum ad exercicia virtutis». Identique à Oxford, BodL, ms. Bodley 270b, f. 5v (a).

38. Chez Bruno de Segni (ou d'Asti), les sujets (*subjecta*) y sont décrits comme l'ensemble des baptisés, régénérés par l'eau tels les poissons; les philosophes et les sages sont tels les oiseaux dans le ciel; les idiots et les indisciplinés sont les bêtes; enfin, toutes les créatures de la terre quels que soient leurs sexe, genre, nature ou condition sont les reptiles (Bruno d'Asti, *Expositio in Genesim*, cap. 1, PL 164, 158 C-D). Au XIIIe siècle encore, le dominicain Hugues de Saint-Cher associe les *reptilia* aux *humiles et simplices in Ecclesia* (Hugues de Saint-Cher, *In postillam super genesim*, in *Hugonis de Sancto Charo Opera omnia*, Venise, Niccola Pezzana, 1703, vol. 1, f. 3r, i). Voir également, Dahan, «L'Exégèse de Genèse 1, 26», 124-53; Buc, *L'Ambiguïté du livre*, 71-109.

équivalence sociale à cette hiérarchie et des rapports de domination qui, procédant eux-mêmes du discours cosmogonique, s'imposeraient naturellement. La combinaison du texte et des images produit dès lors un tableau hiérarchisé et naturalisé du monde social (Tableau 3).

Soulignons quelques principes ordonnateurs ainsi révélés et livrés aux lecteurs de ces Bibles moralisées. En premier lieu, on remarquera qu'une même catégorie sociale peut recouvrir un sens moralement positif ou négatif, selon qu'il est associé à un type de vertu ou de vice: ainsi, tandis que la figure de l'évêque est particulièrement valorisée dans une hiérarchie tant céleste que terrestre, il devient persécuteur de l'Église s'il est simoniaque[39]. En deuxième lieu, on insistera sur le fait que cette hiérarchie naturalisée est exclusivement construite au profit de l'Église, qui seule est présente dans le domaine céleste, et dont la domination sur terre semble sans partage. En regard, le traitement réservé aux rois ou aux puissants laïcs est sans appel: ils sont des persécuteurs de l'Église, rejetés dans les profondeurs des ténèbres ou de la mer[40]. La valeur de cette leçon morale est d'autant plus remarquable que ces manuscrits étaient, rappelons-le, justement destinés à un public royal et princier. Enfin, on soulignera que malgré quelques différences introduites dans le traitement iconographique des différents manuscrits – s'expliquant parfois par leur datation plus ou moins tardive[41] –, le monde social ainsi dépeint s'avère d'une grande stabilité, voire même d'un certain conservatisme. En dehors des ordres de l'Église, l'attention sociale portée aux catégories laïques ne s'extrait guère, même dans les manuscrits des XIVe et XVe siècles, d'un usage redondant des grandes catégories morales – usuriers, paysans, gens de métiers, chevaliers, couples, juifs – que l'on retrouve dans les sermons *ad status* de la fin du XIIe et du début du XIIIe siècle, mais qui sont loin d'atteindre le raffinement socio-

39. Vienne, ÖNB, Cod. 1179, f. 2 (b): «Terra in medio firma significat sanctam ecclesiam firmam, mare circumvoluens terram significat amaritudinem mundi id est falsos fratres qui flagellant eam».

40. Tolède, Santa Iglesia Catedral Primada, Tesoro 1, f. 3v (C); Paris, BnF, fr. 167, f. 1 (B).

41. Ainsi de l'apparition, parmi les figures de l'ordre ecclésiastique, des frères mendiants dans les manuscrits postérieurs à 1230 (Fig. 10-11).

Tableau 3 – Naturalisation d'un ordre social hiérarchisé.

Catégories naturelles		**Homologie générale**	**Catégories sociales vertueuses**	**Catégories sociales vicieuses**
Domaine céleste	Soleil	Dieu	Pape, évêques, cardinaux (prélats)	
	Lumière	Anges	Apôtres	
	Jour/Clarté	Bon anges	Église	
	Nuit/Ténèbres	Diable et mauvais anges		Roi, laïcs
	Lune	Église	Clercs moyens	
	Étoiles	Clergé	Clercs communs	
Domaine terrestre	Terre	Église	Saints, martyr, évêque, prédicateur, Dominicain, clerc	
	Mer	Persécuteurs de l'Église		Roi, évêque (simoniaque), faux prophète/ maître séculier, juif, usurier, homme d'arme, couple de laïcs concupiscents
	Homme	Sages et discrets	Prélat, évêque	
	Oiseaux	Contemplatifs et spirituels	Maître, Dominicain, Franciscain, clerc	
	Herbe, arbres, fruits	Bons chrétiens	Dominicain, Franciscain, prédicateur, clerc, fidèles, converti, infirme	
	Bêtes (bœuf, cheval/jument, porc, chèvre, mouton)	Divers ordres dans l'Église/ Simples chrétiens	Frères dominicain et franciscain, clercs séculiers, moines (bénédictin et cistercien)	

	Reptiles (crocodile)	Actifs, laborieux et concupiscents	Boucher, paysans	Joueur, usurier, couple
	Grands poissons	Puissants du monde		Seigneur, chevalier, usurier
	Petits poissons	Pauvres et petits	Laïcs	Couple laïque

logique des prédicateurs de la seconde moitié du XIIIe siècle, qui distinguent parfois une centaine de catégories fondées sur des critères variés comme l'âge, le sexe, la profession, l'état de richesse, ou encore le niveau de formation intellectuelle[42].

Parallèlement à la conception paulienne d'une société organique, dont la fortune médiévale fut notamment assurée par Jean de Salisbury, l'usage de l'argument de la naturalité à des fins d'essentialisation de l'ordre social et politique trouve un terrain privilégié dans l'exégèse biblique et, en particulier, dans l'exégèse de la Création. Certes, le principe exégétique tendant à établir un jeu de concordances ou d'analogies entre les étapes de la Création et l'ordre hiérarchique dans l'*ecclesia* s'inscrit dans une tradition ancienne du commentaire biblique, déjà observable chez Isidore de Séville. Toutefois, l'exégèse monastique du XIIe siècle, puis l'exégèse biblique-morale des écoles des XIIe-XIIIe siècles, semblent avoir contribué à établir une forme de systématicité, dont les gloses furent le relai et les Bibles moralisées le réceptacle. Aux divers éléments ou catégories naturelles, créés par un Dieu *artifex mundi*, répondent les divers «genres», «ordres», «conditions» ou «manières» de gens, que l'image figure sous des traits archétypaux, mais en mouvement. Cet imaginaire social, offert à un lectorat de princes laïques, est celui d'un ordre hiérarchisé, dans laquelle une Église quasi célestielle semble s'arroger le monopole d'une domination naturelle sur les hommes de toutes

42. Pour une tentative de mise en perspective, nous nous permettons de renvoyer à A. Destemberg, «A Desire to see more Clearly»: Theological Device and Sociological Innovation of Scholars in the 13th-15th Centuries», in *Innovation and Medieval Communities (1200-1500)*, éd. N. Bock – É. Lecuppre-Desjardin, Turnhout, Brepols, à paraître en 2025.

conditions. Certes, le discours exégétique des Bibles moralisées n'atteint pas le degré de raffinement intellectuel de celui produit dans les écoles: pour cause, il ne s'adresse pas au même public. Mais en s'adressant ainsi aux princes, les commentateurs de la Bible leur livraient 'une conceptualisation vivante du pouvoir'[43], tandis que les images leur donnaient à voir un monde social ordonné et dominé. En ce sens, les Bibles moralisées, par leur entreprise systématique de catégorisation et de stratification du social, pouvaient être amenées à constituer un puissant levier idéologique de la domination étatique[44].

ABSTRACT

Antoine Destemberg, *Divine Creation and the Naturalisation of the Social Order in the Thirteenth-Fifteenth Centuries. The Visual and Textual Exegesis of Genesis in the* Bibles Moralisées

«God filling the sea with different kinds of fish means that Jesus Christ fills the world with different kinds of people.» This is how the Bible Moralisée, written in French, produced in the early thirteenth century, interprets one of the episodes of the Creation (Gn 1:21). The textual exegesis is complemented by a visual exegesis in the form of an illuminated medallion depicting the world in the manner of a *mappa mundi*, populated by four figures, each representing a human category: a knight, a butcher, a moneychanger and a schoolmaster. This is a perfect illustration of one of the claims of the Moralised Bibles: to distinguish, name and represent the different components of medieval society, to establish a social taxonomy using the historical biblical framework. In this scholarly exegesis, intended exclusively for princes, the Book of Genesis is used to explain the analogy between divine creation and a naturalised social order: each category of nature (water, sky), animals (fish, mares, birds, reptiles) or plants (fruit, trees) has a corresponding category of man. This article therefore examines how, through these Moralised Bibles, produced from the first quarter of the thirteenth century to the fifteenth century, theologians provided sovereign and

43. Buc, *L'Ambiguïté du livre*, 31-33.

44. G. Balandier, *Stratification sociale et pouvoir*, in Id., *Anthropologie politique*, Paris, PUF, 1967, 92-116; P. Bourdieu, *Sur l'État. Cours au Collège de France (1989-1992)*, éd. P. Champagne – R. Lenoir – Fr. Poupeau – M.-Chr. Rivière, Paris, Seuil – Raisons d'agir, 2012, 26-30.

princely powers with an exegesis of the Book of Genesis based on an ordered and naturalised vision of a dominated social order. In doing so, they asserted themselves as enunciators of an analogical grammar of the social world, thus contributing to the establishment of a hermeneutic domination for their own benefit.

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INCOMMENSURABILITY AND THE KINETIC NATURE OF SOCIETY[1]

In her recent book *Against Nature*, Lorraine Daston raises the question «why should nature be made to serve as a gigantic echo chamber for the moral orders that humans make»[2]? One possible answer to her query is that the impulse stems from the necessity of irregularities. The moral sphere as well as scientific knowledge must rely on certain stabilities and continuities. In ethics, we call them norms; in natural philosophy, we call them scientific rules. We are constantly searching for recurring mechanisms, for stable phenomenon, for repetitive cycles. This is why challenging the axiomatic postulate of a rational universe can be perceived as scandalous, or worse as imposturous[3]. Irregularities may exist but if they transgress the regularities believed to govern the universe, if they breach the taxonomies of our cosmologies, they are identified as exceptions (that confirm the rule), turn into improbable or despicable monstrosities, or even into marvelous miracles[4]. Scientific knowledge by definition is about our ability to 'discover' existing repetitions and interprets them as 'laws' or as disturbing 'anomalies'. However, as Daston suggested, Nature is not only a site of stability and continuous order, it is also a vast reservoir of

1. This research was supported by the Israel Science Foundation grant nr 15/1451.

2. L. Daston, *Against Nature*, Cambridge, Mass, MIT, 2019, 3.

3. J. L. Périllié, «Découverte des incommensurables et vertige de l'infini», *Cahiers philosophiques*, 91 (2002), 9-29.

4. M. Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo*, London – New York, Routledge, 2002 (1966).

Naturalisation of Power (1250-1600): Unravelling the Strategies of Legitimation. Edited by É. Adde and J. Dumont, Firenze, SISMEL - Edizioni del Galluzzo, 2025, pp. 95-113
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exemplars «of all conceivable orders»[5]. This is why natural principles set normative standards for an ethical order, what is natural is supposedly rational. The sky and the motion of the celestial bodies are a leading model of such. The universe cannot be a place of hazard and irrationality in the same way that a just society cannot be arbitrary and disordered. One necessarily reflects the other: the cosmos as a model of rationality and a standard of normativity is reflected in the microcosm that cannot tolerate incoherency. The possibility of anarchy or randomness is (almost) denied, as it threatens to bring us (back) to chaos.

The idea of 'nature' and the moral authority of nature are therefore synonymous with the assumption of harmony and regularity. These ideas have attracted an immense body of scholarship that explores, for instance, the emergence of the idea of natural rights (in continuation of the notion of natural law)[6]. The world of wonders and monstrosity 'against nature' have been investigated from many angles too, especially through the lens of a Foucauldian interpretation of modernity as the possible end of an era of toleration of abnormality. In this article, I examine a third possibility, that of incommensurability. As long as the universe is commensurable and harmonious, nature can play its role and 'is' can turn into 'ought', but what happens if the universe is not commensurable, is not harmonious and ordered as expected? What happens if the universe is not fully rational?

My objective is not to follow systematically the notion of incommensurability, rather I propose to focus here on the implications of an incommensurable universe for political theory. Could a just society be maintained outside systematic regularities? I center on that question because incommensurability challenges the idea of a stable nature and puts into question the harmony of the universe. This is what makes incommensurability so subversive. Incommensurability in this respect is more radical than an isolated case of anomaly or exceptional incongruity. If nature is not commensurable, the moral and normative orders are potentially in jeopardy.

5. Daston, *Against Nature*, 60.

6. See for instance, *Natural Law and Laws of Nature in Early Modern Europe, Jurisprudence, Theology, Moral and Natural Philosophy*, eds L. Daston – M. Stolleis, Farnham – Burlington, Ashgate, 2008 (new ed. Routledge, 2016).

In this short study, I focus on the works of Nicole Oresme (*c.* 1320-84). While Oresme explicitly referred to incomensurability in his study of celestial motion, he did not write on 'social' or 'civic' incommensurability. Such concepts do not exist. Yet, since the motions of celestial bodies are paralleled with social mechanisms and dynamics, the question of social incommensurability is indirectly inferred. Furthermore, Oresme in one of his commentaries on Aristotle's *Meteorology* explicitly interrogated the impact of planetary conjunctions onto social and political actions[7]. In this article, I demonstrate that the scientific inquiries of Nicole Oresme are not of interest to the medieval historian of natural philosophy alone, they should be taken similarly into account in the history of ideas. The first major conclusion of this study is that incommensurability is a threat to any system of thought that presupposes a perfectly regular, stable and reasonable world. It is not surprising then, that the emergence of incommensurability as a valid and credible thesis has been identified as a turning point in the history of science and knowledge. Rare, however, are the studies that underline the political echoes of such a notion. The second major aim of this article is therefore to do so; to combine the scientific and political positions of Oresme and suggest that he promotes a kinetic vision of society as a possible consequence of the incommensurability of the Universe. The rhythm of society is an echo of the complex motion of stars. If Nicole Oresme fissures the ideals of harmony and stability and offers a large role to motion in his natural philosophy, movement plays a no less important role in his political theory. If we can prove that nature is not necessarily harmonious and regular, perhaps society can equally be of variable nature.

Nicole Oresme deals with incommensurability in his scientific works, but the question I raise here is about its possible political echoes. For if there are incommensurable relations in nature, would that not be mirrored in the design of the human community? Could a society be conceivable as a reflection of an incommensurable nature? Would it be desirable? The question seems rhetorical since the notion of an 'incommensurable society' is never expressed

7. A. Panzica, «Introduction», in Nicole Oresme, *Questiones in Meteorologica de ultima lectura, recensio parisiensis*, ed. A. Panzica, Leiden, Brill, 2021, 2.

or formulated as such in Oresme, but Oresme speaks about excess, speed and motion in a social context, therefore he constantly deals, I claim, with elements of disorder, irrationality and instability in society. Oresme wrote explicitly about the:

> […] wonderful way in which some things arise from the incommensurability and regularity of motions, so that I can utter such [expressions] as rational irrationality [*rationalis irrationalitas*], regular non-uniformity [*regularis difformitas*], uniform disparity [*uniformis disparitas*], harmonious discord [*concors discordia*]. Thus by means of the greatest inequality, which departs from every equality, the most just and established order is preserved[8].

This passage alone could justify an entire book. What a harmonious discord means for the aspiration of a just political community? My study explores the fruitfulness of these paradoxical dichotomies.

I am in dialogue with Joel Kaye's argument who in his book on the *History of Balance* pretends that a new paradigm of balance emerged in the late medieval period[9]. Kaye identifies Oresme as a turning point making the end of such a 'new' type of balance. Kaye's book also demonstrates that Oresme raises a question «crucial to the future of science. Does or must the universe conform to human ideas or rightness and perfection? Does or must its working make sense in human terms»[10]? What is particularly exemplar in Kaye's acclaimed research is the constant interweaving of various fields such as economics, astronomy, politics and medicine. Such a multilayered reading allows the historian to detect the varying perceptions, not only of equilibrium or bal-

8. Nicole Oresme, *Nicole Oresme and the Kinematics of Circular Motion:* Tractatus de commensurabilitate vel incommensurabilitate mottum celi, ed. E. Grant, Madison, University of Wisconsin Press, 1971, 256 (Latin), 257 (English). See Ph. Debroise, *Mathématiques de l'intensité et Merveilles de la nature. Études sur le* Tractatus de configurationibus qualitatum et motuum *de Nicole Oresme*, PhD Thesis, Université Paris Cité, 2019, 867-72 and A. Heneveld, «*Concordia discors*: l'harmonie de l'écriture médiévale», *Médiévales. Langues, Textes, Histoire*, 66 (2014), 25-41.

9. J. Kaye, *A History of Balance, 1250-1375: the Emergence of a New Model of Equilibrium and its Impact on Thought*, Cambridge, Cambridge U.P., 2014.

10. *Ibid.*, 441.

ance, but also of connected notions such as excess, proportion, ratio or rhythm. I fully embrace the need to reconnect the study of political theory to the study of sciences, theology and the arts, as the paradigmatic changes affect all fields of creation and thought. However, while Kaye maintains that Oresme changed his mind regarding «the implications of the new model as applied to the political sphere» and that there are «profound differences between Oresme's earlier positions [...] in the *De Moneta* and his later positions as voiced in his *Livres de politiques*»[11], I maintain that Oresme does not adopt at all a static vision of society. The same way the immobility of the heavenly bodies is but a purely hypothetical conjecture, the same way society cannot be immobilised. While Kaye is right to indicate Oresme's growing anxiety towards economic and social disorder, as well as the «evaporation of belief in the self-ordering and self-equalising capacities of the marketplace»[12]. I maintain that Oresme does not adopt a static vision of society, rather, Oresme investigates the growing dangers of pre-capitalist disturbances[13].

Nicole Oresme

Nicole Oresme graduated around 1340, after what he taught at the Faculty of Arts in Paris. Later he moved to the Collège de Navarre to study theology, first as boursier in 1348, and between 1356 and 1361 he became a secular Great Master (*Grand Maître*)[14].

11. While I fully agree that the *De Moneta* is by far the most radical of Oresme's texts since he defines there a right for the community to act as a political agent, I find less convincing Kaye's conclusion that Oresme in his later works «has returned to the segmented metaphorical body of John of Salisbury» (p. 376). For the sake of clarity and brevity, here, I left aside the differences between Oresme in the early *De Moneta* and his later commentaries on Aristotle, I shall treat them in a forthcoming article.

12. *Ibid*., 368.

13. *Ibid*., 390.

14. For a biographical sketch see M. Lejbowicz, «Nicole Oresme 'spectateur engagé'», in *Nicole Oresme philosophe: Philosophie de la nature et philosophie de la connaissance à Paris au XIVe siècle*, eds J. Celeyrette – Chr. Grellard, Turnhout, Brepols, 2014, 21-61. According to Alain Boureau «la dénomination de Grand Maître est peut-être trompeuse, Nathalie Gorochov spécialiste du Collège de Navarre, préfère souvent parler de "gouvernement" et

When he left the Collège de Navarre and renounced his university career, Oresme began a second phase of his life. He was nominated Canon at the chapter of Rouen in 1362, delivered a sermon next to Pope Urban V in 1363[15], and two years later, he was elected Dean (1365). Finally, in 1377 Oresme left Rouen for Lisieux to be nominated bishop. Such a change of vocation cannot be attributed solely to his connections to the royal court or the support of the dauphin, the future Charles V, but it is clearly thanks to the king that Oresme eventually obtained such high offices. However, Oresme did not cease to write on the topics that preoccupied him before his nomination at Rouen, or against the views or interests of the king such as in the case of astrology. In a recent inventory of Nicole Oresme's works, which include more than 32 authored works (and a dozen additional ones attributed to him), the scope of Oresme's works spans «mathematics, astrology, astronomy, optics, physics, ethics, politics, economics, law and theology»[16]. Many of his Latin works revolved around the writings of Aristotle – whether systematic literal commentaries or a targeted discussion on a narrower topic from Aristotle's *Physica, De generatione et corruptione*, *De celo*, *Meteorologica*, and *De anima*. Oresme also commented on Euclid, Jean de Sacrobosco, Alhazen and Witelo. In addition, in the mid 1350s, Oresme wrote a short treatise on monetary issues, *De Mutationibus Monetarum* (often referred to as *De Moneta*), soon translated into French as *Tracitié de la Monnoie*[17]. In the 1370s Oresme undertook translating into French several of Aristotle's works, including the *Ethics* (*c.* 1370), Aristotle's *Politics* (*c.* 1373), a

montre le faible investissement d'Oresme dans la fonction» (Nicole Oresme, *Écrits métaphysiques et théologiques. La résompte de 1362. Questions sur les* Sentences *de Pierre Lombard*, introd., ed. and trans. A. Boureau, Paris, Les Belles Lettres, 2021, XXVII).

15. M. Caesar, «Prêcher coram Papa Urbano V: Édition et commentaire d'un sermon de Nicole Oresme», *Revue Mabillon*, 72 (2000), 191-229.

16. D. A. Di Liscia – A. Panzica, «The Writings of Nicole Oresme: A Systematic Inventory», *Traditio*, 77 (2022), 235-375: 237.

17. It is still unclear whether the French version is by Oresme or not, but the text, both in Latin and in French, was printed as early as 1477 or 1483-1484 see *ibid.*, 313, 356-58. See C. Nederman, «Community and the Rise of Commercial Society: Political Economy and Political Theory in Nicholas Oresme's *De Moneta*», *History of Political Thought*, 21/1 (2000), 1-15.

pseudo *Yconomics* attributed to Aristotle (*c.* 1374)[18], as well as Aristotle's *Treaty of Heaven and the World* (*c.* 1377)[19]. These translations were addressed to a relatively large readership. There were not Oresme's first writings in French, he was already known for his translation of *The Treatise on the Sphere* by Jean de Sacrobosco (*c.* 1364-73), and for a French version of his own work *Le Livre de Divinacions* (*c.* 1366?)[20]. The questions considered by Oresme are too varied to be addressed here, but he wrote, for instance, on the infinite, on auditory phenomena, on language, on color, on light and the troubles of vision and optics, on imagination, memory, on resistance, velocity, proportionality, magic and an impressive array of mathematical as well as ethical or theological problems[21]. It should be emphasised that though Oresme did not address Aristotle's biological and zoological treatises nor his logic and metaphysics, when he died in 1382 Oresme's body of work and his legacy was immense. While his major scientific treatises are by now edited, his non-scientific works are being prepared in a new collection, first announced by Alain Boureau in 2021[22].

There are two reasons why Oresme's translations of Aristotle into French are of great importance. First, they are significant for their numerous neologisms that allowed Aristotle to be read in French for the first time. Oresme complains in the *Prohème* to

18. I borrow the dating suggested by Ch. Brucker, *Anthologie commentée des traductions françaises du XIVe siècle. Autour de Charles V. Culture, pouvoir et spiritualité*, Paris, H. Champion, 2020.

19. Nicole Oresme, *Le Livre du ciel et du monde*, trans. and introd. A. D. Menut, eds Id. – A. J. Denomy C.S.B, Madison, University of Wisconsin Press, 1968.

20. Id., *Contro la divinazione. Consigli anti-astrologici al re di Francia (1356)*, ed. S. Lefèvre, trans. and com. St. Rapisarda, Rome, Carocci, 2009.

21. See for instance Nicole Oresme, *De visione stellarum (On seeing the stars). A critical edition of Oresme's Treatise on Optics and Atmospheric Refraction, with an Introduction, Commentary, and English Translation*, ed. D. Burton, Leiden – Boston, Brill, 2007, and Id., *Expositio et Quaestiones in Aristotelis* De Anima, ed. and study B. Patar, coll. Cl. Gagnon. Paris – Leuven, Peeters, 1995.

22. See *Nicole Oresme philosophe. Philosophie de la nature et philosophie de la connaissance à Paris au XIVe siècle*, eds J. Celeyrette – Chr. Grellard, Turnhout, Brepols, 2014. Alain Boureau initiated the ambitious project to edit and publish all the non-scientific works of Nicole Oresme. Four volumes are already published. See also Di Liscia and Panzica, «The Writings of Nicole Oresme».

Aristotle's *Ethics* that the French language is ill equipped to talk about politics[23]. To the delight of linguists, he invented more than a thousand words, 30% of which are still present in our modern French[24], such as the words «politiciser» or «democratiser» but also «circulation», «giration» and the hapax «volution»[25]. This vast vocabulary fabricated by Oresme enabled French authors of the fifteenth century, from Christine de Pizan to Jean Juvénal des Ursins, to write and think about politics in the vernacular. In a way, without Oresme there is no political theory written in French: he designated a new vocabulary to his successors. Of course there are other translators, for example Denis Foulechat who translates the *Policraticus* of John of Salisbury around 1372, Évrart de Trémaugon who translates *Le Songe du Vergier*, Raoul de Presles who translates the *City of God*, and Jean Daudin who translates Petrarch but none of them invents as many words as Oresme[26]. This fact is important: Oresme's neologisms impacted

23. Nicole Oresme, *Le Livre de* Ethiques *d'Aristotle. Published from the text of ms. 2902, Bibliothèque royale de Belgique*, introd. and n. A. D. Menut, New York, G. E. Stechert and co., 1940, 100: «[…] les livres d'Aristote, et par especial Ethiques et Politiques, ne peuvent pas avoir esté proprement de grec translatés en latin, si comme il appert par ce que encore y sont pluseurs moz grecs qui ne ont pas moz qui leur soient correspondens en latin […] par plus forte raison l'en ne pourroit translater proprement tout latin en françois […] pluseurs preposicions et autres, qui tres souvent sont es livres dessus diz, que l'en ne puet bien translater en françois […]». Other parts from this Prohème are printed in the recent annotated anthology by Ch. Brucker but these lines are not included.

24. E. Schütrumpf, *The Earliest Translations of Aristotle's Politics and the Creation of Political Terminology*, Cologne, Brill, 2014, 26. See also O. Bertrand, «Histoire du lexique français: émergence des corpus aristotélien et augustinien à la fin du Moyen Âge», in *The Languages of Political Society: Western Europe, 14th-17th centuries*, eds A. Gamberini – J.-Ph. Genet – A. Zorzi, Rome, Viella, 2011, 167-88; Id., «Le Vocabulaire politique aux XIVe et XVe siècles: constitution d'un lexique ou émergence d'une science?», *Langage et société*, 113/3 (2005), 11-32, as well as J. Pruvost – J.-Fr. Sablayrolles, «Chapitre 3. Du Néologisme en littérature», in *Les Néologismes*, ed. J. Pruvost, Paris, PUF, 2019, 40-51.

25. B. Stumpf, «La Langue comme voie de propagation de la science et des savoirs dans la traduction de *La Cité de Dieu* de saint Augustin par Raoul de Presles», in *Sciences et savoirs sous Charles V*, ed. O. Bertrand, Paris, H. Champion, 2014, 127-57: 153.

26. S. Lusignan, *Parler vulgairement. Les intellectuels et la langue française aux XIIIe et XIVe siècles*, Paris – Montréal, Vrin – P.U. Montréal, 1987. On

French language, and allowed political authors to explicate the new political realities and upheavals of the fifteenth century.

There is a second reason why these translations are so significant: they evidence Oresme's commitment and efforts to popularise scholarly treatises. This turns him into a «committed spectator», to borrow a term suggested by Max Lejbowicz[27]. Lejbowicz insists, on Oresme's audacious interventions in sensitive issues such as, for example, the question of currencies and taxes, but also astrology and divinations. Oresme did not try to please the elite in power, he was independent enough to write on upsetting questions. One of them was the question of incommensurability.

Incommensurability

'Incommensurability' is in fact one of the many terms coined by Nicole Oresme. It is found in French in his translation of Aristotle's *Book of Ethics* and in his *Book of Heaven and the World*[28]. Though perhaps a new word in French, but in mathematics it is an old concept[29]. The word is the combination of measure (*mensūrābilis*), with what is in common (*com*), as opposed to incommensurability, which designates what has no common measure, or which has no relationship. The Greek literary tradition reports the discovery of incommensurability with the misfortunes and condemnation of a certain Hippasus who would have had the audacity to reveal the existence of immeasurable relations[30]. Like Prometheus, Hippasus is a tragic hero who warns humankind of the transgressive, or even blasphemous, aspect of incommensurability.

Oresme's political theory see S. Piron, *Nicole Oresme, violence, langage et raison politique*, European University Institute, Florence, Working Papers, 97/1 (1997), and J. M. Blythe, «Chapter 12: Nicole Oresme and the Synthesis of Aristotelian Political Thought», in Id., *Ideal Government and the Mixed Constitution in the Middle Ages*, Princeton, Princeton U.P., 1992, 203-40.

27. Lejbowicz, «Nicole Oresme».

28. Nicole Oresme, *Le Livre du ciel*, for example 196-99, 208-12; Id., *Le Livre de* Ethiques, see book 5.

29. Périllié, «Découverte des incommensurables».

30. *Ibid*., 13-14.

It would be a too long digression here to follow the history of incommensurability so I will simply underline that most philosophers were equivocal regarding incommensurability. Plato, according to Henri Joly, expresses a certain contempt for those who are unaware of immeasurabilities in particular in book 7 of the *Laws* (820b-c)[31]. Aristotle, for his part, raises in *Prior Analytics* (41a23-41b5, 65b16-20) the case of propositions that could lead to absurd aberrations, such as, for example, that an odd number is equal to an even number. Such nonsense proves that Aristotle questions the supposedly inviolable principle of commensurability. The necessity to compare unequal things is not a mathematical objective alone, it is also an ethical consideration, for instance on exchange and proportions in Aristotle's *Nicomachean Ethics* (for instance 1133a19-20, 1133b19-20)[32].

Incommensurability is addressed in early and premonitory texts such as Oresme's commentaries on Aristotle's *Questions on Physics*, or *Euclid's Elements* as well as *Questions on Meteorology*, where Oresme investigate the movements of the stars and the sublunary world[33]. All these texts were written in the 1340s, when Oresme was teaching in Paris at the Faculty of Arts. The formal objective of these treatises is didactic and interpretative; the aim is to elucidate specific difficulties or questions. As

31. For further references see *ibid*., 23-24, who quotes H. Joly, *Le Renversement platonicien*. Logos, episteme, polis, Paris, Vrin, 1974, 204-5.

32. R. L. Gallagher, «Incommensurability in Aristotle's Theory of Reciprocal Justice», *British Journal for the History of Philosophy*, 20/4 (2012), 667-701.

33. See Nicole Oresme, *Quaestiones super geometriam Euclidis*, ed. H.-L. Busard, Stuttgart, Franz Steiner Verlag, 2010, 32-92; Id., *Questiones super Physicam* Book 1-7, eds St. Caroti – J. Celeyrette – St. Kirschner – Ed. Mazet, Leiden, Brill, 2013; Id., *Questiones in Meteorologica*. There is an extensive literature see A. Panzica, «Nicole Oresme à la Faculté des Arts de Paris: les *Questions sur les Météorologiques*», *Archives d'histoire doctrinale et littéraire du Moyen Âge*, 84/1 (2017), 7-89; Ed. Grant, «Nicole Oresme and the Commensurability or Incommensurability of the Celestial Motions», *Archive for History of Exact Sciences*, 1/4 (July 1961), 420-58, as well as Id., *Planets, Stars, and Orbs: The Medieval Cosmos, 1200-1687*, Cambridge, Cambridge U.P., 2009; St. Caroti, «La Position de Nicole Oresme sur la nature du mouvement (*Questiones super physicam* III, 1-8): problèmes gnoséologiques, ontologiques et sémantiques», *Archives d'histoire doctrinale et littéraire du Moyen Âge*, 61 (1994), 303-85; Id., «Oresme on Motion (*Questiones super Physicam*, III, 2-7)», *Vivarium*, 31/1 (1993), 8-36.

medieval theologians do, Oresme flirts with conjectures or purely theoretical questions such as the plurality of celestial movements and the hypothetical cessation of the motion of the stars and the world[34]. Evidently, the pivotal and recurrent inquiry of these works is not immobility but precisely: movement[35]. Since the Ancient Greeks, the axiom is that the celestial world is a perfect realm. The planets supposedly revolve around the Earth, and the stars and the firmament envelop a closed universe. It means that everything moves, but according to a certain order, a certain ratio and regularity. The perfectly arranged sky emits a perpetual concert, called since Antiquity, the «music of the spheres». Nature therefore must be fundamentally concordant and harmonious. Everything supposedly moves at a certain rhythm and according to stable principles. Movement is at the heart of additional treatises written by Oresme such as the *Treatise on the Configurations of Qualities and Movements*[36], and the *Treatise on the Commensurability and Incommensurability of the Movements of the Sky*[37]. In order to maintain a harmonious order it is necessary to have commensurable elements. But what if the movements of the sky were incommensurable, what if irrationality were part of Creation?

For many commentators the *Treaty of Commensurability* is a point of rupture. Here for the first time Oresme expresses his ideas in spatial terms. It means that he draws two axes, or two magnitudes, a longitude and a latitude. This choice is decisive. It allows Oresme to visualise and quantify in strictly geometric means qualities, speeds and movements[38]. It could appear, at first

34. A. Panzica, «L'Hypothèse de la cessation des mouvements célestes au XIVe siècle, Nicole Oresme, Jean Buridan et Albert de Saxe», *Vivarium*, 56 (2018), 83-125.

35. See the important thesis of Debroise, *Mathématiques de l'intensité*.

36. The *Tractatus de configurationibus qualitatum et mottuum* is published in Nicole Oresme, *Nicole Oresme and the Medieval Geometry of Qualities and Motions. A Treatise on the Uniformity and Difformity of intensities known as* Tractatus de configurationibus qualitatum et motuum, ed., introd., trans. and com. M. Clagett, Madison, Univeristy of Wisconsin, Press, 1968.

37. The *Tractatus de commensurabilitate vel inconmmensurabilitate motuum celi* is published in Nicole Oresme, *Nicole Oresme and the Kinematics of Circular*.

38. D. Heller Roazen, *The Fifth Hammer: Pythagoras and the Disharmony of the World*, Princeton, Princeton U.P., 2011; M. B. Goldie, *Scribes of Space:*

glance, a question of design, in reality, it is a revolutionary step. The audacity of Oresme is prudently hidden by an enigmatic and oneiric end[39]. Oresme falls into a dream, in which he meets Apollo escorted by the Muses and the Sciences. An argument divides Geometry and Arithmetic:

> Arithmetic said: «All the celestial motions are commensurable».
> Geometry, rising, contradicted her and said: «On the contrary, some celestial motions are incommensurable»[40].

Although the two allegorical Ladies agree on the beauty of the skies, they argue about the possible incommensurable ratios «as if they were litigants in a law suit»[41]. According to Arithmetic if the ratios were incommensurable, nature would be «irrational and absurd»[42]. Arithmetic is deeply offended by such a possibility:

> It seems unworthy and unreasonable that the divine mind should connect the celestial motions, which organize and regulate the other corporeal motions, in such a haphazard relationship, when, indeed, it ought to arrange them rationally and according to a rule[43].

She insists in her diatribe:

> For according to writers on optics, every beautiful thing, and everything that delights the sight, is based on a rational ratio, but even the harmonies that delight the ear, and all colors, as well as the production of tastes and odors, are united on the basis of commensurability […] For if someone should construct a material clock would he not make all the motions and wheels as nearly commensurable as possible[44]?

Lady Arithmetics invokes God as well as Plato and Aristotle, Cicero, Macrobius, Boethius, Cassiodorus, Virgil and many more to prove her point. It makes no sense to suppose Nature irra-

Place in Middle English Literature and Late Medieval Science, Ithaca, Cornell U.P., 2019.

39. Nicole Oresme, *Nicole Oresme and the Kinematics of Circular*, 285.
40. *Ibid.*, 289.
41. *Ibid.*
42. *Ibid.*
43. *Ibid.*, 289-91.
44. *Ibid.*, 293-95.

tional. The discourse of Lady Geometry discloses what Oresme tries to hide. If the spheres were to be consonant, they would necessarily move at commensurate speed in concert one with another. Lady Geometry retorts that in such a case the music of the spheres would not be pleasant at all, since the same sound would constantly be played and replayed:

> What song would please that is frequently or oft repeated? Would not such uniformity [and repetition] produce disgust? It surely would, for novelty [*novitas*] is more delightful. A singer who is unable to vary musical sounds, which are infinitely variable [*variabiles in infinitium*], would no longer be thought best, but [would be taken for] a cuckoo [*cuculus*]. Now if all the celestial motions are commensurable, and if the world were eternal, the same, or similar, motions and effects would necessarily be repeated [...]. For this reason it seems more delightful and perfect – and also more appropriate to the deity – that the same event should not be repeated so often, but that [on the contrary] new and dissimilar configurations [*novas et dissimiles prioribus constellationes*] should emerge from previous ones and always produce different effects[45].

And then suddenly Oresme wakes up. The verdict is suspended. Oresme avoids taking a position on the argument between the two Ladies. The debate, however, is clear. Arithmetic sees beauty in the regularity of a clock, while Geometry invokes musical variations and the delights of novelty. While Arithmetic does not seem ready to cope with irregular agitation, Geometry, on the other hand, is gratified by irregularities, irrational movements and incommensurability. What is shocking of course is the idea that the movements of the sky are beyond measure, that there are astronomical irrationalities instead of perfect movements of the spheres. Worse, what is so radical here is the suggestion that these irrationalities are sources of admiration and wonder. Could incommensurability be the cradle of beauty[46]?

In *The Book of Divinacions* or in *The Book of Heaven and the World* both written in French, Oresme is less cautious and

45. *Ibid.*, 317.

46. About Oresme and music see P. Pesic, «Hearing the Irrational: Music and the Development of the Modern Concept of Number», *Isis, an International Review Devoted to the History of Science and Its Cultural Influences*, 101/3 (September 2010), 501-30.

affirms more openly his opinion about incommensurability. *The Book of Divinacions* targets superstition, magic and astrologers, Oresme attacks the impostors and charlatans who take advantage of the credulity and ignorance of men[47]. Oresme is firmly opposed to predictions and prophecies, as he claims that «what is to happen in the future is not written in the sky»[48], and yet he recommends that every prince should honor «true students of astrology and similar sciences»[49]. He reiterates the connections between celestial movements and the weather as well as «the great events of the world [*aventures du monde*], as plagues, mortalities, famines, floods, great wars [...]», and «the humors of the body»[50]. In a sense, this is commonplace: the cosmos and the microcosm are mirroring one another. Health and characters are related to heavenly bodies, in such a way that the motions of the stars are explicitly paralleled with «certain dispositions of this lower and corruptible nature»[51]. In *The Book of Heaven and the World*, Oresme is straightforward: «it is probable that some of the celestial movements are incommensurable»[52], and immediately after, he stresses that «human affairs, except those that depend upon the will as opposed to natural inclination, are continuously different and such as they never were before in any way at all». To make sure readers understand exactly what is at stake, Oresme refers again to music, noting that «singing by excellent voices is not so good if the voices always sing in absolute harmony, in the same way things here below are sometimes in better state than at other times»[53].

47. Nicole Oresme, *Nicole Oresme and the Astrologers. A Study of his* Livre de Divinacions, ed. G. W. Coopland, Cambridge, Mass., Harvard U.P., 1952.

48. *Ibid.*, 110-11.

49. *Ibid.*, 104-5.

50. *Ibid.*, 52-53. Later Oresme affirms that «this lower world is governed by the heavenly bodies and their movements, as Aristotle says, for they are the instruments of God, by means of which he governs nature, and which incline the hearts of men to various fortunes [...]» (*ibid.*, 67).

51. *Ibid.*, 112-13.

52. Id., *Le Livre du ciel*, 480-81. See also *ibid.*, 196-97.

53. *Ibid.*, 482-83.

Variations

Oresme welcomes variations and change. In other words, and more significantly, Oresme rejects stability as an utopic and calamitous ideal: «Who shall make the harmony of heaven to sleep»[54]? The political meaning of such a philosophy of movement is well illustrated by the humors of the body politic in motion.

In his *De Moneta* Oresme employed the body politic metaphor as a body of humors characterised by fluidity and circulation[55]. The body as metaphor depicting society is ancient. It was popularised by John of Salisbury's *Policraticus* (c. 1159), and became a common and widespread image in medieval political and ethical discourses. However, while John of Salisbury's body was constructed on the hierarchical mutuality of organs (from the head to the feet) and functions (from kingship to agriculture), Oresme's body is a place of motion and instability, speed and disproportions[56]. When he wrote his monetary treatise in the mid 1350s, Oresme defended the privilege of the community to fix the value of currencies. He argued for the sovereignty of the community in terms reminiscent of Marsilius of Padua's *Defensor Pacis* – which, in the economic field, meant the right of the community to manage the value of its currency. For Oresme, value is engendered by common agreement, and cannot be imposed unilaterally by the sovereign and even less for his exclusive benefit:

54. *Ibid*. Oresme comments at length the music of the spheres, see *ibid.*, 472-87.

55. Oresme quotes Salisbury several times, also for his condemnation of magic and astrology, see for instance in Oresme's *Book on Divination*, in Nicole Oresme, *Nicole Oresme and the Astrologers*, 72-74.

56. C. J. Nederman, «The Living Body Politic: The Diversification of Organic Metaphors in Nicole Oresme and Christine De Pizan», in *Healing the Body Politic: The Political Thought of Christine de Pizan*, eds K. Green – C. J. Mews, Turnhout, Brepols, 2005, 19-33. See also N. Hochner, «Le Corps social à l'origine de l'invention du mot 'émotion'», in *Émotion. Histoire intellectuelle des émotions de l'Antiquité à nos jours*, eds D. Boquet – P. Nagy, in *L'Atelier du Centre de Recherches Historiques*, 16 (2016), 253-301.

As, therefore, the body is disordered when the humours flow too freely into one member of it, so that that member is often thus inflamed and overgrown while the others are withered and shrunken and the body's due proportions are destroyed and its life shortened; so also is a commonwealth or a kingdom when riches are unduly attracted by one part of it[57].

I do not think social gaps have been pictured more eloquently and in such a compelling way since then: the head of society is so monstrously large that the body cannot support it anymore. The elite have accumulated such disproportionate wealth that the community cannot sustain it anymore. Oresme's image is astonishing. As often with Oresme, the same idea is repeated in musical terms: the tyrannical king who abuses his pedestal is a tenor who sings too loudly[58]. The social melody is disturbed. In medicine, as in music, in politics, or in economics, and even in astronomy, it is always a question of ratios and proportions. Oresme openly adheres to polyphony and knows the work of Philippe de Vitry to whom he dedicated a mathematical book[59]. He supports the possibility of infinitely diversifiable variations. To translate it politically, the diversity of voices and motions does not prohibit harmony, but support a variety of relationships, including antagonist relations. In medicine, when Oresme speaks of the sick body, he evokes, the strength of antibodies (to use a modern term): «as doctors say that diseases are cured by their opposites, *contraria contrariis curantur*»[60]. The restoration of balance

57. Nicole Oresme, *The* De Moneta *of Nicholas Oresme and English Mint Documents*, trans. Ch. Johnson, London, Nelson, 1956, p. 43. See A. Woodhouse, «Who Owns the Money? Currency, Property, and Popular Sovereignty in Nicole Oresme's De Moneta», *Speculum*, 92/1 (2017), 85-116.

58. V. Zara, «*Tempus, Talea, Tenor*: Nicolas Oresme et la douce musique du gouvernement royal», in *Valeurs et systèmes de valeurs (Moyen Âge et Temps Modernes). Le Pouvoir Symbolique en Occident (1300-1640)*, eds P. Boucheron – L. Gaffuri – J.-Ph. Genet, Paris, Éditions de la Sorbonne, 2016, 137-63.

59. P. Pesic, *Polyphonic Minds: Music of the Hemispheres*, Cambridge, Mass., MIT Press, 2017, 79.

60. Nicole Oresme, *Le Livre de* Ethiques, 414, quoted by J.-L. G. Picherit, *La Métaphore pathologique et thérapeutique à la fin du Moyen Âge*, Tübingen, Niemeyer, 1994, 24.

is therefore achieved thanks to antagonisms. The idea, admittedly not new in medicine, has resounding political repercussions.

Variability and the emergence of 'dissimilar configurations' is at the heart of the *ars nova*, a musical aesthetic of inconstant relationships that the Church attempted unsuccessfully to reject. Oresme's universe is neither purely rational, nor static and stable. I emphasised how much Oresme's focus on movement and on the question of commensurability goes beyond the mathematical or scientific domain to permeate his aesthetic (musical) sensibility, and his political and social credo. These points are important because the order of nature can only be threatened by the naturalness of disorder. For Oresme, the human city is based on variety and dissimilarity. In his treatise on money, what is blamed is not wealth but the widening of social gaps, the fluidity and dynamism of the body is not condemned as such even when Oresme speaks of flow and disorder. A good order is not a matter of hierarchy and rigidity but of a fair distribution of resources, of fair circulation. No need for monophonic unison, rigid authoritarianism or egalitarianism. Joel Kaye rightly proved that it is all about balance, but it is also about rhythm and tempo. Justice and nature are not static or constant. The body politic is a body in motion, a body in (economic) growth, or a body in which inequalities and equalities are in constant variations. Oresme surely does not advocate a firm hierarchy nor an arithmetical equality, he calls for a rhythmic and polyphonic political community.

A Kinetic society against-nature?

Is such a polyphonic society against-nature? What is the social legitimacy of movement and rhythm? I propose to affirm that for Oresme what is fundamental in a healthy society is not the consolidation of a central authority or even the question of hierarchy but the type of relationships, ratios, proportions. In the light of polyphonic music, the plurality of positions is what makes society beautiful. Nature is a universe of variable and dynamic proportions. Nature, in conclusion, is not necessarily a perfect and stable order, but neither is an infernal chaos. A society shines

when its diversity – as in music – goes beyond systematic mathematical formulas to astonish and charm with *novitas* and variety.

In the sixteenth century Niccolò Machiavelli not only adopted a similar view of the fruitfulness of antagonistic humors, but these contradictions will be for him the pivotal key of the Republican system of checks and balances and therefore the guarantee of freedom[61]. A polyphonic society runs the risk at any time of sinking into cacophony and noise, of course, but politics as nature is about how things change in surprising ways. The possibility of disorder and excesses did not frighten Machiavelli, he was in many ways faithful to a certain Oresmian heritage, even if Oresme is far less radical than the Florentine secretary. For Thomas Hobbes, in the seventeenth century, it is of course quite the opposite, not by chance, he opts for the artificial and orderly movement of the clock – the clock that Lady Arithmetic invoked[62]. Oresme is definitely in search of the social cadence, as no living body can be immutable. Man, as Marcel Mauss said later is a rhythmic being, and so is 'nature'[63].

In conclusion, I position Oresme at the forefront of a family of thought that renounces the aspiration to perfect harmony and stability. Mobility and antagonisms are not rejected or excluded as harmful or unhealthy, motion – commensurable and incommensurable – is the 'is' and the 'ought' of a kinetic nature. Such a position – even in the Aristotelian tradition – is marginal, yet it paves the way to Machiavelli, and to our modernity, which is simultaneously anxious and fascinated by the phenomenon of liquefaction and fluidity well described by Zygmunt Bauman.

61. A. J. Parel, *The Machiavellian Cosmos*, New Haven, Yale U.P., 1992.

62. P. Russell, «Of Gods and Clocks: Free Will and the Hobbes-Bramhall Debate», in Id., *Recasting Hume and Early Modern Philosophy*, Oxford, Oxford U.P., 2021.

63. M. Mauss, *Manuel d'Ethnographie*, Paris, Éditions sociales 1967 (1927), 85: «L'homme est un animal rythmique»; 109: «L'homme est un animal rythmé».

ABSTRACT

Nicole Hochner, *Incommensurability and the Kinetic Nature of Society*

The idea of «Nature» seldom challenges the assumption of harmony and regularity. But what if nature were not as harmonious and ordered as assumed? What if our universe appears to be incommensurable? Could Nature still play the role of archetypal model of (normative) stabilities and continuities? This article considers the social and political consequences of an incommensurable nature through an interpretative reading of Nicole Oresme (*c.* 1320-1384). Oresme in his scientific treatises raises the idea of incommensurability; in his monetary pamphlet he transforms the metaphor of a steady social body and forges a kinetic vision of society. This article, at the intersection of Nicole Oresme's scientific and political writings, explores the (subversive) possibility of an «incommensurable polity».

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LA LÉGITIMATION DU POUVOIR EN PÉRIODE DE CRISE. LE CERCLE DE NICOLAS DE CLAMANGES ET LES PRÉMICES DE LA NOTION DE 'MÉRITE', 1380-1430

L'année 1337 inaugure pour le royaume de France une période de crise inédite, qui ébranle tant la monarchie héréditaire que la théocratie papale[1]. Si le concept de 'crise' n'est pas directement utilisé dans le monde médiéval, le terme grec *krisis*[2] semble pourtant être un outil pertinent grâce à sa polysémie intrinsèque[3].

À ce concept peut être articulé celui de 'mérite', qui apparaît peu dans les textes[4] et auquel est souvent substituée la notion de

1. J. Favier, *La Guerre de Cent ans*, Paris, Fayard, 1980.

2. M. Senellart, «Le Concept de crises(s)», *Regards croisés*, 4/5 (2011). En ligne. URL: www.uoh.fr (dernière consultation 05.2013).

3. Ainsi, *krisis* désigne d'abord, dans la sphère juridico-politique, l'activité de juger et de trancher par une décision, notamment entre ce qui est juste et injuste ou en relation avec le gouvernement de la cité. Au sens médical, le mot *krisis* est à relier à la théorie hippocratique des humeurs, dont le dérèglement entraîne la maladie. Il désigne alors le moment clé où le médecin décide du meilleur traitement à suivre, avec pour enjeu la vie ou la mort. Celui qui exerce son jugement doit alors faire des choix en fonction des normes respectées dans sa cité. La théologie chrétienne, enfin, reprend le concept pour souligner que la Fin des Temps, non seulement fin mais aussi aboutissement, est le moment crucial par excellence, qui doit orienter les hommes vers le salut.

4. Par exemple, Nicolas de Clamanges, *Expositio super quadraginta septem capitula Isaye*, Paris, BnF, Arsenal, ms. 137, f. 2r: «Duo sunt hominum genera quibus ad equipollentiam meritorum suorum vicissitudinem, rependere non sufficimus progenitores videlicet atque preceptores, quorum primi materiam

Naturalisation of Power (1250-1600): Unravelling the Strategies of Legitimation. Edited by É. Adde and J. Dumont, Firenze, SISMEL – Edizioni del Galluzzo, 2025, pp. 115-133
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'vertu', aussi bien chez les clercs que chez les laïcs. Or, le mérite est dépendant de la conception du bien dans une société ainsi que des préoccupations de cette dernière[5], c'est pourquoi mérites et vertus se confondent souvent dans la pensée d'auteurs chrétiens. De même que vices et vertus sont récompensés en conséquence dans l'idéologie chrétienne, le mérite, ou son absence, appelle dans nos sociétés contemporaines une forme de rétribution en écho au christianisme médiéval. La notion de mérite est d'ailleurs, tout comme celle de vertu, bien plus précise que celle de 'qualification', puisque c'est par le jugement que le mérite est estimé. L'idée de 'qualification' naturelle ou associée à la récompense de talents particuliers est donc battue en brèche par le mérite qui épouse bien mieux les valeurs d'une société donnée.

Le cercle littéraire mené par l'humaniste Nicolas de Clamanges[6] entre la fin du XIVe et le début du XVe siècles analyse la triple crise de gouvernance que constituent la Guerre de Cent Ans, le Grand Schisme et la guerre civile, en terme de diagnostic et de remèdes à apporter pour mettre un point final à l'enchaînement des troubles sociaux affectant la chrétienté occidentale en général et la cour de France en particulier. À la faveur des crises, c'est la légitimité même des détenteurs des pouvoirs spirituel et temporel, les souverains pontifes pour l'un et la dynastie Valois pour l'autre, qui semble vaciller et être remise en cause[7]. Les intellectuels[8] du cercle clamangien s'interrogent alors: qui est qualifié pour gouverné? Qui le mérite?

corporis seminando prestant alimentumque educando virtutibus atque disciplinis animam exornant imbuendo».

5. S. Amartya – M. Parodi, «Mérite et justice», *Revue de l'OFCE*, 102/3 (2007), 467-81. En ligne. URL: https://www.cairn.info/revue-de-l-ofce-2007-3-page-467.htmp (dernière consultation 01.12.2020).

6. L. Jollivet, «Un Intellectuel à la croisée des chemins? Nicolas de Clamanges, universitaire et humaniste, 1394-1430», in *Les Intellectuels au Moyen Âge. 60 ans d'un anachronisme fondateur. Hommage à Jacques Le Goff*, éd. A. Destemberg, Berne, Peter Lang, à paraître.

7. Sur cette question d'ensemble, voir B. Sère, *Les Débats d'opinion à l'heure du Grand Schisme. Ecclésiologie et politique*, Turnhout, Brepols, 2016.

8. Cette question fut amplement débattue lors du colloque international en hommage au célèbre ouvrage de Jacques Le Goff, organisé à Arras en octobre 2017 par Antoine Destemberg.

Pouvoir 'naturel' et métaphore organiciste

Nicolas de Clamanges et ses amis revisitent d'abord la métaphore organiciste antique pour décrire une société gangrenée dans son intégralité, à cause des péchés de quelques acteurs bien identifiés.

La société, un grand corps malade

Gerson, dans le sermon *Rex in sempiterne vive, O roi très noble et excellent*, prononcé en septembre 1413, compare donc la société dans laquelle il vit et les trois états qui la composent à la statue de Nabuchodonosor:

Je dis que nous avons à parler de trois estats figurez par les trois parties principales de la statue de Nabuchodonosor. [...] l'estat de chevallerie est signifié par la poitrine et par le bras d'argent, [...] l'estat de clergie figuré par l'airain, [...] l'estat de bourgeoisie doit être le fer de labeur et la terre d'humilité. [...] Le roy est le chef d'or[9].

La société est décrite comme un corps dont tous les membres ont un rôle particulier à jouer et dont l'unité est indivisible[10]:

[Il faut que] «le peuple soit content de son estat et qu'il se souffre mener et conduire par le chef et par les deux estats souverains ou autrement l'ordre du corps mystique de la chose publique seroit tout subverti[11].

On trouve la même idée chez son ami Clamanges[12], qui met

9. Jean Gerson, *Sermons et discours*, éd. P. Glorieux, Paris, Desclée, 1968, VII, 1027-29.

10. Cet usage métaphorique est ancien, il remonte à l'Antiquité. L'analogie de la cité et du corps se trouve déjà chez Platon et Aristote. Mais la conception organiciste de la société la plus connue est sans doute la fable des membres et de l'estomac. Voir L. Harf-Lancner, «Les Membres et l'estomac: la fable et son interprétation politique au Moyen Âge», in *Penser le pouvoir au Moyen Âge, VIIIe-XVe siècle, Études offertes à Françoise Autrand*, éd. D. Boutet – J. Verger, Paris, Édition Rue d'Ulm, 2000, 111-26.

11. Jean Gerson, *Sermons*, VII, 1027-29.

12. Nicolas de Clamanges, *De ruina et reparatione Ecclesie*, in A. Coville, *Le Traité de la Ruine de l'Église de Nicolas de Clamanges et la traduction française de 1564*, Paris, Droz, 1936, 142: «[...] si quidem hiis diebus nostris in quos fines

en place une hiérarchie claire[13]: «La tête se languit car le libre-arbitre est engourdi à l'approche de tout bien, le cœur se maltraite [...] et le pied souffre avec tout le corps»[14].

La métaphore organiciste souligne le caractère 'naturel' de la répartition des pouvoirs. Les plus aptes ont été désignés pour diriger alors que le peuple n'a d'autre choix que d'obéir. Mais les dysfonctionnements commencent quand le 'fer', symbole des guerres et des calamités, et 'l'argile', venant de la terre boueuse, remplacent le noble métal qu'est l'or et signifie ainsi les péchés capitaux de cupidité et de luxure[15].

En outre, le lien entre péchés et politique est dévoilé au grand jour dès les lendemains de l'assassinat du frère du roi, Louis d'Orléans, en novembre 1407.

De graves erreurs de gouvernance

La métaphore organiciste chez Clamanges sert également à souligner la monstruosité de la guerre civile: les frères et les parents seraient comme les bras d'un même corps, cherchant à se mutiler l'un l'autre. Le corps devient alors le lieu d'une admirable image de la famille[16].

seculorum devenerunt ab aureo capite illius pregrandis statue quam vidit in figura Nabuchodonosor paulatim semper in deteriora per argentum [...]».

13. Nicolas de Clamanges, *Expositio*, f. 3v: «Cuius itaque caput languet necesse est et sensus omnes et corpus universum, una cum capite miserabili quodam torpore tabescere et velut inertes ac languidos iacere, porro cuius cor meret et tristi quadam afligitur angustia necesse est, singula membra velut suo principi condolentia caligine quadam tristicie esse confecta, sicut rege turbato tota solet eius curia contristari». Concernant cette métaphore, voir Ph. Buc, *L'Ambiguïté du Livre. Prince, pouvoir et peuple dans les commentaires de la Bible au Moyen Âge*, Paris, Beauchesne, 1994, 206-31.

14. Nicolas de Clamanges, *Expositio*, f. 3r: «Caput ergo languet, quia liberum arbitrium ad omne bonum torpet, cor meret quia malum quod patitur sicut ignorare non valet ita nec dissimulare, pes cum toto corpore dolet».

15. *Ibid.*: «Sumus autem partim ferrei bellorum dira calamitate, partim vero lutei terrenorum cupiditate luxurieque seditate. Quis enim temporum nostrum feces, sordes, luxum, rapinas, diras, clades bellorum [...] satis possit describendo immo etiam enumerando complecti?».

16. *Ibid.*, f. 46v: «Progenies namque tota que unum corpus est et fratres vel cognati quasi brachia sunt. Ad defensionem quamta ergo insania est unum corpus in semetipsum desivere unumque brachium alterum truncare aut injuria vel lesione quomodolibet affligere, cum propterea duo sunt brachia in corpore instituta, ut in corporis defensione, unum alteri auxilio sit».

Son ami Gerson condamne non seulement la révolte cabochienne mais surtout l'impunité dont a bénéficié le duc de Bourgogne suite au meurtre de Louis d'Orléans, le 23 novembre 1407. Cet homicide non avoué, non reconnu et non réparé est sans conteste à l'origine de la déstabilisation du corps social[17].

Clamanges file la métaphore organiciste en passant au gouvernement de l'Église[18]. Ainsi, le mal s'est déclaré d'abord au sein des prélats, puis est redescendu jusqu'à la plante des pieds, ce qui signifie que les péchés des ministres de Dieu se sont diffusés et répandus chez les fidèles, qui imitent ceux qu'ils considèrent comme des modèles à suivre[19].

Au niveau politique, le prince représente la tête de ce corps mystique, c'est pourquoi Clamanges fait porter au roi Charles V une part importante de responsabilité dans le schisme, lui qui meurt avant de l'avoir résolu[20]. L'auteur est plus clément avec les pieds, c'est-à-dire le peuple, car il lui incombe la lourde tâche de porter l'ensemble du corps[21]. Cependant, cette partie de l'anatomie est fragile, elle est «incapable de résister à la violence»[22] ou à l'injustice, qui engendre la révolte populaire.

Alain Chartier désigne clairement les grands et les chevaliers comme les principaux acteurs des troubles ravageant le

17. L. Jollivet, «Le Milieu humaniste français et la réhabilitation de la mémoire de Louis d'Orléans», in *Humanisme et politique en France à la fin du Moyen Âge*, éd. Cl. Gauvard – C. Bozzolo – H. Millet, Paris, Éditions de la Sorbonne, 2018, 141-57.

18. Nicolas de Clamanges, *Expositio*, f. 3v: «Capud ecclesie prelati sunt, cor eius doctores et predicatores, pedes humilis plebecula que a primis, in zelo caritatis regi ac dirigi deberet ad salutem. A secondis, sana doctrina erudiri, sed heu hodie verum est illud Jeremie: 'dispersi sunt lapides sanctuarii in capite'. Jr, 4,1: «Comment les pierres du sanctuaire ont-elles été dispersées au coin de toutes les rues?».

19. Id., *De ruina*, 114-15: «[…] dum simplices ovicule pastorum suorum exempla imitantes que eos agere viderunt, sibi licere arbitrantur»; ou encore, prologue: «[…] forma et exemplar vivendi ceteris esse debent».

20. Id., *Expositio*, f. 66r: «An non preterea ibidem Ecclesie desolatio scismatisque radicatio per precipitem Karoli quinti determinationem originem sumpserunt?».

21. *Ibid*., f. 127v: «[…] illi enim pedes sunt qui totum corpus politie portant ac sustentant et sine quibus totum illico corruent».

22. *Ibid*.: «[…] impotentiam resistendi violentie».

royaume[23] et leur rappelle que les fauteurs de guerre ont toujours connu une fin tragique et violente: Alexandre, Cyrus, Nabuchodonosor, Holopherne, César[24]… Il lance alors ce qui pourrait être une devise: «un chef, un trône, un roi»[25].

Quant à Laurent de Premierfait, il insiste particulièrement sur les guerres civiles qui auront raison de la République romaine, dans des descriptions tout à fait pathétiques[26]: «[…] la cité de romme perillee et detruite par les dommageuses dissensions et guerres civiles qui longuement furent contre Marius et Silla, […] enflammez de envie l'un contre l'autre»[27].

D'après Clamanges, cette triste situation ne date pas d'hier:

> À quoi bon se rappeler la tyrannie des princes du siècle, les excès de débauche, les fêtes idolâtres et efféminées, l'exposition étouffante à la vanité, la paresse, les débauches, les jeux, les danses, les nuits passées à veiller et les jours passés à dormir, la cour faite aux jeunes filles et le mépris du mariage, les biens confisqués aux églises? Pourquoi tenter de saisir dans un discours l'étendue de l'orgueil des nobles, les déprédations, les vols, les rapines, la désolation de la patrie et la chasse faite aux habitants[28]?

Par leurs vices, les princes et grands du royaume auraient-ils perdu leur droit 'naturel' à gouverner?

23. Alain Chartier, *Ad destestationem belli gallici et suasionem pacis*, éd. P. Bourgain-Hemeryck, in Id., *Œuvres latines*, Paris, CNRS, 1977, 240: «Perniciosus enim rei publice vir alitur qui ejus detrimento sui desiderii supplementa comparat, aut quicumque pacis ac publice restauracionis amorem odiis postponit iniquis».

24. *Ibid.*, 240–41.

25. *Ibid.*, 239: «Ad unum caput et principem atque regem ordinata multitudo necessario reducetur».

26. Laurent de Premierfait, *Des Cas des nobles hommes et femmes*, Paris, BnF, ms. fr. 131, ff. 180v–5r: «[…] queles et quantes destruccions de pays, queles et quantes occisions d'ommes, quelz et quants arsins de temples, de palays, de maisons».

27. *Ibid.*, f. 194r.

28. Nicolas de Clamanges, *Expositio*, f. 4v: «Quid principum secularium tyrannidem, lubricitatem luxum effeminationem, pompaticam ydolatriam, subditorum oppressionem, vanitatem, lenitatem, lascivias, ludos, choreas, nocturnas vigilias, soporem diurnum, puellarum amores, conjugium contemptus, spolia ecclesiarum memorare opportet? Quid nobilitatis superbiam, predas, rapinas, spolia, patrie desolationem, colonum exterminium stilo complectar»?

Mérites contre droit naturel, une théorie du changement?

Pour Nicolas de Clamanges dans l'*Expositio super Isayam*, l'origine des maux qui accablent l'institution ecclésiale est bien identifiée, il s'agit du schisme de 1378: «hoc scisma pestilentissimum [...] quam omnium qua patimur malorum radicem esse»[29].

Concile ou théocratie pontificale?

Dès 1381, le cercle 'clamangien' semble tout d'abord s'accorder sur le nécessité du concile général[30] et sur sa capacité à destituer le pape, mais cette brûlante question les divise ensuite[31], comme nous le prouve la comparaison entre les idées de Gerson et de Clamanges en la matière.

Dans l'affaire qui l'oppose à Jean Petit[32], et en sous-main à Jean sans Peur, Gerson défend à Constance en 1415 l'idée que la question de l'homicide relève légitimement du concile, car il s'agit d'une infraction au précepte *Non occides*[33]. Puis la condam-

29. *Ibid.*, f. 4v.

30. Il s'agit du *Utrum indoctus in jure divino posset juste praesse in Ecclesie regno*, in Jean Gerson, *Opera omnia* [...], éd. L. É. Dupin, Anvers, Société augustinienne, 1706, IV, 646-62. Cette députation est suivie, peu de temps après, par la parution d'un violent pamphlet qui fustige tous ceux qui s'opposent à la tenue d'un concile, voir R. N. Swanson, *Universities, Academics and the Great Schism, Cambridge Studies in Medieval Life and Thought*, Cambridge, Cambridge U. P., 1979, 45-69.

31. Voir Sère, *Les Débats*.

32. L. Jollivet, «La Résistance du milieu humaniste français à la justification de Jean Petit et à sa diffusion, 1408-1435», *Questes*, 39 (juin 2018), 91-112.

33. Jean Gerson, *L'Œuvre polémique*, éd. P. Glorieux, Paris, Desclée, 1973, X, 269-70: «Habuit enim primo deliberantes pro utraque parte quod non erat judicio fidei reprobanda. Habuit quod erat exposibilis ad verum sensum. Habuit quod non erat de terminis fidei sed de causa sangunis. Habuit quod versabatur circa prima principia quae sunt evidentia. Habuit quod sicut erat sensus alqiuis in ea falsus, sic aliquis verus. Item non plus ponitur in eadem quod sit contra Scripturam sacram in assertionibus, quia dicit quod hoc debet fieri; quod non diceret si esset divina lege prohibitum. Rursus allegatum fuit quod non hababat assertorem, et si sic debebat prius evocari damnandus aut absolvendus. Porro Concilium tunc quam nuncapparebat debilius. Rancor similiter allegata et turbatio Concilii, immo et totius Franciae regni et impedimentum unionis. Tandem convertebatur haec asser-

nation serait confirmée par les théologiens et les prélats, avant de redescendre vers les fidèles[34].

Le concile est ainsi conçu comme une cour souveraine, qui prend des décisions en matière de foi, mais également en cas de menace sur la société civile[35] ou de non-respect des décisions royales, c'est pourquoi des ambassadeurs royaux doivent y être acceptés, ainsi que les avocats et procureurs du roi[36]. La présence de ces deux types d'acteurs lors du concile concourent à le transformer en cour de justice accueillant un procès.

La juridiction du concile empièterait alors en partie sur une justice royale en plein essor[37]. Gerson ne remet pourtant pas en

tio ad casum necessitatis extremae vel zelum legis aut divina revelationis, propter defensionem sui egis aut publicae utilitatis. Quibus non obstantibus processit Concilium ad damnationem ejus».

34. *Ibid.*, 262-63: «Post praefatam sacrosantae Synodi Constantiensis determinationem praedicta propositio: quicumque tyrannus etc…habenda est tamquam haeresis expressime damnata […] Post hujusmodi determinationem debent ab Ecclesiae praelatis et doctoribus assertiones […] habere pro damnatis […] Est autem haeresis dogma falsum divinae legi contrarium».

35. *Ibid.*: «Constabat haec salubris sententia sacrosanctae Synodo Constantiae dum inter ceteras determinationes suas unam edidit sub hac forma: «Praecipua sollicitudine volens haec sacrosanta Synodus ad extirpationem errorum et haeresum in diversis mundi partibus invalescentium procedere sicut tenetur ad hoc collecta est, nuper accepit quuod nonnullae assertiones erroneae in fide et bonis moribus ac multipliciter scandalosae totiusque reipublicae statum et ordinem subvertere molientes dogmatizatae sunt, inter quas haec assertio delata est: 'Quilibet tyrannus potest et debet licite et meritorie occidi per quemquamque vassallum, suum vel subditum, etiam per insidias et blanditias vel adulationes, non obstante quocumque juramento seu confoederatione factis cum eo, non exspectata sententia vel mandato judicis cujuscumque'. Adversus hunc errorem satagens haec sancta Synodus insurgere et ipsum funditus tollere, praehabita deliberatione matura, decernit, declarat et definit hujusmodi doctrinam erroneam esse in fide et moribus ipsamque tamquam haereticam, scandalosam, sediciosam et ad fraudes, deceptiones, mendacia, proditiones vias dantem reprobat et condemnat. Declarat insuper, decernit et definit quod pertinaciter doctrinam hanc perniciosissimam asserentes, sunt haeretici et tamquam tales juxta legitimas et canonicas sanctiones puniendi».

36. *Ibid.*, 255: «[…] advocati ac promotoris a Sacro Concilio praedicto deputatis factas, recipere et admittere debuissetis; ex quibus quidem requestis, et aliis in judicio coram dominationibus vestris productis et exhibitis, constitit et constat praedictum christianissimum Francorum regem in causa hujusmodi suum singulare praetendere».

37. B. Guenée, *Un Meurtre, une société. L'assassinat du duc d'Orléans, 25 novembre 1407*, Paris, Gallimard-Nrf, 1992, 190-91: «[…] ce sur quoi repose

cause la majesté royale, bien au contraire[38]. Mais la justice est pour lui une si haute instance, et si nécessaire à la paix, qu'elle doit être parfaite. La seule garantie serait donc celle d'une haute juridiction, organe d'une justice collégiale et donc impartiale. Finalement, de même que la justice royale a dépouillé petit à petit les justices seigneuriales d'un certain nombre de ses prérogatives, comme la justice de sang, qui appartient à la haute justice et représente la «plénitude de la compétence criminelle»[39], Gerson présente une autorité ecclésiastique concurrente du pouvoir royal en matière de droit pénal. Enfin, encore plus étonnant, si le concile est trop lent à rendre sa décision, la procédure judiciaire pourrait se dérouler aux échelons inférieurs, au sein des membres de l'Église les plus qualifiés, prélats, inquisiteurs docteurs et maîtres de l'Université[40]. Ainsi, l'autorité du concile est égale à celle du pape, puisqu'elle peut s'y substituer: «Summi Pontificis aut sacri Concilio, generalis Conciliis vel Summi Pontificis»[41]. Cette conception sonne le glas de la théocratie papale instaurée par Innocent III.

À l'opposé de cette vision, alors même qu'ils partagent une même conception de la justice[42], Clamanges déplore la remise en cause du pouvoir du pape: «Elle s'effondre, l'Église, depuis son sommet! Il s'effondre, le Siège apostolique! Elle s'effondre, l'autorité du souverain pontife»[43]!

toute la démonstration de Jean Petit, c'est donc la notion de majesté royale. […]. La majesté du roi de France, sa couronne, sa souveraineté étaient des notions fondamentales qui maintenant se recouvraient et sur quoi se construisait, peu à peu, l'État moderne. En fondant tout son raisonnement sur la lèse-majesté, Jean Petit apportait un éclatant témoignage de ses progrès».

38. Jean Gerson, *L'Œuvre polémique*, X, 178.

39. V. Toureille, *Crime et châtiment au Moyen Âge (V^e^-XVe siècle)*, Paris, Seuil, 2013, 190.

40. Jean Gerson, *L'Œuvre polémique*, X, 263.

41. *Ibid*.

42. Jollivet, «Le Milieu».

43. Nicolas de Clamanges, *Epistola XXIX*, *Quaeris a me*, in Id., *Opera omnia*, éd. J. Lydius, Leyde, Jean Baudouin, 1613, I, 104-6: «Ruit ecce a culmine Ecclesia, ruit Sedes apostolica, ruit Summi Pontificis auctoritas, ruunt bases atque cardines ecclesiae, perit obedientia, perit reverentia, perit metus, perit disciplina, perit ordo, perit ratio, perit sacra religio, vis, voluntas, furor, impetus, cuncta sibi vendicant». Je remercie Matteo Roccati de m'avoir fait remarquer que *cardines* serait probablement un jeu de mots avec 'cardinaux',

Durant cette période, il travaille avec acharnement à une défense de Benoît XIII et espère ensuite des conciles la réhabilitation de ce dernier, au mépris de tout réalisme. À partir de 1414, depuis Langres, Valprofonde ou Fontaine-au-Bois, il écrit plusieurs lettres aux délégués au concile de Constance qui se prépare[44]. Un autre ensemble, sur le même sujet et à la spontanéité factice, est destiné à son disciple Gérard Machet[45]. Son amertume face aux décisions prises entre 1409 et 1415 est finalement palpable dans certains passages de l'*Expositio*, mise en forme après 1425:

> Le vicaire du Christ, Benoît XIII, lumière et unique éclat de notre obscure époque [...] fut évincé du pontificat. [...] [Après] l'éviction par la violence de l'héritier hors de la vigne, de nombreux autres se sont emparés de cette même vigne et firent intrusion de manière variée, premièrement à Pise, en la personne de Pierre de Candie, qu'ils ont appelé Alexandre, lequel est aussitôt après supprimé par Balthasar au moyen d'un breuvage empoisonné; Balthasar qui lui-même est choisi, en récompense pour avoir ôté à la vie à son prédécesseur [...][46].

Malgré l'âge et la mort de certains des protagonistes, la plume de Clamanges n'a rien perdu de sa vigueur. Il écorne au passage la mémoire de Simon de Cramaud[47], président de l'assemblée à

afin de souligner l'effondrement de la totalité de l'Église, depuis la tête, le pape, jusqu'aux cardinaux et prêtres, qui en constituent les fondements. On ne manquera pas de remarquer l'étroite proximité avec Es 1, 6: «De la plante des pieds jusqu'à la tête, rien d'intact», passage plus tard abondamment commenté dans l'*Expositio*.

44. *Ibid.*, 41-59 pour le traité et 61-79 pour les trois lettres désignées par l'éditeur du titre collectif de *Disputatio super materia concilii generalis*.

45. D. Cecchetti, «Nicolas de Clamanges e Gérard Machet; contributo allo studio dell'epistolario di Nicolas de Clamanges», *Atti della Academia delle scienze di Torino, classe di scienze morali*, 100 (1966), 133-91.

46. Nicolas de Clamanges, *Expositio*, f. 29v: «Christi vicarius Benedictus XIII, nostri nubilosi temporis lumen et decus singulare [...], e pontificatu fuerit ejectus. Post ejus ejectionem atque oppressionem, quanta scandala regum Francie oppresserint? [...] herede e vinea per violentiam ejecto, vineam ipsam per alienos plerosque variis intrusionibus usurpari fecerunt, primum quidem in Pisano cetu per Petrum de Candia, quem Alexandrum vocaverunt, quo protinus per Balthasarem toxica potione sublato, Balthasar ipse pro premio extincti predecessoris eligitur».

47. Ce dernier est mort en 1423 et on peut supposer que Clamanges

Pise et qui a donné lecture, le 10 mai 1409, de l'acte de reconnaissance du statut conciliaire, permettant seul de déposer un pape[48]. Les conciles ont cependant failli, ce qui disqualifie de fait une éventuelle légitimité du gouvernement collégial de l'Église.

Ce type d'interrogations n'épargnent pas non plus la monarchie française, synecdoque de la crise de la chrétienté européenne.

Un roi méritant plutôt qu'un tyran héritier?

Pour Gerson, Dieu choisit les souverains en fonction du niveau moral des peuples:

> Toutefois il ne lost a nul de mouvoir sedition ne division, car il feroit contre l'ordonnance de Dieu qui *propter peccata populi regnare facit hypocritam*: l'Ecriture dit que il fait régner les mauvais pour les péchés du peuple [...] si comme dit le Sage, *innocens pertransiit et afflictus est damno* [...] car si comme le dit saint Augustin, Dieu fait venir le bien du mal et Boetius dit que il adresse toutes choses a bien [...][49].

Chartier, quant à lui, donne une description du 'bon gouvernement' qui sied bien au contexte. Le bon roi (*bone rex*)[50] est celui qui vainc la folie à l'aide de patience, qui réprime par la clémence l'excès de témérité, qui fait usage de mansuétude et d'humanité, qui met ses qualités morales au service de la paix[51].

Comme saint Paul, Chartier réaffirme l'origine divine de l'autorité politique. L'État a la charge de réaliser la justice par mandat divin, de réprimer le mal pour obtenir le bien. À ce propos, un autre humaniste, Laurent de Premierfait, s'inspire de l'histoire pour affirmer:

commence à «assembler» son «digest», l'*Expositio*, dans ces années-là, en reprenant les meilleurs passages de certaines de ses œuvres, notamment.

48. P. Payan, *Entre Rome et Avignon. Une histoire du Grand schisme (1378-1417)*, Paris, Flammarion, 2009, 221.

49. Jean Gerson, *L'Œuvre polémique*, X, 198.

50. Alain Chartier, *Ad destestationem*, 239.

51. *Ibid.*, 72: «Igitur, bone rex, quem [...] patientia vince dementiam, temeritatem clementia reprime. Nam [...] mansuetudinis atque humanitatis usu donantur [...] tua enim res agitur, et quo tibi major juste pacis utilitas, cujus regno debitor effectus es».

[…] aux nobles principalement affert avoir clemence qui met equitté devant vigueur et veult plus encliner a merci que a vengence sanz saillir hors des termes de justice sanz laquele roys ne roys ne roannes ains sont tirans cruelz et tirannes[52].

Clamanges est de tous ses proches celui qui a la conception la plus originale de la légitimité du pouvoir, celle qui se rapproche le plus de notre contemporaine notion de mérite.

En effet, dans une lettre de 1417 au roi d'Angleterre Henri V, l'auteur indique placer entre ses mains ses espoirs de paix et de justice[53]. Lui aussi fait un vibrant éloge de la clémence, dans un passage fort inspiré de la *République* de Cicéron[54]: «Qu'est-ce qu'un roi sans clémence sinon le funeste présage de certains désastre et impiété et d'un glaive dans la main d'un fou»[55]?

Si l'on considère le destinataire de la lettre, le propos est assez hardi mais tout à fait caractéristique de la verve clamangienne. Son traité sur la justice, le *De lapsu et reparatione justitie,* commencé un peu avant 1415*,* témoigne également de ce style sans compromission. Le texte, finalement dédicacé au duc Philippe le Bon vers 1419, dénonce le conflit 'puéril' qui oppose les Armagnacs aux Bourguignons depuis douze ans[56] et insiste sur la nécessité de faire preuve de clémence afin que tout rentre dans

52. Laurent de Premierfait, *Des Cas*, ff. 1v-5v. À propos de la notion de tyran au sein du cercle humaniste, voir L. Jollivet, «Les Humanistes français, le roi et le tyran. Débats autour du tyrannicide au sein du milieu humaniste français, 1re moitié du XVe siècle», *Medievalista*, 23 (2018). En ligne. URL: https://journals.openedition.org/medievalista/1641 (dernière consultation 01.12.2020).

53. En témoigne la lettre 137, *Quoniam princeps illustris*, destinée à Henri V en 1417 (Nicolas de Clamanges, *Quoniam princeps illustris*, in *Opera omnia*, II. 347-53). Dans cette lettre, il fait l'éloge des qualités du roi: piété, justice, culture… et souligne qu'il est celui grâce auquel royaume de France retrouvera sa grandeur passée.

54. Cicéron, *Republica*, 1, 49: «Quid est civitas nisi juris societas civium?».

55. Nicolas de Clamanges, *Quoniam princeps illustris*, 352: «Nam quid est rex sine clementia, nisi dira quedam pestis atque impietas et gladius in manu furiosi?».

56. Nicolas de Clamanges, *De lapsu et reparatione justitiae*, Paris, Jérôme Drouart, 1609, p. 41: «[Nicolas dit] ante annos ferme bissenos sedula mecum mente voluens, […] ad Ludovicum ducem Aquitanorum […]». Le meurtre a eu lieu en 1407.

l'ordre[57]. Les mots de l'auteur sont dans le contexte, assez remarquables: Jean sans Peur vient d'être assassiné mais l'humaniste suggère à Philippe de mettre fin à la guerre civile déchirant le royaume, en pardonnant au meurtrier de son père…

Mais que devient Henri V, dont Clamanges vantait les mérites seulement quelques années auparavant? Il ne meurt pourtant qu'en 1422. Clamanges serait-il une girouette? L'auteur semble se justifier de ce revirement dans l'*Expositio* quelques années plus tard: le roi d'Angleterre serait mort après s'être comporté en tyran, ce qui le rendait illégitime à son tour[58]. L'attitude de Clamanges peut ainsi être rapprochée de celle d'un fonctionnaire de l'État, fidèle à la *res publica* plutôt qu'au roi, fidèle à la couronne comme symbole du royaume plutôt qu'à un individu.

Le déclenchement de diverses crises joue donc un rôle essentiel dans l'émergence de la notion de mérite au début du XVe siècle. Leur évolution a cependant un impact tout aussi fort sur ce concept.

57. *Ibid*., 24: «Il est notoire que le roi se distingue du tyran par la justice: alors que le roi, par l'exercice de la justice préserve les droits et les libertés du peuple, le tyran au contraire use de l'injustice pour l'opprimer»; ou encore, *ibid*., 3: «[…] que la justice provoque le pardon et que la clémence tempère la rigueur de la justice»; et, *ibid*., 7: «La patrie dans laquelle le prince non seulement laisse toute latitude à ses vassaux d'extorquer ce qui leur semble bon mais permet aux voleurs de piller les paysans, […] n'est rien d'autre qu'un repère de brigands» (traduction personnelle).

58. Nicolas de Clamanges, *Expositio*, f. 101r: «Per hoc autem quod loco isto Dominus loquitur: Dabo Egiptum in manum dominorum crudelium et rex fortis dominabitur eorum. Illa altera confirmatur ejus sententia per me reges regnant et tyranni per me tenent terram. Tyrannus enim quod Grecum est, Latine regem fortem notat ipse est, qui regnare facit, non modo tyrannum, sed etiam ypocritam, propter peccata populi, quamquam tyrannus et ypocrita sepius in eandem personam conveniunt et rarus est tyrannus qui non sit ypocrita, rarus insuper ypocrita qui non aliquid de tyranno participet. Hunc regem fortem quam Egyptiis Francis dominaturum, dominus ipse pollicetur,nonnulli Henricum opinantur, regem anglorum esse recenter exinctum, qui fortis et prudens et strenuus erat et mira valde celeritate propter intestina discidia regni francorum partem ingentissimam occuparat […]».

L'ultime légitimation de l'exercice du pouvoir

Le retour de l'argument 'biologique'?

Parmi les amis de Clamanges, Montreuil[59] fait partie des plus fervents soutiens de la dynastie Valois, grâce à l''invention'[60] du passage de la loi salique en matière de succession au trône.

Jean Gerson ne semble jamais avoir douté de la légitimité du dernier fils de Charles VI, comme l'atteste une lettre datant de 1419. Il y rappelle au futur Charles VII qu'il est «l'unique héritier encore en vie du très chrétien royaume des Francs, exerçant le pouvoir de droit»[61]. Toutefois, cet argument est immédiatement tempéré, quelques lignes plus loin, par la condition *sine qua non* du gouvernement juste et méritoire: «le roi assis sur le trône de la justice dissipe tout mal par son regard»[62]. La citation biblique vient à point pour justifier l'argument 'biologique' de l'hérédité. L'exercice légitime du pouvoir royal est donc lié à deux obligations: la filiation et la justice. Quelques mois plus tard, Charles est déshérité par le traité de Troyes…

De la même façon et bien qu'il ne soit pas un clerc, Chartier est visiblement familier avec la notion de *ministerium*, issue de l'Ancien Testament et qui garantit la mission sociale et religieuse de la royauté en Occident[63].

59. N. Grévy-Pons, «Propagande et sentiment national pendant le règne de Charles VI: l'exemple de Jean de Montreuil», *Francia, Institut Historique Allemand de Paris*, 8 (1980), 127-46; J. Krynen, *Idéal du Prince et pouvoir royal en France à la fin du Moyen Age, 1330-1440. Étude de la littérature politique du temps*, Paris, Picard, 1981.

60. Au sens premier d'*inventio*, découverte, tout autant que méthode permettant de résoudre un problème.

61. Jean Gerson, *L'Œuvre épistolaire*, éd. P. Glorieux, Tournai, Desclée, 1962, II, 223: «[…] te princeps illustrissime Dalphine, qui superes unicus heres christianissimi regni Francorum et jure regens ipsum». Il s'agit de la lettre de dédicace du traité *Trilogium astrologiae theologizatae*.

62. Pr 20, 8. Voir J. Krynen, *L'Empire du roi. Idées et croyances politiques en France, XIIIe-XVe siècle*, Paris, Gallimard-Nrf, 1993, 345-83.

63. Voir M. Turchetti, *Tyrannie et tyrannicide, de l'Antiquité jusqu'à nos jours*, Paris, PUF, 2001.

Quant à Clamanges, après avoir longtemps hésité, on l'a vu, il finit par reconnaître la qualité particulière du sang royal[64], dépossédé de son pouvoir de transmission héréditaire à cause de l'occupation anglaise. C'est la 'couronne', représentant certes la fonction mais pas la 'personne' du roi[65], qui est passée entre d'autres mains[66]. La qualité royale est donc invariablement transmise biologiquement. Mais pour être légitime, le pouvoir doit être basé sur la justice. Un royaume sans justice forte[67] est «un repère de brigands»[68]. Ce qui fait étrangement écho aux mots de Laurent de Premierfait: sans le binôme Justice et Pitié, «un roy n'est pas roy ains larron» et son royaume est «une larroniere»[69].

Ainsi, les humanistes et leurs proches semblent tous tomber d'accord, même après le traité de Troyes: Charles est le légitime héritier du trône de France toutefois, pour mériter ce droit, il doit faire preuve des plus grandes qualités: justice, clémence et pardon. Il s'agit de 'réparer' un royaume déchiré par de nombreuses divisions.

Toutefois, ces objectifs à court terme ne doivent pas faire oublier le long terme dans une histoire pensée naturellement comme chrétienne. C'est ainsi que l'ultime légitimation du pouvoir, pontifical comme monarchique, pourrait se situer à un autre niveau, celui de l'eschatologie.

Eschatologie et renouveau de l'idée de croisade

En effet, Clamanges après son retour à Paris, aux environs de 1425, est convaincu que la chrétienté se trouve 'indéniablement'

64. Nicolas de Clamanges, *Expositio*, f. 25v: «[…] per hostes occupatio, regii sanguinis ejecto».

65. Voir E. Kantorowicz, *Les Deux corps du roi. Essai sur la théologie politique au Moyen Âge*, Paris, Gallimard, 1989.

66. Nicolas de Clamanges, *Expositio*, f. 103r: «[…] per corone translationem».

67. Cl. Gauvard, «Les Humanistes et la justice sous le règne de Charles VI», in *Pratique de la culture écrite en France au XVe siècle. Actes du colloque international du CNRS, Paris, 16-18 mai 1992*, éd. M. Ornato – N. Pons, Turnhout, Brepols, 1995, 217-44.

68. Nicolas de Clamanges, *De lapsu*, 7.

69. Laurent de Premierfait, *Des Cas*, f. 267r.

au seuil du Jugement dernier»[70]. Son ami et ancien maître Pierre d'Ailly, partageait ce sentiment avant d'avoir été rassuré par l'élection de Martin V et la fin du schisme. Ce qui ne l'empêche pas, jusqu'à sa mort en 1420, de s'interroger sur l'avenir[71]. Il propose d'ailleurs d'identifier Gog et Magog avec les Mongols et les Ottomans, qui, depuis les années 1240, se rapprochent dangereusement de la chrétienté occidentale[72]. Pour les deux hommes, tout concorde: les musulmans incarnent le *flagellum Dei* envoyés pour punir les péchés des chrétiens[73]. La mission ultime des gouvernants occidentaux est donc de s'opposer à l'avancée inexorable des ennemis de la foi. C'est à cette nécessité que répondent les thèmes de *pastor angelicus* et de 'l'empereur des derniers jours'.

70. Nicolas de Clamanges, *De Antichristo et ortu ejus, vita, moribus et operibus*, in Id., *Opera omnia*, II, 357: «Credo inconcussa certitudine tempora magni judici in januis esse».

71. Dans son traité Pierre d'Ailly, *De persecutionibus Ecclesie*, Marseille, BM, ms. 1156, f. 30v, écrit en 1419, il invite les chrétiens à la patience en attendant la fin: «[…] ut ad tribulationum patientiam se consistanter preparent Christiani». À ce propos, voir O. Marin, *La Patience ou le zèle: les Français devant le hussitisme (années 1400-années 1510)*, Paris, Institut d'Études augustiniennes, 2020; *Les croisades tardives* II *La noblesse et la croisade à la fin du Moyen Âge (France, Bourgogne, Bohême)*, éd. M. Nejedly – J. Svatek, Toulouse, P.U. Midi, 2015.

72. Pierre d'Ailly, *De persecutionibus*, ff. 24v-5r: «Quia, de omnibus partibus mundi, aliqui adherebunt Antichristo seducti, a suis predicatoribus Dyabolo cooperante mendacibus signis, has autem gentes 'vocat Got et Magot', [...] Isti autem, circa annum Dominum milesimum ducentesimum quadragesimum, de montibus illis egressi vastaverunt Georgiam, Armeniam majorem, Judiam et Turquiam et tandem ceperunt civitatem potentissimam Baldat et Calipham Sarracenorum interfecerunt. Et post modum Yconium, Alapiam et Damascum devastaverunt, irruerunt etiam in Ungariam, Poloniam, Comaniam, Tusciam et plura regna magna atque usque ad fines Germanie pervenerunt».

73. Nicolas de Clamanges, *De Antichristo*, 358: «Huic autem crudeli bestiae in nostrum interitum de mari surrecturae, conjugenda est insuper et alia bestia, in Christianae similiter religionis extinctionem de Terra consurgens, varii scilicet haeretici, in partibus Italiae Germaniaeque constituti […]; Pierre d'Ailly, De persecutionibus, f. 20r: «[…] 'et vidi bestiam et reges Terre', id est principes Sarracenorum, 'et exercitus eorum congragatos ad faciendum prelium cum illo qui sedebat in equo', scilicet cum Christo, 'et exercitu suo, et apprehensa est bestia', id est principalis exercitus Sarracenorum, 'et cum illa pseudo propheta', scilicet Calipha, representatis personam pseudo prophete Machometi, 'Qui fecit signa', scilicet falsa et deceptoria, 'quibus seducit eos qui acceperiunt caracterem bestie', id est arma et rex illa secte Macometice».

Après avoir donné une liste à jour des régions envahies par les musulmans, Pierre d'Ailly précise que le dernier empereur sera un roi des Romains ou des Grecs[74]. Il est donc temps de se préparer au premier avènement du Christ en lançant une nouvelle croisade contre les musulmans, qui sera non seulement dirigée par un roi mais également guidée par l'Église:

> Il est relevé que le roi des Grecs ou des Romains, qui détruira selon Méthode, la secte des Sarrasins, se trouvera assisté d'un saint prélat, dont le sermon appellera l'armée du Christ à se réunir[75].

Quant à l'identité de ce roi, si elle n'est pas clairement mise en évidence, sa nation d'origine ne semble pas faire de doute: «christianissimum Francie regnum»[76]. Gerson, Clamanges et d'Ailly ont, dès les années 1380, âprement défendu le droit du royaume de France à intervenir en faveur de la résolution du schisme, forts de l'argument que son roi est le 'champion' de l'Église[77].

Cette figure du pouvoir temporel est complétée par celle d'un *pastor angelicus*, qui pourrait être incarné par un souverain pontife[78]. Pour Clamanges, il n'y a aucun doute, il s'agissait de Benoît XIII.

Alors qu'il est rentré à Paris et redevenu secrétaire de l'Université, Clamanges continue inlassablement son combat en faveur d'une alliance des princes chrétien sous l'égide du pape afin de combattre l'avancée des musulmans ainsi que l'hérésie hussite.

74. *Ibid*., f. 15v: «[…] exiliet rex Grecorum sive Romanorum […]».

75. *Ibid*., f. 19v: «Ubi notandi quod illi regi, Grecorum sive Romanorum, quod secundum Methodium destruet sectam Sarracenorum, assistet aliquis talis sanctus prelatus, ad cujus exhortationem congregabitur exercitus Christianorum».

76. *Ibid*., f. 7r. D'Ailly est-il inspiré par le *Liber Secretorum Eventuum* de Jean de Roquetaillade, dans lesquels ce dernier raconte la victoire de l'Église menée par le véritable pape, conjointement avec son fidèle serviteur, le roi de France, sur les forces de l'Antéchrist? Ce n'est pas impossible, d'autant que les membres du cercle des humanistes navarristes ont participé à la prospérité de ce thème du roi de France, *christianissimus rex*.

77. Voir Krynen, *L'Empire*.

78. M. Reeves, *The Influence of Prophecy in the Later Middle Ages. A Study in Joachimism*, Oxford, Clarendon Press, 1969, 306-19; B. Mc Ginn, *Antichrist, Two Thousand Years of the Human Fascination with Evil*, New York – San Francisco, Harper, 1994, 173-99; Id., *Visions of the End. Apocalyptic Traditions in the Middle Ages*, New York, Columbia U. P., 1998, 230-33.

L'humaniste presse Martin V d'organiser un concile général car, comme le dit Virgile dans l'*Énéide*, le pire peut advenir: «mais alors apparaît un homme auquel ses mérites et sa piété donnent beaucoup de poids, le silence se fait, on s'arrête, on est tout ouïe, il parle et sa parole dompte les âmes et apaise les cœurs»[79].

Dans le même temps, il envoie des lettres aux princes pour les pousser à combattre l'avancée musulmane en s'appuyant sur les mots de Mattathias: «Hélas! Pourquoi suis-je né pour voir la ruine de mon peuple et la ruine de la ville sainte et rester là, oisif, pendant qu'elle est livrée aux mains des ennemis»[80]? Il insiste ensuite sur le devoir des puissants de combattre pour leur peuple et pour leur foi. Avec la rage du désespoir, il intime à ceux qui hésitent à aller combattre en des terres étrangères de réfléchir: il s'agit maintenant de défendre leurs propres terres devant l'avancée musulmane[81] et de légitimer ainsi le pouvoir qu'ils ont sur les chrétiens.

Les nombreux manquements de la gouvernance de la chrétienté européenne dans les années 1380-1430 sont donc particulièrement favorables à la mise en cause sa légitimité.

Dans le cercle clamangien, si le mot 'mérite' apparaît peu, la notion est clairement présente, notamment dans la naturalisation des aptitudes au pouvoir, tels la métaphore du corps social et l'argument biologique. Si pour certains, le roi de France est sans nul doute, pour la chrétienté, le leader 'naturel' cher à Virgile, Clamanges semble finalement s'en remettre au contexte de crise pour favoriser son émergence[82].

79. Virgile, *Énéide* 1, 147. Il s'agit de lettres inédites de Clamanges que nous sommes actuellement en train d'étudier.

80. 1 M, 2, 7. Toujours dans ces mêmes lettres.

81. Nicolas de Clamanges, *Lettres inédites* (citation d'après un manuscrit berlinois inédit que nous sommes en train d'étudier): «Olim plurimi christianorum principes contra ipsos infideles potenter dimicarunt, singuli christiani tum paratissima illis tulerunt auxilia, opes dederunt, capita periculis maximis objectarunt, quin etiam, propriis derelictis uxoribus, filiis dimissis, solo natali deserto, in regiones longinquas abjerunt pro fide Christi fideliter pugnaturi. Non jam id agitur, ut terras alienas pergatis invadere, sed ut vestras defendatis, quas inimici nephario incursu petunt. Non requirimus ut vestras regiones deseratis sed ut caveatis ne deserte fiant»!

82. J. Paviot, *Les Ducs de Bourgogne, la croisade et l'Orient, fin XIVe-XVe siècles*, Paris, P.U. Paris-Sorbonne, 2003, 17-57.

Ainsi, l'apparition de Jeanne d'Arc sur la scène politique française quelques années plus tard fait résonner ses mots, qui sont parmi les derniers, avec une étrange force.

ABSTRACT

Lucie Jollivet, *Legitimising Power in Times of Crisis: The Group of Nicolas de Clamanges and the Beginning of the Notion of «Merit», 1380's-1430's*

Although the concept of «Crisis» was not used in the medieval world, it corresponds well to the general state in which the kingdom of France found itself between around 1380 and 1430. This raises the question of the origin of the crisis, as well as the responsibility for its development and the failure to resolve it. This is where the concept of «Merit» arises for the intellectuals of the time who sought to highlight the close links between the actions of rulers and peoples and their misfortunes. The literary circle led by the French Humanist Nicolas de Clamanges thus questioned Christian values of vice and virtue, as well as the metaphor of the body, to determine whether there was such a thing as a «natural» leader. The question seemed to be whether we should follow the one whom heredity has placed on the throne, or the one whose qualities and virtues deserve it, and where the legitimacy of power derive from?

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LEGITIMATION OF THE DYNASTIC RULER

Christiane Raynaud

NATURE, NATURALITÉ ET POLITIQUE. DISCOURS VISUELS ET CULTURE DE GOUVERNEMENT DE CHARLES V À CHARLES VI

Le discours visuel de légitimation du pouvoir royal et de la dynastie des Valois connaît avec Charles V[1], une inflexion qualitative et quantitative qui se traduit par la multiplication de son vivant des statues du roi, de son épouse, du dauphin dans la capitale et la mise en place d'une véritable politique éditoriale. Dans la seconde partie du règne, avec les grandes réformes concernant sa succession et dans un contexte assombri, il commande une vingtaine de manuscrits de grands textes. Ce corpus de références souvent en langue vernaculaire donne les bases d'un savoir moral, politique et historique, nécessaire au roi, à ses conseillers, pour nourrir leur réflexion et éclairer la marche du pouvoir[2]. Fruits d'un travail d'équipe, les exemplaires sont réalisés à Paris, parfois avec un regard du roi et selon les directives

1. Il s'inscrit dans une entreprise ancienne d'arrimage des destinées du royaume de France à celles de la dynastie des Valois et s'appuie sur la force des réseaux que les Valois ont noué depuis des décennies dans le royaume (J.-M. Moeglin, «Récrire l'histoire de la Guerre de Cent ans. Une relecture historique et historiographique du traité de Troyes (21 mai 1420)», *Revue historique*, 664/4 [2012], 887-919). Louis IX a réaménagé la disposition des tombes de la nécropole royale de Saint-Denis. Philippe le Bel a installé un cycle de 58 statues des rois de France depuis les Mérovingiens dans la Grand-Salle du Palais de la Cité. Chaque fois qu'un roi disparaît une effigie individualisée est ajoutée. Henri V, malgré le traité de Troyes, son décès en France et l'occupation anglaise, n'y entre pas.

2. Son ampleur et sa diversité rendent rude l'initiation du dauphin, futur Charles VI.

Naturalisation of Power (1250-1600): Unravelling the Strategies of Legitimation. Edited by É. Adde and J. Dumont, Firenze, SISMEL – Edizioni del Galluzzo, 2025, pp. 137-156
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des auteurs, des traducteurs ou des libraires par des copistes et des peintres de talent rompus au maniement des concepts et des idées politiques. Parmi les premiers mis en chantier se trouvent des traductions d'Aristote, de saint Augustin, de Valère Maxime et les *Grandes chroniques de France*. Leurs programmes iconographiques reprennent à frais nouveaux le discours autour de la légitimité et s'ouvrent à des évocations de la nature dont Charles V a le goût[3]. Comment ces images aux significations fortes et complexes assignent-elles à la naturalité un rôle dans l'économie du pouvoir? Aux leçons des classiques sur les signes naturels fondateurs de dynasties (1.), s'ajoute dans les *Grandes chroniques de France* leur émergence dans le champ politique contemporain (2.). Dans le même temps toute contestation des pouvoirs naturels est condamnée comme illégitime (3.).

Naturalités dynastiques

Songes, présages, prophéties et signes de la nature aux fondements de la légitimité

Le discours visuel s'inscrit dans un processus de légitimation du pouvoir, à partir de récits fondateurs qui annoncent l'avènement du prince, pour le rendre possible alors que son avènement marque une rupture, un changement dynastique. Il développe une rhétorique de la persuasion qui lui est propre[4], établissant un lien entre une représentation de l'histoire et la pensée de l'événement. Le signe naturel et l'analogie animalière augurent aussi de la manière dont le pouvoir est ensuite exercé, prophétie rétrospective.

Les *exempla* antiques illustrent une triple rupture.

3. Vignetures des marges, emblématique, décor imposé par le texte, etc. Le fonds ancien des bestiaires et des fables bénéficie d'un renouvellement avec les premières figurations de paysage non humanisé.

4. M.-A. Polo de Beaulieu, «Recueils d'*exempla* enluminés: textes et images pour une rhétorique de la persuasion», in *La Légitimité implicite. Actes des conférences organisées à Rome en 2010 et en 2011 par SAS en collaboration avec l'École française de Rome*, éd. J.-Ph. Genet, Paris – Rome, Publications de la Sorbonne – École française de Rome, 2015, I, 423-53.

Les programmes iconographiques des traductions pour le roi ont une place importante dans cette réflexion politique dans un contexte marqué par la persistance de la crise dynastique. Pour étayer la légitimité des Valois devenue efficiente par l'usage, mais fragile, les *exempla* antiques sont revisités et les mécanismes de naturalisation et de légitimation dénoncés, quand ils paraissent incompatibles avec elle. La traduction française par Simon de Hesdin des *Dicta memorabilia* de Valère Maxime est à cet égard caractéristique[5]. Le manuscrit de dédicace (Paris, BnF, ms. fr. 9749) reçu par Charles V en 1375 contient les livres 1 à 4. Les enlumineurs illustrent le texte de l'auteur et sa glose[6].

La première forme de rupture est celle d'une dérogation au système politique.

La Fig. 17 en grisaille avec rehauts de couleur évoque le présage de la royauté de Tarquin[8], premier des rois étrusques ayant pris le pouvoir par la force à Rome[9], où les rois latins et sabins choisis à vie alternaient jusque là. Dans un chariot luxueux, Tanaquil est assise devant son mari. Plus petit qu'elle, il est tête nue. Le couple regarde un aigle. Le roi des oiseaux tient un cercle de fer et non le bonnet enlevé puis reposé sur la tête de Tarquin d'après le texte[10]. Il ne peut poser la couronne… car

5. L'auteur est un contemporain de Tibère qui entend mettre en œuvre une politique de Concorde pour fonder la légitimité de sa nouvelle dynastie. Le texte avec près de 900 anecdotes est conservé dans 500 manuscrits latins et plus de 50 mss. traductions françaises illustrées. L'œuvre est une des plus lues du Moyen Âge.

6. Selon les *exempla* sont illustrés la glose, l'auteur, ou parfois les deux. Voir A. Dubois, *Valère Maxime en français à la fin du Moyen Âge. Images et traditions*, Turnhout, Brepols, 2016, 442. Le copiste est Henri du Trévou (M.-H. Tesnière – V. de Becdelièvre, Art. «Henri du Trévou». En ligne. URL: https://archivesetmanuscrits.bnf.fr/ark:/12148/cc78178h [dernière consultation 08.09.2020]).

7. Paris, BnF, ms. fr. 9749, f. 162r. Le Maître du Policratique de Charles V, qu'I. Villela Petit identifie avec Antoine de Compiègne, illustre le texte de l'auteur, Valère Maxime.

8. Selon Tite-Live, *Histoire romaine* 1, 34.

9. Nouveau venu, il s'immisce dans l'entourage d'Ancus Marcius. À sa mort, il insiste pour que l'élection du nouveau roi se déroule au plus vite et prétexte une partie de chasse pour éloigner les fils presque majeurs du défunt. Écartés du trône, ils ne sont pas tués.

10. Il n'a rien d'une couronne royale. Le rouge et l'or du fond géométrique, sur le chariot et les toits de Rome soulignent l'importance de l'enjeu.

l'élégant véhicule est couvert. Non sans humour est dénoncé un faux discours légitimant un parvenu, élu par le peuple au détriment des héritiers légitimes. Il se révèle ensuite mauvais prince et son fils est un tyran.

La deuxième rupture est une dérogation au système de parenté avec le présage de la royauté de Servius Tullius. Sur la Fig. 2[11], Tanaquil choisit d'adopter le fils de son esclave et d'en faire le successeur de Tarquin en raison d'un présage[12]. L'enlumineur multiplie les indices péjoratifs. Le fonds géométrique est à petits carreaux bleus et or disposés en diagonales. Sur un sol rocheux, dans un modeste berceau, la tête de l'enfant est posée sur un oreiller bleu, dans un lange ressemblant à un linceul[13]. Cinq grandes et hautes flammes enveloppent le haut du berceau. Elles jaillissent de bois calcinés et ne sont donc pas un prodige. La composition qui utilise le nombre d'or montre la reine Tanaquil, portant une couronne fleurdelisée[14], suivie d'une dame d'honneur et de courtisans attirés par le spectacle[15]. Elle se penche vers le berceau et de la main gauche (mauvais signe), index pointé vers le haut, donne un ordre à l'intention de sa suite concernant l'enfant qu'elle va élever dans les deux sens du terme. L'*exempla* rappelle qu'en matière de succession, la reine n'est pas apte à faire les bons choix et à gouverner, le trône ne

11. Paris, BnF, ms. fr. 9749, f. 33r. Le Maître du couronnement de Charles VI illustre la glose qui précède le texte.

12. Il est le fils d'une noble prisonnière étrusque Ocrésia, ce que l'image ne laisse pas deviner. Le texte au fol. 33v, col. B, raconte: «Celle Tanaquil qui moult estoit saige et vaillant voit et sceut que entour le chief dung petit enfant qui dormoit vint une grant flamme qui y demoura longuement sans luy blecier ne mal faire. Et avoit nom lenfant Servius Tulius pour ce quil estoit filz dune femme qui estoit serve pour quelle avoit este prinse des Rommains Tanaquil doncques la royne fist nourrir lenfant qui apres Pristus Tarquinius fut le sixiesme roy de romme». Servius Tullius ayant épousé la fille de Tarquin, Tanaquil, après l'assassinat de Tarquin l'Ancien à l'instigation des fils du roi Ancus Marcius, fait proclamer roi son gendre et le fait reconnaître par le peuple.

13. Les enfants sont emmaillotés dans des langes retenus par des bandelettes.

14. Identique à celle des rois et reines de France dans le ms. Paris, BnF, ms. fr. 2813.

15. La reine se reconnaît à sa couronne et se distingue de sa dame d'honneur par l'âge et la dignité.

peut revenir sans danger à quelqu'un de basse extraction, qui n'est pas destiné à régner en présence d'héritiers mâles directs de sang royal. Les dispositions prises par Charles V concernant sa succession à partir de 1374, et son testament rédigé la même année, vont dans ce sens. La reine a la garde des enfants mais n'a pas le gouvernement du royaume[16]. Les deux *exempla* illustrent des cas extrêmes: l'accès au pouvoir d'un couple d'étrangers et une deuxième génération légitime, qui maintient son extranéité.

Dans un manuel de gouvernement anonyme[17], réalisé après 1384 connu sous le nom *Fleurs des Chroniques*[18], en forme de chronique universelle illustrée par Perrin Remiet[19], deux modèles bibliques rappellent que le pouvoir légitime vient de Dieu. Dès lors l'enjeu se déplace sur sa reconnaissance et l'obéissance à ses commandements qui effacent ruptures ou dérogations au système politique ou de parenté. Dans le ms. Besançon, BM, 677, au folio 13, Nabuchodonosor est «mué en bestes». Le monarque babylonien, après la révolte de Sédécias, a démantelé la ville de Jérusalem, incendié le Temple et déporté sa population en exil. Instrument de la justice de Dieu, il est tourmenté de visions et de songes que Daniel est seul capable d'expliquer[20]. Le prophète lui prédit que frappé d'une démence, son cœur d'homme sera remplacé par un cœur de bête ce qui le fera chasser dans les champs où il vivra pareil à un bœuf durant sept temps[21]. Après l'épreuve il redevient ensuite sain d'esprit et glorifie Dieu. Le récit est simplifié et aménagé. Au milieu d'une forêt luxuriante, le roi broute de l'herbe au milieu d'animaux sauvages: un loup,

16. La reine Jeanne de Bourbon décède avant son mari le 6 février 1378.

17. Continuant le manuel d'histoire de Philippe VI, il est aussi une sorte de compendium des idées et des leçons de Charles V dans une perspective programmatique pour le règne personnel de Charles VI.

18. *Chroniques abrégées ou manuel d'histoire dédié à Philippe VI de Valois. Première rédaction avec continuation jusqu'en 1384*, ff. 1r-128v, in *Notice et manuscrit numérisés*. En ligne. URL: memoirevive.besancon.fr/ark:/48565/a011323184967C86r7T (dernière consultation 02.12.2023).

19. Grisailles du même artiste que celui des *Grandes Chroniques de France*, Vienne, ÖNB, Cod. 2564.

20. L'arbre apparu pendant son sommeil annonce son propre destin, abattu et réduit à une souche (Da 4, 7-14).

21. Dieu éprouve les hommes afin de leur montrer qu'ils ne valent guère mieux que les bêtes (Ec 3, 17-22).

un lion, une licorne et un lapin. Il est métamorphosé en bête, aux pieds fendus et aux poils de chèvre, mais garde sa couronne et son visage humain. Cette métamorphose partielle est douloureuse: le roi ne peut plus être admis dans la compagnie des hommes. Le choix de Remiet est aussi symbolique. L'homme même mauvais est conçu à l'image de Dieu et garde une supériorité de nature sur les autres êtres vivants. La régression totale n'est pas chrétiennement concevable. Le visage du roi est marqué comme par l'âge, le chagrin, le péché. La métamorphose associée à l'infériorité de son âme est un changement de nature plus que de vie.

À cette métamorphose animalière dévalorisante du mauvais roi, fléau de Dieu pour le peuple élu, le manuscrit oppose la sagesse d'Astyage[22]. Ici la rupture dynastique et géopolitique est dissimulée[23]. L'enlumineur illustre le contenu de la rubrique en rouge: du roi Astyage qui songea que des entrailles de sa fille sortait une vigne[24]. La vigne au pied du lit royal, côté droit, est bien verte, deux sarments se dressent à la verticale[25]. À la différence du tyran au pouvoir éphémère, le bon roi comme le juste peut espérer une longue lignée[26]. En fin de volume l'arbre généalo-

22. Besançon, BM, ms. 677, f. 13v.

23. Dernier roi de Médie, il est renversé par son vassal Cyrus, fondateur de l'Empire Perse. Vincent de Beauvais rapporte le songe et donne un long récit dissimulant la rupture: Jean de Vignay, *Le Miroir historial*, éd. M. Cavagna, Paris, Société des Anciens Textes français, 2017, vol. 1/1 (livres 1-4), 539, 589, 594-95.

24. Généalogie ascendante symbolique, elle se différencie de l'arbre de Jessé qui connaît un succès considérable depuis le XIIe siècle par l'absence d'individualisation de la descendance.

25. La fille du roi au XVe siècle est représentée nue.

26. La continuité dynastique est une hantise, comme l'atteste un événement récent. Dans le Besançon, BM, ms. 677, f. 83r, l'intitulé marginal résume: «de la nativite du duc dorleans au bois et de la tempeste qui y cheut». Lors d'une tempête au bois de Vincennes, des pierres tombent du pignon de la chambre de Jeanne de Bourgogne, mère du duc (*Grandes Chroniques de France*, éd. J. Viard, Paris, Société des Anciens Textes français, 1937, IX, 153-57; Richard Lescot, *Chronique*, éd. J. Lemoine, Paris, Société des Anciens Textes français, 1896, 39-43; Guillaume de Nangis, *Continuation de la Chronique latine de 1113 à 1300, avec les continuations de cette chronique*, éd. H. Géraud, Paris, Société des Anciens Textes français, 1843, II, 150-55). L'épisode se situe en 1336. L'enfant est né le 2 juillet au Bois de Vincennes, le 3 où 4 août intervient la tempête, soit le jour prévu par Jeanne épouse de Philippe VI de Valois pour ses relevailles. La reine, qui comprend la

gique des rois de France se distingue par une généalogie descendante et l'individualisation des membres de la lignée[27]. Entre Marcomir, près d'un buisson aux fleurs rouges et Genebaud, ducs de Sicambre, est représentée au folio 129 une ville forte, Paris, la nouvelle Troie[28]. Dès l'origine cet ancrage territorial mythique fonde la naturalité de la dynastie. Pour figurer la continuité dynastique, une référence animalière est aussi en usage.

Une réinterprétation précoce des visions de Chilpéric qui surgissent dans le champ politique

L'épisode est fondamental, il inspire ensuite toutes les visions des rois de France. Rapporté par le Pseudo-Frédégaire (2e quart du VIIe siècle), il vise, sans la contester la légitimité de la dynastie mérovingienne, que la rupture de croyances avec Clovis inscrit dans la longue durée. Il la dénigre en montrant sa déchéance jusqu'aux guerres civiles entre ses petits-fils et l'inscrit dans la dégénérescence de l'histoire du monde[29]. Après l'an mille, les visions sont interprétées comme couvrant les trois siècles de

portée politique de l'événement, fait donner la fête dès le lendemain. Le présage a valeur de prophétie en ce qui concerne Philippe d'Orléans, comte de Valois (1336-75), premier duc d'Orléans (1344-75). Pour Philippe VI l'enjeu est considérable: son fils aîné Jean marié depuis 1332 n'a pas encore d'enfant (Charles naît en 1338), le puîné Philippe qui a épousé en 1345 Blanche de France, fille posthume de Charles IV et de Jeanne d'Évreux, est sans postérité. Le choix d'illustrer l'épisode renvoie à la situation à la date de réalisation du manuscrit. Charles VI marié en juillet 1385, n'a pas d'héritier mâle vivant jusqu'en 1392. Son frère Louis d'Orléans n'a pas d'enfant jusqu'en 1394, la lignée peut s'éteindre.

27. Bernard Gui, *L'Arbre généalogique des roys de France*, traduction de la cinquième et dernière édition, ff. 129r-47v (jusqu'à Philippe VI de Valois). En ligne. URL: https://arlima.net/no/4721 (dernière consultation 02.12.2023).

28. Pharamond, fils de Marcomir, est le premier roi. A.-M. Lamarrige, «La Rédaction d'un catalogue des rois de France. Guillaume de Nangis et Bernard Gui», in *Saint-Denis et la royauté. Études offertes à Bernard Guenée*, éd. Fr. Autrand – Cl. Gauvard – J.-M. Moeglin, Paris, ENS – LAMOP, 1999, 481-92.

29. Cl. Beaune, *Le Rêve du roi fondateur dans l'histoire de France*, Rome, Publications de l'École française de Rome, 1993, 27-44; J. Voisenet, *Bêtes et Hommes dans le monde médiéval. Le bestiaire des clercs du Ve au XIIe siècle*, Turnhout, Brepols, 2000, 376-78.

l'histoire mérovingienne. Elles entrent, avec la version d'Aimon de Fleury, dans l'histoire officielle de la monarchie française dans les *Grandes Chroniques de France* terminées vers 1275 par le moine Primat à Saint-Denis. Le discours visuel, grâce à la mise en place d'une emblématique nouvelle et politique à partir du milieu du XIVe siècle[30], suggère une interprétation plus actuelle. Cette évolution précoce est en lien avec la diffusion des traductions de textes antiques, les progrès de la sécularisation du pouvoir politique et les guerres civiles qui favorisent l'exaltation prophétique[31]. Aux modifications du récit dont la structure reste intangible, l'image ajoute ses propres ambiguïtés. De menus indices dans le texte autorisent un certain réajustement selon les situations et les besoins du prince. Basine à l'annonce de l'avènement par élection de Childéric abandonne son époux le roi de Thuringe pour l'épouser et vient en France[32]. Lors de la nuit de noces, elle demande à être seule et envoie le roi devant le palais en lui demandant de lui rapporter ce qu'il va voir.

> [Trois visions se succèdent. La première est] des formes de bestes comme des unicornes, des léopards des lions, [qui allaient et venaient devant le palais; la deuxième de] granz ymages d'ours et de leus ausi com s'il vousissent courre sus li uns l'autre; [la troisième] figures de chiens et de petites bestes qui s'entredepeçoient toutes. [La reine avertit:] Si ne pren pas garde aus formes des bestes que tu as veues, mais aus faiz et aus mours de la lignie qui de nous doit eissir[33].

Childéric ne donne aucun chiffre. Basine, à l'origine des visions, donne au matin la clé: la première génération est celle de Clovis guerrière et puissante, la seconde, composée d'animaux courageux et ambitieux, est qualifiée d'avide, avec la troisième, le prince perd toute vertu et le peuple qui n'a plus peur de lui s'entretue. Basine explique la «senefiance» morale et politique par

30. L. Hablot, *La Devise, mise en signe du prince, mise en scène du pouvoir*, Thèse de doctorat, Université de Poitiers, 2001, 24.

31. J. Le Mauff, «Une Raison d'État au Moyen Âge? Retour sur une hypothèse historiographique», *Revue française d'histoire des idées politiques*, 48/3 (2018), 213-36.

32. *Grandes Chroniques de France*, I, 35-38.

33. Paris, BnF, ms. fr. 2813, ff. 7v, col. B; 8r, col. a.

couples (licorne et lion, ours et loup) puis sépare les chiens des petites bêtes. La forme retenue pour Clovis n'est pas précisée. Le récit n'est pas illustré dans les huit premiers exemplaires conservés des *Grandes chroniques de France* (*c.* 1274 aux années 1330)[34]. Il apparaît dans le neuvième réalisé pour Jean de Normandie, futur Jean II le Bon: Londres, BL, ms. Royal 16 G VI[35], dans une miniature sur deux colonnes au folio 9[36]. Dans la première partie de l'exemplaire de dédicace de Charles V, Paris, BnF, ms. fr. 2813, copiée par Henri du Trévou avant 1375[37], l'artiste qui réalise l'enluminure folio 7v (Fig. 3) résume[38]. La structure de l'image facilite la compréhension du récit avec une grande vignette et trois petites superposées[39]. Les songes, les visions sont ambiguës et leur interprétation est complexe. L'image retient l'essentiel: le rôle de Basine (déjà reine, par son premier mariage), la peur du roi et les visions. La reine est nue dans une couverture de fourrure de vair, qui ne se trouve plus ensuite pour les lits royaux,

34. A. D. Hedeman, *The Royal image. Illustrations of the Grandes chroniques de France, 1274-1422*, Berkeley – Los Angeles – Londres, University of California Press, 1991, 187.

35. *Ibid.*, 213. Il est suivi de deux illustrations de la prophétie de saint Séverin à Odoacre (*ibid.*, ff. 10r-11r).

36. Sur la première moitié de l'image, Basine vient trouver Childéric, puis, dans son lit, refuse sa couche au roi et lui donne ses instructions. Dans la seconde moitié, à l'extérieur du palais, Childéric voit devant lui une licorne grise et un lion blanc, puis un ours allant contre un loup gueule ouverte, plus bas un renard blanc et un chien. Le léopard de la première génération disparaît. Le renard est choisi en raison du succès littéraire et populaire de l'animal.

37. Le roi lui fait adjoindre (*ibid.*, ff. 389r-492r) les faits du règne de Jean II, ainsi que ceux de son propre règne. La chronique s'arrête en avril 1379. Le ms. passe à Charles VI (*ibid.*, f. 3v, acclamation du jeune roi).

38. Un des cinq artistes qui illustrent le manuscrit est un collaborateur du Maître du couronnement de Charles VI (BnF, Archives et manuscrits, Catalogue des manuscrits, notice rédigée par V. Becdelièvre, 2018; Fr. Avril, *La Librairie de Charles V*, Paris, BnF, 1968, 112, n. 195).

39. Cette composition en scènes multiples se retrouve dans les bestiaires (*Book of Beasts. The Bestiary in the Medieval World*, éd. E. Morrison – L. Grollemond, Los Angeles, J. Paul Getty Museum, 2019) et les illustrations des fables (*Recueils de traités philosophiques et moraux* [en latin], Besançon, BM, ms. 434, partcl. ff. 371v-375r [*De Ésope et ses fables*]; A. Castan, «Un Manuscrit de la bibliothèque du roi de France Charles V retrouvé à Besançon», *Bibliothèque de l'École des chartes*, 43 [1882], 211-18).

une manière de rappeler qu'elle est étrangère et païenne. Elle dort dans la position conventionnelle de celle qui songe. Le personnage est inquiétant par sa proximité relative avec le monde animal, sa capacité à interpréter les visions prophétiques et son comportement à l'égard de son mari[40]. Elle n'est pas à ses côtés lors des visions. Dans ces dernières interviennent deux modifications importantes, la disparition du léopard et du loup dans la parenté royale[41]. La première vision est illustrée sur un fond rouge à volute végétal or, l'image montre un arbre au sommet d'une montagne. Il paraît incliner sa frondaison comme un dais naturel au-dessus d'un unicorne blanc assis au pied de la montagne et tourné vers la droite. L'animal est entouré de deux lions couchés, ce qui crée entre eux une hiérarchie: soit au premier niveau de lecture Clovis en licorne et deux de ses fils. La licorne blanche[42], figure christique[43], rappelle que le roi de France très chrétien est roi de droit divin[44]. Faut-il reconnaître dans l'animal mythique Charles V et dans les deux lions couchés à ses côtés ses deux fils le futur Charles VI et Louis d'Orléans[45]? La deuxième vision concerne la génération suivante, les *rapineus*. Sur un fond

40. Le roi obéit à ses instructions, inversion indice de l'intervention de pouvoirs surnaturels. Il est couronné mais roux (il est païen). Il ne porte pas les armes de France.

41. Le loup est encore considéré comme trop vil (J. Voisenet, *Bêtes et Hommes dans le monde médiéval. Le bestiaire des clercs du Ve au XIIe siècle*, Turnhout, Brepols, 2000, 75-77; E. De Boos, *Dictionnaire du Blason*, Paris, Le Léopard d'or, 2001, 94; M. Pastoureau, *Traité d'Héraldique*, Paris, Picard, 2008, 146-47; Id., *Bestiaires du Moyen Âge*, Paris, Seuil, 2011, 71-73).

42. À l'origine un animal malfaisant (Voisenet, *Bêtes*, 309), elle n'apparaît dans l'héraldique qu'au XIVe siècle avec une connotation positive (Pastoureau, *Traité*, 156; Id., *Bestiaires*, 34, 79-82). Ici elle est conforme à sa description héraldique (De Boos, *Dictionnaire*, 92).

43. Sur le rapport entre le blanc et le divin, voir M. Pastoureau, *Couleurs, Images, Symboles, Études d'histoire et d'anthropologie*, Paris, Le Léopard d'or, 1989, 34. Le roi, empereur en son royaume, chevauche un cheval blanc lors de l'entrée de l'empereur Charles IV à Paris en 1378.

44. Avec Charles V, l'épithète devient un titre.

45. Un individu peut avoir plusieurs emblèmes. Charles V a adopté le lion, roi des animaux (Pastoureau, *Bestiaires*, 57-63) qui entre dans le registre des animaux emblématiques des Valois avec Jean II. (Th. Lassabatère, *La Cité des hommes. Eustache Deschamps expression poétique et vision politique*, Paris, H. Champion, 2011, 140). Charles V possède des lions dans sa ménagerie et les animaux du trône sont des lions.

bleu, trois animaux sont représentés à mi-corps[46]: un lion blanc tacheté rappelle l'ambivalence du blanc[47], associé à l'illégitimité, à la tromperie, à la trahison. Debout il affirme son pouvoir en marchant patte gauche en avant contre un sanglier et un ours[48]. Ce lion, qui témoigne de la filiation avec les Capétiens, pourrait renvoyer à Charles II, roi de Navarre de 1349 à 1387, redoutable adversaire et compétiteur au trône, qui fait du fauve, pris en bonne part, sa devise[49]. Le sanglier est associé au roi d'Angleterre[50], Édouard III et l'ours, à Jean de Berry, qui dès 1365 l'avait placé en devise sur un sceau[51]. Troisième vision: sur un fond rouge, deux groupes de chiens s'affrontent[52]. Tous montrent les crocs: un molosse dans chaque camp et devant un petit chien blanc contre un chien fauve[53]. L'enlumineur, rompu à l'illustration de textes historiques et fin connaisseur de la situation politique, suggère peut-être par la composition le rôle des princes qui vident leur querelle en instrumentalisant le peuple. Le petit chien blanc pourrait être une allusion au menu peuple et le chien roux à Étienne Marcel[54].

46. Le choix de ne pas représenter la queue (vers l'extérieur pour le léopard ou vers l'intérieur pour le lion en héraldique) laisse ouverte les hypothèses: lion, lion léopardé? L'animal, n'étant pas de face, n'est pas un léopard.

47. Il fait de l'animal une merveille, un sujet d'étonnement. M. P. Halary, «Le *Blanc oisel* dans quelques textes des XIIe-XIIIe siècles: du signe au leurre», in *Déduits d'oiseaux au Moyen Âge*, éd. Ch. Connochie-Bourgne, Aix-en-Provence, Université Aix-Marseille Éditions, 2009, 111-22.

48. Le loup figure dans l'emblématique de Louis d'Orléans à la fin du siècle seulement (Hablot, *La Devise*, I, 100).

49. *Ibid*., 128.

50. Lassabatère, *La Cité*, 168-84; Pastoureau, *Bestiaire*, 68-69.

51. Hablot, *La Devise*, I, 137; Chr. de Mérindol, «De l'emblématique de Charles VI et de Jean de Berry, à propos d'un plafond peint et armorié récemment publié», *Bulletin de la Société nationale des Antiquaires de France*, (2012/ séance du 15 mars 2006), 120-35: 129); De Boos, *Dictionnaire*, 105; Voisenet, *Bêtes*, 68-69; Pastoureau, *Traité*, 146; Pastoureau, *Bestiaires*, 63-65; M. Pastoureau, *Une Histoire symbolique du Moyen Âge occidental (La librairie du XXIe siècle)*, Paris, Seuil, 2004, 65-77.

52. Pastoureau, *Bestiaires*, 123-25.

53. Alors que Basine ne parle que d'un prince, les deux molosses évoquent les princes «mauvais et paresseux». Faut-il y voir une allusion à Louis d'Anjou, frère du roi, dont Charles V se méfie ou à Louis de Male, fils de Marguerite de France, fille de Philippe V?

54. Le roux est toujours pris en mauvaise part, par exemple dans Paris, BnF, ms. fr. 2813, f. 409v.

L'actualisation ajoute donc aux incertitudes (volontaires) concernant l'interprétation des visions. Au contraire dans les traductions des classiques d'autres images ont une vocation didactique affirmée: elles complètent le lexique des néologismes et les gloses. Pour la construction de la légitimité du pouvoir, elles interrogent de manière nouvelle les modalités en œuvre pour ceux qui entrent sinon dans la société politique du moins dans la vie politique contemporaine.

Des pouvoirs naturels en question

De 1371 à 1374 Charles V fit verser d'importantes sommes d'argent à son conseiller Nicole Oresme, pour la traduction de l'*Éthique à Nicomaque* et *le Livre de Politiques* d'Aristote. Puis il fit exécuter deux copies de cette traduction en 1375-76, dotées d'un cycle identique[55]. Leurs images présentent des variantes qui font sens.

Les chefs naturels de la démocratie villageoise. Du consentement au dissensus

Dans le livre 6 de la *Politique*[56], la légitimité du pouvoir dans la bonne démocratie tient aux activités nombreuses des cultivateurs et des éleveurs qui ont peu de temps à consacrer à la vie politique, au petit nombre des assemblées et au choix des magistrats n'appartenant pas à l'oligarchie. Le Maître de la Bible de Jean de Sy évoque dans une grande peinture au début du livre un paysage campagnard où des paysans vaquent à leurs occupations[57]. Il s'agit

55. Cl. Richter Sherman, *Imaging Aristotle. Verbal and Usual Representation in Fourteenth Century France,* Berkeley - Los Angeles – Londres, University of California Press, 1995, 240-52.

56. Nicole Oresme, *Le Livre de politiques d'Aristote, published from the Text of the Avranches Manuscript 223*, intr. et n. A. D. Menut, *Transactions of the American Philosophical Society*, n^lle^ sér., 60/6 (1970), livre 6, chap. 2-7, 257-68: 261-63, 361, 378.

57. Richter Sherman, *Imaging Aristotle*, 318-21; *Les Fastes du Gothique, le siècle de Charles V. Catalogue de l'exposition*, éd. Fr. Avril - Ph. Chapu - D. Gaborit-Chopin, Paris, Éditions de la Réunion des Musées Nationaux, 1981, reproduction avec notice Fr. Avril, n. 281, 326-27.

d'interpréter un concept politique, la démocratie, peu familier à l'époque même du public cultivé. L'enlumineur bon observateur a une connaissance réelle du travail de la terre qui est l'essentiel à en juger par la composition. Il montre dans un premier registre le repas abondant partagé par des paysans: le plus âgé tient une grosse boule de pain et le jeune boit une coupe de vin, un chien avec un collier de force attend une gratification. À proximité, les deux chevaux dételés de la charrue broutent des balles de foin. Un paysan d'âge mur passe la herse sur le lopin qui vient d'être labouré. Dans un deuxième registre un paysan travaille le sol à la houe pour un rendement meilleur. Un berger s'appuie sur sa houlette. Son troupeau s'est dispersé à la périphérie de la surface arable: à gauche, béliers, brebis, un bouc qui s'attaque à l'écorce d'un arbre et des jeunes. Dans un troisième registre, à gauche, une place restreinte est accordée à une assemblée paysanne. Le groupe debout, homogène par l'âge et le costume, comprend un cultivateur appuyé sur sa houe et derrière lui un pasteur avec sa houlette. Au fond, un paysan, le visage déformé, marque son hostilité, il tient un fléau pour battre le grain. Le groupe assis comprend trois hommes âgés qui prennent la parole, index pointé vers leurs interlocuteurs. Le second désigne son voisin chauve qui affiche sa réserve, semble-t-il, à l'égard du pastoralisme, la houe indique qu'il est un cultivateur. Les portes de trois maisons, autour d'un jardin, sont ouvertes. L'objet de la discussion tient sans doute à la gestion de l'espace, à la compétition entre pasteurs et laboureurs. La nature humanisée occupe la première place. Les tensions économiques et sociales, décrites par Nicole Oresme pour les cités, sont ici suggérées avec discrétion[58].

Dans l'exemplaire, copié par Raoulet d'Orléans (Fig. 4)[59], au-dessus du cadre l'indication «Bonne démocratie» a été rajoutée. Au registre un, les deux paysans un jeune et un homme dans la force de l'âge achèvent de partager un repas: vin, petite boule de pain, morceaux de fromage (?). Les chevaux sont encore attelés à

58. Nicole Oresme distingue cultivateurs et éleveurs sans rendre compte de ce qui les oppose.

59. Bruxelles, KBR, ms. 11201-2, f. 241r. Voir Richter Sherman, *Imaging Aristotle*, 321-25.

la charrue. Le fouet du paysan, qui passe une herse sur champ allongé, est placé par la composition sur le pied de l'arbre rappel de l'empiètement sur la forêt et l'espace pastoral. Au registre deux, un pasteur joue du chalumeau et surveille son troupeau de moutons. Registre trois, en haut de l'image, parmi les paysans, debout, un jeune court vêtu, tenant une serpette, argumente. Un plus âgé avec houe, outil métallique plus cher et deux rouquins, avec des bâtons, servent d'étiquette au groupe. Ils font face à trois paysans assis. Un, en chaperon et robe longue, discute avec son vis à vis. À côté un plus âgé affirme son autorité, main gauche tenant une houe, mais il est chauve, ce qui déconsidère sa prise de position. Le troisième coiffé d'un chaperon roulé n'est qu'en partie visible. L'image distingue deux groupes, cependant la séparation par l'âge, le costume, l'équipement n'est pas absolu. La condition sociale du groupe debout est susceptible d'évolution. Le groupe plus aisé, assis, moins nombreux, voit ses positions désapprouvées par l'enlumineur, le représentant argumente de la main gauche et son voisin campe sur sa position. À droite, deux maisons au toit de chaume et à pans de bois, ont des portes à ferrures, sans serrures. Au fond un rideau d'arbres clairsemés atteste de la déforestation. La tonalité générale est conforme à la traduction d'Oresme.

Le changement de regard en une décennie est frappant dans le manuscrit (Fig. 5)[60], destiné à Louis duc d'Orléans, et réalisé sous la direction d'Étienne Langevin libraire en 1397-98[61]. La place du paysage est réduite de manière drastique, l'image est divisée verticalement en deux registres. Dans le groupe d'hommes debout, le premier tenant une serpette paraît menaçant pour les paysans assis sous des arbres, dont un avec une houe, qui s'étonne de l'attitude de son vis à vis, la différence d'âge est moins flagrante. Le second registre montre le labour, le repas des paysans: l'un boit dans une coupe sans tendre le pichet de vin à son vis à vis, qui

60. Paris, BnF, ms. fr. 9106, f. 222v.

61. Notice de V. de Becdelièvre, 2019, Paris, BnF, Archives et Manuscrits Français 9106. URL: https://archivesetmanuscrits.bnf.fr/exportBranchePdf.html?eadCid=FRBNFEAD000077988 (dernière consultation 02.12.2023); R. H. Rouse – M. A. Rouse, *Manuscripts and their Makers. Commercial Book Producers in Medieval Paris, 1200-1500*, Turnhout, Brepols, 2000, II, 27.

armé d'un long couteau tient une grande boule de pain pour la découper. Un berger désormais assis près de ses bêtes (5 et 3) houlette dans la main gauche semble en appeler d'autres de la main droite. La place nouvelle du politique et la différence de tonalité tient au changement de contexte dans les campagnes[62]. La question de la naturalité des dirigeants ne se pose pas. L'outil, la houe tenue par l'un d'eux, indique une proximité née de l'exercice de la même activité, affinité heureuse dans la bonne démocratie.

Contestations et loi naturelle. La condamnation

Dans le prolongement de la réflexion aristotélicienne, l'exemplaire royal de Charles V de Valère Maxime, en trois *exempla*[63] questionne la légitimité et la fragilité du pouvoir, à travers deux figures le berger et le déserteur. Dans les espaces vides, chaînes de montagnes ou forêt zones de non droit, espace du désordre, en marge de la société, ils partagent le mépris qui entouraient à Rome les esclaves fugitifs. Contestant *de facto* les institutions, ils mettent en cause la société, la foi et la paix dans ces espaces lointains et au bas de l'échelle sociale[64]. Malgré des analogies avec les textes, les images déconstruisent dans une perspective chrétienne et d'actualisation le sens des épisodes et critique la subversion qui menace l'ordre social, le gouvernement et le système politique.

Alors que Valère Maxime loue les vertus militaires des Scythes, préservés par leur simplicité en termes généraux, l'image (Fig. 6)[65] sollicite une autre source Justin livre 2, par. 2 et 3 qui décrit la Scythie et l'organisation de la communauté de ces pasteurs nomades de manière laudative:

> Ceux-ci, en effet, ne travaillent pas de champ, ne possèdent ni maison ni abri, ni demeure, étant toujours occupés à faire paître gros et petits troupeaux et accoutumés à errer à travers des solitudes incultes.

62. Grande Jacquerie en France et révolte des travailleurs de 1381 en Angleterre.

63. Mais deux images, la seconde évoquant deux épisodes différents.

64. *Aberratio in fide*, crime de lèse-majesté divine des hérétiques, dès la fin XIIe siècle.

65. Paris, BnF, ms. fr. 9749, f. 111v.

Ils transportent femmes et enfants avec eux dans des chariots dont les bâches leur servent de toits pour affronter les pluies et l'hiver, comme une maison […]. Il n'est pas de crime chez eux plus grave que le vol: de fait, dépourvus d'enclos comme ils le sont pour protéger le gros et le petit bétail qu'ils possèdent, que resterait-il de leur cheptel éparpillé au milieu des forêts, s'il était permis de voler? À la différence des autres mortels, ils ne recherchent ni or ni argent. Ils se nourrissent de lait et de miel. Ils ignorent l'usage de la laine et des vêtements, et bien qu'ils soient continuellement brûlés par le froid, ils utilisent cependant des peaux de bêtes et de rats. Cette sobriété qui caractérise leurs mœurs a également fait naître chez eux l'esprit de justice, car ils ne désirent pas le bien d'autrui[66].

Le discours visuel reprend avec difficultés quelques éléments du texte. À gauche, le battant ouvert d'une tente de cuir laisse voir le groupe qu'elle abrite. Trois personnages coiffés du bonnet attribué dans l'œuvre aux étrangers de modeste extraction lui servent d'étiquette. Aucun n'est vêtu de peaux de bêtes. Derrière un homme à l'abondante chevelure frisée, une femme est apeurée par ce qu'elle voit dehors et deux pasteurs s'étonnent: un appuyé sur sa houlette, chausse glissant sous le genou, porte à la ceinture un tonnelet. Devant lui un autre avec à la ceinture un panier tressé, tient de la main gauche sa houlette et la laisse d'un chien couché au large collier à pointes. Le fond géométrique bleu, le regroupement sous la tente et le chien qui dormait évoquent la nuit. Les bergers ont abandonné leurs bêtes. Sur les flancs de la colline au sommet couvert d'une forêt impénétrable, un bouc aux très longues cornes s'adresse à trois moutons qui bêlent vigoureusement. Le bouc appartient au bestiaire du diable. La composition de la scène du prêche diabolique a pu inspirer les représentations ultérieures du sabbat.

Valère Maxime, dans un chapitre sur la discipline aux armées, décrit la dureté des châtiments qui attendent les déserteurs aussi bien à Rome qu'à Carthage. L'image (Fig. 7)[67] fait la synthèse de

66. Justin, *Abrégé des Histoires Philippiques de Trogue Pompée*, éd., trad. et com. B. Mineo, notes historiques par G. Zecchini, Paris, Les Belles Lettres, 2016, I, l. 2, p. 42. Pour Cicéron, les humains refusent naturellement de s'associer politiquement; il faut donc les y forcer par la raison et la rhétorique qui est son prolongement.

67. *Ibid.*, f. 123r.

deux *exempla*. Le premier intervient lorsque le second Scipion l'Africain donne en spectacle au peuple des étrangers déserteurs de l'armée romaine dévorés par les bêtes[68]. Dans le deuxième, Paul Émile les fait écraser par des éléphants sur le champ de bataille après la défaite de Persée[69]. La glose précise «comme il advient de nostre temps» si les gens d'armes n'obéissent pas et s'ils ne sont pas corrigés par les princes, ils sont prêts à détruire ceux qu'ils doivent sauver et à tuer, incendier comme font les ennemis.

Sur un fonds mosaïque de carreaux dessinant des diagonales, le peintre représente sur quatre collines, une forêt, que le texte ne mentionne pas. Rien n'évoque dans l'image le statut de combattant de ces déserteurs «étrangers»[70], ils sont sans arme, en tunique ou en robe longue, souvent nue tête, les cheveux courts ou très longs et frisés, un est coiffé d'un bonnet. À gauche deux morts sont dévorés par des bêtes à la crinière de lion, aux crocs bien visibles. Un troisième, attaqué par un monstre qui plante ses crocs dans sa poitrine, regarde avec effroi ce qui se passe à droite. Dans la deuxième moitié de l'image, une bête tête levée emprunte ses caractéristiques morphologiques au diable: longues cornes, barbe, gueule dentée, poil de chèvre. Le monstre ne s'attarde pas au spectacle des hommes tombés dans leur fuite et piétinés par des éléphants plus petits que lui. Le retour de la nature est fatal aux déserteurs[71], rebelles aux autorités et à la société, qu'ils risquent de détruire d'où la sévérité du châtiment. Scipion le second Africain et Paul Émile, dotés de l'*imperium militiae*, ne sont pas représentés ordonnant ces exécutions collectives cruelles à l'endroit des plus humbles. Membres de la prestigieuse famille des Scipions, ils ne sont pas associés à ces brutalités, qui jettent

68. Les déserteurs romains sont crucifiés ou décapités.

69. Valère Maxime, *Faits et dits mémorables*, éd. et trad. R. Combès, Paris, Les Belles Lettres, 1995, I, l. 2, 7, 11, 12, pp. 219-21. L'enlumineur ne peut représenter la crucifixion, supplice du Christ, et une autre des *summa supplicia* dans les arènes, où les martyrs ont été livrés *ad bestias*.

70. Soldats alliés ou de nom latin par opposition aux citoyens romains.

71. Le texte et l'image ne permettent pas de définir s'il s'agit de déserteurs ou de transfuges, ainsi que les circonstances du délit. En temps de guerre, le passage à l'ennemi et les absences sont considérés comme des violations du serment d'obéissance (*sacramentum*) et une offense contre les Dieux et la cité. Les réfractaires et les insoumis ne sont pas distingués des soldats expérimentés, dangereux bandits en puissance.

une lumière crue sur la violence de leur pouvoir. L'intervention de la nature les remplace et préfigure les supplices infernaux. Au XIVe siècle est préféré le remploi des combattants.

Tiberius Sempronius Gracchus, brillant petit-fils de Scipion l'Africain, remet en cause par une réforme agraire (*lex Sempronia*) d'inspiration populaire, les intérêts et la position des *optimates*. Sur la Fig. 8[72], le tribun de la plèbe se prépare à faire une révolution, malgré des auspices défavorables. En sortant de chez lui, il se heurte le pied contre le seuil et se luxe un orteil, puis trois corbeaux, croassant à sa rencontre, font tomber devant lui un morceau de tuile. Il ne tient pas compte de ces présages et chassé du Capitole par son cousin le Grand pontife Scipion Nasica, est tué.

L'image est en bas de page en partie dans la marge. Le cadre, écorné et déformé, paraît en déséquilibre. La scène se détache sur un fonds géométrique bleu, couleur de deuil. La maison de Tiberius est un palais, une colonne à l'intérieur et le toit rose en évoquent la beauté. Le tribun est déjà à l'extérieur ce qui ne permet pas de comprendre sans le texte son comportement, qui paraît inapproprié. Il porte un chaperon et une robe longue ajustée aux plis élégants, mais non colorée, pour rappeler qu'il est tribun de la plèbe. Sa main gauche agrandie repose sur son genou droit, de la main droite il saisit le bout de son pied, position difficile, déséquilibrée. De profil, roux, la chevelure bouclée, la barbe longue, il cumule les connotations péjoratives. Devant lui, trois corbeaux de leurs becs acérés visent son visage et ses yeux. Le volatile est considéré comme porteur de mauvais présage à cause de sa couleur noire et de son croassement. La Bible le compte parmi les animaux impurs. Pour Oresme en 1372, il est associé à l'intempérance c'est-à-dire au manque de modération, de retenu. L'intempérance, un des sept péchés capitaux, est le symbole de l'incroyant. La ressemblance avec Étienne Marcel lors de l'assassinat des deux maréchaux du Dauphin dans les *Grandes chroniques de France* de Charles V, réalisées en 1375, est frappante. La position déséquilibrée est celle de l'orgueilleux déchu et une référence à la pierre d'achoppement, à ce qui fait scandale. Tiberius Gracchus choisissant d'œuvrer avec les *popu-*

72. Paris, BnF, ms. fr. 9749, f. 24r.

lares par ambition personnelle a mis en cause les intérêts de l'aristocratie à laquelle il appartient et entend rompre avec le système politique qui lui assure le pouvoir.

Conclusion

Les manuscrits retenus, exceptionnels à bien des égards, reflètent la diversité des visions du monde héritées. Tantôt prise en bonne part, la nature a aussi partie liée avec la violence, la guerre, le désordre, et le trouble des esprits. Dans les traductions des classiques, elle est associée de manière métaphorique aux fondements mythiques du pouvoir monarchique. Le processus de légitimation y est présenté dans une perspective chrétienne, qui conduit à en dévoiler les ressorts pour le contester. Les *exempla* dénoncent le rôle des femmes dans la naturalisation du pouvoir. Ils fournissent des précédents qui en montrent les conséquences, après les premières mentions de la loi salique mais avant qu'elle ne soit inscrite en 1388 dans une loi de succession[73]. Au même moment dans les chroniques universelles des épisodes bibliques sont repris et proposent une incrémentation. La légitimité du roi et de sa lignée est une construction constante. Dans les *Grandes Chroniques de France* de Charles V, les figures animalières des visions de Childéric apparaissent désormais au service de l'actualité invalidant ou mettant en valeur des comportements politiques.

Les images interrogent aussi les mécanismes de contestations des pouvoirs naturels au plus près des évolutions contemporaines. La légitimité royale suppose une adhésion qui ne se limite pas à la société politique et s'élargit à ceux qui, sans en faire partie, participe à la vie politique. La première définition visuelle de la démocratie rurale, indispensable à la communauté du royaume, soutenue par une approche profane, pragmatique, en raison, montre les difficultés concrètes de son exercice. Les illustrations de Valère Maxime déconstruisent les discours païens. La simplicité et la pauvreté vertueuses des sociétés pastorales sont hétérodoxie.

73. C. Beaune, «Histoire et politique. La recherche de la loi salique de 1350 à 1450», in *Actes du 104e congrès national des Sociétés savantes (Bordeaux 1979)*, Paris, BnF, 1981, 25-35.

La sévérité des généraux romains, devenue le révélateur de la violence extrême de leur pouvoir, ne peut plus être montrée: le retour de la nature qui la remplace est un désaveu des brutalités. L'assassinat politique du rebelle qui se dresse contre les siens et l'ordre établi et passe outre les présages, est écarté de l'image car la pratique ôte toute légitimité au pouvoir qui l'exerce.

ABSTRACT

Christiane Raynaud, *Nature, Naturalness and Politics: Visual Discourse and the Culture of Government from Charles V to Charles VI*

The exceptional manuscripts produced for Charles V and Charles VI reflect the diversity of inherited worldviews. They offer a new perspective on the visual discourse of royal legitimacy. How do these images, with their powerful and complex meanings, assign a role to naturalness in the economy of power? In French translations of the Classics, the thinking is twofold. Natural signs are associated with the mythical foundations of monarchy and dynasty, revealing their inner workings and foreshadowing the way in which power is exercised. Biblical episodes in the universal chronicles provide a complement. The legitimacy of the king and his lineage is presented as a constant construction. In the *Grandes Chroniques de France*, animal figures in Childéric's visions evolve to take over the field of political current affairs. The miniatures also question the mechanisms for contesting other natural forces essential to the community of the kingdom. The first visual definitions of rural democracy show the shift from consensus to dissensus around village heads. The naturalisation of power was an obstacle to their questioning, not to their criticism.

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UN *SIGNUM EXTRA NATURAM*. LA SYPHILIS COMME EXPRESSION DE LÉGITIMITÉ ET D'ILLÉGITIMITÉ DU POUVOIR DANS LA PREMIÈRE MODERNITÉ

Introduction

Après quelques appréciations d'ordre général, nous proposons l'analyse de différents textes écrits et de différentes représentations picturales de la fin du XVe et de la première partie du XVIe siècles décrivant l'épidémie de syphilis qui se propagea en Europe à cette époque. Nous consacrerons une attention particulière à certains passages du poème qui donne son nom actuel à la maladie, le *Syphilis sive morbus gallicus*, du médecin véronais Jérôme Fracastor.

À travers l'examen de ces témoignages, nous montrerons comment, très souvent, les historiens, les lettrés, les poètes relient ce *morbus novus* directement aux événements politiques contemporains et l'interprètent comme un message de légitimité ou de non-légitimité adressé par la Divinité au dominant ou aspirant tel, ainsi qu'à son peuple, afin d'en faire l'éloge ou de les dénigrer[1].

Dans le cadre de notre réflexion, il est important de remarquer que les épisodes insolites ou exceptionnels sont volontiers exploités par les princes et les souverains en quête du consentement nécessaire pour exister et pour durer dans le temps; des événements comme les séismes, les pluies et les éclairs, les nais-

1. Ici, le sujet sera abordé toujours en restant en deçà de l'emploi philosophico-politique de la métaphore du corps comme collectivité, ou de celle de la difformité et de la maladie, comme désordre civil.

Naturalisation of Power (1250-1600): Unravelling the Strategies of Legitimation. Edited by É. Adde and J. Dumont, Firenze, SISMEL – Edizioni del Galluzzo, 2025, pp. 157-175
(ISBN 978-88-9290-363-0 • e-ISBN 978-88-9290-364-7 © 2025 SISMEL – Edizioni del Galluzzo)

sances monstrueuses ou la maladie sont alors mis au service de l'action de propagande des puissants et deviennent objets de persuasion. Le message divin et celui des représentants du pouvoir politique coïncident. C'est ainsi que, face à l'expression évidente et 'naturelle' de la Providence, le peuple ne peut qu'accorder son adhésion[2]. D'autre part, tout dysfonctionnement climatique ou physique peut aussi être considéré (présenté en tout cas) comme la manifestation directe et 'concrète' d'une anomalie sociale, associée à la corruption des mœurs ou à l'injustice d'un mauvais gouvernement.

Or, pour ce qui est de la maladie épidémique, la Bible le rappelle, elle est l'une des trois plaies, avec la famine et la guerre, que Dieu envoie sur terre pour punir l'humanité[3].

Concernant sa représentation, dans les lettres comme dans la peinture, il existe un procédé assez récurrent: la description d'une contamination fulgurante, mortifère et irréversible, qui envahit toute la communauté; la délimitation, qui s'opère par des bornes territoriales – villes, royaumes, l'Europe tout entière – ou religieuses – la *catholica societas*; l'expression d'un sentiment de culpabilité; l'idée d'une origine surnaturelle et punitive; la demande de protection, adressée à la divinité.

Le Gonfalon de San Francesco al Prato (1464), de Benedetto Bonfigli, est l'un de nombreux exemples iconographiques d'une communauté attaquée par une terrible maladie épidémique, la peste. Le peintre met en scène une des variantes classiques de l'iconographie chrétienne: une *Vierge de miséricorde*. Dans cet étendard, commandité par la commune de Pérouse, Marie protège de son manteau la ville, sur laquelle tombent les dards du mal[4]. Les

2. «Pour être efficace, [cette légitimité] doit être perçue comme 'naturelle', comme allant de soi: autrement dit, comme 'implicite'» (J.-Ph. Genet, «Pouvoir symbolique, légitimation et genèse de l'État moderne», in *La Légitimité implicite*, I, *Actes des conférences organisées à Rome en 2010 et en 2011 par SAS en collaboration avec l'École française de Rome*, éd. Id., Paris – Rome, Éditions de la Sorbonne – École Française de Rome, 2015, I, 9-47: 9). C'est là la clé de l'essor des États modernes européens.

3. 2 S 24, 9-17.

4. L'atelier de Bonfigli livra de nombreux étendards votifs contre la peste, la ville avait été frappée à plusieurs reprises par le fléau pendant le XVe siècle.

flèches sont jetées par le Christ mort et ressuscité (on peut clairement distinguer la blessure à sa poitrine), flanqué par deux anges, porteurs d'épées dégainées.

Un morbus novus

L'épidémie de syphilis frappe l'Europe à la toute fin du XVe siècle. Son caractère de transmission sexuelle est reconnu dès 1497; la maladie est dès lors accompagnée d'un discours moral[5]. Aussi, nombreuses sont les compositions poétiques qui dénoncent le péché de luxure comme cause de sa propagation. Par ailleurs, on remarque aisément que cette condamnation est davantage réservée aux femmes, perçues beaucoup plus comme des agents infectieux que comme des victimes de l'infection[6]. Jean Molinet, par exemple, dans sa ballade *de la maladie de Naples*, décrit les tourments que cette plaie lui fait subir et lance des invectives extrêmement violentes à l'égard de la prostituée jugée responsable de sa transmission; en Italie, Gillino da Ferrara exhorte vigoureusement les hommes à ne pas s'unir charnellement à des femmes atteintes[7].

5. C. Clough, «The Discovery of America, the Italian Wars, and the Impact of syphilis on Western Christendom», *Medical Historian: Bulletin of Liverpool Medical History Society*, 6 (1993), 17-52: 7; N. Pinjon-Brown, *Choc et échange épidémiologique: Espagnols et Indiens au Mexique*, Thèse de doctorat, Université Paris IV-Sorbonne, 2006, 283.

6. A. Bayle, «Discours moral et tableaux cliniques: la pluralité des figures féminines dans les textes médicaux sur la syphilis au XVIe siècle», *Histoire, médecine et santé*, 9 (2016), 19-39.

7. Fr. Fery-Hue, «'De la vérole'. Poèmes inédits sur le péril vénérien (fin du XVe-début du XVIe siècle)», *Romania*, 110/439-40 (1989), 542-52: 543-44. Bien plus tard, Gabriel Fallope, dans son *Opera genuina omnia*, donne une clé de lecture du nouveau nom de la maladie et explique que «syphilis» est formé des mots *sus*, latin, qui veut dire truie, et *philia*, grec. La maladie était donc l'amour d'une truie, nom donné traditionnellement aux prostituées. Et Théophile de Gelée de reprendre cette fausse étymologie et d'insister au siècle suivant: «cette maladie se prend pour avoir couché, & hanté avec des femmes mal nettes & publiques que le vulgaire appelle truïes» (Jérôme Fracastor, *La Syphilis ou le mal français/Syphilis sive morbus gallicus*, éd. J. Vons, Paris, Les Belles Lettres, 2011, LXXXVII). Et nous pensons là aux Raisonnements de la Nanna de Pierre Arétin. Dans l'ouvrage, une prostituée enseigne à sa fille Pippa tous les préceptes pour devenir une bonne courti-

Or, bien que la corrélation entre la diffusion de la maladie et l'activité sexuelle se fasse très rapidement, il convient de ne pas limiter le discours sur la production littéraire et iconographique à la seule dénonciation d'une vie dissolue. Comme tant d'autres événements qui échappent à la compréhension humaine immédiate, l'apparition de ce fléau est reliée aux événements politiques contemporains et les explications de sa diffusion en Europe sont manipulées pour être mises au service du procédé de légitimation ou de dé-légitimation des élites au pouvoir.

Tout d'abord, à l'instar de la lèpre ou de la peste, la syphilis envahit tout le corps et non seulement les organes génitaux. En outre, elle attaque l'Europe avec une violence et une rapidité inouïes à cause d'une circulation massive de soldats, d'officiers, de serviteurs, de prostituées: c'est le début des Guerres d'Italie et, dans la Péninsule, on tient pour responsables les mercenaires qui avaient accompagné Charles VIII à la conquête du royaume de Naples en 1494[8].

Appelée initialement la grande vérole, cette plaie prend très vite les appellations les plus variées, mais toutes liées aux présumés 'coupables'. C'est alors le «mal français» ou «mal gallico» en Italie (où, à partir de 1525, on parle de *Franciosiati*, pour indiquer les malades), Angleterre et Allemagne; on parle du «mal napolitain» en France et du «mal allemand» en Pologne et en Espagne; les Flamands et les Hollandais l'appellent la «vérole espagnole» et dans la ville de Bristol, pendant un temps, on l'appelle le «mal de Bordeaux»[9].

sane (ou «l'arte puttanesca»). Lors d'un échange avec sa progéniture, la vieille et experte Nanna réfléchit sur la diffusion de ce mal et se demande – de façon très sarcastique – si la responsabilité doit être attribuée aux prostituées ou bien aux hommes qui les fréquentent (Pierre Arétin, *Dialogo nel quale la Nanna insegna a la Pippa*, éd. L. Carriero, Raleigh, Aonia, 2020, 137).

8. Ici, nous n'allons pas nous intéresser aux théories américaniste ou précolombienne concernant ses origines, mais à la réception de la maladie en Europe. À ce sujet, voir Clough, «The Discovery».

9. Pour un aperçu exhaustif de l'histoire la maladie, voir Cl. Quetel, *Le Mal de Naples. Histoire de la syphilis*, Paris, Éditions Seghers – Médecine et Histoire, 1986; J. Arrizabalaga – J. Henderson – R. K. French, *The Great Pox: the French Disease in Renaissance Europe*, New Haven – Londres, Yale U.P., 1997; *Sins of the Flesh. Responding to Sexual Disease in Early Modern Europe*, éd. K. Siena, Toronto, Victoria University in the University of Toronto, 2005.

Puis, pour certains, le peuple à l'origine de la contagion, ce sont les Hébreux. Dans la chronique de Sigismondo dei Conti da Foligno, par exemple, on lit que cette peste vient des *Marrani*, une race qui «plus que toutes autres gens est sujette à la lèpre». Ils ont été chassés d'Espagne et Ferdinand II d'Aragon les a accueillis à Naples, «par amour de l'argent». Pour finir, les Turcs l'appellent «le mal chrétien» et les Perses «le mal turc»[10].

Or telle construction ne s'applique pas seulement au dénigrement d'un peuple entier, mais aussi au dispositif d'accusation réservé à certains princes et certains monarques. Dans la même logique des rois thaumaturges et guérisseurs, mais avec une perspective diamétralement opposée, un souverain ennemi ou considéré comme illégitime, est présenté comme porteur de malheur et détresse et, donc, également de maladie.

Dans un passage bien connu du livre 1 de son *Histoire* d'Italie, Guichardin, en décrivant la descente de Charles VIII vers le royaume de Naples, affirme que celui-ci avait apporté avec lui:

> […] les menaces d'«innombrables calamités», d'«accidents très horribles» […]. Avec son passage, en effet, commencèrent non seulement les mutations d'États, subversions de royaumes, ravages de contrées, ruines de villes, […], mais aussi, […], «maladies inconnues jusqu'à ce jour»[11].

Or quand Guichardin écrit son ouvrage – entre l'année 1536 et l'année 1540 – on est conscients que l'origine de la maladie ne peut pas être attribuée aux Français. Et le Florentin l'admet, par ailleurs, dans le livre 2:

> […] c'est alors que, puisqu'en ces temps il était fatal que les calamités de l'Italie tireraient leur origine de l'arrivée des Français ou «du moins pourraient leur être attribuées», qu'apparut cette maladie […]. Mais il convient de laver les Français de cette tache ignominieuse car

10. Sigismondo Dei Conti Da Foligno, *Le Storie de' suoi tempi dal 1475 al 1510 ora per la prima volta pubblicate nel testo latino con versione italiana a fronte*, Rome, G. Barbera, 1883, XI; 106; XIV, 272; Bartolomeo Masi, *Ricordanze dal 1478 al 1526*, éd. G. O. Corazzini, Florence, Sansoni, 1906, 63-64.

11. François Guichardin, *Histoire d'Italie*, éd. J.-L. Fournel – J.-Cl. Zancarini, Paris, Laffont, 1996, I, 63-64. C'est nous qui soulignons ici et dans les autres citations du texte de Guichardin.

on s'aperçut par la suite que cette maladie avait été apportée d'Espagne à Naples et qu'elle n'était d'ailleurs pas propre à cette nation[12].

Guichardin réhabilite donc le peuple français; pourtant, lorsqu'il est question de dresser le portrait de Charles VIII, il décide de laisser l'idée s'insinuer. Pour le Florentin, l'arrivée de ce souverain et de son armée déchire l'union de la Péninsule tout entière; l'illégitimité du «peu honorable roi de France», dans cet espace politique est marquée par l'apparition de nombreux phénomènes calamiteux, parmi lesquels on compte une mystérieuse et grave maladie[13].

Guichardin n'est pas le seul qui évoque le rôle joué par le roi de France. En effet, Jean Molinet, dans sa *Chronique*, affirme que Charles VIII lui-même fut touché par l'abominable fléau lors de la campagne napolitaine. Or aucune autre chronique ne mentionne – comme le fait Molinet, dans un langage aux tons militaires – le fait que le souverain aurait été atteint par la syphilis à cette occasion. En outre, il convient de rappeler que le chroniqueur et poète ne gravite pas autour de la cour de France. Il sert le duc de Bourgogne, Charles le Téméraire, jusqu'à la mort de celui-ci, puis il passe au service de sa fille Marie et termine sa vie en 1497 en qualité de conseiller de Philippe le Beau. L'auteur en veut grandement aux Français, car l'annexion de l'Artois à la France, rattaché au domaine royal lors du décès du duc, lui a causé la perte de tous ses biens patrimoniaux. Par conséquent, certains historiens supposent qu'il s'agisse, là encore, d'un emploi politique et stigmatisant de la maladie et que par la diffusion de cette rumeur, Molinet veuille ternir la réputation du roi[14].

Décrite dans les traités médicaux, dans les chroniques et dans les ouvrages historiques, la syphilis fait également l'objet de

12. *Ibid.*, I, 181.

13. *Ibid.*, 183.

14. Voici le passage: «Finalement il [Charles VIII] conquist la grosse verolle, de laquelle, comme impétueuse, horrible et abominable maladie il fut angoiseusement touché» (Jean Molinet, *Chroniques*, éd. J. A. Buchon, Paris, Verdière, 1827-28, V, 33). Voir le commentaire d'Ernest Wickersheimer, dans P. Dorveaux, «La Syphilis mentionnée dans les chroniques de la fin du XVe siècle», *Bulletin de la Société française d'histoire de la médecine*, 12/3 (1913), 154-59: 154.

longs poèmes, d'élégies, en latin comme en langue vernaculaire. En France, on répertorie plusieurs ballades et rondeaux de la vérole[15]. Certains textes se balancent entre accusations politiques ou moralisatrices et explications astrologiques.

Au sein de l'Empire, le physicien Theodoricus Ulsenius (Dirk van Ulsen) lui consacre le *Vaticinium in epidemicam scabiem* (1496); le poème, en hexamètres, est accompagné par la gravure très connue de *L'Homme qui souffre du mal français*, attribuée à Albrecht Dürer[16]. Ici, Apollon apparaît en rêve à l'auteur et lui explique que la maladie est causée par des conjonctions astrales majeures, notamment celle de novembre 1484, où Saturne et Jupiter se sont rencontrés dans le Scorpion. Puis, l'année suivante, Mars et Saturne, à leur tour, se sont rencontrés sous le même signe (signe qui, rappelons-le, préside aux organes génitaux).

C'est une théorie qui n'est pas nouvelle: un mauvais alignement des planètes, causant la corruption de l'air, avait déjà été invoqué pour expliquer l'origine de la peste noire qui avait frappé l'humanité de l'Asie jusqu'en Europe en bouleversant son système démographique, au milieu du XIVe siècle. Et nombreux furent ceux qui, à ce moment, pensèrent que les prophéties de l'Apocalypse étaient en train de se réaliser.

La thèse de l'alignement est souvent reprise par nombre d'humanistes au cours de la période qui nous intéresse. Joseph Grünpeck aussi, médecin et astrologue impérial, dans son *Tractatus de pestilentiali Scorra sive mala de Franzos originem remediaque eiusdem continens* (1496), propose longuement cette explication: il y voit la cause matérielle de l'apparition de la maladie; toutefois, ce compilateur de prodiges ne renie pas l'idée de la punition divine et ne se prive pas de désigner une région de provenance bien définie en l'identifiant de façon péremptoire avec le royaume de France, ennemi juré de l'Empire[17].

15. Fery-Hue, «De la 'vérole'», 548-51.

16. Sur les représentations picturales de la syphilis par Dürer, voir F. Chantoury-Lacombe, «Pustules de peinture épidémie et syphilis dans les arts visuels (XVe-XVIIe siècles)», *Corps*, 2008/2 (n° 5), 65-73.

17. C. Pennuto, «Joseph Grünpeck, *Tractatus de pestilentiale scorra sive mala de Franzos*», in *La médecine ancienne, du corps aux étoiles*, éd. G. D'Andiran, coll. V. Barras – C. Méla – S. Messerli – E. Macheret-van Daele, Paris, Fondation Martin Bodmer – PUF, 2010, 379.

Initialement, ce sont la violence et la rapidité de la maladie qui amènent les écrivains à l'évoquer dans leurs vers. Ensuite, c'est le fait que des personnages très en vue sont frappés par elle; en Italie sont atteints des seigneurs tels qu'Alexandre VI Borgia, son fils César le Valentinois, François I de Gonzague, Hercule I d'Este. Il n'est pas inhabituel alors, pour les poètes, de dédier quelques vers ou bien un poème tout entier à leurs maîtres, pour les consoler, leur prodiguer des conseils.

Les traités de médecins prolifèrent. Surtout au début, les remèdes préconisés, comme le soin de l'hygiène et le suivi d'un régime alimentaire particulier, côtoient les traitements les plus farfelus. C'est le cas du *Tractatus cum consultis pudendagram, seu morbum gallicucum* écrit en 1497 par le Valencien Gaspar Torella – qui vit à la cour des Borgia à Rome – et dédié au Valentinois. Ici, on retrouve des conseils pour le moins saugrenus, comme l'application, sur le pénis ulcéré, d'un pigeon ou d'un coq déplumé et dépecé vivant, ou bien d'une grenouille éventrée vivante[18].

De plus, en raison du fait que la cause première de la maladie est censée être la punition divine, le pèlerinage, l'hommage à la relique des saints et la prière demeurent le recours le plus efficace et le plus valable. Dans le *Mortilogus* de Conrad Reitter, un recueil d'épigrammes illustrées, publié en 1508 à Augsbourg, nous retrouvons une gravure proposant le même modèle de la Vierge de Miséricorde; elle accompagne un *carmen* de prière à Marie[19].

Or, dans le cadre de notre réflexion, un témoignage d'un intérêt incontestable est l'*Elogium de pestilentiali scorra sive mala de Franzos* de Sébastian Brant. L'humaniste allemand a été rendu célèbre par *La Nef des fous*, une âpre et satirique critique de son époque, illustrée par Albrecht Dürer et publiée en 1494. L'élégie dont il est question ici est publiée en 1496. Dédiée au théologien Johannes Reuchlin, elle est truffée de réminiscences anciennes et de personnages mythiques, comme la féroce Bellone, tantôt sœur, tantôt épouse du dieu Mars, qui incarne les horreurs et la laideur de la guerre, comme l'immortel centaure Chiron, réputé pour sa sagesse, et comme Némésis, déesse de la juste colère et du châti-

18. C. Pennuto, «Confiance et espoir de guérison: Gaspar Torrella, médecin de la *pudendagra*», *Histoire, médecine et santé*, 9 (2016), 91-108.

19. Conrad Reitter, *Mortilogus*, avv.



Fig. 1. Sebastian Brant, *Elogium de pestilentiali scorra sive mala de Franzos* (détail), Bale, Johannes Bergmann von Olpe, 1496. Image tirée de *Alte Meister der Medizin und Naturkunde in Facsimile-Ausgaben und Niedrucken nach Werken des 15.-18. Jahrhunderts*, éd. G. Klein, Munich, C. Kuhn, 1910-12, table VII.

ment céleste. Dans ce texte, le lien avec la politique se fait immédiatement. Dès les premiers vers, l'auteur, fervent partisan des Impériaux, tisse les louanges du peuple allemand et de Maximilien Ier. Brant salue l'action politique et militaire de l'empereur; il le décrit comme dévot, magnanime, digne de grand honneur et surtout comme *amator pacis*. Ces louanges alternent avec la description de la maladie, son aspect et ses symptômes; de plus, dans ses vers, l'auteur ne manque pas de préciser que le foyer de cette horrible plaie n'est rien d'autre que la France[20]. Néanmoins, plus que sur les vers eux-mêmes, il convient de s'attarder un instant sur la puissance évocatrice de la gravure (Fig. 1) qui les accompagne et qui a été conçue certainement par Brant lui-même[21].

20. Pour la précision, les louanges à l'empereur et au peuple allemand ouvrent et concluent l'élégie.

21. J. Spinks, *Monstrous Births and Visual Culture in Sixteenth-Century Germany*, Londres, Routledge, 2009, 27.

On y voit la Vierge, enveloppée dans un grand nuage, tendre une couronne vers Maximilien Ier, situé à sa droite[22]. L'empereur est accompagné par ses troupes, armées et prêtes à partir en croisade, une expédition qui n'est pas particulièrement contre les Turcs, mais contre les blasphémateurs et contre tous ceux qui se mettront sur son chemin. Sur ses ennemis, qui se trouvent du côté opposé, à la gauche de Marie, tombent les flèches de la syphilis. Les individus frappés sont reconnaissables, il s'agit d'un prêtre, d'un homme et d'une femme. À leurs pieds, un soldat est déjà décédé.

Nous croyons que la chose la plus saisissante de cette image concerne les dards de la maladie. Ceux-ci ne sont pas jetés par un ange-soldat, ni par un Dieu punisseur ou vengeur; il ne s'agit pas non plus du Christ adulte que l'on voit dans le *Gonfalon de San Francesco al Prato*[23]. C'est le divin Enfant, dans les bras de sa mère, qui lance les traits de la syphilis sur les hommes. Or – rappelons-le –, dans ces feuilles volantes, l'image ne doit pas être cantonnée au seul rôle explicatif pour un public peu alphabétisé; elle intègre l'écrit, elle le complète. Cette gravure véhicule selon nous un message puissant; elle ne laisse s'installer aucun doute, dans l'imaginaire collectif, concernant la bonté et la légitimité de cet empereur soutenu par les Cieux: la Vierge lui tend la couronne, pendant que Son Enfant, le fils de Dieu, punit ses ennemis par le moyen de flèches enveloppées dans un halo rayonnant. Par ailleurs, ce dernier est un dispositif qui, dans la représentation iconographique, est généralement utilisé pour mettre en scène l'état de grâce, voire même la sainteté; sans compter que Marie est le centre de dévotion des malades et que, dans l'icono-

22. La mise en scène de la Vierge qui offre la couronne à Maximilien Ier met en exergue le lien profond entre l'empereur et la divinité, ce qui lui permet de se passer de l'intermédiaire pontifical. Son autorité s'étend à l'ensemble du monde chrétien et elle lui vient directement du Ciel. Voir M. Cavina, *'Imperator Romanorum triplice corona coronatur'. Studi sull'incoronazione imperiale nella scienza giuridica fra Tre e Cinquecento*, Milan, Giuffrè, 1991, 140-42; Fr. Rapp, *Le Saint-Empire romain germanique*, Paris, Tallandier, 2000, 257-58; J. Schillinger, *Le Saint-Empire*, Paris, Ellipses, 2002, 71.

23. Chose déjà remarquable en soi, puisque le Christ adulte, avec son dévouement miséricordieux pour l'humanité, est généralement érigé en modèle – le modèle d'exception – par les religieux qui dédient leur vie au soin des malades.



Fig. 2. Joseph Grünpeck, *Libellus de mentulagra alias morbo gallico*, Augsburg, Albrecht Kunne, 1503. Image tirée de *Alte Meister der Medizin und Naturkunde in Facsimile-Ausgaben und Niedrucken nach Werken des 15.-18. Jahrhunderts*, éd. G. Klein, Munich, C. Kuhn, 1910-12, table VIII.

graphie classique, c'est la *Madone du perpétuel secours*, celle qui protège et qui sauve ses fidèles, qui est représentée le plus souvent avec l'Enfant Jésus dans les bras.

Une gravure très similaire intègre également le *Tractatus de pestilentiali scorra* de Joseph Grunpeck (Fig. 2) – un commentaire au *carmen* de Brant – écrit très peu de temps après. Dans cette version, les dards sont décochés seulement contre deux femmes, tandis qu'un homme, presque nu (et donc dépourvu d'attributs permettant de reconnaitre son office), gît par terre. Grunpeck revient à nouveau sur le thème de la syphilis quelques années après, en 1503, avec le *Libellus de mentulagra alias morbo gallico*. Atteint lui-même par la maladie, l'humaniste décrit la souffrance que celle-ci lui impose, ainsi que les traitements auxquels il se soumet[24].

24. J. Chevallier – J. Vons, «La scorre pestilentielle ou le mal français. *De pestilentiali scorra*, by S. Brant and J. Grünpeck», *Histoire des sciences médicales, Société française d'Histoire de la Médecine*, 52/2 (2018), 143-50.

S*yphilis sive morbus gallicus*

Venons-en maintenant à Jérôme Fracastor et à son poème S*yphilis sive morbus gallicus*[25]. Publié en 1530, en trois livres, l'ouvrage est immédiatement reçu comme un chef d'œuvre de la poésie néolatine par des érudits et des auteurs de grande envergure, comme Scaliger ou Sannazaro[26].

En outre, le médecin a été défini par certains comme le fondateur de l'épidémiologie. Dans ses ouvrages – non seulement dans *Syphilis*, mais aussi dans le *De Contagione* (1546) ou dans le *De sympathia et antipathia rerum* (1546 également) – il analyse les modes de transmission des pathologies: en évoquant la multiplication et la diffusion dans l'organisme de minuscules éléments qu'il appelle *semina*, il a l'intuition de l'existence de quelque chose qui sera défini bien plus tard, les microbes.

On a souvent mis en évidence le fait que la nouveauté de ce poème réside dans son caractère scientifique et dans l'élimination de tout élément théologique des faits de 'nature'. Dans la dédicace au cardinal Pietro Bembo, d'ailleurs, l'auteur exprime la volonté précise de lui offrir un *medicum laborem*[27].

25. Sur Fracastor, nous renvoyons aux nombreux travaux d'Enrico Peruzzi, spécialiste de l'humaniste, qui a notamment tracé sa biographie pour le *Dizionario Biografico degli Italiani*: E. Peruzzi, «Ad vocem», in *Dizionario Biografico degli Italiani*, Rome, Istituto della Enciclopedia italiana, 1977, vol. 49. En ligne. URL: https://www.treccani.it/enciclopedia/girolamo-fracastoro_%28Dizionario-Biografico%29/ (dernière consultation 20.12.2023).

26. Jérôme Fracastor, *La Syphilis*, p. LXXX, n. 4; 133-38; P. Yvaren, *Étude sur Fracastor*, in *La Syphilis. Poème en vers latins de Jérôme Fracastor*, trad. Id., Londres, Jean-Baptiste Baillière, 1847, 1-49: 3-4.

27. Jérôme Fracastor, *La Syphilis*, 5, v. 19. En effet, la distinction entre traité médical et texte littéraire de fiction n'était pas un concept propre à la Renaissance. Ajoutons que, en dépit des critères de la poétique aristotélicienne sur l'idée de poème didactique, la poésie était estimée comme un moyen tout à fait convenable pour aborder un sujet scientifique. De plus, dans le dialogue philosophique *Naugerius sive de poetica dialogus*, Fracastor lui-même mène une longue réflexion sur la valeur de ce genre littéraire, le poème, qui ne doit pas se limiter exclusivement à distraire, mais peut légitimement traiter d'arguments visant à l'enrichissement des connaissances, car il entretient un lien privilégié avec la vérité (Clough, «The Discovery»; B. Croce, «Il dialogo del Fracastoro sulla poetica», in Id., *Poeti e scrittori del*

Il est vrai que, tout au long de sa vie, Fracastor participe au débat cosmologique de l'époque avec ses ouvrages, notamment avec les *Homocentrica*, publiés en 1538, chez les Giunta de Venise. Dans son œuvre, il se fait le porte-parole de la théorie de l'alignement de planètes: ceux qui sont définis comme supérieurs (Saturne, Jupiter, Mars), déstabilisant l'équilibre des éléments (plus précisément air et eau), avec la multiplication des *semina*, seraient à l'origine des contagions. On considère alors que, pour le Véronais, l'action directe de Dieu est étrangère aux phénomènes naturels et que l'histoire humaine et les mouvements de l'univers, comme les cataclysmes, seraient gouvernés par le hasard astral. De surcroît, dans *Syphilis*, est évidente la référence à Lucrèce. Le poète et philosophe latin considère que tout phénomène, même le plus étrange, y compris l'événement épidémique, est gouverné par la force intrinsèque de la matière elle-même; pour lui, l'homme, le monde, l'univers sont matière, indépendante de toute entité divine[28].

Et pourtant, dans le poème de Fracastor est présente une forme très savante et équilibrée de syncrétisme entre merveilleux et mythologique d'une part – en puisant tantôt dans la tradition mythologique ancienne, tantôt dans le récit allégorique amérindien – et réflexion scientifique de l'autre. Mais surtout, il n'y a pas de critique de la religion; au contraire, comme le dit Fracastor lui-même, maladie, guerre et ruine des empires ne peuvent pas être scindées de la volonté divine[29]. Ainsi, à côté de la réflexion cosmologique et épidémiologiste, à côté de la description scientifique des symptômes, à côté des disquisitions sur les propriétés curatives de plantes et de minéraux, quand il est question d'en venir aux origines de la contagion, celle-ci trouve son exégèse dans le principe transcendant. Dès le premier livre Fracastor parle de *coelestis origo*[30] et tout au long du poème, la res-

pieno e tardo Rinascimento, Bari, Laterza & figli, 1952, vol. 3, p. 97; A. Perfetti, «La *Syphilis sive de morbo gallico* de Jérôme Fracastor. Un exemple de la diffusion de Lucrèce en Italie dans la première moitié du XVIe siècle/Girolamo Fracastoro's *Syphilis sive de morbo gallico*: An example of the diffusion of Lucretius in Italy during the first half of the 16th century», *Revue d'histoire des sciences*, 55/2 [2002], 263-72: 271).

28. Lucrèce, *De Rerum Natura* 6; Perfetti, *La* Syphilis, 263-72.

29. Jérôme Fracastor, *La Syphilis*, 17, vv. 238-39, 245.

30. *Ibid*., 21, v. 296.

ponsabilité humaine occupe une place centrale, au niveau individuel comme au niveau collectif, et s'emboîtent, les unes dans les autres, plusieurs narrations, relatant des origines mythiques et lointaines, qui, toutefois, ramènent toujours à la réalité politique vécue par l'auteur.

Dans le deuxième livre, est narrée la fable d'Ilcée, un paysan originaire de Syrie, qui est puni par Artémis et par son frère Apollon avec cette plaie pour avoir tué, d'un coup de javelot, un cerf consacré à la déesse et pour l'avoir offert à la nymphe Callirhoé. Ilcée trouvera l'apaisement dans la profondeur de la terre et dans les ténèbres de la nuit, auprès de nymphes alchimistes, qui mélangent des semences tirées des quatre éléments fondamentaux: l'air, le feu, l'eau, la terre[31].

Dans le troisième livre, le plus connu, on retrouve, dès l'incipit, la fable du bois de gaïac[32].

Armés, habillés, 'civilisés', les équipages de Christophe Colomb, à peine débarqués sur l'île d'Hispaniola (Haïti), en brisent l'équilibre naturel car, avec leurs armes à feu, ils tuent des oiseaux sacrés. Et c'est par l'apparition d'un prodige qu'Apollon leur jette sa malédiction, une malédiction à forte connotation politique. Un oiseau prophétique prévient donc les matelots:

> [Mais] il ne vous sera pas donné de soumettre des terres nouvelles ni leurs habitants [qui y vivent depuis longtemps dans la paix et dans la liberté], ni de fonder des villes, d'établir vos rites et vos cérémonies sacrées, avant que pour beaucoup d'entre vous, vous n'ayez enduré des souffrances abominables sur mer et sur terre, combattu des hommes étrangers, et enterré les corps morts dans une terre étrangère [...]. Et il n'est pas loin, ce jour où, honteux, vous demanderez à cette forêt son aide pour votre corps couvert d'une maladie inconnue, «jusqu'à ce que», pitoyables, «vous vous repentiez de votre crime»[33].

31. *Ibid.*, 49-59, vv. 283-458.

32. C'est Oviédo, nommé gouverneur de l'Inde occidentale en 1515, qui, dans un rapport à Charles Quint, présente les effets salutaires du gaïac (G. Barraud, «Le Traitement héroïque du mal vénérien», *Revue d'histoire de la pharmacie*, 41 année, 139 [1953], 179-82: 180).

33. Jérôme Fracastor, *La Syphilis*, 71-73, vv. 179-92. Pour ce qui concerne la discorde et les guerres, il pourrait s'agir d'une allusion aux guerres intestines et aux révoltes qui frappent l'Espagne à l'époque, voir *ibid.*, 116, n. 219. C'est nous qui soulignons.

Avec leur capitaine, les marins vont à la rencontre des hommes qui habitent les lieux, demandent le pardon, échangent des présents. C'est dans cette atmosphère d'entente que s'enchâsse la deuxième fable du livre 3 (la troisième du poème). Celle-ci explique l'origine autochtone de la maladie qui sévit *coelitus*, par la volonté du Ciel, de manière endémique[34].

Se trouvant témoin d'un rituel purificateur, Christophe Colomb interroge le chef indigène et celui-ci lui raconte l'histoire de Syphilus. Exaspéré par la pénible canicule imposée par la nature à son troupeau, ce berger orgueilleux et impudent se révolte contre les dieux, si indifférents devant la souffrance de ses animaux. Il décide de réserver ses offrandes à un homme, le roi Alcithous; d'autres bergers suivent son exemple. Le souverain, enorgueilli de tant d'hommages, décrète alors que nulle autre divinité (que lui) ne sera plus honorée sur terre. La vengeance du dieu Soleil ne tarde pas à se manifester: elle corrompt la terre, l'air et la mer avec un poison. Syphilus – c'est la naissance du mythe onomastique – est le premier à en être frappé.

Ajoutons que le pêché d'*hubris* envers la nature et envers les dieux décrit par Fracastor n'est pas seulement individuel (Ilcée, Syphilus, Alcithous) mais aussi 'collectif' (le peuple amérindien tout entier).

Avec le recours au mythe de l'Atlantide, dont les habitants d'Hispaniola seraient les descendants, et par la référence évidente aux dialogues platoniciens *Timée* et *Critias* – si chers aux milieux humanistes de la Renaissance –, s'affirme, chez Fracastor, non seulement la volonté de réfléchir à la juste place de l'homme dans le cosmos, mais aussi de conforter le lien intense avec la dimension historico-politique dans laquelle il vit[35]. En effet, s'il a été publié en 1530, le poème a été commencé autour des années 1510. À l'époque, la Péninsule italienne subit les tourments d'une guerre épouvantable. Les inquiétudes et la consternation à cet égard se manifestent tout au long de ces vers.

34. *Ibid.*, 63, vv. 51-52.

35. Rappelons-le en passant: dans le mythe, l'Athènes archaïque et l'Atlantide toutes deux disparaissent châtiées par les dieux, à travers des faits de nature catastrophiques, l'une dans un cataclysme, l'autre dans un déluge.

Nous avons largement insisté sur les vers du troisième livre. Mais ce lien se fait dès le premier, où le personnage énigmatique de Sirenis prophétise (ensemble) «une peste inconnue […], des guerres pour la malheureuse Europe»[36]. Plus loin, dans ce même livre, Fracastor lui-même s'adresse à des personnages mythiques anciens, ainsi qu'à certains lieux de la Péninsule italienne, allégories de sanglantes batailles dont ils furent le théâtre. Le poète interpelle Parthénopé, la sirène qui aurait fondé la ville de Naples, pour rappeler comment ces terres ont été ravagées par les mercenaires de Charles VIII. Ensuite, il se tourne vers le Pô et vers le Taro, pour rappeler les faits de Fornoue (1495), ce «carnage abominable, où le sang des Italiens se répandit avec celui des Français dans un combat sans vainqueurs»; puis il s'adresse au fleuve Adda, pour faire allusion à la bataille d'Agnadel (1509). Enfin, le poète se demande «quel crime a commis [le] peuple [de l'Ausonie] pour mériter ce châtiment […] les pillages et les tueries barbares»[37].

Or, pour Fracastor et ses contemporains, Dieu envoie la punition, mais il fournit aussi le remède. Et c'est dans la nature exubérante, vierge et préservée des terres d'outre-océan, là où les hommes ne portent ni d'armes, ni de vêtements, mais des guirlandes en signe de paix autour du front, là même où le mal naît, que l'on trouve le traitement: il s'agit du bois de gaïac, «magnifique don des dieux», qui sera importé en quantité en Europe[38].

36. *Ibid.*, 15, vv. 206-17. Le *vates Sirenis* pourrait être un personnage allégorique; il a été avancé qu'il pourrait s'agir de Giovanni Pontano (*ibid.*, 91, n. 35).

37. *Ibid.*, 27-29, vv. 421-54. La maladie inconnue est à nouveau associée à des guerres sanglantes dès les premiers vers du deuxième livre: «[…] nous avons vu une maladie inconnue, des guerres cruelles et funestes, […], nos places-fortes et nos villes incendiées, nos royaumes renversés, nos temples et nos sanctuaires profanés et les objets du culte volé, [si] nous avons vu des fleuves rompant leurs rives, […], [si] nos terres mêmes furent assiégées par une disette adverse» (*ibid.*, 35, vv. 16-23). À ces vers, toutefois, suit la célébration des capacités de l'homme de se dépasser, en repoussant les limites du monde connu.

38. *Ibid.*, 61, vv. 4-5; 73, vv. 200-3.

Quelques dernières remarques et conclusion

Ayant abordé les côtes du Nouveau Monde avec Fracastor, très brièvement, nous tenons à évoquer ici le phénomène du *Taki Onqoy*, dit également *la enfermedad del canto*. Il s'agit d'un mouvement non violent de résistance religieuse et culturelle anticoloniale né vers 1560 dans les régions de la Sierra centrale et mené par des prédicateurs indiens auprès des populations andines.

À cause des persécutions, de la pénibilité des conditions de travail et du mélange de deux mondes biologiques différents, 30 ans après la chute de l'Empire Inca, dans ces terres, on enregistre un affaiblissement des communautés indigènes. Selon certains prédicateurs du *Taki Onqoy*, la raison de leur déclin était à rechercher dans l'acceptation de l'étranger (l'Espagnol) et de son culte. D'après eux, les divinités pré-inca, appelées *huacas*, avaient longtemps protégé les communautés indigènes, les *ayllus*, contre les phénomènes destructeurs de la nature. Lors de la Conquête, le Dieu chrétien les avait vaincues. Depuis, abandonnés par les villageois et affamés, ces esprits erraient dans les airs. Se mouvant au sein d'une spéculation millénariste, les prêcheurs annonçaient la révolution du temps des Espagnols, le prochain retour des *huacas* et un bouleversement cosmique, impliquant la renaissance de l'humanité.

Selon les témoignages recueillis par les religieux espagnols, certains Indiens qui revenaient à leur ancien culte, une fois purifiés, possédés par ces êtres, commençaient à danser et trembler[39].

Dans le cadre de notre réflexion, deux sont les éléments à retenir à propos de ce mouvement de resistance.

Premièrement, une considération sur son nom, qui vient de la langue quechua. *Taki* veut dire danse ou chant, *Onqoi* veut dire maladie (qui indique la situation de misère et de désespoir vécue par les populations indigènes). La cure était représentée par la répétition constante de chants rituels, accompagnés d'une danse frénétique, qui pouvait durer plusieurs jours, preuve que les divi-

39. Cristóbal de Albornoz, *Información de 1577*, in L. Millones, *El Retorno de la Huacas: estudios y documentos sobre el Taki Onqoy, siglo XVI*, Lima, Instituto de Estudios Peruanos, 1990, 178.

nités revenaient à leur peuple et qu'elles allaient ramener le monde à l'équilibre perdu avec la conquête[40]. Et voici le deuxième élément. Toutes les *huacas* 'ressuscitées' devaient ensuite se réunir, livrer bataille et vaincre sur l'ennemi; leur arme serait la propagation de maladies, destinées à tuer les Espagnols.

La maladie n'est pas perçue seulement comme une punition infligée par la divinité abandonnée, mais elle est considérée aussi comme l'arme que celle-ci met à la disposition des hommes pour combattre l'ennemi, un ennemi abusif et illégitime.

Toute considération faite, l'idée que la maladie soit une malédiction, ou plus encore, une punition (divine? cosmique? karmique?), une arme, demeure dans les siècles; à partir du Saint Job du texte biblique, l'homme juste de la terre de Hus, que ses amis tentent de convaincre du fait que ses tribulations viennent obligatoirement de quelque faute qu'il aurait commise, jusqu'à notre époque[41]. Aujourd'hui, l'emploi démagogique de la peur et la diabolisation de l'autre et de la maladie restent des outils politiques très efficaces. Preuve en est, ici-là dans le monde, la manipulation propagandiste du virus qui nous a tous frappés il y a encore quelques années: voici que le COVID-19 devient «la maladie chinoise» dans la bouche du président des États-Unis

40. Inévitable, pour nous, le rapprochement entre cette cure et la Tarentelle, frénétique thérapie choréo-musicale qui, traditionnellement, jetait le sujet malade dans un état de trance et le guérissait du Tarentisme (ou tarentulisme) dans les régions du Sud de l'Italie. D'autant plus, si nous pensons aux dissertations des chercheurs concernant l'origine de cette danse et au fait que Nietzsche l'attribue à l'esprit chrétien des remords (Fr. W. Nietzsche, *Ainsi parlait Zarathoustra*, in Id., *Œuvres*, Paris, Laffont, 1993, II, 361).

41. JB I et IV: «Il y avait dans la terre de Hus un homme qui s'appelait Job. Et cet homme était simple et droit; et il craignait Dieu, et fuyait le mal […]. Eliphaz de Théman prit la parole et dit […]. Rappelle-toi, je te prie, quel innocent a jamais péri; ou quand les hommes droits ont-ils été exterminés? J'ai vu, au contraire, que ceux qui commettent l'iniquité, qui sèment les maux et les moissonnent, sont reversés par le souffle de Dieu, et consumés par le vent de Sa colère». Tout au long du livre les amis tentent de convaincre Job de sa culpabilité (JB VIII, XI et *passim*). Voir, à ce propos, la réflexion menée par Susan Sontag dans son ouvrage sur les maladies à travers les siècles, notamment sur le cancer et la tuberculose avec une perspective, toutefois, non pas politico-collective, mais individuelle (S. Sontag, *Illness as Metaphor and AIDS and Its Metaphors*, New York, Farrar – Straus – Giroux, 1977-78).

d'Amérique; voici qu'il se propage à cause des migrants *untori*, dans les discours de certains politiques italiens; voici que pour l'éradiquer, le gouvernement de certains pays, au Brésil par exemple, incite le peuple à se recommander à Dieu, à prier de toutes ses forces, car la prière est le seul, véritable, remède…

ABSTRACT

Valeria Caldarella-Allaire, *A* signum extra naturam. *Syphilis as an Expression of the Legitimacy and Illegitimacy of Power in the Early Modern Times*

In the Early Modern period, as in the Middle Ages, unusual phenomena disrupting the order of society (whether torrent, lightning, famine or disease) were often interpreted as obvious and «natural» expression of Divine will. These uncommon episodes were readily exploited in the political propaganda of princes and sovereigns who sought to demonstrate their legitimacy. Based on this observation, we propose to analyse several texts and iconographic creations from the late fifteenth to early sixteenth centuries that show how the spread of a new disease, syphilis, which struck Europe at the turn of the century, was interpreted as an *extra naturam* phenomenon: a message of legitimacy or non-legitimacy sent by the Divine to the ruler (or aspiring ruler) and to his people. Among others, we compare some of the elements present in Sébastian Brant's elegy *De pestilentiali scorra sive mala des Franzos* and Joseph Grünpeck's *Tractatus de pestilentia scorra sive mala de Franzos* (focusing on the engraving that accompanies them), and conclude with a reflection on Jérôme Fracastor's poem *Syphilis sive morbus gallicus*.

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NATURALISATION IN RESPONSE TO A CIVIL WAR IN THE SIXTEENTH CENTURY LOW COUNTRIES

> And certainly the matters of those Low Countries [...] cannot suffer a long delay of remedy without great danger and the ruin of the state [...] because of the nature of the country, the abundance of common people living from trades and everyday labour, as well as for the state and diversity of the borders of these countries, so open from all sides and so close to mighty princes and rulers, and so far from the rescue of the His Majesty's other states[1].

These words were written in November 1574 by Maximilien Vilain (1530-83), governor of Lille, Douais, and Orchies, in a report (*Avis*) on the state of the Low Countries which was sent to a special commission (*Junte*) summoned by governor general Luis de Requesens. The *Avis* addresses the civil war between Philip II and his Calvinist subjects, more specifically the repression of the Calvinist rebellion by the duke of Alva, the newly appointed governor general of the Low Countries[2]. Vilain did

1. Maximilien Vilain, *Avis donné dans la junte d'État convoquée par le grand commandeur de Castille, sur les négociations à ouvrir avec le prince d'Orange et les États de Hollande et de Zélande* (26 Nov. 1574), in *Analectes historiques*, ed. L.-P. Gachard, ser. 5-7, Brussels, Hayez, 1859, n. 229, 476-506: 489: «Et certainement les affaires de ces Pays-Bas [...] ne peuvent souffrir longue dilation de remède, sans grand dangier et ruyne de tout l'Estat [...] tant pour le naturel du pays, l'abondance du mesnu peuple y vivant de négociation et de sa labeur quotidienne, qu'aussy pour l'assiette et diversitez de limite d'iceulx pays si ouverts de toutz costelz et confinantz à princes et potentatz si puissants, et tant esloignez du secours des aultres Estatz de Sa Majesté».

2. See J. Israël, *The Dutch Republic. Its Rise, Greatness, and Fall, 1477-1806*, Oxford, Oxford U.P., 1995, 157-68; G. Parker, *Imprudent King. A New Life of Philip II*, new ed., New Haven – London, Yale U.P., 2015, 196-98.

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not support Alva's violent means. For him, one of the key aspects that had to be understood in order to end the struggle between Philip II and his subjects of the Low Countries was «the nature of the country» (*le naturel du pays*). Here, Vilain means that the king is not the only individual to be natural to the country (a natural prince) but that all his subjects possessed this characteristic. Prince and subjects were bonded to the country by naturalness, and the oblivion of such a bond is an important cause of the ongoing civil war.

In the second half of the sixteenth century, 'naturalness' and the process that it implies ('naturalisation') were far from being new words in the Low Countries' political lexicon. They were pivotal concepts for explaining the political relations between the prince and his subjects from the late medieval period onwards, as shown in this volume by Éloïse Adde, Wim Blockmans and Giles Lecuppre. As Hans Cools demonstrated during the conference[3], these concepts continued to dictate thinking after the division of the Low Countries into two polities[4].

The originality of Vilain is seen in his use of naturalness to convince Philip II to choose a negotiated and diplomatic solution to the conflict. By doing so, Vilain revealed the different forms given to naturalness: 1. one that was individual (that concerning his own relationship with the country as a noble); 2. one that was royal (that concerning the king as a natural prince); 3. a third that was collective (that introducing the relation between the subjects and the state); 4. a fourth that was holistic (that concerning the inter-relation between prince, subjects and polity).

I explore here the meaning given to each of these senses of the word 'naturalness'. Ultimately I seek to show how Vilain's understanding of naturalness helped him to advise Philip II to return to a model of rulership based on compromise between prince and subjects: the 'compromise monarchy'.

3. Unfortunately, this text could not be included in this volume.

4. For the bibliography regarding naturalness in the Low Countries, I send the reader back to the articles of the above-mentioned authors published in this volume. A synthesis of the institutional use of naturalness in the context of the representative assemblies can be found in W. Blockmans, *Medezeggenschap. Politieke participatie in Europa vóór 1800*, Amsterdam, Prometheus, 2020, esp. p. 209 sq.

Maximilien Vilain, a natural noble

Maximilien Vilain, Lord of Ressegem, belonged to a noble Flemish family who served the counts of Flanders and their successors the dukes of Burgundy and the princes of Habsburg. He remained all his life a loyal officer of Philip II, serving him first as Bailiff of Aalst and Gerrardsbergen (1561), thereafter as Governor of Lille, Douai and Orchies (1566). The king made him member of the State Council and head of the Council of Finance of the Low Countries (1576)[5].

Vilain was part of a moderate Catholic faction who disapproved the repressive and violent policies of the duke of Alva. The faction believed that in order to restore peace, the king should re-establish the privileges of the subjects and therefore the role played by the Estates General as an intermediary governing body between the king, the governor general and the State Council on the one hand, and the subjects on the other.

Vilain's *Avis* was written at time when governor general Requesens and his council were trying to negotiate with the insurgents. Indeed, the replacement of Alva by Requesens as governor general (29 November 1573) gave an opportunity for the moderate Catholics to impose their views. Even Philip II was more inclined to follow a diplomatic line after the failure of Alva. This line was further imposed by the circumstances. Requesens did not have the financial means or the authority to pursue a military campaign. Meanwhile he had to deal with the rebellious fringes of the royal army which were causing considerable disorder. From the Calvinist side, a diplomatic solution became more desirable as well. Despite their successful resistance of Alva's forces (for instance in Alkmaar, Haarlem and Leiden), the rebels did not have the capacity to lead an offensive. From 1573, the Estates of Holland began to negotiate with the Estates General of the loyal provinces. The *Avis* was precisely written in

5. See Vilain's biography in M. Baelde, Art. «Rassenghien, Maximilaan Vilain, baron van», in *Dutch Revolt*, Universiteit Leiden. Online. URL: https://dutchrevolt.leiden.edu/dutch/personen/R/Pages/rassenghien.aspx (last access 19 Aug. 2022).

order to advise the king, the governor general and the State Council on matters relating to these negotiations. The peace conference took place at Breda from 3 March 1575[6], yet the king refused to grant religious freedom to the Calvinists which caused the failure of the negotiations. The death of Requesens (5 March 1576) put an end to this diplomatic momentum[7].

The *Avis* was discovered and published by the nineteenth century scholar Léon-Prosper Gachard in his *Analectes historiques*. Gachard revealed that he may have discovered the text at the AGR of Brussels or in the archives of Simancas, but he did not give the shelf mark of the manuscript. Preliminary enquiries at the AGR and Simancas have not so far discovered the original.

The AGR holds another manuscript of Vilain: his correspondence with Philip II in the 1560s, 70s and 80s, which helps to show his political ideas from a broader perspective[8]. Vilain seemed to have continuously addressed his advice to the king during this period. For instance, in a letter of 30 October 1572 the king thanked Vilain for «the good advice» (*les bons advis*) that the governor had previously sent[9]. Vilain's correspondence shows that the *Avis* was not a *unicum*, but that it should rather be included in an uninterrupted succession of letters and short treatises informing the king about the situation in the Low Countries.

Despite being known by historians, it seems that Vilain's testimony on the civil war had not yet been investigated and replaced

6. In the *Avis*, Vilain discusses where to organise the negotiations. He advises «a location between Breda and Geertruidenberg» (*quelque lieu entre Breda et Sainte-Gertrudberghe*; Maximilien Vilain, *Avis*, 487).

7. Israël, *The Dutch Republic*, 179-84; Parker, *Imprudent King*, 213-27.

8. A letter of 20 August 1572 contains a shorter version of the ideas that would be found two years later in the *Avis* (Maximilien Vilain, *Letter to King Philip II* [Lille, 20 Aug. 1572], Brussels, AGR, *Manuscrits divers*, n. 121, ff. 9v-11v; ed. in *Analectes historiques*, 1863, ser. 8-10, n. 307, 552-59). Another letter (20 March 1576) is a summary of the *Avis* of 1574 (Id., *Letter to King Philip II* [Brussels, 10 Mar. 1576], Brussels, AGR, *Manuscrits divers*, n. 121, ff. 7r-9v; ed. in Philip II, *Correspondance sur les affaires des Pays-Bas*, Brussels – Ghent – Leipzig, C. Muquardt, 1858, vol. 3, 461-67). The rest of Vilain's correspondence is in Simancas.

9. Id., *Letter to Maximilien Vilain* (Madrid, 30 Oct. 1572), Brussels, AGR, *Manuscrits divers*, n. 121, f. 2v.

in the broader context of the construction of the narratives on the revolt in the Low Countries[10].

The *Avis* and the correspondence reveal Vilain's noble *ethos* that is structured by the idea of 'naturalness'.

Vilain considered it his duty to advise the king and even to send him «admonitions» (*remonstrances*)[11]. Yet, by corresponding directly with the king, he encroached upon the governor general and the State Council's prerogatives:

> I have emboldened myself [...], beyond what Your Majesty may understand in the common letter of the [State] Council, to present to him several important considerations that seemed to me [corresponding] with the disposition of the business and goals [of his Majesty][12].

Vilain's carefulness reveals the more hierarchical and absolute form of rulership established by Philip II[13]. The governor general and the State Council had become a barrier between the king and the political elites of the Low Countries (nobles and urban patricians). Those who did not respect the new rules were punished, as for instance the delegates of the Estates of Brabant who,

10. On the absence of Vilain from the studies on these narratives, see *Early Modern War Narratives and the Revolt in the Low Countries*, eds R. Fagel – L. Álvarez Francés – B. Santiago Belmonte, Manchester, Manchester U.P., 2020.

11. Maximilien Vilain, *Letter to King Philip II* (Brussels, 6 Apr. 1576), Brussels, AGR, *Manuscrits divers*, n. 121, f. 14r.

12. Maximilien Vilain, *Letter to King Philip II* (s.l., 10 Mar. 1576), f. 7v: «[...] je me suis enhardii [...] oultre ce que Vostre Majesté entendrat par la lectre commune du Conseil, luy representer aulcunes considerations principales que me semblionts selon la disposition des affaires et fin». It is probable that Vilain addressed the king directly because he knew that the State Council was paralysed by internal dissent (see R. Vermeir, *Conseil d'État, 1531-1702, 1718-1787, 1790-1794*, in *Les Institutions du gouvernement central des Pays-Bas habsourgeois, 1482-1795*, eds E. Aerts e.a., trans. C. de Moreau de Gerbehaye, Brussels, Archives générales du Royaume, 1995, I, 257-74: 259).

13. The same year, the king wrote several times to Vilain to underline that, after the death of Requesens, the government of the Low Countries was given to the State Council (for example, Philip II, *Letter to Maximilien Vilain* [Madrid, 3 Mar. 1576], Brussels, AGR, *Manuscrits divers*, n. 121, f. 3v).

in 1572, travelled to Spain in order to address the king directly. Upon arrival, they were arrested and imprisoned[14].

Vilain justified his constant admonitions to the king by reference to naturalness. As a member of an old Flemish noble house, he believed that he had a special connection to the country and, consequently, to the Habsburg dynasty. For example, he defined himself as a natural lord of the country, meaning that he participated in «the natural [condition] of the country» or «the nature of the country» (*le naturelz du pays*)[15]. This condition required him to place his estates, wealth and own life at the disposal of protecting king and country[16]. He received in return numerous rights such as the right to speak freely and directly to the king, even if not invited to do so. In this, Vilain's idea of his own naturalness echoed that of the Calvinist noble insurgents in justifying their uprising[17]. Vilain's naturalness leads him to adopt a critical tone, for example towards the king's foreign councillors and

14. The lexicon chosen by the delegates in order to justify their action is close to the one used by Vilain. It is their natural duty to admonish the king (*Relation du voyage des députés envoyés à Philippe II, en Espagne, par les États de Brabant, pour réclamer contre le dixième et le vingtième denier* [8 Mar.-11 Aug. 1572], in *Analectes historiques*, ser. 5-7, n. 202, 242-369: 277). The Estates came to negotiate with Philip the tax of the 10th denier that Philip had created recently in the Low Countries (Parker, *Imprudent King*, 209-12).

15. See, for example, Maximilien Vilain, *Avis*, 489, 505.

16. Id., *Letter to King Philip II* (s.l., 20 Oct. 1570), Brussels, AGR, *Manuscrits divers*, n. 121, f. 6v: «I will always remain ready, let God assists, to expose my body and goods […]» ([…] «je demeureray à jammais (Dieu aidant) prest d'opposer et le corps et le bien» […]).

17. William of Orange used this argument in his *Apologie* (1581) for justifying his rebellion. He is a natural prince whose lineage had grown in the Low Countries for centuries, and therefore he understands and wants to protect the *Res Publica* of the country (William of Orange, *Apologie ou defense de tres illustre prince Guillaume par la grace de Dieu prince d'Orange, conte de Nassau*, eds B. Nicollier de Weck, Geneva, Droz, 2022, 39-42). William's advisor Philippe Marnix generalises this argument to the whole population of the Low Countries. The people have the right to defend their country from their king since they possess a natural connection with the country that founds their natural freedom (Philippe Marnix, *Oratio legatorum* […], Antwerpen, Christophe Plantin, 1578, f. D3). See also M. Van Gelderen, *The Political Thought of the Dutch Revolt, 1555-1590*, Cambridge, Cambridge U.P., 1992, 96-97, 139-40; as well as A. Jouanna, *Le Devoir de révolte. La noblesse française et la gestation de l'État moderne, 1559-1661*, Paris, Fayard, 1989, for, notably, the French Huguenot nobles.

ministers. He contrasts the quality of his advice, rooted in his naturalness, to the wrongness of their advice because of their alienness to the country[18].

However, Vilain could not join the rebels, notably because of his idea of a natural religion. He defines himself as a loyal Catholic, 'loyal' and 'Catholic' being here almost indistinguishable. Indeed, he sees Catholicism as the religion of his ancestors and, by extension, of the country[19]. This led him to conceive two categories of subjects: the Catholics who respect the natural religion of the country, and the «heretics and rebels» (*hoeréticques et rebelles*), who, because they worship another religion, cause the disunity of the country[20].

What separated Vilain from the most zealous Catholics was that, in his mind, natural religion did not shade political pragmatism. Natural religion coexisted actually with a political and (almost) sociological interpretation of religion. In the *Avis*, Vilain follows the Machiavellian interpretation of religion as cement for the state and, following the peace of Augsburg[21], the belief that two religions should be avoided within one polity because of the risk of political divisions:

> […] to speak also politically […] religion was always kept and esteemed to be the first part and the main pillar of a republic and the

18. Yet he remains careful and hides his critic behind the idea that this is just people's misunderstanding of the king and his ministers' intentions. They mistakenly believe that the Low Countries will be a «conquered and subjugated province under the Spanish laws and rulership» ([…] une province conquestée ou subjugée soubz les loix et gouvernement d'Espaigne; Maximilien Vilain, *Avis*, 494).

19. *Ibid.*, 500: «[…] our Holy Catholic and Roman religion [is] the only and true [one] that emanated from Our Lord Jesus Christ, and successively from the Apostles and their successors the legitimated ordinated bishops until our times […]» ([…] «nostre religion saincte catholicque romaine [est] la seule vraye émanée de Nostre-Seigneur Jésus-Christ, successivement par les apostres et leurs successeurs évesques légitimement ordonnées jusques à nous» […]).

20. *Ibid.*, 495.

21. Niccolo Machiavelli developed this argument in the *Discourses on Livy*, I, 11, 2. The *post* peace of Augsburg (1555) moto *cuius regio eius religio* structures this part of the text. This idea led to the confessionalisation of the early modern European states. See for the case of the Southern Low Countries: L. Duerloo, *Dynasty and Piety: Archduke Albert (1598-1621) and Habsburg Political in an Age of Religious Wars*, Farnham, Routledge, 2012.

foundation of a republic and political government; it must be maintained uniform and undivided in one country: because, as there is nothing that results in more friendship and union between people […] than conformity of religion and a common opinion of God and divine things, thus there is nothing that separates them more from mutual affection […] than diversity of religion and contradictory opinions of God and divine things […] and where, in one place, diversity of religion is allowed, it must necessarily be that chaos and confusion follow[22].

In this regard, religious persecutions cannot be justified, even by naturalness. For Vilain, the violence of Alva and his army had created a fomenting disorder that now threatens the state. Vilain brings here a sociological argument. After the condemnations and executions of the rebels by the Council of Troubles, Philip II refused to pardon the families of the rebels, thus making it impossible for them to inherit and therefore to survive. They fled to find shelter in the Calvinist bastions of Holland and Zeeland or went abroad. In this way, Philip II strengthened his enemies by creating thousands of desperate subjects eager to support them. In the beginning, many of those refugees were not convinced Calvinists. They escaped because of poverty and fear. Yet once abroad they more actively visited Calvinist preachers and more readily became Calvinists. If some were now definitely lost to the Catholic Church, others would be welcomed back if the king would pardon them[23], although those who wanted to

22. *Ibid.*, 500: «[…] pour parler aussy politicquement […] la religion […] at esté de tout tamps tenue et estimée la première partie et principal pillier et fondement de toute républicque et gouvernement politicque, elle doibt estre maintenue uniforme et non divisée en un pays: car, comme il n'y at riens qui occasionne plus l'amitié et union des personnes […] que conformité de religion et une mesme opinion de Dieu et des choses divines, ainsi il n'y at riens qui les sépare plus d'affection l'un de l'aultre […] que diversité de religion et opinions contraires de Dieu et des choses divines […] et où se permet diversité de religion en un lieu, nécessairement il fault qu'il s'en ensuyve ung chaos de confusion».

23. *Ibid.*, 478: «[…] lesquelz, ou par pusillanimité, ou de craincte d'estre recherchez d'avoir, ès troubles passez, par curiosité, esté aulx presches et conversations des hoeréticques, ou bien d'avoir parlé trop librement […], par intimidation des uns aux aultres et mauvaises impressions […], se sont retirez en Angleterre, France et Allemaigne, èsquelz lieux, par la longue hantize et demeure avecque héréticques, plusieurs se sont laissé corrompre et perdre du tout».

remain Calvinist had to leave the Low Countries in peace with their belongings[24].

Vilain defines his noble *ethos* through the lens of naturalness. His right to exert a political activity such as admonishing the king, as well as his loyalty and his religion, are justified by his affiliation to the country. Yet 'naturalness' is not an exclusive idea. It cohabits with forms of political and sociological rationality. This compromise between different rationalities was probably the personal solution found by Vilain in order to escape the paradoxical situation in which his loyalty to the king and his feeling of being natural to the country placed him.

The compromise could have been also a response to the re-transcendentalisation of the kingly figure under Philip II of Spain.

Philip II: A new version of the Princeps quasi semi deus?

Beside its obvious confessional causes, the conflict between Philip and his subjects can be explained through the lens of political ideas. The king and his publicists re-verticalised the royal function by justifying it through transcendence[25]. This contradicted directly the Low Countries' idea of the prince as natural ruler.

The naturalness of the prince was a fundamental political idea in the sixteenth century Low Countries. It relied on three intertwined notions: 1. Essentialist: The prince descended from the lineage that had ruled the country since time immemorial, thus he was a product of the country itself; 2. Cultural: The prince knew the language and customs (especially the laws) of the country; therefore he understood his subjects and ruled them as

24. *Ibid.*, 499: «Pardon should be granted to those people in order that «everyone is fully re-established, with the restitution of everything that belonged to them» ([…] «chascun restitué en son entier, avecque restitution de tout ce que se trouverat en estre»).

25. See, for example, S. Édouard, *L'Empire imaginaire de Philippe II. Pouvoir des images et discours du pouvoir sous les Habsbourg d'Espagne au XVIe siècle*, Paris, H. Champion, 2005; M. Tanner, *The Last Descendant of Aeneas. The Hapsburgs and the Mythic Image of the Emperor*, London – New Haven, Yale U.P., 1993.

a good prince; 3. Political-contractual: The prince had to swear to respect the privileges of his subjects who in turn obeyed him.

By choosing transcendence, Philip II dismissed and even showed his contempt for the political culture of his subjects, which in turn encouraged their defiance. The above-mentioned conflict between him and the representatives of Brabant in 1572 is a good example. The delegation sent to Madrid claimed its right to negotiate a new tax directly with Philip, a right that was established by the oath that Philip swore at his Joyful Entry of Brabant and that was based on the *Statutes of Brabant* (1312)[26]. The delegates defined their rights «as being something of natural correction, more than fair and reasonable», or as something «natural and reasonable»[27]. Yet Philip refused to recognise the Estates' reasoning based on their legal interpretation of naturalness, thus following a more absolutist path.

This had two terrible consequences in Vilain's eyes. Firstly, Philip abandoned the medieval model of the good prince serving the public good; and secondly he lost a means of government which had benefited his predecessors: the dynastic governors general.

In the *Avis*, Vilain tries to convince the king to return to the tradition of the late medieval good prince[28]. Vilain felt that Philip should not persecute his subjects by punitive justice, but that he should convince them by clemency and mercy – two key qualities of the good prince:

26. *Relation du voyage*, 273: «[…] because of the act requested by the Estates at the time of his [the prince's] Joyful Entry in Brabant» («[…] par l'acte demandé desdicts estatz, du temps de sa Joyeuse Entrée en Brabant […]»). On the *Statutes* of Brabant, see V. Vrancken, *De Blijde Inkomsten van de Brabantse hertogen. Macht, opstand en privileges in de vijftiende eeuw*, Brussels, ASP Academic & Scientific Publ., 2018.

27. *Relation du voyage*, 271: «[…] pour estre chose, à correction, naturelle, plus que juste et raisonnable […]»; *ibid.*, 273: «naturelle et raisonnable». The interpretation of the *Statutes* of Brabant was actually key in the debates between the faithful and the rebels. For instance, Philippe Marnix, *Oratio*, f. D3, referred to the text for justifying the lawful rebellion towards the king.

28. For a recent overview of this tradition, see Ch. F. Briggs – C. J. Nederman, «Western Medieval Specula, c. 1150-c. 1450», in *A Critical Companion to the* Mirrors for Princes *Literature*, eds N.-L. Perret – St. Péquignot, Leiden – Boston, Brill, 2023, 158-96.

And the good prince must always prefer the public good and the public utility of his subjects and lands to his own particular affection or profit; and clemency to rigorous justice, following the example of God: «whose property is ever to have mercy and to spare»[29].

Peace must always be the goal of the good prince because in time of war there is neither order nor police – two other qualities of the government of a good prince:

[…] in time of peace one has better means to restore religion and to put good order in everything than in times of disorder, especially during civil and internecine wars, which generate only confusion, ruin and desolation of all the public state[30].

The good prince must serve the public good. In order to do so, Philip II must respect the oath that he had sworn in front of the Estates when he became their prince. In all this, Vilain seeks to remind Philip of the almost constitutional obligations that made him the natural ruler of his subjects[31].

Philip's will to become an absolute king also had an impact on the ways in which the governors general of the Low Countries functioned. Maximilian of Habsburg and Charles V had used

29. *Ibid*., 481: «Et doibt le bon prince préférer tousjours le bien et utilité publicque de ses subjectz et pays à sa propre affection ou prouffict particulier, et la clémence à la rigueur de justice, à l'exemple de Dieu, *cujus proprium est misereri et parcere*». The Latin quotation is the opening verse of the *Oratio* of the *Missa defunctorum*. See *Missale Romanum*, Bonn, Una Voce, 2004, 124. The importance of clemency and mercy in the portrait of the good prince is fundamental in the princely mirror tradition. For instance, in his *Institutio Principis Christiani* (1516), Erasmus of Rotterdam advised Charles of Habsburg to rule according to these virtues, instead of being feared and hated (Erasmus, *Institutio Principis Christiani*, 4, 564b).

30. Maximilien Vilain, *Avis*, 480: «[…] en tamps de paix l'on at beaucoup meilleurs moiens de restablir le faict de la religion et mettre bon ordre et police en tout, qu'en guerre et troubles, principallement civiles et intestines, qui n'engendrent que confusion, ruyne et désolation de tout un estat publicque».

31. See the volume '*De Bono Communi*'. *The Discourse and Practice of the Common Good in the European City (13th-16th c.)*, eds É. Lecuppre-Desjardin – A.-L. Van Bruaene, Turnhout, Brepols, 2010, and especially the article of J. Dumolyn – É. Lecuppre-Desjardin, «Le Bien Commun en Flandre médiévale: une lutte discursive entre princes et sujets», 253-66.

members of their lineage (Margaret of Austria and Mary of Hungary) as governors general of the Low Countries. They granted them greater powers than the previous non-dynastic governors general thanks to an interpretation of naturalness that saw sovereignty as a good shared unequally between the members of the dynasty, in other words a 'shared sovereignty'. The head of the dynasty possessed the largest part of it and other members shared a smaller part. This idea was recognised by the subjects through their acceptance of the sovereignty of the Habsburg governors general[32].

Several documents attest that Charles V made extensive use of shared sovereignty, for instance the letters in which he establishes the powers of Mary of Hungary as governor general. Charles' letters underline that, in the Low Countries, the foundation of the prince's legitimacy is the bond between him and his subjects that exists because of naturalness. Prince and subjects belong to the country since they were all born and raised there. All this give them common traits that the Emperor referred to as the 'Netherlandish Nation'[33]. Mary of Hungary could assume the office of governor general because she was a natural princess, born and raised in the country. Therefore she participated in the «nature and inclination» of the subjects (*nature et inclinacion*)[34]. For these reasons, she possessed a portion of sovereignty over the lands. She could, for instance, replace her brother at Joyful

32. This paragraph on shared sovereignty is an overview of a broader topic that I intend to develop in the book that I am preparing on the idea of kingship in the sixteenth century Low Countries.

33. We witness this trait in a letter in which Charles advises Mary to leave her Austrian and Hungarian officers behind her and to choose new servants once she arrives in the Low Countries. The Netherlandish subjects would not accept that the positions at the governor general's household had been given to foreigners (Charles V, *Letter to Mary of Hungary* [Cologne, 3 Jan. 1531], in Mary of Hungary, *Correspondance avec Charles Quint et Nicolas Granvelle*, eds L. Gorter-van-Royen – J.-P. Hoyois, coll. H. Stratenwerth, Turnhout, Brepols, 2009, I, n. 17a, 15-20: 18).

34. This reference comes from one of the letters in which Charles V establishes the power of Mary as governor general: Charles V, *Instructions to Jean de Hénin-Liétard, Lord of Boussu* (Cologne, 3 Jan. 1531), in Mary of Hungary, *Correspondance*, I, n. 17b, 20-23: 22.

Entries and visit the cities and lands, exactly as the ruler was supposed to do in order to maintain her or his legitimacy[35].

By presenting himself as a ruler justified by God, Philip II abandoned the idea of the political natural prince and therefore of shared sovereignty. In this he destroyed the very tool that his predecessors had used in order to ruler the Low Countries from a distance[36].

Vilain's *Avis* is a defence of shared sovereignty. The physical presence of the king or of one of his relatives in the country remained fundamental in order to maintain the Habsburg's authority. The prolonged absence of the prince was a source of considerable disorder since the subjects «do not have knowledge [...] of their natural prince» (*n'aiantz cognoissance* [...] *de leur prince naturel*)[37]. Vilain tries to convince Philip either to return to the Low Countries or at least to name a «prince or princess of his blood» (*princhе ou princhesse de son sang*)[38] in order to restore «obedience and respect» (*obeissance et respect*)[39].

Vilain's defence of 'shared sovereignty' could also have been a response to the rebels who in the 1570s used shared sovereignty to justify the replacement of Philip II by another Habsburg prince. For instance, on 7 May 1578 a delegation of the Estates General was received by the Imperial Diet at Worms. Their

35. See for instance Charles V, *Letter to Mary of Hungary* (Regensburg, 5/6 Apr. 1532), in Mary of Hungary, *Correspondance*, n. 88, 158-62: 160: «[Mary shall visit the subjects] in order to comfort them and to maintain the good will and affection of the loyal subjects to me [Charles], as well as that they [the subjects] know the affection that you have for them and [the will] to conduct, to rule and to reign over them with justice and good order [...]» («[Marie doit les visiter] afin de les consoler et entretenir en la bonne volenté et affection de loyaulx subiectz qu'ilz me pourtent, et aussi congnoissent tant plus l'affection qu'avez envers eulx, et a les conduire, gouverner et regir en justice et bonne police, selon la charge qu'en avez et mon entiere confidence»).

36. Philip II also bypassed the authority of his half-sister, governor general Margaret of Parma, and allowed the Cardinal of Granvelle to do the same. He further granted extended powers to a non-dynastic governor general, the duke of Alva (Parker, *Imprudent King*, for ex.: 140-49, 151-53).

37. Maximilien Vilain, *Avis*, 480. Philip left the Low Countries on 25 August 1559 and never returned (Parker, *Imprudent King*, 129).

38. Maximilien Vilain, *Letter to Philip II* (s.l., 10 Mar. 1576), ff. 7v-8r.

39. Id., *Letter to Philip II* (Brussels, 6 Apr. 1576), Brussels, AGR, *Manuscrits divers*, n. 121, f. 13r.

spokesperson, Philippe Marnix, asked the Diet to allow Matthias of Habsburg, cousin of Philip II, to become their governor general. In his request, Marnix underlines that Matthias was chosen because he shared the same blood as Philip[40] and therefore he was (thanks to naturalness) as entitled to rule the Low Countries (*pro naturali, legitimum*)[41].

Vilain attempted to restore the idea of the contractual natural prince in reaction to the king's choice of being justified by transcendence. This last form of justification undermined the foundation of princely authority in the Low Countries, i.e. the model of the good prince serving the public good, as well as the idea of shared sovereignty that legitimised a powerful tool of government, the dynastic governorship general.

Yet Vilain shows that if naturalness was the foundation of the legitimacy of the prince and his relatives, naturalness was not their property but was shared with a third group: the subjects.

The natural subjects

In Vilain's writings, the subjects are often described as 'natural subjects'. Vilain believed that, as with the ruler and his relatives, the subjects were also born and raised in the country and were entitled to assume power. In this, Vilain justifies a late medieval way of sharing power in a polity: the *communitas regni*[42] in which the prince ruled together with grandees and urban elites. This form of rulership assumed an almost constitutional form in the Low Countries after the Great Privilege of 1477[43] and

40. Philippe Marnix, *Oratio*, f. D3: «Qui pro ea quae sibi cum Rege Hispaniarum intercidit gemina et triplicata necessitudine».

41. *Ibid.*, f. E2.

42. On this form of government in late medieval and early modern Europe, see Communitas regni. *La 'communauté de royaume' de la fin du Xe siècle au début du XIVe siècle (Angleterre, Écosse, France, Empire, Scandinavie)*, eds D. Bathélemy – I. Guyot-Bachy – Fr. Lachaud – J.-M. Moeglin, Paris, Sorbonne U.P., 2019.

43. On the Great Privilege, see *1477. Le Privilège Général et les privilèges régionaux de Marie de Bourgogne pour les Pays-Bas*, ed. W. Blockmans, Courtrai – Heule, UGA, 1985; and for early forms of constitutionalism in Europe *Des*

gave birth to a monarchic rule that can be called 'compromise monarchy'[44].

Like the ruler and his relatives, the subjects are defined by their origination in the country. This connexion appears in the expression «the nature of the country» (*le naturel du pays*)[45] which states that the country is singular, exceptional and better than others. It depicts the country as a luxurious and organised garden, the *hortus conclusus* or garden of the state that mirrors the biblical Garden of Eden. As God guarded Eden, the prince guards his kingdom and maintains peace. There was a whole curial tradition in the Low Countries that associated the dukes of Burgundy and thereafter the Habsburg princes to the guardianship of the garden. For instance, in the account of the Joyful Entrance of Charles of Habsburg in Bruges in 1515, the prince appears as Orpheus playing lyre in the middle of a «garden of pleasure» (*jardin de plaisance*)[46].

However, the sixteenth century Low Countries witnessed a share of the *hortus conclusus* between the prince and the subjects: the prince was no longer its sole guardian; the subjects could also assume this role. Therefore the garden of the state helped to legitimise the subjects as political actors. It also contributed to giving them exceptional natural qualities. Since the garden was the most perfect item of God's Creation, the people nourished by it possessed extraordinary physical and intellectual characteristics[47].

Chartes aux constitutions. Autour de l'idée constitutionnelle en Europe (XIIe-XVIIe siècle), eds Fr. Foronda – J.-Ph. Genet, Paris, Sorbonne U.P., 2016.

44. On the idea of 'compromise monarchy', see. J. Dumont, «Burgundian-Habsburg Monarchic Culture between the Low Countries and the Spanish Kingdoms (1500-20)», *Bibliothèque d'Humanisme et Renaissance*, 82 (2020/1), 25-64. In this way, Vilain echoes a powerful trend among subjects during the decades 1570-80, which tended towards a return to a government by the Estates, and which led to the constitution of Calvinist republics in the Low Countries during these decades. See *Des Villes en révolte. Les 'Républiques urbaines' aux Pays-Bas et en France pendant la deuxième moitié du XVIe siècle*, ed. M. Weis, Turnhout, Brepols, 2010.

45. Maximilien Vilain, *Avis*, 489.

46. Rémi Dupuis, *La Tryumphante et solemnelle entree*, Vienne, ÖNB, Cod. 2591, f. 40r. On this text, see J. Dumont, *Écrire un avènement. Charles de Habsbourg dans l'œuvre de Rémi Dupuis*, Geneva, Droz, 2024.

47. This idea of the Low Countries was influenced by classic literature such as *De Bello Gallico* of Caesar, and was widespread by humanists and vernacular authors working for the court of Burgundy-Habsburg.

Vilain refers to the sixteenth century imagery of the *hortus conclusus*. He proposes an essentialist description of the Low Countries and their population, determined by the nature of the country to adopt distinctive economic and political traits[48]. Vilain refers often to «the nature of the country» (*le naturel du pays*)[49] and associates the expression with the geographical traits of the Low Countries: «its size, the convenience of its seas, rivers, and passages from every side»[50]. These traits made the Low Countries «small, open and accessible from all sides but nonetheless populated only by themselves», «themselves» meaning here by a population of its own, indigenous and specific[51]. The Low Countries were therefore determined to become «a public market or *emporium*, not only for their neighbours, but also for all of Europe» (*un marchié publicque et* emporium*, non-seulement des voisins mais aussy de toute l'Europe*)[52].

The natural determinism of Vilain is also political. The nature of the country means the political culture of the country based on law, representation and compromise, as well as on its openness to its neighbours[53]. Vilain explains that, because of the inherent political culture of the country, its subjects cannot be tamed «only by external forces» (*par forces extérieures seules*) nor could the princely authority be maintained «by way of force» (*par la voye de force*). Philip II should rather rely on «art and great discretion», that is to say negotiation and compromise[54].

48. One could be tempted to see here another form of geographic determinism, but in my opinion it is not because, for Vilain, the exceptionality of the Low Countries did not only rely on their geographic location and climate.

49. Maximilien Vilain, *Avis*, 489.

50. *Ibid.*, 483: «[…] à raison de son assiète, de la commodité de la mer et rivières, des passaiges accessibles de toutz costelz […]».

51. *Ibid.*, 490: «[…] pour estre petitz, ouvers et accessibles de toutz costelz, si peuplés de soy-mesmes […]».

52. *Ibid.*, 483.

53. This deterministic description surprisingly leads Vilain to an almost Eliasian understanding of the ties of dependency between the early modern European economies. He states that the civil war affects the rest of the Continent because of the role of market place of Europe played by the Low Countries. He speaks, for instance, of the «great loses and inconveniences» («grandes pertes et discommoditez») for «all the neighbouring kingdoms and countries» («toutz les royaulmes et pays voisins»; *ibid.*, 483).

54. *Ibid.*, 490: «par art et grande discrétion».

It is through the nature of the country that Vilain proposes a political solution to reach peace: the compromise monarchy. According to Vilain, the king should reconnect with a more cultural and political understanding of naturalness that will lead to the re-establishment of contractual rulership. For instance, he insists on the fact that, in the Low Countries, power is shared between three entities: «His Majesty, the Christian Catholic princes who are relatives and allied to the king, and thirdly the subjects and good Estates [the representative assemblies] of His Majesty»[55]. Therefore it is clear that the king should rule in conjunction with the delegates of the Estates – a form of rulership that, for Vilain, worked perfectly under Charles V[56]. For Vilain, the compromise monarchy was justified by the nature of the country. The delegates of the Estates arose from the country so were therefore natural and thus loyal to it and to the king. He in turn could rely on them: «And His Majesty can better trust his good Estates closeby to offer their loyalty [to him] […]»[57]. However, the mutual distrust arising from prolonged use of violence prevented any form of cooperation. For Vilain, the king had to reconcile himself with the Estates in order to achieve peace[58].

Vilain's solution was pragmatic and rather resembled a divide and rule strategy. The king should allow the moderate Estates to regain some power in order to distract them from the most rebellious ones (Holland and Zeeland). The author reminds Philip II of how the «ancient civil and internecine wars of Flan-

55. *Ibid*., 485: «Sa Majesté, les princes chrestiens catholicques, parens et confoedérez du Roy, et tiercement les subjectz et estatz bons de Sadicte Majesté».

56. *Ibid*., 503: «[…] as it was when the late Emperor Charles gave the Low Countries to His Majesty» («[…] selon que s'est uzé quand feu l'empereur Charles cédast ces Pays-Bas à Sa Majesté»). Some Dutch rebels also shared the opinion that a compromise with the king should be found, notably around the re-foundation of the Estates General. See Van Gelderen, *The Political Thought*, 48.

57. Maximilien Vilain, *Avis*, 487: «Et se peult Sa Majesté tant mieulx fier en sesdicts estatz bons de par dechà pour y interposer leur foy […]».

58. *Ibid*., 495: «[Les assemblées d'États] se samblent estre persuadez que le Roy et son conseil se deffient d'eulx [, ce qui] empêche toute la bonne négociation que l'on pouroit faire avecque lesdicts estatz, tant ès matières d'aydes que de justice et politie».

ders and other closeby principalities»[59] put at risk the state of his ancestors, which could refer to the Ghent rebellion of 1539-40 or to earlier uprisings such as the war between Maximilian of Habsburg and his Flemish subjects in the 1480s-90s[60]. According to Vilain, the king should prevent such a situation happening again by regaining the trust of the Estates General and by making concessions because the Estates had legitimate demands (departure of the foreign soldiers, use of taxes for protection of the country):

> [The Estates General] seem to be convinced that the king and his council distrust them [, which] prevents any good negotiation that one could do with the Estates on matters regarding taxes, justice and order[61].

Therefore reforms were clearly needed. Again, the nature of the country would indicate which reforms to adopt. For instance, Vilain underlined that an army of the country should be created[62]. The new army would be expected to be more loyal and less expensive than the Spanish troops because its soldiers would be «natural [native] to the country» (*naturelz du pays*)[63].

59. *Ibid.*, 487: «[…] ès anchiennes guerres civiles et intestines de Flandres et aultres Estatz de par dechà».

60. On the first conflict, see G. Parker, *Emperor. A New Life of Charles V*, New Haven – London, Yale U.P., 2019, 265-8; and the second, see W. Blockmans, «Autocratie ou polyarchie? La lutte pour le pouvoir politique en Flandre de 1482 à 1492, d'après des documents inédits», *Bulletin de la Commission royale d'Histoire*, 140 (1974), 257-368; J. Haemers, *De strijd om het regentschap over Filips de Schone. Opstand, facties en geweld in Brugge, Gent en Ieper (1482-1488)*, Ghent – Bruges, Academia Press, 2014.

61. For example, the address of the Estates of Holland sent in 1573 to the Estates Generals. See Van Gelderen, *The Political Thought*, 127-28. One could even argue that Vilain tried to prevent the rebels from strengthening their denunciation of the king's violation of their privileges, which nourished an idea of 'public freedom' rooted in naturalness, as shown in the *Warning* of William of Orange (1568). See *ibid.*, 120 sq.

62. In this, Vilain participates in the Renaissance debate on the inefficiency of mercenaries, notably after the discussion of Niccolo Machiavelli in *The Prince* (chap. 13: *Concerning Auxiliaries, Mixed Soldiery, and One's Own*). For Vilain, mercenaries «make war last [in order to] loot and impoverish the country, to carry money and loots away» (Maximilien Vilain, *Avis*, 504: «cherchantz de trainer la guerre [afin de] piller et appovrir le pays, emporter l'argent et le butin dehors»).

63. *Ibid.*, 505.

Their natural connection to the land would, it was believed by Vilain, make them more willing to defend it. Here, Vilain had a very precise political objective in mind. The Estates were *de facto* controlling their own army in order to repulse the mutineer Spanish troops and looters. The proposed reform would have re-established the king's authority over the army of the Estates.

The nature of the country nourished an essentialist idea of the Low Countries and their people. Their economic and political characteristics were inscribed in their nature. This had political consequences: the political culture of the subjects was seen as inherent. Philip II had therefore to reconnect with the compromise monarchy, a type of rulership legitimised by the nature of the country that allowed the Estates General to regain some power. Yet Vilain was not blinded by his naturalised idea of the subjects and country. On the contrary, the nature of the country helped to inform his advice to the king.

Yet it is true that the nature of the country contained a holistic dimension. So it is no surprise that Vilain used it to describe the relationship between the different power-sharing groups and individuals, and the polity itself.

The natural body politic

In the *Avis*, Vilain describes the polity ruled by the Habsburgs in the Low Countries in a discourse associating naturalness with the late medieval idea of the 'body politic'[64]. The body politic had a strong tradition in the Low Countries. It was notably one of the main traits of the political discourse of the dukes of Burgundy towards the cities, describing an unified hierarchical society which was therefore not internally conflicted[65].

64. On the tradition of the body politic, especially from John of Salisbury's *Policraticus*, see M. Sénellart, *Les Arts de gouverner. Du* regimen *médiéval au concept de gouvernement*, Paris, Seuil, 1995, 155-205.

65. On the use of emotions by the Low Countries' princes, see L. Smagghe, *Les Émotions du prince. Émotion et discours politique dans l'espace bourguignon*, Paris, Classiques Garnier, 2012; J. Dumolyn, «*Le Povre peuple estoit moult*

The body politic naturalises and therefore depoliticises the interactions between Philip II and his subjects, that were elsewhere described as institutionalised, political and even dialectical. This particularly appears when Vilain discusses the hierarchical positions between a king and his subjects, as well as their functions[66]. Vilain presents Philip II as head of the body politic while the different groups of subjects are its members. A natural harmony and dialogue is maintained between them by love: because the prince loves his subjects, he protects them and cares about them; because the subjects love the prince, they willingly obey him. Yet this harmony was shattered by civil war:

> If, at the beginning, one had understood rightly the implication of creating a dissension between the king and his Estates, which is as separating the head from the body; and as it is dangerous for the prince to alienate [the subjects'] hearts and to lose their benevolence, and that it is calamitous for the subjects to feel the wrath of their irritated prince; if not all this, we would not be in such a great danger[67].

However, there are major differences between Vilain's reading of the body politic and its medieval origin. In the Middle Ages,

opprimé. Elite Discourses on 'The People' in the Burgundian Netherlands (Fourteenth to Fifteenth Centuries)», *French History*, 23/2 (2009), 171-92; and, for a broader picture, the reflections of L. Scordia, «Le Roi doit avoir le cœur de ses sujets: réflexions sur l'amour politique en France au XVe siècle», in *Le Prince, son peuple et le bien commun. De l'Antiquité tardive à la fin du Moyen Âge*, eds H. Oudart – J.-M. Picard – J. Quaghebeur, Rennes, P.U. Rennes, 2013, 145-57.

66. The attribution of specific functions to a defined group of people possesses always an essentialist aspect. This is particularly the case of the body politic, which associates a function to a member of the body, therefore justifying the function by the position of the member in a hierarchy (for instance, the feet for the peasants who are consequently destined for working). See this for example in the case of fourteenth century England in J. P. Canning, «II. Law, Sovereignty and Corporation Theory, 1300-1450», in *The Cambridge History of Medieval Political Thought, c. 350-c. 1450*, ed. J. H. Burns, Cambridge, Cambridge U.P., 2007[6], 454-76: 481-82.

67. Maximilien Vilain, *Avis*, 478: «Si du commencement l'on eust bien pezé ce qu'importoit de mectre dissidence entre le Roy et ses estatz, qui est comme diviser la teste du corps, et combien il est dangereux au prince d'aliéner les cœurs et perdre la bénévolence de ses subjectz, et calamiteux aux subjectz de resentir le couroux de son prince irrité, ne serions présentement en ce dangier».

the union between the different parts of the body politic echoed that between Christ and the Christians within the Church[68]. This metaphor was still in use under Philip the Good in the fifteenth century[69]. Yet in the *Avis*, the body politic is not justified by Christ but by naturalness. The body politic corresponds to the country itself in which naturalness is the driving force. The union between the head and the parts of the body exists because of their participation in the nature of the country. In the medieval tradition, disunity between the head and the parts of the body was compared to a disease. This metaphor is over-used by Vilain. The Calvinists have spread a disease (*chancre de l'hérésie*; *un mal fort contagieux*)[70] in the body politic. However, Vilain gives more importance to the movement of corporeal fluids and their influence on diseases, thus inscribing himself in the Renaissance re-reading of the body politic[71]. Yet the disease cannot be cured by self-amputation (violence), as was sometimes advised in the medieval tradition[72]. The king must rather endure a temporary infirmity than destroy the whole body:

> And for being the prince of body politic of his Estates, although that the members failed in their office by rebellion, sedition or otherwise, [he] must care to bring a cure on time by accurate and convenient medicines, and he must look for all possible means before cutting off any member of his body; he should rather accommodate to the infirmity of his subjects by benevolence and benefices in order to reduce and gain them better, than by using rigour of justice and by making them fear him instead of love him, following the sentence of the tyrant: «let them hate, so long as they fear»; because, as wrote Cicero, great politician, in his *Offices*: «fear is a bad custodian»[73].

68. See John of Salisbury, *Policraticus*, 5, 2.

69. On the use of the metaphor of Christ's body around Philip the Good, see J. Dumont, «The Christ Figure in Burgundian Political Thought at the Time of Philip the Good», in *Cristo e il potere dal Medioevo all'Età moderna. Teologia, antropologia e politica*, eds L. Andreani – A. Paravicini Bagliani, Florence, SISMEL – Edizioni del Galluzzo, 2017, 225-45.

70. Maximilien Vilain, *Avis*, 480.

71. On corporeal fluids and their use in Renaissance political theories, see the articles of V. Caldarella-Allaire and N. Hochner in this volume.

72. See, for example, such advice in Jean de Terrevermeille (Canning, «II. Law», 480).

73. *Ibid.*, 481: «Et pour estre le prince la teste du corps politicque de ses Estatz, encoires que les membres faillent en leur office par rébellion, séditions

Because the body politic comprises all those connected by the nature of the country, the reconciliation between king and subjects should be reached through negotiation and diplomacy, for the good of the body:

> [The king should] remove his good subjects form tyranny and oppression of the heretics [and], since the armed forces used for this purpose […] have had so little success, [the king should use] all his clemency and mercy, by all legal and reasonable means, to reunite his altered subjects as members of his body, and under the obedience of God and his own[74].

The body politic was linked by Vilain to the nature of the country, thus replacing its connection with the imagery of Christ and the Church. This depoliticised the hierarchical positions between the king and his subjects as well as their respective functions. However, once again this served Vilain's argument for peace: violence was not the technique to allow Philip to regain the trust and loyalty of his subjects. It led only to the self-amputation of the body politic.

Conclusion

Vilain's discourse on naturalisation consists of different layers. It oscillates between an essentialist vision to a more political argument.

et aultrement […], doibt de son office porter le soing d'y remédier en tamps par remèdes propres et convenables, et chercher toutz moiens possibles avant de copper quelque membre de son corps, s'accommodant plustost à l'infirmité de ses subjectz par bénévolences et bénéfices, pour les mieulx réduire et gaigner, que par rigueur de justice les faire craindre sans aimer, suivant la sentence du tyran: oderint dum metuant: car, comme dit Cicéro, grand politicque, en ses Offices: *malus diuturnitatis custos* metus». The quote *oderint dum metuant* («let them hate, so long as they fear») is taken from Lucius Accius' *Atreus* (quoted by Cicero, *De Officiis*, 1, 28) and the one *Malus enim est custos diuturnitatis metus* («fear is a bad custodian») from *ibid.*, 2, 23.

74. Maximilien Vilain, *Avis*, 480: «[Le roi doit] retirer lesdicts bons subjectz hors de la tyrannie et oppression des hoeréticques [et] puisque les forches y employées […] ont en si peu de succez [le roi doit employer] toute sa clémence et miséricorde pour réunir ses subjectz altérez, comme membres à son corps, et soubz l'obéissance de Dieu et la sienne, par toutes voyes licites et raysonnables […]».

This reminds us that late medieval and Renaissance naturalness had three pillars: an essentialist one, a cultural one, and a political-contractual one; and that these pillars did not necessarily contradict each other: they functioned together within the argument of their user, here Maximilien Vilain.

In this regard, one should not forget that Vilain's purpose was to convince his king. Naturalness was mostly a rhetorical argument for him. As a natural noble, he thought that his duty was to faithfully inform his master. He wanted also that Philip II follow the political line proposed by Governor Requesens and the moderate Catholics: namely a diplomatic approach towards the Estates and the Calvinist rebels. Vilain was not a religious zealot. His direct intervention in the war as well as his status as 'border prince' – several of Vilain's estates lay in areas disputed between Catholics and Calvinists[75] – probably persuaded him that a diplomatic solution was preferable. Therefore when he felt that naturalness might help his argument he used it. Hence we often see him giving political and pragmatic advice to the king by referring to naturalness, for instance when extolling the necessity of undivided faith within the polity to maintain social cohesion, or a *divide et impera* strategy with the Estates, and even the importance of the king's pardon to the relatives of the rebels.

By constantly referring to naturalness, Vilain portrayed every political actor (himself, the king, the subjects and an almost personified polity) as bonded by nature. The foundation of each actor's legitimacy resided in her or his bond to the nature of the country. Through this, Vilain contributed to an image of the Low Countries, not as a union of diverse principalities put together by the ambition of a princely house, but as a polity with its own characteristics. In other words, Vilain participated in the shaping

75. A series of letters show that Philippine de Jauche de Mastain, widow of Vilain, and her first born, Jacques-Philippe Vilain, obtained compensations from Philip II and Alexander Farnese for the loss of the county of Ressegem and other lands (Brussels, AGR, *Manuscrits divers*, n. 121, ff. 5r-6v). The concept of 'border prince' is a good tool for explaining the attitudes of Burgundian and then Habsburg nobles towards the dynasty and their neighbours in the fifteenth and the sixteenth centuries. See *Transregional Territories. Crossing Borders in the Early Modern Low Countries and Beyond*, eds B. De Ridder – V. Soen – W. Thomas – S. Verreyken, Turnhout, Brepols, 2020.

of the identity of the Habsburg Low Countries[76], notably through his attempt at re-legitimising the political culture of the subjects based on compromise and representation.

However, Vilain believed strongly in the royal function. This is probably what led him to use the holistic idea of the body politic. In contrast to some Calvinists, he could not imagine a form of sovereignty for the subjects completely separate from the king[77]. The naturalisation of the body politic helped him to find a middle ground between the defence of the king's prerogative and the revalorisation of the subjects' political culture. If princely violence made no sense to him (being comparable to the head cutting off the rest of the body), the king remained a central figure in the system. In this, Vilain described the prince-subject relationship as an unbroken circle that did not allow one to function without the other.

In this regard, Vilain could be seen as a reactionary. He believed that Philip's choice to justify his function by transcendence was a political mistake and that the king should have preserved a form of rulership (the compromise monarchy) driven by ideas based on naturalness: a natural prince relying on the good prince imagery, shared sovereignty, and the political contract with the subjects. He thought – and he was not the only courtier to do so – that this form of government had existed under Emperor Charles V, Margaret of Austria and Mary of Hungary:

> [...] as it was before the disorders and at the time of the late Emperor Charles, of high memory, and under the governorships of Madame of Savoy, [and] Queen Mary, Dowager of Hungary, and other princes and princesses of the blood[78].

76. Even if one might say that this identity never really emerged from his camp but rather from one of the rebels. This idea took shape notably in the context of the debates on Republicanism amongst the Calvinists. See Van Gelderen, *The Political Thought*, 276-87.

77. On the idea of popular sovereignty and freedom amongst the Dutch rebels, see notably *ibid.*, 210 sq.

78. Maximilien Vilain, *Avis*, 499: «[...] ainsy qu'ilz estiont auparavant lesdictes troubles et du tamps de feu de haulte mémoire l'empereur Charles, soubz les gouvernementz de madame de Savoye, [et] la royne Marie, douagière de Hongrie, et aultres princes et princesses du sang [...]».

Yet this was part of a fantastical vision of the past and of politics that was commonly held by curial groups in the Low Countries, and that portrayed the reigns of, firstly, Philip the Good and thereafter Charles V as lost golden ages.

Vilain's work represent an interesting intertwining of politics and ideology. It shows how a loyal Catholic servant, convinced that the king's policy had led the country into a dead end, tried to mobilise all his intellectual powers to convince his sovereign.

Therefore one can ask whether Vilain's arguments based on naturalness were convincing. The answer is probably negative. Vilain was trying to convince his king by using words and values echoing a fantasy past. Philip II quickly returned to a policy based on military confrontation, notably after the nomination of Don Juan of Austria as governor general (1576)[79]. It is clear that Philip became increasingly alienated from the political culture of his subjects (i.e. from the compromise monarchy). For their part, the Estates and the rebellious subjects had already developed their own interpretation of naturalness – one of public freedom and self-sovereignty for which the king was no longer needed.

79. Parker, *Imprudent King*, 237–44.

ABSTRACT

Jonathan Dumont, *Naturalisation in Response to a Civil War in the Sixteenth Century Low Countries*

As civil war raged in the Low Countries between Philip II and his Calvinist subjects, Maximilien Vilain, Governor of Artois, tried to persuade the King to make peace. He structured his argument around an interpretation of naturalness that rested on three pillars. The first is essentialist, as it relates to blood and birth, to the relationship of a family to a land over time, whether that family is princely, noble or common. The second is cultural, involving the sharing of the country's customs and practices. The third is political and contractual; it concerns compliance with the laws of the country. All political actors in the Low Countries shared this threefold naturalness, which created a unique political community that went beyond the personal union of different territories and peoples. Naturalness is the foundation of a true nation, the essence of which lies in blood and soil, customs and laws, and above all in the contractual nature of princely power. Here, Vilain offers a critique of the transcendental justification of royal power attempted by Philip II. In order to guarantee peace, the King had to return to the contractual nature of power, which was rooted in the «the nature of the country».

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SUMUS IGITUR… NOSTRO NATURALI DOMINO OBLIGATI
ZUR 'NATÜRLICHEN HERRSCHAFT' IN BÖHMEN, ÖSTERREICH UND UNGARN UM DIE MITTE DES 15. JAHRHUNDERTS

In seinem persönlichen, ab etwa 1437 geführten Notizbuch trug König (später: Kaiser) Friedrich III. neben einer Auswahl an spätmittelalterlichen Spruchweisheiten und Musteralphabeten auch zahlreiche politische, finanzielle oder familiären Anmerkungen großteils eigenhändig ein[1]. Der im Jahr 1440 zum römisch-deutschen König gewählte Habsburger reflektiert in einem mit 23. Juni 1441 (*sunibent abend bas des elben jars in ochtava corporis Christi*) datierten Eintrag über die Planung seiner bevorstehenden Krönungsreise nach Aachen, und verzeichnet in diesem Zusammenhang die seiner Meinung nach bestehenden 'natürlichen' Pflichten der Lehnsmänner und Einwohner des Landes gegenüber ihrem Herrn und Fürsten, nämlich dessen Ehre zu vermehren und diesem von Nutzen zu sein:

> Als ich, kunig Friderich, zu meiner kunikleichen kronung bolt reiten gen Ach[2], darzue doch pilleich ain jeder frumer landman seinem heren und landfürsten pilleich hulf und deinet, als lehenleut und landleut von natturleichen dingen schuldig sind, iren heren mer er und nucz und

1. Wien, ÖNB, Cod. 2674; Druck in A. Lhotsky, «AEIOV. die *Devise* Kaiser Friedrichs III. und sein Notizbuch», in Id., *Aufsätze und Vorträge*, hg. v. H. Wagner – H. Koller, München, Verlag für Geschichte und Politik, 1971, II, 164-222: 193-222. Die Arbeit an dieser Publikation erfolgte u.a. mit Unterstützung des ERC Advanced Grant 101019327: *From Digital to Distant Diplomatics*.

2. Über der Zeile nachgetragen.

Naturalisation of Power (1250-1600): Unravelling the Strategies of Legitimation. Edited by É. Adde and J. Dumont, Firenze, SISMEL – Edizioni del Galluzzo, 2025, pp. 203-222 (ISBN 978-88-9290-363-0 • e-ISBN 978-88-9290-364-7 © 2025 SISMEL – Edizioni del Galluzzo)

frum zu treiben, ban ir vil und der merer tail mein erblehensleut sind und von meiner herschaft ort zu lehen[3] habent[4].

Im Frühjahr 1442 trat der aus der innerösterreichischen Linie der Habsburger stammende Elekt schließlich von Graz aus seine Krönungsreise nach Aachen an, in Begleitung zahlreicher Adeliger insbesondere aus seinen angestammten innerösterreichischen Erbländern Steiermark, Kärnten und Krain, aber auch aus dem Herzogtum Österreich[5]. Über dieses letztgenannte Fürstentum regierte Friedrich III. als Vormund des jungen Ladislaus Postumus, Sohn Albrechts von Habsburg, des im Jahr 1439 verstorbenen Königs des römisch-deutschen Reiches, Böhmens und Ungarns sowie Herzogs von Österreich. Diese tutelarische Regierung Friedrichs III. führte zu einer Reihe von Verhandlungen und zuweilen schweren, auch mit Waffengewalt ausgetragenen Konflikten zwischen Vertretern der auf die Volljährigkeit ihres Erbherrn wartenden Landstände und ihrem ungeliebten Herrn[6].

Im Folgenden soll nun die Entwicklung dieser über zehnjährigen Auseinandersetzungen in erster Linie anhand von urkundlichen und narrativen Quellen dargelegt werden, wobei insbesondere untersucht wird, ob und in welchem Zusammenhang dabei die Frage nach dem *dominus naturalis*, dem natürlichen Herrn des Landes, zum Thema gemacht wird.

Als Ausgangspunkt dieser Analyse dient dabei die grundlegende Studie von Christian Lackner zum Hollenburger Vertrag vom 22. September 1395, der den habsburgischen Erbschaftsstreit nach dem Tod der österreichischen Herzoge Albrecht III. und Leopold III. beilegen sollte. Lackner analysierte dabei die Instrumentalisierung des Schlagwortes 'natürlicher Herr' durch diverse

3. Danach gestrichen: *sind*.

4. Wien, ÖNB, Cod. 2674, pag. 17; Lhotsky, «AEIOV», 198.

5. Zu dieser Krönungsreise und der personellen Zusammensetzung des Reisezuges siehe etwa J. Seemüller, «Friedrichs III. Aachener Krönungsreise», *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 17 (1896), 584-665.

6. Siehe dazu allgemein K. Gutkas, «Friedrich III. und die Stände des Landes Österreich», in *Katalog zur Ausstellung Friedrich III. – Kaiserresidenz Wiener Neustadt*, hg. v. A. Lhotsky u.a., Wien, Amt der NÖ Landesregierung, 1966, 154-79.

beteilige Gruppen oder Parteiungen in unterschiedlichen Kontexten, wobei mit dem Terminus 'natürlich' in diesem Zusammenhang vorrangig die Vorstellung einer rechtmäßigen, angestammten bzw. naturgemäßen Herrschaft verbunden wurde[7]. Die vorliegende Studie hat sich zum Ziel gesetzt, Lackners Ergebnisse zur Verwendung dieses Begriffs als politisches Instrument um Beobachtungen aus der Mitte des 15. Jahrhunderts zu ergänzen.

Im Gegensatz zu den konfliktreichen und turbulenten Jahren um die Jahrhundertmitte scheinen die ersten Kontakte zwischen Friedrich III. und den österreichischen Ständen durchaus nicht feindlich gewesen zu sein. So trafen Vertreter des Landes, die sich nach dem Tod Albrechts II. sowohl mit dem Testament ihres verstorbenen Landesfürsten als auch der Nachfolgeordnung des Hauses Habsburg konfrontiert sahen, im Zuge eines Landtages in Wien eine Vereinbarung mit Friedrich III., die am 1. Dezember 1439 vom Regenten der innerösterreichischen Länder urkundlich bekräftigt wurde[8]. Da zu diesem Zeitpunkt das Geschlecht von Albrechts ungeborenem Kind noch unbekannt war, musste das getroffene Abkommen beide Möglichkeiten in Betracht ziehen. Sollte die Königinwitwe Elisabeth einer Tochter das Leben schenken, müsse die Nachfolge im Herzogtum Österreich nach dem habsburgischen Hausrecht geregelt werden. Für den Fall, dass ein männlicher Thronfolger geboren werde, sollte Friedrich III. als Senior des Hauses Habsburg bis zu dessen Volljährigkeit als *vormund* bzw. *verweser* in Österreich regieren. Friedrich verpflichtete sich im Gegenzug, die österreichischen Stände an der Regierung des Landes zu beteiligen, deren Vermögen zu wahren und zu mehren sowie Land und Leute zu beschützen. Selbst über den Zugang des Vormundes zum landesfürstlichen Archiv in Wien wurde eine Regelung getroffen.

7. Chr. Lackner, «'Des mocht er nicht geniessen, wiewol er der rechte naturleich erbe was…' Zum Hollenburger Vertrag vom 22. November 1395», *Jahrbuch für Landeskunde von Niederösterreich*, Neue Folge, 65 (1999), 1-15: 12-13. Zu den mit diesem Begriff zuweilen auch verbundenen herrschaftsethischen Vorstellungen des Mittelalters siehe etwa W. Berges, *Die Fürstenspiegel des hohen und späten Mittelalters*, Stuttgart, Hiersemann, 1938, 14.

8. Zum ständischen Beschluss über Albrechts Testament vom 15. November 1439 sowie zum Revers Friedrichs III. und dessen Bruders Albrecht VI. siehe Fr. Kurz, *Oesterreich unter Kaiser Friedrich dem Vierten*, Wien, Anton Doll, 1812, I, Beilage N. 2-3 (Druck).

Argumentativ untermauert wurde diese Vereinbarung mit den erblichen Rechten der betroffenen Personen sowie dem alten Herkommen im Herzogtum. Der Begriff des 'natürlichen Herrn' findet in diesem Vertragswerk jedoch selbst für den letztlich eingetretenen Fall der Geburt eines männlichen Thronfolgers keine Verwendung. Angesichts der Unsicherheit über den weiteren Erbgang des Herzogtums Österreich dürfte dieser determinative Begriff zu diesem Zeitpunkt nicht opportun gewesen zu sein.

Dies sollte sich jedoch bereits wenige Wochen nach der Geburt des männlichen Thronfolgers Ladislaus Postumus am 22. Februar 1440 ändern. Friedrichs III. vormundschaftliche Regierung hatte im Herzogtum Österreich ob seines Unwillens, die Stände des Landes an gewichtigen politischen Entscheidungen teilhaben zu lassen, zunehmend mit Widerständen zu kämpfen[9]. Im Zuge der darauffolgenden neuerlichen Verhandlungen zwischen den österreichischen Ständen und dem vormundschaftlichen Regenten des Herzogtums brachten erstere am 17. April 1440 die Forderung vor, Friedrich III. möge sich des Gehorsams der im Lande tätigen Pfleger, Amtsleute und Richter versichern, jedoch ausdrücklich als Vormund ihres «jüngsten Herrn» Ladislaus, dem «rechten natürlichen Herrn und Erben des Landes Österreich»[10].

Der Regent reagierte auf diese und andere Forderungen der Stände unter anderem mit dem Hinweis, ausschließlich zum «gemeinen Nutzen, Frieden und Wohl des Landes» zu handeln und sich gegenüber den österreichischen Ständen stets «gütig, gnädig und geneigt» zu zeigen, wofür er «guten Willen, Hilfe und Beistand» der Gegenseite einforderte[11]. Dies sei angemessen,

9. Zu diesen Konflikten siehe K. Gutkas, «Friedrich III. und die Stände des Landes Österreich», in *Katalog zur Ausstellung Friedrich III.*, 154-79: 154-57.

10. Adam Franz Kollar, *Analecta monumentorum omnis aevi Vindobonensia*, Wien, J. T. Trattner, 1762, II, 841: «Auch ist der lanndlewt begern und rat, das ewr künigliche gnad ervorder all pfleger, und auch die von steten, amtlewt und richter ewrn küniglichen gnaden gehorsam zu tun als ain vormunden unsers jüngisten herrn, herrn Lasslaben künig Albrechts seligen sun, als unsers rechten natürlichen herrn und erben des lannds zu Österreich. Vgl. auch ebd. Sp. 1086: und begern unserm rechten natürlichen erbherrn kunig Lasslawen und anderer unsrer genedigen herschaft zu ern […]» (12. April 1442).

11. *Ibid.*, II, 932-33: «Auf das alles sein wir im ganczem getraun, die lantschafft hab an solhen verschriben unserm darlegen und guten willen, den

denn Friedrich III. regiere nicht nur als Vormund des jungen Ladislaus, sondern sei *von schuld und recht, auch von alten löblichen herkomen des Haus Österreich* als Ältester der habsburgischen Herzöge (im Falle von Ladislaus' Ableben) der «rechte und natürliche zukünftige Erbe» (*rechter natürlicher wartundner erb*) des Herzogtums Österreichs. Hier wird also auf das habsburgische Hausrecht verwiesen, dass den «landfremden» Friedrich III. als Senior des Hauses zum Erben des minderjährigen Ladislaus und damit zum zukünftigen *dominus naturalis* des Landes mache[12].

In ihrer direkten Replik darauf unterlassen die Landstände nun bemerkenswerterweise jeden Bezug auf die 'Natürlichkeit' der Herrschaft. Der junge Ladislaus wird lediglich als «Erbfürst» tituliert, während dessen vermeintlicher 'natürliche Erbe' in spe subtil daran erinnert wird, dass, sollte Ladislaus nicht die Volljährigkeit erreichen, auch Friedrichs Verwandte, die Herzöge Albrecht VI. und Sigismund der Münzreiche, Ansprüche auf das österreichische Erbe anmelden könnten. Von den Ständen wird Friedrich wie auch seine herzoglichen Verwandten nicht als rechtmäßiger oder natürlicher, sondern lediglich als einer von mehreren *warttunden erben* des Landes bezeichnet[13].

Ein besonderer Aspekt für die Frage nach der 'natürlichen Herrschaft' von Ladislaus Postumus ergibt sich durch die Tatsache, dass dessen Vater zu Lebzeiten eben nicht nur im erblichen Herzogtum Österreich regierte, sondern als König des römisch-deutschen Reiches, Ungarns und Böhmens bekanntermaßen

wir uns zu fürdrung gemaines nutzs, frids und gemachs des lands also fürnemen, von uns ain benügung, und tun darüber gen uns nicht andere versuchung oder newung, wan wir willig sein, uns gen derselben lantschaft gütlich, gnediklich und fürderlich zu beweisen, und zweifeln auch nicht, si halte sich widerumb gen uns in willigkait, hilff und beistand, als sich gepürt und pillich ist».

12. Zu den erbrechtlichen Bestimmungen in den habsburgischen Hausordnungen siehe D. Luger, «'Daz … unser gedechtnuß dest lennger und seligclicher gehalten werde'. Die Bestätigung des Privilegium maius durch Kaiser Friedrich III.», in *'Privilegium maius'. Autopsie, Kontext und Karriere der Fälschungen Rudolfs IV. von Österreich*, hg. v. Th. Just – K. Kininger – A. Sommerlechner – H. Weigl, Wien u.a., Böhlau, 2018, 245-58: 252-53.

13. Adam Franz Kollar, *Analecta*, II, 935: «[…] des wir unserm jungen herrn kunig Lassleben als erbfürsten, auch ewrn k.g. und unsern genedigen herrn herczog Albrechten, ewrn bruder, und herczog Sigmunden, ewrn vettern, als warttunden erben schuldig sein».

auch über drei Wahlmonarchien. Diese zumindest formal wesentlich voneinander abweichenden Voraussetzungen für eine mögliche Nachfolge seines 'natürlichen Erbes' Ladislaus kommen im überlieferten Quellenmaterial dieser Jahre mehrfach zur Sprache, so etwa in den Verhandlungen zwischen Vertretern der ungarischen und österreichischen Stände, welche unter anderem wegen der von unterschiedlichen Seiten mit zunehmender Vehemenz geforderten vorzeitigen Entlassung des Ladislaus aus der Vormundschaft Friedrichs III. geführt wurden. Die ungarischen Stände hatten bekanntlich nach dem Tod ihres Königs Albrecht nicht dessen Sohn und natürlichen Erben, sondern den Jagiellonen Władysław von Warna zum Nachfolger des Habsburgers erwählt, und erst nach dessen baldigem Tod in der Schlacht von Warna erkannten die ungarischen Stände am 7. Mai 1445 Ladislaus auf einem Reichstag in Pest formell als König von Ungarn an[14].

Bis zu dessen Volljährigkeit fungierte der aus Siebenbürgen stammende Johann Hunyadi als Reichsverweser, der jedoch überraschenderweise in einem Schreiben vom 7. November 1446 an die Stadt Wien den für eine Wahlmonarchie im Grunde ungeeigneten Begriff des dominus naturalis ins Feld führt[15]. So hätten nach Hunyadi die Herren, Prälaten, Grafen und Edlen des gesamten ungarischen Königreichs den Sohn des verstorbenen Königs Albrecht, den 'natürlichen Herrn' sowohl in Ungarn wie in Österreich, zum König von Ungarn erwählt, und auch für die Österreicher sei eben jener Ladislaus Herr und (römischer) König[16]. Hunyadi sicherte den Gehorsam der Ungarn gegenüber ihrem neu gewählten habsburgischen König zu, beklagt jedoch in weiterer Folge vermeintlich unrechtmäßige Maßnahmen von

14. Siehe M. Vancsa, *Geschichte Nieder- und Oberösterreichs*, Stuttgart – Gotha, Perthes, 1927, II, 305.

15. Adam Franz Kollar, *Analecta*, II, 1246-49.

16. *Ibid.*, II, 1246-47: «Wir czweifeln nicht, ewr lieb freuntschafft wiss offenlich, wie das wir mit gemeinem und uberainhelunden willen der herren, prelaten, graven und edeln des ganzen reichs ze Hungern den allerduchleuchtigisten fürsten und herren Ladislawen ettwen des allerduchleuhctigisten und herrn herrn Albrechts Kunigs ze Ungern seligen gedechtnuß sun, unsern und ewrn natürlichen herren, zu ainem kunig und herren ze Ungern erwelt haben, und als ir in habt zu ainem herren und kunig, zu gleicher weis hab wir in für unsern herren und kunig mit sambt ew, und sein im auch mit allem trewn gehorsam».

Ladislaus' Vormund Friedrich III. in Ungarn, wogegen sich der Reichsverweser Hunyadi zur Wehr setzen müsse, auch um die Rechte seines Königs zu schützen. In weiterer Folge wird die 'natürliche Regierung' des Ladislaus als verbindendes Element zwischen den beiden benachbarten Ländern sowie als politisches Argument zur wechselseitigen Unterstützung gegen den Vormund weiter ausgebaut:

> [...] wan wir ains aynigen herrn, nemlich des erleuchten herrn Lasslaws, des kunigs zu Ungern kind etc. undertan und knecht sein. [...] Wir begerten auch, nachdem wir ains ainigen herrn undertanen sein, das ir denn neben den eren unsers herrn kunig Lasslabs uns paistand beweisen soldet[17].

Während Ladislaus im Text dieses Schreibens an die Stadt Wien als unumstrittener, natürlicher Herr der Ungarn wie auch der Österreicher und damit als Klammer der beiden Länder präsentiert wird, bezeugt Reichsverweser Hunyadi im gleichen Schreiben auch die formal nicht vollständige Einsetzung des neuen Königs. Denn trotz einer bereits am 15. Mai 1440 in Stuhlweißenburg vollzogenen, jedoch von Teilen der ungarischen Stände umstrittenen Krönung bezeichnet Hunyadi in seiner *Intitulatio* den jungen Ladislaus als «erwählten» (und somit noch nicht gekrönten) König von Ungarn, wodurch auch Hunyadis eigene Position als dessen Stellvertreter gestärkt wurde. Die Verhandlungen der ungarischen Stände mit Friedrich III. um eine (neuerliche) Krönung des Ladislaus in Ungarn und die Herausgabe der ungarischen Stephanskrone blieben jedenfalls ohne Erfolg[18].

17. *Ibid.*, II, 1266. Vgl. auch *ibid.*, 1248: «[...] nach allem unserm vermugen des benanten unsers herren kunig Lasslaws reich beschirmen und haben willen, alles das, das davon empfrömbt ist worden, nachdem und das die gerechtikait ervordert, wider czu bringen. Und darumb, das der frid und ainigung, so pisher zwischen dem reich und ewr freuntschafft gewesen ist, gehalten und hinfür gut nachparn miteinander sein werden, dann bey den eren unsers natürlichen herren, des benanten kunigs Lasslaws, des knecht wir sein».

18. *Ibid.*, II, 1249: «Johannes de Hunyad in person und nam des allerduchleuchtigisten herren Ladislai, erwelten kunig zu Ungern, Dalmacien etc. gemainer regirer». Vancsa, *Geschichte*, II, 306.

In ihren Repliken an den Reichsverweser verweisen auch die Vertreter der Stadt Wien und der österreichischen Stände auf ihren gemeinsamen natürlichen Herrn, dennoch können sich die Österreicher zu diesem Zeitpunkt nicht zu einem vereinten Vorgehen gegen Friedrich III. durchringen[19]. Angesicht der oben ausgeführten, eigenwilligen Argumentation mit der 'natürlichen Herrschaft' des Ladislaus im Wahlkönigtum Ungarn resümieren die österreichischen Stände mit möglicherweise ironischem Unterton, die Vertreter des Königreichs Ungarn hätten Albrechts Sohn Ladislaus nicht nur zum König, sondern auch «zum natürlichen Herrn erwählt»[20].

Angesichts seiner verunglückten Versuche, ein gemeinsames Vorgehen der ungarischen und österreichischen Ständen zu vereinbaren, tritt in Hunyadis späteren Schreiben Ladislaus' Bezeichnung als natürlicher Herr beider Länder zuweilen in den Hintergrund, während dessen Status als nicht gekrönter, sondern erwählter König von Ungarn nun auch im Brieftext deutlicher betont wird[21]. Auch im Preßburger Friedenschluss vom 22. Oktober 1450 zwischen dem ungarischen Reichsverweser und Friedrich III. wird Ladislaus nicht als natürlicher Herr des Königreichs Ungarn bezeichnet[22].

19. J. Chmel, *Regesta chronologico-diplomatica Friderici IV. Romanorum regis (imperatoris III.)*, Wien, Rohrmann, 1838, N. 2184; Adam Franz Kolar, *Analecta*, II, 1260: «[…] kunig Lasslaws, ewers und unsers natürlichen erbherren»; *ibid.*, 1261: «So mugt ihr selbs wol versteen, was wir den vorgenanten unsern gnedigisten herren, dem römischen kunig und kunig Lasslan als ewrm und unserm natürlichen erbherren und uns selbs schuldig sein».

20. *Ibid.*, 1252: «[…] wie ir mit sambt den herren, prelaten, lanndherren und den von adl des ganczen kunigreichs Hungern aintrechtickleich und ainhelligcleich den durchleuchtigen fürsten, herrn Lassla weilend unsers gnedigen herren kunig Albrechts sun etc., unsern und ewrn natürlichen herren, zu ewrm kunig und natürlichen herren erwelt habt, und ihr haltet in mit sambt uns für ewrn herren und kunig und seit im mit allen trewn berait».

21. So etwa *ibid.*, 1282 (Schreiben Hunyadis vom 9. Dezember 1446 an die Stadt Wien): «[…] also schreiben und sprechen wir noch, das wir mit ew kainerlay stos noch zwitrecht haben, noch begern ze haben, so ewr freuntschafft den benanten herren dem römischen kunig wider uns und wider die er des vorberürten herren Ladislai, erwelten des reichs zu Hungern etc., unsers genedigisten herren, und wider sein und unser gerechtikait hilff und schub nicht tuet».

22. *Regesten Kaiser Friedrichs III. (1440-1493). Nach Archiven und Bibliotheken geordnet* XIII *Die Urkunden und Briefe des Österreichischen Staatsarchivs in*

An dieser Stelle soll eine Beobachtung zu den hier behandelten Begrifflichkeiten eingeschoben werden, die auf der Korrespondenz zwischen den Vertretern der österreichischen und ungarischen Stände beruht, aus der sowohl Schriftstücke in lateinischer wie in deutscher Sprache, zuweilen auch direkte, zeitgenössische Übersetzungen einlaufender Schreiben überliefert sind. In lateinischen Schreiben an den ungarischen Reichsverweser in den 1440er Jahren bezeichnet die Stadt Wien König Ladislaus als *dominus naturalis*, in deutschsprachigen Konzepten dieser Schriftstücke wird dieser Terminus mit *natürlicher erbherr* gleichgesetzt[23]. Dies macht erneut deutlich, dass die 'natürliche Herrschaft' im hier untersuchten Umfeld also in erster Linie einen Bezug zum Erbrecht aufweist, welches bekanntermaßen schon frühzeitig mit dem *ius naturale* gleichgesetzt wurde[24]. Als natürlicher Herr des Landes erscheint daher insbesondere jener Fürst, der in direkter Nachfolge als nächster Erbberechtigte eines verstorbenen Regenten zur Herrschaft gelangt.

Diesen erstrangigen, natürlichen Anspruch des Ladislaus auf sein väterliches Erbe betont selbst dessen Vormund, bezeichnenderweise nicht jedoch in Bezug auf die Regierung mit Herzogtum Österreich, sondern im (Wahl-)Königreich Böhmen, in welchem Friedrich III. angesichts einer starken anti-katholischen Opposition kaum nachhaltigen Einfluss entfalten konnte[25]. Einer böhmischen Gesandtschaft, die im Jahr 1447 Ladislaus' Entlassung aus der Vormundschaft forderte, ließ Friedrich eine abschlägige Antwort erteilen und begegnete einer impliziten Drohung der

Wien, Abt. Haus-, Hof- und Staatsarchiv: Allgemeine Urkundenreihe, Familienurkunden und Abschriftensammlungen (1447-1457), hg. v. H. Koller – P.-J. Heinig – A. Niederstätter, bearb. v. P. Herold – K. Holzner-Tobisch, Wien u.a., Böhlau, 2001, Heft 13, N. 181; Druck in: Kurz, *Oesterreich*, I, Beilage N. VII, 258-61.

23. Adam Franz Kolar, *Analecta*, II, 1271-72; vgl. *ibid*., 1287-89: «[...] ducatum Austrie serenissimo regi Ladislao domino vestro et nostro naturali pertinentem/das furstentumb Österreich, das dem durchleichtigen kunig Lasslaben, ewern und unserm erbherrnn, zugehört».

24. Siehe dazu bereits Lackner, '*Des mocht er nicht*', 12.

25. Zu Friedrichs Politik in Böhmen siehe allgemein E. Holtz, «Kaiser Friedrich III. (1440-1493) und die Länder der böhmischen Krone (Böhmen, Mähren, Schlesien)», *Jahrbuch für die Geschichte Mittel- und Ostdeutschlands*, 59 (2014), 23-58.

böhmischen Stände, in diesem Fall anstelle des minderjährigen Habsburgers einen anderen König zu erwählen, mit einem Verweis auf die besondere Rechtsstellung des Ladislaus. Denn dieser sei in Anbetracht seiner Vorfahren und insbesondere seines Vaters und seiner Mutter der «rechte, natürliche Erbe und König» Böhmens. Friedrich erweitert dessen erbrechtlichen Anspruch zudem um den Hinweis, Ladislaus habe auch aufgrund vertraglicher Abkommen ein Anrecht auf den böhmischen Thron erworben[26].

Am Hof Friedrichs III. wurde allerdings die Frage nach der 'natürlichen Herrschaft' des Ladislaus durchaus flexibel nach der Interessenslage des Vormundes ausgelegt. So reagierte Friedrich III. etwa – um beim Beispiel der böhmischen Länder zu bleiben – in einer Urkunde vom 1. Juli 1443 deutlich differenzierter auf derartige Zuschreibungen, denn diese waren im vorliegenden Fall mit einem unliebsamen Erbe der Könige Sigismund und Albrecht verbunden[27]. Bei diesem Schriftstück handelt es sich um die Beurkundung eines Urteils, welches von den Räten des Habsburgers über die Ansprüche des schwäbischen Ritters Ulrich Goldast an Friedrich III. als Vormund von Ladislaus Postumus gefällt wurde. Goldast hatte am habsburgischen Hof unter Berufung auf Urkunden und Register aus den Kanzleien der verstorbenen böhmischen Könige Sigismund von Luxemburg und Albrecht vorgebracht, im Dienst Sigismunds einen Schaden in Höhe von 12.000 Gulden erlitten zu haben und zudem zwei Mal in Gefangenschaft geraten zu sein. König Albrecht habe

26. Chmel, *Regesta*, N. 2352; Adam Franz Kolar, *Analecta*, II, 1323-34: «[…] und hoffen, sy werden in auch darauf kainen andern kunig noch herren nehmen, sunder kunig Lasslaws beschaiden jar erwarten, nach dem und er ain rechter natürlicher erb und kunig zu dem kunigreich Beheim ist, von seinem een, und von vater und muter, und er auch sust nach solhen verschreibungen, so zwischen den landen sind, gerechtigkait darczu hat. […] angesehen solh gerechtigkait und herkomen kunig Lasslaws».

27. Wien, HHStA, *Allgemeine Urkundenreihe* 1443 VII 1; Druck in: J. Chmel, *Materialien zur österreichischen Geschichte. Aus Archiven und Bibliotheken*, Wien, Rohrmann, 1837, I, N. 28, 121-22; Regest: *Regesten Kaiser Friedrichs III. (1440-1493). Nach Archiven und Bibliotheken geordnet* XII *Die Urkunden und Briefe des Österreichischen Staatsarchivs in Wien, Abt. Haus-, Hof- und Staatsarchiv: Allgemeine Urkundenreihe, Familienurkunden und Abschriftensammlungen (1440-1446)*, hg. v. H. Koller – P.-J. Heinig, bearb. v. Th. Willich, Wien u.a., Böhlau, 1999, Heft 12, N. 148.

wiederum vor seiner Wahl zum böhmischen König versprochen, alle Geldschuld seiner Vorgänger insbesondere durch Verschreibungen im Königreich Böhmen zu bezahlen, aber auch er sei Goldast schlussendlich Geld schuldig geblieben. Nach Ansicht des Geschädigten hätten Albrecht und dessen Ehefrau Elisabeth mit Ladislaus Postumus einen 'natürlichen Erben' in den Königreichen Böhmen und Ungarn sowie auch im Herzogtum Österreich hinterlassen, und Friedrich III. als dessen Vormund stehe daher nach geistlichem und weltlichem Recht in der Pflicht, die Schulden des Ladislaus zu bezahlen[28].

Friedrich III. konnte in seiner Erwiderung nicht explizit den rechtmäßigen Anspruch des Ladislaus auf die Wenzelskrone bestreiten, ließ auf Goldasts Forderungen jedoch replizieren, dass bereits Ladislaus' Vater, König Albrecht, kein natürlicher Erbe des Luxemburgers Sigismund gewesen sei[29], zudem habe Friedrich III. als Vormund die Königreiche Ungarn und Böhmen gar nicht in seiner Gewalt, sondern lediglich das Herzogtum Österreich, und dieses sei von Goldasts Forderung keinesfalls betroffen[30]. Daher sei Ladislaus zwar der rechtmäßige Erbe seines Vaters, aber nicht zur Bezahlung der Schulden Sigismunds aus dem Herzogtum Österreich verpflichtet, weshalb Goldasts Vorbringen durch den vorliegenden Urteilsbrief König Friedrichs abschlägig beurteilt wurde.

Eine neue Situation im Verhältnis zwischen Friedrich III. und seinem Mündel ergab sich durch die zunehmend energischer

28. Wien, HHStA, *Allgemeine Urkundenreihe* 1443 VII 1: «Das er auch weisen welle, wie er das weisen sulle, daz er im denselben brief an den obgemelte dreintausent guldein geben hab vnd die durleuchtig fürstin, unser liebe mum fraw Elisabeth, desselben unsers lieben vettern kunig Albrechts witib seliger gedechtnuse, solher geltschuld auch ain natürlicher erb gewesen sey, und baide ainen rechten naturlichen erben und sun, vnsern lieben vettern kunig Lasslawen, hinder in lassen haben, des und seiner kunigreich, fürstentum, herschefft, lannd, leut vnd gûter wir uns als sein vormund und gerhab sullen vnderczogen haben. So hofft er, es sey geistleich vnd weltleich recht, daz wir im anstat desselben unsers vettern kunig Lasslawen als des rechten erben solich obgemelt geltschuld beczaln sullen».

29. Zur Nachfolgefrage nach dem Tod Kaiser Sigismunds siehe allgemein G. Hödl, *Albrecht II. Königtum, Reichsregierung und Reichsreform 1438-1439*, Wien u.a., Böhlau, 1978.

30. Wien, HHStA, *Allgemeine Urkundenreihe* 1443 VII 1: «[...] so haben wir auch der kunigreich Ungern und Behem kains in unsrer gewaltsam, darczu so berüre die geltschuld unser fürstentum hie gar nichte».

vorgebrachten Forderungen der mit der tutelarischen Regierung Friedrichs unzufriedenen österreichischen Landstände, die mit Unterstützung aus Ungarn und Böhmen zunächst lediglich die persönliche Anwesenheit des jungen Ladislaus in seinem Erbland verlangten. So forderten am Landtag zu Korneuburg des Jahres 1447 die österreichischen Ständevertreter unter der Führung des ehemaligen Hubmeisters Albrechts II. in Österreich, Ulrich von Eitzing, dass Ladislaus Postumus, der 'natürliche Erbherr' Österreichs, nicht länger in der Steiermark, sondern in der Wiener Burg aufwachsen und erzogen werden möge. Die vormundschaftliche Regierung Friedrichs III. sollte dadurch jedoch ausdrücklich nicht angetastet werden[31].

Nachdem diese wie zahlreiche weitere Verhandlungen ergebnislos verliefen, führte dieser langjährige, schwelende Konflikt am 14. Oktober 1451 zur Gründung des sogenannten Mailberger Bundes, einer Vereinigung österreichischer Herren, Ritter und Städtevertreter unter der Führung Ulrichs von Eitzing, die nun ultimativ die Entlassung von Ladislaus Postumus aus der Vormundschaft Friedrichs III. forderten[32]. Während die Mehrzahl der versammelten Stände des Landes im Dezember dieses Jahres ihr Verlangen auf einem Landtag zu Wien bekräftigten, trat Friedrich III. in Begleitung seines Mündels seine Reise zur Kaiserkrönung nach Rom an[33]. Nachdem der Kaiser im darauffolgenden Jahr in die habsburgischen Erblande zurückkehrte, stand er einem bewaffneten Aufgebot der österreichischen Stände mit Unterstützung aus Ungarn und Böhmen gegenüber, welches am 4. September 1452 schließlich die Herausgabe des zwölfjährigen Ladislaus und den Verzicht Friedrichs auf die Regierung im Herzogtum Österreich erzwang[34].

31. Adam Franz Kolar, *Analecta*, II, 1302: «[…] das sein gnad so gnedicglichen tu und unsern gnedigisten natürlichen erbherren, kunig Lasslabn, in sein erbliche land und haubt gsloss Wienn pringt». Vgl. auch *ibid.*, s1307.

32. Siehe dazu umfassend K. Gutkas, «Der Mailberger Bund von 1451. Studien zum Verhältnis von Landesfürst und Ständen um die Mitte des 15. Jahrhunderts», *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 74 (1966), 51-94, 347-92.

33. Zu Friedrichs III. Romzug 1451/52 siehe etwa E. Lazzeroni, «Il viaggio de Federico III in Italia. L'ultima incoronazione imperiale in Roma», in *Atti e memorie del Primo congresso storico Lombardo. Como, 21-22 maggio, Varese, 23 maggio 1936*, Mainland, A. Cordani, 1937, 271-397.

34. Gutkas, «Mailberger Bund», 94.

Eine Durchsicht der in diesem Zeitraum erstellten Schriftstücke des Mailberger Bundes ergibt hinsichtlich des hier zu behandelnden Themas einen bemerkenswerten Befund. Denn weder in der Bündnisurkunde vom 14. Oktober 1451[35], noch in einem Schreiben der Landstände vom 19. Dezember dieses Jahres an den österreichischen Adeligen Kaspar von Starhemberg, in welchem sie diesen von ihrem Vorhaben berichten[36], wird Ladislaus Postumus als 'natürlicher Herr' des Landes bezeichnet. Dies gilt ebenfalls für die Instruktion der ständischen Deputierten an Friedrich III. vom 7. November 1451[37], ein Schreiben des Bundes an denselben[38] und die beiden Bündnisverträge vom 19. März 1452 zwischen Graf Ulrich von Cilli einerseits und den österreichischen Landständen bzw. dem Anführer des Mailberger Bundes und *verweser* des Landes Österreich, Ulrich von Eitzing, andererseits[39]. In diesen zentralen Dokumenten der ständischen Vereinigung wird der ersehnte Landesfürst hingegen ausschließlich als *unser gnediger* bzw. *rechter erbherr* bezeichnet[40].

Dies weist erneut auf den vorrangig erbrechtlichen Kontext dieser Argumentationen hin, von weiterreichenden Interpretationen der verwendeten Begrifflichkeiten sollte jedoch Abstand genommen werden, denn bei anderen Gelegenheiten, etwa in schriftlichen Aufzeichnungen aus dem Umfeld des Wiener Landtages vom Dezember 1451, wird von Vertretern des Mailberger Bundes der junge Ladislaus durchaus als 'natürlicher (Erb-)Herr' des Landes bezeichnet[41].

Aus diesen begrifflichen Variationen wird jedenfalls deutlich, dass die Bezeichnung *dominus naturalis* um die Mitte des 15. Jahrhunderts keineswegs als präziser, trennscharfer Begriff in das

35. Kurz, *Oesterreich*, I, Beilage N. VIII, 261-66.
36. *Ibid*., I, Beilage N. IX, 267-68.
37. Chmel, *Materialien*, I, N. CLXXVI, 356-67.
38. *Ibid*., N. CLXXVIII, 359-60.
39. Kurz, *Oesterreich*, Beilage N. XII, 271-73; *ibid*., Beilage N. XIII, 273-75.
40. So in: Chmel, *Materialien*, I, 356, 357, 359; Kurz, *Oesterreich*, I, 262-64, 267-68, 273-74.
41. Siehe etwa Chmel, *Materialien*, I, 363-70. Vgl. auch Kurz, *Oesterreich*, I, 269 («qui magno corde dominum suum naturalem habere desiderant»); Chmel, *Materialien*, I, 376 («unsers naturlichn und gemain herrn kunig Lasslaws zu Hungern, zu Behem, herczog ze Osterreich, marggrave ze Merhen etc.»).

Standard-Repertoire der politischen Auseinandersetzung im mitteleuropäischen Raum Eingang gefunden hat und daher in der politischen Korrespondenz sowie in Urkunden durch ebenfalls auf das Erbrecht abzielende herrschaftslegitimierende Bezeichnungen ersetzt werden konnte.

Der Begriff des 'natürlichen Herrn' fand allerdings auch Einzug in die erzählenden Quellen dieser Jahre. So verwendete etwa Enea Silvio Piccolomini an mehreren Stellen seiner *Historia Austrialis* den Begriff des *dominus naturalis* in unterschiedlichen Zusammenhängen. Er schildert den Konflikt um die Vormundschaft über Ladislaus Postumus vornehmlich aus Perspektive seines ehemaligen Dienstherrn Friedrich III., demgemäß legt er diesen Terminus, auf Ladislaus' Herrschaftsanspruch im Herzogtum Österreich bezogen, ausschließlich dessen Parteigängern in den Mund gelegt, wie etwa einem Bischof von Ardschisch (Arges) als Gesandten des Königs von Ungarn am Hof Friedrichs III. Der Bischof habe laut Piccolomini den aus Österreich stammenden und von Friedrich III. zur Erziehung des Ladislaus eingesetzten Kaspar Wendel mit dem Argument, seinem natürlichen Herrn stärker als seinem königlichen (Dienst-)Herrn verpflichtet zu sein, zur Kooperation mit den Aufständischen überzeugt[42].

An anderer Stelle führt Piccolomini eine schriftliche Forderung der österreichischen Stände an Friedrich III. an, die im Vorlaut teilweise mit einem realen Schreiben vom 17. Dezember 1451 übereinstimmt[43]. Das Original dieses Schreibens erweiterte Piccolomini jedoch um eine Passage, in der die Stände aufgrund des Testaments Albrechts II. dessen Sohn als rechtmäßigen Erben im Herzogtum Österreich anerkennen und offen bekunden, von nun an keinen anderen Herrn als Ladislaus anzuerkennen, da sie

42. Eneas Silvius Piccolomini, *Historia Austrialis*, Tl. 1, hg. v. J. Knödler, Tl. 2, hg. v. M. Wagendorfer, Hannover, Verlag Hahnsche Buchhandlung, 2009, 122, Zeilen 2-4: «Cui episcopus non tenere iuramentum id dicebat contra proprium dominum factum. Regem Ladislaum Gasparis naturalem dominum esse, qui Austria originem duceret, plus eum Ladislao quam cesari teneri». Ein ähnlicher Befund gilt auch für Piccolominis Rede gegen die aufständischen Österreicher (*Oratio adversus Austriales*) aus dem Jahr 1452; siehe Id., *Oratio adversus Austriales*, in Id., *Orationes politicae et ecclesiasticae*, hg. v. G. D. Mansi, Lucca, Filippo Maria Benedini, 1755, I, N. 11, 184-246: 196.

43. Siehe dazu Chmel, *Materialien*, I, 363-64.

diesem als natürlichem Herrn des Landes besonders verpflichtet seien (*sumus igitur Ladislao veluti nostro naturali domino obligati*). Würden sie anders handeln, könne man sie überdies als Eidbrecher bezeichnen, denn sie hätten dem verstorbenen Albrecht und dessen männlichen Nachkommen Treue geschworen[44].

Dem von Piccolomini als überaus perfide und eigennützig charakterisierten Wortführer des Mailberger Bundes, Ulrich von Eitzing, legte er eine an die österreichische Ständeversammlung gerichtete Bemerkung in den Mund, er selbst sei aus Bayern in dieses Land gekommen und überlasse es daher den (zu diesem Zeitpunkt in ihrer politischen Ausrichtung schwankenden) Österreichern, ihrem natürlichen Herrn die Treue zu bewahren, die sie diesem seiner Meinung nach schulden[45].

Ein vermeintliches Schreiben der ungarischen Stände an kaisertreue Teile des österreichischen Adels habe nach Piccolomini unter anderem die Warnung beinhaltet, nicht gegen die Mehrheit der Ständevertreter ihres Landes zu handeln, denn in diesem Fall würden sie den schändlichen Eindruck erwecken, gegen die Interessen der Heimat (*contra patriam*) und ihres natürlichen Herrn (*contraque naturalem dominum suum*) zu handeln, wobei die letztgenannte, auf Ladislaus bezogene Passage in einer späteren Überarbeitung seines Werkes bezeichnenderweise wieder gestrichen wurde[46].

Als 'natürlichen Herrn' des Herzogtums Österreich bezeichnet Piccolomini selbst nur einen Fürsten, nämlich seinen Dienstherrn Friedrich III. So sei dieser aus dem Haus Österreich stammende Fürst zum Ruhm seiner Familie, des römisch-deutschen Reiches und der deutschen Nation, aber auch der gesamten österreichischen Länder nach Rom gereist, um ebendort die Kaiserkrone zu empfangen. Aus den Schreiben der österreichischen Stände an Friedrich könne man jedoch die schlechte Gesinnung und den böswilligen Charakter der Absender erkennen, die nicht einmal auf dessen Zug nach Rom davor zurück-

44. Eneas Silvius Piccolomini, *Historia Austrialis*, 486-87.

45. *Ibid*., 676, Zeilen 14-15: «Ego ex Baioaria [...]. Vos naturali domino quam debetis fidem an servaveritis, vestro iudicio relinquo».

46. *Ibid*., 712, Zeile 1.

scheuten, ihren *dominus naturalis* mit den schlimmsten, völlig aus der Luft gegriffenen Verleumdungen zu verfolgen[47].

In Piccolominis *Historia Austrialis* erscheint Friedrich III. auch in gänzlich anderem Zusammenhang als natürlicher Herr, nämlich in der Beschreibung einer Gesandtschaftsreise des Italieners im Auftrag des römischen Königs nach Mailand zu Vertretern der kurzlebigen Ambrosianischen Republik. Diesen versprach Piccolomini, sollte sich die Stadt Mailand dem römisch-deutschen Reich unterwerfen, die volle Unterstützung Friedrichs III. gegen ihren Widersacher Francesco I. Sforza. In einer Rede vor der Mailänder Volksversammlung habe der italienische Humanist zudem die Segnungen und Macht des Reiches gepriesen, seine mit der spätmittelalterlichen Wirklichkeit wohl kaum in Einklang zu bringenden Schilderungen gipfelten in der Formulierung, im Reich herrsche wahre Freiheit, denn hier erlasse ein *naturalis dominus* gerechte Gesetze[48], woraufhin nach Piccolomini von Seiten der Stadtbevölkerung die Rufe *Vivat imperium* zu hören gewesen seien[49].

Einen differenzierteren Standpunkt hinsichtlich der Frage nach der natürlichen Herrschaft in Österreich nahm der aus dem niederösterreichischen Haselbach stammende Theologe und Historiograph Thomas Ebendorfer ein. Neben seiner Karriere an der Universität Wien und der Übernahme diverser kirchlicher Ämter war dieser auch am Hof der habsburgischen Landesfürsten, zunächst als Rat Albrechts II., später auch Friedrichs III. tätig, und nahm in dessen Gefolge unter anderem an der Kaiserkrönung in Rom teil[50]. Seinem Herrn widmete Ebendorfer auch seine 1449 angelegte *Cronica regum Romanorum* und bezeichnete Friedrich bei dieser Gelegenheit am Beginn seines Werkes unter anderem als Herzog von Österreich und seinen *dominus naturalis*[51].

47. *Ibid.*, 575-76.

48. *Ibid.*, 63, Zeilen 6-8: «[…] scirent tamen sub imperio veram esse libertatem, ubi naturalis dominus iustas leges dicit».

49. *Ibid.*, Zeilen 14-15.

50. Zu Person und Karriere Thomas Ebendorfers siehe *Thomas Ebendorfer von Haselbach (1388-1464). Gelehrter/Diplomat/Pfarrer von Perchtoldsdorf*, hg. v. J. Seidl, Wien, Marktgemeinde Perchtoldsdorf, 1988; A. Lhotsky, *Thomas Ebendorfer. Ein österreichischer Geschichtsschreiber, Theologe und Diplomat des 15. Jahrhunderts*, Stuttgart, Anton Hierseman, 1957.

51. Thomas Ebendorfer, *Chronica regum Romanorum*, hg. v. H. Zimmer-

Nicht zuletzt aufgrund kirchenpolitischer Differenzen begann sich das Verhältnis Ebendorfers zum Reichsoberhaupt jedoch stetig abzukühlen, nach 1452 wandte sich der Historiograph schließlich offen dem jungen Ladislaus zu. Besonders deutlich wird dies etwa in seiner 1449 begonnenen, später überarbeiteten und bis zu seinem Lebensende im Jahr 1464 weitergeführten *Cronica Austrie*. Als Ebendorfer gegen Ende des im Herbst 1452 abgeschlossenen dritten Buches ausführlich über die Abstammung des jungen Ladislaus referiert, kommt er zu dem unzweifelhaften Schluss, dass dieser aufgrund seiner Herkunft der natürliche Herr des Herzogtums Österreichs sei[52], und wiederholt diese Zuschreibung mehrmals am Beginn des vierten Buches in seiner Beschreibung der Konflikte um die vorzeitige Entlassung des Ladislaus aus der Vormundschaft[53]. In weiterer Folge entschloss sich Ebendorfer gar dazu, seine Österreichische Chronik nicht mehr – wie vermutlich in Analogie zu seinem vorangegangenen Geschichtswerk geplant – Friedrich III. zu widmen, sondern seinem 'natürlichen Herrn' Herzog Ladislaus[54].

Als weiteren, abschließenden Beleg für den durchaus flexiblen Gebrauch des hier untersuchten Begriffs mögen die Äußerungen der Wiener Universität im Konflikt um die Nachfolge Albrechts II. im Herzogtum Österreich dienen. Noch am 20. Mai 1451, also wenige Monate vor Gründung des Mailberger Bundes, bezeichneten Vertreter der Universität Wien Friedrich III. als *fun-*

mann, Hannover, Hahnsche Buchhandlung, 2003, 1, Zeilen 3-7: «Serenissimo principi ac invictissimo domino, Deo amabili Friderico III., Romanorum regi, semper augusto, necnon Austrie, Styrie, Karinthie atque Carniole duci etc., domino suo naturali graciotissimo […]».

52. Id., *Chronica Austriae*, hg. v. A. Lhotsky, Berlin – Zürich, Weidmann, 1967, 398, Zeilen 1-6: «Serenissimi igitur infantis Ladislai Ungarie, Dalmacie, Croacie regis, electi Bohemie ac ducis Austrie etc., qui alias dei nutu mirabiliter usque tutatus, qui et pridem anno Domini MCCCCLI° ipsa die kathedre Petri XII. vite sue annum attigit, successus descripturus, cum et ipse de Hablspurg [!] a patre duxerit originem sitque naturalis Austrie dominus […]».

53. Siehe etwa *ibid.*, 413, Zeile 22; 414, Zeile 13.

54. Siehe dazu A. Lhotsky, «Thomas Ebendorfer und die österreichischen Freiheitsbriefe», *Jahrbuch für Landeskunde von Niederösterreich*, Neue Folge, 29 (1944-48), 131-43: 132; P. Uiblein, «Thomas Ebendorfer (1388-1464)», in *Thomas Ebendorfer von Haselbach (1388-1464)*, 14-39: 34-35.

dator universitatis und *verus et naturalis dominus* des Landes. Im Dezember desselben Jahres, knapp vor Friedrichs Abreise zur Kaiserkrönung in Rom, ließ dieser die Angehörigen der Rudolphina ermahnen, sich nicht seinen Feinden anzuschließen, welche von ihm die Herausgabe seines Mündels verlangen. In den universitären Akten wird zu diesem Zeitpunkt jedoch bereits Herzog Ladislaus als *naturalis dominus* Österreichs geführt[55].

In seinem bereits eingangs angeführten autographen Notizbuch vermerkte Friedrich III. bereits zu Beginn der Auseinandersetzung um seine vormundschaftliche Regierung im Herzogtum Österreich eine Klage über das untreue Verhalten der örtlichen Landstände. Zwar herrsche auch bei den Ständen in Böhmen und Ungarn zuweilen eine ähnlich feindselige Haltung gegenüber ihren Königen, im Gegensatz zu den Österreichern agieren diese jedoch gegen ihre erwählten Herren, was deren Verhalten nach Ansicht Friedrichs weniger niederträchtig mache. Die österreichischen Stände hingehen handeln gegen ihren erblichen Herrn, und als solchen verstand Friedrich offenkundig in erster Linie nicht den minderjährigen Ladislaus, sondern sich selbst[56].

In der vorliegenden Untersuchung wurde versucht, den Gebrauch und die Nuancen des Begriffs *dominus naturalis* in urkundlichen und chronikalen Quellen aus dem mitteleuropäischen Raum zum Konflikt um die Vormundschaft über Ladislaus Postumus zu verfolgen. Im vorliegenden Kontext weist die 'natürliche Herrschaft' vorrangig einen Bezug zum Erbrecht auf, in erster Linie als Attribut jenes Fürsten, der in direkter Nachfolge als nächster Erbberechtigte die Herrschaft eines Landes beanspruchen kann. In der Praxis zeigt sich jedoch ein überaus flexibler, von der jeweiligen Interessenslage und politischen Kon-

55. Id., «Die österreichischen Landesfürsten und die Wiener Universität», *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 72 (1964), 382-408: 406.

56. Wien, ÖNB, Cod. 2674, f. 1r; Druck in: Lhotsky, «AEIOV», 199-200: «Die Osterreicher habent mich [...] gedrungen von meiner gebalt und regierung in demselben land, und die mein gesboren und versprochen ret und diener gebessen sint, habent von mir geczogen [...] und sind vil pöser dan Unger oder Pehem gegen irer herschaft darum, das, was poshait si tuend, das geschicht wider ir erblich herschaft, aber die Unger und Pehem die handelnt nuer wider ir erbelt hern, Aber die Osterreicher, die tuen unpillicher wider ir erblich herschaft [...]».

stellation abhängiger Gebrauch dieses Terminus, der angesichts der unterschiedlichen Herrschaftsansprüche des Ladislaus in Böhmen, Ungarn und Österreich insbesondere in vergleichender Perspektive deutlich wird.

Lediglich von den österreichischen Ständen wird Ladislaus bereits frühzeitig, insbesondere in Verhandlungen mit dessen Vormund Friedrich III., als 'natürlicher Herr' des Landes bezeichnet, während sich Friedrich mit Verweis auf das habsburgische Hausrecht zum «rechten und natürlichen zukünftigen Erbe» erklärte. Bei den österreichischen Ständen, die nach Enea Silvio Piccolomini ihrem natürlichen Herrn eidlich verpflichtet waren, fand dieses Argument zunächst jedoch keinen Widerhall. Mit Zurückhaltung reagierten diese allerdings auch auf Versuche des ungarischen Reichsverwesers, Ladislaus' vermeintliche 'natürliche Regierung' in beiden Ländern als politisches Argument und Aufforderung zum gemeinsamen Handeln gegen dessen Vormund einzusetzen.

Die Stände in den Königreichen Ungarn und Böhmen reklamierten vor der Einsetzung eines neuen Königs – wenn auch mit mehr oder weniger großem Erfolg – ein grundsätzliches Wahl- und Mitbestimmungsrecht, welches mit dem Anspruch einer 'natürlichen Herrschaft' kaum in Einklang zu bringen war. In Böhmen konnte Friedrich III. als Vormund des Ladislaus ohnehin kaum nachhaltigen Einfluss auf die Regierung des Landes entfalten und brachte daher, um zumindest die rechtmäßige Thronfolge seines Mündels zu unterstreichen, in Verhandlungen mit böhmischen Ständevertretern selbst den 'natürlichen' Herrschaftsanspruch des Ladislaus auf die Wenzelskrone ein, wich jedoch ohne weiteres von dieser Argumentation ab, wenn sie aufgrund ererbter und auf ihn selbst zurückfallender Schuldforderungen zum eigenen Nachteil gereichen sollte.

Bemerkenswerterweise fand der Begriff des 'natürlichen Herrn'» im Zuge des bewaffneten Konflikts um die Beendigung der vormundschaftlichen Regierung Friedrichs III. gerade in den zentralen Dokumenten der österreichischen Ständevertreter keine konsequente Verwendung. Offenbar blieben die konkret mit diesem Terminus verbundenen Vorstellungen um die Mitte des 15. Jahrhunderts im mitteleuropäischen Raum ohne präzise Definition, weshalb dieser Begriff in der politischen Korrespondenz dieser Zeit auch durch andere herrschaftslegitimierende Bezeichnungen ersetzt werden konnte.

ABSTRACT

Daniel Luger, *«Natural Rule» in Bohemia, Austria and Hungary around the mid-Fifteenth Century*

This study aims to examine, based on documentary and narrative sources, the political instrumentalisation of the catchword *dominus naturalis* by various groups or factions in Central Europe around the middle of the fifteenth century. In the context of Frederick III's tutelage over Ladislas Postumus, however, «natural rule» refers primarily to the right of inheritance, mainly as an attribute of the prince who is able to assert his right to rule a land in his position as the rightful heir in direct succession. In practice, however, the term was used flexibly, depending on the respective interests and political constellations. This becomes clear from a comparative perspective in view of Ladislaus's various claims to power in Bohemia, Hungary and Austria. Remarkably, the term «natural lord» was not used consistently in the documents of the Austrian representatives of the Estates during the conflict over the end of Frederick III's tutelary government. Obviously, the specific ideas associated with the term were not precisely defined in Central Europe in the mid-fifteenth century, which is why the concept could also be replaced by other terms legitimising rule in the political correspondence of the period.

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EMANCIPATION AND THE SHAPING OF THE POLITICAL SOCIETY

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ANYTHING BUT NATURAL? PRINCELY HUSBANDS IN THE LOW COUNTRIES (13th-15th C.). ACCEPTATION OR DISTRUST?

Whereas the neighbouring monarchies, the German Empire and the kingdom of France, progressively adopted constitutions that clearly excluded women from power, the pre-Burgundian Low Countries not only enabled and permitted female succession but demanded it. Thus, Henry I, Duke of Brabant, managed to get it in 1204 from Philip of Swabia, King of the Romans, in exchange for his support in the struggle against Otto IV for the throne[1].

In the next pages I will focus on three principalities: the duchy of Brabant, and the two counties of Flanders and Hainaut[2]. From the beginning of the thirteenth century to the final

1. On both protagonists, see A. Wauters, Art. «Henri Ier», in *Biographie nationale de Belgique*, Brussels, Académie royale de Belgique, 1887, IX, 105-23; P. Csendes, *Philipp von Schwaben: ein Staufer im Kampf um die Macht*, Darmstadt, Primus Verlag, 2003. More precisely on the *jus brabantinum*, see T. Weller, «Dynastische Politik unter Philipp von Schwaben», in *Philipp von Schwaben: Beiträge der internationaler Tagung anlässlich seiner 800. Todestages, Wien, 29. bis 30. Mai 2008*, eds A. Rzihacek - R. Spreitzer, Vienna, Verlag der österreichischen Akademie der Wissenschaften, 2010, 193-214.

2. General overviews: *Histoire du Brabant du duché à nos jours*, eds R. Van Uytven - Cl. Bruneel - A.M. Koldeweij, Zwolle, Waanders, 2004; P. Avonds, «Brabant en Limburg 1100-1403», in *Algemene geschiedenis der Nederlanden*, ed. D. P. Block, Haarlem, Fibula-Van Dishoeck, 1982, II, 452-82; M. Vandermaesen, «Vlaanderen en Henegouwen onder het huis van Dampierre 1244-1384», in *Algemene geschiedenis der Nederlanden*, II, 399-440; E. De Maesschalk, *De graven van Vlaanderen, 861-1384*, Leuven, Davidsfonds,

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integration into the Burgundian union between 1384 and 1433, out of thirty rulers, eight were in fact princesses whose personal rule lasted approximately one third of the total duration of the period considered here[3]. Such figures would bring shame to our contemporary democratic societies if those feminine leaders had not been flanked by their husbands or other male characters. But of course most of the time, they and their subjects had to bear the tutelage of princes consorts who were generally chosen in foreign countries so as not to disturb the internal balance of power inside their own fiefdoms.

Countesses and duchesses as daughters or sisters of previous princes could be said to be natural, for they were autochthonous and benefited from the tried and tested legitimacy of a local dynasty[4]. On the contrary, their husbands seemed to be imposed from the outside: they did not always know the languages spoken in their adopted countries or the customs, habits and ways of thinking. They typically brought with them exotic retainers and could even be suspected of secretly working for a hostile power.

Wim Blockmans, whose article deals with a problem similar to mine, already highlighted the main features of such a risky business[5]. Things usually went smoothly provided imported princes acted in strict accordance with native laws and customs, did not surround themselves with foreign counsellors and proved scrupulous in the judicial field. I modestly intend to have a look on our control sample in this respect.

2012; M. Vandermaesen, «Het graafschap Henegouwen 1280-1384», in *Algemene geschiedenis der Nederlanden*, II, 441-51; *Hainaut: mille ans pour l'avenir*, eds Cl. Billen - X. Canonne - J.-M. Duvosquel, Brussels, Fonds Mercator, 1998.

3. Joan of Constantinople (Flanders and Hainaut, 1205-44), Margaret of Constantinople (Flanders and Hainaut, 1244-78/80), Margaret of Avesnes (Hainaut, 1345-56, Holland and Zeeland, 1345-54), Joan of Brabant (1355-1406), Margaret of Male (Flanders and Artois, 1384-1405), Jacqueline of Bavaria (Hainaut, 1417-33, Holland and Zeeland).

4. Th. de Hemptinne, «Marguerite de Male et les villes de Flandre. Une princesse naturelle aux prises avec le pouvoir des autres (1384-1405)», in *Femmes de pouvoir, femmes politiques durant les derniers siècles du Moyen Âge et au cours de la première Renaissance*, eds É. Bousmar - J. Dumont - A. Marchandisse - B. Schnerb, Brussels, De Boeck, 2012, 477-92.

5. See his contribution in this volume.

In order to do so, I think it will be more suitable to isolate the Flemish case, insomuch as Flanders remained a vassal of the French kingdom, which asserted a certain right of intervention throughout the period. Then I will try to assess the amplitude of the authority which princely husbands could exercise on their new subjects, and hunt down potential limitations attributable to their condition. Finally this article considers the tensions and conflicts which might have emerged when such husbands originated from a neighbouring territory in which indigenous identity threatened to dissolve.

French intrusions into Flemish matrimonial affairs?

Two important facts must be borne in mind to understand Franco-Flemish relationships from around 1200 on. On the one hand, the king of France was the pre-eminent suzerain over the main part of the Flemish territory. On the other hand, they had recently reached a showdown which could have resulted in the destruction of one of those involved[6]. It was therefore no surprise if French kings were so sensitive about succession events in the area and especially marriages of countesses. Spouses could be considered as tools in the hands of powerful overlords marrying off protégés or trustworthy men. Sovereigns systematically resorted to such pressures on younger Flemish countesses who happened to be also countesses of Hainaut down to 1280. Philip Augustus, for instance, objected to Enguerrand of Coucy's generous proposal (50,000 pounds) and worked out the details of the marriage contract between Joan of Constantinople and Fernando of Portugal who was expected to be a French puppet[7]. Some years later, when she planned to re-marry, Saint Louis forbade her to choose Simon de Montfort, the Earl of Leicester and son of the main character of the Albigensian crusade, but finally

6. Medieval historiographical aspects are discussed by I. Guyot-Bachy, *La Flandre et les Flamands au miroir des historiens du royaume (X^e^-XVe siècle)*, Villeneuve-d'Ascq, P.U. Septentrion, 2017.

7. J. Baldwin, *Philippe Auguste et son gouvernement. Les fondations du pouvoir royal en France au Moyen Âge*, Paris, Fayard, 1991, 265.

approved of Thomas of Savoy, his own uncle by marriage[8]. As for Joan's sister Margaret, who was to become her successor, she was allowed to re-marry with William of Dampierre, a knight from Champagne who owed much to his monarch[9]. Needless to say, Margaret of Male's marriage in 1369 to Philip of Burgundy, brother of King Charles V, was also a French initiative[10].

What about the reactions of the Flemish political community to these massive interventions? Those in strong positions loudly voiced their discontent. In 1212 the citizens of Ghent shut their doors upon the arrival of the newly-weds, Fernando and Joan, and let everyone know how much they resented the union of their countess who, so they said, had been bought and sold by the king of France[11]. Backed by English money and soldiers, the same Ghentenaars initially resisted Philip the Bold's accession for almost two years in a row before seeking his pardon in 1385[12].

8. Th. Luykx, *Johanna van Constantinopel, gravin van Vlaanderen en Henegouwen: haar leven 1199/1200-1244, haar regeering 1205-1244 voraal in Vlaanderen*, Antwerpen - Utrecht, N. V. Standaard-Boekhandel - W. De Haan N. V., 1946; G. Sivéry, «Jeanne et Marguerite de Constantinople, comtesses de Flandre et de Hainaut au XIIIe siècle», in *Jeanne de Constantinople, comtesse de Flandre et de Hainaut*, ed. N. Dessaux, Paris, Somogy Éditions, 2009, 15-31.

9. Ch. A. Duvivier, *La Querelle des d'Avesnes et des Dampierre jusqu'à la mort de Jean d'Avesnes 1257*, Brussels - Paris, C. Muquardt - A. Picard, 1894.

10. J.-B. Santamaria, «Chantage maternel, patriotisme capétien ou réalisme diplomatique? Le rôle de la comtesse d'Artois et de Bourgogne Marguerite de France et de ses conseillers dans le mariage de Marguerite de Male et de Philippe le Hardi», *Publications du Centre européen d'Études bourguignonnes (XIVe-XVIe s.)*, 53 (2013), 29-49. On the (very French) ceremonial dimension, see M. Boone, «Le Mariage de Marguerite de Male et de Philippe le Hardi de Bourgogne: une entrée royale dans la Flandre comtale», in *Die Erbtochter, der fremde Fürst und das Land: die Ehe Johanns des Blinden und Elisabeths von Böhmen in vergleichender europäischer Perspektive/ L'Héritière, le prince étranger et le pays. Le mariage de Jean l'Aveugle et d'Élisabeth de Bohême dans une perspective comparative européenne*, ed. M. Pauly, Luxembourg, Centre luxembourgeois de Documentation et d'Études médiévales, 2013, 209-24.

11. Luykx, *Johanna van Constantinopel*. In the end, the couple made their entry in Ghent, whose inhabitants agreed to pay a large sum to compensate the harm they had caused. The princes granted a new organisation of the city council and the annual election of the aldermen.

12. R. Vaughan, *Philip the Bold: The Formation of the Burgundian State*, Woodbridge, Boydell, 2005, 19-38.

Although foreign counts differed somewhat from the obedient creatures they were meant to be, they did not have much room for manoeuvre. Because of an accumulation of French infringements, Fernando soon converted to the Francophobic cause, thus falling into line with Flemish weavers who badly needed the English wool supply to thrive. But his attempt was harshly punished. He was defeated and taken prisoner at Bouvines in July 1214 and he remained imprisoned for the next twelve years[13]. He was released only after the payment of a heavy ransom. After that, he toed the French line until his death in 1233 and so did his subjects. All his fellow *jure uxoris* counts of Flanders – counts by the right of their wives – had to come to terms with their royal suzerain. Philip the Bold even borrowed institutional reforms from a French model by establishing in Lille both a chamber of accounts and a council chamber[14]. But conversely his affiliation to the Valois provided incentive to develop the Flemish economy, especially as he managed to get the franc devalued. That revival certainly helped him to gain acceptance by his subjects[15].

Princely husbands: Modest proposals?

For the reasons I mentioned, the political scope of princely husbands could not be very broad in Flanders. After his release, Fernando remained faithful to the Crown and the record of his seven free years is rather poor, except for a victorious campaign in the county of Namur[16]. Thomas of Savoy, Joan of Constantinople's second husband, was not very active in either of his counties of the Low Countries. Since two of his nieces had married Henry III and Louis IX (the respective Kings of England and France) he could have strengthened relationships with England if he had not been bypassed by Saint Louis. Knights and towns of Flanders and Hainaut took oaths of allegiance directly

13. G. Duby, *Le Dimanche de Bouvines*, Paris, Gallimard, 2005.
14. Vaughan, *Philip the Bold*, 127-34.
15. Fr. Autrand, *Charles VI*, Paris, Fayard, 1994, 116-18.
16. L. Vanderkindere, *La Formation territoriale des principautés belges au Moyen Âge*, Brussels, H. Lamertin, 1902, I, 204-5.

to the latter, who also personally invested nobles with their fiefs and finally even forbade Thomas to go to England without his express permission[17].

What is more surprising is that well after Flanders and Hainaut separated, such an impressive monarch as Louis of Bavaria (also known as Louis IV of the Roman Empire) did not dare to meddle in the internal affairs of Hainaut[18]. He had married Margaret II of Avesnes in 1345, who succeeded her brother William II two years later. But the mighty Emperor's one and only decision regarding Hainaut was the promise he had made not to divide the disparate assembly of three counties – Hainaut, Holland and Zeeland – which had been created in 1299 by Margaret's grandfather, John I[st][19]. Needless to say, Louis greatly preferred to be involved in the German intrigues than in the fiefdoms his wife had brought as a dowry[20].

There existed some practical restrictions to the power of well intentioned husbands. Among them can be counted Fernando of Portugal who, as noted above, spent twelve years waiting in Paris and only nine ruling his counties. In a less dramatic way, Wenceslaus of Luxemburg, Joan of Brabant's husband since 1352, was kept prisoner by his enemies only eleven months after his defeat at Baesweiler in 1371[21]. Another diversion consisted in entrusting one's power to a son or even to governors. That is exactly how Louis of Bavaria and Margaret proceeded as regards Holland and Zeeland which were left with their son William, and Hainaut which was run by John, Lord of Beaumont[22]. In the

17. A. Marchandisse, «La Maison de Savoie et les principautés belges durant la première moitié du XIIIe siècle», in *Pierre II de Savoie. «Le Petit Charlemagne» († 1268)*, eds B. Andenmatten - A. Paravicini Bagliani - E. Pibiri, Lausanne, Université de Lausanne, 2000, 233-55.

18. M. Clauss, *Ludwig IV. der Bayer: Herzog, König, Kaiser*, Ratisbonne, Verlag Friedrich Pustet, 2014.

19. *1299: een graaf, drie graafschappen: De vereniging van Holland, Zeeland en Henegouwen*, eds D. E. H. de Boer - E. H. P. Cordfunke - H. Sarfatij, Hilversum, Verloren, 2000.

20. Margaret herself was not much involved in local government. See M. Maillard-Luypaert, «Marguerite d'Avesnes, Madame de Hainaut (1346-1356): «faible femme» ou femme affaiblie?», in *Femmes de pouvoir*, 325-47.

21. J. Fantysová-Matějková, *Wenceslas de Bohême. Un prince au carrefour de l'Europe*, Paris, P.U. Paris-Sorbonne, 2013.

22. Maillard-Luypaert, *Marguerite d'Avesnes*.

first case, it meant that local rule was transferred from a natural princess to a natural prince without the intermediary of a complete outsider, the unnatural husband. The last limitation was, of course, death, whether natural or not, of the husband. Some expressed their sensitivity by leaving the stage before their wives assumed succession. Such was the case of William II of Dampierre who died in 1231, thirteen years before his wife, Margaret of Constantinople, became a double countess[23]. Others proved so ephemeral that they could be called «epiphenomena». Louis of Bavaria died two years after the accession of another Margaret to her triple county.

Philip the Bold, ruler of Flanders and Artois from 1369-1404, could be cited as an exception to the rule of near futility, even though Margaret of Male was by no means a window dressing[24].

Political societies: Distrustful of neighbours?

Towards the end of our period, various actors of those political societies tended to make clear that they did not want their principalities dissolved into bigger transnational entities. New mergers that might have stemmed from marriages between two

23. Although briefly regent of Flanders, he is nothing but a shadow in the eventful life of Margaret. Here is a number of milestones for a gendered approach of her rule – let us notice, incidentally, that she is constantly flanked by her elder sister, Joan: K. S. Nicholas, «Women as Rulers: Countesses Jeanne and Marguerite of Flanders (1212-1278)», in *Queens, Regents and Potentates*, ed. Th. Vann, Dallas, Boydel & Brewer, 1993, 73-89; K. S. Nicholas, «Countesses as Rulers in Flanders», in *Aristocratic Women in Medieval France*, ed. Th. Evergates, Philadelphia, University of Pennsylvania Press, 1999, 111-37; Fr. Canadé Sautman, «Constructing Political Rule, Transforming Gender Scripts: Revisiting the Thirteenth-Century Rule of Joan and Margaret, Countesses of Flanders», in *Representing Medieval Genders and Sexualities in Europe, Construction, Transformation and Subversion, 600-1530*, eds E. L'Estrange - A. More, London - New York, Routledge, 2011, 49-65.

24. M. Bubenicek, «Was the Couple a Palliative to the Absence of the Prince? The Political Role and Influence of Margaret during the Reign of Philip the Bold, Duke and Count of Burgundy (1384-1404)», in *Absentee Authority across Medieval Europe*, eds Fr. Lachaud - M. Penman, Woodbridge, Boydell & Brewer, 2017, 171-90 (even though the article focuses on the Burgundian territories).

neighbouring rulers seemed to threaten local identities. It was very different from past personal unions of Flanders and Hainaut, or Hainaut, Holland and Zeeland. That was why counties did not agree to be the target of greedy adjacent principalities that had managed to seize their princesses.

A member of the successful and Imperial House of Luxemburg, Wenceslaus, married Joan of Brabant in 1352 when he was only 15 and she 30[25]. In January 1356, the *Joyous Entry*, even if it was intended to address first and foremost Joan as the successor of her father John III, took place in a series of constitutional documents, aimed at the restriction of the couple's political latitude and to guarantee Brabantine indivisibility[26]. Some months later, Wenceslaus had to produce another charter, very similar to the *Joyous Entry*, for Limburg. It soon became obvious that the duke and the duchess did not always plan things together, as Wenceslaus decided on his own to negotiate with the count of Flanders about the fate of the city of Mechelen. Then Brussels and Leuven played the princess card against her husband. Brussels inhabitants had the lords who had signed the treaty arrested. As for him, he was officially recognised as the regent in Brabant at the beginning of 1357 and would inherit the duchy if she were to die before him. The House of Luxemburg would consequently take Brabant. On various occasions, however, the Estates of Brabant took advantage of his blunders to have their privileges confirmed, especially after they had to pay his enormous ransom. He was then forced to renew the *Charter of Kortenberg* of 1312, the Brabantine *Magna Carta* which established a representative council of knights and townsmen[27].

25. S. Boffa, «Les Mariages de Jeanne de Brabant avec Guillaume de Hainaut et Wenceslas de Bohême», in *Die Erbtochter/L'Héritière*, 181-207.

26. É. Lousse, «La Joyeuse Entrée brabançonne du 3 janvier 1356», *Schweizer Beiträge zur allgemeinen Geschichte*, 1 (1952), 139-52; R. Van Bragt, *De Blijde Inkomst van de Hertogen van Brabant Johanna en Wenceslas (3 januari 1356). Een inleidende studie en tekstuitgave*, Leuven, Nauwelaerts, 1956. On what the text became, see V. Vrancken, *De Blijde Inkomsten van de Brabantse Hertogen. Macht, opstand en privileges in de vijftiende eeuw*, Brussels, ASP Academic & Scientific Publ, 2018.

27. Fantysová-Matějková, *Wenceslas*. Joan's image is studied by K. Van't Land, «Prince ende vrouwe der lande vorscreven. Hertogin Johanna van Brabant in de ogen van haar chroniqueur», *Ex tempore*, 17 (1998), 97-118.

Enmity between man and wife went some steps further with John IV, Duke of Brabant and Jacqueline, Countess of Hainaut, Holland and Zeeland. Although joyful, the successive attempts to kidnap him or even to poison him are none of our business here[28]. What really matters is that he met with no great success among his alleged Hainaut subjects. Nevertheless it is worth noticing in passing that he who had always been painted as a loser briefly took possession of Holland and Zeeland in 1425. To be frank, he even invaded Hainaut, where he was hated. The Estates of Hainaut twice approved of their countess's resolution to divorce from John. First in 1420, when Jacqueline on the advice of her own mother Margaret of Burgundy decided that her plate was full, since her husband had not been able to secure her northern counties from the appetite of her uncle, John of Bavaria, and had gone as far as to deprive her of her ladies-in-waiting. And once more in December 1424, when she arrived in Mons with five thousand soldiers, that she had already picked up in England alongside her new husband, Humphrey of Gloucester, King Henry V's brother, who was supposed to repulse the Brabantine army and redress the numerous injuries his lady had had to endure[29]. Humphrey, in his turn, was but a minor part in the history of Hainaut, since he left the county four months later, never to return. He even wedded Elizabeth Cobham in

28. É. Bousmar, «Jacqueline de Bavière, empoisonneuse et tyrannicide? Considérations sur le meurtre politique au féminin entre Moyen Âge et Renaissance», *Publications du Centre européen d'Études bourguignonnes (XIVe-XVIe s.)*, 48 (2008), 73-89; G. Lecuppre, «Fuir l'influence d'une belle-mère à poigne. Les rapts de Jean IV de Brabant», *Cahiers de recherches médiévales et humanistes*, 39 (2020), 119-32.

29. É. De Borchgrave, Art. «Jean IV», in *Biographie nationale de Belgique*, 1889, X, 275-80; the highly controversial H. P. H. Jansen, *Jacoba van Beieren*, The Hague, Kruseman, 1976; M. Boone, «Jacqueline of Bavaria in September 1425, a Lonely Princess in Ghent?», *The Ricardian: Journal of the Richard III Society*, 13 (2003), 75-85; R. Nip, «Conflicting Roles: Jacqueline of Bavaria (d. 1436), Countess and Wife», in *Saints, Scholars and Politicians. Gender as a Tool in Medieval Studies*, eds M. Van Dijk - R. Nip, Turnhout, Brepols, 2005, 189-207; A. Janse, «Jacqueline of Bavaria and John of Brabant. The Princely Body as a Political Asset», *Micrologus*, 22 (2014), 317-39; Id., *Een pion voor een dame. Jacoba van Beieren (1401-1436)*, Amsterdam, Balans, 2009; É. Bousmar, «Jacqueline de Bavière, trois comtés, quatre maris (1401-1436): l'inévitable excès d'une femme au pouvoir?», in *Femmes de pouvoir*, 385-455.

1429 after the pope's decision to annul his union with Jacqueline. It is likely he was not much regretted[30]. Be that as it may, neither John IV nor Humphrey of Gloucester belonged to the tiny group of well accepted princes consort in the Low Countries. However, had John survived, he would have gathered a bunch of five principalities and represented a serious rival to his cousin Philip the Good.

Conclusion

In that particular area and that particular time, the position of imported prince, whether from far away or from the vicinity, was precarious enough. Most of the time, they were either short-lived or powerless or placed under duress, and often caught between the devil of French tutelage and the deep blue sea of local prerogatives. Only Philip the Bold stood out against the others and all the stars were aligned in his favour: he belonged to a remarkable family, succeeded a discredited count, was able to crush a major rebellion and to show mercy at its very end, before reviving the economy.

Generally speaking, princely husbands formed a variety of fragile rulers, little more respected than children, but related to the difficulties of female power. Their rule was a kind of concession on the part of their subjects, who mainly supported their natural princess and more or less willingly accepted the principle of a limited and conditional mandate. They acted both as representatives and as part-time or remote princes. And yet they were a useful defence for their wives. Let us briefly consider what happened to princesses once they became isolated women or widows.

In 1225, Countess Joan was almost expelled from her Estates by an impostor who passed himself off as her father Baldwin of Flanders and Hainaut, first Latin Emperor of Constantinople. She was nearly overthrown by a coalition of dissatisfied lords, boiling

30. C. M. Harker, «The Two Duchesses of Gloucester and the Rhetoric of the Feminine», *Historical Reflections/Réflexions historiques*, 30 (2004), 109-25.

cities and plotting princes. Meanwhile, Fernando was in prison and she had to beg for royal help to cope with the situation[31].

Some decades later, her sister, the widow Countess Margaret, was faced with a full-scale civil war between the sons of her two husbands, who prematurely laid claim to her inheritance[32]. Margaret of Avesnes, in the mid-fourteenth century, just a few years after she had lost her husband Louis of Bavaria, had to wage war against her son William who finally extorted both Holland and Zeeland from her. Significantly, the solution she had considered was to plead her cause at the English court and, as the Hundred Years War raged, French observers feared she would marry an English prince[33].

After Wenceslaus died, Joan of Brabant, who was really affected by the loss, was progressively forced by her brother-in-law, Philip the Bold, to recognise her sister Margaret and her nephew Anthony as her successors and had to resign power in his favour[34].

Finally, all that Jacqueline of Bavaria could do to counter her rude uncle was to marry her cousin from Brabant; and all that she could do to resist her husband's *volte-face* was to marry once again with a stronger man – or at least so she hoped[35].

Princely husbands were indispensable to natural princesses. As far as they were concerned, they were neither unnatural nor supernatural actors, but temporary elements – tolerated with resignation.

31. G. Lecuppre, «Jeanne de Constantinople face au fantôme du père», in *Jeanne de Constantinople, comtesse de Flandre et de Hainaut*, ed. N. Dessaux, Paris, Somogy Éditions, 2009, 33-41.

32. Duvivier, *La Querelle*.

33. H. M. Brokken, *Het ontstaan van de Hoekse en Kabeljauwse twisten*, Zutphen, Walburg Pers, 1982.

34. Vaughan, *Philip the Bold*, 100-2.

35. Janse, *Een pion*.

ABSTRACT

Gilles Lecuppre, *Anything but Natural? Princely Husbands in the Low Countries (Thirteen-Fifteenth Century): Acceptation or Distrust?*

While the neighbouring monarchies were gradually adopting constitutions that clearly excluded women from power, the pre-Burgundian Low Countries not only allowed and accepted female succession, but demanded it. Of course, most of the time princesses and their subjects had to bear the tutelage of princes consort who were generally chosen in foreign countries, which avoided disturbing the balance of powers inside their own fiefdoms. But in this particular area and at this particular time, the position of an imported prince, whether from far away or close by, was precarious enough. Most of the time, they were either short-lived, powerless or placed under duress, and were often caught between the devil of French tutelage and the deep blue sea of local prerogatives. Only Philip the Bold stood out against the group. All in all, princely husbands were indispensable to natural princesses. As far as they were concerned, they were neither unnatural nor supernatural actors, but temporary elements – tolerated with resignation.

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LEGITIMATING RULERS IN EUROPE AND THE LOW COUNTRIES

Lands, peoples and rulers

Most European countries have been ruled by monarchies, as long as the 'Ancien régime' survived. Monarchies would pretend to have legendary heroes as their founders, to rule thanks to God's Grace, and people might even have believed it or pretended to believe it. Whichever it was, rulers were always strongmen capable of eliminating their competitors, and eager to obscure the bloody origins of their power. Early medieval kingship was a 'barbarian' tradition, not a Roman one. Germanic peoples invading the Roman empire applied various methods of succession for their kings. Whereas success in war was seen as a sign of heavenly approval, losing a war might justify suicide or deposition of any kind including regicide. Strong kings tended to form a *stirps regia*, a royal lineage, and designate their eldest son, but no tradition was at that point clearly established. The Visigothic King Theoderid (r. 418-51) was succeeded by his eldest son, but each of his three brothers committed fratricide to grasp the succession. Only the Vandals were known to have a binding order of succession. In the sixth century, election by the mightiest lords became widely applicable, but strong kings time and again imposed their preferred son, seeking to create a dynasty[1].

1. H. Wolfram, *History of the Goths*, trans. T. J. Dunlap, Berkeley, University of California Press, 1988, 115, 144, 203, 333.

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Norbert Elias described the competition between military leaders as a process of centralisation of power into a state[2]. His description of the extension of royal domain in medieval France is inspiring, even if he all too the easily generalised this particular evolution. It is fundamental indeed to understand that rulers in 'Ancien régime' Europe emerged from the class of landed aristocracy. Extensive property supported their privileged lifestyle, enabling the men to get trained in horse-riding, hunting and the use of arms. As landlords, they held the *plenitudo potestatis*, since they owned the means of production; they held the *bannum*, the right to command and to use violence, to administer justice, to steer their domains' management. They had a say in the choice of the priest and in the use of the funds of the parishes under their control.

Elias disregarded the subjects of the emerging states, their sense of community and their relation to the land. But as Rees Davies sharply pointed out: «Yet countries and peoples are artefacts of time; there is no inevitability about them or about their survival»[3]. Local and regional settlements forged communities based on common origins, mythology, law, customs and language. The longer the period in which people migrated, settled and embedded in a particular environment, the more their lifestyle was adapted to it and to the previously incumbent peoples. All of them would then consider the land an integral part of their culture; the sense of belonging became a territorial construct as well as a social one[4]. Geographical conditions favoured particular types of economic activity which contributed to shaping social patterns. For example, areas facing high risk of floods necessitated collective investment in the community's safety. The soil's

2. N. Elias, *On the Process of Civilisation*, trans. E. Jephcott, Dublin, University College Dublin Press, 2012, part 3, chap. 2; J. Dhondt, *Études sur la naissance des principautés territoriales en France (IXe-Xe siècle)*, Bruges, De Tempel, 1948.

3. R. R. Davies, *The First English Empire. Power and Identities in the British Isles 1093-1343*, Oxford, Oxford U.P., 2000, 192.

4. P. Geary, *The Myth of Nations. The Medieval Origins of Europe*, Princeton, Princeton U.P., 2002, 108-19; W. Pohl, *Ethnicity, Race, and Nationalism*, in *A Cultural History of Democracy in the Medieval Age*, eds D. Napolitano - K. J. Pennington, London, Bloomsbury, 2021, 135-55: 150-53.

fertility and climatic conditions determined the labour intensity required to attain an acceptable standard of living. Location advantages might facilitate individual opportunities to commercialise surplus production. Unfavourable environments or coastal locations might encourage migration and settlement in more favourable lands, as Vikings successfully realised in the north east of Britain, Normandy and Sicily. They adapted remarkably well to the various local environments which deferred from their original settlements. In each of these cases, after a few generations the invaders even produced the rulers that took the lead in further expansionist ventures[5].

One might assume that the chivalric mindset was inherently competitive and that this applied more generally to the most successful among them, namely the aristocrats. The stakes of the competition were continuously scaled up to larger and more affluent territories, resulting in a kind of natural selection. Peripheral areas with low agricultural returns and requiring high investment in infrastructure, such as the Alpine regions or marshy lands, were less likely to generate sufficient accumulation to support the centralisation of power and the launching of further expansion, and were not attractive to external invaders. Friesland, the mountainous parts of north Wales, Ireland and Livonia may be examples of low capacity for centralisation and weak foreign penetration and occupation. As Davies stated for north Wales, «the veneer of English-imported institutions barely concealed the continuing strength of native power structures and relationships»[6]. With the exception of the area on the east coast around Dublin (the so-called Pale), the three other lands could only be conquered by superior military force in the sixteenth century.

At the time when the competition between local strongmen led to the formation of dynasties of regional and territorial rulers in Western Europe, the connection between foreign invaders and the settled population depended on the balance between the two sides: the economic development, social cohesion, and cultural self-awareness of the established people, and the force and attitude

5. R. Bartlett, *The Making of Europe. Conquest, Colonization and Cultural Change 950-1350*, Princeton, Princeton U.P., 1993, 24-59.

6. Davies, *The First English Empire*, 199.

of the invaders. Davies distinguished three patterns in the English colonisation of the British Isles before 1343:

1. Transformation of the social fabric of the existing community to that of the occupants' domination, as in lowland south Wales and the Irish Pale;
2. Assimilation to the relatively similar existing society and polity, as in lowland Scotland;
3. Acceptance of the plurality of the population without real domination, as in the native districts of Wales and Ireland[7].

One has to bear in mind that though the demographic pressure in England was relatively low before the Black Death and certainly in the century thereafter expansion was pursued in all directions. Territorial claims of the Norman and Angevin dynasties and environmental advantages had made the higher developed regions in western France the preferred option of English expansion since the twelfth century. Henry II's marriage with Eleanor in 1152 extended the continental ambitions further southward to Aquitaine. However, the English occupiers could hardly claim a superior status there, as they did in Britain and the Irish eastcoast. Davies' verdict is clear in this respect: «English settlers beyond England found it difficult, indeed well nigh impossible, to come to a meaningful, sustained and non-discriminatory relationship with the other peoples and parts of the British Isles»[8]. On the other hand, in the fourteenth century (300 years after the Norman invasion of England) Norman French was still the language used by the English government, Parliament and aristocracy.

Hereditary succession

Hereditary transmission of property was a cultural construct aimed at retaining wealth, power, and status in a family's hands, and it helped to reduce the potential for conflict between contenders. Similarly, matrimonial strategies, especially those of the nobility, systematically aimed at the reproduction and extension

7. *Ibid.*, 197.
8. *Ibid.*, 199.

of the family's position. However, since the twelfth century the Church insisted on monogamy and the exclusion of extramarital descendants from the formal heritage. Two notable exceptions to that rule were made in Iberia. In 1369 Henry of Trastamara, illegitimate son of King Alfons XI and Eleonora of Guzman, claimed the Crown of Castile and was victorious in his battles against John of Ghent, son of King Edward III, who justified his claim to the throne by his marriage to the eldest daughter of the ruling King, Peter the Cruel. In Portugal, John, Grandmaster of the military Order of Aviz, was the illegitimate royal son who succeeded his half-brother in 1383 and was recognised by the Cortes on the basis of his military and administrative skills. Both 'bastard' kings founded successful dynasties[9].

Legal systems excluding succession in the female line increased the risk of dynastic discontinuity. Double marriages between two families tended to counteract the threat of extinction of noble families. Famous examples were those arranged by Maximilian I of Habsburg: in 1495-96 his two children, Margaret and Philip, married respectively with the heir presumptive of Castile and Aragon, and with his his sister. These marriages led to the union between the Habsburg dynasty and that of the Catholic kings of Castile and Aragon. Charles, the later Emperor would in 1516 embody this union[10]. Maximilian made his granddaughter Mary marry King Laios of Hungary. Through his death in the battle of Mohacs in 1526, the Crown of Hungary fell to his brother-in-law Ferdinand of Habsburg (1503-64). On the lower level of the principalities in the Low Countries, the double marriage of the heirs to Burgundian and Bavarian lands in 1385 laid the foundation of the dynastic union of seven adjacent territories in the Low Countries around 1430[11].

Royal and princely dynasties behaved in these matters precisely in the same way as noble families: they dealt with their descendants and territories, including the people living there, as pieces of their patrimonial strategy, making alliances with the

9. B. Sokop, *Stammtafeln europäischer Herrscherhäuser*, Vienna e.a., Böhlau, 1993, 53, 57.
10. *Ibid.*, 53.
11. *Ibid.*, 36.

sole aim of expansion. From the twelfth to the early sixteenth century, six kings of Castile married a Portuguese princess and two an Aragonese; moreover, two Aragonese kings and one Portuguese married a Castilian princess. That strategy united the county of Catalonia and the kingdom of Aragon under one crown in 1150. These marriages led to the dynastic union of Castile and Aragon in 1516, and that of Castile with Portugal from 1580 to 1640[12]. The Portuguese revolt liberated the country from Castilian haughtiness; a similar movement of the Catalans was crushed by the French army after a thirteen month siege of Barcelona, in 1714[13]. The repeated monarchic intermarriage led to biological degeneration of which the effects became dramatically manifest in the Spanish-Habsburg dynasty from 1497 until 1700.

The Castilian kings of the House of Trastamara found themselves generally in a weak position during the whole century from around 1380 to 1480, confronted as they were with strong external as well as internal competition. Physical weaknesses exacerbated the problem: Henry III (r. 1390-1406) had to succeed his father at the age of twelve, which triggered troubles to between noble factions rivalling for the regency. Due to poor health, he died at the age of 27 in 1406, leaving a son of one year old, whose long regency created further instability. This lasted the whole reign of John II (1406-54)[14]. He was succeeded by the son from his first marriage, Henry IV (1425, r. 1454-74), who had been a sickly youth, perhaps because his parents were first cousins. His impotence was a matter of public concern after thirteen years of a marriage which was annulled in 1453 by papal sentence, with a forbidden degree of closeness as justification. In the Iberian context, this argument sounds puzzling, as the relevant information was known long before, and the same applied to many royal marriages. It was widely known that the real cause

12. *Ibid.*, 53, 57; A. Kosto, *Aragon and the Catalan Counties Before the Union*, in *The Crown of Aragon. A Singular Mediterranean Empire*, ed. F. Sabaté, Leiden - Boston, Brill, 2017, 70-91, 174-76.

13. J. Albareda Salvadó, *La Guerra de Sucesión de España (1700-1714)*, Barcelona, Crítica, 2010, 164-84, 212 sq.

14. D. Menjot, *Les Espagnes médiévales, 409-1474*, Paris, Hachette, 1996, 179-80.

was the difficulty to consummate the marriage[15]. Henry IV quickly remarried, but it was only in 1461 that his wife gave birth to a daughter. She was commonly named Juana la Beltraneja, as it was assumed that her biological father was the king's favorite, Bertran de la Cueva. In 1464, a league of grandees urged the king to exclude the girl from his succession, which he at first accepted but then refused until his death. This division fostered another ten years of armed conflict. The rebellious noblemen recognised Henry's half-brother Alfonso (1453-68) as his legitimate successor, and after the latter's death, his sister Isabella (1451-1504). Both were children of John II's second marriage so Henry IV was their elder half-brother.

In September 1468, shortly after Alfonso's death, Henry's greedy councillors convinced him to recognise Isabella as his legitimate heiress under various conditions, which both parties would not comply with in the following years. The most salient point would be Henry's right to choose Isabella's spouse, and hers to decide to accept or refuse. She was promised the title of Princess of Asturias and the rights over a number of cities with the related income. What really happened were more years of factional conflicts and war. The king's spouse fled from court, giving birth to a son, whose paternity Henry did not claim[16]. Isabella, seventeen years old, was wise enough not to press her 26-year-old half-brother to resign but after his death in 1474, «she was sworn in this kingdom [of Castile] as the true and natural Queen and Lady»[17].

During the first six years of her reign, Isabella had to wage war against the grandees pursuing their private interests, as well as against the king of Portugal, who invaded Castile claiming the succession for himself – a logical consequence of the systematic intermarriage policies between the Iberian royal Houses. Before marrying Ferdinand in 1469, the heir apparent of the crowns of

15. J. M. Nieto Soria, *De Enrique IV al emperador Carlos. Crónica anónima de 1454 a 1536*, Madrid, Sílex, 2015, 108 and n. 14; G. Tremlett, *Isabella of Castile. Europe's First Great Queen*, London, Bloomsbury, 2017, 17-18.

16. *Ibid*., 41-48.

17. Nieto Soria, *De* Enrique *IV*, 120-24: 120: «[…] después de la muerte del rey don Enrrique, su hermano, fue jurada en el reyno por reyna e señora verdadera e natural».

Aragon, Naples and Sicily (1452-1516), entirely on her personal initiative Isabella had stipulated that she would be the regnant queen of Castile, by far the most important of the Iberian kingdoms. Another issue the couple agreed upon was the intention to expel the Moors from Iberia. They were second cousins. Their only son Juan had a poor health and died in October 1497, only six months after his marriage to Margaret of Austria. Her pregnancy ended after seven months in the miscarriage of a girl. Their eldest daughter Isabella had married King Manuel of Portugal; she died the day after giving birth in 1498. Their son Miguel might have combined the Portuguese with the Spanish crowns if he had not also died in 1500[18]. Daughter Joanna would spend most of her life incarcereted because of mental instability which was instrumentalised by her father and son in order to exclude her from politics[19]. This may have been a convenient excuse for avoiding some noble factions to rally behind her and thus weaken the monarchy. She became titular queen of Castile in succession to her mother Isabella in 1504, but her husband Philip of Habsburg became the effective ruler. After his sudden death in 1506, she was considered mentally ill. Her father ruled as Regent in Castile until his death in 1516 and her son Charles (r. 1516-56) shared the royal title of Castile with her. As in the case of King Charles VI of France (1380-1422), the unpredictable character of her illness prevented the denial of the queen's legitimate title. Nevertheless, Joanna's two sons would become Emperors and her three daughters queens, Mary serving her elder brother Charles during 25 years as his governor general in the Low Countries. Interestingly, and in contrast to Aragon, female succession was not a problem in the Castilian context: personality proved decisive. Male progeny and legitimate (here called «natural») birth were primary criteria. In that respect, Isabella's superior qualities of motivation, insight and courage, coupled with her subtle respect for prevailing attitudes of masculinity, made her the first great queen in European history.

18. Tremlett, *Isabella*, 398-405.

19. See B. Aram, *Juana the Mad. Sovereignty and Dynasty in Renaissance Europe*, Baltimore – London, Johns Hopkins U.P., 2005, 117.

Legitimate succession implies its opposite: what was the position of royal and noble extra-marital children? Mikhaël Harsgor wrote a dissertation on the subject, in which he stressed that, although 'bastards' were excluded from the regular succession, they were instrumental for representing their father's interests in the Church, as military leaders and as diplomats. That applied in particuar to the royal and princely families in fifteenth century France and Burgundy. In the latter case, Duke Philip the Good (1396-1467) largely compensated for the difficulty in generating legitimate succession by no less than 26 illegitimate children, many of whom played an important role in public life[20]. King Ferdinand of Aragon was known as a womaniser, though his marriage to Isabella of Castile had all the appearances of being a happy one. Before setting off to a decisive battle against the Portuguese army in 1475, he wrote a will in which he asked his wife to take care of his 'bastard' children and their mothers: «I trust that your royal highness will look after them as well as, or better than, I myself would». His favourite extramarital son Alfonso would later become archbishop of Saragossa. He further expressed the wish that his four-year-old daughter Isabella should be his heir and legitimate successor in the kingdoms of Aragon and Sicily, regardless of any laws, charters, instructions or customs of those kingdoms stating that a daughter could not succeed: «I beg the King, my Lord [and father, Juan II, 1397-1478], to cancel and annul those laws in this case»[21].

At the occasion of Margaret of Austria's (1480-1530) welcoming ceremony in Burgos, March 1497, the royal family was seated on a tiered stage in the palace's Grand Hall. The queen and the king sat highest on the dais, their daughters one step below, and Ferdinand's illegitimate daughter Juana another step down. The ranking was clearly marked, but there was no shame or animosity about the king's extramarital children. In 1475, King Alfonso V

20. M. Harsgor, «L'Essor des bâtards nobles au XVe siècle», *Revue historique*, 514 (1975), 319-54; *La Bâtardise et l'exercice du pouvoir en Europe du XIIIe au début du XVIe siècle*, eds É. Bousmar – A. Marchandisse – Chr. Masson, *Revue du Nord*, Special Issue, 31 (2015); W. Prevenier - W. Blockmans, *The Burgundian Netherlands*, Antwerp, Fonds Mercator, 1985, 225-31, 389.

21. Tremlett, *Isabella*, 126.

of Portugal even married his niece, Henry IV's alleged daughter Juana la Beltraneja, to strengthen his claims to the Castilian crown. That marriage was never consummated and the Portuguese army had to withdraw. La Beltraneja ended in a severe cloister in Coimbra[22].

In general, all strong rulers tried to establish hereditary rule for their own dynasty because it was a method to maintain power and prestige and to exclude intrusive opponents *a priori*. Dynastic continuity and a consolidated central administration facilitated the establishment of hereditary succession. Election, on the other hand, was typical for polities where central power remained weak such as medieval Sweden, the Holy Roman Empire, and the kingdoms of Hungary and Poland. In the latter country, the elections resulted in long periods of absentee foreign kings such as the members of the House of Anjou who combined Polish kingship with that of Naples and Hungary (1285-1386), and the dynastic union of Poland with Hungary under the House of the Jagiellonian grand dukes of Lithuania (1440-1526). The thousands of noblemen assembled in the «Bear garden» outside Warsaw chose the electors of Saxony to rule Poland from 1697 to 1763 who in return guaranteed maximum freedom for the nobility[23]. The lack of central government proved to be a disastrous experiment for the country.

The transition is clear cut in Sweden where in the Middle Ages the leaders of unruly clans traditionally elected a king from their midst. In 1397, through the Union of Kalmar, the kingdoms of Denmark, Norway and Sweden came under a single king who was a grandson of Swedish and Danish kings. Norwegian and Danish dynasties had a tradition of intermarriage, but marriages also brought several members of the Houses of Mecklenburg and Pomerania on the Swedish and subsequently the Scandinavian throne of the Union of Kalmar. The huge territory of these kingdoms and their small population made central rule rather irrelevant and, especially in Sweden, rivalry between magnates went on until one of them, Gustav Vasa, was elected

22. *Ibid.*, 124-25.
23. Sokop, *Stammtafeln*, 70, 73.

regent in 1521 and king two years later, which ended the union of the three crowns[24]. Thanks to his effective rule, he could convince the Riksdag in 1543 to recognise his dynasty's right of hereditary succession in Sweden.

Women's right to rule

In the Empire, the German (or «Roman») king was elected by the College of electors, a procedure formalised in 1356 by the Golden Bull of Emperor Charles IV. Three archbishops and four lay rulers chose the worthiest German prince by simple majority. The Habsburg dynasty nevertheless succeeded in monopolising the position of king of the Romans and eventually emperor since 1438, until the question of succession to Charles VI (r. 1711-40). He happened to have two daughters, while succession to the German kingship was a male prerogative. At the time of Charles' inauguration, his two sisters, his elder brother's two daughters, as well as his own daughters opened the prospect of a uniquely female succession if the Habsburg dynasty should keep hold of the throne. Charles' solution consisted of a solemn Imperial act, a so-called «Pragmatic Sanction», issued in 1713, by which he prescribed that his daughters would under all circumstances take precedence for his succession. However, in 1741 Duke Charles (-Albert) of Bavaria was inaugurated as archduke of Austria and king of Bohemia, while the Estates of Hungary accepted Charles VI's eldest daughter Maria Theresa as their queen. In the Empire, after more than a year's interregnum, the male succession was preserved in the person of Charles VII, who ruled for only three years (January 1742-January 1745). After a major military operation on their territory, the Bohemian Estates opted for Maria Theresa in 1743. Eight years of war were needed to accommodate the Bavarian challengers for the Imperial crown. After Charles VII's death in 1745, the electors accepted Maria Theresa's husband, Duke Franz Stephan of Lotharingia as emperor, which allowed her to be called empress

24. *Ibid.*, 45, 49.

and to assure a semi-Habsburg imperial succession by two of her sons and a grandson[25].

Male primogeniture was the prevailing norm in kingdoms. That also implied succession in the masculine line. The Houses of Lancaster and York, both cadet branches of the Plantagenet dynasty, fought the Wars of the Roses (1455-87) in which scores of royals and princes met a violent end. The protagonists, Henry VI (1422-61, 1470-71) and Edward IV (1461-83), were both fourth generation male progeniture descendants of Edward III. After years of bloody conflict, Henry VII was elevated to the throne in 1485 though he belonged to the fifth generation from Edward III through his mother, Margaret Beaufort[26]. A famous precedent to this rule was set for Henry Plantagenet himself who in 1154 successfully claimed the English throne as the son of Mathilda, a granddaughter of William the Conqueror, in the absence of male candidates[27].

A similar situation occurred in France in 1328 with the young king of England, Edward III, as one of three candidates for the French succession, being a grandson of Philip IV through his mother. The French magnates opted for the indigenous candidate of purely male descent, Philip VI of the House of Valois. The confiscation of the old English duchy of Gascony by Philip, in 1337, was for Edward III the reason to launch a war for its recovery and to re-activate his claim to the French throne. This war would last for 115 years and inflicted huge damage and division on large parts of France. The principle of male descent would necessitate long regencies for the infant Kings Louis XIII, XIV and XV, together lasting 38 years in the period 1610-1723. Interestingly, in the first two cases the royal mothers were allowed to act as regents though influential cardinals kept control.

The right of secondary female succession was considered legitimate as a transitional remedy for the lack of a direct male candidate as happened to Louis of Anjou, King of Hungary (r.

25. *Ibid.*, 6-8; I. Armour, *A History of Eastern Europe 1740-1918*, London, Bloomsbury, 2012.

26. Sokop, *Stammtafeln*, 29; J. Gillingham, *The Wars of the Roses: Peace and Conflict in Fifteenth-Century England*, London, Weidenfeld and Nicolson, 1981.

27. Sokop, *Stammtafeln*, 28.

1342-82) and Poland (r. 1370-82). His first marriage remained infertile, his second brought him two daughters aged twelve and eleven at his death. The eldest, Maria, was made queen of Hungary in 1383, until two years later a male successor was found in the person of Charles the Small, King of Naples, who though died the year after. The Hungarian magnates then decided to join Bohemia under King Sigismund of Luxembourg (1387-1434). Louis' younger daughter Hedwig was elected as queen of Poland at the age of twelve until she was married to the Grand Duke of Lithuania, Jagiello, who inaugurated a long-lasting dynastic union between the kingdom and the grand duchy thanks to the sons by his fourth marriage (1386-1434)[28].

Some strong female personalities nevertheless succeeded in playing a formal, though still transitional role. Margaret Valdemarsdotter, daughter of a king of Sweden and spouse of Haakon VI of Norway (1340-80), acted after his death as regent for her minor son, who had been crowned king of Denmark[29]. After his death in 1387, the assembly of the magnates recognised her as «almighty lady and guardian» of the future king. She ruled as queen consort and effective regent for seventeen years. She was wise enough to adopt her great-nephew, Eric of Pomerania (born in 1381 or 1382), who was recognised as king of Norway while she ruled in Sweden and Denmark. In 1397 she had him crowned in Kalmar as king of the three Scandinavian crowns. Sweden remained unruly and finally left the union in 1523, but Norway and Denmark continued their dynastic union until 1814. In both kingships (the Swedish and the Danish-Norwegian), several queens were recognised as rulers.

In 1572, the death of King Sigismund August of Poland left the Jagiellonian dynasty without male heirs. In 1573, the Diet elected Henri de Valois who was crowned in February 1574. He returned to France in June of that year to succeed to his brother. In December 1575, the Polish Diet elected Sigismund's sister, Anna Jagiellonka, on the condition, prescribed by the old law, as it was discovered by this occasion, that only a married woman

28. *Ibid.*, 70-71, 73.

29. V. Etting, *Queen Margrete I (1353-1412) and the Founding of the Nordic Union*, Leiden – Boston, Brill, 2004.

could act as queen. So a co-rulership and a marriage were arranged with the Voivode of Transylvania, Stephen Bathory, which she accepted at the age of 52. They married and were crowned in May 1576, but their relationship was a distant one. She fulfilled administrative functions and sponsored urbanist projects, while he was primarily involved in the Livonian war. After his death in 1586, she decided to leave the succession to her nephew Sigismund of Sweden, who then was twenty years old.

In Scotland, Mary Stuart (1542-87) was crowned six days after her birth on the death of her father as the first female titled and ruling queen after Isabel of Castile, albeit theoretically for many years. How is this direct break with the general rule of male kingship in Europe to be explained? It is most likely to see here the hand of her shrewd mother, Queen Consort Marie de Guise, who had witnessed her two sons and her husband, King James V of Scotland, die in the previous three years. By securing Mary's royal title, she not only took care of the dynasty's continuity, but also of her own position as regent. Her role as well as that of the two other catholic Queens Mary in those days was violently attacked by the Protestant preacher John Knox, exiled to France. His open letter to Marie de Guise repeated all traditional misogynist qualifications stating that female rule was «repugnant to nature»[30]. And «Bloody» Mary Tudor's (1553-58) repressive religious policy did not make her generally popular in England.

Royal power was traditionally weak in Scotland as clans lived in near-constant rivalry. In 1306, after ten years of English domination Robert the Bruce murdered his rival. He was crowned king but had to flee. He returned to organise resistance against the English occupation which led to the victory at Bannockburn in 1314 and the recognition of Scottish independence by Edward III of England in 1328. This made it possible for Robert to have his infant son David crowned, but David spent most of his life in exile or in prison. The dynasty of the Stuarts was consolidated from 1371 onwards, but a succession of boy kings was unable to prevail over the magnates. In 1513, James V was

30. John Knox, *The First Blast of the Trumpet against the Monstrous Regiment of Women*, ed. E. Arber, London, Southgate, 1878. Online. URL: http://www.gutenberg.org/ebooks/9660 (last consultation 19.03.2021).

crowned as a one-year-old infant but his own two sons died as infants leaving daughter Mary to succeed him. She was lucky enough to spend most of her childhood at the French court, thanks to her mother's close relation and this long-standing political alliance between the two countries. In 1558 Marie was married to the dauphin, who became King Francis II in 1559. He died the next year which prompted Marie to return to Scotland in 1561 as the crowned queen of France and widowed queen consort of Scotland. A combination of factors helps to explain the smooth acceptance of Marie's rule, nominally the third in Europe after Isabel of Castile, effectively preceded in England by the latter's granddaughter Mary Tudor. Marie's lack of male progeniture, her personal royal status, the acknowledgement that the French alliance had to be respected, the political skills demonstrated during her regency since 1554, and the awareness of the lack of royal supremacy in the country, made this option easy to accept for the magnates. However, Marie was never able to assert her authority. Her second spouse died in an attack, she was subsequently forced into marriage with the presumed mastermind of the assault, and the pressure of the threat of a Protestant revolt, made her seek refuge in England. Elizabeth I saw her as a potential traitor, becoming grounds for Marie's beheading after several attempts of regicide against Elizabeth.

In England, the six marriages of Henry VIII left him with one son who survived him by only six years, and two daughters, both of whom ruled effectively. The eldest, Mary Tudor (r. 1553-58), was an austere Catholic in the tradition of her Castilian forebears. In the context of her father's ecclesiastical policy, it is not hard to see her zealous persecution of Protestants as an imitation of her grandmother's conquest of the Muslim kingdom of Granada. Her half-sister Elizabeth (r. 1558-1603) had great authority but no issue. As a result, Mary Stuart's son James, King of Scotland since 1567, would succeed to the English throne, thereby creating a dynastic union.

All these examples demonstrate that the acknowledgement of the legitimacy of female kingship has to be understood in the combination of several preconditions: the absence of male progeniture, the talent and strong character of the incumbent, the

urgency of a major political situation, and the inspiration of role models. In all cases preceding Elizabeth, queens were complelled to marry – in Poland even obliged, as Anna Jagiellonka in 1575 –, not only to meet the greed for power of the candidates, but also to curtail the female temperament.

In all principalities of the Low Countries, including those belonging to the Empire and those to the kingdom of France, from the late twelfth century onwards princesses ruled for protracted periods if no male successors were available[31]. The succession law of the county of Artois is the only one granting priority to the primogeniture of the deceased count irrespective of sex. Consequently, Robert III d'Artois remained unsuccessful in his repeated judicial cases against Countess Mathilde, her daughter Queen Joan and granddaughter Joan II. In the fourteenth century, the county was ruled by a male count during no more than seventeen years. All these female rulers were married women or widows, in many cases remarried. Most female reigns were transitory, shared with their spouses or contested by male competitors. Apart from Artois, the long rules of Joan and Margaret as Countesses of Hainaut and Flanders stand out. Joan was married and inaugurated at the age of twelve after a seven years' regency. One may assume that this peaceful succession expressed respect to Joan's and Margaret's father Baldwin who was crowned Emperor of Constantinople in 1204 but disappeared a year later in Bulgarian captivity. Before leaving for his crusade on Christmas 1200, Baldwin, had legitimated female succession in all fiefs; wich applied to his daughters. Ermesinde is another example of a strong ruler of Luxembourg, a county which she bought and expanded in conjunction with her spouse, Count Theobald of Bar (Table 1).

31. E. Strubbe – L. Voet, *De chronologie van de middeleeuwen en moderne tijden in de Nederlanden*, Antwerp, Standaard Boekhandel, 1960, 357-95.

Table 1 – Female rulership in the medieval Low Countries.

Pincipality	**Rulership**
Hainaut	1049/50-51, 1071-76/81 (Richilde); 1205-1244-1280 (Joan, Margaret); 1345-56 (Margaret of Avesnes); 1417-33 (Jacqueline)
Flanders	1191-94 (Margaret of Alsace and Baldwin); 1205-1244-1278 (Joan, Margaret); 1384-1405 (Margaret, also Countess of Nevers, Rethel, Artois, and Franche-Comté)
Luxembourg	1192-1247 (Ermesinde); 1412-44 (Elizabeth)
Namur	1213-16 (Yolanda & Peter); 1229-37 (Margaret & Henry)
Limbourg	1280-83 (Irmgard); 1355-96 (Joan)
Artois	1302-47 (Mathilde, Joan I & II); 1361-82 (Margaret of France); 1384-1405 (Margaret of Male)
Holland and Zeeland	1345-54 (Margaret of Avesnes); 1417-33 (Jacqueline)
Brabant and Limburg	1355-1405 (Joan)
Guelders	1371-79 (Mathilda)

Conditions

Initially, medieval dynasties derived their name from a founding father such as the Pippinides, Carolingians, Ottons, Rurikids, Vasa, and Jagiellons. Later they were named from the territory which they ruled originally, such as Valois, Hohenstaufen, Luxembourg, Habsburg, Lancaster, York, Bourbon. Dynasties were distinct from the kingdom or principality: the former were mobile and transitory; the latter immobile (as most of the population). Peoples living for long periods of time in a particular setting developed traditions and customs. Together with the common language, worldview, and myths about their common origins, these factors determined a cultural identity. Both the dynasties and the 'nations' – those born in the same place – were social constructs, established through a multiplicity of factors and events that formed common practices and ideas. To be considered legitimate, an heir apparent needed to be formally recog-

nised, originally by the acclamation of 'the people'. The coronation ceremony provided royal power with a kind of sacralisation conferring higher authority with divine benediction[32]. In all cases, a public appearance with all the attributes of the newly acquired dignity had to show the ruler as the link between divine power and earthly people.

The British Isles demonstrate the diversity of the relations of self-recognizing communities and royal supremacy. The wars of Edward I in Wales could have been successful over a people having a common descent, language and customs but lacking political unity. In 1283 he nevertheless felt the need to demand the allegiance of his new subjects, high and low, expressed in oaths of fealty, communal as well as individual[33]. In 1291, he claimed English supremacy over Scotland and Ireland as well, referring to the Trojan Brutus being supreme over his two brothers. Since the death of Alexander III of Scotland in 1286 and his granddaughter's death in 1290 aged seven, the major noble Houses of Balliol, Comyn and Bruce had disputed the succession. In contrast to Wales and Ireland:

> [The country] was an assemblage of at least four or five major peoples, each with its own language, customs, laws, and affiliations; the tensions between them could, and did break through to the surface when the political going got tough [...] while it might have been appropriate [in the twelfth century], at least programmatically, to refer to the «kingship of the Scots», it was certainly premature to speak of a kingdom of Scotland[34].

In the 1290s, it was the English invasion that forged greater unity of the Scots under Robert the Bruce's leadership. In 1317, Pope John XXII tried in vain to impose a truce, and he excommunicated Robert. The ongoing English attacks brought the Scottish clergy and nobles to address three declarations to the

32. E. H. Kantorowicz, *The King's Two Bodies. A Study in Medieval Theology*, Princeton, Princeton U.P., 1957; J. Le Goff, *Saint Louis*, Paris, Fayard, 1996, 95-99, 826-34; C. Beaune, *Naissance de la Nation France*, Paris, Gallimard-Nrf, 1985, 216-25.

33. Davies, *The First English Empire*, 29.

34. *Ibid.*, 56-57.

Pope, one on behalf of the bishops, one by Robert, and the most important a letter by 51 nobles on behalf of «the other barons and freeholders and the whole community of the realm». It pleaded for the right to self-rule of the *Scottorum nacio* (the nation of the Scots) from English domination. The historical references and eloquent Latin rhetoric justify the hypothesis that this declaration was probably written by Bernard of Kilwinning (or of Linton), then chancellor of Scotland and abbot of Arbroath. The letter convinced the Pope to lift Robert's excommunication and to recognise his kingship[35].

The declaration stated that the nobility would choose someone else to be king if Robert the Bruce proved unfit for maintaining Scotland's independence. This has been interpreted by some historians as an expression of constitutional kingship or even popular sovereignty. Given the lack of a constitutional tradition and the exclusively aristocratic position of the political actors, both interpretations seem incorrect; the text does, however, refer to the conditionality of kingship under the barons' discretion.

Much older expressions of popular sovereignty were produced in the context of assemblies of «all the citizens» in the major cities of Flanders during the succession crises of 1127-28. Contemporary chronicler Galbert of Bruges repeatedly applied the notion of *utilitas communis* to the whole *patria*, which referred to the county of Flanders. In the letter sent by one of the competing candidates addressed to the Flemish citizens, he promised to rule beneficially (*utiliter recturus*): «and [I] will be someone who both wishes to and can serve what is of common usefulness for the fatherland» (*talis fuerit qui utilitati communiter patriae velit et possit prodesse*)[36]. The contest for the two successions of the count of Flanders in 1127 and 1128 offered great opportunities for the citizens to expand their liberties and have them cast in formal charters. Competing candidates readily granted whatever claim

35. E. J. Cowan, *The Declaration of Arbroath, 1320: 'For Freedom Alone'*, Edinburgh, Birlinn, 2013, 50; S. Reynolds, *Kingdoms and Communities in Western Europe 900-1300*, Oxford, Clarendon Press, 1997, 273-76.

36. Galbert of Bruges, *The Murder, Betrayal, and Slaughter of the Glorious Charles, Count of Flanders*, ed. and trans. J. Rider, New Haven – London, Yale U.P., 2013, 38 n. 117; 82, 87.

was submitted to them in order to get support. The citizens of Bruges gathered in a general assembly in a large open space where they swore to elect a suitable person as count; many aldermen, good and strong citizens from the surrounding towns, came to join their oaths on the relics of the saints. Legislative autonomy was top of the wish list, on a par with the abolition of feudal duties. Count William of Normandy granted the right of the aldermen to uphold the city's law even if against himself. Moreover, he promised to protect the sworn commune: *communionem autem suam, sicut eam iuraverunt, permanere precipio et a nemine dissolvi permitto*[37]. Chronicler Galbert of Bruges quotes another candidate, the future Count Thierry of Alsace, who allegedly presented himself in a letter sent to the assembled barons and citizens in March 1127 in those terms: «as the count I will be just, pacifying, reasonable and concerned about the common utility and happiness» (*ego* [...] *comes futurus justus, pacificus, tractabilis et utilitatis communis atque salutis provisor*)[38].

The newly elected Count William of Normandy soon provoked urban rebellions by disturbing the peace of the market in Lille and by imposing a viscount in Saint-Omer of whom the citizens said that he «had plundered the citizens' possessions and goods by force and continued to do all he could to pillage them»[39]. In February 1128, the citizens of Ghent rose in rebellion against their castellan for similar reasons. Together with the barons of the county, they called the count to render account of all the breaches of the oaths he had sworn and the privileges he had granted on the occasion of his accession to the throne. Galbert reports a speech by one of the barons, Ivan, in which he publicly accused the count on behalf of the citizens in these remarkable words:

> Lord Count, [...] you have in your own person, despite law and the sacraments, broken the oaths we [i.e. the barons] swore on your behalf concerning freedom from having to pay the toll, the strengthening of the peace, and other judicial decisions granted to men of this land by

37. *Actes des comtes de Flandre, 1071-1128*, ed. F. Vercauteren, Brussels, Palais des Académies, 1938, n. 127, 293-309.

38. Galbert of Bruges, *The Murder*, 82, 87.

39. *Ibid.*, 147-48.

your predecessors [...] and from you, and you have violated your faith and ours, which we swore together in this matter along with you [...]. Let your court meet, if you please, meet in Ypres, which place is in the middle of your land, and let the leaders from both sides and your fellow peers and all the wiser men from among the clergy and people come together in peace and without arms, dispassionately and most attentively, without scheming or bad intention, and decide. If you can acquire the county from that time on, without harm to the honour of the land, I want you to acquire it. If, however, you are of another nature, that is, lawless, faithless, deceitful, and an oath-breaker, give up the county and hand it over to us to entrust it to some able and lawful man[40].

This speech has an extraordinary rhetorical quality, using concepts with subtlety, well informed of current political ideas which had been circulating in the context of the investiture contest. It expresses the fundamental principles of the rule of law in a constitutional monarchy, controlled by an assembly composed of the count's council, enlarged by representatives of the three Estates. No earlier and more precise description is known in European history of this institutional setting in a real political context, including large assemblies of citizens.

All candidates for this succession were aliens to the county, but they were requested to observe the current privileges and even to extend them, which they swore to do. Foreign rulers were more easily accepted as legitimate successors than female eligibles. The stern refusal of Edward III's claim to the French throne in 1328 on the basis of his descendancy from a female line, can be understood in the context of the centuries-long dynastic conflicts and the national reflex against the English domination of Gascony[41]. In other cases of failing progeniture, the preference for the masculine succession line and even that for male rulers was overcome by various arrangements, even the acceptance of queens as legitimate sovereign rulers.

In the patrimonial conception of rulership, the private law of succession applied to public authority over lordships and by extension to territorial principalities and kingdoms. The aristocratic and monarchical tendency towards expansion followed the

40. *Ibid.*, 149-50.
41. Beaune, *Naissance*, 264-79.

current methods of acquiring property wherever an opportunity arose: buying, mortgaging, marital or parental guardianship, inheritance. Such strategies were constrained by considerations such as distance or charasteristics of the teritory and its inhabitants. The royal house of Anjou which in 1154 founded the Plantagenet dynasty in England and the Norman house of Hauteville ruling Sicily from 1161 onwards were early champions of continental expansion. Unparallelled were the Habsburgs who originated from a tiny lordship west of Zürich, acquired Austrian principalities, and monopolised the Imperial crown including the Low Countries and the Iberian kingdoms, including their colonies. Their morbid strategy of inter-marriage lost them the Spanish empire, but they ruled in central Europe until 1918.

Though the age of effective rulership was mostly connected with sexual maturity, examples quoted above, especially those regarding Scotland in the fifteenth century, demonstrate that circumstances sometimes dictated the crowning of very young children. Similarly, regency arrangements depended highly on the political context. In situations where subjects had a say, they tended to express the firm desire that the ruler would not only protect the land, but also guarantee its integrity. From the later Middle Ages onwards, the subjects normally identified themselves with the territory, opposing partition between heirs and alienation by mortgage. This was fundamental in the transformation of monarchy from a patrominial property to a constitutional transformation.

The Low Countries' path to a constitutional monarchy

Disputed successions to the throne and financial need repeatedly brought the dukes of Brabant into a position in which they badly needed the support of their subjects. These managed to secure in return some old privileges as well as new ones. Such was the case for Duke John I of Brabant in 1290-93, after having grossly overspent in a dynastic war. He granted separate charters to groups of abbeys, vassals and cities, acknowledging similar rights to all members of each of these Estates. Citizens felt particularly harmed by confiscations of their goods abroad, in repay-

ment of the duke's debts. The cities insisted on having the vassals' right of resistance explicitly guaranteed in their charters. They were entitled to withhold service should the duke or his officers violate any of the articles. That meant that a feudal right was made applicable to the collectivity of the citizens[42].

The same financial problems continued to hamper Brabant's international trade when in 1312 John II died, leaving a minor son as his heir. In the expectation of a difficult succession, the sickly duke had convened a full assembly of the Estates where he affirmed all their previous privileges. Now, however, he had to make further concessions to the harassed merchants. He was pressed to accept the creation of a permanent Council supervising the observance of the subjects' privileges by the young duke and his officials. This novelty, reminiscent of the Council of 25 barons instituted by *Magna carta* in 1215, was legitimised by «the need, the profit and the common weal and utility of all our countries and subjects, the rich as well as the poor». That argument typically reflected the ideals of the citizens, which would clearly be expressed by the new Council's composition, as four noblemen would be surrounded by no less than ten representatives of the major cities. The first time this right of passive resistance was granted to «all people and our territories in common» was in the so-called charter of Kortenberg of 1312, when Duke John II of Brabant confirmed all the concessions he had made then and in previous years with the following formula:

> If we, our heir or progeny, might act against the issues and articles mentioned above, as a whole or in parts, or violate them in any way, they [i.e. «all the people»] should not support us or our heir or progeny by any service or aid, nor should they be obedient, until the time when we will have corrected or have corrected and restituted all the violations that occurred[43].

42. R. Van Uytven, «Standenprivilegies en –beden in Brabant onder Jan I (1290-1293)», *Revue belge de philologie et d'histoire*, 44 (1966), 413-56: 441.

43. R. Stein, «74 woorden die het verschil maken. Over de ontwikkeling van het Brabantse recht van weerstand», *Noordbrabants historisch jaarboek*, 29 (2012), 46-61; R. Van Uytven, «Het Charter en de Raad van Kortenberg herdacht», *ibid.*, 29 (2012), 16-27.

The contested female succession of 1355-6 created another opportunity for the subjects to formulate their grievances and to request a formal charter with provisions[44]. 34 articles concerning the respect of privileges, jurisdiction, the integrity of the territory, the administration, trade, feudal duties and ecclesiastical franchises were granted on the occasion of the inauguration of the new duchess and her spouse, Wenceslas of Luxembourg, the famous Joyous Entry. It included guarantees excluding the duchy's inheritance by the House of Luxembourg (art. 7), which was not primarily an act of distrust against the foreign prince, but the awareness that he belonged to the close relatives of Emperor Charles IV. That entailed the risk of the prosperous duchy coming under an absentee member of the imperial dynasty, as in the case of Luxembourg itself. This act would be revised and re-issued at all later successions to the duchy of Brabant until 1792. The right of resistance formula, applicable to all categories of subjects, was integrated in this charter, including the suspension of obedience in case of violation[45].

In cases when negotiations did not lead to satisfactory solutions for the grievances, the practice of resistance evidently depended on real power relations. The Flemish resistance against Maximilian's regency in 1482 provoked nine years of internal war leading to submission, as will be commented further. The resistance against Philip II provoked 80 years of war, with success for the monarchy in half of the principalities. Deposition of kings happened repeatedly in unruly late medieval Sweden and in the unique case of German King Wenceslas in 1400. The electors justified their decision by these qualifications: «futility, idleness, negligence and ignobility, unworthy to protect the Holy Roman Empire»[46].

In contrast to the confused transition in Brabant in 1355-56, the next succession was long awaited and carefully negotiated between the years 1395-1404, both with members of the dynasty

44. P. Avonds, *Brabant tijdens de regering van Hertog Jan III (1312-1356). De grote politieke krisissen*, Brussels, Palais des Académies, 1984, 184-91.

45. V. Vrancken, *De Blijde Inkomsten van de Brabantse hertogen. Macht, opstand en privileges in de vijftiende eeuw*, Brussels, ASP Academic & Scientific Publ., 2018, 62-63, 348.

46. P. Moraw, *Von offener Verfassung zur gestalteter Verdichtung. Das Reich im späten Mittelalter 1250 bis 1490*, Berlin, Propyläen, 1985, 258-59.

and with the Estates of Brabant. As the old duchess had remained childless, the Estates agreed with the transition to a member of the House of Burgundy, but they decisively opposed a dynastic union under the future Duke John, of whom it could be expected that he would spend most of his time outside Brabant[47]. His younger brother Anthony became the successor, and he confirmed the inauguration charter of 1356 with only minor adaptations[48]. The Council composed by delegates of the cities and nobility, created in 1312 to supervise the legitimacy of the government's actions, proved an ineffective instrument. In the political practice, the ongoing process of negotiations with the cities and the Estates worked far better[49].

The effects of constant political pressure can be shown in the case of the succession by Duke John the Fearless as count of Flanders in 1405. In view of his inauguration, the Four Members of Flanders (i.e. the three capital cities and the large and rich rural district around Bruges) collected grievances from local communities in each of the county's quarters. These were presented to the duke and answered in writing during a ceremonial meeting in the court in Ghent. The five articles concerned the wish to have the count or his spouse in residence in the land, assisted by indigenous councillors and judges knowing the land's language, rights, laws, privileges and customs. They also expressed concrete wishes concerning the defence of the territory and trade relations with England. All issues were addressed effectively in the following years except for the duke's and duchess's residence, which was exactly the objection raised previously by the Estates of Brabant. The articles and responses were printed on behalf of the Estates of Flanders in the pre-revolutionary climate of 1787-8, as one of the 24 documents they then saw as relevant precedents to oppose Emperor Joseph II's autocratic rule[50]:

47. A. Uyttebrouck - A. Graffart, «Quelques documents inédits concernant l'accession de la Maison de Bourgogne au duché de Brabant (1395-1404)», *Bulletin de la Commission royale d'Histoire*, 137 (1971), 57-137.

48. Vrancken, *De Blijde Inkomsten*, 348-50.

49. A. Uyttebrouck, *Le Gouvernement du duché de Brabant au bas Moyen âge (1355-1430)*, Brussels, Éditions de l'Université de Bruxelles, 1975, 521-50.

50. *Verzameling van XXIV origineele charters, privilegien en keuren van de provincie van Vlaenderen*, Ghent, B. Poelman, 1787-88, n. 7; *Handelingen van de*

1. Request to take his and his spouse's residence in the county; if he has to leave, to let the duchess stay with full powers, accompanied by councillors «knowing this country's nature, [...] considering the great damage previously suffered through the prince's absences»;

2. To preserve the land's rights, laws, privileges, and customs as in Count Louis' time (1346-84), the councillors using the Flemish language, and to relocate the High Court of Justice [from Lille] into the Flemish-speaking part of the county;

3. To urgently negotiate a treaty with England to restore free trade which is vital for the county. Friendly relations and speedy management of disputes are essential to attract foreign merchants;

4. To maintain and protect the town of Gravelines and the Westland;

5. To use the Flemish language in the county's government, «as did your grandfather» [Louis, Count of Nevers, Rethel, Artois, Franche-Comté] and the Regent of Brabant [Antoine], and the Count [William VI] of Holland [and Hainaut], «where Welsh is spoken».

The Brabantine tradition of constitutional documents, most of which were related to problematic successions, provided the model for the whole of the Low Countries from 1477 onwards. The death of Duke Charles the Bold on the battlefield left his territories in deep financial and institutional crisis, acute invasions by French armies, and a totally unprepared female successor. The Estates General immediately recognised Duchess Mary, though on condition of addressing a list of twenty grievances requesting *inter alia* incisive judicial reform, the confirmation of established privileges and far-reaching control by the Estates over the government. The general inauguration privilege issued at that occasion extended the Brabantine formula of the right of resistance in case of violation to all subjects individually[51]. One of the most important issues to be discussed with the Estates Gen-

Leden en van de Staten van Vlaanderen (1405-1419), ed. A. Zoete, Brussels, Palais des Académies, 1981, I, 14-23.

51. R. Wellens, *Les États Généraux des Pays-Bas, des origines à la fin du règne de Philippe le Beau (1464-1506)*, Kortrijk-Heule, UGA, 1974, 153-74; *1477. Le privilège général et les privilèges régionaux de Marie de Bourgogne pour les Pays-Bas*, ed. W. P. Blockmans, Kortrijk-Heule, UGA, 1985, 47-63, 85-95, 595-16; H. G. Koenigsberger, *Monarchies, States Generals and Parliaments. The Netherlands in the Fifteenth and Sixteenth Centuries*, New York - Cambridge, Cambridge U.P., 2001, 42-52.

eral was Duchess Mary's marriage. The Estates General sent a delegation to negotiate directly with Louis XI at the very moment that his troops occupied Artois. While the delegates hoped to obtain an armistice in return for the prospect of marriage of the duchess with the dauphin aged six, he played them off against Mary's councillors. One month thereafter, a small number of members of the Estates General unanimously applauded her decision to follow her father's plan to marry her to Maximilian of Habsburg. They formulated just one condition for their consent: her spouse should confirm all the privileges of her lands, including those she had granted since her father's death. She promised to ensure this[52].

Exactly this issue would become a huge stumbling block, as the Austrian prince had grown up in a world of chivalric fantasies which he pursued until his old age, as he demonstrated in his three autobiographical tales *Freydal*, *Theuerdank* and *Weißkunig*, of which Hans Burgkmair the Elder's hundreds of woodcut illustrations are the most valuable part[53]. During his extensive inaugural roundtrips through the principalities, he willingly confirmed and even extended the privileges of each place he visited. He personally performed these ceremonies in 1477-78 in his quality of prince consort, and as regent and tutor for his children in 1482 and 1508[54]. However, in day-to-day politics he instructed his administration to disregard the concessions his spouse had made during the difficult first months of her reign. After their marriage, she left all government affairs to him, and he eagerly engaged in warfare with France, hoping for the recovery of lost territories. In his view, the enormous economic damages of this policy did not outweigh his dynasty's and his personal honour. This brought him into conflict with the citizens' interests which resulted in the Three Members (the capital cities) of Flanders refusing to recognise him as regent after Mary's accidental death in 1482. Initially in agreement with Maximilian, they installed a

52. Wellens, *Les États Généraux*, 166-70, 434-36.

53. L. Silver, *Marketing Maximilian. The Visual Ideology of a Holy Roman Emperor*, Princeton, Princeton U.P., 2008, 147-68.

54. J. G. Smit, *Vorst en onderdaan. Studies over Holland en Zeeland in de late Middeleeuwen*, Leuven, Peeters, 1995, 226-36, 245-47.

regency Council, thus making the unprecedented point that his recognition as regent by all the other principalities in the Low Countries did not necessarily have effect in Flanders. Inauguration required recognition in each and every principality individually. He nevertheless made that conflict escalate into nine years of internal wars, during which he, now king of the Romans, was held in captivity in Bruges for more than three months in 1488[55]. In the following years his troops systematically reconquered the county, and he took care to have Mary's privileges of 1477 excluded from the inaugural oaths his son Philip swore in 1493.

Nevertheless, the principles formulated in these privileges remained firmly instilled in the minds and archives of the indigenous local and regional authorities. In the second half of the sixteenth century, the Estates fiercely opposed the Inquisition and other exceptional courts installed by the Spanish authorities to repress the Reformation. They referred to the concepts, expounded in the charters of the fourteenth and fifteenth centuries, including that citizens ought to be protected by the law of the land, privileges and customs, and sentenced in their own language by courts composed of local judges acquainted with the existing law. In 1577 the Estates General protested against Don Juan's military actions as governor general, stating to Philip II that they did not accept to be treated «as slaves of the Spaniards», but instead expected their privileges to be observed which he had in person sworn to uphold during his tour through the Low Countries in 1549. They would accept as governor general a prince of Austrian blood, «pourveu qu'il [...] ne soit des humeurs d'Espaigne»[56]. These principles formed the constitutional basis for the Estates General's inauguration act or «Conditions» sworn by Archduke Matthias of Habsburg whom they had invited themselves as governor general[57]. They also featured in the «articles

55. W. P. Blockmans, «Autocratie ou polyarchie? La lutte pour le pouvoir politique en Flandre de 1482 à 1492», *Bulletin de la Commission royale d'Histoire*, 140 (1974), 257-368; R. Wellens, «La Révolte brugeoise de 1488», *Handelingen van het genootschap «Société d'Émulation de Bruges»*, 102 (1965), 5-52.

56. J. J. Woltjer, *Op weg naar tachtig jaar oorlog*, Amsterdam, Balans, 2011, 425-30: 427.

57. G. Griffiths, *Representative Government in Western Europe in the Sixteenth Century*, Oxford, Clarendon Press, 1968, 463-68; Koenigsberger, *Monarchies*, 281-83.

and conditions» the Estates General submitted to François-Hercule de Valois, Duke of Anjou in 1580 in view of his acceptance of the role of «prince et seigneur» of the provinces sustaining the revolt. The same principles were expounded at length in the Estates General's Act of Abjuration of Philip II of 1581, the earliest and most explicitly argued act demonstrating the illegitimacy of the policy imposed by of mightiest ruler in Europe[58].

Conclusions

In the cases mentioned in this article, it could be observed that the elective system for rulers, which was typical among early medieval Germanic peoples, naturally tended to become hereditary. That applied even to the system of the German kingship where the election by seven electors soon became the occasion for dealings preventing centralisation of power. In the case of the election by hundreds of noblemen in Poland, real choices occurred only when there was no direct male heir; in those situations, the noblemen proved to be primarily sensitive to their individual interests as well as to external influences, to the detriment of the common weal. Legitimate birth was normally a requisite, albeit that in fourteenth century Iberia two opposite cases were deemed acceptable because of the lack of alternatives and given the candidates' personal merits. Foreign princes were generally accepted because of the patrimonial idea of state power on condition of respecting the law of the land, choosing indigenous councillors and appointing officials acquainted with the language, law and customs, and being approachable. On the level of kingdoms, female succession was legitimised exceptionally as a transitional stage. The notable exception of Isabel of Castile can

58. Griffiths, *Representative Government*, 490-504; Koenigsberger, *Monarchies*, 262-304; W. Blockmans - P. Van Peteghem, «La Pacification de Gand à la lumière d'un siècle de continuité constitutionnelle dans les Pays-Bas», in *Herrschaftsverträge, Wahlkapitulationen, Fundamentalgesetze*, ed. R. Vierhaus, Göttingen, Vandenhoeck & Ruprecht, 1977, 220-34; *Plakkaat van Verlatinge 1581. Facsimile-uitgave van de originele druk. Inleiding, transcriptie en vertaling in hedendaags Nederlands*, ed. M.E.H.N. Mout, The Hague, Historische Uitgeverij, 2006 (1979).

be understood given the specific situation of the Reconquest. Her example inspired her granddaughter Mary Tudor in 1553. The latter's half-sister Elizabeth followed in 1558, and Mary Stuart in 1561 (nominally in 1542). Christine of Sweden (1632/1644-1654) was only six when her father died on the battlefield. There was no doubt about her succession, given the dramatic circumstances, the lack of an alternative, and the exceptionally qualified role of Chancellor Axel Oxenstierna who secured the regency. However, she spontaneously decided to resign. In 1718, following the disastrous Great Nordic war, objections were raised against the royal succession by Ulrike Eleonore, who quickly stepped down for her consort.

In the case of the principalities of the Low Countries, female successions were generally accepted. Repetitive succession crises led Brabant to the formulation of increasingly elaborate conditions in the inauguration charters. These developed into the ideological basis for the deposition of Philip II of Spain by the Estates General because his government had systematically violated the legal and spiritual traditions of the Low Countries.

Abstract

Wim Blockmans, *Legitimating Rulers in Europe and the Low Countries*

An examination of the practice of princely succession across Europe during the *Ancien Régime* shows that local authorities generally accepted foreign rulers if their claims were considered legitimate according to the patrimonial idea of monarchy. Succession by election tended towards the practice of hereditary rule or the decentralisation of power, as in the Holy Roman Empire and Poland. In general, monarchs had to promise to respect the law of the land and to accept indigenous councillors and officials. Depending on local traditions and power relations, the outcome ranged from the «naturalisation» of the dynasty (as in «Habsburg» Spain after 1518) to the strengthening of constitutional arrangements (as in Sweden in 1718) and «abjuration» and even revolt (as in the Low Countries in 1576-81).

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Éloïse Adde

THE 'NATURAL LORD', NATURALNESS, AND THE NATION: NATURALISING THE STATE IN THE CZECH LANDS IN THE THIRTEENTH, FOURTEENTH AND FIFTEENTH CENTURIES

The concept of 'natural lord' (*dominus naturalis*) was developed in the Middle Ages by jurists, publicists and theologians to reinforce a ruler's power. Etymologically, it referred to legitimate birth, *naturalis* being formed from the word *natus*, not *natura*[1]. The 'natural ruler' was the one who, by belonging to the ruling dynasty, was legitimate and fit to rule, who embodied the stability and continuity necessary for good government as explained by Giles of Rome in *De regimine principium* (1277-79)[2], whose thinking encapsulated the scholarship on the matter. In practice, the lexical similarity between *natus* and *natura* was widely exploited, the amalgam enriching the meanings and uses of the term.

This reflection took place at a time when competition between states was transforming their internal way of working. Because of new material necessities (administration, warfare, taxes), government was no longer directed to the fulfilment of moral ends, but to the preservation of the state. In the Middle

1. M. Senellart, *Les Arts de gouverner. Du 'regimen' médiéval au concept de gouvernement*, Paris, Seuil, 1995, 185.

2. Although he considered the election the fairest way to appoint a successor to the throne, Giles thought that, as all men were corrupt, heredity was better: a king who knew that he would pass on his kingdom to his son might govern it as his property, making it grow for the profit of his son, which also benefited his subjects. See Giles of Rome, *De regimine principum libri III, per Fr. Hieronymum Samaritanium* […] *cum vita auctoris (ab Angelo Rocca) in lucem editi* […], III, 2, 5, Rome, B. Zannettum, 1607, 462.

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Ages, power was subject to spiritual purpose. Gradually, however, sovereignty ceased to have anything to do with providential aims; it became the source of power struggles with its preservation being the goal. Governmental ends were redefined not in terms of the common good or the prince's interest, but in terms of the state's needs[3]. In parallel, the emergence of the modern state meant the gradual rupture with the dynastic state and the dissociation between *imperium* (public power) and *dominium* (private power)[4]. To consolidate his power, the king embraced the idea of a transcendent power that made his person less essential, which was not without contradiction as we will see.

The notion of 'natural lord' was to support both the ruler and the state he embodied. Naturalness relied on the self-evidence of its existence which did not have to be explained or proved. This is very clear in the Czech case. The term 'natural lord' first appeared in pragmatic and narrative sources, along with the words 'nation' and 'community of the realm', at a time when the central power was strongly challenged and the young King Wenceslas II, who had just succeeded his father in 1278, was kidnapped by his regent, Otto V the Long of Brandenburg in 1279. Weakening the state, this pivotal event strengthened in turn the legitimacy and the power of the nobility who appeared to preserve the integrity of the Crown and ensured Wenceslas' return. Already accustomed to administering the kingdom during Přemysl Ottokar II's absences, the nobility came to represent the country's interests at home as well as abroad[5].

Yet it was at the initiative of this ambitious nobility, habitually in conflict with the king, that the term 'natural lord' was formalised. At the end of the thirteenth century, the Czech lords therefore entrenched a notion aimed at consolidating the king's power, although all their actions aimed precisely at limiting it. What was the meaning of this apparent paradox? If the lords had

3. Senellart, *Les Arts*, 42.

4. P. Bourdieu, «From the King's House to the Reason of State: A Model of the Genesis of the Bureaucratic Field», *Constellations*, 11/1 (2004), 16-36: 28.

5. On these events and transformations, see É. Adde, «*De malis, que post mortem regis Przsemysl acciderunt*. L'impact de l'enlèvement du roi Venceslas II sur la vie politique en Bohême», *Cahiers de recherches médiévales et humanistes* (CRMH), 39 (2020), 27-42.

arrived at this point, it was almost certainly because they expected to gain something from it. I try to overcome this apparent contradiction by placing the notion of a 'natural lord' into the various discourses of as many contexts as possible of its uses in the kingdom of Bohemia from the end of the thirteenth until the first half of the fifteenth century, to show its polysemy and malleability. This analysis requires broad consideration about the notion of naturalness induced in the expression 'natural lord'. While the expression did not etymologically rely on nature, it increasingly referred to a concept of the 'natural' and 'naturalness', the understanding of which is then crucial to grasping the expected effects of its use in the political sphere. In a dynastic state, the 'natural lord' was usually from the right family, with biological reproduction playing a crucial role. Rulers tended to exploit the importance of blood to lock in access to a naturalness that provided power. Conversely, groups competing with them and whose members did not belong to the ruling dynasty tended to link naturalness with factors not exclusive to the ruling dynasty (country, culture, common good) in order to maximise the potential of the concept for them.

The first part of this article is devoted to the first occurrence (and use) of the expression in Czech sources in the context of Wenceslas (II)'s abduction by his regent and the strategy used by a Czech nobility willing to strengthen its power. The second part focuses on the thematisation of the figure of the foreigner in the redefinition of naturalness, a naturalness that ceased to be intrinsic to the king at the beginning of the fourteenth century following the death of the last Přemyslid, the new king being a foreigner, but started to be linked to the nation. The third part focuses on the 'natural language', considering the polysemy of the term *jazyk* in Czech, meaning both language and nation; it will show how the Czech noblemen managed to be the bearers of 'naturalness', and thus the 'natural lords' of Bohemia at the beginning of the fourteenth century. The fourth and final part compares two opposing experiences: while Charles IV's biologisation of nature aimed to reduce the power of the lords, George of Podebrady's advent to the Bohemian throne marked the triumph of collegiality and nobility.

From the princely dynasty of the king to the noble family of the lords

At first glance, the figure of the 'natural lord' appears at odds with representations and expectations of nobility. Indeed, it went hand in hand with the consolidation of the ruling dynasty whose continuity and durability went hand in hand with that of the state, which in turn strengthened the power of the ruling family. Natural was the ruler who belonged to the dynasty linked to a given country, a dynasty which provided it with successive heirs. In the Middle Ages, the dynastic state was the norm and ruling families had to interweave their destiny with that of the state they both ruled and embodied; in constant need of asserting their durability, states benefited from perpetuating themselves through dynastic continuity[6]. From then on, the emphasis on the 'natural lord' resolutely asserted the superiority of hereditary monarchy over the elective principle and was based on the idea of the uniqueness of the king and his family[7].

However, the nobility provided the basis for the use of the term 'natural lord', first appearing in the charter connected to the Diet of May 1281: *W[enceslaus], filius quondam illustris regis Bohemiae Premizl, princeps et dominus noster naturalis*[8]. King Wenceslas II (r. 1278-1305) was the son of Přemysl Ottokar II (r. 1253-78), who died in the Battle of Marchfeld against the

6. J. Duindam, *Dynasties. A Global History of Power, 1300-1800*, Cambridge, Cambridge U.P., 2016; *Kinship in Europe: Approaches to Long-Term Development (1300-1900)*, eds D. W. Sabean – S. Teuscher – J. Mathieu, New York – Oxford, Bergham Books, 2007.

7. J.-Ph. Genet, «La Légitimité de la succession par hérédité au Moyen Âge en France et en Angleterre: théorie et pratique», in *Les Luxembourg, entre projet dynastique et construction de la domination entre perspectives globales et locales*, eds É. Adde – M. Margue, Vienna, Böhlau – Regesta Imperii, 2024 (forthcoming). Heredity and election are very much intermingled in their working. The hereditary principle must have a beginning in some sort of selective struggle, such as the military and commercial competition from which privileged families have emerged in the past. On the other hand, inherited advantages, even in the freest society, enter powerfully into every kind of competition. See also P. Monnet, «Un Empire, des couronnes: royautés électives et unions personnelles au cœur de l'Europe», in *Histoire du monde au XVe siècle*, ed. P. Boucheron, Paris, Fayard, 2009, 155-74.

8. RBM, ed. J. Emler, II, Prague, Typis Gregerianis, 1882, 535, n. 1238 (1281).

King of the Romans Rudolf of Habsburg (r. 1273-91)[9]. Born in 1271, Wenceslas was too young to reign upon the death of his father. Following Ottokar's last wishes, Queen Kunigunda turned to her sister-in-law Beatrix of Bohemia, mother of the Margrave of Brandenburg, Otto V the Long (r. 1267-98)[10]. The latter became Wenceslas's regent. But eager to profit from the situation (the Czech kingdom was rich and he expected to get a ransom), Otto kidnapped the young king in 1279[11] when the power of the nobility was at its height. In the absence of the king, the Czech lords administered the country alongside the Bishop of Prague, Tobias of Benešova (Bechyně), and represented Bohemia's interests in negotiations with Otto V and Rudolf of Habsburg.

The Diet of May 1281 was a crucial step for the Czech lords. At the beginning of the troubles in 1280, the lords and burghers were united against Otto of Brandenburg[12]. The towns of Prague and Kutná Hora sent representatives to the assembly convened by the margrave to negotiate a truce and the release of the king on December 25 of the same year[13]. A few months later, how-

9. Once elected king of the Romans, Rudolf went to war with the king of Bohemia to recover the territories the latter had improperly seized during the period known as the Great Interregnum (1250-73), among others, the duchy of Austria and the Babenberg inheritance, which was to revert to the king of the Romans as it had fallen into disuse after the extinction of the Babemberg dynasty that ruled it. See Adde, «De malis»; J. Žemlička, *Přemysl Otakar ii., král na rozhrání věků*, Prague, Lidové noviny, 2011, 128-50 (on the expansionist program of the king) and 397-403 (on the conflict against Rudolph).

10. The war was not finished. Rudolph came with his troops to Moravia and the queen expected also his military support. The decision to entrust the regency to Otto of Brandenburg had been taken during the peace negotiations between Bohemia and the Empire which took place during the autumn 1278.

11. Wenceslas was released in 1283, when the regency period came to an end after five years.

12. *Annales de rebus gestis post mortem Przem. Ottakari regis*, *Fontes Rerum Bohemicarum*, ed. J. Emler, Prague, Nákladem musea království českého, 1874, II, 335-76: 341.

13. Otto had failed to impose his authority over Bohemia which was supposed to be subject to him as Wenceslas' regent. The result was permanent war. As part of these negotiations, he agreed to order the expulsion within three days of all Germans who had come to the country with the sole aim of committing looting. Prague Bishop Tobias of Benešova

ever, no mention was made of the burghers, who were not invited to the royal Diet of May 1281. The charter related to this event (and mentioned above) speaks only of the «community of barons» (*universi barones regni Bohemiae*)[14] and Bishop of Praguen Tobias of Benešova (Bechyně) as its issuers. Over time, the lords had established themselves as masters of the country and excluded the towns from decision-making processes. The two concepts of 'natural lord' and «community of the realm» (*universitas* or *communitas regni* in Latin; *zemská obec* in Czech) and their respective uses were developed and formalised in correlation and in the same texts.

By the thirteenth century, the nobility had become a major actor in political life with whom the king was obliged to collaborate. Significantly, on the symbolic level, the Czech lords had succeeded in capturing the legacy of Saint Wenceslas. Assassinated by his brother Boleslav in 935, Duke Wenceslas became a martyr and saint immediately after his death, when a cult of Wenceslas grew up in Bohemia supported by the Přemyslid dynasty (which had not yet brought the whole of Bohemia under its authority). Based on Gabor Klaniczay's typology, Bohemia was one of those late christianised states in need of legitimacy which, to compensate for lost time, had early on developed the cult of one of their rulers[15]. The cult of Wenceslas consolidated both the dynasty and the state. Prague became a bishopric in 973 CE by uniting the newly christianised Czechs under the patronage of the man who became their patron saint. Saint Wenceslas was an important symbol, and the locution *familia sancti Wenceslasi* came to represent Bohemia, the dynasty, and the nation, all together[16]. Coined by the author of the first

(Bechyně) was appointed administrator of the kingdom. They decided that Otto would hand Wenceslas over to Tobias in return for the sum of 15,000 silver *talents*, to be collected as part of the general tax levy. See *Annales de rebus*, 340, 353-55; L. Jan, *Václav II. Král na stříbrném trůnu*, Prague, Argo, 2015, 46.

14. RBM, II, 535, n. 1238 (1281).

15. G. Klaniczay, *Holy Rulers and Blessed Princesses. Dynastic Cults in Medieval Central Europe*, Cambridge, Cambridge U.P., 2002, 103-6. We find such early holy rulers in Scandinavia and Central Europe.

16. F. Graus, «Hagiographische, dynastische und nationale Strömungen in der tschechischen Historiographie des 14. und 15. Jahrhunderts», in *L'Histo-*

continuation of Cosmas' chronicle, the so-called Canon of Vyšehrad (c. 1140), the locution is used to describe the widespread rejoicing after Soběslav's victory over the Saxons in 1126: «And there was indescribable joy for both clergy and laity throughout the family of Saint Wenceslas»[17]. The Czechs were staged as one big family. But gradually, as the lords worked as a group, concretely defined by status and privileges, the nobility came to embody (alone) this 'family of St. Wenceslas'. In Ernst Kantorowicz's theory of the king's two bodies, the Czech nobility embodied the supernatural body, immortal, entirely devoid of weaknesses, never mistaken, and embodying the entire kingdom. This was in opposition to the natural king, abandoned to his natural body. Kantorowicz's theory has been mobilised above all to illuminate the complexity of royal power, which is both personal (held by a family and legitimised by the law of blood) and public (detached from the person and legitimised by a higher authority, such as the Crown or the state). In some polities, for example Bohemia, the depersonalisation of royal power benefited the nobility which was more proactive and able to embody the abstraction of the state.

In the Middle Ages, the state was closely interwoven with kinship structures which, as Maurice Godelier argues, should not be classed as a superstructure in traditional societies, but as a genuine production unit[18]. The dynastic state was identified

riographie médiévale en Europe, ed. J.-Ph. Genet, Paris, Éditions du CNRS, 1991, 209-16: 210; D. Třeštík, «Die dynastischen Heiligen und Landespatrone: Wenzel, Ludmilla und Adalbert», in *Europas Mitte um 1000. Beiträge zur Geschichte, Kunst und Archäologie*, eds A. Wieczorek – H.-M. Hinz, Stuttgart, Wissenschaftliche Buchgesellschaft Darmstadt, 2000, II, 834-88; J. Kalivoda, *Nejstarší svatovováclavská hagiografie v evropském literárním kontextu přelomu tisícileta*, in *Svatý Václav*, ed. P. Kubín, Prague, Togga, 2010, 51-60; J. Nechutová, *Die lateinische Literatur des Mittelalters in Böhmen*, Cologne – Vienna, Böhlau, 2007, 41-54.

17. Canonicus Wissegradensis, *Continuatio Cosmae*, in *Fontes Rerum Bohemicarum*, ed. J. Emler, Prague, Nákladem Musea království Českého, 1874, II., 201-37: 203-4: «Factum est autem inenarrabile gaudium tam clericis quam laicis per totam familiam sancti Venceslai».

18. M. Godelier, *The Metamorphoses of Kinship*, London – New York, Verso, 2011, 10-11. Lévi-Strauss considered kinship as a superstructure, i.e. as separated from and shaped by the material structure (Cl. Lévi-Strauss, *La Pensée sauvage*, Paris, Presses Pocket, 1962).

with the king's household, and the king exercised his power as head of the household. Political relations were not separate from kinship relations but were instead conceived on that basis. At the same time, the king used the household to build the state as an administration and as a territory that gradually escaped from the logic of the 'house'. That illustrates the «ambiguity of the dynastic state», which presents some modern features[19], as well as the ambiguity of the symbols manipulated by both the king and his competitors.

Although universally present in all societies, kinship is anything but universal and invariant[20]. It cannot be reduced to the biological requirements of reproduction. As Maurice Godelier wrote, «Kinship is fundamentally a world of both biological and genealogical ties between same-sex or opposite-sex individuals of the same generation or of different generations following in time»[21]. Kinship is not only biological – it has less to do with the needs of reproduction than with the political and religious ideas of human societies. But nowhere are the relations of kinship or the family the keystone of society[22]. According to the common sense, kinship remains an exclusively naturally given organism and the fundamental unit of any society[23]. This conviction was even stronger in the Middle Ages. By insisting on its similarity to the family, as a vast family network itself, the nobility enjoyed more legitimacy, a natural legitimacy, than the bourgeoisie mostly unified only by class interests. Events confirmed this development: the extinction of the Přemyslid dynasty after the assassination of Wenceslas III in 1306 had finally disassociated the natural body of the king, discredited as now embodied by a foreigner, John of Luxembourg (r. 1310–46), from the legitimate mystical body embodied by the nobility.

19. Bourdieu, «From the King's», 20. In the same state coexist the autonomy of the jurists which can be qualified a modern attribute and the coronation which is an archaic rite.

20. J. Goody, *The Development of the Family and Marriage in Europe*, Cambridge, Cambridge U.P., 1983.

21. Godelier, *The Metamorphoses*, 8.

22. *Ibid.*, *passim*.

23. É. Dürkheim, *Introduction à la sociologie de la famille*, Paris, Minuit, 1975 (1888).

Foreigners and the construction of the territory

The use of the concept of a 'natural lord' was formalised at a time of massive presence of foreigners in Bohemia after the death of Přemysl Ottokar II at the battle of Marchfeld[24]. Tense years from 1278 until 1283 saw the first stage in the thematisation of the Germans as a problem for the Czech lands. *On the unfortunate years that followed Premysl Ottokar II's death*, a chronicle written in Latin around 1283 by a canon of Prague's cathedral church chapter, is the first account written in Bohemia to demonise Germans as a group: said to be evil by nature[25], they are compared to bats or weeds[26]. In his narrative describing Wenceslas's abduction by Otto of Brandenburg, the author insists on the German and Saxon origins of the perpetrators of the alleged ill-treatment inflicted on the young king and his mother during their captivity[27]. Even the boorish language of the Brandenburgers is an insult to the their refined ears[28]. In Bohemia, the Czech people and their church were being pillaged by Otto's men, their suffering corresponding to that of the king and the queen. The author also devotes a long passage to the pagan origins of the Saxons and takes stock of their shameful and unorthodox customs[29]. This demonisation of the Germans served

24. Despite the king's death, the war was not over, and the troops of Rudolf of Habsburg and Otto, Margrave of Brandenburg were still stationed in Bohemia.

25. *Annales de rebus*, 344.

26. *Ibid.*, 354.

27. In reality, the fortress of Spandau was not isolated, as the Czech chronicles claim. Margraves John I and Otto III had helped to make it a center of courtly culture. The level of comfort and culture was inferior to that of the Prague court, but Wenceslas led a normal existence there, receiving an education in keeping with his rank, which certainly does not allow us to minimise the damage suffered, but does put it into perspective. See D. Dvořáčková-Malá, «Braniboři v Čechách a zajetí Václava II. (česko-braniborské vztahy ve 13. století)», in *Korunní země v dějinách českého státu. II., Společné a rozdílné – Česká koruna v životě a vědomí jejích obyvatel ve 14.-16. století: sborník příspěvků přednesených na kolokviu pořádaném ve dnech 12. a 13. května 2004 v Clam-Gallasově paláci v Praze*, Prague, Albis international, 2005, 129-58: 136.

28. *Annales de rebus*, 346.

29. *Ibid.*, 363-65.

to thematise and clarify the idea of naturalness. The chaos portrayed dramatically by the sources highlighted the natural and good character of the Přemyslid king's rule, as diametrically opposed to the hostile one provided by Otto and his men, in a perspective associating nature, divine plans, and goodness[30]. The chaos was due as much to the absence of the natural lord as to the presence of non-natural forces in the Czech lands.

In line with the etymology of the word, the notion of 'natural lord' is contextualised and conceived in opposition to the foreigner. 'Natural' then takes on the meaning of local, autochthonous; and the repeated use of the formula implies that what is autochthonous is natural and therefore in the order of things unlike alternatives from elsewhere, particularly Germany. This is obvious in the *Chronicle of Zbraslav* (*Chronica Aulae Regie*), when Abbot Otto of Thuringia describes how the Czech lords voted to be subject to their natural lord, despite his weakness, rather than suffer the yoke of a foreign government[31]. In the summer of 1282, Otto went to Bohemia with Wenceslas to collect the money owed to him under the pact signed in December 1280[32]. But in addition to the 15,000 talents, he demanded 20,000 talents for the care and education he had lavished on his protégé[33]. As the lords were unable to provide such a sum, Otto sent Wenceslas back to Dresden. Short of cash and metals, the Czech lords resigned themselves to pledging him a series of strategic castles and towns, such as Děvin, Ústí, Most, Ronov, and Bezděz[34]. Located on the border with the territories of Görlitz and Bautzen, which were subject to the Brabendburgers, these Czech castles and towns were likely to fall under their

30. J. Krynen, «Naturel. Essai sur l'argument de la Nature dans la pensée politique à la fin du Moyen Âge», *Journal des savants*, 1982/2, 169-90: 172.

31. *Chronica Aulae Regie*, eds A. Pumprová – L. Jan, in *Monumenta Germaniae Historica*, Wiesbaden, Harrassowitz, 2022, 34: «Nobiles autem naturali suo domino quantumcunque debili pocius subesse, quam a commodato torquieri domino eligentes».

32. The sum had to be collected on 1st May 1281 as part of the general tax he was entitled to levy as administrator of the kingdom (*Annales de rebus*, 353-55; Jan, *Václav*, 46). But the issue was not resolved by year 1282.

33. *Annales de rebus*, 366-67; Jan, *Václav*, 61.

34. *Annales de rebus*, 366.

permanent rule in the future. But as described in the sources, the Czech lords were ready to risk losing part of Bohemia's territory to end Otto's regency and ensure Wenceslas's return. The sources describe him as weakened by his captivity, exaggerating the situation to portray the young king as a martyr and to emphasise the strong attachment of the lords to their 'natural lord', to naturalness, which takes precedence over all else[35].

The extinction of the Přemyslid family in 1306 provided an opportunity to clarify the notion. In the sources dedicated to Wenceslas's abduction, we already see that naturalness did not benefit only the king, but also the Czech lords who reestablished the natural order when Wenceslas eventually came back. The link to the dynasty fades in favour of the country and the «nobles of the country» – the *nobilites terrae*[36] – who worked for the return of their «natural lord». After Wenceslas III's death in 1306, Bohemia experienced a period of political turmoil. Albert of Habsburg, the Roman King (r. 1298-1308), installed his son Rudolf on the Czech throne, despite the election of Henry of Carinthia by the Czech nobles and patricians[37]. Fully sovereign, the kingdom of Bohemia was still nevertheless a fief of the Holy Roman Empire. But Rudolf died in July 1307, so the Diet convened in the same month installed Henry of Carinthia who[38], however, proved unable to command full support. Meanwhile, Albert of Habsburg had been assassinated[39], and Henri of Luxembourg was elected king of the Romans[40]. The abbots and

35. Otto was only delaying the king's return as long as possible, hoping to make the most of his detention. When the period of regency came to an end, he was obliged to release his prisoner. Wenceslas returned to Prague amid fanfare and jubilation on May 24, 1283.

36. *Annales de rebus*, 353.

37. On the Diet, see RBM, II, 910, n. 2112.

38. *Ibid*., n. 2178, 939-40.

39. H. Thomas, «Das Jahr 1308 in der europäischen Geschichte. Ereignisse und Tendenzen», in *Europäische Governance im Spätmittelalter. Heinrich VII. von Luxemburg und die großen Dynastie Europas. Actes des 15e Journées lotharingiennes*, ed. M. Pauly, Luxembourg, Publications du CLUDEM, 2010, 23-36.

40. J. K. Hoensch, *Die Luxemburger, Eine spätmittelalterliche Dynastie gesamteuropäischer Bedeutung (1308-1437)*, Stuttgart, W. Kohlhammer, 2000, 30; *Der Weg zur Kaiserkrone. Der Romzug Heinrichs VII. in der Darstellung*

barons of Bohemia took advantage of this new situation to negotiate with the new king of the Romans. The result was that Henri's young son John married the Přemyslid heiress Elisabeth and became king of Bohemia[41]. The arrival of a foreign king whose entitlement was not so natural as that of a native king upset the balance between the lords and the ruler such that the lords felt their entitlement to rule exceeded that of the foreign king. This led to the concept of 'naturalness' (entitlement to rule) becoming distinct from the ruler himself and instead transferring to the native-born lords, thus forming a sort of 'natural lordship' equally entitled to rule.

The idea that the 'lords of the land' constituted a special group earned them recognition by the use of a specific term in the Czech language: *zeman*, formed on the root *země*, the «land», «the country», as it appears in the *Chronicle of the so-called Dalimil*. This anonymous text tells the history of the Czech lands, from their origins to the time of the author's writing around 1310. In this text, the German threat embodied by the Habsburgs is used mainly to invalidate the Bohemian burghers, who were almost exclusively German as a consequence of the German colonisation, burghers who were just beginning to take their part on the political stage[42]. The chronicle can be seen as a political program to justify the position achieved by the nobility during the thirteenth century. This text is an attempt to formalise a new pattern. This then dominated representations during the whole fourteenth century. Dalimil radically denies the legitimacy of the bourgeoisie, presenting it as an anomaly, the result of a lack of respect for the social order by commoners who wanted to emu-

Erzbischof Balduins von Trier, eds M. Margue – M. Pauly – W. Schmid, Trèves, Publications du CLUDEM, 2009.

41. L. Bobková, *Jan Lucemburský. Otec slavného syna*, Prague, Vyšehrad, 2018, 55-61; *Die Erbtochter, der fremde Fürst und das Land. Die Ehe Johanns des Blinden und Elisabeths von Böhmen in vergleichender europäischer Perspektive*, ed. M. Pauly, Luxembourg, Publications du CLUDEM, 2013.

42. J. Mezník, «Němci a Češi v Kronice tak řečeného Dalimila», *Časopis matice Moravské,* 112/1 (1993), 3-10; É. Adde, «Les Étrangers dans la Chronique de Dalimil, une place de choix faite aux Allemands», *Cahiers du CEFRES*, 31, *Contributions à une histoire culturelle germano-tchèque en Europe centrale. Un espace à reconstruire*, eds Fr. Mayer – C. Servant, Prague, Éditions du CEFRES, 2011, 11-52.

late nobles. The burghers were thus portrayed as traitors and egoists, harmful to the common good, unlike the nobles, who were driven by a natural sense of community, as a body united by values and strong family bonds[43].

In this text, alongside the word *pán*, i.e. the standard word for «lord» in Czech as an equivalent to the Latin *dominus*, Dalimil uses the word *zemané* 27 times, always in the plural. While the term would be used to designate exclusively country nobles after 1350, in Dalimil's chronicle, it only refers to the great Czech lords. The word never refers to a foreign lord. 24 out of these 27 occurrences refer to a public and political act of high importance such as the election of a duke, the nomination of the Prague bishop, the ratification of a decision by the ruler, the formulation of advice given to the ruler, etc.

Connected to the Czech lands by the noun that designated them (the *zemané*), the Czech lords were therefore the 'natural lords' of Bohemia during this time of a new balance of power caused by the arrival of a foreign king. The history and sociogenesis of the Czech state and society had seen the Czech nobles becoming heavily involved in government and administration. This situation influenced the king's concept of power. While it is clear that the king's legitimacy rested in the dynasty to which he belonged, naturalness is also derived from the territory and the land, which merged with the community of the realm embodied by the lords, in turn reinforced on the symbolic level by the appropriation of Saint Wenceslas' legacy and 'family'. Originally, the notion of a 'natural lord' was based on the dynasty to which the ruler belonged, but the context of its first use provided a special position to the nobility which coined it in the Czech lands precisely at the time of Wenceslas II's absence from the country. From this point on, naturalness was detached from the person of the king and from the biological ruling dynasty.

43. Id., *La Chronique de Dalimil: Les débuts de l'historiographie nationale tchèque en langue vulgaire au 14e siècle*, Paris, Publications de la Sorbonne, 2016, 175-228; J. Lehár, *Nejstarší česká epika – Dalimilova kronika, Alexandreida, první veršované legendy*, Prague, Vyšehrad, 1992.

The 'natural language' and the noblemen Dalimil and the late-medieval state

The naturalness of the lord was not intrinsic to him: it originated in the link between him and the land, the realm and the Czech lords who represented him when he was absent. This externalisation of naturalness culminates in Dalimil's chronicle. In chapter 86, the author explains the defeat in 1278 of Přemysl Ottokar II by Rudolph of Habsburg, King of the Romans, with two causes which are linked in Dalimil's mind: firstly, Přemysl had allowed the Germans to prosper in the country; secondly, he had ceased to collaborate with the lords. In 1276, the Czech lords, who were in permanent conflict with the king, abandoned him and sought protection from his enemy Rudolph. Přemysl was ostracised and without support in his last battle. In an epilogue expressing his dismay, Dalimil sums up these two failings: «Alas! Such is the misfortune of this noble king,/ who did not manage to take care of his natural language»[44]. In Dalimil's chronicle, the same word, *jazyk*, is used to refer to the language (idiom and organ) and to the nation, a use which probably reflects the meaning of that time in the Czech language. The chronicle is the second text to be written in the vernacular language and thus has played an important role in the fixation of the Old Czech vocabulary. As one of the first Czech documents, it shows uses and meanings derived from the noble milieu.

In this text, the naturalness is generated by the nation, but a nation which is equated to the Czech language to exclude the Germans, who were implied to be dumb because of the etymology of the word describing them: the word *Němec* for German in Czech (and it is the same in other Slavic languages) is made from the adjective *němý* which means dumb. While evoking the unswerving loyalty and love we owe our parents, Dalimil compares the nation to the mother figure, writing: «The country is the mother of us all»[45], projecting the same sentiments into the

44. Adde, *La Chronique de Dalimil*, chap. 86, vv. 22: «Ach, běda krále šlechetného,/ že neschova jazyka přirozeného».

45. *Ibid.*, chap. 68, v. 21: *Země jest máť každého*.

nation by analogy. But this nation is not an abstract fact: it is the 'community of the kingdom' a community that claims to represent all Czechs but which is limited to the nobility:

> Only a very bad man
> harms the community for his own interest.
> The community is the protection of all
> and it is better to forget the one who insults it.
> If you lose the community, do not expect anything from the castle,
> outside the community, you will have to face the most diverse disagreements.
> [...]
> But if someone foreign to your homeland is above you,
> your language will ache for a long time.
> Whoever is among foreigners is prey to sadness,
> but he who is sad feels better as soon as he is among his kind.
> One reigns with the help of one's friends
> and the wise man never takes advice from foreigners!
> The foreigner will bring in people of his language
> and constantly seek to harm you.
> He will seek out faults in your people
> and scatter the land of your ancestors among his own.
> Comb your hair, even if it's shaggy,
> Czech head, and don't give yourself over to foreigners!
> That's what a woman's head teaches you.
> Your glory lies in the union of your language[46]!

Against this family-like naturalised community, the naturalness of the ruler, of the 'natural lord', i.e. the king, is presented as the weak part of the system:

46. *Ibid*., chap. 4, vv. 5-10, 18-32: «Zlý člověk chtěl by to býti,/ kterýž pro své dobré dá obci zlým užiti./ Obec jest každého ohrada,/ ktož ji tupí, minula jej jest rada./ Ztratě obec, neufaj do hrada,/ bez obcě dobude tebe všeliká sváda. [...] když svého kněžě za železným stolem jedúce uzříte./ Ale bude-li nad vámi cizozemec vlásti,/ nemoci bude váš jazyk dlúho tráti./ Túha jest každého mezi cizími,/ smutný utěší sě mezi známými./ Každý kralije přátely svými,/ a ijeden múdrý neradi sě s cizími!/ Pojme sobě lid jazyka svého/ a bude vždy hledati vašeho zlého./ Na váš lid hledati bude viny/ a svým rozdělí váše dědiny./ Češte své, i krastavo,/ nedaj v sě cizozemcóm, česká hlavo!/ Tomu vy učí ženská hlava,/ kde jeden jazyk, tu jeho sláva».

When succession to the throne is natural,
if the duke is killed, his mother cannot give birth to a second child.
But when the duke is chosen by election,
his death causes little harm.
Some people ask for the duke's death,
especially those who have some hope for themselves.
Let them know that, once the duke is elected,
you cannot get rid of him[47].

In this passage, Dalimil advocates the elective principle against the hereditary one in the turbulent context of succession in 1306, maybe influenced by the imperial system to which Bohemia belonged and whose emperors were elected. Interestingly in his discourse, the natural is opposed to the contractual, and the natural appears as a source of instability. Dalimil presents the elective principle as a remedy at a time when the Přemyslid succession had not yet been settled. He proposes a contract against the hereditary and naturalist tradition, but bases it on a naturalised and petrified concept of society. In his view, the Czech lords were mandated with the election of the king on whom they depended for status. The essence of nobility relied on birth, prestige of its ancestors, biological kinship ties and blood. Power rests on a contract (between king and nobles), but the legitimisation of nobility rests on naturalisation. This ambiguity is linked to the contradictions of the dynastic state as described by Pierre Bourdieu:

The nascent bureaucratic state (and the bureaucratic, academic mode of management and reproduction associated with it) remains the personal property of a 'house' which continues to follow a patrimonial mode of management and reproduction. The king dispossesses private powers but for the benefit of a private power; he perpetuates, within his own dynasty, a familial mode of reproduction antinomic with that he is establishing (or is being established) within the bureaucracy (by reference to merit and competency)[48].

47. *Ibid.*, chap. 65, vv. 31-38: «Kteréž kniežě po přirození vschodí,/ když jeho zabijí, mátě jeho druhé neurodí./ Ale kteréž kniežě volenie rodí,/ toho kniežěcie smrt nemnoho škodí./ Neb někteří jich smrti žádají,/ ti najviece, již k témuž čáku jmají./ Vězte, když volením knězem kde móže býti,/ toho kniežěte nikte nemóž zbaviti».

48. Bourdieu, «From the King's», 20.

Charles IV's biological family vs. Georges de Podebrady, the primus inter pares

As King of Bohemia (r. 1346-78), Roman King and Emperor (r. 1346-1355-1378), Charles IV was committed to reclaiming all the symbols that would increase his power. As soon as he assumed power, he set out to distance himself from the model of his father's turbulent reign, in particular by staging himself as the literate king against the ideal of the chivalric knight, which predominated until then. Around 1355-58, Charles wrote a life of St. Wenceslaus, entitled *Hystoria nova de s. Wenceslao martyre, duce Bohemorum*[49]. In this piece, he strongly emphasised the kinship ties that bound him to his holy ancestor. His objective was to limit the so-called 'family of St. Wenceslas' to its biological meaning, that of filiation, so as to invalidate the nobility who claimed to embody it until then.

In his autobiography, the *Vita Caroli*, the verb 'to beget' (*genuit*) is a keyword[50]. Kinship, arbitrary as it is, is the most 'natural' or naturalisable (via blood connections) of social institutions. Natural is the lord who is born as he should be, from royal parents, themselves descendants of the Přemyslides, in the Czech case[51], which in his case, was via Elisabeth: whereas John's advent had been a matter of chance, and in particular the consequence of his father's election as king of the Romans, and his marriage to Elisabeth had proved to be a concession by Henri to appease the nobility, Charles IV necessarily read events retrospectively[52].

49. *Karoli IV imperatoris Romanorum vita ab eo ipso conscripta et hystoria nova de sancto Wenceslao martyre*, eds and transl. B. Nagy – F. Schaer, Budapest, CEU Press, 2000, 184-209.

50. *Ibid.*, 3-175.

51. É. Adde – M. Margue, «Luxemburg, Brabant und die Karolinger. Versuch einer Neubewertung der Selbstdarstellung der beiden ersten Kaiser aus dem Hause Luxemburg», in *Ověnčený slávou, láskou i pohrdáním. Jan Lucemburský a Karel IV. v historické paměti*, eds L. Bobková – E. Doležalová (forthcoming); J. Jauernig – B. Uchytilová, «Surrounded by Ancestors: Depiction of Luxembourg and Plantagenet Genealogies in the Fourteenth and Fifteenth Centuries», *Historical Studies on Central Europe*, 3/1 (2023), 42-79.

52. Any dynasty was a construct with which to serve the objectives of the present, by means of the present; and thus it was retrospective and

In his narrative, his Přemyslide blood transmitted by his mother explains his succession and not the contract passed between Henry of Luxembourg and the local nobles. In his autobiography, the negotiations of 1309 are even not mentioned. This biological restriction or limitation of his power allowed Charles to redefine the nature of the link to Wenceslas's legacy to his advantage. Originally a shared memory, the family of St. Wenceslas was suddenly limited to the blood ties (in Charles's view). It does not mean that kinship ties must be truthful. In the genealogical fresco that Charles commissioned in Karlštejn castle, Roman gods and emperors are portrayed as his ancestors, which was pure fantasy.

At the opposite end of the spectrum from Charles and his grandiose project based on the biological idea of his family and its exceptional character, was George of Poděbrady (r. 1458-71), the 'Hussite King'. He was the first Bohemian king not to come from a 'ruling dynasty'. He belonged to the Czech family of the lords of Kunštát and Poděbrady. From the extinction of the Přemyslid dynasty in 1306, he was also the only one not to come from a foreign lineage (such as the Luxembourg, the Habsburg, the Jagiellonian, or the Habsburg dynasties which successively ruled the country in the fourteenth and fifteenth centuries). In a sense, he was the first natural ruler since 1306, being a native. But he did not belong to a 'natural dynasty', linked to the ruled country. His rule thus shed new light on the meaning of the concepts of 'natural dynasty' and 'natural lord', reinforcing the importance of the nationalist and contractualist criteria, echoing Dalimil's exhortation in the final chapter of his chronicle:

intended to reshape and implement the past. See G. Melville, «Vorfahren und Vorgänger. Spätmittelalterliche Genealogien als dynastische Legitimation zur Herrschaft», in *Die Familie als historischer und sozialer Verband. Untersuchungen zum Spätmittelalter und zur frühen Neuzeit*, ed. P.-J. Schuler, Sigmaringen, Jan Thorbecke Verlag, 1987, 203-309; G. M. Spiegel, «Genealogy: Form and Function in Medieval Historical Narrative», *History and Theory*, 22/1 (1983), 43-53.

If you are called upon to choose a new king,/ I advise you to beware of the forest[53] and the crooked wood./ I mean by this, consider well [my words]: elect someone of your tongue, leave out the foreigners[54].

King George's power was the pure product of a contract. The barons of Bohemia had elected him after the death of the young Ladislaus I of Habsburg, whose regent he had been since 1453. But here we see opposing regimes of legitimisation: while his opponents reproached him for his lowly origins, he embodied for others the congruence between a people, a king – and even a religion, naturalness being provided by the community of the realm, the country, and the nation in such a reading[55].

Conclusion

In Bohemia, the nobility was the first to use the term 'natural lord' which later appears in chronicles from the late thirteenth century onwards. If the nobility acted this way, it was not to glorify the king, or at least that was not the ultimate goal. In a period of instability, the nobility developed the notion of the 'natural lord' to reflect the legitimacy of the absent king, using this for their own advantage so as to replace him, and whose return they ensured at all costs – to ensure their own position. In any case, the idea that naturalness provided legitimacy and longevity was strong. Kinship was a crucial component of naturalness and of identity[56]. The 'natural ruler' was the one who was

53. The forest referred to the border as Bohemia. The country is still today surrounded by deep forest.

54. Adde, *La Chronique de Dalimil*, chap. 103, vv. 25-28: «Razi vem, přijdeli vem které volenie,/ chovajte sě skrzě les na křivá drva chozenie./ Co tiem mieni, sám znamenaj,/ vol z svého jazyka, cizieho nechaj».

55. George's reign was no less turbulent. As with Wenceslas IV, a union of lords assembled at Zelená Hora on 28 November 1465 to voice their grievances and to conclude an alliance against him. Their manifesto referred to Charles IV's reign as exemplary, which does not mean that the lords wanted to return to Charles's rule, but that they used it unfavourably compare George's government.

56. *Idoneität – Genealogie – Legitimation. Begründung und Akzeptanz von dynastischer Herrschaft im Mittelalter*, eds Cr. Andenna – G. Melville, Cologne, Böhlau, 2015.

born to the dynasty linked to a given territory and population. Kinship was indeed the most naturalisable social institution. Institutions are all but natural; they are the product of tensions and struggles between different groups and agents of the social field. Emboldened by the idea of dynasty, the medieval state ensured its legitimacy. The Czech lords understood this, hence they appropriated the legacy of St. Wenceslas and identified themselves with the so called 'family of St. Wenceslas', another construct that encompassed the ruler, the dynasty and all its subjects when it first appeared in the twelfth century. That had been made possible insofar as the naturalness developed in the thirteenth century was not intrinsic to the king but linked to the territory and 'community of the realm', a community limited to the lords, in fact. This strategy was very effective at a time when the king was absent, even more when a foreign king, John of Luxembourg, was installed. But this backfired when Charles IV succeeded his father and reduced the family to its biological meaning of filiation and blood, as the son of the Přemyslide heiress.

The expression 'natural lord', and the uses and associations it gave rise to, illustrate the difficulty of uncovering a new political and symbolic language. In search of legitimacy in a system centred around the king and his family, the nobility tried to embody an even more legitimate family to consolidate its power. It also illustrates the inventiveness of the Czech lords to gain respect in their struggle with the king for the capture of power.

While it is crucial to deconstruct the processes used and the instrumentalisation of naturalness to consolidate or seize power, the fact remains that this inspiration from nature does not come from nowhere. To build themselves, our societies must constantly reappropriate the natural and the biological world. Human history is rooted in the history of nature. The most stable features, the most deeply embedded in the subconscious of our cultural systems belong to very ancient acquisitions of human history that common sense treats as obvious, as not worth dwelling on because it dreads putting them up for debate. The insignificance we pretend to attribute to these registers of our habits is a way of exorcising the anxiety we feel about losing control of them.

ABSTRACT

Éloïse Adde, *The 'Natural Lord', Naturalness, and the Nation: Naturalising the State in the Czech Lands in the Thirteenth, Fourteenth and Fifteenth Centuries*

The concept of 'natural lord' (*dominus naturalis*) was developed in the Middle Ages by jurists, publicists and theologians to reinforce a ruler's power. Etymologically, it referred to legitimate birth, *naturalis* being formed from the word *natus*, not *natura*. The 'natural ruler' was one who, by belonging to the ruling dynasty, was legitimate and fit to rule; one who embodied the stability and continuity necessary for good government. In practice, the lexical similarity between *natus* and *natura* was widely exploited, the amalgam enriching the meanings and uses of the term.

The notion of «natural lord» was to support both the ruler and the state he embodied. Naturalness relied on the self-evidence of its existence which did not have to be explained or proved. In the Czech lands, it was at the initiative of the ambitious nobility, habitually in conflict with the king, that the term «natural lord» was formalised. At the end of the thirteenth century, the Czech lords therefore entrenched a notion aimed at consolidating the king's power, although all their actions aimed precisely at limiting it. This article proposes to follow and analyse the meaning of this apparent paradox.

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LES CONSEILLERS NATURELS DU ROI. LÉGITIMATION ET REVENDICATION DU POUVOIR DES GRANDS SOUS LA RÉGENCE DE MARIE DE MÉDICIS

Le 20 décembre 1615, Henri II de Bourbon, prince de Condé, premier prince du sang du royaume de France, demande dans une lettre au roi d'appeler en son «conseil les anciens et fidèles conseillers dont feu le roy vostre pere de tres glorieuse mémoire s'est servi si utilement, qui ne sont intéressés esdites remonstrances, et ne désirent que le bien du royaume»[1]. Par ces mots, Condé reprend un argument déjà ancien sur la nécessaire présence des princes du sang et des membres de la haute noblesse au sein du conseil du roi. Il fait revivre l'idée d'une monarchie mixte au sein de laquelle le souverain gouverne entouré de ses pairs, en le présentant d'abord comme le chef de la noblesse. Cette définition de la place du monarque est très limitative et ne correspond pas totalement à la situation des XVe et XVIe siècles, au cours desquels le pouvoir royal s'est renforcé reposant désormais sur d'autres fondements que la seule approbation de la noblesse[2]. À mesure que ce pouvoir monarchique se renforce, il devient crucial pour les membres de la haute noblesse de défendre leurs prérogatives et leur place au sein du gouvernement royal, quitte à raviver l'idéal d'un passé plus ou moins fantasmé.

1. Henri II de Bourbon, prince de Condé, *Lettre escrite à Messieurs de l'assemblée de Grenoble, par le sieur de Cagny (22 septembre 1615)*, Paris, s.n., 1615, 5.

2. Sur la monarchie mixte et la participation de la noblesse, voir notamment A. Jouanna, *Le Devoir de révolte. La noblesse française et la gestation de l'État moderne, 1559-1661*, Paris, Fayard, 1989, 282–312.

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Comme Condé, la plupart des nobles qui revendiquent une place au sein du conseil du roi sont titrés et pourvus de charges au sein de l'armée ou à la tête des différentes provinces du royaume. Ils sont considérés comme des relais de l'autorité royale dans les places qu'ils gouvernent, où ils doivent veiller à la sureté des territoires et à l'application des lois et de la justice[3]. Mais outre ce rôle d'ordre militaire, ces 'grands' prétendent à une autre charge dans l'appareil monarchique, celle de conseillers du roi[4]. Cette velléité nobiliaire, ce désir de participer aux grandes décisions est exacerbé lors des régences perçues comme des périodes de faiblesse du pouvoir monarchique. Cet article propose ainsi de se focaliser sur les troubles qui surviennent lors de la régence de Marie de Médicis, qui fait suite à l'assassinat du roi Henri IV le 14 mai 1610[5]. Le jeune Louis est alors mineur et la reine mère est proclamée régente par le Parlement de Paris avec le soutien de certains grands de la cour, tels que les ducs de Guise et d'Épernon[6]. Le prince de Condé, premier prince du sang, exilé du royaume suite aux querelles avec Henri IV qui convoitait sa femme, est rappelé par Marie de Médicis et revient avec la ferme intention de jouer un rôle sous la régence, lui qui a été le seul héritier du trône jusqu'à la naissance de son royal

3. Sur les gouverneurs de province, voir R. Harding, *Anatomy of a Power Elite. The Provincial Governors of Early Modern France*, New Haven – Londres, Yale U. P., 1978; M. Antoine, «Les Gouverneurs de province en France (XVIe-XVIIIe siècle)», in *Prosopographie et genèse de l'État moderne*, éd. Fr. Autrand, Paris, École normale de jeunes filles, 1986, 185-94.

4. Le terme de 'grands' est utilisé par les auteurs contemporains comme Agrippa d'Aubigné, *Histoire universelle*, Paris, Renouard & H. Laurens, 1897, IX, 82; ou encore Jacques Auguste de Thou, *Histoire universelle*, Londres, s.n., 1734, XIV, 61. Il est employé dans cet article pour désigner les princes du sang, ducs et pairs et gouverneurs de province, car il s'agit aussi de ceux qui prennent la tête des mouvements nobiliaires contre la régente.

5. Sur l'assassinat du roi et ses suites, voir notamment R. Mousnier, *L'Assassinat d'Henri IV. 14 mais 1610*, Paris, Gallimard, 1964; M. Cassan, *La Grande peur de 1610. Les Français et l'assassinat d'Henri V*, Seyssel, Champ Vallon, 2010, et sur la régence voir J. F. Dubost, *Marie de Médicis. La reine dévoilée,* Paris, Fayard, 2011, 430-521.

6. Jacques Gillot, *Relation de ce qui se passa audit Parlement siégeant aux Augustins, touchant la régence de la reine Marie de Médicis, mère du roi Louis XIII, les 14 et 15 mai 1610*, in *Nouvelle collection des mémoires pour servir à l'histoire de France*, éd. J. Michaud – J. J. Poujoulat, Paris, Chez l'éditeur du commentaire analytique du Code Civil, 1838, XI, 476.

cousin en 1601[7]. Car cette période de régence et la minorité du souverain sont des arguments en faveur d'une plus grande participation de la haute noblesse, et notamment des princes du sang, au gouvernement du royaume. Elle constitue une opportunité pour eux de tenter de s'imposer au conseil afin de faire vivre cette monarchie mixte idéalisée[8]. Les manifestes et libelles publiés par les princes comme Henri II de Condé ou César de Vendôme, fils légitimé d'Henri IV, afin de soutenir leurs prétentions et d'emporter l'adhésion des sujets sont donc au cœur de cette étude[9].

Pour soutenir leur revendication à participer au pouvoir, ces nobles s'appuient sur un argument de naturalité qu'il nous faut repérer et décrypter, pour en comprendre les ressorts et la portée. Quelle est cette nature qui justifie la participation des nobles au gouvernement? Quels sont les arguments historiques ou juridiques défendus pour porter cette revendication d'être 'conseillers naturels du souverain'? Ces interrogations guident notre réflexion et doivent permettre d'éclairer la généalogie et les enjeux de cette naturalisation du pouvoir des membres de la haute noblesse française en ce début du XVIIe siècle.

La nature comme garante du bon gouvernement du royaume

En 1614, soit quatre ans après son retour à la cour suite à l'assassinat du roi, le prince de Condé se plaint, comme d'autres, d'être éloigné de «toutes communications des affaires et mêmes du rang qui leur appartenoit aux conseils ou leurs advis n'estoient souvent ny demandées ny suivis»[10]. Il publie un manifeste pour

7. C. Chevron, *Vie et carrière d'Henri II de Bourbon, prince de Condé, 1588-1646. Exemple de comportement et d'idées politiques au début du XVIIe siècle*, Paris, H. Champion, 2008, 19-25.

8. F. Cosandey, *La Reine de France. Symbole et pouvoir*, Paris, Gallimard, 2000, 307-17.

9. Voir notamment Y. Rodier, *Les Raisons de la haine. Histoire d'une passion dans la France du premier XVIIe siècle (1610-1659)*, Ceyrézieu, Champ Vallon, 2020, 123-50.

10. Henri II de Bourbon, prince de Condé, *Le Manifeste envoyee* [sic] *à Monsieur le Cardinal de Joyeuse*, Paris, s.n., 1614, 4.

expliquer les raisons qui l'ont conduit à quitter la cour aux côtés d'autres grands seigneurs. La reine se défend pourtant de vouloir les exclure du conseil et l'exprime très clairement dans une lettre adressée au maréchal de Lesdiguières, elle aussi publiée:

> Et pource qui touche l'administration des affaires, outre que par la forme ordinaire que nous observons tous les Princes, Ducs et Officiers de la Couronne, font advis aux Conseils qui se tiennent pour cet effect: il est tres certain qu'il ne s'est exposé aucun traicté ny negotié aucune affaire d'importance que lesdits Princes, et specialement mondit Nepveu [le prince de Condé], ny ayent tousjours esté appellez, et mesme qu'elles ont esté souvent différez et remises pour attendre leur commodité et présence[11].

Elle convie même Condé à revenir auprès d'elle et de son fils pour «prendre et tenir le lieu et rang qui est deub à sa qualité, et nous y donner ses conseils et assistances»[12]. Pour Condé, cette participation au conseil est rendue indispensable par la régence et par son rang en tant que premier prince du sang. Il s'agit également de s'imposer à la cour après son exil et son éloignement des affaires de la Couronne[13]. Ces périodes de minorités royales sont alors l'occasion de débats sur leur organisation et les princes demandent l'instauration d'un conseil de régence au sein duquel ils souhaitent être parties prenantes[14]. Ils se fondent notamment sur le préambule de l'ordonnance de Charles V de 1374 sur la majorité des rois de France qui insiste sur la nécessité d'un tel conseil pour diriger le royaume[15]. Pour assurer le bon gouvernement en période de minorité royale, les nobles revendiquent donc leur rôle de conseillers des souverains.

Ils justifient leur place au conseil en faisant référence aux 'lois fondamentales' du royaume mais également en utilisant des argu-

11. Marie de Médicis, *Lettre envoyée au mareschal Desdiguières*, Paris, Pierre Des Hayes, 1615, 4.

12. *Ibid.*, 6.

13. Chevron, *Vie*, 38-108.

14. Cosandey, *La Reine*, 312-17.

15. Denis François Secousse, *Ordonnances des roys de France de la troisième race*, Paris, Imprimerie royale, 1741, VI, 26-32. Voir aussi A. Jourdan – N. Decrusy – Fr.-A. Isambert, *Recueil général des anciennes lois françaises depuis l'an 1420 jusqu'à la Révolution de 1789*, Paris, Belin – Leprieur, 1822-33, V, 424-30.

ments naturalisant leur pouvoir. Or, si l'on se penche sur les centaines de pamphlets et libelles produits pendant les révoltes nobiliaires, notamment entre 1614 et 1617, très peu font apparaître clairement le terme de 'conseillers naturels' du roi. La nature est davantage présente à travers des expressions telles que «l'obéissance naturelle» ou «le bon naturel», le terme de conseillers naturels étant essentiellement développé dans des études plus récentes. L'argument de naturalité est sans cesse convoqué, parfois à travers des métaphores qui se répètent d'un libelle à l'autre traduisant une vision du monde largement partagée. Le dictionnaire de Furetière, publié en 1690, apporte ainsi quelques indices sur la façon dont la nature peut être définie en ce XVIIe siècle: «Nature se dit ainsi de ce qui est ordinaire, qui arrive toujours». Se dit aussi figurément de «choses morales et d'une connaissance qui est née avec nous de ce qui est bon, ou mauvais, de ce qui nous sert ou nous nuit». Le substantif naturel se rapporte quant à lui à «ce qui est libre, qui ne paroit point forcé ou des passions qu'inspirent la nature et l'instinct»[16].

L'acception de nature comme la connaissance innée de ce qui est bon ou mauvais renvoie ici à la conception aristotélicienne selon laquelle tout ce qui concourt, pour un être naturel à la pleine réalisation de sa nature, est bien, le contraire est mal[17]. Le naturel peut donc être assimilé au bien ou plutôt ce qui est 'naturel' doit concourir au bien. Ce qui nous conduit à présenter le premier argument des nobles qui appréhendent leur participation au gouvernement comme la garantie d'un bon gouvernement et l'assurance du bien commun[18]. C'est en effet un des thèmes que l'on retrouve fréquemment dans les libelles diffusés lors des prises d'armes des années 1614-17[19]. À travers ces publications, les grands justifient souvent leurs rébellions et les légiti-

16. Antoine Furetière, *Dictionnaire universel, contenant généralement tous les mots françois tant vieux que modernes*, La Haye, A. et R. Leers, 1690, II, 1390.

17. *Histoire des idées politiques*, éd. J. Touchard, Paris, PUF, 2012, I, 49.

18. Th. Lassabatère, «Pouvoir royal et bien commun chez Eustache Deschamps, Nicolas de Herberay et Jean Bodin. Une chaîne de pensée entre Moyen Âge et Renaissance?», *Revue française d'histoire des idées politiques*, 32/2 (2010), 395-410.

19. Pour une présentation de ces libelles, voir H. Duccini, *Faire voir, faire croire. L'opinion publique sous Louis XIII*, Seyssel, Champ Vallon, 2003, 145-76.

ment en disant agir pour «le bien du service du roi» ou pour «le bien du royaume»[20]. Ils se font ainsi les garants de l'ordre du royaume et prouvent qu'ils y sont attachés au même titre que le roi, ce qui justifie leur place au sein du conseil[21].

Cette conception d'une monarchie mixte, où le souverain gouverne entouré de ses nobles, fait écho aux thèses monarchomaques qui se sont multipliés lors des guerres de religion, notamment suite à la Saint-Barthélemy[22]. Les traités, tels que le *Francogallia* de François Hotman, reprenant parfois des théories sur l'organisation monarchique élaborées dès le XIIIe siècle, sont portés par une volonté de revenir aux racines de la royauté française, à un passé en partie mythifié[23]. Ils cherchent alors à établir la meilleure forme de gouvernement en reprenant les classifications données par Aristote entre la monarchie, l'aristocratie et la démocratie. Selon Hotman, le régime le plus parfait est celui qui est modéré par ces trois formes de gouvernement. Dans *La remontrance aux seigneurs gentilshommes* en 1574, il précise que la monarchie doit être tempérée par les États Généraux convoqués régulièrement et par le conseil avisé[24]. Selon lui, les conseillers devraient donc être approuvés par consentement général. Cette vision a sans doute influencé les princes qui dénoncent les misères du peuple dans leurs manifestes et s'en font les défenseurs, chargés de le protéger et d'intercéder en sa faveur auprès du roi. Hotman offre un autre argument aux princes, souvent repris dans les libelles condéens qui demandent la convocation des États Généraux pour réformer l'État et mettre fin aux

20. Henri II de Bourbon, prince de Condé, *Le Manifeste*, 3.

21. Voir notamment F. Giraudier, «Légitimer le désordre: usage de l'imprimé lors des révoltes nobiliaires sous la régence de Marie de Médicis (1610-1617)», in *Désordres modernes. Contester, travailler, refonder l'ordre par les pratiques sociales et artistiques (XVe-XVIIIe siècles)*, éd. S. Gosselin-Rodière – A. Schoenecker, Paris, Hermann, 2021, 134-49.

22. P. A. Mellet, *Les Traités monarchomaques. Confusion des temps, résistance armée et monarchie parfaite (1560-1600)*, Paris, Droz, 2007, 363-400.

23. D'autres auteurs, comme Claude de Seyssel abondent en ce sens, voir notamment A. Jouanna, *Les Avatars du thème de la monarchie mixte dans l'œuvre de Claude de Seyssel*, in *Claude de Seyssel. Écrire l'histoire, penser le politique en France, à l'aube des temps modernes*, éd. P. Eichel-Lojkine, Rennes, P.U. Rennes, 2010, 15-24.

24. P. A. Mellet, *Les Traités*, 368-69.

troubles. En formulant cette requête, Condé légitime sa prise de position en montrant qu'il n'agit pas dans son propre intérêt mais pour le bien public. Il obtient gain de cause puisque ceux-ci sont effectivement rassemblés en 1614 et sont l'occasion de débats sur le rôle de la noblesse au sein de l'appareil monarchique[25]. Ils permettent surtout à Condé de s'imposer comme acteur incontournable de la régence en demandant la convocation d'une instance qui aurait dû être à la manœuvre pour la désignation de la régente et qui doit garantir le bon gouvernement du royaume[26].

La nature garante de la vertu nobiliaire

L'argument de la monarchie mixte comme meilleure forme de gouvernement est également teinté de pensée aristotélicienne puisqu'il s'agit d'abord d'affirmer que les communautés sont composées d'éléments différenciés qui ne peuvent se passer les uns des autres. Toute la nature est hiérarchisée et chaque être a donc une place et un rôle déterminé. Cette rhétorique permet aux Grands de défendre une certaine conception du conseil vue comme naturelle en ce qu'elle concourt au bien commun mais légitime également leur position au sein de la société en tant *sanior pars* et donc la plus à même de participer aux décisions importantes. Les princes soulignent souvent ce qui est dû à leur naissance et à leur proximité avec la couronne. César de Vendôme, fils légitimé d'Henri IV et donc demi-frère de Louis XIII se justifie ainsi dans une lettre au roi en 1614: «[…] par ma naissance et par tant d'autres grands respects, je suis plus attaché au

25. Sur le motif des États Généraux dans les libelles, voir Duccini, *Faire voir*, 153-65; voir aussi R. Chartier – D. Richet, *Représentations et vouloir politiques. Autour des États généraux de 1614*, Paris, École des Hautes Études en Sciences Sociales, 1982.

26. La façon dont doit être proclamée la régence lors de minorité royale ne fait pas l'unanimité: États Généraux et Parlement ont pu intervenir lors des régences précédentes. Pour celle de Marie de Médicis, c'est bien le Parlement qui valide cette prise de pouvoir de Marie de Médicis, confirmée par le lit de justice de Louis XIII, le 15 mai 1610. Voir à ce sujet Cosandey, *La Reine*, 312-20.

service de vostre majesté qu'aucun du royaume». Cette revendication d'être conseiller des souverains se fait sans cesse de concert avec le rappel de l'obéissance due au roi, les Grands se montrant toujours comme les fidèles sujets et serviteurs du souverain. Ils se présentent en bon Français et principaux membres de la France «la plus saine et entière partie de vostre Estat»[27] mais ne veulent pas se départir de la «tres humble sujection et obéissance naturelle et légitime que nous vous devons».

En 1614, un *Discours d'un gentilhomme françois sur la noblesse de France* définit les nobles comme «les piliers et es marques de ceste vraye monarchie royale»[28]. Les liens entre le second ordre et monarchie sont donc présentés comme naturels et indissociables: ils correspondent à ce qui est bien. Le caractère sacré la monarchie est défendu, faisant de Dieu l'ordonnateur de toute chose, donc de la hiérarchie des pouvoirs et finalement de la place de la noblesse au sein du royaume[29]. Un traité sur la noblesse de Christophe Bonours l'affirme ainsi: «La source de toute noblesse, c'est Dieu, inépuisable océan qui dans la nature répand les excellences de ses perfections. En toutes choses le Créateur a voulu, faire distinction, engendrant un plus noble que l'autre & plus parfait»[30]. Cette perfection qui semble innée, naturelle au sens de voulue par Dieu, érige les membres de la noblesse en conseillers nés de la monarchie et justifient leur position auprès du roi. Cette conception ne semble pas remise en cause, même par ceux qui défendent l'autorité royale face aux prises d'armes des princes. Guillaume Ribier, président du présidial de Blois et député du Tiers aux États Généraux de 1614, proche du chancelier Du Vair, affirme ainsi dans une réponse à la lettre de M. de Condé:

27. César de Vendôme, *Lettre au Roy* (Ancenis, 1er mars 1614), s.l., s.n., 1614, 8.

28. *Discours d'un gentilhomme François à la noblesse de France, sur l'ouverture de l'assemblée des estats généraux dans la ville de Paris en ceste année 1614*, s.l., s.n., 1614, 15.

29. Sur les débats autour de la définition de la noblesse, voir notamment C. Pollet, *Définir la noblesse. Écriture et publication des traités nobiliaires au XVIIe siècle. Angleterre-France-Espagne*, Rennes, P.U. Rennes, 2022, 121-27.

30. Christophle de Bonours, *Eugeniaretilogie, ou Discours de la vraye noblesse*, Liège, Léonard De Streel, 1616, 17.

Les princes du sang à la verité sont enfans de la maison, interessez en l'Estat; et apres le respect deu au souverain qui a toutes sortes d'obligations sur nous, on leur doibt une particuliere recgnoissance. […] Ils sont les membres honorables de l'Estat, et sur eux s'appuye et se soutient principalement le corps de la Monarchie: Mais ces membres ont tousjours leur rapport au chef, sans lequel ils ne peuvent subsister[31].

Là aussi l'image de la nature est reprise par l'auteur qui présente les nobles:

[comme les] branches qui n'ont vie que du tronc. Ils sont comme la palme qui ne peut estre hors de son terroir naturel qu'elle ne languisse, et si on la veut transplanter, elle ne produit aucun fruit. […] Asseurons nous qu'on n'arrachera jamais les Fleurs-de-Lys de leurs cœurs, que la racine y est tousjours vive et qu'ils sont tous aussi jaloux que leurs peres de la grandeur de la France[32].

Cette métaphore biologique reposant sur les branches et les racines de la noblesse rejoint une conception centrale dans la définition du second ordre, celle du sang et de la race[33]. La naturalisation du pouvoir est liée à la génération, à la reproduction d'une lignée qui donne naissance aux grandes familles du temps de la régence. Comme l'a montré Jean-Frédéric Schaub, la référence au sang ne procède pas de la métaphore sous l'Ancien Régime mais elle utilisée pour décrire les processus de reproductions et le vecteur de qualités et de vertus qui se transmettent lors de la reproduction[34]. Semence et sang sont donc les vecteurs d'une transmission de qualités propres à la noblesse, ce qui garantirait une capacité pour ceux qui en héritent à gouverner.

31. Guillaume Ribier, *Discours sur la lettre de Monsieur le Prince*, Paris, Pierre Chevalier, 1614, 4-6.

32. *Ibid.*, 7.

33. A. Jouanna, *Ordre social, mythes et hiérarchies dans la France du XVIe siècle*, Paris, Hachette, 1977, 21-30.

34. J.-Fr. Schaub, «Le Sang, notion politique et régulateur social sous l'Ancien Régime. Pour une histoire longue de la race», *Clio@Thémis, Revue électronique d'histoire du droit*, 16 (2019). En ligne. URL: http://journals.openedition.org/cliothemis/525 (dernière consultation 15.10.2020). Voir également J.-Fr. Schaub – S. Sebastiani, *Race et histoire dans les sociétés occidentales (XVe-XVIIIe siècle)*, Paris, Albin Michel, 2021, 19-82.

Lors de la convocation des États Généraux en 1614, Condé se plaint de ne pas avoir «l'entrée et séance qui est deue à ma qualité, affirmant sa volonté de fortifier les volontez de quelques gens de bien, non souillez de corruption, et dans le cœur desquels estoient encore quelques vives estincelles de la vertu de nos ancestres». Selon Condé, les nobles doivent alors faire face à «l'extresme violence et oppression des mauvaix conseillers qui sont près de Sa Majesté»[35].

Il oppose ainsi les membres de la haute noblesse, qui se distingue par leur ancienneté et la vertu de leurs ancêtres aux mauvais conseillers et notamment aux étrangers. Cela rejoint une autre définition du naturel donné par Furetière qui l'associe au terme d''originel'. Selon les princes, ce sont les habitants originels du pays qui ont vocation à le diriger et non des étrangers. Or, qui mieux que des nobles, capables de prouver leur appartenance ancestrale à la noblesse française, peuvent gouverner le royaume? Cette inscription dans le temps est une nouvelle preuve de leur pouvoir naturel: ils sont les habitants naturels du royaume et ils s'inscrivent dans une lignée de serviteurs royaux. Leur naturalité tient alors autant de leur lieu de naissance que de leur ancienneté et de leur longévité, largement exploitée par la généalogie[36]. Fort des liens qui l'unissent à la famille royale, le prince de Condé peut s'attaquer clairement aux mauvais conseillers du roi. En octobre 1615, la *Déclaration de Monseigneur le Prince contre les ennemis du roy et de l'Estat* déclare une partie de l'entourage des souverains comme «ennemis du roi, de la maison de France, du bien de cet état et perturbateurs du repos public de ce royaume qui ne tendent qu'à faire tomber la couronne dans les mains des étrangers»[37]. Concino Concini, favori de

35. Henri II de Bourbon, prince de Condé, *Lettre de Monseigneur le Prince*, 72.

36. À ce sujet, voir Fr.-J. Ruggiu, «Ancienneté familiale et construction de l'identité nobiliaire dans la France de la fin de l'Ancien Régime», in *La Noblesse de la fin du XVIe au début du XXe siècle: un modèle social?*, éd. J. Pontet – M. Figeac – M. Boisson, Anglet, Atlantica, 2002, I, 309-26; G. Butaud – V. Piétri, *Les Enjeux de la généalogie, XIIe-XVIIIe siècle*, Paris, Autrement, 2006.

37. Henri II de Bourbon, prince de Condé, *Déclaration de Monseigneur le Prince contre les ennemis du roy et de l'Estat (14 octobre 1615)*, s.l., s.n., 1615, 5.

Marie de Médicis, est ensuite nommément visé dans les *Remonstrances envoiees au Roy de Coussy le septiesme septembre 1616*[38]. La situation du royaume est alors nouvelle: Condé est retenu par le roi et les Grands ne peuvent taire leur rancœur contre le favori de la reine accusé d'avoir convaincu les souverains de cette arrestation[39]. Louis XIII est alors majeur et capable de gouverner seul, le but est de lui présenter clairement ceux qui nuisent à la bonne conduite de ses affaires. Ce libelle souligne d'ailleurs que les Concini sont détestés publiquement comme diables. Les conseillers Mangot et Barbin sont quant à eux accusés d'être *prostitués à toutes les passions de Conchine et sa femme*[40]. La demande est claire: le roi doit se détourner de ceux qui gouvernent selon leurs propres passions et doit se fier à sa noblesse.

Pour les nobles, à l'ordre naturel s'ajoute ce qui tient de leur naissance, de la vertu qui lui est intrinsèque et du mérite qu'ils tiennent de leur lignée et de leur dévouement au service du roi. On le comprend quand on lit les attaques faites au maréchal d'Ancre:

> On a veu le maréchal d'Ancre que la faveur seule, non le mérite, l'extraction, ny les services rendus à la France a introduit aux premieres charges et aux plus importans gouvernements de l'Etsat contre les loix du Royaume[41].

À ce modèle de mauvais conseillers sans mérite et sans extraction, les grands opposent leur noblesse et leurs titres. Outre les princes du sang, la plupart d'entre eux sont pairs de France et sont selon Charles Loyseau *Officiers et Seigneurs ensemble, et quant au titre, et quant à la nature de leur dignité*[42]. Cette dignité de pair

38. *Remonstrance envoiee au Roy, par Messeigneurs les Princes, Ducs et Pairs, et Officiers de la Couronne, sur la détention de Monseigneur le Prince faict à Coussy le septiesme septembre 1616*, Soissons, s.n., 1616.

39. Charles de Lorraine, duc de Guise, *Le Manifeste et déclaration de monsieur le duc de Guyse sur son absence*, Amsterdam, Broer Jansz, 1616, 3.

40. *Remonstrance envoiee au Roy*, 7.

41. Henri II de Bourbon, prince de Condé, *Déclaration faicte par Monsieur le prince de Condé à tous les ordres et compagnies de la France, des causes qui le meuvent à demander la réformation de l'Estat et changement des mauvais conseillers (9* [sic] *août 1615)*, s.l., s.n., 1615, 8.

42. Charles Loyseau, *Cinq livres du droict des offices, avec le livre des seigneuries, et celuy des ordres*, Paris, Abel L'Angelier, 1613, 190.

conserve une forte charge symbolique notamment à travers leur participation au sacre royal[43]. Ce titre fait d'eux des conseillers naturels (entendez de fait) au Parlement. Les rébellions nobiliaires ne proviennent donc pas nécessairement de seigneurs frustrés, qui estiment devoir accéder à de plus hautes charges mais plutôt de membres de la haute noblesse qui ont une haute idée de la place qu'ils doivent avoir dans le royaume. Comme l'a montré Jean-Pierre Labatut, les ducs et pairs ne connaissent pas la nature exacte des pouvoirs que leur confère ce titre qui peut alors être la source de diverses prétentions politiques[44]. Ils s'estiment donc responsables de la gestion des affaires du royaume et supportent mal que celle-ci soit déléguée à des étrangers de condition moindre qui sont moins intimement attachés qu'eux à l'État. À l'affirmation de leurs qualités s'ajoutent une xénophobie marquée contre l'entourage italien de la régente[45].

Les nobles se considèrent comme un rouage de l'ordre naturel et de l'harmonie dans le royaume qu'ils assimilent à un corps qui fonctionne quand les différentes parties et organes remplissent leur rôle[46]. La métaphore organique est alors présente dans ces textes de même que la dénonciation des désordres vus comme une maladie. Les princes dénoncent «la tyrannique domination»[47] de Concini et de sa femme à la cour et ils se font les médecins de ce corps malade qu'est la royauté: ils révèlent ainsi les maux et proposent des remèdes. Dans l'un des manifestes publiés en 1615, Condé affirme avoir donné ses «advis comme alimens utiles à la restauration de ceste estat» mais les mauvais conseillers «les luy présentèrent si corrompus de leur venin, qu'ils en tirèrent le remède propre à l'entretenement de la maladie, pour dans ce mal cacher leurs mauvais desseings»[48]. Les grands, au-delà de chercher

43. *Ibid.*

44. J.-P. Labatut, *Les Ducs et pairs de France au XVIIe siècle: étude sociale*, Paris, PUF, 1972, 83.

45. J.-Fr. Dubost, *La France italienne XVIe-XVIIe siècle*, Paris, Aubier, 1997, 366-74.

46. Sur le sujet, voir notamment Th. Lassabatère, «La Personnification de la France dans la littérature de la fin du Moyen Âge», *Cahiers d'histoire. Revue d'histoire critique*, 86 (2002), 87-98.

47. *Remonstrance envoiee au Roy*, 4.

48. Henri II de Bourbon, prince de Condé, *Déclaration et manifeste de monseigneur le prince de Condé présentée au roy, ensemble les lettres par lui*

le bien du royaume, en sont responsables. Là encore, cette conception n'est pas l'apanage du parti du Prince puisque dans sa réponse à la lettre de Condé, Guillaume Ribier affirme que ce sont les princes qui peuvent, par leurs actions, disloquer ce corps monarchique[49].

L'argumentaire des nobles rebelles repose donc sur une culture commune, partagée par leurs adversaires qui défendent une obéissance sans condition aux souverains. Les lois fondamentales et la métaphore organique servent d'arguments pour les deux camps, dont chacun se revendique l'ultime défenseur. Or, si les nobles considèrent leur place au sein de la monarchie comme naturelle, ancestrale et vitale, il convient de se poser la question de la véracité de ces conceptions et surtout de leur généalogie ou plutôt de leur antériorité.

Des conseillers ancestraux?

La participation des nobles au gouvernement du royaume, leur revendication à s'inscrire dans l'entourage du roi est présentée comme naturelle au sens d'originelle et aller à l'encontre de ce schéma revient selon eux à fouler aux pieds les lois 'fondamentales du royaume', souvent citées dans les manifestes. Celles-ci servent de justifications aux princes, comme cadre législatif de l'appareil monarchique. Or, ce qu'ils considèrent comme des lois immuables car ancestrales et synonymes de l'harmonie de la monarchie française ne sont que des constructions répondant à un vide institutionnel à un moment donné de l'histoire de la monarchie et dont le XVIIe siècle hérite[50].

La nature, quasiment synonyme d'ancestralité, se rapproche ici de la coutume qui correspond à une organisation vue comme bonne et dont l'ancienneté suffit à la légitimer. Certains traités de la noblesse, comme celui paru en 1681 font ainsi référence

envoyées à sa majesté, à la royne sa mere, et à la cour de Parlement de Paris, s.l., s.n., 1615, 7-8.

49. Guillaume Ribier, *Discours*, 16-17.

50. A. Jouanna, *Le Pouvoir absolu: naissance de l'imaginaire politique de la royauté*, Paris, Gallimard, 2013, 204-15.

aux temps anciens et à «l'estime que nos roys de la première lignée ont fait de leur noblesse, et particulièrement de celle que l'on appeloit du sang des françois. Toute la puissance et toute l'autorité royale estoit soutenue par cet illustre état»[51].

Cette réflexion nous amène à nous interroger sur les pratiques anciennes du conseil dans le royaume de France, étudiées notamment par Cédric Michon qui rappelle que le conseil est une émanation de la *curia regis*, qui tient lieu d'organe de décisions politiques, judiciaires, financières et administratives, regroupant des vassaux et des clercs dans les temps capétiens, qui assistent le roi[52]. L'idée que le souverain gouverne avec le conseil des grands se forme dès le Xe siècle, lorsque ceux-ci lui promettent 'aide et conseil', mais cette conception se trouve déjà en décalage avec le fonctionnement réel du pouvoir[53]. Une première forme de spécialisation se met en place dans le conseil alors que le roi organise de grandes assemblées sur des thèmes généraux qui donnent naissance aux États Généraux inaugurés par Philippe le Bel en 1302. Si l'on suit donc l'étude de Cédric Michon, dès le XIIIe siècle, la spécialisation du conseil requiert des juristes ou des hommes expérimentés aux affaires plutôt que des membres de la haute noblesse.

Depuis, le fonctionnement du conseil et le recrutement de ses membres a fait l'objet de nombreuses réflexions, qui inspirent les manifestes publiés sous la régence de Marie de Médicis mais qui peuvent aussi contester l'argument de naturalité défendu par les princes. En principe, le monarque gouverne par un conseil, qui est une extension de la personne royale et qu'il forme donc librement[54]. Au XVIe siècle, Claude de Seyssel recommande d'avoir un conseil restreint composé de «gens sages et expérimentés, et surtout qui aient bon zèle au bien public du roi et du royaume. Et ne doit-on à l'élection d'iceux avoir regard à hautesse de sang, à office ni dignité, mais tant seulement à la vertu

51. *Traité de la noblesse, où sont ajoutés deux discours, l'un de l'origine des fiefs et l'autre de la Foi et de l'Hommage*, Orléans, Jean Boyer, 1681, 20.

52. C. Michon, «Conseils et conseillers sous François Ier», in *Les Conseillers de François Ier*, éd. Id., Rennes, P.U. Rennes, 2011, 11-81: 14.

53. *Ibid.*, 25.

54. *Ibid.*, 31.

expérience et prudhommie: «[…] lesquelles vertus ne naissent pas avec les hommes, mais les faut acquérir par exercitation»[55]. La vision de Seyssel tempère ainsi les arguments de nature utilisés par les Grands. Ceux-ci voient en leur naissance, la vertu même qui les érige en conseillers de la monarchie. Or, cette conception se heurte à des théories qui, sous le même prétexte du bien public, visent à préférer des personnes qui se sont exercées aux affaires et qui en ont une bonne connaissance. La remarque du prince de Condé cité en introduction apparaît donc erronée car Henri IV, tout comme certains de ses prédécesseurs, confie les affaires à des ministres expérimentés comme Sully, Villeroy ou Sillery. François Duval, marquis de Fontenay-Mareuil et contemporain du premier Bourbon précise dans ses *Mémoires* que *la faveur ny la qualité ne servoient de rien pour être de son conseil, les princes du sang mesmes n'en estant pas*[56].

Ce passé où le roi partage son pouvoir avec les grands semble donc en partie mythifié et fait de réminiscence d'un imaginaire féodal. Cette vision a pu être influencée par la littérature de l'époque et notamment les romans de chevalerie qui auraient pu porter cet idéal. Le succès de roman comme *L'Astrée* d'Honoré d'Urfé témoigne du besoin d'affirmation de la noblesse qui sort quelque peu affaiblie de cette période de tensions religieuses. Pour Emmanuel Bury, *L'Astrée* serait un moyen de 're-former' la noblesse authentique en lui procurant les outils intellectuels et les modèles de 'vertu' et de 'générosité' qui lui étaient nécessaires pour légitimer à nouveau sa place dans l'ordre du monde[57]. Benjamin Deruelle, en analysant la production des chansons de geste au XVIe siècle, montre également que la réédition de ces chansons, ont une vertu pédagogique, comme le réclame leurs auteurs[58]. Cette littérature permet de raviver le souvenir de héros

55. Claude de Seyssel, *La Monarchie de France*, cité par Michon, *Conseils*, 20.

56. François Duval Fontenay-Mareuil, *Mémoires*, in *Nouvelle collection des mémoires*, 1837, V, 18.

57. E. Bury, «Les Deux cultures d'Honoré d'Urfé dans *L'Astrée*: entre idéologie nobiliaire et paideia humaniste», *Dix-septième siècle*, 235/2 (2007), 315-23.

58. B. Deruelle, «Enjeux politiques et sociaux de la culture chevaleresque au XVIe siècle: les prologues de chansons de geste imprimées», *Revue historique*, 655/3 (2010), 551-76.

anciens et «détermine les cadres d'une mémoire dans laquelle les nobles peuvent puiser des modèles de comportements»[59]. D'autres modèles de noblesse sont repérables dans la littérature du XVIIe siècle, parmi eux Gaston de Foix, Louis II de La Trémoille ou encore Bayard sont invoqués pour raviver un idéal chevaleresque et les qualités attachées au second ordre. Ces figures se retrouvent dans la galerie du Palais Cardinal et sont décrites par Marc Vulson de la Colombière qui relève: «Nous voyons en la personne du Chevalier Bayard, que la Noblesse est une faculté qui réside en la semence de nos Peres, par laquelle ils produisent des enfans faciles et propres à la vertu»[60]. Si la référence sert ici le cardinal de Richelieu et non les princes du sang, elle témoigne de la circulation de modèles de chevalerie dont les contemporains de Richelieu peuvent s'emparer pour défendre leur vision du second ordre et de ses vertus. Le discours des princes ne se soucie pas de retranscrire la vérité, l'histoire, mais de convaincre de leur place essentielle dans les rouages monarchiques.

Plusieurs conceptions du conseil s'opposent ici. La version naturelle qui tend à légitimer la présence des Grands et celle plus juridique et institutionnelle qui veut que les affaires soient confiées à des personnes expérimentées. Le concept de nature porté par les princes s'oppose en cela à la vente des charges et des offices, à la vénalité qui se développe dans le royaume à la fin du XVIe siècle et qui est accusée de mettre les charges réservées à la noblesse entre les mains de roturiers, ces derniers étant accusés d'«usurper et acheter la qualité»[61]. Cette nouveauté est présentée comme un désordre et justifie le recours aux anciennes lois du royaume. En 1614, le *Discours d'un gentilhomme françois* sur la noblesse de France confirme cette vision du fonctionnement de la monarchie soutenant que la noblesse «plus obligee aussi à l'amour de son roy, et à courir sus à ceux qui voudroient changer, ou alterer ceste saincte forme de gouverner, qui se conforme

59. *Ibid*.

60. Marc Vulson de La Colombière, *Les Portraits des Hommes Illustres François qui sont peints dans la Galerie du Palais Cardinal de Richelieu* […], Paris, Edmé Pepingué pour Charles De Sercy – Guillaume De Luynes, 1655, 128; cité par N. Le Roux, *Le Crépuscule de la chevalerie. Noblesse et guerre au siècle de la Renaissance*, Seyssel, Champ Vallon, 2015, 351.

61. *Discours d'un gentilhomme*, 10.

aux loix de Dieu, et de la nature»[62]. La nouveauté, et notamment la mise en place de la vénalité des offices est présentée comme allant à l'encontre des «loix de Dieu et de la nature». Les Grands défendent alors la vision d'une nature fixe qui assure l'harmonie du royaume. Or, s'il est vrai que la vénalité des charges a pu priver la noblesse d'une partie de son influence et de ses réseaux, il apparaît que la majeure partie des titulaires de ces charges ont une certaine connaissance des affaires publiques et sont désormais perçus comme légitimes à les occuper. Antoine de Nervèze, dans son *Guide des courtisans* déplore ainsi la perte de contrôle de la noblesse sur certains offices:

> Quelle erreur dommageable à notre noblesse, qui consommera ses plus douces années aux exercices du corps et ne voudra rien donner à ceux qui sont propres à l'esprit? En quoy ils se privent des charges et des honneurs qui tombent le plus souvent es mains des autres hommes pour le service de l'État, en faict duquel on cherche la suffisance de l'esprit plutôt que la condition de la personne [...] et luy peut-il mieux choisir les ministres de son État que parmy la noblesse, de qui ceste qualité héréditaire, comme par un titre d'obligation particulière les oblige à son service? Mais quoy, l'ignorance pour n'estre capable des sciences, et le mépris pour ne les vouloir apprendre, leur oste cet avantage et ne leur laisse que l'épée[63].

Nervèze dénonce l'absence de formation des nobles, trop attachés à leur condition militaire pour se consacrer aux affaires de l'État. Antoine de Laval opère le même raisonnement dans un ouvrage dédié à Louis XIII dans lequel il observe le manque d'éducation de la noblesse qui semble devoir choisir entre être gentilhomme et savoir écrire[64]. Le maniement des armes comme prérogative nobiliaire les détourne de la connaissance des lettres et des autres sciences au risque de les rendre incapable de conseiller le souverain. La science du gouvernement demande

62. *Ibid*., 15.

63. Antoine Nervèze, *Le Guide des courtisans*, [Paris], [Antoine du Brueil], [1606], 54.

64. Antoine de Laval, *Desseins de professions nobles et publiques, contenans plusieurs traictés divers & rares avec l'histoire de la maison de Bourbo*n, Paris, Veuve d'A. L'Angelier, 1613, 34.

une formation et des connaissances que les nobles ne maîtrisent pas et que les vertus et qualités dont la nature les a parés ne suffisent plus à justifier.

La naturalisation du pouvoir défendue par les nobles semble alors d'un autre temps et cette remarque d'Antoine de Nervèze témoigne d'un décalage entre les conceptions anciennes du second ordre et les compétences nécessaires au développement de l'État moderne. Ce phénomène de spécialisation des conseils et de recrutement d'hommes qualifiés plutôt que nés n'est pas nouveau mais tend à se renforcer à mesure que l'autorité monarchique s'affirme et que l'appareil d'État se développe[65]. Ces arguments de nature qui ramènent à des temps anciens mythiques témoignent d'une crispation de l'ordre nobiliaire qui craint de perdre son identité et ses prérogatives suite aux guerres civiles qui ont ébranlé le royaume. Nombre d'entre eux pensaient que la régence serait l'occasion de reprendre leur place à la tête du royaume mais les temps ont changé et un ordre d'officiers s'est depuis formé comme serviteurs de la monarchie qui ne doivent pas leur place à leur seule naissance mais aussi à leurs compétences et à la faveur royale. Le discours naturalisant des nobles s'inscrit ainsi dans un débat plus vaste sur les qualités requises pour aider le roi à gouverner. Ces polémiques correspondent aux derniers soubresauts d'une noblesse qui peine à trouver sa place dans l'État moderne et qui se retrouve dépassée par l'apparition d'hommes d'État tels que le cardinal de Richelieu qui manie lui aussi très bien l'art du libelle et qui fait du service de l'État le pré carré d'hommes qui se distinguent par leur connaissance et leur expertise, qui ne sont plus présentés comme des dons de la nature.

65. Sur le sujet voir notamment J. Ferrer-Bartomeu, *L'État à la lettre: écrit politique et société administrative en France au temps des guerres de religion (vers 1560-vers 1620)*, Ceyzérieu, Champ Vallon, 2022.

ABSTRACT

Fanny Giraudier, *The King's Natural Advisors. Legitimisation and Claim to the Power of the Great under the Regency of Marie de Medici*

The assassination of the French King Henri IV in 1610 led to a period of regency that raised fears of renewed unrest in the kingdom. The princes of the blood, excluded from power by the last king, sought to defend their position in the monarchical institutions by presenting themselves as the 'natural advisors' of the Dauphin and by claiming a greater place in the council of the Regent, Marie de Medici. This article aims to analyse the linguistic elements and the genealogical and naturalising arguments used by these princes to defend their position with the sovereign. My aim is to interpret those arguments through the political thought of the time and also through the subsequent evolution of monarchical institutions, in particular the Royal Council.

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CONCLUSIONS

As we come to the end of this volume, we offer a few observations that are not so much conclusive as paving the way for further reflection on 'naturalness' in relation to political legitimacy.

Resulting from a long process of maturation and of fusion of ancient heritage with religious and cultural narratives of progress during the period 950-1250, at a time of transformation in literacy, urbanisation, education and economy, and strengthened by the rediscovery of Aristotle in the 1260s, 'naturalness' became a strong structural element in the political discourse of the period under review (1250-1600)[1]. This saw a major twofold macro-historical process unfolding in Europe: the emergence of the modern state and the resulting challenge to the dynastic state. The dynastic state, which emerged in the early Middle Ages and became widespread in Europe around the year 1000, remained the dominant organisational model until the nineteenth century, but it was challenged and transformed by bureaucratisation, rationalisation and the employment of meritorious and therefore new men who disrupted traditional social stratifications. In reality, beyond unproductive and simple oppositions between the dynastic state and the modern state, a hybrid (and seemingly paradoxical) model developed, as Bourdieu observed, and the modern state tended to reinforce the dynastic state, allowing the king to strengthen the exclusivity of his power by introducing a

1. C. Weeda, *Ethnicity in Medieval Europe 950-1250. Medicine, Power and Religion*, York, York Medieval Press, 2023 («Introduction», 1-38).

Naturalisation of Power (1250-1600): Unravelling the Strategies of Legitimation. Edited by É. Adde and J. Dumont, Firenze, SISMEL – Edizioni del Galluzzo, 2025, pp. 309-316
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rationalisation and bureaucratisation that affected everyone but himself. He dispossessed private powers (cities, nobility, etc.) in favour of his own personal power, while perpetuating in his dynasty a mode of family continuity antinomic to the meritocracy which he had introduced into his bureaucracy[2]. It was therefore in this ambiguous context of a system of government that mixed the domestic and the political, the private and the public, the personal and the impersonal, thus muddying the waters about the future of the original dynastic state, that 'naturalisation' emerged as a powerful tool for perpetuating the sociopolitical order.

Moreover, as Graeber and Sahlins have shown[3], all kingship is underpinned by two contradictory principles: on the one hand, the self-justification of a transcendent order through a special and claimed status as intercessor between the divine and the human; on the other hand, the necessary recognition and sometimes even the assumption of control by the subjects through the ritualisation of monarchy and, in the case of late medieval Europe, contractualism. Could we not then interpret the emergence and consolidation of the argument of 'naturalness' as the expression, in a particular place (Europe) and in a particular period, of the recurrent anthropological tendency of monarchy to justify itself by reference to a superior form of authority? 'Naturalness' would be in addition to, or rather secondary to, Divine justification.

Taking all this into account, it is not surprising to find 'naturalness' in texts justifying royal power and dynasty while precluding other forms of government. The translations of Latin texts into French during the reign of Charles V are a good example of this. The illuminations in the royal manuscripts deploy natural signs, often animal analogies, that establish the royal *regimen* by associating it with a family, a land and a people, all three being perceived as specific, coherent and unified. By presenting the king of France, for example, as close to the peasants and their

2. P. Bourdieu, «From the King's House to the Reason of State: A Model of the Genesis of the Bureaucratic Field», *Constellations*, 11/1 (2004), 16-36.

3. D. Graeber, M. Sahlins, *On Kings*, Chicago, Hau Books, 2017 (chap. 1: M. Shalins, *The Original Political Society*, 25-64).

agricultural work, these texts portrayed a monarchy that was close to the essence of the country. The king was the one who best understood his subjects, who in turn could desire nothing more than to be governed by him (Chr. Raynaud).

The prince was often seen as natural, i.e. as someone who was legitimate because he originated from the lineage that had ruled the country since time immemorial (the historical accidents that determined the emergence of a dynasty were intentionally obscured); or as someone who, through his lineage, had a specific link with the country, the land and the people who lived on it, or who had been educated in the customs, language and laws of the country; and this 'naturalness' was also mixed (and sometimes confused) with contractualism – the recognition of the prince by his subjects through legal ceremonies. We can see, then, that the 'natural prince' or 'natural lord' is a highly elastic, not to say polysemic, expression that the ruler – and his competitors – could adapt to political needs. For example, Frederick III of Habsburg used the term to impose Ladislaus the Posthumous upon Hungary, but adapted it or even deliberately avoided it when it meant that he had to honour his creditors (D. Luger).

But it would be wrong to think that 'naturalness' was merely an instrument in the hands of princes. The argument could also be used to limit royal power. For John of Salisbury, Christian society was modelled on natural laws, which obliged the prince to obey them if he wanted to remain legitimate (J. Le Mauff). 'Naturalness' was also used by a wide variety of individuals and groups to defend their prerogatives. In fact, very often, when the argument took hold in political discourse, it was mainly because it lay at the confluence of the interests of some in a given context. In the late Middle Ages in Brabant, Flanders and Hainaut, the reigning princesses of the local dynasties and their subjects used their natural status to resist the imposition of foreign princes by outside forces – a characteristic that allowed the locals to enhance their own power. And if a foreign prince arrived in the country, he would have little power against a wife who was a 'natural' princess (G. Lecuppre). The principle of 'naturalness' was enshrined in law. On the basis of this principle, the subjects

imposed contractual legal ceremonies (Joyous Entries) on the prince, who in turn understood that it was in his best interest to toe the line in order to assert his authority (W. Blockmans).

Used by multiple actors and groups, 'naturalness' often seemed to be associated with a whole range of other markers (the country, the land, the laws, the customs, the language, the people) that helped to shape the idea of nation. In Bohemia, at the turn of the thirteenth and fourteenth centuries, the power vacuum created by the abduction of Wenceslas and then the extinction of the Přemyslid dynasty was filled by a nobility that seized upon 'naturalness' and redefined it for its own use. 'Naturalness' then became part of a political lexicon that defined a Czech nation in opposition to foreigners of German origin: princes and burghers (É. Adde). Later in the Netherlands, at the time of the revolt against Philip II, Maximilien Vilain, Governor of Lille, Douais and Orchies, considered a way out of the conflict that would favour the king. He advised him to return to the «natural way of the country»: in other words, to use the Estates as an instrument of government because they, like the prince and his subjects, were natural to the country. In this way, Vilain sketched the contours his idea of a nation based on 'naturalness' (J. Dumont).

We might ask, then, whether 'naturalness' is the argument by which a society is constructed, oriented not to heaven but to earth: in other words, a political society. But it is not quite that simple: nature does not exclude the Divine. All political narratives are polysemous and multimodal behind their apparent coherence and thus malleable, which allows them to take advantage of prevailing conditions. Depending on the context, the arguments available to those who speak out are combined to maximise the impact of their discourse on their audience. For example, the texts exploiting the syphilis epidemic that ravaged Europe at the beginning of the sixteenth century used both the Divine and the natural. Thus we see Sebastian Brant presenting the epidemic as Divine punishment upon the French enemies of Emperor Maximilian of Habsburg; and Jerome Fracastor linking the epidemic to the devastation caused by the Spanish in America. Fracastor saw the end of the epidemic as coinciding with the restoration of peace to that continent and thus with a peaceful

and healthy state of nature that preceded the arrival of the Spanish (V. Caldarella-Allaire).

Instead, it is a kind of multifocal explanation of 'naturalness' that this volume has set out to offer – the illustration of its autonomisation as a political argument. The religious sphere is not excluded, however. The moralised Parisian Bibles of the thirteenth and fourteenth centuries show an analogical link between the natural and the political, particularly in the accounts of Genesis. The classificatory exercise observed in these texts led to a sort of 'naturalisation' and legitimation of different kinds of power favourable to the Church and to a social order based on heaven. Human beings, as a species, are presented as the masters of Creation, and among them, ordinary Christians – peasants, commoners, burghers – are likened to animals to be ruled by the clergy (A. Destemberg). Nature thus refers to that which is intangible, harmonious, even eternal, and therefore Divine. Any political system justified by nature would try somehow communicate with heaven and try to become its image on earth.

However, we have also observed deviations from this view. As early as the twelfth century, there was tension between two concepts of nature, one religious (nature corresponding to God's laws governing the earthly world) and one secularised. The latter dated back to the Pre-Socratic thinking and gained in popularity in the context of the forementioned rediscovery of Aristotle[4] (nature comprising laws that can be studied, as opposed to Divine laws, which are supernatural and therefore outside of human comprehension). This second meaning had a direct influence on the understanding and definition of everything perceived as falling under natural law, such as marriage between relatives. In this respect, between the twelfth and seventeenth centuries there was a gradual shift from a prohibition on marriage between relatives imposed by God to a prohibition based on a better understanding of how nature works, revealing a trend towards the biologisation of politics in Europe (M. van der Lugt). The idea of an unchanging and static nature was also chal-

4. *Aristotle and the Philosophy of Law: Theory, Practice and Justice*, ed. L. Huppes-Cluysenaer, New York, N.M.M.S. Coelho-Springer, 2013.

lenged by Nicole Oresme. He saw nature as based on its inherent incommensurability and changeability (kinesis). The political consequences of such a postulate were considerable, since, through Oresme, it was now assumed that politics was a permanent and unpredictable movement (N. Hochner)[5].

Did the emergence of such a perception of politics reflect the social upheavals at the heart of the ruling circles of the emerging modern states? There, new men (lawyers, accountants, scholars, experts) were gaining influence. Their legitimacy was based not on blood but on training, expertise and merit. This led to the *a priori* counterintuitive linking of ideas between nature and merit, for example in the Humanist circle of Nicolas de Clamanges. Faced with the conflict between the Armagnacs and the Burgundians, the Hundred Years' War and the Great Schism, Clamanges and his followers continued to envisage the kingdom in terms of the natural bodily analogy, especially the ailing body, to which they linked merit. The good king was one who was both well born – the natural or biological argument – and who administered justice in accordance with the law – the merit argument (L. Jollivet). And it was precisely as a response to merit that, almost two centuries later, at the time of the regency of Maria de' Médici, the nobility promoted the idea of the king's 'natural advisers', as a way of claiming a privileged position in the government of the kingdom, without specifying the exact powers that this 'naturalness' conferred on them (F. Giraudier).

Over the course of these pages, 'naturalness' has emerged as a modality of politics and political discourse that took hold in late medieval and early modern societies – and is still working today. One question remains and it is difficult to answer definitively: why? We can at least posit some clues. Two transformations come together to make 'naturalness' an efficient argument: the apparition of politics as an independent sphere within society; and the

5. In this regard, Oresme moved away from the medieval idea of an immutable and intangible political and social order based on the Aristotelian idea of the mixed regime, towards a polity incorporating traits of aristocracy, democracy and monarchy. See J. M. Blythe, *Ideal of Government and Mixed Constitutions in the Middle Ages*, Princeton, Princeton U.P., 1992.

gradual spread of naturalism, according to which man is no longer considered a part of nature but as an observer and therefore the one who can analyse and exploit it.

As pointed out by J. Szűcs, concepts like 'natural law', 'social contract' and 'popular sovereignty', 'the transfer of power' or 'the separation of powers', did not appear only with Hobbes, Locke, Montesquieu or Rousseau, nor with the French Revolution. In the thirteenth century, such ideas were much at the centre of political theory[6]. And from the twelfth century onwards, the Paulinian (and theocratic) concept of power, which had dominated society up to that point, was replaced[7] by a contractual one recognising political society as being in partnership with the ruler[8]. To explain this development in Western medieval societies, Szűcs relied on the characteristic separation of 'society' and 'state', i.e. a structure that made such a theoretical separation possible. Specific to Western societies, this separation was the structural result of the period of political and social disintegration between the sixth and eighth centuries that followed the fall of the Roman Empire, which definitively undermined the omnipotence of the ruler. It was also the result of the role played by the Church, which, independent of secular power, had been intervening in temporal affairs since Gregory VII, thus introducing the idea of a right of oversight of the exercise of power. The late Middle Ages thus coincided with the rise of political society (civil society or public sphere) which was not the 'state', and which forced the latter to earn its justification among the people – and this much earlier than Habermas had assumed[9].

6. J. Szűcs, «The Three Historical Regions of Europe: An Outline», *Acta Historica Academiae Scientiarum Hungaricae*, 29, 2/4 (1983), 131-184: 135).

7. It is the case, at least in the sources that have come down to us and are biased. Indeed, until the twelfth century, written documents were produced almost exclusively in monasteries. Clerics tended to assume theocratic positions. Yet, such positions were not necessarily representative of society as a whole.

8. *Ibid.*, 149; J. Coleman, «The individual and the Medieval State», in *The Individual in Political Theory and Practice*, ed. Id., Oxford, Oxford U.P., 1996, 1-34: 2.

9. J. Habermas, «The Public Sphere. An Encyclopedia Article», *New German Critique*, 3 (1974), 49-55.

In conclusion, as stated in the introduction to this volume, these 'modern men in-the-making' invented politics through the idea of contract (immanence) in order to produce an order which exceeded them (transcendence of the Leviathan)[10]; they constructed nature (immanence) whilst pretending to discover it (transcendence). The observation and description of living things gradually became a method of explaining reality that distanced itself from transcendence without, of course, denying it. In a sense, 'naturalisation' was a political response to the fundamental 'naturalist' movement that emerged in that period. At the same time, 'naturalisation' also corresponded to an imperative on the part of the sovereign, whoever he or she may be, to justify him or herself or even to depoliticise. In fact, power justified by 'naturalness' is placed outside a strictly political framework (political meaning what is defined by humans and negotiated between them). In this sense, 'naturalisation' echoes one of the inherent tendencies of power: that of verticality and the absolute which contradict the so-called 'political society'.

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10. Br. Latour, *Nous n'avons jamais été modernes*, Paris, La Découverte, 1991. See, in this volume, É. Adde, J. Dumont, *Nature, Legitimacy, and Power. A Preliminary Approach*, 3-19.

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