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Early Huguenot Political Theory as Represented by Francis Hotman and Franco-Gallia (1524 -1590)

Marcelle Woodruff Stumpff

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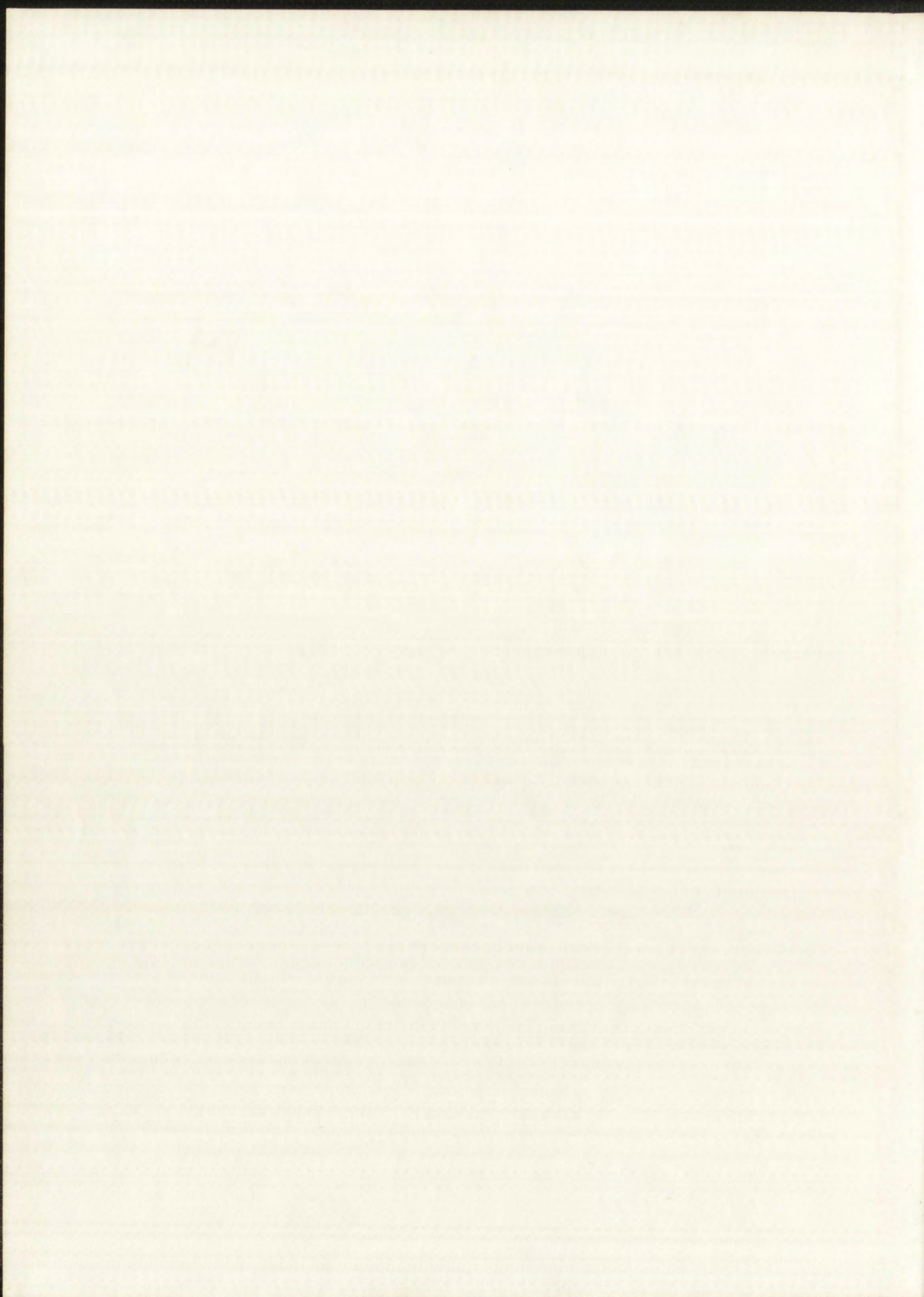
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EARLY HUGUENOT POLITICAL THEORY
AS REPRESENTED BY FRANCIS HOTMAN AND FRANCO-GALLIA
(1524 - 1590)

By
Marcelle Woodruff Stumpff

A Thesis
Submitted in Partial Fulfillment of the
Requirements for the Degree of
Master of Arts in Government and Citizenship

The University of New Mexico

1963



EARLY HUMANIST POLITICAL THEORY

AS REPRESENTED BY FRANKED BOOKS AND FRANKED BOOKS

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A Thesis

Submitted in Partial Fulfillment of the

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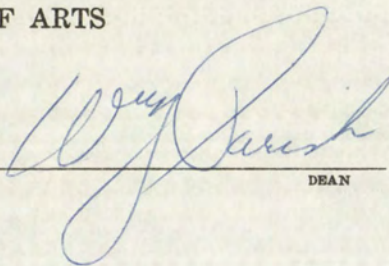
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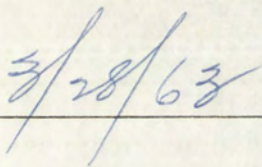
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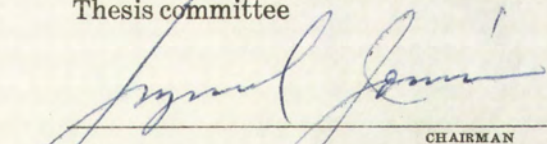


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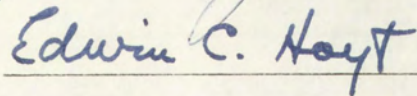


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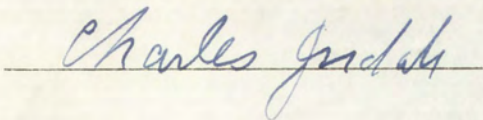
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in 1573. But it does indicate the political thinking of a large number of Protestants in France at that time.

While this thesis concerns the political thought of a particular religious group, it will not delve into theological questions, for such is not a part of the study. Quite simply, Franco-Gallia is a purely political book, inspired by and written toward the ameliorating of conditions in France caused by religious and civil dissensions. Because the religious aspect spilled over into other areas of life and strongly influenced them this can and will be a non-religious approach.

Huguenot political theory is interesting because it was in favor, regardless of its practical reasons, of popular sovereignty and a monarch under law before there was a democratic nation, as we use the term today, in the world. And interesting, too, because while it propounded its theory of a limited monarchy for France, in that nation absolutism was developing almost unchecked. Indeed, it was France in the following century which gave the world a prime example of an unlimited monarch, Louis XIV.

To democratic nations today it is important to understand how effective a minority, large or small, can be if it is vocal enough and has popular appeal. Francis Hotman succeeded in making Franco-Gallia effective in the sixteenth century because he appealed to the common denominator of the whole nation, French citizenship. He ignored the religious differences which had so

torn France and plunged it into debilitating warfare.

This thesis will examine the France of Francis Hotman and political ideas held in that nation during the sixteenth century, and then will discuss at length Franco-Gallia. It will seek to learn what Mr. Hotman had to say to his fellow citizens and what, if any, application his theory may have had on subsequent times and on succeeding generations.

There are several correct ways of spelling the name of our author, e.g. Francois Hotoman, Franciscus Hotomanus, depending upon the language used and inclination of the writer. For purposes of consistency and convenience the one to be used in this paper is the anglicized form, Francis Hotman.

For the same reason the legislative body in France, variously known as Etats-Generale, States-General, and Estates-General, will be referred to by the last form, since this is the most commonly used one in our language.

The quotations from Franco-Gallia, as translated by Robert Molesworth, may be difficult to read easily at first. The language is Old English and its spelling and grammar differ a little from the English employed today.

Rarely is change the result of but one factor. The sixteenth century was shaken by many changes -- economic, religious, political. This study of the political implications of a portion of the religious upheaval of western Europe was chosen because relatively little work in English has been done on early Huguenot political thought.

CHAPTER II

FRANCE BETWEEN 1524 AND 1590

The France into which Francis Hotman was born in 1524 was a nation at war, and remained so throughout his lifetime. Until the Treaty of Cateau-Cambresis in 1559 its two kings of the period, Francis I and Henry II, were involved in territorial expansion forays and plots to diminish the power of Charles V, the Holy Roman Emperor. From April 1559 until July 25, 1593, France was engaged in bitter and bloody internal strife. The focus of battle changed from international scenes to Paris and the Loire Valley as the Catholics and Protestants fought one another.

The royal family was the House of Valois; and it was aided in its administration of the kingdom during the second half of the sixteenth century by Catherine d' Medici and the powerful families of Bourbon and Guise. Catherine was an inconspicuous queen so long as Henry II lived; but upon attaining widowhood in 1559 and virtual regency of France for the next thirty years she became the most important political personage in the nation.¹ The influence of the Houses of Bourbon and Guise rose and fell as it suited Catherine.

When, in February 1525, Francis I was taken prisoner by

¹Henry Stephen Lucas, The Renaissance and the Reformation (New York: Harper & Brothers, 1934), p. 276.

Charles V at the Battle of Pavia and incarcerated in Madrid, he had been King of France for ten years. He was battling the Emperor for the double purpose of extending French control and whittling down the Empire's far-flung power. Francis I was a flamboyant ruler who seems to have retained a great deal of loyalty from his subjects at home while incurring many losses for France in battle. "Historians do not agree in gauging his enigmatic personality. The fact which cannot be denied is that for good or ill he gave a new luster and almost a new meaning to the kingly office."² Released from prison in March 1525, Francis returned home to await his next opportunity to do battle with Charles, which came the following year. It ended unfortunately, but not disastrously, for France and Francis in 1529. He continued sporadic wars against the Emperor with similar results throughout his reign which ended in 1547.

During his reign he was never quite sure how to deal with the new religious ideas. Officially France had begun to try to wipe out these heresies as early as 1521,³ but the King vacillated between ignoring the new faith and persecuting it rather violently. His policy, as that of his son, Henry II, apparently was based more on political expediency than on religious

²Albert Leon Guerard, France, A Modern History (Ann Arbor: The University of Michigan Press, 1959), p. 130.

³Lucas, p. 561.

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conviction.⁴ Never was it forgotten in France that Charles V was a Roman Catholic and the Holy Roman Emperor, and that to weld all of western Europe in religious unity would increase his power while diminishing France's. When Francis I was at war with Charles, generally speaking, the Huguenots received a measure of toleration. When Francis was not fighting Charles, or had been violently aroused by actions of the Protestants, they were persecuted with much zeal. Two events so angered him that he personally took part in the demonstrations against the Protestants. The first was the desecration by Huguenots of an image of the Virgin Mary in Paris in 1528. Second was the infamous "placards" incident. The "placards", which attacked abuses of the Mass, were posted all over Paris in 1534. Following these incidents and throughout the rest of his reign Francis made no attempt to restrain the persecution of heretics. The Place de Greve, site of many executions, became a busy place.

Some documents published during Francis's reign indicate his indecision and early lack of a strong position on the religious matter. In January 1535 he promulgated a royal order to extirpate all heretics. It was cancelled in July of that year by the Edict of Concy. In December, 1538 the Edict of Concy was revoked. By the Edict of Fontainebleau, June 1540, a law was again provided to rid the nation of all heretics.⁵

⁴A. J. Grant, A History of Europe from 1494 to 1610 (New York: A. P. Putnam's Sons, 1932), Vol. V, p. 182.

⁵Lucas, p. 568.

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During these years the number of Protestants in France continued to grow, a fact well recognized by the Crown and the Church.

Henry II became king in 1547. While his policy toward Charles V was his father's, that is, to keep Germany divided and confused,⁶ he never wavered in his attitude and policy toward those of the Reformed faith in France. Henry pursued a violent and unrelenting course to wipe out Protestantism in France. It was during his reign that the strongly pro-Catholic Guise family gained ascendancy. Second in importance as advisors to the King was the Coligny family, related by marriage to the Bourbons.

The year he became King of France Henry created a chamber in Parlement for the specific purpose of dealing with heresies.⁷ This became known as the Chambre Ardente because of its assiduous devotion to its duty. In 1551, by the Edict of Chateaubriand, Henry removed all cases of heresy from the Church's jurisdiction to the government courts. Except in cases involving ecclesiastics there was no appeal for those convicted in these courts of heresy or of sympathy toward heretics. At this time a member of the Paris Parlement, Anne du Bourg, made his speech in Henry's presence warning "that it was a serious matter to burn to death people of exemplary life who called upon Christ while writhing

⁶Grant, p. 255.

⁷Ibid., p. 255.

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in the flames."⁸ For this he, too, was burned to death. The theological faculty of the Sorbonne and the Parlement in Paris, although agreed that heresy must be stamped out, remained jealous of each other's prerogatives. These two groups became the chief agents of the battle against the Protestants.

While pursuing Huguenots at home Henry encouraged resistance to the imperial policy in Germany. As evidence of this he refused to support the Council of Trent, the famous Roman Catholic council which first met in 1543 for the purpose of finding ways to counter the spread of the new faith. In 1552 he eagerly accepted the important bishoprics of Metz, Toul, and Verdun from the Count of Nassau to aggravate relations with the Emperor.⁹ These cities were then occupied by the French army and Charles marched in an unsuccessful attempt to reclaim them. It was at the Battle at Metz that Francis of Guise distinguished himself and became a hero to the nation. Before this war with the Emperor was over Francis also took the city of Calais for France, thus adding to his popularity.

Hostilities between France and the Empire ended with the Treaty of Cateau-Cambresis in April 1559. This was an unpopular treaty in France at the time; yet its provisions proved to have beneficial and lasting effects for France.¹⁰ By its terms

⁸Lucas, p. 617.

⁹Grant, p. 183.

¹⁰Ibid., p. 187.

France surrendered its claims in Italy, retained Calais, and arranged two politically important marriages. One of these was a union between Elizabeth (daughter of the French king) and Philip II of Spain (son of Charles V).¹¹ During the celebration of the wedding of his daughter, Henry II was mortally wounded in a tournament and died in July 1559, leaving Catherine d' Medici, his widow, and their not-too-healthy children to rule France.

The first half of the sixteenth century had seen an almost continuous development of authority and machinery of royal rule in France. The gain of the Crown came at the expense of the nobles.¹² Lucas has commented, "The nobility still cherished memories of greatness which they had lost to the Crown. . . . Many a noble became Protestant . . . because of their hostility to the crown."¹³ Certainly Catherine did little to alter the steps toward centralizing the French government. She was a woman with little regard for religion and none for morality;¹⁴ and "Interest, not principle, guided her policy."¹⁵

However, due to the fact that she was not the duly-invested reigning monarch, the great noble families of Guise, Bourbon, and Coligny asserted themselves against Catherine. They thus

¹¹Ibid., p. 187.

¹²Ibid., p. 342

¹³Lucas, p. 561

¹⁴Grant, p. 342.

¹⁵Lucas, p. 676.

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checked the flow of authority to the Crown.¹⁶ She spent the next thirty years maintaining a shifting and tenuous balance of power among them. At the end, Henry IV became King of France and a strong central government was again in charge of the nation.

While Francis II, the eldest son of Henry II and Catherine, was sixteen and thus nominally of age, he was too frail to rule. So began Catherine's long regency. The court influence of the Guises was furthered by the fact that Mary Stuart, wife of Francis II, was a Guise. She was the niece of Francis, Duke of Guise, and Charles, Cardinal of Lorraine. The Huguenots began to fear such a close combination of the Guise and Valois families. They became involved in a plot to seize the young King "for protection" and to put the Bourbons in control of the government. This was the abortive Conspiracy of Amboise of 1560, which was successfully countered by the Guises. Conde, leader of the Protestants, supposedly played a role in it. In addition to causing Catherine to rely less on her Huguenot counsel, this Conspiracy added suspicion to the aims of the Protestants and greatly enhanced the popularity of the Guise family, who commenced an even more rigorous policy against the Huguenots.

The death of Francis II in 1560 and the minority of Charles IX brought some changes in France. First of all, Charles was only thirteen years old and not old enough to reign. Catherine

¹⁶Preserved Smith, The Age of the Reformation (New York: Henry Holt and Company, 1920), p. 207.

became regent in fact as well as in name. The influence of the Guises waned and Catherine leaned heavily on the counsel of Michel de l' Hopital, the Chancellor. "He was one of the few real statesmen of his time."¹⁷ Throughout his tenure as Chancellor he appealed for moderation and toleration, not on religious grounds but for the sake of the nation.

The year 1562 brought a measure of toleration to the Huguenots through the Edict of Saint Germain. It also brought the beginning of the first war of the series known as the "Wars of Religion". The Edict granted freedom of worship outside city walls. One Sunday soldiers attached to the Guise family found some Huguenots worshipping publicly in the town of Vassy. The soldiers killed some of the Protestants, and so began the vicious, internecine conflagration. "Historians count no less than eight Religious Wars; as a matter of fact it was a thirty-year struggle punctuated now and then by an insincere truce."¹⁸

A new organization was formed at this time and became known by its sobriquet Politiques. The Politiques were French Catholics who loved France enough to put peace, law, order, and the nation's welfare above religious unity. They said, "A man does not cease to be a citizen because he is excommunicated."¹⁹

¹⁷William Stearns Davis, A History of France (Boston: Riverside Press, 1919), p. 119.

¹⁸Guerard, p. 152.

¹⁹Thomas M. Lindsay, History of the Reformation (New York: Charles Scribner's Sons, 1928), p. 203.

Their influence, however, did not become decisive until the end of the War of the Three Henries and the Eighth War of Religion.

This first war brought the deaths of the Huguenot Anthony of Bourbon and the Catholic Francis of Guise. It was ended in 1563 with the Peace of Amboise. This agreement provided for Calvinism to continue where it already had been established, except in Paris. By then the Reformed congregation in the capital city was already eight years old.

Fighting flared again in 1567 and the Second War ended in 1568 with the restatement of the Peace of Amboise. At this point it should be mentioned that both the Catholics and Protestants had many similarities in their policies. Both groups demanded an exclusive victory for their beliefs and politics, both showed flagrant disregard for the law,²⁰ and both sides imported mercenaries. Neither faction won decisive victories nor had well-disciplined armies. France was ravaged by brigands acting in the name of Christianity.

During the Third War, 1568 - 1570, Elizabeth of England helped the Huguenots while the Guises were aided by Spain and Rome. At its terminus the Peace of Amboise was again reaffirmed.

Before the Saint Bartholomew's Day Massacre and the Fourth War are discussed something should be said about Catherine and

²⁰Grant, p. 348.

These findings, however, are not in line with the results of the
and of the other studies which have been conducted in the
field of the subject.
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Charles IX and their unsuccessful attempts to settle the problems of France peacefully. In 1560 the Assembly of Notables was held at Fontainebleau to consider the raging religious controversy. This group, composed of prominent men in the Church and nation, favored conciliation and toleration. To achieve this they called for a meeting of the Estates-General. Catherine convened the Estates-General in 1561. She tried to work with it and the ecclesiastical group which met at Poissy the same year. However, the various elements could not or would not reconcile their divergent views. From then on she and Charles deviated from sympathy and toleration to mere acknowledgment of the existence of the Huguenots. They did this by playing the Catholics and Protestants against each other, trying to keep either one from being victorious and thus a power against the Crown.²¹ The success of a Valois monarch in France was her primary objective. The courses she felt would best serve her and her sons were the paths she followed.

When she arranged the marriage of her daughter Margaret to Henry of Navarre, a Protestant, she apparently thought it would help conciliate the two religious factions. However, before the marriage took place she became suspicious of Coligny's Protestant influence on Charles and was convinced by Catholic fanatics that those of the Reformed faith were too dangerous to be allowed in France any longer. She not only approved but persuaded her

²¹Davis, p. 120.

EZRA

CHAPTER I

After the Jews had returned from the captivity in Babylon, they found the temple in ruins. They began to rebuild it, but the king of Persia, Darius, was against them. He thought that the Jews were trying to take over the kingdom. So he sent a decree to the governors of the provinces, saying that they should stop the Jews from rebuilding the temple. The Jews were very sad and they stopped working. But then, a man named Haggai came to them. He was a prophet of the Lord. He told them that they should not be sad. He said that the Lord was with them and that they should go back to work. So they started rebuilding the temple again. And the king of Persia, Darius, was so impressed by what Haggai had said, that he changed his mind. He gave the Jews permission to rebuild the temple. And so, the temple was finished. It was a beautiful building, and it was the center of the Jewish community. The Jews were very proud of it, and they used it for many years. It was a great achievement for them, and it showed that they were a strong and determined people. The story of the rebuilding of the temple is a very important part of Jewish history. It shows how the Jews overcame many difficulties and how they were able to rebuild their community. It is a story of hope and faith, and it is a story that has inspired many people for many years.

son, the King, of the propriety of killing all Huguenots in the land. On August 24, Saint Bartholomew's Day, 1572, with many Protestants in Paris to celebrate Henry of Navarre's wedding to Margaret, Charles IX's sister, the Massacre, which took many thousands of lives and which was celebrated as far away as Rome, began. Estimates of the number of people slain vary greatly from author to author. The Protestants magnified and the Catholics microscoped the total. However, the number was probably somewhere between 10,000 and 20,000.²² It did not exterminate all of the heretics, but served to begin the Fourth Religious War, which ended in 1563.

Henry III became King of France in 1574 upon the death of his brother. By this time it was apparent there would be no direct Valois male to assume the Crown after him. Two years later a second Catholic group was formed which was under the leadership of the Guises. It stood in direct opposition, politically, to the Catholic Politiques. This new group was known as the Catholic League. It felt that if it were necessary, in order to keep a Catholic on the throne, France should lose its national identity and have a duly-anointed king, preferably a Guise, rather than permit a heretic on the throne. In this endeavor the Guises received hearty encouragement and help from Philip of Spain.

With no Valois to succeed Henry III, Henry of Navarre, a

²²Smith, p. 218.

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Bourbon, had the most valid claim to the throne. This claim was based on his grandmother, Marguerite, sister of Francis I. Under Salic Law his parent stem went back to Louis IX, covering a period well over three hundred years.²³ Henry of Navarre, however, was a Protestant most of the time. He had changed his faith on several occasions to meet demands of various situations. For example, one time he was captured by Catherine's forces and he changed from Protestant to Catholic in order to save his life. The Guises' claim to the Crown was through marriage only. And thus does the War of the Three Henries take shape. Henry III had the support of the Politiques, Henry of Guise was backed by the powerful League, and Henry of Navarre led the Huguenots.

Two more Religious Wars were fought, the Fifth, 1575 - 76, and the Sixth in 1577. In 1585 Henry III revoked the decree of toleration of Huguenots and in 1586 the Seventh War, or War of the Three Henries broke out. By this time Henry III realized that the Politiques were not strong enough to help him, that the Guises and the League were becoming frighteningly powerful, and perhaps he should consider his own reign first and worry about a successor later.²⁴ To this end he invited Henry of Guise to visit him in December 1588 and assassinated him. Two

²³George Burton Adams, The Growth of the French Nation (New York: The Macmillan Company, 1928), p. 177.

²⁴Adams, p. 175.

CHAPTER III

THE POLITICAL ORGANIZATION OF THE FRENCH KINGDOM IN THE SIXTEENTH CENTURY

The political organization of France in the sixteenth century could be graphically illustrated by a sun, personified by the monarch, with its rays going in all directions, stemming from but one source, the sun (or king), with his being recognized as the chief source of law, justice, and order.¹ The absolute monarch, typified for us by the Bourbon family, was, at this time under the Valois, in its developmental stage. The few checks or balances on the king's powers were the Roman Catholic Church and the various Parlements of France. But rather than naming them as checks, perhaps brakes would be a better description of the relationships and dynamics involved in the workings of these three forces in France.

While there was no constitution as such, the king was expected to govern in accord with the fundamental law of the land. This, according to Maurois, was the key to the lack of a responsible, responsive government because there was no real or generally held idea as to what constituted the "fundamental law of the land". It was in this area that the Parlements supposedly

¹Carleton J. H. Hayes, A Political and Cultural History of Modern Europe, I (New York: The Macmillan Company, 1932), p. 31.

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

The following is a list of the lands owned by the United States of America, which are located in the State of California, and which are subject to the provisions of the Act of March 3, 1879, entitled "An Act to provide for the disposal of the public lands in California, and for other purposes."

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ERASE

COTTON CONTENT

These lands are situated in the County of Santa Clara, State of California, and are more or less well watered, and are suitable for the raising of cotton, and other crops.

For a full description of these lands, and for a full list of the lands owned by the United States of America, in the State of California, see the report of the Commissioner of the General Land Office, for the year 1880.

Very respectfully,
Your obedient servant,
ROBERT H. HARRIS,
Commissioner of the General Land Office.

offered their checks on the powers of the monarch.²

The twentieth century citizen would most likely classify the king as executive, the Parlements as judiciary, and the Church as a religious body. He would see each functioning neatly in its own sphere, caring for matters within its jurisdiction, independent of the others, and not fully grasp that in the period of this study the three forces were closely intertwined and shared many facets of public administration, with the monarch generally accorded precedence.

Hazily on the periphery of this illustration would be the practically defunct Estates-General, which was a pseudo-legislative advisory body and a creature of the crown. It was composed of three distinct groups: clergy, nobility, and people (in this category falls not the poor, over-taxed, voice-less peasant, but the rising middle class or bourgeoisie of the towns which possessed land and/or money). Although the organization of this legislature differed little from the vigorous and effective Parliament of England, in fact it was in the sixteenth century virtually ineffective because of the unit system of voting (wherein each order voted as one), as opposed to the voting by heads in the British Parliament. It did not meet regularly as did the Parliament. The Estates-General could be summarily dismissed by the monarch any time it resolved against him, if he chose to do

² Andre Maurois, A History of France, trans. Henry L. Binsse (New York: Grove Press, Inc., 1960), p.175

so. For example, one time during a session the King had all of the furniture removed from the assembly hall and the doors locked.³ The Estates-General had never possessed the power to levy taxes nor to authorize expenditures nor to try royal officials. Contrasting the English and French legislative institutions further, in France there was no tradition of popular participation in government, and there was no written document to guarantee liberty.⁴

An interesting example of the lack of efficacy of the Estates-General in the sixteenth century was the session convened in December of 1560 by Catherine d' Medici, who was performing as regent for the dauphin, Charles IX. It was the first such session called since 1484. Excitement over and interest in it ran high. Much was expected from it. The convention was to consider the political problems of France caused by religious difficulties. Members of the Reformed faith could be found among the nobility and in the third Estate; yet both of these Estates were extremely jealous of their political and economic positions and had no desire to yield to the other in most matters. Catherine went to the meeting apparently genuine in her desire to end the debilitating and bloody dissensions of the two religious groups. This meant that at the time she was not entirely out of sympathy with some of the aims of the Huguenots.

³Ibid., p. 174.

⁴Hayes, p. 31.

She was supported in this position by Michel de l'Hopital, the Chancellor. However, the vicissitudes of argument and debate found her unsure of what was really good for the realm. Catherine vacillated from one stand to another, made and withdrew concessions, and finally adjourned the convention until May, 1561.

For various reasons the Estates-General did not re-convene until August 1 of that year. All that was accomplished during this second session was consideration of taxes and more debate on the religious problems. While some decisions were reached and edicts were promulgated, they hardly dealt with the germane and pressing issues. Nothing of significance was accomplished by this assembly.⁵

So while the Estates-General may have been an ancient, honorable, and venerated institution in France, it was rendered powerless by the monarch and its own in-fighting.

The king was the center and source of all real political authority. France was without a real constitution, an effective legislature, and a responsible ministry.⁶ There was neither political, judicial, nor religious check on the royal prerogative.

France was Roman Catholic legally as well as religiously. For several reasons the Church was not so formidable a check upon the monarch as would be expected. The primary reasons

⁵Lindsay, pp. 180-186.

⁶Maurois, p. 176.

resulted from the Concordat of 1516, negotiated between Francis I and Pope Leo X. In accord with its provisions the king, first of all, held the right to appoint all the important bishops and church officials in France. Secondly, he shared in the revenues of the French, or as it is sometimes called, Gallican Church. Quite obviously friends of the Crown would be named to the influential posts. Any cleric in France who might oppose the king or his policies was not likely to be in a position to be very effective. The king's share of the revenue was not, apparently a fixed amount or percentage. When he had the temerity to try to increase his portion of the income he was usually successful.

Historically, too, the French monarch simply operated rather independently of Rome.

Any aberration from the Roman Catholic faith was regarded and punished both as heresy and treason. Because of this fact, during the period of this study the royal courts fought with the ecclesiastical courts over the right to try members of the Reformed faith.⁷ It was this treason factor which disturbed many of the Protestants, who regarded themselves simultaneously as loyal Frenchmen and Christians. In the dedication of his Institutes of the Christian Religion to Francis I, John Calvin felt it necessary to remind the King that the Huguenots were still loyal subjects of the French Crown, "and if those outrageous furies, with your connivance, continue to persecute

⁷Lindsay, p. 162.

with imprisonments, scourges, tortures, confiscations, and flames, we shall indeed, like sheep destined to the slaughter, be reduced to the greatest extremities,"⁸ and that they would submit to whatever punishment the King saw fit to mete out. While Armstrong felt the Huguenot leaders to be blind to submit meekly without thought of revolt, the Huguenots apparently tried to be loyal to the Crown as well as to their consciences right up until the occasion of the Saint Bartholomew's Day Massacre.⁹

The Church claimed membership, financial support, and obedience from all citizens in France and this claim was enforced by the secular government.¹⁰ For reasons discussed above it was to the benefit of the Crown to support the Roman Catholic Church so assiduously. Nevertheless, the kings of France were reluctant to share sovereignty over their subjects with "foreigners". They felt that loyalty to the Pope, whose domain was in Italy and whose office was always filled by an Italian, was a strong threat to the power of the Crown, both from within as well as from without. Obviously more revenue could be obtained from a

⁸ John Calvin, Institutes of the Christian Religion, trans. John Allen (2 vols., 6th ed.; Philadelphia: Presbyterian Board of Christian Education, 1936), I, p. 40.

⁹ E. Armstrong, "The Political Theory of the Huguenots," The English Historical Review, ed. Rev. Mandell Creighton, IV (January, 1889), p. 16.

¹⁰ Henry W. Littlefield, History of Europe, 1500-1848 (5th ed.; New York: Barnes & Noble Inc., 1939), p. 25.

less powerful Church. For these reasons some of the kings of France were reluctant to obliterate the rising tide of the Reformed faith.

The Parlements of France were anachronistic. They had been set up in the thirteenth century as royal courts of law whose members were elected. By the sixteenth century they had become mere rubber stamps for the king's policies. The King's Court was originally divided functionally into three bodies. These were the King's Council, to advise the king and administer the kingdom; the Chamber of Accounts, which was to care for the revenue and to provide for the expenses of the nation; and the Parlement, the supreme court of France whose function was wholly judicial. The divisions ceased to be mere separations and became classified according to importance. In this classification Parlement had precedence.¹¹

Parlements were located in most of the major cities. The most influential one was located in Paris. Apparently they operated independently of one another, but always under the aegis of the Crown. Legally they were trial courts for both civil and criminal cases. In addition they were forums where various policies of the King and the Church were discussed. To the extent they could object vociferously in public to governmental policies the Parlements represented a vocal check upon

¹¹Adams, pp. 93-94.

the monarch.¹²
The members of the House of Commons, by their conduct, showed
their contempt of the king. In 1702, the House of Commons
petitioned the king, and on 10th March 1702, the king
had to register what the House of Commons had said, and
of their disaffection towards him. In 1702, the king
authorities connected, and in 1702, the king
of refusal to register, and in 1702, the king
described an incident which occurred in the House of Commons
was voted the House of Commons, and in 1702, the king
and it capitulated to the king, and in 1702, the king
Parliament protested to the king, and in 1702, the king
standing edicts would be made, and in 1702, the king
that justice could not be done, and in 1702, the king
all of the authors of the king, and in 1702, the king
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various Parliaments, and in 1702, the king
In addition to the king, and in 1702, the king
responsible ministers, and in 1702, the king

¹² Macaulay, p. 175.
¹³ J. W. Allen, A History of the House of Commons, 1702-1714, p. 175.
¹⁴ John Elliott, The King's Men, p. 175.
¹⁵ Times of the Present, p. 175.
¹⁶ W. Moore, 1702, p. 175.
¹⁷ Ibid., p. 175.

Begun by Charles Paulet it amounted to a man's buying a governmental post. It operated by said citizen's paying an annual levy of one per cent of the purchase value of the post. For this fee he had the right to pass on his office to his son.¹⁶ This practice formed an important source of revenue to France.¹⁷ The paulettes system made public officers, which included judges and other public officials, completely unresponsive to the people over whom they officiated. Its abuses are quite obvious.¹⁸

The monarch rarely bothered to inquire into the whys and wherefores of revenue collection, just so long as the tax money kept coming in. This led to another unfortunate practice in which would-be tax collectors bid on the office, and the office was awarded to the highest bidder. Once in office, the collector could set the tax at whatever rate was needed to meet his obligation to the king as well as assuring himself a profit. There seems to have been no redress against this practice.

To add further to the administrative or governmental confusion and inequity in France was the fact that at the same time there was no codified fundamental law of the land; there was no nationally recognized custom or common law. By terms of the agreements with the Crown upon their entry into the French Kingdom, the various provinces differed from their

¹⁶Maurois, p. 175.

¹⁷Adams, p. 157.

¹⁸Maurois, p. 179.

begin by Charles Lewis in 1800. It operated by selling
first of one part of the property of the
this too he had the right to pass. This practice turned up in 1800
the practice of the king was not to be used in the
and other public officials, such as the king, the king
over when they collected. The king was not to be used
The monarch rarely bothered to collect. The monarch rarely
whenever of revenue collection. This led to a system of
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neighbors in what duties, taxes, and obligations they owed the monarch. Some of the provinces were quite strictly governed from Paris, others were not disturbed so long as they paid their assigned taxes. According to Maurois, the king never did try to force a uniform law upon all of France. Each province was judged according to its indigenous custom.¹⁹

Underscoring or emphasizing this convoluted system of government was the difficulty in determining who in the nation or what citizens had suffrage. There was no codified policy from Paris regarding voting rights. National elections were conducted so infrequently that it was impossible to remember from one occasion to another who should vote. Also, the wealthy and influential middle class, formerly voteless because its members were, for the most part, landless, was demanding full privileges of citizenship. Smith speculated that peasants probably did not vote for representatives to the Estates-General in 1484, but in all likelihood did so in 1560.²⁰ Lindsay wrote of the confusion and problems faced in the provinces when Catherine called for the convention of the Estates-General in 1560. Definite criteria for adjudging voting eligibility were lacking and apparently all votes were not counted equally. It became difficult to elect delegates in time to attend the meeting since there was so much indecision over the possession of suffrage.²¹

¹⁹Ibid., p. 176.

²⁰Smith, p. 212.

²¹Lindsay, p. 181.

neighborhood in which they lived, and the children of the poor were
sent to the workhouse where they were kept in the same
from birth, others were sent to the workhouse as soon as they were
assigned to work, and the king never left his
to force a willow law upon all of them. The king never left his
judged according to the law of the land.

Understanding of the situation of the country was the difficulty in determining who in the nation
or that citizens had authority. There was no political party
those parties regarding voting rights. National elections were
conducted as if they were not, it was impossible to measure
from one occasion to another who should vote. Also, the working
and intellectual middle class, formerly known as the non-
voters, for the most part, however, was excluded from the
franchise of citizenship. With special laws passed recently
did not vote for representatives to the House of Commons in 1832,
but in all likelihood did so in 1832. Many words of the
constitution and problems faced in the process of reforming
called for the revision of the House of Commons in 1832.
Parties outside the existing voting eligibility were look-
ing and apparently all votes were not counted equally. It be-
came difficult to elect delegates in time to attend the meeting
since there was no provision for the possession of suffrage.

1832, p. 176
1832, p. 176
1832, p. 176

Lucas saw French society in the sixteenth century headed, of course, by the monarch. Next in precedence came the concordatory or upper clergy, then came the nobility, followed in order by the aristocratic bourgeoisie, the bourgeoisie, the lower clergy, and then the proletariat of town and country.²²

The everyday workings of the government of France could be diagrammed by a pyramid, the apex of which would be the monarch. Beneath him on the chart would be the aristocracy or nobility. While this group enjoyed no real power as such, it was from this population segment that the great bishops were chosen, and, too, it composed one-third of the Estates-General.

On the next level down would be the newly-arrived magistrates or judges, or as expressed by Adams, "nobles of the robe".²³ These were the sons of the wealthy burghers who could buy their male progeny governmental posts, happy in the knowledge that through the paulettes system this newly-conferred nobility would be hereditary. To satisfy the nation's coffers and the ambitious middle class the king increased public jobs so that France became quite a haven for lawyers and financial agents.²⁴ It was this situation which Francis Hotman found to be so grievous and upon which he blamed much of the troubles of France.

²² Lucas, pp. 561-562.

²³ Adams, p. 157.

²⁴ Maurois, p. 179.

... French and French society in the nineteenth century, viewed
of course, by the majority, it is to be understood as the common-
factor of upper class, when seen the nobility, followed in
order by the aristocratic bourgeoisie, the bourgeoisie, the lower
class, and then the proletariat of town and country.
The everyday workings of the government of France would be
determined by a pyramid, the apex of which would be the monarch.
Beneath him on the chart would be the aristocracy, bourgeoisie,
While this group enjoyed no real power at all, it was their
population segment that the great distance was between, and, and,
it composed one-third of the total population.
On the next level down would be the middle class, the bourgeoisie,
as judged, as we explained by Adam Smith, the bourgeoisie was the
There were the sons of the wealthy bourgeoisie who were the
This property governmental power, based on the knowledge that
through the various system this class could not mobilize would
be necessary. To actually the nation's affairs and the
those matters alone the king interested himself in that
France became a state & have for law and financial agents.
It was this situation which French history tried to be
Givens and upon which he placed much of the structure of
France.

France, pp. 261-262.
France, p. 157.
France, p. 157.

It was this group which, from Paris and throughout the provinces, performed the functions of government and ruled in the king's name. The magistrates, judges, intendants, subdelegates, procurer-du-roi, bailiffs, and tax-gatherers ruled town and country and answered only to the monarch.²⁵

Therefore, the political authority of France in the sixteenth century was the king. Any side activities or organizations existed only by virtue of his whims.

²⁵Maurois, p. 175.

It was this group which, from Paris and elsewhere, the gov-
 ernment, gathered the functions of government and ruled in the
 king's name. The magistrates, judges, lawyers, and
procurer-du-roi, ballifs, and tax-gatherers ruled town and
 country and answered only to the monarch.²
 Therefore, the political authority of France in the six-
 teenth century was the king. Any other activities or organi-
 zations existed only by virtue of his will.

²Hamowy, p. 195.

CHAPTER IV

SIXTEENTH CENTURY CONSTITUTIONAL

THEORIES IN FRANCE

The sixteenth century saw the continuing centralizing of governmental authority carried on by Francis I and capped, during this century, by Henry IV. Even the thirty-five year absence of an effective monarch from the throne did not alter this course. The government was entirely the king's personal government.¹

By the end of Francis I's reign in 1547, the feudal system had died in France. "There were no longer vassals or suzerains, only the king and subjects."² The role of the barons was assumed by the nobles and these nobles did not strive for independence from the Court.³

With this quite apparent rise of absolutism in France came ideas both to support and to oppose the role of the monarch, even if the kings had been acting for some time as if there were no constitutional checks on their wills.⁴

The first work relating to the authority of the king to be

¹ Adams, p. 142.

² Ibid., p. 155.

³ Ibid., p. 155.

⁴ Ibid., p. 143.

SIXTEENTH CENTURY CONSTITUTIONAL

TRENDS IN FRANCE

The sixteenth century saw the continuing development of governmental authority, limited by Francis I and carried during this century, by Henry IV. Even the thirty-five years absence of an effective monarch from the throne did not alter the course. The government was entirely the king's personal government.¹

By the end of Francis I's reign in 1547, the feudal system had died in France. "There were no longer vassals or seigniors, only the king and subjects."² The role of the nobles was reduced by the nobles and these nobles did not strive for independence from the court.³

With this quite apparent rise of absolutism in France came ideas both to support and to oppose the role of the monarch, even if the kings had been acting for some time as if there were no constitutional checks on their will.⁴

The first work relating to the authority of the king to be

¹ Adams, p. 152.

² Ibid., p. 152.

³ Ibid., p. 152.

⁴ Ibid., p. 152.

considered was La Grant Monarchie, written by Claude de Seyssel and published in 1518. Seyssel had held many offices under Louis XII and at one time had been the Chancellor. His book maintained that the right to rule lay in custom and expediency. The function of government was to maintain peace, order and justice, and that, importantly, a government simply must be able to govern.⁵ He did not feel that a monarchy was the best form of government, just the best available.

Seyssel held that the French monarchy was the best one in the world because of the nature of its limits, which were real or practical limits, and therefore far better and more effective than legal limits. He conceived three such checks or restraints on the king. These were as follows:

1. France was a Christian nation under a Christian King. Therefore he was under an obligation to live an outwardly Christian life and to rule like a Christian King. Were he to do otherwise he would be hated and could be disciplined by the Church.
2. The king's own judicial machinery, specifically the Parlements.
3. Most important of all was the restraint of ancient law and custom, of which the monarchy itself was a part. Interestingly, the institution of Estates-General was given only a cursory and passing mention and accorded no real rights.

Allen wrote:

The strength of the French monarchy as Seyssel saw it, lay in the inconsistencies of its constitution. On the one hand we have a King able to cope with all emergencies because his powers have no legal limit. On the other hand we have ...

⁵Allen, pp. 275-276.

considered was the Grand Remonstrance, written by Clarendon in 1641 and published in 1642. Clarendon had held many offices under Charles II and at one time had been the Chancellor. His book contained that the right to rule lay in custom and prescription. The plan of government was to establish peace, order and justice, and that, importantly, a government should be able to pay its debts. He did not feel that a monarchy was the best form of government, but the best available.

Clarendon held that the French economy was the best one in the world because of the nature of the state, which was not or practical limits, and therefore the better and more effective than legal limits. He expected that such change in relations on the king. These were as follows:

1. France was a Christian nation under a Christian king. Therefore it was right to distinguish to live an outwardly Christian life and to make the world Christian king. There is to be no distinction between the sacred and the secular.
2. The king's own judicial authority, especially the Parliament.
3. Most important of all was the question of taxation. Law and custom, of which the monarchy itself was a part. Interestingly, the institution of taxation was given only a secondary and secondary position and accorded no real rights.

Also noted:

The strength of the French monarchy as reported in 1641 lay in the institution of the monarchy. On the one hand we have a king who is not a monarch because his power has no legal limit. On the other hand we have

a people so happily wedded to its ancient customs that it is impossible for the King to disregard or destroy them. . . . Introduce into this system the idea of positive right or the idea of unfettered law-making power and the whole structure goes to pieces. Once the question of legislative power is definitely raised, the main question comes to be as to where such power resides. There is in Le Grant Monarchie no suggestion that it can reside anywhere but in the King. On the other hand, insist that customary rights are absolute and you will have a legally limited monarchy.⁶

Quite obviously Seysscl saw in the monarchy some limits to its power which he attempted to define. Due to the existing political framework at that time, however, he could not be more specific. He envisioned a king under law; the extent of that law was not dealt with.

During his reign of thirty-three years Francis I was responsible for a tremendous amount of attitude changes in the French nation. In addition to decreasing the power of the feudal barons and increasing that of the Court's, he added to the French national consciousness by his wars with the powerful Hapsburgs, his promulgation of the Ordinance of Villers-Goterets in 1539, which, among other things, introduced French as the sole official language of the nation (replacing Latin),⁷ and by sponsoring expeditions to the New World under the leadership of Cartier and Verranzo.⁸ By so diverting attention away from things local he increased the prestige of the national Court.

⁶Ibid., pp. 278-279.

⁷Guerard, p. 131.

⁸Adams, p. 158.

The monarchy would have been even stronger in this era had it not been for the peculiar provincial rights and customs which made, for instance, the king more powerful at Amiens or Bourges than he was at Rouen.⁹ Only in the provinces were there any vestiges of feudalism remaining in 1547.¹⁰ Significantly, though, it was during Francis's reign that a rather widely held theory of absolutism began developing.¹¹

Jean Ferrault, during the reign of Louis XII, was the first of the sixteenth century writers to claim almost unlimited power for the king. The only limit he saw was that the king must govern in accord with the fundamental law. As interpreted by the royalist lawyers of the time, this meant that the only two things forbidden the king were the rights to alter the Salic Law and to alienate the domain.¹²

In 1538 Regalium Franciae was published by Charles De Grassaille. In it he saw the king as the viceregent of God whose powers included unlimited legislation and taxation. He echoed the limits specified by Ferrault -- the king could not alter the law of succession nor could he alienate the domain or any part of it. This book is important for its suggestion of the divine right theory, which was to become so significant

⁹ Allen, p. 286.

¹⁰ Adams, p. 159.

¹¹ Allen, p. 281.

¹² Ibid., p. 283.

The monarchy would have been even stronger in 1815 than it
 not been for the peculiar provisions of the 1815 constitution which
 made, for instance, the king were powerful at the time of Napoleon
 time he was at home. Only in the constitution were there any
 vestiges of feudalism remaining in 1815. In 1815, in fact,
 though, it was during Napoleon's reign that a reform which
 laid theory of absolutism began developing.
 Louis XVIII, during the reign of Louis XVI, was the first
 of the eighteenth century writers on absolutism. In 1789, the first
 for the king. The only limit to his power was that he was
 bound to execute the laws of the kingdom. He was bound by
 the royalist lawyers of the time, this meant that the only law
 which forbade the king was the right to alter the laws
 law and to alienate the domain.
 In 1832 Regulation Française was published by Orléans de
 Gravelle. In it he saw the king as the Viceroy of the
 whose power included unlimited legislation and taxation. He
 solved the issue specified by paragraph -- the king could not
 alter the law of succession nor could he alienate the domain
 or any part of it. This book is important for its suggestion
 of the divine right theory, which was to become an important

2 Allen, p. 286.
 10 Allen, p. 287.
 11 Allen, p. 281.
 12 Allen, p. 283.

in the next century in France.¹³

The unusually independent nature of the Roman Catholic Church in France, in which, as Guerard wrote, the Church belonged to the king,¹⁴ influenced the writings of the Catholic royalist authors of the time. They saw that the king was supreme in his nation in matters of ecclesiastical nature as well as of temporal. One even wrote that the king was first after God.¹⁵ Another, that the king should decide disputes over religion.¹⁶ The authority claimed for the papacy at that time was rather ignored by some of the writers in France.¹⁷

As in nature, in which for every positive force there is an opposing negative force, so in the sixteenth century there were theories opposing the growing absolutist idea.

Begun in the thirteenth century simultaneous to the renewed interest in Roman law,¹⁸ study of the mass of customary law became intensified under Francis I. This customary law was generally accepted as the real law of the land. These studies emphasized tradition or custom and claimed it developed independently of the king.¹⁹ Allen commented,

If the action of the Crown were to be conceived as limited by customary rights, the limitations were not the same for every part of France. . . . Yet constitutionalist theory developed in France before 1560, based

¹³ Ibid., p. 284.

¹⁴ Guerard, p. 146.

¹⁵ Allen, p. 285.

¹⁶ Ibid., p. 285

¹⁷ Ibid., p. 285.

¹⁸ Adams, p. 94.

¹⁹ Allen, p. 286.

in the most century in France.
The universalist movement of the French Revolution
in France, in which, as we have seen, the French
longed to the king, is influenced by the influence of the Revolution.
royalist movement of the time. They are aware that the king was not
great in his nation in nature of constitutional nature as well
as of temporal. One even wrote that the king was first of all
God.¹⁵ Another, that the king should be elected by the people over the
king.¹⁶ The authority claimed for the king as that of
was rather ignored by some of the writers in France.¹⁷
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is an opposing negative force, so in the sixteenth century there
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Bacon in the sixteenth century anticipated to the
newest interest in France for, ¹⁸ study of the new of authority.
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was generally recognized as the real law of the land. These
theories emphasized tradition or custom and claimed it developed
independently of the king.¹⁹ Allan commented,
If the notion of the Crown were to be conceived as
limited by customary rights, the legislative power
the same for every part of France. . . . Yet absolutism
absolutist theory developed in France before 1500, based

¹⁵ Ibid., p. 285.
¹⁶ Ibid., p. 285.
¹⁷ Ibid., p. 285.
¹⁸ Ibid., p. 285.
¹⁹ Ibid., p. 285.

either on the assertion of the existence of an ancient constitution which the King has no right to alter, or simply on belief in customary rights, as ancient and sacred as the monarchy itself. . . . France in the mid-sixteenth century did not lack a theory of its constitution to oppose that of royal absolutism: the mischief was that it had too many such theories.²⁰

Writers who denied that the monarch held unlimited powers came to be known as "monarchomachs", intended as a term of derision, but as with the sobriquets "Politiques" and "Huguenots" it remained to denote a specific group long after the original onus had been forgotten. Both Catholics and Protestants were in this group. Cardinal features which both religious groups shared were:

1. Doctrine of popular sovereignty
2. Idea of contract
3. Some notion of natural law.²¹

Allen made the point that while natural law was considered a limitation on the Crown, the term was general and no one tried to formulate it or specify how it limited the government.²²

Opposition or "monarchomach" constitutional theory focused on two points: the representative nature of the Estates-General and the restraint of the king by the Parlements. As seen in the preceding chapters, these two institutions were ineffective

²⁰Ibid., pp. 286-287.

²¹Ernst Troeltsch, The Social Teaching of the Christian Churches, trans. Olive Wyon (London: George Allen & Unwin Ltd., 1931), II, p. 631.

²²Allen, p. 287.

against a king who chose to ignore them, despite the venerated thoughts held about them.

Generally speaking, and despite the lack of any definite formulation of exactly what the ancient constitution was, Huguenot political theory encompassed the ideas of a natural law limiting the government, the sanctity of customary law, the claim of the Parlements to veto royal edicts, and the Estates-General to share sovereignty with the monarch. Before 1572 the right of active resistance was not claimed; during this period the Huguenots proclaimed vociferously their loyalty to France and its monarch.²³

The Massacre of Saint Bartholomew's Day drove them, in 1572, beyond that stand. As Armstrong put it, previously attacks had been against persons rather than against principles and at ministers rather than at the king; suddenly all of this changed.²⁴ Using the idea of a contract or mutual obligation as a basis for authority, the Huguenots carried that to its logical conclusion, that when the contract or obligation is abrogated, the participants have not only the right but the duty to rectify the broken treaty. The contractual aspect of government was extremely important to the Protestant theory.

Various writers saw the contract in various ways. It was seen as a single pact with God and the people, they were to obey

²³Ibid., p. 291.

²⁴Armstrong, p. 17.

against a king who chose to ignore them, despite the venerable
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Generally speaking, and despite the lack of any definite
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tacks had been against persons rather than against principles
and as ministers rather than as the king; suddenly all of this
changed.²⁶ Using the idea of a contract or mutual obligation as
a basis for authority, the Huguenots asserted that the logical
conclusion, that when the contract of obligation is destroyed,
the participants have not only the right but the duty to resist
the broken treaty. The contractual aspect of government was ex-
tremely important to the Protestant theory.
Various writers saw the contract in various ways. It was
seen as a single pact with God and the people, they were to obey

²⁵ Ibid., p. 101.
²⁶ *Introduction*, p. 17.

His appointed ruler until he acted against God; a double agreement, one between God and the ruler in which he was to rule in accord with godly principles, and between God and the people in which they were to follow the king so long as he ruled in accord with God; and a triple agreement, one between God and ruler, God and the people, and the ruler and the people. One can see that to a French Protestant of the time, a Roman Catholic king who permitted the massacre of thousands of Huguenots could hardly be ruling in accord with God. Therefore, the Protestant no longer owed such a monarch loyalty and, indeed, was obligated to try to replace him with another ruler.

Concomitantly, the Huguenots gave up claiming rights for the Parlements, since all of them were pro-Catholic and the Parlement in Paris had participated in the Massacre. They encouraged more and more the concept of sovereignty of the people through their representative assembly, the Estates-General.

Important to the Huguenot cause was the book Franco-Gallia by Francis Hotman, which appeared in 1573. This work is dealt with in a subsequent chapter. It is enough to say at this point that it meshed into the framework of Protestant political theory in that it opposed absolutism and unlimited human authority, and found that the ruler was delegated his authority by a representative assembly and subject to it.

Another important book espousing the Protestant "monarchomach" ideas was Vindiciae contra Tyrannos, published in 1579 and

His appointed ruler until he would return to God, a divine right
next, one between God and the ruler in which the ruler is
accounted with God's judgment, and between God and the ruler
which they were to follow, and which he was to follow in
with God and a divine appointment, the ruler and the people
and the people, and the ruler and the people, and the ruler
to a French Protestant of the time, a French Protestant who
permitted the massacre of thousands of Huguenots, could hardly
be willing to account with God. Therefore, the Protestant no
longer owed such a monstrous loyalty and, indeed, the obligation
to try to replace him with another ruler.

Consequently, the Huguenots gave up claiming rights for
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Important to the Huguenot cause was the book Discours de la
by Pierre Huet, which appeared in 1577. This work is devoted
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found that the ruler was delegated his authority by a representative
assembly and subject to it.

Another important book espousing the Protestant "democratic"
idea was Discours de la tyrannie, published in 1576 and

whose authorship has not definitely been ascertained. It maintained that all political authority was of and from God, and it rested in the people who were bound to obey the prince so long as the prince ruled in accord with God. As long as he did so, rebellion against the Crown was an act of rebellion against God. When he became a tyrant the people, through properly appointed officials, were bound to depose the prince.²⁵ Armstrong described it as a livre de circonstance whose great contribution to the Huguenot cause was in its philosophical "statement of the theory of contract from which all government is derived."²⁶

It presented its arguments by means of posing four questions and answering them. Three of the questions concerned matters of right of resistance and the fourth question related to the right of interference of foreign powers in national matters. This last one had only ephemereral interest and value and, therefore, will not be discussed here. The three main questions were

1. Whether it is the obligation or duty of subjects to obey a prince's ordinances when contrary to God's law.
2. Whether they may lawfully resist a prince who is setting aside God's law or laying waste to His Church. If so, to whom, by what means, and to what extent is it lawful?
3. Whether and how far they may resist a prince who is oppressing or ruining a state. To whom is this lawful, by what means, and by what title?²⁷

²⁵ Allen, pp. 314-331.

²⁶ Armstrong, p. 19.

²⁷ Ibid., p. 30.

whose authority has not definitely been established. It seems
certain that all political authority was of and from God, and it
rested in the people who were bound to obey the prince as long
as the prince ruled in accord with God. As long as he did so,
rebellion against the prince was an act of rebellion against God.
When he became a tyrant the people, through properly appointed
officers, were bound to remove the prince.²⁵ According to
God it is a divine obligation whose great consequence is
the highest cause was in the philosophical statement of the
theory of contract from which all governments is derived.²⁶
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oppressing or violating a state. In what manner
and by what means, and by what title?

25 ibid., pp. 31-32.
26 ibid., p. 33.
27 ibid., p. 34.

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From these questions a triple contract is deduced: between God and ruler, God and people, ruler and people; this is the philosophical basis of all power and obedience, and of all governments. Armstrong wrote, "The relation between God, people, and king, consists in this, that God selects and appoints, while the people approves and institutes."²⁸ To this was added "also a secular origin of government, and a secular sanction. . . . Men are by nature free, impatient of servitude, prone to rule rather than obey,"²⁹ and only necessity would induce them to subjugate themselves for another power. This inducement was security and "No kingdom exists where this contract with the people is not in force. It may be implied or expressed, natural or legal."³⁰ At no time can the people lose their rights.

When the king breaches his contract he ceases to be a king and the citizens' resistance no longer is rebellion but has become a duty.³¹ The author(s) of Vindiciae contra Tyrannos concluded that the people en masse had no right to resist, but only the duly-invested magistrates had this power. This is about as democratic as any of the Huguenot writers got; the "rabble" was much to be feared. But if only the magistrates had the right to depose a king and they, acting as a group, refused to do so, then one magistrate had the right to perform his religious-

²⁸ Ibid., p. 31.

³⁰ Ibid., p. 31.

²⁹ Ibid., p. 31.

³¹ Ibid., p. 33.

political obligation to eliminate tyranny.³² Such was the message of Vindiciae contra Tyrannos.

³²Ibid., p. 33.

political obligation to submit to taxation. Such was the

message of King's Speech in 1911.

32
1911-12

CHAPTER V

THE LIFE OF FRANCIS HOTMAN

Apparently only Peter Bayle thought Francis Hotman important enough in his own time to record many of the details of his life. Certainly Bayle's Dictionary is the solitary biographical source in English. Armstrong, Reynolds, and Molesworth all used that compendium for much of their personal information on Hotman; and Molesworth quoted at length from it. From Hotman's frailties it would seem vanity was missing; there just aren't many primary sources on his life extant in any language. Also, he would not permit his portrait to be made. Therefore, this review of his life is brief and sketchy. Although he made many, many moves in his adulthood, only the more important ones are mentioned here.

Francis Hotman was born on the twenty-third of August in 1524 in Paris. He was the eldest son of Peter Hotman who was Master of the Waters and Forests of France, a title he inherited from Lambert, his father. Lambert earned it by virtue of his service to Louis XI of France. The family was originally from Breslau in Silesia; but the reasons for its change of habitat are not known. However, the family prospered in France to the extent that Lambert's eldest son, John, who was Peter's eldest brother, was wealthy enough to provide the ransom money for Francis I when he was taken prisoner at Pavia. It can be assumed there was mutual respect between the Hotman family and

the monarch.

Peter Hotman was also a Counsellor in the Parlement of Paris and made plans to pass on this office to young Francis about the year 1542. Apparently Francis was an apt pupil for at the age of fifteen he was sent by Peter to study Common Law at Orleans. He performed so well that he received the degree of Doctor of Laws when he was just eighteen. At this time his father brought him back to Paris to take his place in Parlement.

Two things of importance made a profound impression upon the young lawyer at this time. These were the chicanery of the members of the bar and the serene, non-equivocating manner in which the Protestants endured their tortures and cruel deaths. He turned to the study of the Humanities and Roman Law and was intrigued enough by the Protestant faith to investigate its tenets. He eventually abandoned his position in the Parlement and accepted the Reformed faith. The exact dates for these moves are not known, but they came sometime during the six years 1542 to 1548. For by the latter date he had already been disinherited by his father and forced for his safety to leave Paris. As early as 1548 he wrote from Lyons to John Calvin and Melancthon for advice.¹ So his conversion and consequent persecution commenced before he was twenty-four years of age.

The current slang term "sorehead" succinctly describes

¹Beatrice Reynolds, Proponents of Limited Monarchy in Sixteenth Century France: Francis Hotman and Jean Bodin (New York: Columbia University Press, 1931), p. 101.

The person.

Peter Hansen was also a Commissioner in the Department of
 Public and made plans to pass on this office to Young Hansen
 about the year 1885. Apparently Hansen was not very old
 at the age of fifteen he was sent by Peter to study German law
 at Göttingen. He performed so well that he received the degree
 of Doctor of Law when he was just nineteen. At this time his
 father brought him back to Paris to take his place in Hansen's
 The things of importance made a serious impression upon
 the young lawyer at this time. There were the influence of the
 members of the bar and the various, not-superficial manner in
 which the Protestants studied their subjects and their conduct.
 He turned to the study of the Humanities and French law and was
 influenced enough by the Protestant faith to investigate the
 tenets. He eventually abandoned his position as a Protestant
 and accepted the Reformed faith. The exact date for these
 moves are not known, but they came sometime during the six
 years 1883 to 1888. For by the latter date he had already been
 distributed by his father and forced to his study to leave
 Paris. As early as 1888 he wrote from Lyon to John Galvin and
 Melancthon for advice. So his conversion and subsequent con-
 version commenced before he was twenty-four years of age.
 The current slang term "conversion" is not very accurate

¹ Institute of Theology, University of Göttingen in 1885.
 French Society of Theology, Göttingen, 1885. Hansen was born
 Columbia University Press, 1885, p. 111.

what his disposition or temperament apparently was. At no time did he accept gracefully the loss of his inheritance and complained bitterly of it all of his life, although he had escaped with his life and all of his limbs intact. His letters indicated a strong propensity toward querulousness and dissatisfaction. His adult life was a restless and yearning existence; there is some indication Calvin disapproved of his restlessness. Yet there were also lifelong friendships. If his candor and complaining annoyed some people apparently his honesty and sincerity endeared him to others.

Francis Hotman was a productive man of letters. He conducted wide correspondence and seems to have spent his life at the pen. He was thought by some, even, to be one of the authors of Vindiciae contra Tyrannos. Bayle listed three noms de plume he was known to have used. These were Johannes Palmerius, Francis de Villiers, and Johannes Franciscus Aspastis Salassi. Perhaps there were more.

The only two portraits ever done of him were when he was on his deathbed, without his knowledge, and therefore without his permission.

Francis Hotman is reported to have arrived in Geneva before the winter of 1548 and served a short time as Secretary to Calvin, and even to have resided in Calvin's home. Then he moved to Lausanne where he became a teacher of the Humanities and where he married a French woman from Orleans, Claudine

Aubelin, who also was a religious exile. Despite his marriage, safety, religious freedom, and means of earning a livelihood, this was a dismal time for Hotman and his letters of this period showed much self-pity. Apparently he was without friends, underpaid, and felt his work too "elementary to be worthy of his attention."²

By the autumn of 1555 he had moved to Strassburg and was teaching there. Reynolds theorized he moved there to become a citizen of the Empire. His father had died and if he could obtain his inheritance, she reasoned, "an exile in the Empire would be in better favor than one from Calvinistic Lausanne."³

Strassburg was an imperial city and was not required to profess any one faith. Most of its citizens were Lutheran, but they were tolerant of all faiths. As a result Strassburg became a refuge for religious exiles of all nations. There Hotman made English friends and perhaps he heard about the actual authority of the British Parliament. This is conjecture, to be sure, but not inconceivable. Certainly the representative assembly he described in Franco-Gallia more nearly resembled the Parliament of England in the sixteenth century than the then lifeless Estates General. At any rate, it can be assumed he was aware of the dynamics of the British system of government.

It was at this time that Hotman became acquainted with

²Ibid., p. 45.

³Ibid., p. 45.

Another, who also was a religious exile, despised his religious
 activity, religious freedom, and means of earning a livelihood.
 This was a dismal time for Robert and his friends of this
 period showed much self-giving. Apparently he was without friends,
 and told his work too "lamentably" as a result of his
 attempts.

In the autumn of 1855 he had moved to Brunswick and was
 teaching there. Heyrichs threatened he would leave to become a
 citizen of the Empire. His father had told him he would ob-
 tain his inheritance, was retained, an exile in the Empire would
 be in better favor than one from Calvinistic Prussia.

Brunswick was an imperial city and was not regarded as pro-
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 Brunswick in 1855-56 was nearly identical with the Parliament
 of England in the sixteenth century than the other fifteen cen-
 turies. At any rate, it was as ancient as the House of
 Commons of the British system of government.
 It was at this time that Robert began acquainted with

1855, p. 45.

1855, p. 45.

several of the more influential Protestant princes of the Empire. Letters to the Landgrave of Hesse and to the Duke of Prussia are still in existence. He corresponded also with the King of Navarre and made various journeys around Europe on behalf of the French Protestant cause.

But in Strassburg there were those who were less than enchanted by Hotman. He was accused of being a dreadful opportunist and of using Calvin and others of his friends for personal advancement. It was whispered, too, that he was an adulterer. This was given by some people as his real reason for leaving France the first time.

In 1562, restless as ever, and after the Edict of Toleration, he returned to France to accept the Professorship of Civil Law at the University in Valence. After four years there he moved on to Bourges and while there only a brief time he became acquainted with Michel de l'Hopital.

Apparently de l'Hopital at that time was attempting to straighten out some of the legal confusion then reigning in France. Reynolds described the situation:

The fundamental problem was the contradiction between the Roman Code and the Teutonic customs, both simultaneously extant in France. Feudal law had prevailed in the north and west since the sixth century; Roman law had crept up from the old Provincia until in the thirteenth century it disputed the field, and made ambiguous the national jurisprudence. Although Hotman had taught it at Valence, Bourges, and Orleans, and even in Paris itself under peculiar circumstances, nevertheless he was not in sympathy with that subtle hairsplitting necessitated by the application of an ancient code to the conditions of the contemporary world. . . . The tradition of absolutism pervading the Code was another danger

revelal of the more important historical aspects of the French Revolution to the English people. He was one of the first to do this, and his work was highly appreciated. He was also one of the first to introduce the study of the French Revolution into the English schools and universities. His work was highly appreciated, and he was one of the first to introduce the study of the French Revolution into the English schools and universities.

But in 1825, when the French Revolution was still a recent memory, he was one of the first to introduce the study of the French Revolution into the English schools and universities. His work was highly appreciated, and he was one of the first to introduce the study of the French Revolution into the English schools and universities. His work was highly appreciated, and he was one of the first to introduce the study of the French Revolution into the English schools and universities.

In 1825, he returned to France to accept the Chair of History at the University of Paris. He was one of the first to introduce the study of the French Revolution into the English schools and universities. His work was highly appreciated, and he was one of the first to introduce the study of the French Revolution into the English schools and universities. His work was highly appreciated, and he was one of the first to introduce the study of the French Revolution into the English schools and universities.

The fundamental problem was the relationship between the French Revolution and the English Revolution. He was one of the first to introduce the study of the French Revolution into the English schools and universities. His work was highly appreciated, and he was one of the first to introduce the study of the French Revolution into the English schools and universities. His work was highly appreciated, and he was one of the first to introduce the study of the French Revolution into the English schools and universities.

which threatened France. If the Code were allowed to supersede the customaries, if the jurisprudence which centered its philosophy around the existence of an omnipotent legislator and executive were to supplant a jurisprudence which, however primitive and forest-born, assumed the existence and co-operation of a representative body, then the French monarch would tread that path to absolutism which the Huguenots were loathe to see him take.⁴

Francis Hotman wrote Antitribonian as his offering to the cause. In it he criticized the attempt to rule one nation with the laws of another from an earlier era. He attacked the Code itself and Tribonian himself. He once more played on a favorite theme of his by blaming the incessant litigation then in existence in France on the adherence to an ancient set of laws. He felt lawyers were too much concerned with technicalities and too little concerned about justice. He accused the Parlements of impeding the public welfare. Reynolds wryly noted that Hotman had been working unsuccessfully for some years through the Parlement of Paris to get his patrimony restored.⁵

He followed his criticisms of French jurisprudence at that time with the suggestion that a new system should be evolved by taking the best of the Code and Mosaic Law and writing it in French. But of utmost importance was that the law as a whole be for, applicable, and suitable to France.

Violent religious dissensions again moved across France. In 1567 his home was pillaged and burned. Hotman escaped first

⁴Ibid., pp. 52-53.

⁵Ibid., p. 58.

with the French people. It is the only one which has been able to make the necessary distinction between the French people and the French Government. It is the only one which has been able to make the necessary distinction between the French people and the French Government. It is the only one which has been able to make the necessary distinction between the French people and the French Government.

France was the only country which has been able to make the necessary distinction between the French people and the French Government. It is the only one which has been able to make the necessary distinction between the French people and the French Government. It is the only one which has been able to make the necessary distinction between the French people and the French Government. It is the only one which has been able to make the necessary distinction between the French people and the French Government. It is the only one which has been able to make the necessary distinction between the French people and the French Government.

He followed his conviction of French independence at that time with the suggestion that a new system should be evolved by taking the best of the God and human law and writing it in French. But of utmost importance was that this was a whole new system, and it was to be written in French.

Violent religious dissensions again moved across France. In 1897 the home was pillaged and burned. Robert was again taken.

1897, p. 22-23.
1897, p. 24.

to Paris and then to Orleans. In 1568 Orleans proved unsafe so he and his family moved to Sancerre. And then after the Massacre of Saint Bartholomew's Day in 1572 he and his family fled France, never again to return.

Franco-Gallia was published in Geneva between August 21 and October 31, 1573. At the time Hotman was teaching at the University of Geneva and had helped establish a law school there. In 1578 he moved on to Basel and its university. There his wife died in 1583 and once more Hotman was eager to move on.

Quite happily he returned to Geneva and there received the urgent call from the King of Navarre. Henry of Navarre was now heir-presumptive to the throne of France; and the Guise family was trying to render his claim to the Crown as void because of his religion. Would Hotman help?

In 1585 De Jure Successionis was printed. According to Reynolds,

It contains a considerable amount of repetition of the sentiments of Franco-Gallia, but of course the idea of an elective prince had to be dropped.

He re-affirms, that the kingdom is perpetual and cannot be willed away by the king. It rests with the nation to grant kingship, but instead of using the elective process, the nation recognises the claims of tradition, of unwritten custom, sanctified by the use of six hundred years, and calls upon the eldest son of the defunct, or the grandson, if his father had predeceased him. In exceptional cases, where there is no direct male heir, the nearest branch of the royal house shall ascend the throne, in the person of the male heir, standing in direct descent through eldest sons.⁶

⁶ Ibid., p. 94.

to Paris and then to London, where he arrived in 1938.

He and his wife, who was also a writer, lived in London.

He was a member of the Communist Party of Great Britain.

He was also a member of the French Communist Party.

He was a member of the Soviet Union.

He was a member of the United States.

He was a member of the United Kingdom.

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He was a member of the United Kingdom.

In a sense this is not an outright contradiction of his ideal in Franco-Gallia. In that book highest authority belonged to the public council and Hotman did not negate this idea in De Jure Successionis. To be sure, he did concede to the Protestant cause that custom and not election established the right of succession. In that his whole thesis for Franco-Gallia was precedent, custom, and historicity, this was not a major shift of emphasis, although it did tend to deflate some points of value in Franco-Gallia. A statement by Armstrong, "Political thought was the effect rather than the cause,"⁷ is apt here.

In 1585 Hotman revised Franco-Gallia for the third time. In this edition he went into greater detail on the restrictions upon French kings, or limitations, perhaps, that should check royal prerogative. The primary restriction was to be the inviolate authority of the public council. A second was the absence of the right of a monarch to diminish the kingdom; and the third, that when a king died the right to rule passed on to his eldest son or closest male heir. No one else should be permitted to rule. He took another swipe at the legal profession and reiterated his contention, that many of France's troubles were caused by fractious lawyers.

This was his last published work dealing with political theory. The remaining five years of his life Hotman spent trying to earn a living, to fight the plague and cold winters,

⁷Armstrong, p. 18.

In answer to this is not an over-
least in French-Gallia. In this book
labeled as the public domain and it is not
in the public domain. To be sure, he did
treat some of the public domain and the
of French-Gallia. In this his whole
precedent, custom, and history, this was
of French-Gallia, although it did
value in French-Gallia. A statement of
thought was the effect rather than the
In 1885 French-Gallia was
In this edition he went into greater
upon French kings, or limitations, or
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violate authority of the public domain
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the third, that when a king died the
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also and reiterated his contention
also were caused by French-Gallia.
This was also the last published
theory. The remaining five years of the
trying to save a living, to this

ARMSTRONG, P. 13.

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and to keep free of the advancing army of the Duke of Savoy. These years were sad and unfortunate ones for Hotman who, in his inimitable fashion, had been so lucid, effective, and influential with his ideas and writings on the political rights of French citizens. He died of dropsy in the city of Basel in February of 1590.⁸

⁸Peter Bayle, The Dictionary Historical and Critical of Mr. Peter Bayle, 2nd ed. (London: J. J. and P. Knapton, Etc., 1834), pp. 515-521.

and to keep free of the advancing army of the Duke of Savoy.
 These years were not and unfortunate ones for the House of
 the British Empire, and been so long, effective, and in-
 fluential with the people and writers on the political rights
 of French citizens. He died at Geneva in the city of Basel
 in February of 1890.

8
 Peter Bayle, The Philosophical Dictionary, and History of
 Mr. Peter Bayle, and the Frenchman, J. Bayle, 1702,
 1732, pp. 25-321.

CHAPTER VI

THE POLITICAL THEORY OF

FRANCO-GALLIA

It is difficult to comprehend the significance and impact of Francis Hotman on the Huguenot cause in sixteenth century France without some comparison and contrast of his views with those of John Calvin. For after all, Calvin was the fountain-head, leader, mentor, and spiritual adviser to the Protestants in France; Hotman was but their political spokesman. But it is at the points of divergence in the political thinking of these two men that Hotman gains his stature as the theorist for the French Protestants. Therefore, this chapter will begin with a brief and very cursory comparison of their views, the contrast will develop later.

Francis Hotman was a disciple of John Calvin, his student, and ardent admirer. Much of Hotman's thinking was a reflection of the Calvinist mind. Yet both were creatures of their times and situations; and therein lay, probably, the reasons for the differences in their ideas.

Both Hotman and Calvin were contractualists. They believed that the authority of government was a result of a mystical and obligatory bond between God and the ruler, and, in turn, between the ruler and the ruled. The writings of both men reflect this belief so implicitly that it is only casually affirmed explicitly.

THE POLITICAL THEORY OF

FRANCIS GALTON

It is difficult to comprehend the significance and importance of Francis Galton on the English scene in the nineteenth century. He was without any comparison and superior to his contemporaries. For after all, Galton was the founder of the modern, scientific, and political studies of the individual. He was not only a political theorist, but also a social scientist. At the point of divergence in the political thinking of the two men that Galton gave his status as the theorist for the modern political science. Therefore, this chapter will begin with a brief and very cursory comparison of Galton's views, the concepts will develop later.

Francis Galton was a disciple of John Darwin, his father, and a student of Herbert Spencer. Much of Galton's thinking was a reflection of the Darwinian mind. Yet both were concerned of their times and situations; and therefore, probably, the reasons for the differences in their ideas.

Both Galton and Darwin were naturalists. They believed that the authority of government was a result of a system, and obligatory bond between God and the ruler, and, in fact, between the ruler and the ruled. The writings of John Maynard Keynes, who is frequently cited as the only classical economist, believe

Both Hotman and Calvin believed that a legislative system of some kind should be an important part of governmental authority. Apparently neither man was clear as to the precise powers the legislature should hold; or who should comprise it; but both were certain it should be a representative body and in some way serve as a check on arbitrary authority.

On these two quite basic principles of state Hotman's ideas were Calvin's. As Reynolds put it, Hotman's "Ideal for the state is that of Calvin."¹ Where Hotman differed with his mentor, except in the area of the origin of law, the more democratic of the two appeared to be Hotman.

The areas in which Hotman disagreed in theory and detail with Calvin can perhaps be explained by the differences in their milieu. Both men were born in France, but Calvin had ceased to be a Frenchman politically, economically, and religiously. His change of residence from France to Switzerland only emphasized this fact. Hotman, on the other hand, although of Germanic lineage, remained French in loyalty as well as politically and economically. Only his religion was different. He always regarded himself as a displaced Frenchman and he was never far removed from his fatherland emotionally.

This is not to say that Calvin was oblivious to France. He was quite concerned about the plight of the Huguenots, as witnessed by the dedication of his Institutes of the Christian

¹Reynolds, p. 101.

Religion to Francis I.² However, his interest was that of a shepherd; Hotman, conversely, was one of the sheep. His concern was for himself and other Huguenots directly and personally.

The situation of the Protestants in France at this time was a cheerless and bloody one. Their renunciation of the Roman Catholic religion branded them as traitors to France, they had few friends in Court, and Huguenot hunting became a lucrative vocation. Once a man or woman was accused of adhering to the Reformed faith conviction, torture, and painful death were the usual results. It was rare that an accused person was ever acquitted. For denouncing such a heretic and traitor the informer received one-third of the hapless victim's property and goods.

The act which separated the orthodox from the non-orthodox was the receiving of the Eucharist or communion from a non-invested clergyman, or one not so authorized by the Roman Catholic Church. This was the legal point which set the Huguenots apart.

Some of the Protestants reluctantly left France for the New World; many emigrated to England and Lutheran countries, and of course to Switzerland. Despite the brutal treatment and slaughter suffered in France and the many who left while they could, it seemed impossible to diminish the number of Huguenots in France until 1572.

²Calvin, 40.

relation to France. T. S. However, his interest was not of a
 spiritual nature, conversely, was one of the kind. The con-
 sideration was for himself and other Europeans directly and indirectly
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The attention of the government in France was given to
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The act which separated the orthodox from the non-orthodox
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 of course to Switzerland. Despite the initial separation and
 cleavage entered in France and the very first weeks they
 could, it seemed impossible to diminish the number of Protestants
 in France until 1818.

While Calvin had had to flee France once³ Hotman had had to escape several times and once his wife and children were nearly killed.⁴ Hotman had experienced first-hand the desperate plight of the Huguenots: he had suffered the loss of his considerable inheritance because of his religious convictions. Had he at any time re-embraced the Roman Catholic faith he would have recovered his wealth. He had felt personally the pain of family divorcement and parental wrath. He lived his life under threat of persecution and after 1572 never dared to return to France. It was because of these things he was the spokesman for the Huguenots, Protestants and citizens of France, rather than John Calvin. Hotman was one of them. It was Hotman who gave these harrassed people a political doctrine which could keep them loyal both to their religious beliefs and practices and to their government and its institutions.

Perhaps another distinction ought to be made. The French Reformed Church, while Calvinistic in its theology, was independent and non-Genevan in its set-up. Unlike the Lutherans, who had the support of princes in Germany, and the English, who had the support of Henry VIII, the Huguenots had never had the support of the French Crown until Henry IV. Most authors attribute this primarily to the Concordat of 1516 which practically made the Protestants dissenters not from Rome but rather from

³Ibid., p. xi.

⁴Reynolds, p. 60.

While Galatin had had to flee France once, Holman had had to escape several times and once his wife and children were nearly killed. Holman had experienced first-hand the danger and plight of the Huguenots; he had suffered the loss of his considerable inheritance because of his religious convictions. Had he at any time re-converted the Roman Catholic faith he would have recovered his wealth. He had felt personally the pain of family division and personal wrath. He lived his life under threat of persecution and after 1572 never dared to return to France. It was because of these things he was the spokesman for the Huguenots, Protestants and citizens of France, rather than John Calvin. Holman was one of those who gave these harassed people a political doctrine which would keep them loyal both to their religious beliefs and practices and to their government and its institutions. France's greatest distinction ought to be made. The French Reformed Church, which Galatin had in its infancy, was a moderate and non-sectarian in its set-up. Unlike the Lutherans who had the support of princes in Germany, and the Anglicans who had the support of Henry VIII, the Huguenots had never had the support of the French Crown until Henry IV. Most Holmans at the time this primarily to the conquest of 1510 which Galatin made the Protestant movement not from Rome but rather from

Galatin, p. 41.
 Holman, p. 60.

Paris and the king. Their attack on the Catholic Church became construed as an attack on the monarch. The French Protestants never tasted of the Genevan ideal, that governmental authority existed to protect and maintain the religious community. Their situation was unique, what Calvin wrote from Switzerland was little comfort when he wrote they had no right to resist the king, when the king was decimating the Protestant population.

John Calvin was an espouser of natural law. It was his belief that God gave to man certain principles and ethics by which he should live. Man was born with these standards inherent in his make-up and they did not need to be codified to be in existence. These rules were eternal and unchangeable and were an intrinsic part of man's government. Rulers should govern in accord with them.⁵

While Hotman apparently recognized natural law, quite differently did he approach the reason for the way in which kings should rule. Hotman took a long, scholarly look back at the history of France and a few other selected nations and came up with the thought that custom or historical precedent was the raison d'etre of law and governmental authority. Nations simply had adopted what rules seemed best suited to themselves. The origin of law lay in its gradual development and in its codified

⁵John T. McNeill (ed.), John Calvin on God and Political Duty (2nd ed.; New York: The Liberal Arts Press, 1956), pp. xiv-xvi.

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origin of law lay in the gradual development and in the conflict

John T. McNeill (ed.), John Calvin on God and Politics
Duke (and ed.), The Calvinist View of Law, 1953, pp.
xiv-xvi.

form it was but the "grammar of custom".⁶

There could be many reasons for his viewpoint. One might be that Hotman, as a lawyer, as a classics scholar, and as a student of the Greek and Roman Empires was accustomed to looking backward.

Secondly, Hotman was not noted for being anything other than an author, lawyer, teacher, and theorist. He wasn't expected, so to speak, to be a practical man who grappled with the everyday affairs of state.

However, it would seem that the primary reason for Hotman's thesis in Franco-Gallia was pragmatic. Quite simply it best served the immediate interests of the Huguenots. Absolute and accurate figures are not available but estimates put the Huguenot population at one-eighth the total citizenry of France in 1560; or out of a French population of 16,000,000 the Huguenots accounted for 2,000,000.⁷

A minority in a hostile nation, with little or no sympathy from the monarch, with ineffective and few friends at the Court, and with the courts of law unalterably and violently opposed to them, the only hope for the Huguenots lay in a representative assembly. Although the minority role would still be theirs, at least an assembly would give them a place to be heard and a chance to win some sympathy from the nobles and the Court, if

⁶Armstrong, p. 36.

⁷Reynolds, p. 29.

found it was not the "Gymnasium of education".
There could be many reasons for this. The might
be that German, as a language, as a scientific language, and as a
standard of the Greek and Roman Empire was not known to most
of the backward.
Generally, German was not used for being anything other
than an author, lecturer, and teacher. It was a strange
fact, as to those, to be a practical man who could write the
everyday affairs of state.
However, it would seem that the history of German for
those in French-Gallia was not good. This is only in part
because the immediate interests of the population. Agriculture and
commerce figures are not available but are not a large
not population at present. The total population of France in
1860 was of a French population of 36,000,000. The French
accounted for 2,000,000.
A minority in a hostile nation, with little or no sympathy
from the majority, with intellectual and few friends in the
and with the course of law unlikeliness and probably economic
then, the only hope for the minority was in a representative
assembly. Although the minority vote would be small, it
at least an assembly would give them a place in the world and
a chance to win some sympathy from the masses and the Government.

Abstract, p. 36.
Reynolds, p. 24.

not their sanction.⁸ In Franco-Gallia, by using custom as the origin of law, Francis Hotman gave them a historical precedent for a powerful representative legislative body and a rather narrowly limited monarchy; and, incidentally, found a right under which they could resist the ruler.

Another point of contrast between Hotman and Calvin was in the responsibility of the citizens of a nation. Calvin believed all rulers were ordained by God and should be so obeyed. Should a ruler be a bad or a tyrannical one, Calvin preached that he was sent from God as a punishment for the people's transgressions. Rather than resist they should pray and meditate upon restoring themselves to a right relationship with God, witness the "like sheep destined to the slaughter" phrase in his dedication of the Institutes of the Christian Religion to Francis I.⁹ Calvin gave only to the magistrates, or other duly-authorized officials, the right to resist. There was no appeal if these officials chose not to resist.¹⁰

Hotman, on the other hand, found rulers to be ordained by a representative assembly of the citizens of a nation. Should the king err or break faith with the council, it was the members' responsibility, not just their right or prerogative, to remove him from his office. It was this contractual aspect of

⁸Ibid., p. 63.

⁹Calvin, p. 20.

¹⁰Troeltsch, p. 616.

not again sanction. In 1880-1881, a young man, the
origin of law, Francis Foster, gave a lecture at
for a general representative of the law, and a witness at
which they could reach the law.
Another point of contact between the law and the
the responsibility of the individual is a fact. Civil
all rights were contained by the law, and the law
a ruler, he had a responsibility and a duty to the
was sent from God as a witness for the people's
alone. Rather than being a witness, he was a witness
respecting themselves as a witness to the law, and
the law alone, and the law alone, and the law alone.
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Galtie have only in the law, and the law alone, and
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A representative assembly of the law alone, and the
the king and the law alone, and the law alone, and
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remove him from his office. It was the law alone, and

1881, p. 67.
1881, p. 68.
1881, p. 69.

Hotman's theory which the French Crown found especially dangerous or fearsome. For while neither the word nor methods were specifically detailed by him, it added up to tyrannicide, if conditions warranted it. As Allen wrote, Hotman's writings were an example "of the way in which the political views even of the most faithful followers adjusted themselves to circumstances."¹¹

This proposal was not advanced by Hotman until the year after the Saint Bartholomew's Day Massacre, and some years after the death of Calvin; or until after the Huguenots had suffered endlessly for years with seemingly no hope of respite. It was Armstrong who suggested that the Massacre had taken the lives of the more conciliatory and sophisticated Huguenots. After that, those who remained could no longer be cajoled, nor were they content to take their sufferings as meek sheep.¹²

Armstrong wrote that after the Massacre,

The original discussion on the limits of civil . . . power had widened into debate on the origins and sanctions of government. . . . The Huguenot Party . . . began to cast about for a permanent basis of resistance, for a philosophical justification of rebellion.¹³

He went on to say:

It is worthy of notice also that the party of rebellion not only elaborated a theory for themselves, but also fastened one on to their opponents. The theory of absolutism had, as urged, been formulated by Machiavelli and

¹¹ Allen, p. 315.

¹² Armstrong, p. 15.

¹³ Ibid., p. 16.

However, a theory which the French Government found acceptable or reasonable. For while neither the fact nor method were actually defined by him, it seemed to be reasonable, if not the one warranted it. As Allan wrote, "Hobbes's argument is an example of the way in which the political philosopher does not fail to follow his own advice as a philosopher." This proposal was not followed by Hobbes, as it was after the French Revolution's day, however, and even more after the death of Gellius; or rather after the Revolution and the death of Gellius, for years with Hobbes, as the French Revolution suggested that the philosopher was not the philosopher of the more philosophical and political philosopher. That, those who remained could no longer be called, and they seemed to take their own philosophy as a philosophy. Aristotle wrote that the philosopher is the philosopher.

The original philosopher is the philosopher of the philosopher. Power has widened into a philosophy of the philosopher of government. The philosopher of the philosopher of government is the philosopher of the philosopher of government. The philosopher of the philosopher of government is the philosopher of the philosopher of government. The philosopher of the philosopher of government is the philosopher of the philosopher of government.

He went on to say:

It is worthy of notice also that the philosopher of the philosopher of government is the philosopher of the philosopher of government. The philosopher of the philosopher of government is the philosopher of the philosopher of government. The philosopher of the philosopher of government is the philosopher of the philosopher of government. The philosopher of the philosopher of government is the philosopher of the philosopher of government.

11. Allan, p. 325.

12. Aristotle, p. 12.

13. Ibid., p. 16.

THE END

THE END

had been brought into practical application by the crown through the agency of Catherine de' Medici.¹⁴

Into the period just following the Massacre came Francis Hotman's Franco-Gallia, a livre de circonstance,¹⁵ which used the historical method to conclude "the right of resistance to authority when wrongfully exercised."¹⁶ It was published in 1573.

Franco-Gallia was dedicated to Frederick, Count Palatine of the Rhine, Duke of Bavaria, and First Elector of the Roman Empire, a Protestant prince with whom Hotman apparently had had previous dealings, and whose help the Huguenots needed.¹⁷

Hotman revealed his feeling for his homeland in his Preface, which began with a quotation of Teucer, "A Man's Country is, wherever he lives at Ease".¹⁸ And then he explained, "in gentle Dispositions, there is a certain inbred Love of their Countrey, which they can no more divest themselves of, than of Humanity itself."¹⁹ Though badly treated in France, he

¹⁴Ibid., p. 17.

¹⁵Ibid., p. 19.

¹⁶Ibid., p. 19.

¹⁷Reynolds, p. 69.

¹⁸Francis Hotman, Franco-Gallia: or an Account of the Ancient Free State of France, and Most other Parts of Europe, before the Loss of their Liberties, trans. Robert Molesworth (London: Tim. Goodwin, 1711), p. i.

¹⁹Ibid., p. ii.

had been brought into technical condition by the
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never lost his great love for it, the place where he first breathed.²⁰

He quoted Plato, "But a Man may sometimes say, My Countrey is grown mad",²¹ mentioned that the world had seen many cruel tyrants, then asked, "Does it therefore follow, that the Madness of these Tyrants must be imputed to their Country?"²² Ah, France, he was saying, there is nothing basically wrong with you, it is your king who is all wrong. Then he added, "Wou'd it be therefore reasonable, that good Patriots shou'd lay aside all Care and Sollicitude for the Countrey? Certainly they ought rather to succor her, . . . and to seek all proper Remedies for the Mischiefs that afflict her."²³

The Count Palatine was addressed next. He was commended on the great fortune of his subjects to live in such a happy circumstance under his rule, praised for how well he had governed, and instructed to "Go on most Gracious Prince in the same Meekness of Spirit, which I to the utmost of my Power must always extol. Proceed in the same Course of gentle and Peaceable Virtue."²⁴ Frederick was urged to keep his nation a haven in a storm for those who would escape from oppression.

Wistfully Hotman wrote that at one time it was to the nation of Franco-Gallia that ambitious young men flocked, but by 1572 France was avoided as sailors avoided seas infested with pirates,

²⁰Ibid. p. ii

²¹Ibid., p. ii.

²²Ibid., p. ii.

²³Ibid., p. iii.

²⁴Ibid., p. iv.

because of its barbarous tyranny.²⁵ The most grievous aspect of France's troubles, wrote the author, was that so few citizens contributed their assistance to curing the nation's ills, "in a general Conflagration every Man's help is acceptable, so I hope the Endeavours of any Person that offers at a Remedy will be well taken by every Lover of his Country."²⁶ And thus does he introduce his reason for writing *Franco-Gallia*.

I have perused all the old French and German Historians that treat of our *Francogallia*, and collected out of their Works a true State of our Commonwealth; in the Condition (wherein they agree) it flourished for above a Thousand Years. And indeed the great Wisdom of our Ancestors in the first framing of our Constitution, is almost incredible; so that I no longer doubted that the most certain Remedy for so great Evils, must be deduced from their *Maxims*.

For as I more attentively enquired into the Source of these Calamities, it seemed to me, that even as Humane Bodies decay and perish, either by some outward Violence, or some inward Corruption of Humours, or lastly thro' Old Age: so Commonwealths are brought to their Period, sometimes Foreign Force, sometimes by Civil Dissentions, at other Times by being worn out and neglected. Now tho' the Misfortunes that have befallen our Commonwealth are commonly attributed to our Civil Dissentions, I found upon Enquiry these are not so properly to be called the Cause as the Beginning of our Mischiefs. And Polybius, that grave judicious Historian, teaches us in the first place to distinguish the Beginning from the Cause of any Accident. Now I affirm the Cause to have been the great Blow which our Constitution received about 100 Years ago from that Prince who . . . first of all broke in upon the noble and solid Institutions of our Ancestors. And as our natural Bodies when put out of joint by violence, can never be recover'd but by replacing and restoring every Member to its true position, so neither can we reasonably hope

²⁵Ibid., p. iv.

²⁶Ibid., p. v.

because of its barbarous tyranny. The more we know of
of France's troubles, which are now being
less consisted their assistance to the
"it is a general condemnation every day in every
of I hope the independence of my country and of the
will be well taken in every corner of the country.
does he introduce the reason for writing this letter.

I have gathered all the old French and German letters and
that great of our knowledge, and collected out of them
some of the best of our knowledge, in the hope that
(what they agree) it is a general condemnation every day in every
heart. And indeed the great mass of our knowledge is
the first thing of our knowledge, in the hope that
it is so that I no longer doubt that the most
remedy for our great evils, must be derived from the
For as I have previously said into the hands of
these letters, it seems to me, that even as we
and as they are, and as they are, and as they are,
at some of the best of our knowledge, in the hope that
it is so that I no longer doubt that the most
remedy for our great evils, must be derived from the
I have gathered all the old French and German letters and
that great of our knowledge, and collected out of them
some of the best of our knowledge, in the hope that
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heart. And indeed the great mass of our knowledge is
the first thing of our knowledge, in the hope that
it is so that I no longer doubt that the most
remedy for our great evils, must be derived from the

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our Commonwealth shou'd be restor'd to Health, till through Divine Assistance it shall be put into its true and natural State again.²⁷

So by likening the health of the nation to the health of the human body, and by blaming the Capetians for the onset of the malaise of France, Hotman commenced Franco-Gallia.

Chapter I, entitled "The State of Gaul, before it was Reduced into a Province by the Romans," was a study of France prior to the Roman invasion.

My Design being to give an Account of the Laws and Ordinances of our Francogallia, as far as it may tend to the Service of our Commonwealth, in its present Circumstances; I think it proper, in the first place, to set forth the State of Gaul, before it was reduced into the Form of a Province by the Romans: For, what . . . Writers have told us concerning the Origin, Antiquity & Valour of that People, the Nature and Situation of their Country, and their private Customs, is sufficiently known to all Men, tho' but indifferently Learned.

We are therefore to understand, that the State of Gaul was such at that time, that neither was the whole under the Government of a single Person: Nor were the particular Commonwealths under the Dominion of the Populace, or the Nobles only; but all Gaul was so divided into Commonwealths, that the most part were Govern'd by the Advice of the Nobles; and these were called Free; the rest had Kings: But every one of them agreed on this Institute, that at a certain time of the Year a publick Council of the whole Nation should be held; in which Council, whatever seem'd to relate to the whole Body of the Commonwealth, was appointed and establish'd.²⁸

Here he explained that the origins of offices known as dukes, earls, and marquises evolved by certain men in the various kingdoms rendering much help to the nobles and kings

²⁷Ibid., pp. v-vi.

²⁸Ibid., pp. 2-3.

and for these services they were called friends and confederates. In some places some were more powerful than others and in this way came the divisions in their ranks.²⁹

Also, he said, at times the council even elected two or three kings, each with his own purview, territory, and authority.

In this primary chapter can be seen the first indication of Hotman's thesis regarding the representative assemblies.

But concerning all these Kingdoms, one thing is remarkable, and must not lightly be past by; which is, That they were not hereditary, but conferr'd by the People upon such as had the reputation of being just Men. Secondly, that they had no arbitrary or unlimited Authority, but were bound and circumscribed by Laws; so that they were no less accountable to, and subject to the Power of the People, than the People was to theirs; insomuch that those Kingdoms seem'd nothing else but Magistracies for life. For Caesar makes mention of several private Men, whose Ancestors had formerly been such Kings.³⁰

He dealt with "Probable Conjectures concerning the ancient Language of the Gauls", which had no bearing on a study of political theory but was an erudite survey of the various languages used by the Gauls.

In Chapter III, "The State of Gaul, after it was reduced into the Form of a Province by the Romans", Hotman echoed Tacitus who attributed the loss of the valor of the Gauls to the loss of their liberty.³¹ He sadly recounted the Roman

²⁹Ibid., p. 4.

³⁰Ibid., pp. 6-7.

³¹Ibid., p. 30.

and for these services they were called "the
after. In some places some were called "the
in this way came the division of the

also, he said, at times the country was divided
three times, each with his own power, and

the
In this history another man he said was called
of Roman's people regarding the representation was

But concerning all these things, and things in the
also, and that is right; he said that the
were not necessary, but necessary by the people
as had the reputation of being just men. He said
they had no authority or right to do so, but
he had been surrounded by laws; and that they were
appointed to, and subject to the laws of the
the people and to their government that were
nothing else but regulations for life. He said
nothing of every private man, whose association was
been such things.

He said with "the people" concerning the
language of the people, which had no bearing on a
first theory was an entire survey of the
used by the people.

In Chapter III, "The State of God," after it was
into the form of a province by the Roman, Roman
Tacton who attributed the loss of the value of the
the loss of their liberty. He said he had

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invasion and settlement. There were three kinds of servitude or slavery imposed by the Romans. The first was to have a garrison of soliders placed over a province.³²

A Second Sort of Servitude was, when any Province was made Tributary, and compelled to pay Taxes; and to that End were forced to endure a Number of Tax-gatherers, that is, Harpies and Leeches, which suck'd out the very Blood of the Provincials.³³

The third type of slavery was

When the Provinces were not permitted to be govern'd by their own Laws; but had Magistrates and Judges, with full Power and Authority . . . over Life and Estate, sent them by the People of Rome. This threefold Slavery not only our Gallia, but all the other Provinces, took most bitterly to heart.³⁴

Because the Gauls despised Roman rule so much they frequently revolted. They were not strong enough to overthrow the Romans themselves, so they began hiring German mercenaries. "These were the first Beginnings of the Colonies of the Franks; For those Germans, whether they were beaten by the Romans, or (which is more likely) were bought off by them, began by little and little, to settle themselves in the Borders of Gallia."³⁵

The Roman rule was so cruel and inhuman, the Romans lived such wicked lives and were so hated, that great multitudes of Germans came into Gaul at the behest and request of the Gauls.³⁶

³²Ibid., p. 16.

³³Ibid., p. 17.

³⁴Ibid., p. 17.

³⁵Ibid., p. 18.

³⁶Ibid., p. 19.

And thus did the Franks enter and become a part of the life of Gaul.

Chapter IV, "Of the Original of the Franks; who having possessed themselves of Gallia, changed its Name into that of Francia, or Francogallia", was an explanation of why the name Francogallia evolved from Gaul to Roman France, "first, because the Franks had possessed themselves of that Gallia, which was under the Romans Obedience. Secondly, because the Roman Language prevail'd in that Country."³⁷ Then followed many references to and quotations of writings which explained who the Franks were, where they had lived, and, more importantly, which Franks had come into Gaul. "But we have found out, that these People originally came from that Country which lies between the Rhine and the Elb, and is bounded on the West by the Sea."³⁸

"Of the Name of the Franks, and their sundry Excursions; and what time they first began to establish a Kingdom in Gallia", the next chapter, concerned the origin of the name of the Franks, which Hotman understood to apply to free men only, men "under no Servitude; . . . And therefore in ordinary Speech, by a Frank was meant a Freeman: by a Franchise, an Asylum, or place of refuge".³⁹

In this section the author revealed something of his

³⁷Ibid., p. 22.

³⁸Ibid., p. 23.

³⁹Ibid., p. 29.

And thus did the Frenchman and the Englishman
of Gaul.
Chapter IV, "Of the Language of the French and the English"
possessed themselves of Gaul, changed the name of the land of
France, or "Francia", into a kingdom of France, and became
Francia, or "Francia", and thus the Frenchman and the Englishman
the French had possessed themselves of Gaul, and the Englishman
under the name of the French, and the Englishman, and the Frenchman
Gaul, and the Englishman, and the Frenchman, and the Englishman
enough up and possession of Gaul, and the Englishman, and the Frenchman
France was, where they had lived, and more, and more, and more,
France had once into Gaul, and the Englishman, and the Frenchman
People originally came from Gaul, and the Englishman, and the Frenchman
Rhine and the Englishman, and the Frenchman, and the Englishman
"Of the Language of the French and the English"
and what else they lived upon, and the Englishman, and the Frenchman
Gaul, the most famous, and the Englishman, and the Frenchman
of the French, and the Englishman, and the Frenchman, and the Englishman
only, and the Englishman, and the Frenchman, and the Englishman
Spoken, by a Frenchman, and the Englishman, and the Frenchman, and the Englishman
anyone, or place of anyone, and the Englishman, and the Frenchman, and the Englishman
In this book, the author, and the Englishman, and the Frenchman, and the Englishman

1710, p. 22.
1710, p. 22.
1710, p. 22.

viewpoint on the monarchy and its relations with its subjects.

For to obey a King is not servitude; neither are all who are govern'd by Kings, presently for that reason to be counted Slaves, but such as submit themselves to the unbounded Will of a Tyrant, a Thief, an Executioner, as Sheep resign themselves to the Knife of the Butcher. Such as these deserve to be called by the vile names of Servants and Slaves.

Therefore the Franks had always Kings, even at that very time when they professed themselves the vindicators and assertors of the publick liberty: And when they constituted Kings, they never intended they shou'd be Tyrants or Executioners, but keepers of their Liberties, Protectors, Governors, and Tutors.⁴⁰

Hotman went on to detail the heroics of the Franks and their battles to rid Roman Gallia of the Romans. Then,

But in the Reign of Valentinian the 3d, that is, about the 450th Year of Christ, 'tis plain, by the consent of all Writers, that Childeric, the Son of Meroveus, King of the Franks, compleated the Deliverance of Gallia from the Roman Tyranny, . . . and was the first that establish'd in Gallia, a firm and certain Seat of Empire. . . . Now Meroveus, who is commonly reckon'd the 3d King: tho' he was indeed King of the Franks, yet he was a Stranger and Foreigner, not created King in Gallia, not King of the Francogalli; that is to say, not elected by the joynt Suffrages of both Nations united: In short, all these were Kings of the Franoi, and not of the Francogalli. But Childeric, the Son of Meroveus, was . . . the first that was elected by the Public Council of the associated Franks and Gauls; and he was created King of Francogallia.⁴¹

Chapter V ended with his relating the names and years of the ruling families of the Francogallican Kingdom: the Merovingians, 283 years; the Carolingians, 337 years; and the Capetians, over 580 years. He regarded it as rather remarkable

⁴⁰Ibid., pp. 30-31.

⁴¹Ibid., pp. 35-36.

that but three families had ruled in the twelve hundred years the Kingdom had been in existence, especially since the kingship was an elective office, rather than hereditary.⁴²

The next chapter, "Whether the Kingdom of Francogallia was hereditary or elective; and the manner of making its Kings", was germane to the whole of Hotman's thesis. In the preceding chapter he had shown that the Franks were a free people and were invited into Gaul by the Gauls. The two Kingdoms were joined by common consent and the King was freely elected to office. Beginning at that point he felt it was necessary to show how kings were made kings in the following periods.

He was generous in his praise of those nations that elected their monarchs in national councils. "I do not know whether any thing cou'd ever have been devised more prudently, or more proper for the Conservation of a Commonwealth, than this Institution."⁴³ He credited great and amazing wisdom to the ancestors who set up such an institution in Franco-Gallia. He quoted many authors to show that this was the way king-making was done. The term "Publick Council" has already become a familiar one to any reader of Franco-Gallia.

From these Proofs, and very many others like them, I think 'tis most plain, that the Kings of Francogallia were made such, rather by the Suffrages and Favour of the People, than by any Hereditary Right. Of which a farther Argument may be the Forms and Ceremonies used

⁴²Ibid., p. 37.

⁴³Ibid., p. 38.

that our three families had tried to find twelve hundred
the kingdom had been in existence, especially under the king-
which was an elective office, not a hereditary one.
The first chapter, "Whether the Kingdom of the Kings
was hereditary or elective; and the manner of making the king,
was given to the whole of Britain's people. In the second
chapter he had shown that the French was a free people and
invited into Gaul by the Gauls. The two kingdoms were
common consent and the king was chosen by the people. The
chapter at that point he said it was necessary to show the king
were made kings in the following periods.
He was generous in his praise of those who had a great
great influence in national affairs. It is not a question of
thing and it has been shown that it is not a question of
for the Constitution of a Commonwealth, and that the
tion. He entitled great and noble virtues and a noble
who set up such an institution in France and in
many authors to show that this was the case in France.
The French Republic Council, he said, was a great and noble
any matter of French-Gaul.

From these facts, and very many others, it is clear
that the most plain, that the French Republic was
were made such, rather by the people, than by any
his people, than by any French Republic. It is
further argument may be the French Republic.

1814, p. 37.
1814, p. 38.

by our Ancestors, at the Inauguration of their Kings. For we observe, the very same Custom was continued at the Election of our Kings, . . . that they set their Elected King upon a Shield, and carried him on high on Men's Shoulders. So did we; for whoever was chosen by the Votes of the People, was set upon a Shield, and carried thrice round the place of publick Meeting, for Election or round about the Army on Men's Shoulders.⁴⁴

Hotman then added a great contribution to the Huguenot cause by stating unequivocally that "the highest Power of abdicating their Kings, was lodged in the People",⁴⁵ and gave the first king as an example of one who was "removed from his Dignity by universal Consent."⁴⁶ He mentioned several other monarchs who were deposed, then followed with a paragraph which can be said to be a succinct form of his political theory.

And this most glorious and famous Deed of our Ancestors, deserves the more diligently to be remark'd, for having been done at the very Beginning, and as it were, the Infancy of that Kingdom; as if it had been a Denunciation, and Declaration, that the Kings of Francogallia were made such, upon certain known Terms and Conditions; and were not Tyrants with absolute unlimited and arbitrary Power.⁴⁷

"What Rule was observ'd concerning the Inheritance of the deceased King, when he left more Children than one", is another chapter of great importance to the Hotman thesis of a limited and elective monarchy, and so it is quoted at length.

All that we have above said, tends to prove, that the Kingdom of Francogallia in old times, did not descend to the Children by Right of Inheritance (as a private Patrimony does); but was wont to be bestow'd by the Choice and

⁴⁴Ibid., pp. 42-43.

⁴⁵Ibid., p. 44.

⁴⁶Ibid., p. 44.

⁴⁷Ibid., p. 45.

public Suffrages of the People: So that now there is the less Room left for the Question, --- What Rule was observed in Relation to the Children of the deceased King, when he left more than one behind him. For since the Supreme Power not only of Creating, but also of dethroning their Kings, was lodged in the Convention of the People, and Publick Council of the Nation; it necessarily follows, that the ordering the Succession (whether they should give it entirely to one, or divide it) was likewise in the People. Altho' in this place another Question may arise, viz. supposing the People shou'd reject the Son of their King, and elect a Stranger, whether any thing shou'd be allowed to the first to maintain his Dignity? For the Solution of which 'tis to be understood, that Lawyers reckon four Kinds of such Goods, as may be properly said to be under the King's Governance; viz. the Goods of Caesar, the Goods of the Exchequer; the Goods of the Publick, and private Goods. . . . Therefore upon the Death of any King, if the Kingdom be conferr'd on a Stranger, the Patrimonial Estate, . . . shall descend by Inheritance to his Children: But that which belongs to the Kingdom and Commonwealth, must necessarily go to him who is chosen King, because it is part of the Kingdom. . . .

But to return to the Question, as far as it relates to the Succession of the Kingdom; I can find out no certain Rule or Law in Francogallia touching that Matter; because (as I said before) the Kingdom was not hereditary. . . . For our Records do testify, that in old times the Kingdom of Francogallia, upon the Death of the King, was very often, not bestow'd by the People on any one of his Sons, but divided into convenient Parcels, and a part assigned to each of them.

From all argument 'tis very plain, that anciently there was no certain Law or Right in Francogallia touching this Matter; but the whole Power of disposing of it was lodged in the Publick Council of the Nation. . . . That if the Ancient Institution of our Ancestors ought to be our Rule, the Determination of this whole Matter must be left to the Publick Council of the Nation.⁴⁸

The Salic Law of Succession was treated next. Historically, Hotman wrote, "all Women were excluded from the Inheritance of the Crown".⁴⁹ He then attempted to prove that Salic Law had no

⁴⁸Ibid., pp. 48-53.

⁴⁹Ibid., p. 54.

connection with the French law of succession. He saw the Salic Law as applied only to the inheritance of real property among the Salian Franks; and therefore it was private law and not public law

. . . which forbade the transference of allodial land to women through inheritance. . . . Having demolished the legal obstacle to the rule of women, Hotman proceeds to describe another and more terrifying barrier, the abuses of female rule. . . . Of course his object is to suggest the rule of Catherine; he seems to ignore the possibility of giving offense to Elizabeth, on whose aid the Huguenots were relying.⁵⁰

Chapter IX is one of the least, if not the least, important and applicable chapters to a study of political philosophy. Entitled "Of the Right of Wearing a large Head of Hair, peculiar to the Royal Family", it dealt with the length of hair of previous kings.

The study of "The Form and Constitution of the Franco-gallian Government", was then resumed in Chapter X. Here Hotman wrote,

These Things being thus briefly premised, we think it proper now to set forth in what Manner the Kingdom of Franco-gallia was constituted. And we have already made it plain, that the People reserv'd to themselves all the Power, not only of Creating, but also of Abdicating their Kings, . . . Now 'tis manifest, that no Form of Government is more remote from Tyranny, than this; for not one of the three distinguishing Marks, or Characteristicks of Tyranny, . . . can be found in the Form and Constitution of our Government. First, as to a forced Obedience; i.e. that a King shou'd rule over a People against their Wills; we have shewn you already, that the Supreme Power, both of Electing and Abdicating their Kings, was in the People. Secondly, as to a Life-guard composed of Foreigners, (which they reckon the Second Mark

⁵⁰ Reynolds, p. 74.

connection with the French law of succession. . . .
law as applied only to the male line. . . .
the British Franks; and therefore, . . .
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which forbids the transmission of the crown
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rule of descent. . . .
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were being.

Chapter IX is one of the best. . . .
and an excellent chapter. . . .
entitled "Of the Right of Hearing a Jury, and of the
to the Royal Family," it deals with the law of the
along kings.

The study of "The Form and Constitution of the
British Government," was then treated in Chapter X. . . .
which.

These things being thus briefly mentioned, we come to
press now to say forth in what manner the British
law is constituted. . . .
that the People reserve to themselves all the
only of descent, but also of adoption. . . .
Now, the monarch, that no form of government is more
from tyranny, than this: for not one of the three
ing Rights, or Characteristics of Liberty. . . .
in the Form and Constitution of the Government. . . .
to a limited Government, i.e. that a King should be
People against their Will; we have shown you already, that
the supreme power, both in respect of the King and
Rights, was in the People. . . .
composed of representatives, (which was the second

of Tyranny); so far were our Francogallican Kings from making use of Mercenary Strangers for their Guards, that they had not so much as their own Countrymen and Citizens, for that Purpose; but placed their whole Trust and Confidence in the Love and Fidelity of their Subjects; which they thought a sufficient Guard.

Now as to the third Mark of Tyranny, which is when Matters are so carried, that what is done tends more to the Profit and Will of the Person governing, than to that of the governed, or the Good of the Commonwealth; we shall hereafter prove, that the Supreme Administration of the Francogallican Kingdom was lodged in the Publick Annual Council of the Nation, which in After-Ages was called the Convention of the Three Estates. For the Frame of this Government was the very same which the Ancient Philosophers, . . . judged to be the best and most excellent in the World, as being made up and constituted of a mixture and just temperament of the three kinds of Government, viz. the Regal, Noble, and Popular.⁵¹

After he discussed the reasons why the "just mixture" was so good, he followed up by saying that the ancestors had ordained that the public council should convene every year on the Kalends of May where the business of the nation would be discussed and

. . . transacted by the common consent and advice of all the Estates. The wisdom and advantage of which institution, appears chiefly in these three things: First, That in the multitude of prudent Counsellors, the weight and excellency of Counsel shews itself more apparently. . . . Secondly, Because it is an essential part of liberty, that the same persons, at whose cost and peril any thing is done, shou'd have it done likewise by their authority and advice; for ('tis a common Saying) what concerns all, ought to be approv'd by all. Lastly, That such Ministers of State as have great Power with the Prince, and are in high Employments, may be kept within the bounds of their duty, thro' the awe they stand in of this great Council, in which all the demands and grievances of the Subject are freely laid open.⁵²

⁵¹Hotoman, pp. 63-65.

⁵²Ibid., pp. 66-67.

He discussed the composition of the council in that the king represented the monarchy, the nobles represented the aristocracy, and the bourgeoisie represented a degree of democracy. The best decision possible for a nation could come only from three three elements.

The eleventh chapter "Of the Sacred Authority of the Publick Council; and what Affairs were wont to be transacted therein", was another meaty one in which the powers of the Council were detailed:

1. To create or abdicate kings,
2. To declare war or peace,
3. To make public laws,
4. To confer honors and to assign patrimony to kings' children.⁵³

Beatrice Reynolds wryly observed, "One wonders if so vast a program could have been carried out in one session in the Springtime".⁵⁴

The subsequent three chapters represented another digression from a bona fide study of political history. Chapter XII was a discussion of the office of Mayor of the Palace. The next one dealt with the rather moot question of how Pepin became king; Hotman felt he proved substantially that it was from the public council and not from the Pope that Charlemagne derived

⁵³Ibid., p. 77.

⁵⁴Reynolds, p. 75.

his kingly authority. The following chapter was concerned with a discussion of constables and peers.

In Chapter XV he returned to the business at hand with the discussion "Of the continued Authority and Power of the Sacred Council, during the Reign of the Carlovingian Family". After mentioning once again the authority of the public council he made a careful distinction between the king and the kingdom.

The King is one Principal Single Person; but the Kingdom is the whole Body of the Citizens and Subjects. . . . As therefore a Pupil is not appointed for the sake of his Tutor, nor a Ship for the sake of the Pilot, nor an Army for the sake of a General, but on the contrary, all these are made such for the sake of those they have in charge: Even so the People is not designed for the sake of the King; but the King is sought out and instituted for the People's sake. For a People can subsist without a King, and be governed by its Nobility, or by it Self. But 'tis even impossible to conceive a Thought of a King without a People. Let us consider more Differences between them. A King as well as any private Person is a Mortal Man; A Kingdom is perpetual, and consider'd as immortal.⁵⁵

The distinction was important to the Huguenot argument. To deprive France of a bad ruler would not affect the nation adversely. But rather the citizens as a whole would benefit by investing the kingly authority in another man; after all, the king is a mere mortal, the kingdom is immortal.

Then began the study of the Capetian dynasty and how Hugh Capet first took over the nation and then began making attacks on the constitution. He did this primarily by assuming the power of appointment from the council, "in order to secure

⁵⁵Hotoman, pp. 107-108.

himself the Affections of the Great Men. . . . By which notorious Fact, 'tis plain, that a great Branch of the Publick' Council's Authority was torn away." ⁵⁶

However, he went on to show that the authority of the council was only a little diminished under the Capetians and that it still played an important role in the government. He cited several examples to prove his point.

A discussion of the opposition of the council to Louis XI followed. At the end of his description of the action of the Estates-General and the subsequent treachery of Louis XI came one of the few passages which brings the reader to the "here and now" aspect of the book and for what purpose it was written. It is a short passage, Hotman wrote it without elaborating.

Upon the whole matter 'tis plain, that 'tis not yet a hundred years compleat, since the Liberties of Francogallia, and the Authority of its annual General Council, flourish'd in full vigour, and exerted themselves against a King of ripe Years, and great Understanding; . . . So that we may easily perceive that our Commonwealth, which at first was founded and establish'd upon the Principles of Liberty, maintained it self in the same free and sacred State (even by Force and Arms) against all the Power of Tyrants for more than Eleven hundred years. ⁵⁷

Hotman summed up "Whether Women are not as much debarr'd (by the Francogallican Law) from the Administration, as from the Inheritance of the Kingdom", in one passage, "For She, who cannot be Queen in her own Right, can never have any Power of

⁵⁶ *Ibid.*, p. 113.

⁵⁷ *Ibid.*, p. 122.

themselves the Affiliations of the Green Party . . . which was
to the fact, this again, that a great number of the British
Government's Authority was now a . . .
However, he went on to show that the majority of the
Council was only a little diminished under the Government and
that it still played an important role in the Government. He
also showed several examples to prove his point.
A discussion of the operations of the Council to date
followed. At the end of his description of the action of the
Executive Council and the subsequent Presidency of Louis XI, one
one of the few passages which bring the record to the "here
and now" aspect of the book and for that purpose it was written.
It is a short passage, but it shows in without exception.

Upon the whole matter this again, that this was not
in the very beginning, and the authority of the Council, which was
in full view, and showed a number of things of
the kind, and great importance, which was
really positive that our Government, which was
founded and established with the President of the
United States in the year 1789 and started
later by force and arms against all the power of
for more than eleven hundred years.

Notman summed up "What was done and not so much done"
(by the Transatlantic Law) from the American
the importance of the King's, in the year 1789, and
which he then in his own right, and not only in the year of

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Governing in another's Right."⁵⁸ Indeed, the sole power of electing kings and appointing guardians belonged to the council. Then followed his diatribe against female monarchs, "when- ever Women got into their hands the Procuration of the Kingdom, they have been always the occasion of wonderful Tragedies."⁵⁹ He listed several examples to back up his point. This chapter, quite naturally, was understood to be written against the power of Catherine d' Medici. "Catherine's chief element in French eyes was her Italian blood,"⁶⁰ wrote Armstrong. "Hotman was throughout fighting for the expulsion of Italian Law."⁶¹ During her regency Catherine d' Medici was looked upon by the French as a foreigner. She spent her adult life in France, bore several heirs to the French throne, and yet was always regarded in that nation as an outsider, an Italian. The fact that she imported Italian lawyers, advisers, and soldiers, of course, only aggravated this feeling. Many people in France felt they were being governed by a foreigner with the help of foreigners.

Chapter XX, the final one, pitted Hotman against the legal profession. "The last chapter in the Franco-Gallia is practically an appeal for a return to old national customs from the imported institutions which have corrupted the national polity."⁶² It is hard to relate this chapter, entitled "Of the

⁵⁸Ibid., p. 126.

⁶¹Ibid., p. 24.

⁵⁹Ibid., p. 127.

⁶²Ibid., p. 24.

⁶⁰Armstrong, p. 28.

Governing in another's right, indeed, the sole right of
electing kings and emperors, and the right of
all. Then followed his last, as might be expected, a
even women got into their hands the representation of the King.
They have been always the occasion of a general assembly.
He listed several examples to show that the King's
quite naturally, was understood to be written down in the
of Catherine's 'Mandate'. Catherine's chief object in France
eye was not Italian blood, 'so wrote Mandeville. 'Mandeville was
throughout fighting for the expulsion of Italian law. 'Mandeville was
her agency Catherine's 'Mandate' was looked upon as the basis of
a foreigner. The secret was kept in France, but everywhere
help to the French throne, and the war always began in the
taken as an outsider, an Italian. The fact that she possessed
Italian lawyers, advisors, and soldiers, of course, only in-
creased this feeling. Many people in France said that she
being governed by a foreigner, with the help of foreigners.
Chapter X, the final one, ended Mandeville's story.
profession. 'The last chapter in the French-Italian story
only an appeal for a return to old national customs and
important institutions which have corrupted the national soul.
It is hard to relate this chapter, entitled 'Of the

61 Title, p. 25.
62 Title, p. 26.
63 Title, p. 27.
64 Appendix, p. 28.

Juridical Parliaments in France", to the historical study of France; except it was these judicial parliaments which Hotman felt to be the cancer that had eaten into the lovely Franco-Gallian constitution. Remove this king-appointed body which used foreign law to judge indigenous institutions, banish the lawyers who were more concerned with profit and semantics than with justice, restore to the popularly-elected Estates-General its previous authority, and all would be well again in France.

It was for the Parlements and the lawyers he reserved his most violent vituperation.

A sort of Men now rule every-where in France, which are called Lawyers by some, and Pleaders or Pettyfoggers by others. . . . So that in whatever Towns the Seats of this same Judicial Kingdom have been fix'd, very near the third part of the Citizens and Inhabitants have applied themselves to the Study and Discipline of this wrangling Trade, induced thereunto by the vast Profits and Rewards which attend it. . . . Since whoever has the fortune to be a Member of it, how meanly born soever, in a few years time acquires immense and almost Regal Riches.⁶³

He wrote, "whatever Power or Authority had anciently been lodged in the General Council of the Nation. . . . was at length usurped by the Counterfeit Council, which the Kings took care to fill with such Persons as would be most subservient to their Ends."⁶⁴ And then, "our Francogallican Kings took the same Pains in building up this litigious Trade, that the Egyptian Monarchs are said to have done in employing their Subjects to build the Pyramids."⁶⁵

⁶³Ibid., pp. 135-136.

⁶⁴Ibid., p. 137.

⁶⁵Ibid., pp. 137-138.

Records extant from Charlemagne's reign indicated a "Paucity of Lawsuits in his Days".⁶⁶ The seed of the trouble lay in the transfer of the papacy to Avignon for during that period "his Courtiers and Petty-Foggers, engaging into Acquaintance with our Countrymen, introduced the Roman Arts of Wrangling into our Manners and Practice."⁶⁷

In this abrupt fashion does Franco-Gallia end.

At the risk of redundancy, it should be added that Hotman saw hope for France only if it returned to a kingdom ruled by a public council whose prerogatives included king-making and law-making, and which convened regularly. The power to create a king under mutually known and understood conditions involved the power to depose him, should he no longer rule in accord with the council. The king was never above law but rather was a creature of it. Or, the king was responsible to the people of his nation. All governmental authority rested in the representative assembly.

Because the office of king was not a hereditary one, but was conferred by choice and suffrage of the public council, there was no rule or law of succession which had to be followed in France. The matter of the person to rule was entirely up to the council.

The council met regularly, annually, usually on the Kalends

⁶⁶Ibid., p. 138.

⁶⁷Ibid., pp. 138-139.

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of May, unless by common consent its members chose another month. Also, the king summoned the council at other times when there was business to transact that couldn't wait until the next regular session. This was considered an additional convention, however, and did not take the place of the regularly scheduled meeting. And such extra sessions called by the elected ruler or rulers further proved his or their dependence on the council.

It was Hotman's belief that the council had legislative power. At no time did he indicate whether these powers were to initiate laws, to ratify what the king had done or proposed to do, or whether they merely involved the formulation of policy which the king was expected to carry out. It would seem that in his desire to prove the ultimate authority of the public council he omitted dealing with some rather important details. Nevertheless, there can be no question that he held to the idea that the king was but a hired administrator.

The chapter concerning the ruinous aspects of the "Petty-foggers", his brief against the legal profession, was really his only instance of specific finger-pointing. With but this exception he didn't mention specifically to his fellow citizens the long gaps between sessions of the Estates-General during their lifetime, he didn't ask what council had invested the kings in the sixteenth century, nor did he question for whose good the king was ruling. The volatile political and religious

of her, unless by common consent the members chose another
month. Also, the king purchased the council at other times
when there was business to transact that could not wait
the next regular session. This was considered as a
convention, however, and did not take the place of the regu-
larly scheduled meeting. And such extra sessions called by the
king were not further regarded as formal sessions
on the council.

It was likewise held that the council had legislative
power. At no time did it believe that these powers were to
initiate laws, to elect judges, or to do any of the things
do, or whether they were involved in the election of judges,
which the king was expected to carry out. It was also
in his desire to prove the ultimate authority of the council
could be omitted during when some member was absent. The
members, however, were not to be expected to be present at all
that the king was not a third member.

The council concerning the king's power of appointment
together, the king against the king's power of appointment
his only instance of specific legislative power. The king
excepted he didn't mention specifically the king's power
the long gap between sessions of the council. The king
these sessions, he didn't say what would be the result of
king in the sixteenth century, but he said the king
good and king was ruling. The council's position and relation

situation in France at that time made it unnecessary. Quite simply, Hotman showed the Protestants and other Frenchmen that their present government was in accord neither with French history nor with their inherent rights as French citizens. As for the people being tortured, killed or sent to sea as galley slaves because of Protestant sympathies it is difficult to imagine that many of them in 1573 believed the government had the consent and endorsement of the whole nation for its policies. Indirectly Hotman labeled France as being ruled tyrannically.

Beatrice Reynolds made some rather astute criticisms of Franco-Gallia. She asserted that the work was "propaganda; the goal was set before the evidence was selected."⁶⁸ She accused Hotman of not emphasizing important points such as, who was to sit in the Estates-General? Who was to have the right of suffrage? Lacking written laws what were and should be the constitutional checks? Also, Hotman dealt with several unimportant matters, such as the chapter dealing with the length of hair of the rulers of France and the one devoted to the "proof" that Charles the Great received his power not from the Pope but rather from the public council.⁶⁹

It can be conceded, however, and Reynolds did, that Hotman had created an ideal government for the French Protestants.

⁶⁸Reynolds, pp. 78-79.

⁶⁹Ibid., pp. 79-80.

And this was his intent. The Huguenots in the sixteenth century needed an effective legislature with the king subject to it. If such a government could be found for France he had fulfilled his purpose in writing Franco-Gallia.

Despite the religious purposes of Franco-Gallia, the book is a political one. Its importance lies not in the religious realm, but rather is derived from its purely political point of view. Franco-Gallia has a message quite distinct from the theological questions of its time. Indeed, the Church per se and Church-state relations are not even dealt with by Hotman in it. Unlike most of the Huguenot writers of the time he did not use scriptures for the bases of his ideas, nor did he quote Biblical passages in his many illustrations. His intent and purpose, if not unreligious, at least were areligious. His premise of the historical sovereignty of the people through their legislature was enough. Hotman detailed the constitution of France through the preceding years to show what the government should be. For this reason its importance is not limited to the sixteenth century. Or to restate, Hotman's Franco-Gallia has application and usefulness in other times and under other conditions than the religious controversies of the time.

Franco-Gallia was a treatise against an unlimited monarchy, a king above the law. Its great importance lies in its democratic tenets that sovereignty rests with the people, it is they through their consent who delegate political authority. They,

And this was his intent. The Government in the United States
needed an effective legislative body with the power to
such a government could be found for France as well as for
Germany in existing Franco-German relations.

Despite the religious purposes of Franco-German relations,
in a political one. The importance of the religious
factor, but rather in the purely political sphere of
them. Franco-German relations have a message which is
logical questions of the time. Indeed, the Church has
Church-state relations are not even dealt with by the
Unlike most of the European writers of the time, he did not
experiences for the basis of his ideas, but did in fact
passages in his very illustrations. His ideas and
not religious, at least were religious. His ideas of
historical development of the people, however, were
was enough. He had detailed the organization of the
the preceding years to show that the new world was
this reason the importance is not limited to the present
any. On to France, however, Franco-German relations and
usefulness in other times and under other conditions with the
religious controversies of the time.

Franco-German relations was a struggle against an unlimited monarchy,
a king above the law. The great importance lies in the
on the basis that sovereignty rests with the people, it is
through their elected the delegate political authority. They

therefore, have the right to revoke it. These are not unfamiliar ideas in the twentieth century.

J. W. Allen, alone though he may have been among the authors consulted, was quite vehement in his assertions of the uninfluential role played by Hotman in French constitutional thinking in that period. He accused Hotman of supporting popular sovereignty long after it had ceased being a useful goal for the Huguenots.⁷⁰ He also wrote, "Hotman's history is a mass of inaccuracies, confusions, and misunderstandings."⁷¹ He felt, too, that Franco-Gallia was "greatly overrated"⁷² and that the stir it created upon its publication was not due to its content but rather to Hotman's reputation as a jurist.⁷³ "That it exercised any profound influence on Huguenot or on French thought in general, it is impossible to believe. . . . In truth Hotman's constitutional theory was of little use to the Huguenot party at any time."⁷⁴ Allen criticized whatever merit or application Franco-Gallia might have in more recent times on the basis that it offered nothing new and that Hotman had gone out of his way not to be objectionable. Taking up the latter contention first, it is difficult to imagine how Allen could believe the book was not an incendiary one. It preached, certainly, the right of tyrannicide, an alarming prospect for any monarch,

⁷⁰Allen, p. 309.

⁷³Ibid., p. 310.

⁷¹Ibid., p. 309.

⁷⁴Ibid., pp. 310-311.

⁷²Ibid., p. 310.

...have the right to ...
...in the ...
...also ...
...was ...
...role played by ...
...in that ...
...long after it ...
...the ...
...concluded, ...
...that ...
...it ...
...but rather to ...
...also ...
...in general, it is ...
...connection ...
...at any time ...
...that it ...
...way not to be ...
...lives, it is ...
...book was not an ...
...right of ...

70 Allen, p. 302.
71 Ibid., p. 302.
72 Ibid., p. 310.
73 Ibid., p. 310.
74 Ibid., p. 310-311.

especially one of a nation torn by civil dissensions. In unmistakable language it damned the Parlements of the time. They were the very citadels of pro-monarchy and pro-Catholic, anti-popular sovereignty sentiments. It appealed to all in France to live up to their names of Freemen. The book clearly indicated the government of France had usurped its powers and abolished the liberties of the citizens. One wonders how violent a book would have to be to qualify for an "objectionable" label from Mr. Allen.

Specious reasoning was used by Allen to declare Franco-Gallia lacking in merit because it presented nothing new. Hotman's whole approach was historicity. He wasn't interested in finding anything novel to tag on the government. He was concerned with relating to France its history, rights, and laws. He urged that nation to consider its predicament when contrasted with things as he felt they ought to be, and then to take steps to correct the situation.

Mr. Allen devoted quite a bit more space in A History of Political Thought in the Sixteenth Century to Raoul Spifame, whom he declared to be a dreamer and crazy. Spifame was incarcerated because he developed a delusion of actually being the king.⁷⁵ But despite this handicap he wrote a great deal and while some of his writings were "a little crazy"⁷⁶ he also wrote

⁷⁵Ibid., p. 297.

⁷⁶Ibid., p. 299.

especially one of a nation. It is not a matter of
mistaken language it is a matter of mistaken
view the very attitude of the nation is
popular sovereignty sentiment. It is a matter of
to live in the name of freedom. The nation is
led the government of freedom has been the
taken the liberties of the citizen. The nation
which would have to be really in the
from Mr. Allen.

Spacious country, yet also a
Gallie Jackson in 1812. Jackson was
Jackson's whole approach was to the
in finding anything new. He was
owned with justice to the
He urged that nation to equal
ted with things as he felt they
state to answer the question.

Mr. Allen devoted quite a bit of time
Political Economy in the
when he declared to be a
desired because he developed a
him. But despite this he was
while some of his writings were

75
76

things of great merit. That's not so remarkable, really; but much less attention was devoted to Hotman and to Franco-Gallia, and not nearly so complete a book review appeared of Mr. Hotman's work as of Mr. Spifame's. It certainly is not to be argued that worth is counted or measured by pages. It is argued that if Mr. Allen sees merit in some of the writings of a madman it is hard to conceive why or how he discounts the importance of Hotman, simply because he feels others exaggerate his influence. It is almost as if he felt Franco-Gallia has no place in a history of political thought.

Quite differently did Robert Molesworth, the translator of Franco-Gallia, feel about it. In his Preface to the Reader Molesworth wrote that he translated it into English because he felt that the

Englishmen; who, of all People living, have the greatest Reason to be thoroughly instructed in what it contains; as having, on the One hand, the most to lose; and, on the Other, the least Sense of their Right to it. Therefore a sincere Desire of Instructing the only Possessors of True Liberty in the World, what Right they have to that Liberty, of how great a Value it is, what Misery follows the Loss of it, and how easily, if Care be taken in time, it may be preserved, has induced me to Translate and send Abroad this small Treatise. And if it either opens the Eyes, or confirms the Honourable Resolutions of any of my Worthy Countrymen, I have gained a Glorious End; and done that in my Study, which. . . . I hope to dye with the Comfort of Believing, that Old England will continue to be a free Country, and know itself to be such; that my Friends, Relations, and Children, with their Posterity, will inherit their share of this inestimable Blessing, and that I have contributed my part to it.⁷⁷

⁷⁷Hotoman, pp. ii-iii.

It is interesting to note at this point that 1711 was the year of Mr. Molesworth's translation, many years before the American and French Revolutions and at a time when England was one of the few nations whose citizens enjoyed some degree of individual liberties. The succeeding years have shown that those nations which showed the least regard for the inherent rights of their citizens were those most plagued with internal troubles, strife, and in some cases, revolution. Mr. Molesworth's concern for the rights of his fellow Englishmen prompted him to put the book into a language each one could understand, since they needed desperately to learn how easily personal liberty can be leached away. This is a lesson not restricted to any century nor to any nation.

Beatrice Reynolds, by designating Hotman as the chief and most influential Huguenot writer of the sixteenth century indicated her regard for his importance. Her criticisms of him were specific and to the point, not sweeping and general as were Allen's. But at no time did her noting of inconsistencies and questions detract from the application she felt Franco-Gallia to have.

Armstrong felt Franco-Gallia to be important enough to rate a permanent place in the history of political thought for two reasons. The first was that while it was a livre de circonstance, it was not limited to those circumstances in which it was written -- its political aim lifted it out of historical

antiquarianism; and, secondly, he approved of Hotman's historical method, which Allen so vigorously opposed.

Many of the ideas expressed in the Declaration of Independence, the United States Constitution, and the Declaration of the Rights of Man are not unharmonious with most of the points Francis Hotman made in Franco-Gallia.

And so it is the contention of this paper that Hotman's contribution in Franco-Gallia to political thought, though written in the religious and civil milieu of 1573 and about the monarchical system of government then in existence in France, has its greatest importance in democratic thought of subsequent centuries. The theory of democracy cannot be attributed to one man nor to one era. Democratic theories are distillations of many minds over long periods of time. In Franco-Gallia Francis Hotman lent his talents to an elucidation of democratic thought to help his fellow citizens and subsequent generations in the world to understand what government is all about, what it has been, what it can do under various circumstances, and what it should be and do.

CHAPTER VII

CONCLUSION

It is perhaps necessary to reiterate in this conclusion that if religion had operated independently of governmental sanction and support in the fifteenth and sixteenth centuries there would be no Lutheran, Catholic, nor Huguenot political theories as such. Indeed the terms Reformation and Counter-reformation, which suggest so much to the student of history today, would be virtually meaningless. However, during these and preceding centuries a definite relationship did exist between the Church and state which found not so much the state lending support to the Church as the Church giving sanction and legality to the state by means of approving rulers and the governments instituted by the approved rulers. Why else would there have been a Canossa or an Avignon if nations and rulers felt competent without the Church?

The fact of the predominance or pre-eminence of the Roman Catholic Church in all spheres of life, i.e. social, educational, political, and economic as well as religious, of western Europe during the Middle Ages is well-known. What is not so well-known are the steps or degrees by which this hold was loosened, by which all but the religious prerogatives were transferred from the Church to the governments of the nascent nations. Some of

WITNESS

It is further stated that the witness is a member of the
that he religiously believes in the existence of God and
and expects in the future to be rewarded in heaven
there would be in heaven, and he expects to be
there as a reward for his good deeds and for his
testimony, which is true and correct and is not
today, would be true and correct and is not
and preceding events, and he expects to be
upon the Church and the world, and he expects to be
leading support to the Church and the world, and he expects to be
and loyalty to the Church and the world, and he expects to be
government, and he expects to be
there have been a great many things which are true and correct
this consistent belief in the Church and the world, and he expects to be
The fact of the witness's testimony is true and correct and is not
Catholic Church in all countries, and he expects to be
political, and he expects to be
during the Middle Ages, and he expects to be
and the steps of history, and he expects to be
which all but the few who are true and correct and is not
the Church is the government, and he expects to be

the writers consulted for this study involved themselves in the perennial "chicken versus egg -- which came first?" debate as to whether ideas preceded acts or whether acts predated resultant theories by which men explained their actions. While granting that such a question does make for interesting and stimulating intellectual ruminations, it is not in the purview of this paper to get so involved.

What is important was that simultaneous to the decrease in the scope of the Roman Catholic Church was the birth and development of the so-called western state system, the transition from a unified empire under the Pope to sovereign territorial states, each with its own monarch. The religious aspect must be injected because the monarchs of these evolving nations aligned themselves with the Roman Catholic Church or with a protesting church for various reasons, usually considered to have little relationship with genuine religious motives. And concomitant to this were the three most generally accepted political ideas or theories as to how and why these nations ought to be governed. These were the Divine Right of Kings or absolutism, popular sovereignty which at that time was a combination of a democracy, aristocracy, and a king under law, and the third was somewhere in between, a king under law but not subject to the whims of the people. Most of the religious groups held two or more of these theories at some time, depending upon their political fortunes. While most claimed religious reasons for adhering to their

doctrines, political expediency seems to have been a primary factor; what was best to preserve the "true" faith (and their own property and lives) was obviously that which God sanctioned. And, as in so many ideological conflicts, all combatants claimed God was in their corner.

Nevertheless, there are one or two general characteristics of Reformation political thought which can be considered as such. Freedom of conscience when a member of the minority group was not such a characteristic, but freedom of movement to live where one could worship freely was a hallmark of German Lutheranism. Official tolerance of an alien faith was regarded as encouraging civil disobedience in a nation capable of enforcing one religion; however, intolerance was equated with civil suicide in those nations not capable of enforcing just one religious faith. John Neville Figgis, in his book Studies of Political Thought from Gerson to Grotius, 1414 - 1625, made the point that religious tolerance and respect is the result of no one faith having had the strength to force its will and tenets on the others.¹ Religious peace was made in the form of a power balance; but regardless, peace was made. It developed less out of religious motivation than a reciprocal desire to exist. It evolved less out of recognition of individual faith than for the need of national unity. Religious peace was a political compromise.

¹John Neville Figgis, Studies of Political Thought from Gerson to Grotius, 1414 - 1625, 2nd ed. (Cambridge: University Press, 1924), p. 75.

It was this sort of thing that lifted Francis Hotman's book Franco-Gallia out of the sixteenth century and gave it its permanent place in the history of ideas. While written toward the end of establishing in France one of the types of governments so dear to the hearts of a desperate people politically harrassed, and of the exigencies of religious persecution, its enduring merit lay in its message to every Frenchman, a message that sought to unite rather than to divide, a plea to all citizens to recognize and respect those ties that bound them and to rise above those differences which separated them. And in his finding this source of national unity, which he felt was stronger than any religious differences, he received credence and support from other French citizens, loyal as he was to the nation, but who shared quite opposing religious views. Both groups deplored the state of affairs in France; both groups quite detested the faith of the other. But for practical, over-riding reasons both were prepared in the late sixteenth century to follow a limited "live and let worship" policy for the sake of the nation. Such a course was not based on belief in freedom of conscience nor the right to tolerance, it was as Machiavellian in inspiration as such a course could be. It was, regardless, of its intent or purpose, important because it was one of the first steps toward religious freedom which evolved in subsequent centuries and which is an important consideration in our nation to this day.

Franco-Gallia was important to enemies of royal absolutism in France up until 1789, as any book which advanced a theory of a monarch under law was. To anyone fighting an absolute government by whatever name it may style itself, at any time, it remains a source of ideas on the rights of men and a source of ideas of law and government. Despite setbacks in the long process toward popular government and religious freedom, in France and in other parts of the world, it is significant that today the most advanced nations attempt to practice both ideals and the emerging nations set up popular sovereignty as their goal. Francis Hotman wrote Franco-Gallia in 1572 and 1573 after a dreadful act on the part of the French monarchy against a minority group which was practically defenseless. The book became a blueprint of a proper government for this beleaguered group. Most of the ideals expressed in Franco-Gallia are regarded today as hallmarks of good government; it was a book out of its time.

French-Soviet was a... in France up until 1917... a... by whatever means... means a source of... ideas of law and government... goes toward popular government... and in other parts of the world... the most advanced nations... the emerging nations... French-Soviet... gradual act on the part of the... for group which was gradually... blueprint of a proper government... Most of the ideas expressed in... day an influence of good government...

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