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Sacred Covenant and Huguenot Ideology of Resistance: The Biblical Image of the Contractual Monarchy in *Vindiciae, Contra Tyrannos*

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Abstract: The Bible had been a fundamental source of legitimacy for the French monarchy, with biblical imagery wielded as a powerful propaganda weapon in the ideological warfare which the kings of France often had to wage. All Christian monarchies tried to build around themselves a sacral aura, but the French kings had soon set themselves apart: they were the “most Christian”, anointed with holy oil brought from heaven, endowed with the power of healing, and the eldest sons of the Church. Biblical text was called upon to support this image of the monarchy, as the kings of France were depicted as following in the footsteps of the virtuous kings of the Old Testament and possessing the necessary biblical virtues. However, the Bible could prove a double-edged sword which could be turned against the monarchy, as the ideological battles unleashed by the Reformation were to prove. In search for a justification for their resistance against the French Crown, in particular after 1572, the Huguenots polemicists looked to the Bible in order to find examples of limited monarchies and overthrown tyrants. In putting forward the template of a proto-constitutional monarchy, one of the notions advanced by the Huguenots was the Biblical covenant between God, kings and the people, which imposed limits and obligations on the kings. This paper aims to examine the occurrence of this image in *Vindiciae, contra tyrannos* (1579), one of the most important Huguenot political works advocating resistance against tyrannical kings, and the role it played in the construction of the Huguenot theory of resistance.

Keywords: the Bible; contractual monarchy; Huguenots; monarchomachs; resistance; France

1. Introduction

The sixteenth century is one of the most of the most important periods in the development of European political thought. Under the impact of the Reformation, the medieval traditions of political order had been doubly challenged: in the context of confrontations with hostile central authorities, Protestant and Catholic political writers advanced for the first time theories of power which could be rightfully labeled as proto-constitutional, replacing the sovereignty of the monarch with the sovereignty of the people, while, on the other side of the spectrum, royalist writers abandoned the paternalistic model of medieval kingship for the absolutist version of a prince truly *legibus solutus*, the only one, in their opinion, capable of restraining the religious passions which were turned into bloody civil wars. In this war of ideas and arguments, the Bible played a key role as source and reference point, because, expressing God’s will, it was thought to provide at the same time an ideal and unquestionable political model. There was no better way for a sixteenth-century political writer to demonstrate that his ideas were good and just than by proving that they were in accordance with the Biblical model. One of the most prolific cultural areas in this regard was France, where the Wars of Religion (1562–1598) gave birth to an unparalleled corpus of political literature. This literature had been extensively studied by

French historians, such as Paul-Alexis Mellet, who devoted an exquisite monography to the French Protestant anti-tyrannical (monarchomachical) literature—*Les Traités Monarchomaques. Confusion des temps, résistance armée et monarchie parfaite* (vers 1560-vers 1600)—; by Tatiana Debaggi-Baranova, who authored the best work on the defamatory texts of the French Wars of Religion, with *À coups de libelles. Une culture politique au temps des guerres de religion (1562–1598)*; and by Arlette Jouanna, who, in her work *Le Pouvoir absolu: Naissance de l'imaginaire politique de la royauté*, provided probably the best overview of the developments of French political thought during the sixteenth-century. However, non-French historians have also shown great interest in the matter: Frederic Baumgartner has produced the capital work on the ideology of the French Catholic League in *Radical Reactionaries: The Political Thought of the French Catholic League* (Baumgartner 1975), which had been magistrally complemented by Luc Racaut's *Hatred in Print: Catholic Propaganda and Protestant Identity during the French Wars of Religion*, while comprehensive overviews of the entire French political thought have been provided by Nannerl Keohane in *Philosophy and the State in France: The Renaissance to the Enlightenment* (Keohane 1980) or by Quentin Skinner in his celebrated *The Foundations of Modern Political Thought* (Skinner 2002; Skinner 2004). One issue which has not been sufficiently analyzed, though, despite its importance, is the role of Biblical arguments in the political arguments of the day—true, it has not been entirely skipped, but what it lacks are sufficient specific and detailed studies of the use of scriptural arguments in support of the major political theories of the day. This paper aims to provide such a study, of the use of Biblical arguments in favor of a concept of contractual monarchy and popular sovereignty, in the most important political treatise of the French Wars of Religion, namely, *Vindiciae, contra tyrannos*, or, *concerning the legitimate power of a prince over the people, and of the people over a prince* (1579). The paper argues that *Vindiciae* used an argumentation based first and foremost on the Bible to place the ultimate political sovereignty in the people and turn the king into merely the first magistrate of his kingdom.

2. The Historical Context

When the Reformation started to engulf Christian Europe, after 1517, one of the major issues the new faith was confronted with was the relationship between the faithful and the secular authorities. Originally, both Luther and Calvin tried to stick with a very orthodox approach, arguing in favor of complete obedience to any legitimate authority—even when their commands contradicted the divine law, the first reformers would consider only passive resistance or flight as acceptable solutions for the dilemma confronting the Protestants' consciences. The basis for Luther's and Calvin's opinion in this regard was the biblical concept that all powers were ordained by God, as explicitly stated by Saint Paul in his famous Epistle to the Romans, and the idea that tyrannical rulers were nothing more than God's punishment for the men's sins—therefore, their persecutions had to be endured patiently until God himself delivered his faithful. In France, where the monarchy enjoyed an enormous prestige, the recommendation for obedience fell on a very fertile soil; despite the obvious hostility which the French kings Francis I and Henry II displayed towards the Reformation, the French Protestants always asserted their loyalty towards the Crown. In fact, the issue of obedience and rebellion became one of the most hotly contested topics before and immediately after the beginning of the French Wars of Religion. The radical Catholics, who advocated a relentless war against the Protestants until their complete eradication, supported their position by arguing that the heretics were inherently rebellious and untrustworthy, always plotting against the Crown—a charge which the Huguenots steadfastly rejected. Even during the period of open conflict with the Crown, they always maintained that they took arms not against the king, but against the evil advisors who were misleading him and were leading the realm to ruin.

As the conflict grew longer and more bitter, the Protestants' position of loyalty was slowly eroding—even during the 1560s, there were several pieces of propaganda, which, while rejected by the majority, argued in favor of open resistance to tyrants. In fact, from 1530 onwards, even Luther and Calvin had started to take a step back from their original position and accept the possibility of resistance when confronted with a king actively persecuting the reformed religion. Granted, this right

of resistance was subjected to strict conditions, in order to avoid the lawlessness which an unrestricted right of this sort would have involved. The quintessential issue which determined whether resistance was permitted or not was, for Luther and Calvin, the legality of the act, therefore, as far as they were concerned, only a lawful magistrate, in the exercise of his function, could carry out such an action. In Germany, during a conference between jurists and theologians held at Torgau, Luther and several other reformers, including Melancthon, accepted that resistance was permitted because the law of the Empire allowed it (Skinner 2004), pp. 199–200). The theory was most famously translated into practice in 1550 by the city of Magdeburg and revolted against imperial authority (which was trying to impose a religious compromise after the defeat of the Schmalkaldic league in 1547), on the grounds, made public through an manifesto, that inferior magistrates could and should resist attempts the imposition of an idolatrous form of religion (Kingdon 2008, pp. 201–2). There was not an unanimous consensus over this, though, and some reformers were prepared to go even farther: by the 1550s, reformers from across the Channel forced into exile by the ascent of Mary Tudor were putting forward theories of resistance more radical than Luther and Calvin had been prepared to countenance. John Ponet, former bishop of Winchester, Christopher Goodman, former professor at Oxford, or John Knox all argued in favor of removal of tyrannical kings—not just by deposition, but even by tyrannicide. For this reason, Robert Kingdon considers Ponet’s tract *A Shorte Treatise of Politike Power, and of the true obedience which subjectes owe to kynges and other civile governours* one of the most radical and points out that Ponet “does not limit the duty of resistance to any particular kind of agent” (Kingdon 2008, p. 195). Goodman makes a similar argument in *How Superior Powers Oght to be Obeyd of their Subjects* (1558), and both he and John Knox (in his famous *First Blast of the Trumpet Against the Monstrous Regiment of Women*, also from 1558) direct their attacks against women’s rule and against Mary Tudor in particular. Ponet, Goodman and Knox rely extensively on Biblical support in order to develop their arguments—but not only on the Bible, as David VanDrunen has shown that these three writers “coordinate natural law and Biblical morality by using natural law arguments to supplement, illustrate, and mold their Biblical appeals”—a trait which they share with the French monarchomachs of the 1570s, like Theodore Beza and the author of *Vindiciae* (VanDrunen 2005–2006, pp. 143–55). However, despite this significant similarity, there is a fundamental difference between the Marian exiles and the monarchomachs of the 1570s: the former did not manage to develop an actual institutional mechanism for lawfully removing a tyrannical monarch, and their wholehearted embrace of tyrannicide would find only very faint echoes in the Huguenot literature from the period after 1572. In addition, Glen Bowman questioned Ponet’s theological identification as a “Calvinist” and, with respect to his political opinions, argued that “he never wrote on the idea of a political covenant” (Bowman 2007, p. 318)—which was a major feature of Beza and *Vindiciae*’s political theories. Ponet, Goodman and Knox remained outliers in their time, as most Reformers were not prepared to go that far for both ideological and practical considerations. It is enough to point out that Knox’s treatise caused a strain in the relationship between Elizabeth I and the Calvinist leadership of Geneva—and both Calvin and Beza tried their best to distance themselves from Knox’s misogyny (Kingdon 2008, pp. 199–200). Calvin also rejected the notion that private individual might possess an individual right of resistance and expressed his conviction forcefully in a letter addressed to Gaspard de Coligny in 1561. Referring to the failed plot by a group of Huguenots to kidnap the king in order to remove him from under the pernicious influence of the Guise clan (the so called “conjuraton of Amboise” of 1560), Calvin asserted that such a rebellion was justified only if it was led by the princes of the blood joined by the Parlements (Daussy 2015, pp. 134–35). The idea that only the magistrates of the kingdom could engage in lawful resistance against their king became the cornerstone of the first Huguenot opinions in favor of resistance during the 1560s. Despite the failure of the Amboise coup, the Protestants kept insisting that Francis II (1559–1560), only 16 years old, was still a minor and could not choose his own advisers: in their opinion, the composition of the royal council could be decided only by the Estates General, and they argued for the rights of the princes of the blood, Antoine de Bourbon and his brother, Louis de Condé (deemed favorable to the Protestant cause), to receive the prominent role in the government of the kingdom (Racaut 2002, pp. 101–3). When the

civil war broke out in March 1562, a “more complex logic of justification around the same topic of the common good” emerged, where the “princes of the blood declared themselves natural protectors of the public good”, pretending to remedy the flawed royal justice and thus basing the right to revolt on their preeminent position within the kingdom (Debaggi Baranova 2012, p. 124). This right will be later extended even to lesser magistrates. The notion of a contractual monarchy was already starting to be put forward by the end of the 1560s. A tract written somewhere between October 1568 and March 1569, called *Question politique: s’il est licite aux subjects de capituler avec leur prince*, refers to an assumed original contract between the people and their prince, after the election of the latter, which implied reciprocal obligations and that the obedience of the subjects was conditional upon their observance—a contract whose traces have endured in the coronation oath and the urban and provincial privileges and which established a sovereignty divided between the king and three institutions, the Estates General, the Parlements and the Council of Peers (Jouanna 2009, pp. 453–54). It was not a phenomenon limited only to France: similar arguments about the contractual relationship between princes and subjects emerged in the Netherlands engulfed in their own revolt against Habsburg domination. A 1570 tract, *Libellus supplex Imperatoriae Maiestatis*, published one year later in England under the title *Defence and true Declaration of the things lately done in the lowe Country*, argued that the authority of Philip II in his Dutch provinces was limited by the privileges enjoyed by the Netherlands and enforced by the States. In order to strengthen the notion that monarchy was contractual, the tract referred to the works of fourteenth-century civil lawyers Bartolus and Baldus, and, in the words of Martin Van Gelderen, “Defence made one of the first attempts to connect Dutch arguments with the European framework of Roman law” (Van Gelderen 1992, pp. 124–25).

The massacre of Saint-Bartholomew, which, in the opinion of the Huguenots, had been ordered and abetted by the Valois monarchy, pushed them towards an open breach with the French Crown. Unlike during the previous wars, where the Huguenots could pretend they were actually fighting against a coterie of hardline Catholic nobles who were breaking the king’s own edicts of pacification, now it became difficult to ignore the responsibility of the Crown. However, the king’s transgression was much more than a simple attempt at eliminating the Huguenots by force, which, from the perspective of the Catholics, could have been seen as a justified act, on the basis of the king’s obligation to defend the Catholic Church: in the words of Alain Desrayaud, the massacre “tarnished the image of the king”, because it struck at the core values of royalist ideology (Desrayaud 1996, p. 100). Tyranny was not the only accusation which could have been launched at the Valois monarchy, as the perpetration of the Saint-Bartholomew massacre involved a high degree of bad faith from the king—the harm was done not just to the individual relationship between the king and his Huguenot subjects, but to the whole foundation of trust, chivalry and justice which the French monarchy was built on. This explains why the Huguenots were able to completely avoid a sectarian, Protestant tone in their subsequent attacks against the monarchy and why they managed to easily find allies among the Catholics themselves.

The aftermath of the massacre saw the publication of several of the most influential Huguenot political tracts, which, this time, advocated openly for the right of resistance against tyrannical kings and for a form of popular sovereignty which restricted the prerogatives of the king. The first of these tracts were François Hotman’s *Francogallia* (1573) and Theodore Beza’s *Of the Right of Magistrates* (1574), followed several years later by *Vindiciae, contra tyrannos*, whose presumed author was Philippe de Mornay. What characterized the theories proposed by these three was the non-sectarian nature of their arguments: as it was often remarked in historiography, the Monarchomachs tried their best to avoid a partisan approach, undoubtedly to attract moderate Catholic elements on their side and also to avoid accusation that they were tearing apart the realm. They relied a lot on historical precedents (real or imagined), on arguments from natural and Roman law and Biblical examples in order to develop “abstract theories about the nature of political obligation, about the ultimate sovereignty of the corporate people and about the responsibility of the ruler to the ruled. These were expressed in terms of a contract of government between king and people, and sometimes in terms of a contract with God which, if voided by the monarch, might be enforced by society. Kings were established upon conditions

and could be overthrown if these were not fulfilled. Resistance was not a matter for personal decision, but a duty to be performed as a corporation when the lead was given by lesser magistrates, the natural leaders of society” (Salmon 1979, p. 188). This idea of a contract between the king and his subjects was not entirely new ground: as Julian Franklin pointed out, “the consolidation of royal government could not have succeeded in the long run without the support, or at least neutrality, of the chartered towns, ecclesiastical corporations, and the lesser nobles, and the price of this support was the willingness and ability of the kings to guarantee existing privileges more effectively than the feudatories they replaced. This mutuality of obligation was often made explicit in contractual agreements between the king and the provincial estates. The Renaissance monarchy was thus expected to respect established law and not to alter it without consent” (Franklin 1973, pp. 2–3). If the monarch was not fulfilling his obligations, it was not very rare to see him called to account by clerics, in anticipation of the much more numerous episodes of this sort during the French Wars of Religion: in 1402, before Charles VI, Jacques Legrand attacked the Court, the excessive taxation and even the king himself, while in 1525 the sermons of a monk from Evreux, Guillaume Pepin, include statements hostile to the “divine right monarchy” (Babelon 2009, pp. 323–24).

These contractual practices found an echo in French political thought, such as in the fourteenth-century tract *Songe du vergier*, where it was asserted that “each people which was not subject to the king or the emperor can, according to *jus gentium*, elect and make a king” or in the work of Jean de Terre Rouge, a fifteenth-century jurist, who, when speaking of the fundamental laws of France, asserted that the existing norms have been “introduced and received with the consent of the three estates” (Constant 2002, p. 151). However, on the other hand, we must take care not to use this label too easy: political obligations do not necessarily have to involve the existence of a *political pactum*. John Russell Major, for instance, argues that humanists like Erasmus also had a conception of monarchy which was “essentially contractual”, as the prince should “recognize the rights of towns and provinces”, “convoke representative assemblies to consent to taxes and to advise on laws and ordinances”, “obey the laws he has made” and thus “increase his authority because he would have secured the support of the people (Russell Major 1988, p. 19). However, the characteristics listed here by Russell Major are insufficient in order to refer to Erasmus’ vision of the monarchy as “contractualist”—what Erasmus had in mind could be better described as a “temperate” form of monarchy. “Contract” implies mutual obligations which are binding upon the parts and which can lead to the dissolution of the relationship in case one of them failed to abide by those obligations. A contractual monarchy, or the feudal version of the “proto-constitutional model” embraced by the Monarchomachs, bears within it the possibility of lawful resistance and deposition of the king. According to Janine Garrisson, “the monarchomachs tended towards federal or aristocratic systems, where the ‘senior pars’ (nobility, officials, urban elites) possessed extensive local powers and rights of consultation and control with respect to the sovereign. These were the theoretical foundations of the independent state which was set up from 1573 by the Protestants and the ‘good’ Catholics, providing the justification for the transfer of sovereignty from Charles IX to the Estates General of the Union” (Garrisson 1995, p. 293).

3. The Origins and the Nature of the Covenant in *Vindiciae, Contra Tyrannos*

Out of the three major Huguenot monarchomach works mentioned, *Vindiciae, contra tyrannos* was the last to appear, but it also provided the most elaborate model of a contractual monarchy. Donald Kelley describes *Vindiciae* as “a further radicalization because it was more abstract, more Biblical (and less institutional) and because it countenanced resistance on an international basis. The Political Discourse, combining Biblical and legal arguments, was even more insistent on notions of popular sovereignty and tyrannicide” (Kelley 1983, p. 309). Certainly, Kelley is correct that *Vindiciae*’s open advocacy of foreign intervention in support of a people oppressed by their (tyrannical) prince is a bolder step than Beza or Hotman were willing to take and in emphasizing the importance of popular sovereignty, but his last assertion that *Vindiciae* insists on the possibility of tyrannicide is much more questionable.

In fact, it could be argued that *Vindiciae* is just as reserved on the matter as Beza and Hotman had been, as we shall see.

Vindiciae is divided in four major parts, each dedicated to a specific question of great interest for the Huguenots' political situation during the 1570s, but also for the issue of resistance in general: if the subjects were compelled to submit to those princes who gave commands contrary to divine law; if resistance against those princes was lawful, by whom this resistance could have been carried out and to what extent; if the subjects had the right to resist a prince whose actions were harmful to the state; and if other princes had the right to provide support to foreign subjects in the first three cases. The answer was positive to all these questions. However, in order to reach the desired (and ultimate) conclusion, *Vindiciae* had to propose a completely new constitutional model and redefine the foundations of the monarchy. In order to counter the arguments from Roman law that "lex regia"—according to which the foundation of princely power (in particular, of the Roman emperors, but the principle was applicable to other monarchies as well) was based on a transfer of sovereignty from the people to their prince—was an irrevocable grant (something which, by the way, had been a matter of great dispute amongst civil lawyers of the late Middle Ages and the Renaissance), *Vindiciae* looked into Biblical tradition and built a model of a contractual monarchy inspired by an original interpretation of the Israelite kingdom of the Old Testament. Paul-Alexis Mellet refers to it as a "double alliance", because it was a covenant not only between the king and the people, but also between king, people and God, binding the obligations of the first two to a superior authority (Mellet 2006, pp. 182–83). On the other hand, in her study "Rethinking Republicanism: '*Vindiciae, contra tyrannos*' in Context", Anne McLaren argues that "there is one covenant" and "what Skinner, Garnett, and others refer to as other covenants are more plausibly read as other parts of the same overriding covenant that exemplify how different tiers of the body politic (king and magistrates) are held to that primary covenant, as well as to a contractual relationship with 'the people'" (McLaren 2006, p. 35). However, McLaren, despite what seems a promise to do so, does not elaborate on this point, choosing to focus all her attention on the issue of the individual and corporate identities. Arlette Jouanna concurs with Mellet when she speaks of two contracts: one between people and king, which, in her words, looks almost like an "employment contract", but she mischaracterizes the second when she describes it as being only between God and the whole people (Jouanna 2009, pp. 486–87). In fact, the king is himself a party to the contract with God, and each (king and people) stand surety for the behavior of the other. Harro Höpfl describes the phenomenon as "a conceptual short-circuit from the general idea of the ruler–ruled relationship as *mutua obligatio* to the particular kind of *mutua obligatio* that results from a pact, covenant", because a relationship of mutual obligations does not have to imply by default an original contract (Höpfl 2004, p. 232).

The contractual theories put forward in *Vindiciae* were possible because of the nature of the medieval and Renaissance monarchy, which stressed the judicial aspect of kingship first and foremost: as the supreme judge, the king was supposed to enforce the law, but he did not necessarily make law. Certainly, Roman legal thought insisted that the *princeps* had law-making powers, but, until Jean Bodin and his *Les Six Livres de la Republique* in 1576, who associated sovereignty with legislative authority, law-making was secondary. Divine and natural law were obviously above the king's power to change, but even human law, which in the Middle Ages was based overwhelmingly on custom and tradition, was supposed to not be altered except in exceptional circumstances. In the Middle Ages and the Renaissance, law-making was thus an extraordinary and to-be-avoided attribute of sovereignty. In the words of Janet Coleman, "the ruler caused to be written down the customary law which was given legitimacy and authority by his will. Both the traditions of Roman law and Germanic law insisted that rulers governed within the legal structure of human laws rather than arbitrarily" (Coleman 2000, p. 21). Placing the king within a legal structure which he could not change was to develop a form of contractual monarchy, and *Vindiciae* does not hesitate to exploit the possibilities provided by this conception of kingship to their fullest extent. The king of *Vindiciae* was merely the enforcer of the covenant between himself, the people and God, and he was equally susceptible to have the same covenant enforced on him. Henri Morel asserts that "the author of *Vindiciae* also separates the executive

power from the legislative one: the law is above the king because it comes from the people, who is the only one, through his representatives, who can alter it, while the king can only specify and apply the law" (Morel 2003, p. 85), but it would be more correct to say that *Vindiciae* merely reiterates the medieval conception of kingship. In the words of Paul-Alexis Mellet, by distinguishing kingship from the person of the king, the Monarchomachs deprive the king of his sacred character in order to reserve the "majesty" only to the office itself (Mellet 2007b, p. 373).

The concept of the "covenant" between God, kings and peoples provides the fundamental theoretical justification for *Vindiciae*'s support of resistance against tyrannical kings. The author uses at first medieval legal tradition in order to construct his argument: God is "dominus" and "proprietary" of heaven and earth and "those who inhabit the earth" are his "tenants" and "copyholders"; "those who have jurisdiction on earth and preside over others for any reason, are beneficiaries and vassals [beneficiarii & clientes] of God and are bound to receive and acknowledge investiture from Him. In short, God is the only proprietor and the only lord: all men, of whatever rank they may ultimately be, are in every respect his tenants, bailiffs, officers, and vassals. The more ample the proceeds they receive, the larger the dues they owe; the greater the authority they attain, the more strictly are they bound to render an account [rationem reddere]; the more distinguished the honour they gain, the heavier the burdens for which they are liable" (Brutus 2003, p. 17). The fact that, despite being steeped in Biblical language, *Vindiciae* does not miss the opportunity to refer to the feudal notions of contract is not a surprise when we take into consideration the important role played by the nobility in the Huguenot struggles. Surprisingly modern as *Vindiciae* may seem on occasion, its author, Mornay, could not escape the pull exerted by the political language of his class. As Donald Kelley pointed out, "the notion of feudal contract, with its attendant rights and duties for both parties, was implicit in the position taken by the 'conspirators' of Amboise and explicit in that taken by Condé in his 'treaty of association'" and "it was evident in various complaints by spokesmen for the nobility in particular, which was forced to fight for its 'honor', which is to say its landed property, as well as for religious and political principle" (Kelley 1983, p. 317). Even though the monarchy had tried to assert its entitlement to unconditional obedience, contractualism was still the dominant mode of thought for much of the aristocratic class: when the constable of Bourbon defected to the emperor Charles V in 1523, from his perspective, he was not committing treason, but he was reacting to the bad faith of a monarch (Francis I) who was seeking to unjustly deprive him of the inheritance he should have received after the death of his wife, Suzanne. Great Huguenot princes like Louis de Condé during the 1560s and Catholic "malcontents" like Henry de Montmorency-Damville during the troubles of 1574–1576 felt within their rights to treat with the king on equal terms, withhold their allegiance and even rebel based on the old conception of the relationship between vassal and liege lord. However, the nobility were thinking more along the lines of a "mixed monarchy", where power was shared between king and his aristocratic subjects, rather than of the popular sovereignty embraced in the Monarchomach tracts and especially in *Vindiciae*. Moderate Huguenots like Innocent Gentillet were favoring the mixed monarchy and, in the words of Edward Rathé, "supported the claims of the ancient nobility of France (. . .) because he saw in this class the best protection of the law and the best means of resistance against centralized and absolute authority" (Rathé 1965, p. 220). However, contractualism was not characterizing only the mindset of the nobility: the relationship of the king with other political communities of his realm were envisioned in the same terms. The Kings of France had constantly increased their domain over the centuries and, most of the time, this meant the legal recognition of the regional rights and privileges. Provinces and towns saw themselves in a contractual relationship with the king, a relationship which manifested itself visually through the royal entry ceremonies, when the king solemnly confirmed the local privileges. According to Neil Murphy, "urban elites embedded the confirmation of municipal liberties within the extramural greeting as a means to emphasise the contractual nature of monarchical rule" (Murphy 2016, p. 73).

This kind of contractual relationship was made very explicit from the very beginnings of the Israelite kingship from the Old Testament, where a covenant was made between God, king and the

people, and the first obligation of the later was to preserve the Law of God. By virtue of this covenant, “the people itself is always said to be the people and inheritance of God, and the king the administrator of His inheritance and leader of God’s people—which title was expressly applied to David, Solomon, Hezekiah, and other pious princes” (Brutus 2003, p. 18) and the author of *Vindiciae* does not hesitate to claim that this relationship extends as well to the Christian princes of his day:

The Gospel has succeeded to the Law, and Christian kings have replaced those of the Jews. The agreement [pactum] is the same, the conditions are the same, the punishments are the same; and if these are not fulfilled Almighty God, avenger [vindex] of perfidy, is the same. In short, as the former were bound to observe the Law, so are the latter to keep the Gospel. At his inauguration each of them individually swears first and foremost to ensure the propagation of the Gospel. (Brutus 2003, pp. 25–26)

Basically, the Biblical covenant is used to support a fundamental principle of French legal thought of that period, which was one of the fundamental weapons in the Huguenot rhetorical arsenal: the notion that kingship was a dignity, not an inheritance, to which the king was appointed by God, but which did not give the king unlimited rights to dispose of his realm and his subjects. The king of France, just as the old kings of the Bible, was only the administrator of his kingdom, subject to certain conditions, which were constantly reasserted at his coronation, and whose breaking could even lead to his removal. In the words of Arlette Jouanna, “the major temptation of kings was to usurp an authority which did not belong to them” and the major concern of the Monarchomachs was to prevent the “particular person of the king from seizing a power which, in order to be legitimate, had to be collective” (Jouanna 2013, pp. 234–35). However, *Vindiciae*’s argument at this point was not without flaws, and this was going to be seized by its future opponents, such as William Barclay, some decades later: the author refers to the kings as the vassals of God, but that was a fundamental error on his part, because the Biblical covenant was absolute in a way which the feudal relationship could never be. The covenant between God and kings was unilateral in a way which the feudal contract could never be, because a lord had binding obligations towards his vassal; on the other hand, if kings were mere “administrators”, they could never be vassals, because a vassal had rights which an administrator could not possess (Garnett, p. XXIV, in the introduction to Brutus 2003).

Vindiciae’s contractual theory draws a lot from Roman corporate law and has many points in common with the Catholic tradition which found its sixteenth-century expression in the so-called “school of Salamanca”. The most important characteristic of such corporations is that their powers and rights can be exercised only by the entire collective as a whole, and it was a fundamentally different institution that the mere assemblage of its members. The corporate nature of the political community was a *sine qua non* condition for the theory of resistance expressed in *Vindiciae* to be applicable in practice—first and foremost, it allowed its persistence in time, beyond the lives of the founding members. During this period, the theories about the king’s two bodies and the immortality of the kingly office were flourishing: the same feature was applied by *Vindiciae* to the people as a whole. In this, there was a convergence of thought even between Spanish Catholic theologians and the Huguenot author of *Vindiciae*: Luis de Molina pointed out that, “were the community’s existence dependent upon the concurrence of the parts from which it is formed into one, it would have had from the time of its formation no authority over those of “its cohabitants who might not have wished to offer agreement to it, nor subsequently over any new arrivals” (Lloyd 2008, p. 259). The same reasoning was at play in *Vindiciae*’s constitutional model: only a corporation could enter a compact with God and the king, without the respective compact being dissolved through changes in the composition of the original group who took part in the original covenant.

However, according to Donald Kelley, contractualism affected propaganda also “in the form of private law, which demanded good faith in any social relationship, and above all of the famous Roman regal law, the *lex regia*”, which had been interpreted by critics of the unlimited royal power such as Pierre Fabre in constitutionalist terms, as representing a binding force upon the king, which compelled him to rule justly and automatically deprived him of his office if he failed to do so” (Kelley 1983, p.

310). Gregory Champeaud sees the royal edicts aiming at suspending hostilities with the Huguenots and reestablishing the peace as “contractual agreements” which presumed a “reciprocal commitment”, where the king “would ensure that the terms of the edict were observed, but he also intended that his subjects obey him unreservedly”. However, we need to be careful to equate this version with the Protestant one, as Champeaud does when asserting that “the Protestants themselves continually requested it” (Champeaud 2001, p. 320). The contractual relationship imagined by the king (Charles IX and Henry III) and the one envisioned by the Huguenots were not identical: in the king’s eyes, he was bound to God and to his honor to treat his subjects well and discharge his duties fairly, but the subjects could only present their grievances to him. It did not entail a right to rebellion. For the Huguenots, it very much did, because they relied on the private law principle according to which a contract was nullified if a party failed to abide by its terms. As Paul-Alexis Mellet pointed out, for the Monarchomach “the alliance is a way of guaranteeing the rights of the people against the eventual infringements of the sovereign”, binding the parties to a superior authority (Mellet 2006, pp. 182–83). The parties in this contract were not equal: on this, both king and his Huguenot subjects could agree. However, if the king saw himself as the superior, *Vindiciae* reverses their positions, putting the corporate people above their monarch. In the words of Henri Morel, “the people puts conditions and the king accepts them. The king promises that he will carry out his duties well, while the people submits to him under the conditions that he will observe that promise faithfully. The promise of the prince is pure and simple, that of the people is conditional. Consequently, the people is the veritable sovereign” (Morel 2003, p. 85).

Vindiciae focuses its attention to the relationship between kings and God, but it does not lose sight of the Christian conception that *all* political power came from God. Paul had asserted as much in Romans 13, and it became a staple of Christian political thought: it had been the argument referred to by Luther in order to justify his condemnation of any kind of rebellion in the early stages of the Reformation. *Vindiciae* points out that the covenant was not even created at the same time with the Biblical monarchy, but it preceded it, having been a part of the relationship between the people and political authority from the period of the judges (Brutus 2003, p. 23). Monarchy, although the best form of government, becomes thus only one possibility in an universal *contractual* political order endorsed by God. If kingship had not been a creative force of the political order and had not been even a part of it from its inception, then the immutability of the covenant between kings and people (and of the obligations derived from it) could not be more strongly emphasized. A particular characteristic of the relationship between kings and God is that its establishment does not necessarily involve a covenant; otherwise, non-Christian rulers would theoretically be free from any divine interference and could act as they saw fit, even against divine law, without any fear of punishment—something which, obviously, no Christian political writer was prepared to admit. The covenant is actually inherent to the nature of political power itself: Christian political theology asserted that all authority came from God, as it is “He alone Who raises up and establishes, strengthens and overthrows kings according to His own choice”—therefore, heathen kings are subject to their own obligations, even though less stringent than those imposed upon Christian monarchs and *Vindiciae* uses several Biblical examples to point out some occasions when even such monarchs acknowledged their subordinate status to the Old Testament God (Brutus 2003, p. 26). In such a case, the expectation is that heathen kings “not try to intercept or divert what is owed to God by their subjects or arrogate divine jurisdiction to themselves in any other matter”, which would be an “appalling crime”, and therefore “should distinguish their jurisdiction from the divine” (Brutus 2003, p. 27). An attempt by the king to claim the obedience which is owed only to God is equated by *Vindiciae* with a vassal attempting to usurp regalia rights (Brutus 2003, pp. 27–28).

The obligation involved in the Biblical covenant between God and kings is that the people should be preserved in their faith, which, in a Christian context, implies that the king’s first and foremost role is to become the instrument of the people’s salvation: “When the covenant [foedus] is ratified between God and the king, it is done on this condition: that the people should be and should remain forever the people of God”. By bringing up this argument, *Vindiciae* treads on dangerous grounds

for the Protestants, because their Catholic opponents acknowledged just as much, pointing out to the king's coronation oath as testimony of this obligation, but interpreting it from a Catholic perspective: the king's role was to protect the Catholic Church, whose task was to guide the people towards reconciliation with God. This obligation assumed by the Christian kings was the crux of the Catholic argument in favor of the persecution of heretics. However, *Vindiciae* takes this chance in order to prove that the kings did not enjoy an unconditional divine mandate. In the author's words, "God does not deprive Himself of His property [proprietas] and possession when He hands over the people to kings, but that it is conveyed in order to be ruled, cared for, and nurtured, just as he who chooses a shepherd for his flock nonetheless remains its owner [dominus]" (Brutus 2003, p. 18).

The status of the king as "vassal" of God is made perfectly clear, in the opinion of the author, through the existence of this "foedus". However, the Biblical covenant involved more than a subordinate relationship between God and king, because it also defined the relationship between the king and the people: "We read that there was a twofold covenant at the inauguration of kings: the first between God, king, and people, to the effect that the people should be the people of God; the second between king and people, that while he commanded well he would be obeyed well" (Brutus 2003, p. 21). The purpose of the original covenant between kings and people is to make sure that the Church sustained no loss: due to the fallible nature of humans, it could not be entrusted to a single individual. However, for the covenant to be valid, the people must possess a sort of sovereignty which would allow them to act against their king if the latter failed to abide by his terms of the contract: "For unless the people still had the authority to promise, and to warrant its promise, the covenant would clearly have been redundant." (Brutus 2003, p. 37). *Vindiciae's* tone towards kings is, in this instance, quite derogatory: the king is indirectly compared with an "unreliable debtor", in other words, it is strongly implied that a monarch could not be counted upon to always keep his part of the bargain: "Thus it seems that God acts as creditors are accustomed to do with unreliable debtors, by making many liable for the same sum, so that two or more promissory parties are constituted for the same thing, from each one of whom the sum can be sought as if from the principal debtor. To have committed the church to a single, simple man would have been hazardous, so it was commended and committed to the whole people. The king constituted to such a perilous position could easily have slipped into impiety. So lest the church should fall with him, God wanted the people to stand as surety". (Brutus 2003, pp. 37–38). In the opinion of *Vindiciae*, the right of the people to be a party of this covenant and hold their kings to account was sanctioned by God himself:

If, in short, it were not lawful to give the people the capacity to fulfil what it had promised, God would surely not have sealed a covenant with one who had neither the right to promise nor to fulfil what had been promised? Is it not much more likely that in sealing a covenant with the people and stipulating what should be done, He wanted to show plainly that the people had the right to promise this, to fulfil it, and to take responsibility for fulfilling it? (Brutus 2003, p. 41).

The role of the people in the original contract was key to *Vindiciae's* understanding of the right to resistance. Speaking of the natural or positive origins of *dominium*, Harald Braun eloquently explains the benefits of such an outlook for Monarchomach theories, by pointing out that defining "political power as having been established by an act of positive rather than of natural law, for instance, would commonly lead to a more tolerant treatment of the rights of a community or an individual to challenge or resist legitimate authority" (Braun 2007, p. 23). This is a thinking which can be traced back to thirteenth-century Aristotelianism, and it explains the common ground which *Vindiciae* will find with League resistance theorists such as Jean Boucher.

By using multiple Biblical examples, *Vindiciae* emphasizes that the contract was not a one off, an act constituting the office of kingship or a dynasty: each king in turn had to make the same promises. Furthermore, the covenant involved public ratification by the whole people, with God as witness. Even absolutists like Jean Bodin, who rejected the idea of a contractual monarchy where the king is ultimately dependent on the people, accepted that, in certain circumstances (such as in the case

of treaties), “public ratification can make an agreement fully and strictly contractual” and the effect is to debar the successor from refusing to acknowledge the result (Franklin 1973, p. 83). *Vindiciae* transfers this principle to the process which constituted both the monarchies themselves and each king in particular: public ratification (in the presence of God no less!) reinforces the notion of the contract’s temporal continuity, because it establishes the permanent foundation of all royal power. The kings and dynasties could change, even the people itself could do so, but the contractual nature of political power would remain unaltered; this way, polities as temporally and culturally remote as ancient Sparta or Capetian France could function on the same contractual basis.

4. The Enforcement of the Covenant

The enforcement of the covenants between God, king and people rested on a double foundation: the right of resistance, which was possessed by the magistrates of the kingdom, the so-called “officers of Crown”, who could oppose the unjust commands of a king until a more permanent remedy was found, and the right to punish and depose, which belonged to the whole people as a corporation. It was pointed out in *Vindiciae* that “as individuals, the officers are inferior to the king, but all together as a whole they are his superiors” (Brutus 2003, p. 47). On one hand, “private individuals have no power, fill no magistracy, hold no command nor any right of the sword” (Brutus 2003, p. 60); therefore, they cannot initiate resistance, unless they answer a special calling from God. On the other hand, the magistrates’ first duty was to the kingdom, serving as a check on the king’s power against any injustice, while the Estates, whose authority “was always so great that whatever was decreed in it was considered sacrosanct”, could depose a tyrant or even an entire dynasty (Brutus 2003, p. 86). Jules Racine St-Jacques argues that *Vindiciae* does not truly “grant prerogatives, within the process of resistance to political tyranny, to the assembled Estates”, considering instead that national “resistance to the tyrant must involve all the members of the constituted political bodies”. Since, in this scheme, the most important members belonged to the high aristocracy, Racine St-Jacques concludes that *Vindiciae* gives the place of the Estates in the political hierarchy to the grand nobles of the Court (Racine St-Jacques 2012, pp. 166–69). This assertion is only partially correct, because, although *Vindiciae* pays less attention to the particular role of Estates than François Hotman or Theodore Beza, it does not completely neglect them either, pointing out that deposition of a tyrant could be carried out by his superior and that superior could be “the electors, palatines, patricians, the assembly of the estates, and the rest” (Brutus 2003, p. 156). David Parker also points out the role of the magistrates who “have a responsibility both to God and people to uphold the rule of law” and “failure to fulfil their obligations, even if that required the use of force against unjust and ungodly kings, renders the magistrates guilty of the same crime or sin” (Parker 1983, p. 44). However, there is no basis for Parker’s claim that Mornay gave “a crucial role” to the Parlements. It is perfectly true that the French Parlements, especially the one from Paris, saw themselves as a kind of bridle on the royal powers, serving as a filter for the royal commands and thus making sure that they were in full accord with the laws of the kingdom. However, it was an incomplete “bridle”, because the Parlement’s authority emanated from the monarch itself. Its opposition to royal edicts which it deemed unlawful or unwise was effective only as long as the king acquiesced to it and it could be bypassed through a procedure called “lit de justice”—the king came in person to the Parlement and ordered the registration of the respective edicts, to which the Parlement could only obey, because, lawfully, when the king was present at his Parlement, the latter’s authority reverted to the monarch. The author of *Vindiciae* could not have been unaware how unsuitable the Parlements were as an agent to actively resist or even depose a tyrannical king. Moreover, the Parlements had been deeply hostile to the Protestant goals, having regularly opposed all royal edicts of pacification which included major concessions for the Huguenots.

The ratification of the Biblical covenant involved the eradication of idolatry and the restoration of the worship of God, as it clearly specified that both individual and collective religious conduct had to be in accordance with God’s “prescription”; however, the responsibility for the enforcement of these rules fell with both the king and the people as a whole (*universi*) and not with mere individuals.

The well-being of the (Jewish) commonwealth depended upon the observance of this pact: “if they did so, God would be with them and would be pre-eminent in their commonwealth; but that if they did not, they would be dispersed and destroyed” (Brutus 2003, p. 22). *Vindiciae* quotes multiple examples from the Old Testament which, in the opinion of the author, attested to the fact that the covenant preceded the creation of the Israelite monarchy, that it continued in the same form under the kings and that failure to abide by its terms always attracted God’s punishment for the transgressors. The fall of Saul and the assumption of kingship by David take place in the context of the covenant of God, where the fate of the monarch (and of the people) is decided by their observance of its terms. The covenant between God and kings involves the forfeiture of the latter’s kingdom in case they fail to fulfill their part of the agreement, in the same manner that a vassal loses his fief in case of felony (Brutus 2003, pp. 23–24). This punishment is meted out not only to the guilty monarch, but it extends to his entire line, an argument buttressed again by the Biblical example of the king Solomon, whose kingdom ended up divided after his death, as consequence for his “desertion of the true God for idols” (Brutus 2003, p. 24). However, in the examples provided, it was God himself who exacted the punishment, and the crime was always religious, namely, “attacking the law of God and going over to His enemies” (Brutus 2003, p. 25). That was a position as uncontroversial as it could be; *Vindiciae*’s purpose, though, was to prove that the people itself can do the same and, moreover, that the king could be resisted and even deposed even in case of non-religious crimes. By making the king and the people responsible for each other’s behavior, *Vindiciae* introduces thus the possibility for the people to act as God’s enforcer against a disloyal king and develops a divinely sanctioned right of resistance (Sălăvăstru 2018, pp. 526–27). However, this right exists in case of transgressions against the people as well, because the second covenant, between the king and the people, imposes upon the former the obligation to rule justly—if this obligation is not fulfilled, the whole people, or “the leading men of the kingdom who have undertaken the wardship [*tuendum*] of the whole people”, becomes “the legitimate avenger” (Brutus 2003, p. 140). Saul, David, Joash are stated to have been constituted kings by the people and to have been subjected upon strict conditions which they personally pledged to observe. If even the Jewish biblical kings, who have been directly selected by God, were not above the law, but instead subjected to a form of popular control, then it becomes obvious that the contemporary Christian kings, whose divine anointment was more remote, could not have enjoyed a higher status. *Vindiciae* basically uses the sacredness of kingship against absolute royal power: being chosen by God as king had to be accompanied by popular acknowledgment, and popular acknowledgement was dependent on strict conditions which enjoyed the same sacral authority as the king’s obligations to God Himself. The implication of *Vindiciae*’s argument that kings possess only a conditional lordship is that the subjects are not bound to obey a king who transgressed against God and, therefore, they cannot be considered rebels: “If God commands this, and the king the opposite, who would judge that man a rebel who denied obedience to the king against God?” (Brutus 2003, p. 29). An offence against God’s majesty is much more significant than any committed against earthly rulers, therefore, Saint Paul’s injunction to obey the latter cannot prevail against the any man’s natural duty towards God (Brutus 2003, pp. 31–32).

As part of the covenant, the people retain a right to act against the king, but they can do so not as the multitude of individuals, but as a corporation. This distinction is extremely important because it allows the author to utterly reject the possibility of acts of resistance carried out by private individuals, which was a constant trait of Protestant political theory, and it withstood even the shock of Saint-Bartholomew. The mob was not a party to the covenant with God, and, therefore, it cannot exercise the rights which God granted through this contract. The responsibility for carrying out its duties from the contract was assumed by the people acting as a corporation, which, in case of France, meant, as it was specified in the text and in other Huguenot tracts which reiterated this idea, acting through the Estates General or the “lesser magistrates”, in particular officers of the Crown and princes of the blood. Biblical tradition and Roman law are deployed together by *Vindiciae* for the same purpose, to illustrate the joined responsibility of both the king and his people towards

God. If either the king or the people prove to be negligent, “God can demand the entire obligation from the other [. . .] In the same way as with two co-debtors—and especially when tribute is due to the fisc—one is liable for the whole sum in such a way that he is not able to derive any benefit from the division conceded by the new constitution of Justinian, so likewise the king and Israel, after promising tribute to God the King of kings, are each bound for the whole amount” ([Brutus 2003](#), p. 39). In this relationship, the positions of the promissory parts are not equal: for *Vindiciae*, the people possess greater moral fiber than kings, as they are less likely to err than the latter. Despite the obvious anachronism, the author for *Vindiciae* looks for and finds Biblical precedents for a people taking matters into its own hands when the king failed to fulfill its duties, but he is careful to point out that legal procedures are observed scrupulously: “Clearly when the king disregards his office, then Israel ought to perform its office; not in uproar and rashly, but by public authority, when a council has been held and the case has been properly considered” ([Brutus 2003](#), p. 42). If the people can act against the king breaking the *foedus* only in a corporate manner, through its magistrates, then it results that these magistrates are, in the words of George Garnett, “tutors of the people’s safety, which they are obliged to protect in the same way as a tutor must care for his ward’s goods. Presenting the people as a ward, which is incapable of action except through the tutor whom it nevertheless appoints to represent it, underlines the people’s incapacity without such representation”, and regardless of whether these magistrates were chosen by the people, or constituted in some other way, appointed by God or by the prince himself, their responsibilities were still tutorial (Garnett, introduction to [Brutus 2003](#), pp. XXVI–XXVII). The people’s obligations to God, analyzed by analogy with the Roman law of debt, could only be fulfilled by its representatives, whose duties as such were defined in terms of the Roman law of tutorship. *Vindiciae* identifies in the Old Testament Israel the precedents for the “officers” and the representative assemblies of his day, namely “the seventy elders [septuaginta] of the kingdom of Israel, amongst whom the high priest presided”, “the leaders or princes of tribes, one from each; then the judges and prefects of individual cities—that is, the captains of thousands, of hundreds, and others—who presided over as many families as there were” and “military commanders [fortes], dignitaries, and others, from whom the public council was assembled” ([Brutus 2003](#), p. 46). The Bible provided *Vindiciae* with examples when this constitutional model was actually put into practice and the people acted on their rights to overthrow a tyrant, though the legal channels created by the covenant which constituted the monarchy. One of the most quoted instances was that of queen Athaliah, who was deposed and slain by the high priest Jehoiada, with the support of “princes of Judah and the Levites” ([Brutus 2003](#), pp. 48–49, 171). The example of Athaliah was useful as a weapon against Catherine de Medici, whose “black legend” was in full development after 1572, but, as Anne McLaren pointed out, “the identification of contemporary rulers with Athaliah was not restricted to queens: the early modern linkage of tyranny and effeminacy ensured that the king judged to be a tyrant stood simultaneously convicted of effeminacy—a peculiarly intractable, and dangerous, characterization, as Henri III discovered to his cost” ([McLaren 2006](#), p. 41).

However, even if the original Jewish monarchy of the Old Testament arose from such a covenant, there remains the question of whether the covenant was still applicable in *Vindiciae*’s times. For the anonymous author, there was no doubt about it, on reason that prescription could not affect the right of the people to correct an erring monarch. In the author’s own words, “now from the time when kings were given to the people, not only did this agreement fail to lapse, it was even confirmed and renewed.” ([Brutus 2003](#), p. 37). Passivity in face of a transgressing king is not an option for the people, because they would be held accountable by God and face the consequences:

In the same way, if the king were to go over to foreign gods, and did not just go over, but took others with him, and in short tried to ruin the church by any means, Israel would share his guilt unless, as it were, it dragged him back from his flight, or at least restrained him within bounds. In brief: just as, when one of the promissory parties risks insolvency by squandering his goods, the other may bring an effective action against him lest he should suffer loss because of the fault of his co-debtor, so similarly Israel can act against the king,

or the king against Israel, should either of them give themselves entirely over to idols [sese idolis mancipantem], or break the covenant [foedus] in any fashion, lest either of them should pay the penalty for the other. (Brutus 2003, p. 40)

This is an argument which was used by their Catholic opponents, who lost no opportunity to impress upon the king the consequences of inaction in face of heresy or, when they lost their hope in the monarchy, made the same argument with respect to the people's duty to act in place of their monarch. However, the people are allowed to act against the king not only if the latter transgresses the laws of God, but also if he harms the commonwealth through tyrannical behavior. The purpose of the second covenant between the king and the people and of the notion that the former was appointed by the latter was to provide a legal recourse, even in the case when the king failed to abide by the laws of his kingdom, without necessarily breaking God's commands. In order to prove that kings did not hold absolute dominion over their realms and subjects, *Vindiciae* brings up the often-used Biblical counter-argument of Samuel, who, on God's instructions, in answer to the Jewish people's request to give them a king, describes their future monarch as an absolute despot who "would seize anyone's fields, vineyards, and olive groves, in order to give them to his ministers; that he would divert anyone's private belongings to his own use; in short, that he would reduce them into servitude" (Brutus 2003, p. 128). For *Vindiciae*, Samuel's words are meant as a warning to the Jews against the dangers of entrusting too much power in the hands of their kings, who might be tempted to abuse it. The limits which *Vindiciae* wants to impose upon monarchy are thus advised by God Himself through His prophet, were implemented in the Israelite monarchy, and were imitated by "all prudent nations" (Brutus 2003, p. 129). If a "tyranny by practice" had come to pass, the same procedures must be respected as it was the case when the king broke divine law: the tyrant must first be admonished by the people through its magistrates, and, if he remained incorrigible, then it was not only lawful, but even compulsory to "conscript an army" and oppose him by force, lest the tyrant will destroy the realm through his malice. The respect for procedures is essential because the line between sedition and lawful resistance is thin, and it would be quite easy for the magistrates to overstep. *Vindiciae* points out the example of the nobles who opposed the Biblical Jewish king Rehoboam, who "accomplished by secession what should have been done in the assembly" and "they had transferred the sceptre from the line of Judah—to which the kingdom had been assigned by God Himself—to another line; and finally that, as often happened in other affairs, they achieved a just and legitimate cause unjustly" (Brutus 2003, p. 161).

Vindiciae rejects the possible charge of sedition against the respective magistrates by arguing that it was the justice of the cause which determined whether they were guilty of it or not—the magistrates which rise up against a tyrant, even with armed force, do so in order to ensure the observance of the kingdom's laws, which the respective tyrant broke. A legitimate prince may indeed be "living law", but tyranny negates this exact trait of the prince: a tyrant subverts the laws; therefore, it cannot actually embody something which he actively destroys. The spirit of the original covenant between the king and the people could be found, according to the *Vindiciae*, in the ceremonies which accompany the coronation of kings, where both king and magistrates swear solemn oaths to fulfill their respective duties. These oaths serve as guarantees for the lawfulness of the resistance: the king was bound to govern justly not only by his obligation to God, but also by his own solemn promise to the people—and the magistrates taking part in those ceremonies were equally bound to ensure that the respective promise was observed. Personal oaths mattered a great deal in the sixteenth-century world, despite the unraveling of the old feudal relationships, and engaged the honor of the takers. For *Vindiciae*, therefore, the oath of the king directly and personally absolved the magistrates of treason accusations if their rebelled against a tyrannical monarch. The Biblical precedent invoked by *Vindiciae* to prove the lawfulness of rebellion for secular reasons was the Jewish revolt against the Seleucid ruler Antiochos in 168–167 BCE: "it is quite obvious that arms can be taken up against a tyrant—such as Antiochus was—not only for religion, but also for country; for hearths, I say, no less justly than for

altars" (Brutus 2003, p. 167). However, there are less example of secular revolts taken from the Bible, and *Vindiciae* relies for their precedents in this case on classic and medieval history.

There is only one situation when *Vindiciae* accepts that individuals holding no office could take action against a tyrant, namely, when such individuals are specially called by God to perform this task. In such a case, their legitimacy is beyond doubt, and it also represents the only situation when *Vindiciae* accepts without reservations the possibility of tyrannicide. Naturally, the Bible provides the most significant examples of this sort: such divinely-inspired liberators emerge especially when the lawful magistrates fail in their task to restrain the tyrant—"God raised up Ehud extraordinarily, who then stabbed Eglon by means of trickery; and also Deborah, who overthrew Jabin's army and by this ministry freed the people from tyranny" (Brutus 2003, p. 160). However, *Vindiciae* urges caution on this matter: a liberator presumed to be appointed by God could just as well be an impostor and, therefore, a would-be tyrant himself. On the contrary, if the magistrates fail to act, *Vindiciae* recommends the people to endure the tyranny with patience, based on the most illustrious Biblical examples: Paul, in describing the office of individual Christian, "teaches that Nero himself is to be obeyed"; David spared the "tyrant Saul" "because he was not one of the nobles of the people"; and Christ Himself "freely paid the tribute because He then bore a private person" (Brutus 2003, p. 170). *Vindiciae's* use of some examples though is not entirely accurate and even some of its opponents, like the royalist William Barclay, author of *De Regno* (1600) and of the term "monarchomach", have noted this. Although he advises obedience towards secular authority, Paul does not mention Nero by name, and David spared Saul because the latter was the Lord's anointed. This goes to show that *Vindiciae* was sometimes liberal in its use of Biblical precedents, and in its dedication to the argument of the tract, it interprets some of the original examples in the most convenient way. Royalist writers, such as William Barclay, will point this out as well, but the fact that *Vindiciae* attracted such attention testifies how impactful the treatise, and its Biblical argument, was thought to be.

Vindiciae had not been unique, amongst the Protestant political literature, in its use of the Old Testament to put forward a model of limited monarchy. Its closest "companion", so to speak, was Theodore Beza's *Of the Right of Magistrates*, with which it shares many features, in particular the idea of a contractual monarchy whose original roots can be traced back to the Israelite monarchy of the Old Testament. Beza points out that even the Jewish kings, chosen by God as they were, still had to receive the consent of the people in order to be instated (de Bèze 1970, p. 9), and their ascent was accompanied by a double oath, one by which both king and people pledged themselves to God and another between king and people, providing the grounds for the people's right to correct or even depose an tyrannical king (de Bèze 1970, pp. 30–31). Beza grants a similar right of resistance to the magistrates, which are stated to have existed even in the pre-monarchical Jewish polity of the Old Testament (de Bèze 1970, p. 18), with the actions of David or of the Biblical city of Libnah being common examples of how this right was exercised (de Bèze 1970, pp. 22–23). Overall, both Beza and *Vindiciae* use the same method of scriptural argumentation, mixed with juridical and historical references, in order to provide a "constitutional" model of resistance. However, at the same time, they also rejected the unlimited right to rebellion advocated by the Marian exiles two decades before and approached the matter of tyrannicide only with extreme caution. In this, they also part ways with George Buchanan's *De jure regni apud Scotos*, published also in 1579. Written in dialogue form, Buchanan's treatise, it reads, on the subject of tyrannicide and the right of private persons to resistance, more like a return to the position of the Marian exiles. There are other differences as well: as Robert Kingdon pointed out, *De jure regni* "lacks much of the specificity of continental Calvinist theory, failing to identify with any precision institutions that are entitled to lead resistance to a tyrant and implement a deposition" and its documentation "is heavily classical" (Kingdon 2008, pp. 217–18). In addition, Buchanan does not link the creation of kingship to a religious covenant between God, king and people like the one given such a prominent role in Beza and *Vindiciae*. Of course, Buchanan does not abandon the Scripture completely: he points out the example of David, offered the throne by God on conditions that he respected the laws of his kingdom and Samuel's warning about the dangers of kings (arguing that the respective

description of the potential abuses depicts the conduct of a tyrant), and he tries to counter Paul's injunction to obedience by showing it did not apply in all circumstances (Buchanan 1689, pp. 43–51). Despite these examples, it can certainly be said that the Bible does not provide Buchanan with the bulk of the evidence for his argument, and his scriptural references are few in number. A possible explanation for his choice might lie in the author's background: in the words of Francis Oakley, "scrutiny of his works reveals that Buchanan made no claims to be a philosopher or theologian; it secures for him, however, the titles of poet, linguist, essayist, dramatist, historian, and political theorist." (Oakley 1962, p. 19). Quentin Skinner pointed out that his answer to the counter-argument based on the Pauline doctrine of obedience reveals a "typically humanist impatience with the orthodox political philosophy of the evangelical Reformation" (Skinner 2004, p. 344). As a humanist, Buchanan was likely less comfortable wielding the theological weapon.

5. Conclusions

Arlette Jouanna identifies correctly the main implication of the contractual monarchy suggested by tracts like *Vindiciae*, namely, "the abandonment of the ideal of confidence and natural obedience": the king could no longer be implicitly trusted by his subjects to protect them and, instead, a fear of "possible royal overreaches" takes over, which finds its expression in this "legal processes of control", as "potential royal perfidy was no longer just a sin against loyalty (to which one could oppose just moral indignation), but a 'constitutional' transgression which could have been punished by law" (Jouanna 2007, p. 262). The new relationship of mistrust between king and subjects is fundamental for understanding the role of the Biblical arguments in *Vindiciae*. It is not just that the Bible was still central to the political ideologies of the sixteenth century, but the imperative of revolt, which *Vindiciae* strenuously argues for, could be justified only through an appeal to a higher order—which could be only the divine order instituted by God. If all political power was ordained by God and obedience was the duty of the believer, then, in order to coherently argue for the possibility of lawful rebellion, the ultimate locus of the sovereignty had to be shifted from the person of the king to the collective person of the people. The religious mystique which surrounded the person of the king as God's anointed is thus countered by the depiction of an original pact in which the people enjoy an even greater status than the king, in accordance with the will of God. Imagining such a pact was absolutely essential for *Vindiciae*'s argument, because *Vindiciae* turns upside down the traditional notion of revolt, by referring to the king himself as a rebel. In order to avoid the accusation that this represented a perturbation of the natural order, *Vindiciae* had to show that the king did not actually represent the apex of the political hierarchy—by demonstrating that God had instituted a higher authority in the people which could call a transgressing king to account.

Vindiciae's solution was not flawless, and it did alter or misconstrue some scriptural quotations, as it was pointed out. However, it was effective enough that the most bitter opponents of the Huguenots, namely the radicals from the Catholic League, did try to use a similar strategy, albeit with some differences, during their own rebellion after the assassination of their leaders, the Duke and the Cardinal of Guise, on the king's order, at the end of 1588. According to Arlette Jouanna, the League reasserts the Huguenot theories of contract, but, in their political model, the "temporal order is subordinated to the spiritual" and "the king receives his power from the people only to prepare the reign of God", the state thus becoming "dependent on the Church and the religion" (Jouanna 2009, p. 599). Michel de Waele describes the civil war which opposes the League to the royal power as a double contractual rupture between the king and his subjects: Henri III declared the heads of the League and the rebelled cities, traitors and felons, and the League argued in turn that it was the king himself who broke the compact tying the monarchy and the people, because, by allying with the "politiques" and heretics, Henry III acted contrary to all French traditions (De Waele 2010, p. 161). The League's attacks on the king are also much more personal and more down-to-Earth: together with savant deconstructions of the prestige of the monarchy (albeit of less intellectual quality than the Huguenot works), there was a torrent of abuse directed at Henry III personally and a swift deposition of the king by Sorbonne.

In 1589, the League referred to Henry III only as Henry of Valois—a poignant sign that it no longer recognized him as a legitimate king. For the League, Henry III was an atheist and the people which made a pact with the king, so that the latter will govern them according to divine will, was capable and within its rights, in the name of the obedience owed to God, to deny this obedience to the king (Crouzet 2008, p. 336). For the League, Henry III's breaking his duty to God meant his automatic degradation from his status as king. Therefore, as Paul-Alexis Mellet pointed out, "it is not a monarch instituted by God which will fall under the blow of Jacques Clément, but a mere human" (Mellet 2007a, p. 6). There are still historiographical controversies about how much the League propaganda was influenced by the Huguenot monarchomach treatises like *Vindiciae* or whether the common ground between them could be explained through their inspiration from the same scholastic culture critical of unlimited royal power. However, the fact that the notion of contract between king and people, with God as supreme arbiter, emerges in such different political contexts testifies to the ideological weight which the scriptural argument was expected to have.

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