

## The Discourse of Resistance in Huguenot Political Thought: The Role of the Estates General

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### Abstract

The political philosophy of the late Middle Ages had often approached the problem of tyranny, even attempting to provide possible solutions, but it was the sixteenth-century Reformation which turned this matter into the key issue of a new political model. France, in particular, experienced fierce disputes over this question, as the French Wars of Religion (1562-1598) saw the proliferation, to an unprecedented degree, which no one would have thought possible before, of theories of resistance against monarchical “tyranny”. At first, more timid, then, after the massacre of Huguenots on the night of Saint-Bartholomew (23-24 August 1572), with a much greater force, the Huguenots abandoned their previous position of unconditional obedience to the Crown: deceived in their expectations that compliance would earn them a degree of tolerance and protection, and confronted with a monarchy which, after Saint-Bartholomew, seemed to have embarked on a decidedly anti-Huguenot policy, the French Protestants turned instead to what they saw as the traditional legal limitations of the royal power in order to seek a solution from their predicament. A monarchy where the king’s will was firmly “bridled” by institutional constraints and the right of the subjects to oppose unlawful policies was given legal sanction seemed the best way to guarantee the safety of the Huguenots and justify their rebellion against the Crown. This paper argues that, during the first half of the Wars of Religion, from 1562 until 1576-1577, the Estates General of France played a significant role in the Huguenots’ theory of resistance, who advocated its convocation as a way to solve the realm’s troubles and argued in print for its right to take an active part in deciding the policy of the kingdom, as an alternative locus of sovereignty which could even overrule the king.

**Keywords:** Huguenot political thought, Monarchomachs, Estates General, Wars of Religion, tyranny, discourse of resistance

The political philosophy of the late Middle Ages emphasized the limitations of the royal power: divine law, natural law and the particular legal traditions of each realm combined to restrain its exercise. Disdain for (and fear of) tyranny was a constant feature of medieval political thought, which generally rejected the arbitrariness implied by principles such as *princeps legibus solutus* (“the prince is not bound by laws”). The political thought of that era did not imagine a clear constitutional mechanism to enforce the laws against a (tyrannical) king, but there was great emphasis placed on the moral duty of the monarch to obey the laws and the oaths usually taken at his coronation. That was also the case in France, whose medieval monarchy was very different from the absolutist Bourbon monarchy or even the more authoritarian (but not yet absolutist) regime of sixteenth-century Valois kings, Francis I (1515-1547) or Henry II (1547-1559). Naturally, it faced the same logistical constraints which all pre-modern states did, where technological and administrative limitations prevented them from exerting a very tight control over the territories they ruled: its military and administrative apparatus was simply not developed enough for the monarchy to be able to impose its will on its lands without the cooperation of the local power factors. In addition, the territorial base of the early Capetian monarchy, even after the significant enlargement of the royal domain which occurred under Philip II (1180-1223), was quite weak and the particularism and the sense of independence of various provinces remained high. But, even if not for this inherent constraints existing in any medieval society, the nature of the French state made for what Claude de Seyssel would later refer to as a “bridled” monarchy, even as the kings of France started to exert a stronger grip on their unruly and semi-independent vassals.

### **1. The Pre-Huguenot Tradition of the Estates General**

Concomitant with the strengthening of the monarchy, the fourteenth century saw the advent of some institutions which later French political thought would associate with the notion of constitutional doctrines imposing a kind of limitations

on the unrestricted use of royal power, institutions such as the Estates General or the Parlement of Paris. Yet, their original role and the way they were perceived within the French polity at their inception were wholly different than what was envisioned for them during the sixteenth century. In fact, the fourteenth and fifteenth-century kings of France never saw the Estates or the Parlement as potential rivals or checks on their power. On the contrary, they saw them as a way to strengthen royal power against what were considered at the time the greatest dangers for the king's authority: the papal pretensions (until Boniface VIII), the king's overmighty vassals or the English claims to the throne of France. The first assemblies of the Estates, which the institution draws its origins from, were called in 1302 and 1308, by Philip IV, in order to draw popular support and build a consensus in favour of his controversial policies: the rejection of Boniface VIII's claims and the arrest of the Templars. After this, the Estates had not been particularly active and were not required to deal with such serious matters too soon, but the kings of France still saw them as a useful tool in order to extract financial concessions from their subjects, especially during Charles VII (1422-1461). According to medieval tradition, the king was supposed to live off his royal domain, but such revenues were no longer enough by the fourteenth and the fifteenth century: by getting the consent of the Estates, the king hoped to gain an easier acceptance for a fiscal policy which ran contrary to the standard medieval custom. In the words of John Russell Major, "it may seem strange that kings encouraged and developed assemblies of the Estates, but since neither the medieval nor the Renaissance monarchs had ever heard of representative government, they could have foreseen no reason to fear or destroy representative assemblies." (Major 1960, 16) In fact, the Estates itself did not realize in the beginning its potential to develop into a source of authority separated and even above the king, as shown by the fact that, even when summoned, it was not always willing to assemble and many members were reluctant to attend due to the expenses and even dangers involved in the long trips.

Yet, by mid-fifteenth century, the situation was starting to change and some of the king's advisors were starting to look

at the Estates in a different light. The fiscal obstructionism of the Estates, albeit born out of convenience rather than a true desire to challenge the authority of the monarchy, certainly irritated the kings themselves and many from their entourage, which would explain many of the more harsh opinions about the institution quoted by P.S. Lewis (Lewis 1971, 298). Yet, despite John Salmon's claim that members of the royal council saw the Estates as a dangerous body, there was little basis for such an assessment based on the realities of most of the fifteenth century: the opinion seems paradoxical in light of the fact that Charles VII found it difficult to convoke the Estates in 1420s, and in 1468 the deputies requested Louis XI not to summon them again (Salmon 1979, 63). It is far more likely that the statements referred to by P.S. Lewis and John Salmon reflect the frustration with the Estates' inability to accede to the king's wishes, rather than actual apprehension, because how could a body whose members were often reluctant to get themselves involved in the governing of the kingdom be perceived as a threat? Both Lewis and Salmon pointed to a statement from Philip de Commines, which referred to assertions made by unidentified persons "that it was a diminution of the king's prerogative, and no less than treason against him to talk of assembling the Estates." (Scoble 1877, 386) That was the most severe assessment of the Estates quoted by both Lewis and Salmon, but it belonged to a very specific context, the Estates General of Tours from 1484 and its aftermath, and it would be exaggerated to draw from it a conclusion for the whole fifteenth century. The respective assembly was the first instance when the Estates tried to mount (albeit unsuccessfully) a constitutional challenge to the monarchy and claim for itself a role different than a mere communication channel between the king and his subjects. In the words of Nicole Hochner, "France in 1483 faced what might be designated a 'post-traumatic' dispute over the consequences of the Spider King's controversial policies, characterized by an urgent need to define the limits of power and the procedures of legitimization of the French monarchy", a debate which was at first a political competition between the new and the old elite, and only later developed into a philosophical and ideological

controversy between conflicting perceptions of justice and authority (Hochner 2010, 151). The mood of the French society in 1484 was faithfully revealed by Philip de Commines, who complained that Louis XI had arbitrarily overtaxed his subjects and that Charles VII had begun the wrongful practice of imposing the *taille* without the consent of the Estates (Salmon 1979, 60). But if such complaints about excessive taxation and innovative governmental practices contrary to custom were nothing unusual, the opinion expressed by one of the delegates, Philippe Pot, that kings were created by the people and that the Estates had the right to appoint the government during a royal minority<sup>1</sup>, certainly was: it represented the first in a long series of pronouncements about the rights of the Estates General to exert a degree of authority and control over the monarchy, a series which would end only in 1614, after the trauma of the Wars of Religion, with the Estates' total capitulation to the Bourbon monarchy.

Even though the Estates of 1484 failed to achieve any result, the opinion that the respective institution could serve as a check against arbitrary rule started to develop more and more. It also found an adequate model in the conciliarist theories of the fifteenth and early sixteenth centuries, which held that a general council of the Church surpassed the pope in authority and could even depose him in case of heresy or schism. Conciliarists such as John Mair and Jacques Almain maintained in the first half of the sixteenth century that the ruler was merely the delegate of the sovereign community and could be deposed: the former placed the power to depose in the Estates as the representative of the people, while Almain held that the whole community dethroned a tyrant king (Salmon 2002, 139). Another assembly of the Estates General would not be called again until 1560<sup>2</sup>, but the idea persisted: one could say that the kings themselves contributed to its endurance, by appealing to “assemblies of notables” to support their policies, as Louis XII did in 1506 and Francis I in 1527, when they sought to renege on previous unfavourable agreements with the Habsburgs. Yet, one fundamental weakness of the Estates General was the fact that it was not a permanent part of the government, but only an extraordinary

institution, summoned only in specific circumstances, at the king's pleasure. This was recognized by many political theorists from the sixteenth century and some, in the search for an institutional "bridle" on the royal power, regarded the Parlement of Paris as the permanent representative of the Estates General: this way, according to William Farr Church, the Parlement would have possessed an authority drawn from popular rights rather than from the Crown, therefore being placed outside the royal government in the narrow sense and wielding a power of judicial control from a position beyond the confines of the governmental organization (Church 1969, 137-139). The attempt to join the two institutions to create a constitutional framework who would limit the royal power was bound for failure, though: the Estates presumed to speak for the whole France, while the Parlement did not, its powers being restricted only to the central and northern part of the kingdom; and the Parlement proved to be too much of a partisan institution to play the role of constitutional check on the monarchy in the context of the Wars of Religion. In fact, it was the Estates which became the focus of the constitutional efforts, of both warring factions during the conflict, to reform and restrain the monarchy. This might be surprising in light of its shortcomings, but the symbol which it represented was more potent than the powers it possessed or was capable of assuming. The place occupied by the Estates General in the sixteenth-century French political mindset was best summed up by Mark Greengrass: "It was a powerful idea. Its rarity merely contributed to further the fiction that its convocation was a beacon of counsel and a balm to every ill in society. The benefit ascribed to the Estates General was that it embodied the *corps mystique* of the kingdom, the sum total of the offices that constituted its organic whole. The fiction of the health-giving effects of holding the Estates General was as compelling for royal servants as anyone else in public life in sixteenth-century France. The 'bien commun' accorded the Estates was centrally located in important myths about royal counsel, civilized rule, and the dangers of tyranny." (Greengrass 2007, 66-67)

## **2. The First Huguenot Theories of Resistance and the Estates General**

When the Estates General was summoned again in 1560, after 76 years since its last assembly, this event signalled not only the revival of the institution, but also the reiteration, with much greater force, of the previous constitutionalist theories, but which, in the context of the civil wars, were to gain greater revolutionary connotations. The advent of the Reformation brought to the forefront a problem which medieval theorists have often tried to provide a satisfactory answer to, that of a tyrannical government. Originally, the main Protestant figures, above all, Luther and Calvin, insisted upon the obedience owed to all earthly rulers, even unjust ones, because, in their interpretation, all power came from God. In time, though, Luther and especially Calvin came to accept the idea of a right of resistance for the defence of the faith, if specific conditions were met<sup>3</sup>. Basically, in their view, the resistance to a legitimate ruler who became a tyrant also had to be legitimate, in accordance to the laws and customs of that realm: therefore, the right of resistance was reserved for the magistrates of a polity, an idea which came to define all Protestant theories of resistance. Calvin even referred specifically to the three Estates in all kingdoms, which, when assembled, had the duty to resist the tyrant, by virtue of their office; on the other hand, such a right was completely denied to private persons (Mousnier 2008, 90-93). In France, having been subjected to bouts of persecution since the early days of the Reformation, which only intensified during the reign of Henry II (1547-1559), an uncompromising Catholic, the Protestants started to consider various possibilities of fighting back. The death of Henry II in a tourney accident was considered by them as a divine punishment and a sign of God's favour for their cause; and it certainly helped, because it weakened the monarchy exactly at a time when it seemed determined to embark on a sustained campaign of persecution. The new regime of Francis II, dominated by his Guise in-laws, was certainly pro-Catholic and anti-Protestant, but it was simply not powerful enough to carry out Henry II's intentions against a Protestant community which had become much stronger over

the last decade and gained the adherence of a significant part of the French nobility. The fact that Francis II was only 15 years old made it easier for the Protestants to advance theories which would have granted them the means to wrest the government from the hands of their enemies, without this looking like a revolutionary attempt to alter the place of the monarchy in the French polity. In this regard, the tradition of the Estates General and the precedent from 1484 provided them with a useful model, because the most important claim made for that assembly was the pretension to appoint the royal council during the king's minority. Thus, immediately after the death of Henry II, Protestant ministers and publicists argued that kings were subjected to the oversight of a regency council established by the Estates General and the princes of the blood until they reached their majority at age 25 – an argument accepted by Calvin himself, who urged the first prince of the blood, Antoine de Bourbon, to assert his rights in this regard, believing him to be favourably inclined towards the Reformed cause (Holt 2002, 150-151)<sup>4</sup>. Yet, what characterized the Protestant political thought of that period was the careful balance between a formal respect for the monarchy and the need to resist the bouts of persecution: the Protestants were careful to emphasize that their actions were directed not against the king himself, but against his “evil counsellors”: that was what happened in the aftermath of the failed Amboise conspiracy – when a group of Huguenots attempted to kidnap Francis II in order to remove him from under the influence of the Guise family – and it was a theme often reiterated by Huguenot propaganda – until the massacre of Saint-Bartholomew. But, even though a minority at this point, there were also more radical voices who were starting to envision the possibility of resistance against the king himself, a role which could have been attributed to the Estates General, as it was the case with Theodore Beza in his 1560 edition of the *Confession of Christian Faith* (Jouanna 2009, 378).

The Huguenots would get their first chance to try to put their theories into practice when the Estates General was convoked to assemble at Orléans, at the end of 1560 (and reassembled at Pontoise next year, after the unexpected death of Francis II). During the interval between the two assemblies,

the Huguenots advanced the first of the radical propositions to reform the French monarchy and make the Estates into some kind of overseer of the king: not only that it was claimed for the Estates the right to pick the members of the royal council who were to exercise the governmental power as long as the king was minor (something which, technically speaking, did not represent a direct attack on the king's powers per se and for which there was precedent), but it was also asked that "no offensive war be started or fresh taxes be raised without the consent of the Estates" (Heller 1986, 245-246), which would have seriously curtailed the king's prerogatives. True, French political tradition of the last 250 years admitted that the consent of the subjects to taxation was advisable and kings often called (and haggled with) both the Estates General and the many provincial Estates and assemblies for this exact purpose, but this same tradition did not equip the Estates with a formal and officially recognized veto power over this matter. As for the right to decide issues of war and peace, this had been exclusively the prerogative of the monarch. But one of the biggest obstacles to the Estates gaining a more assertive role in the government of the kingdom was the irregularity of its assemblies: this was recognized by the supporters of the Estates in 1560-1561, who tried to address the issue, by demanding regular meetings every five or ten years (Jouanna 2009, 371). Unlike the next two Estates General from 1576 and 1588, the assembly at Pontoise was quite favourable to many of the objectives of the French Protestants, whose influence made itself felt in the attacks on the clergy and demands for the confiscation of their revenues to pay the kingdom's debts, combined with proposal for granting of religious liberty to Huguenots while awaiting the results of a national council, for an end to persecution and to ecclesiastical jurisdiction (Heller 1986, 246). The fact that such requests were made in the Estates General suggests that the Huguenots were, at that time, quite hopeful for royal support, trying to court the king's approval by speaking in favour of the new regime of Charles IX and Catherine de Medici: the Estates provided an excellent forum for the flattery of the king, such as that expressed by Jacques de Silly, who praised the wisdom of the new monarch

and the policy of conciliation (Roberts 2007, 101). But, despite their continuous advocating in favour of the Estates, this was the closest the Huguenots came to make use of this institution in order to find redress for their grievances, as the future assemblies were to prove themselves bitter disappointments in this regard. For all the influence the Huguenots were able to exert on the Estates General from 1561, there were already signs, even at that time, that the institution could prove (and it would be) a tool in the hands of the Catholic radicals: for many Catholics, France and the Catholic Church were inseparable, the Huguenots were nothing but intruders and troublemakers in the realm, and the *cahier* of the first estate for the assembly at Orléans included clear threats against the Protestants (Yardeni 1971, 104).

Not long after the Estates General of 1561, the Huguenots found himself in open rebellion against the Crown, as the religious tensions exploded into open warfare in the spring of 1562. The next decade saw a succession of undecided wars and badly implemented peace treaties and, again, the Huguenot political ideology tried to argue that their actions were not directed against the king, but against different factions at Court. During the first war, this narrative was helped by the ambiguous attitude of the Crown, which left most of the fighting to Catholic hardliners such as the duke of Guise and the constable of Montmorency, but the Huguenots tried to maintain this facade even after the Crown took a more active part in the conflict, after 1567. At the start of the second war, in 1567, the Huguenot propaganda kept repeating the same old tropes as before, arguing that ancient custom had been corrupted by foreign counsellors, and the commitments undertaken by the government in favour of the Protestant community had not been respected; historical precedent was also invoked, such as in a pamphlet entitled *Memoirs of the Circumstances of the War Called the Public Weal Related to the State of the Present War*, where the author recalled that, a century before, the princes had taken arms and compelled the king Louis XI to call the Estates General and lower the *taille* (Salmon 1979, 168-169). Yet, as many historians have remarked, the voices still maintaining their loyalty to the

Crown, formal as it was, were not unanimous: a tract called *The Civil and Military Defence of the Innocents of the Church of Christ*, which appeared in Lyon in 1563, maintained the right of popular armed resistance after the Biblical model of the Maccabees and, because of its unorthodox argument, was promptly disowned by the Huguenots (Salmon 1979, 181). Other tracts, such as *The Discourse by Dialogue on the Edict Revoking the Peace*, put forward what one could consider proto-constitutional principles, by declaring the king limited by the right of the Estates General to consent to taxation and to modify the law, by the right of the Parlements, deputizing for the Estates when not in session, to disallow legislation contrary to precedent and fundamental law, and by an obligation to respect the advice of the council, while mentioning a reciprocal contract between the king and his subjects which made obedience conditional upon good government (Salmon 1979, 181). The idea of the contract, which was also to appear in the main monarchomach works from the 1570s, was starting to make its way into French political thought: another tract, written around 1568-1569 and entitled *Question politique: s'il est licite aux subjects de capituler avec leur prince*, imagined an initial contract between the people and the prince, during the election of the latter, which implied reciprocal obligations and gave a conditional character to the obedience of the subjects, contract which left traces in the French tradition such as the coronation oath and the charters of urban and provincial privileges (Jouanna 2009, 453-454).

### **3. The Monarchomachs and the Estates General in the Aftermath of the Massacre of Saint-Bartholomew**

If various Huguenot theories of resistance had already started to emerge during the first phase of the civil wars, they flourished only after the massacre of Saint-Bartholomew, when the breach between the French Protestants and the Valois monarchy seemed impossible to bridge anymore. Some of the most important Huguenot treatises of political thought were published in this context and, unlike the ones which preceded them, they were no longer repudiated by the Huguenot party.

As Howell Lloyd pointed out, Huguenot thinking was based on historical tradition and broad principles of natural law: the former was employed to show that kings were originally elected by the people, while the latter were used to argue that “men would not voluntarily have surrendered their natural liberties except upon conditions” and, in the circumstances of the 1570s, Huguenot theorists took significant steps towards formulating an idea of inviolable sovereignty that implied the existence of the secular state as an entity distinct from ruler and people (Lloyd 1983, 155). Myriam Yardeni convincingly demonstrated that, during the sixteenth century and particularly during the Wars of Religion, despite the frequent consorting with foreign powers, France witnessed the development of a vibrant national conscience. This national conscience became a significant argument in favour of the pre-eminence of the Estates General, not just because of the historical tradition (which was mostly fictional) as envisioned by someone like François Hotman, but also because it was claimed that the Estates General was a better defender of France than monarchs who, for various reasons, had consented in the past to disadvantageous treaties (Yardeni 1971, 155-156). The exaltation of the Estates General in the writings of the Huguenots often came at the expense of the Parlements. Of course, the Parlements were not without their defenders, like the historian Ettiennne Pasquier, who argued that they were the successor of the original assembly of the kingdom and the legality of the royal acts depended on them, but that was an opinion which the majority of the Huguenots, undoubtedly wary of the Parlements’ obstructionism to the policy of toleration, never shared.

The most important Huguenot works of political thought written during the 1570s belonged to the so-called “monarchomach triumvirs”, to borrow the expression of Ralph Giesey: François Hotman’s *Francogallia* and Theodore Beza’s *Right of Magistrates*, both published almost at the same time, in 1573 and 1574, and the anonymous *Vindiciae contra tyrannos*, whose likely author is thought to be Philippe Duplessis-Mornay<sup>5</sup>, published some years after Saint-Bartholomew, in 1579. The term “monarchomachs” was coined several decades later by the royalist writer William Barclay and

it is usually understood to refer to the Protestant partisans of resistance against (tyrannical) monarchy, even though many radical Catholics, especially the propagandists of the French Catholic League, went even farther than the Protestants by advocating the assassination of kings turned tyrants, something which the Huguenots did not support. In fact, what characterizes the monarchomachs' treatises is their constitutionalist bend – and in this they differ also from their medieval predecessors, who, while often concerned by the dangers of tyranny and trying to design all kind of remedies, never developed an articulate theory of legitimate and lawful resistance. As it was often remarked in historiography, the power to resist a tyrant was vested in specific political institutions, with already-defined functions in the state, not in the community as a whole or, even less, in individual members of said community (Soman 1974, 28).

Out of all three monarchomachs, François Hotman, in his *Francogallia*, was the most fervent adept of the Estates General. Hotman sought the origins of this institution in an imaginary Gallic and Germanic tradition, which held that these people possessed a “diet and a general assembly of all people”, having the right to elect kings and also depose them for tyranny and other misdeeds<sup>6</sup>. This was the quintessential attribute of the Estates General in the vision of the monarchomachs, but Hotman went significantly farther than that: for him, this ancient (and imagined) “general assembly” met on a regular basis each year and would deliberate “on all the great affairs of the kingdom.” (Hotman 1574, 99) Hotman's argument was based mostly on a fictional French historical tradition, but, for him, the benefits of an institution like the Estates General were so obvious, that its existence was inscribed in the “*jus gentium*, and those kings which, by evil practices, oppress this holy and sacred liberty must not be regarded as kings, but as tyrants, like those who violate the most holy right existing between men and who break all the ties of human society.” (Hotman 1574, 106-107) Hotman's version of the Estates General became an early modern form of popular sovereignty, as he argued that the right of the people to give their consent to the passing of new laws, without which they were not bound to obey, was

enshrined in the French custom from the time of Charlemagne (Hotman 1574, 122). Hotman made an even bolder assertion when he claimed that the *locus* of the royal majesty was not the person of the king, but the “solemn assembly of the Estates”, thus denying any physical identification between the king’s person and the king’s office (Hotman 1574, 151-152). Consequently, the Estates General enjoyed far broader powers than just the right to act as a restraint on the royal will, nor did it remain merely an extraordinary forum for the reformation of the kingdom: it represented an active element in the governance of the realm, which basically infringed upon what would have been considered the royal prerogative, as it was supposed to decide “the election and deposition of kings; then, of peace and war, of public law, of offices, governorships and administration of public things, of assigning a part of the domain to the male heir of the deceased king and providing a dowry for his daughters (...). Finally, of all matters which we call right now affairs of state, because it is not lawful to decide on issues concerning the state of public thing, except in the assembly of the Estates”. (Hotman 1574, 114) Ralph Giesey argued that the role of the Estates General in *Francogallia* had been exaggerated because Hotman wanted “to discover some regular way to restrain the royal power, a task which the Estates General in the last centuries before his time had never pretended to perform.” (Giesey 1970, 43) But this assertion represents a fundamentally erroneous interpretation of Hotman’s argument: the fact that, historically speaking, the Estates had never been what the monarchomachs wanted it to be is completely irrelevant in this case, because *Francogallia* argued that it *did* actually play such a role. The argument might be historically incorrect, but that did not change Hotman’s state of mind: Hotman himself accepted that the Estates General allegedly had lost its ancient powers during the century before the Wars of Religion, but what he intended to prove by his fictional examples was that the (imaginary) Estates provided a better governance and, therefore, it could and should recover its old authority. The Estates General as an agent of resistance against a despotic king was an ideal – but so was the entire Huguenot constitutional theory.

If Hotman's emphasis on the Estates General is quite clear, Beza gave it a less prominent place, as he constructed a theory of constitutionalist resistance based on principles from natural and Roman law, Biblical and Roman tradition, while resorting less to examples and precedents from French history, even though the latter are not lacking entirely. For Beza, monarchies were established by the consent of the people, but that consent was not absolute and permanent regarding of the circumstances – on the contrary, it could be withdrawn when it manifestly contradicted honesty and equity (Béze 1970, 14). Beza's monarchy was founded upon an original compact between the would-be king and his subjects: the original *lex regia* was a conditional transfer of power and, when kings manifestly violated these conditions, "those who have the power to give them their authority, also possess the power to deprive them of it." (Béze 1970, 24) In Beza's political model, there were two possible agents of resistance, undoubtedly because, for all the fascination that many Huguenots had with the Estates General, Beza understood that the Estates might sometimes prove inadequate for the purpose of opposing a tyrannical king: a fundamental role was entrusted to the magistrates of the kingdom, who possessed the right to resist flagrant oppression within their legal and territorial jurisdiction (Béze 1970, 18-23). Unlike an assembly like the Estates, the magistrates had the advantage of being permanently in existence and not having to be summoned by the king: therefore, they could act for the protection of the subjects and the realm any time tyrannical actions were carried out. But, as agents of resistance, they also displayed a significant flaw, which Beza was aware of: a magistrate could not remove a tyrant from his throne and, thus, his authority was inadequate, in the long term, to deal with the case of an inveterate tyrant. Consequently, there was a caveat in Beza's scheme: the inferior magistrates were supposed to resist flagrant tyranny until the Estates or "whoever possessed legislative power in the Empire or the kingdom" could find a more permanent solution (Béze 1970, 20-21).

The opinion of Ralph Giesey that the Estates played no significant role in Beza's theory of resistance can be heavily

criticized: his case rests on the presupposition that the Estates General was ineffectual in practice, because it had only a potential existence, its sovereignty was a fiction of the law in normal times, for the king did not normally share its exalted status with anyone and it may not have been able to assemble even in the direst cases of manifest tyranny (Gieseey 1970, 44). In fact, the role of the Estates and that of the magistrates were complementary: just as the Estates might not have been able to provide an urgent remedy to a crisis, so the power of the inferior magistrates was not the answer to a tyrant who could not be dissuaded. Without a body like the Estates, Beza's theory of resistance would have trapped in an unsolvable contradiction, because if the magistrates were to make use of their constitutional right of resistance against an unrepentant tyrant, that would have meant to mire the kingdom into a permanent civil war: in other words, reach a situation where, according to most political writers, Beza included, "the remedy would have been worse than the disease" and, therefore, it would have been better to abstain from opposing the tyrant, thus nullifying in practice the value of the magistrates' right of resistance. Gieseey's assertion that the sovereignty of the Estates was a fiction of the law and the king did not share sovereignty with anyone represents a fundamentally mistaken premise for drawing the conclusion that the Estates played little role in the monarchomachs' theory of resistance: their entire scheme was a direct attack against the monarchy and, thus, the attitude of the monarchy was not a relevant hurdle. The Estates' sovereignty was to be imposed on the (likely unwilling) king and this was what the proponents of the Estates sought to do in practice – and the Estates from 1588 came quite close to achieving this goal. What made the Huguenots lose interest in the institution was the fact that the Estates General was used by their enemies, the Catholic League, as a tool to dominate the king and force him into a war against the Protestants – not the alleged inefficiency of the assembly.

The Estates General may not have been an effective counterweight to the monarchy at the time, but that represented, in the opinion of their proponents, the result of the corruption of the original French constitution and something

which the monarchomachs sought to fix. Just like Hotman, but much more briefly, Beza also made reference to a more exalted position which the Estates enjoyed in the past, by claiming that the Gallic kings from before the Roman conquest were subject to some kind of popular assemblies and the first French kings were also elected by the Estates, which had the right of deposition as well (Béze 1970, 39-41). Another similarity between Hotman and Beza is that both of them envision a broader role for the Estates than merely restraining or deposing a tyrannical king: in Beza's opinion, the Estates had the authority to appoint and depose the principal officers of the Crown – or at least supervise the king's appointments –, impose taxes, deal with the main affairs of government in times of peace or war and, if the king was a minor, to decide on a regency (Béze 1970, 41-42). Beza acknowledged that the Estates no longer exercised such kind of powers, due to the machinations of kings such as Louis XI, who turned the French monarchy into a tyranny (Béze 1970, 42). But such alterations represented a grave breach of faith from the king, since he was held by his coronation oath to preserve the privileges and ancient customs of France. More so, depriving the Estates General of its lawful authority was, according to Beza, contrary to the fundamental laws of the realm and the good of the kingdom required the restoration of the rights of the Estates. The fact that, in Beza's scheme, the lesser magistrates could not permanently function alone as a bulwark against tyranny could not be stated more clearly when the author pointed out that the Estates should intervene with its power, when and where lesser magistrates could not exceed the limits of their authority (Béze 1970, 47). If the magistrates' task was to oppose flagrant tyranny, only the Estates could punish the tyrannical king: this represented for Beza a fundamental and permanent right of the Estates, which could not be lost by prescription of time (Béze 1970, 50). And, if the king tried to prevent the assembling of the Estates General, it was the duty of the inferior magistrates to join together and press for its convocation (Béze 1970, 53).

Julian Franklin argued that the constitutionalist bend of the monarchomachs and their insistence on lawful

procedures “simply intended to prevent the excesses of democracy and to protect the Huguenots from the charge of general subversion of the social order”, but they were not understood as a serious bar to resistance in the existing circumstances (Franklin 1973, 46). The restraint displayed in this regard by the Huguenot writers was certainly wise, as it was clearly proved during the last phase of the Wars of Religion, when the excessive radicalism of the Catholic League alienated most of the French society and led to the collapse of their cause. And the moderation of the Huguenots served them well immediately after 1572, when they made common cause with Catholic potentates such as the king’s own brother, François d’Alençon, and the governor of Languedoc, Henry of Damville-Montmorency. The two were the most prominent personalities among a Catholic faction which emerged in 1573-1574, known as “les malcontents”, and which seemed to share many of the Huguenots’ goals. Their proclaimed purpose was the defence of the “public good”, which they considered threatened by the evolution of the monarchy, and, in order to achieve it, it was essential to restore the effectiveness of the institutions charged with stopping the slide towards tyranny: the Council and the Estates General, which had to assemble on a regular basis (Jouanna 2007, 269). There was, though, a significant difference between the political thought of the “malcontents” and that of the Huguenots: the former advocated more of a mixed monarchy rather than the full sovereignty of the Estates General supported by the Protestants, envisioning the government of the realm as shared, in a collaborative relationship, between the Estates, the Council and the king (Jouanna 2009, 504-505).

One of the demands of both the Huguenots and the “malcontents” was, again, the convocation of the Estates General, and the political struggle was accompanied once more by ideological arguments, such as those expressed in *Réveille-matin des François*, another tract in favour of resistance. The *Réveille-matin* proclaimed Hotman’s book to be explicit proof of the rightful sovereignty of the Estates, which could not be nullified by prescription, and it was upon them that the election and authority of a king depended (Salmon

2002, 126). And the *Réveille-matin* was not the only such work published at that exact moment: another was Pierre Fabre's pamphlet *Response à la question à savoir s'il est loisible au peuple et à la noblesse de résister par armes*, which reiterated Hotman's idealization of the ancient French constitution and placed its hopes in balancing the royal power with the authority of the Estates (Yardeni 1971, 149-153). The confrontation between the monarchy and the alliance of Huguenots and moderate Catholics reached its peak after September 1575, when the Duke d'Alençon managed to escape from the confinement Henry III was keeping him under and joined the rebel faction. Alençon issued a proclamation which called for a general religious peace until a church council could settle the religious differences, and for the convocation of the Estates General in order to establish law and order in the kingdom (Holt 1986, 52). The king was forced to yield in face of this powerful coalition of Huguenots and moderate Catholics and granted the former, by the Edict of Beaulieu, what basically amounted to the greatest degree of religious toleration up to that date. The only thing left was the ratification of the edict in the Estates General, as the Huguenots had envisioned in order to bypass the opposition of the Parlements – but that was to prove the Edict's undoing.

Despite their apparent fascination with the Estates General and the conviction that the institution could prove to be an instrument for the reform of the kingdom, limiting royal power and ensuring the rights of the subjects, in particular the Protestants, the Huguenot theory had serious weaknesses, some which were correctly inferred by the monarchomachs themselves. In the opinion of Arlette Jouanna, the lack of precision on such essential issues, such as the periodicity of the Estates, reveals a secret reluctance to rely too much on the Estates, because, for them, the ideal of a sovereign bound by precise regulations was the outcome of a tragic deterioration of the traditional political order (Jouanna 2007, 263). But for the Huguenots, the idea of the Estates General as an agent of resistance proved to be a failure for much more concrete reasons: basically, the radical Catholics appropriated the respective theory for their own purpose and turned it against

the Huguenots themselves. As previously mentioned, in the spring of 1576, the Huguenots had managed to extract from the weakened monarchy, with the support of moderate Catholics, the greatest concessions to date, by the Edict of Beaulieu – and they had done so without having to rely on an Estates General. In fact, it was precisely the Estates the reason why that peace was short-lived and the Edict of Beaulieu cancelled: while the Huguenots had repeatedly asked for the convocation of the Estates in order to find a solution to the civil wars and establish a policy of toleration throughout France, the assembly gathered at Blois at the end of 1576 was overwhelmingly dominated by Catholics, many of them hardliners. The latter's preponderance ensured that there was unanimous pressure for action to permit only the exercise of Catholicism in the kingdom, even though there was significant dissension about the best ways to achieve this end, as a new war against the Huguenots would have required significant financial resources, which a deeply indebted Crown did not possess (Carroll 1998, 168). Basically, in the words of Arlette Jouanna, this represented “the destruction of the hopes held by the Huguenots and the moderate Catholics”, as they had to consider, with such clear evidence right in front of them, that the Estates General could also be hijacked by the partisans of religious intransigence and it could also be subject to manipulations even more dangerous than those a king was exposed to from the alleged evil advisers (Jouanna 2007, 296). This certainly seemed to be the case in 1576, when the Protestants, despite still being a significant minority in France, had practically no representation in the Estates General held at Blois, something which they blamed on Catholic pressure or manipulation.

The events at Blois from 1576-1577 proved to be a decisive blow to the notion of the Estates General as a constitutional mechanism of restraining and controlling the monarchy – at least as far as the Huguenots were concerned. This was clearly visible in the last of the main Monarchomach treatises of the 1570s, *Vindiciae contra tyrannos*, published in 1579. In this case, Giesey's contention that the Estates played little role as an actual agent of resistance has significantly more merit. *Vindiciae* accepted the extravagant historical role

which Hotman had attributed to the Estates, claiming it had met annually and “sometime later at least as often as necessity required”, that it “issued decrees in public about matters concerning the commonwealth”, that its authority “was always so great that whatever was decreed in it would be considered sacrosanct, whether making peace or waging war, whether bestowing the regency of the kingdom on someone or ordering a tax” and could even depose kings or entire dynasties (Brutus, p. 86). But, besides this deferential nod to the alleged glorious past of the Estates, the anonymous author had very little to say about the Estates’ role in the actual resistance against a tyrant, except for a few brief remarks based on examples from French history about the institution having possessed legislative power (Brutus 2003, 103) and the right to give or deny consent to extraordinary taxes (Brutus 2003, 118). A tyrant might “dread the assembly of the Estates”, as the author asserted, but *Vindiciae*’s lack of concern about its specific role is conspicuous: the officers of the Crown retained their role as the main agents of resistance which they were granted by the preceding monarchomachs, but the Estates General was ignored to a significant extent. Even its role as the ultimate repository of the sovereignty, which Hotman and Beza insisted so much upon, was rather brushed off. By declaring that a tyrant was “guilty of high treason against the kingdom or the Empire” and “a rebel” deserving of punishment according to the law, *Vindiciae* only reiterated the axiom already proposed by the previous monarchomachs: but the superior who was supposed to deliver the punishment was – and here the anonymous author quotes the opinion of Bartolus –, the people “or those who represent it – the electors, palatines, patricians, the assembly of the Estates, and the rest” (Brutus 2003, 156). The right to depose the king was the ultimate manifestation of the supreme sovereignty in the works of Hotman and Beza, and it was granted exclusively to the Estates – but that was no longer the case in *Vindiciae*.

#### 4. Conclusion

The demise of Huguenots' hopes in the Estates General did not mean the end of the attempts to make the institution an instrument for controlling and overseeing the monarchy. While the Huguenots' enthusiasm for the Estates was cooling down and they were starting once again to pin their hopes on the monarchy imposing a favourable compromise, the radical Catholics started to see the Estates as a bastion of resistance against a king which they regarded as weak on heresy. In 1576, while the Estates called for the cancelling of the Edict of Beaulieu and the restoration of religious uniformity, it also proposed that twelve members of each Estate should join with twenty-four royal councillors to constitute a council of sixty, with the authority to legislate as mandated by the Estates, and whose laws and ordinances could have been revoked only by another assembly of the Estates General (Lloyd 1983, 138). Even more radical demands were advanced during the Estates of 1588, also held at Blois, at a moment when the relationship between the Catholic League and Henry III was reaching its lowest point. But what further compromised the idea of the Estates General as a sovereign assembly was its association with the popular violence and the radicalism of the Catholic League, which, after the death of Henry III in 1589, was willing to endanger the national identity of France in order to avoid recognizing Henry of Navarre as king. In addition, certain factions of the League, the Parisian group known as the *Seize* chief among them, were attacking the social structure of France, shifting their criticism from the unworthy king towards an aristocracy which they regarded as incapable or unwilling to defend the Catholic faith – an attitude which undoubtedly determined many moderates to abandon the cause of the League. The Huguenot monarchomachs likely suspected the danger – hence their focus on constitutional methods of resistance and their rejection of popular violence, which allowed them to make common cause with the moderate Catholic faction of the *malcontents*, equally attracted by the possibility of a constitutionally-restrained monarchy. While many such Catholics would have undoubtedly preferred that the Huguenots returned to the Catholic fold and that France achieved once again religious unity, they came to the

conclusion that the forceful repression of the Protestants was impossible, at least not without causing irreparable damage to the French polity: thus, for them, political issues came to have precedence over religious considerations. Alfred Soman argued that, in France, at least, the constitutional movement centering on the Estates General came to be compromised, first by its association with the Huguenots and, later and even more fatally, by its association with the ultra-Catholic, apparently anti-national, and certainly revolutionary movement of the Ligue (Soman 1974, 11).

Despite their completely different goals, there was a certain similarity between the rhetoric of the Huguenots and that of the Catholic League, a similarity which was remarked by their royalist adversaries: certainly, their arguments were not identical, but, as far as the Estates General was concerned, both sides came to regard them as an excellent tool to counter royal policies during the periods when they were at odds with the monarchy. Penny Roberts referred to this situation as an “unexpected point of agreement” between the Huguenots and the League (Roberts 2007, 121); but what is more unexpected, from the perspective of the historian, is the mystique which surrounded the Estates General, despite the fact that, historically, it had never been a *locus* of authority alternative to the monarchy and, as the reality of the civil wars proved it, the institution was ill-prepared for such a role. Had the demands put forward at Blois in 1576 and 1588 been successful, it may well have ushered in a constitutionalist regime in France perhaps similar to that which would emerge in England during the next century. But the unfortunate domination of the Estates of 1588 by the rebellious Catholic League and the attempt of the same League in 1593 to use the Estates in order to bar the accession of Henry IV and proclaim a rival king discredited the institution: both Huguenots and Catholics, with the exception of a few fanatics, abandoned such theories in favour of the new absolutism, seeing a strong monarchy as the best guarantee against the disorders of the civil war.

## NOTES

<sup>1</sup> The speech of Philippe Pot is quoted in full in Major 1960, 87-89. Pot's argument, emerging in the context of a power struggle for the control of the government during the minority of Charles VIII, rested on the notion that the throne of France was a dignity, and not a hereditary possession and "it did not pass to the nearest relative in the way in which a patrimony passes to its natural guardians". There were conflicting opinions within the Estates themselves whether the rule of the kingdom during the king's minority should fall automatically on the princes of the blood or it should devolve to the assembly, who was then to decide the composition of the royal council – and Pot sided firmly with the second opinion. Due to the divisions within the Estates and their inability to make common cause, the attempt to impose the Estates as a deciding factor on the French political stage failed, but, according to Arlette Jouanna, the debates over the matter still had a practical effect, as the councils of Charles VIII and Louis XII included members of all the superior layers of the society and, therefore, were "representative" of the active forces of the country (Jouanna 2009, 144).

<sup>2</sup> Some other assemblies from the interval between 1484 and 1560 had been considered as having been *de facto* Estates General. In his book *Representative Institutions in Renaissance France*, John Russell Major made such a case for an assembly summoned by Henry II on 15 December 1557, after the defeat of Saint-Quentin, assembly which met in Paris at the beginning of the next year: Major's opinion is based on the fact that it was considered an "assembly of the Estates" by its contemporaries and representatives of all three Estates were present (Major 1960, 144-147). Yet, its status remains questionable in historiography, because the procedures involved in its convocation were irregular: for instance, the king asked the towns to send their mayors instead of elected deputies, as it would have happened during a regular Estates General, and members of the first orders were generally individually summoned, not elected; in fact, in a subsequent work, John Russell Major no longer referred to it as an "Estates General", but instead as a "central assembly" (Major 1980, 56).

<sup>3</sup> The theoretical argument used by Calvin in order to justify the seeming contradiction between the duty to obey an authority which was instituted by God and a right to oppose the same authority when it became unjust was based on the notion that all authority was entrusted by God with a mission; but this mission could be betrayed and that was what occurred in case of tyranny (Jouanna 2009, 308-309).

<sup>4</sup> From their inception, the Huguenot arguments had their detractors: one such was Jean du Tillet, who regarded the demand for a regency under the princes of the blood and a meeting of the Estates General as "rebellious", because, in his opinion, the Estates was merely a consultative institution, not a sovereign one (Kelley 1970, 224-225). Tillet's claim was going to become the central tenet of the royalist theorists, who continued the push towards absolutism initiated during Francis I and Henry II and denied the Estates any power to control or censor the king and his policies. Right from the beginning of the Estates General of

Orléans, while the deputies were preparing to put forward claims which would have made the institution another locus of sovereignty in competition or even superior to the monarchy, the Chancellor Michel de l'Hôpital stated what was the standard position of the Crown and of the royalist theorists, namely that the Estates had only an advisory role (Franklin 1973, 21).

<sup>5</sup> The question of *Vindiciae*'s authorship had not been definitively settled yet; while Philippe Duplessis-Mornay seems the likely author, there is still a level of doubt, sufficient to make certain scholars, like George Garnett in his modern edition of *Vindiciae*, hesitate about the matter.

<sup>6</sup> For an elaborate analysis of Hotman's reliance on historical fiction to construct an argument for a limited monarchy and in favour the Estates General as an institution possessing of sovereignty, see Sălăvăstru 2017, 27-42. .

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