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Sarah Mortimer

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Sacrifice and the limits of sovereignty 1589–1613

Sarah Mortimer

Christ Church, Oxford, UK

ABSTRACT

Although sovereign power is often defined as transcending legal and religious norms, the work of historians like Prodi and Agamben has drawn our attention to the ways in which modern accounts of sovereignty depend fundamentally upon the fusion and transformation of these norms. In Latin Christendom, this process was enabled by the juridical quality of ecclesiastical authority, its expression through laws similar in form and structure to those of civil power. There was, however, an important strand of Catholic thinking from the late-sixteenth century which emphasised the centrality of sacrifice, rather than law or jurisdiction, in creating communities. For Catholic polemicists like Rossaeus (William Reynolds) sacrifice came before law and the juridical organisation of human society was secondary to the ritual and ceremonial. This article will examine the roots of this claim in post-Tridentine discussions of the Mass as a sacrifice and will go on to show how it was used to defend the primacy of the Catholic Church, particularly in 1590s France. It will consider the impact of this argument and suggest its importance in provoking new and more powerful articulations of both royal sovereignty and papal power.

KEYWORDS

Sacrifice; sovereignty; French Wars of Religion; Catholic League; Boucher; Suárez

In August 1589 Henry III of France was stabbed to death by the young Dominican friar Jacques Clément, an assassination that intensified an already acute succession crisis. Before Henry died, he commanded his servants to swear loyalty to his nearest relation by the Salic Law, the Protestant (and excommunicate) Henry of Navarre. Yet the right of the younger Henry to succeed was already deeply disputed and, as Henry of Navarre worked to gain military control over the kingdom, his Catholic opponents whipped up opposition through sermons, tracts and pamphlets. These Catholics were anxious to justify tyrannicide and to delegitimise a Protestant succession, but some writers went further, seeking to show the crucial and fundamental role of true religion in any society and to deny that Protestantism could fulfil this role. They insisted that priestly power, and the ritual of sacrifice, was indispensable to any community of humans, and they presented this as a truth held by all peoples except the Protestants. As the pseudonymous author Rossaeus put it, not only the true Catholics but even the ancient philosophers, 'thought that priests and sacrifices were more necessary than laws or than magistrates, because they affected the intrinsic nature of every republic so much that without them it was not even possible to conceive of a republic'.[1] Explicitly challenging the new ideas about sovereign power articulated by his contemporaries, Rossaeus insisted that it was not the ruler who united the community, but the clergy and the sacrifice which they offered.

CONTACT Sarah Mortimer sarah.mortimer@chch.ox.ac.uk

Rossaeus's claim is unusual and striking, but it provides a powerful lens through which to examine the relationship between sovereignty and the sacred. Sovereignty is not only a juridical or political concept and it is important to pay attention to the ways in which – as Paolo Prodi reminds us – 'power is always connected to the sacred'.[2] In the article translated for this issue, Prodi suggests that it is not the secularisation of theology or the expulsion of the sacred that characterises the transition to modernity, but rather the 'enclosure' of sacrality by the state. The relationship between the sacred and secular is complex and intricate; it is a relationship that Prodi has often likened to the process of osmosis, whereby the attributes of both state and church have come to influence each other, rather than a one-way transfer from one to the other. In this article, I will turn to some of the works associated with Catholic opposition to the accession of the Protestant Henry of Navarre in France, showing how their authors challenged a view of monarchy which, in their opinion, wrongfully concentrated both legal power and sacrality in the person of the king. These Catholic writers wanted to show how the bonds of religious worship must unite a community, insisting that these bonds were fundamental, existing prior to any relationships of sovereignty or law. They sought to defend the legitimacy of regicide by showing that the community's cohesion came from its shared religious practices; for them, no heretic could form part of such a community, let alone rule over it. I will then suggest the limitations of this approach in galvanising opposition to Henry IV, and point to some of the ways in which it was contested and adapted in the early years of the seventeenth century.

According to Rossaeus, a community needs both political and religious authority, and to understand human society we need to take account of both of these features. His text, and others like it, remind us of the limitations of any history of early modern political thought which concentrates exclusively on legal and juridical mechanisms and marginalises the role attributed by early modern writers to ceremony, ritual, and religious practice in the formation of human communities. That role has recently been highlighted by contemporary philosophers, including the Italian theorist Giorgio Agamben; his ground-breaking *Homo Sacer* suggested that control over sacrifice was a crucial component of sovereign power. Subsequently he has explored in more depth and subtlety the relationship between priesthood, sacrifice, and community formation; and in what follows I want to suggest how thinking about these concepts (and the connections between them) can benefit early modern historians. Like Agamben, Rossaeus and other late-sixteenth century Catholics believed that rituals of sacrifice were intimately connected to the establishment of boundaries for the community, although their arguments were designed to challenge, rather than to support, new ideas about sovereign power.

The work of Prodi and Agamben highlights the centrality of theological, aesthetic and imaginative discourses in shaping societies, including those of early modern Europe. Scholars of literature have become increasingly aware of the importance of these languages in the early modern period, as writers found in the Bible and the theological tradition crucial resources for their own projects and purposes. Indeed, the visions of community and society offered by early modern authors were often heavily dependent on a shared theological imagination. The work of these scholars challenges, implicitly or explicitly, accounts of the political and social thought of this period which prioritise a juridical approach, in which the concept of 'the people' is understood in legal or constitutional terms.[3] Historians of political thought are becoming increasingly aware of the role of ceremony, imagination, and glory in creating and sustaining social and political bonds – and the extent to which early modern authors themselves reflected upon these phenomena.[4] The role of the eucharist in this process has long been acknowledged, largely as a result of the ground-breaking work of Henri de Lubac and Ernst Kantorowicz.[5] But the wider debate about the importance of sacrifice, particularly for the unity and cohesion of a community, and the relationship between authority to sacrifice and sovereign power remains to be explored. It is this debate which provides the focus for the present article.

I

Even before the murder of Henry III, there had been much discussion in France about the location of ultimate power. Concerned by Henry's concessions to the Protestants and his behaviour with his favourites, and alarmed at the prospect of Navarre's accession, the Catholic League had been advocating for resistance to the monarch and for the exclusion of Navarre. When Henry had the Duke of Guise and his brother, the Cardinal of Guise, summarily executed in December 1588, the League's discontent reached fever-pitch. In expressing their anger and their own vision of authority, however, the League tended to draw on resources already in common use across Europe, notably the power of the papacy to depose heretical rulers and neo-Thomist views about the superiority of the people to the king. When the Sorbonne declared in January 1589 that the people of France were absolved of their allegiance to the King, it was to these arguments that they turned to defend their claim. But the act of Jacques Clément in August 1589 precipitated a shift in the thought and the justifications of at least some of the key League writers. Henry had not been excommunicated by the Pope nor had he been condemned by the Estates-General, acting as representatives of the people. The act of tyrannicide therefore required some creative justification.[6]

Insofar as there was an official, Leaguer justification for the assassination of Henry, it was the *De justa Henrici tertii abdicatione e Francorum regno*, printed in August 1589 shortly after the event itself. The text has long been associated with Jean Boucher, one of the leaders of the League group at the Sorbonne and one of its fieriest preachers. The vehemence and radicalism of the argument thrilled and shocked its readers, and when the Scottish jurist William Barclay mounted his assault upon resistance theory in 1600 Boucher was his chief Catholic target. Barclay placed Boucher in the company of leading Protestant writers, notably George Buchanan and Junius Brutus, the author of the *Vindiciae, contra tyrannos*; and historians have since followed suit, often drawing out the connections between Catholic and Protestant resistance theory in this period.[7] But Barclay, a Catholic horrified by what he saw as the seditious ideas of his co-religionist, wanted to play down the distinctly Catholic elements of the text. His claim that Boucher was in fact plagiarising the *Vindiciae* has more recently been scrutinised by historians who have traced the Catholic and juridical influences on Boucher's thought.[8] By looking once more at the argument developed in *De justa … abdicatione*, we can see how Boucher's distinctive ideas about the human community developed, and where the church and its priesthood fitted in to his vision.

The printed text of the *De justa … abdicatione* was based, as Cornel Zweierlein has shown, on a manuscript completed in March of that year and sent to Pope Sixtus V in Rome to explain the Sorbonne's radical January declaration. Although Boucher may well have had the main role in drafting this manuscript, Zweierlein emphasises that we should see it as a collective statement of the Sorbonne's position. Entitled *De justa populi gallici ab henrico tertio defectione*, the argument of the manuscript relied in large part on ideas already common in Catholic thought, particularly the claim that a community could defend itself against a ruler who threatened it with destruction. Citing the writing of Thomas Aquinas, Boucher – assuming his authorship – insisted that 'tyrants and murderers have to be expelled from the state' and went on to elaborate that if the situation is urgent then 'one must provide for the welfare of the republic in all possible ways, so that the tyrant will be justly deposed'.[9] The manuscript ended with a claim that the crimes of Henry were so obvious, open and public that no further decision was needed before action could be taken, although the support of the papacy was clearly seen to be useful. The printed work was based upon this manuscript, but Boucher extended and adapted the argument for the new situation post-regicide.

Zweierlein emphasises the similarities between the manuscript and the printed version, but it is worth noting the differences as well. The main alteration to the structure of the text was the increased prominence of what Boucher called 'the rights of the church' (*iura ecclesiae*) to remove a tyrant. In the manuscript, Boucher had mentioned the church but his focus was primarily on the right of the people to depose their ruler, on what he called the *ius populi*.[10] By August, however, the

printed text included a whole new book (now labelled book II) entitled 'On the legitimate causes of Henry's abdication which concern the right of the Church'.[11] The distinction between the rights of the people and the rights of the church was not tightly drawn, however, as Boucher himself acknowledged: 'it is impossible to offend the one without also injuring the other', he noted.[12] And even in this version Boucher said little about what exactly he meant by the church, though he did emphasise the role of the Parisian theologians in assessing the actions of Henry and showing that the onetime king was worthy of excommunication and therefore deposition.[13]

There were also some revealing additions to the opening book of the printed text, in which Boucher set out the broad intellectual framework for what was to follow. Here in particular Boucher developed his important claim that the priests were 'prior to the people'. In the March manuscript it had simply been stated that 'just as it is true that there cannot be a People without priests, so it is true that they can exist without a king'.[14] Revising this for the printing press, Boucher spelled out his claim in rather more detail. Now he emphasised more strongly that, 'just as the priest is prior to the people and the prince to the individual, so the people or kingdom is prior to the prince'. He now evidenced this claim by drawing on the account of the covenant found in 2 Chronicles 23:16, a passage which relates that the priest Jehoida made a covenant 'that he, the people and the king would be the Lord's people'. This passage was extremely useful for Boucher, showing that it was through the priest that a covenant between the people, the king and God became possible. For him the account of the covenant in 2 Chronicles demonstrated that 'the priest precedes the people, and the people precede the King'.[15] Boucher may have come across this passage in his reading of the Protestant *Vindiciae, contra tyrannos* but, as Sophie Nicholls has pointed out, his own emphasis on the role of the priest actually brought him closer to the scriptural text than to the *Vindiciae*, for Jehoida's role was airbrushed out of the Protestant account.[16]

Boucher's appeal to the covenant found in the Old Testament was complemented by his insistence that it was faith and fidelity that enabled the maintenance of society, within the context of Catholic religion. Thus when detailing the crimes of Henry III, Boucher began with oath-breaking (*periurium*) – a crime, he explained, 'which excels all others in gravity and can stand as an example for them all'.[17] Moreover, in a Catholic society this crime took on a particular meaning because the paradigm moment of faith, commitment and promise-making was the Mass. For Boucher, in repeatedly breaking his oaths, Henry was profaning 'that most holy and venerable pledge (*pignus*), by which I mean the holy body of Christ in the Eucharist' – as Boucher was no doubt well aware, *pignus* was a technical term used in Roman Law but most famously applied to the Eucharist in the antiphon for Corpus Christi traditionally attributed to Thomas Aquinas. Boucher added that Henry was even worse than Judas (who had of course betrayed Jesus at the Last Supper) as well as worse than the Jews and heretics.[18] Most of Boucher's text was taken up with denunciations of Henry's behaviour, portrayed in lurid detail, but he was keen to associate all this wrongdoing with Henry's deviations from true faith and true religion, and to highlight the authoritative role of the clergy in a Catholic society. In Boucher's view, the authority the priest received through their ordination made them more powerful than kings, even those kings who were anointed as French monarchs were. Indeed, ordination even elevated the clergy above Mary, the mother of Christ, because it enabled the priest to 'create (conficere) his [Christ's] body in the Eucharist' and therefore, in virtue of this power of consecration, 'to act like Gods among men, to anoint and constitute kings'.[19] As these passages suggest, Boucher believed that priests fulfil the divine work of maintaining bonds of faith and unity, paradigmatically through presiding at the Eucharist; heretics, however, destroy those bonds through treason, betrayal and murder.

These themes are not always clearly developed in *De Iusta*, which was evidently written in great haste with the main aim of blackening Henry's reputation and thereby defending his murder. As Frederic Baumgartner noted, the invective against Henry 'often clouds Boucher's meaning'.[20] But Boucher would return to the same themes throughout the rest of his long life, working out more clearly the implications of his thought. Indeed, Boucher's insistence on faith, Catholicism and the importance of the true sacrifice of the Mass can be clearly seen in the sermon series he preached

in 1593 denouncing the 'pretended conversion' of Henry of Navarre. Not only did Boucher refuse to accept that Henry could be sincere in his new faith but he also insisted that the former Protestant could never be a legitimate king of France. The chief reason for his aversion to Henry was not so much the alleged new king's attachment to particular doctrines but rather the hypocrisy and untrustworthiness which Boucher believed characterised the man and which contravened the central principles of all human society. For, as Boucher argued in the very first sermon, 'it is by the Faith and by fidelity that all things are preserved, and by the breaking of faith that they are torn apart.[21] Again, the paradigm act of faith was the Eucharist, but now it was the Calvinists who were likened to Judas, on the ground that they contested the sacrament of the altar.[22] In later sermons Boucher also associated faith and fidelity with the Catholic Eucharist, describing the sacrifice of the Mass as 'the foundation of religion, the pledge (*gage*) of eternity'.[23] He also returned to 2 Chronicles 23 to underline to his congregation and his readers that 'in the covenant which the people and all the commonwealth made with God, the Priest is named first, & the King afterwards, as the scripture says'. Indeed, he insisted that even the pagans acknowledged this ordering, citing the example of the Egyptians who placed the priests first, before the kings and the people.[24]

William Barclay was perhaps the most vehement critic of Boucher, and his association of Boucher with Protestant resistance theory has helped spark modern interest in this Catholic theologian. But when Barclay read Boucher he did so as a jurist anxious to limit the temporal power of the church. Barclay's reading helped to suggest that a clear and coherent understanding of political authority would leave no room for clerical meddling in the affairs of the civil realm, and that insofar as priests could wield power this was purely spiritual. He also restated the earlier absolutist claim that what was required for society was sovereign power, emphasising the role of the sovereign in holding the community together. He insisted on reading Boucher's argument in legal and juridical terms, highlighting the weaknesses and inconsistencies in his account of political power – he was particularly scathing about Boucher's lack of any clear theory of how and why some individuals or office-holders could act on behalf of the people.[25] This was, of course, to ignore perhaps the key claim that Boucher was making: that what brought 'the people' together in the first place was priests and shared religious practices.

Barclay's critique has obscured some of the most interesting of Boucher's claims, particularly his understanding of the distinctive role and authority of the clergy. If, however, we read Boucher's argument not through the juridical lens of William Barclay but instead with attention to the ways in which he constructed sacred and civil authority, then we may see more clearly the purpose of the text and the impact which it had on contemporaries. To understand early modern discussions of power and authority we need to be attentive to their construal of the sacred in ritual, ceremony, and particularly in sacrifice, and it is here that the insights of Prodi and Agamben can help us reframe our gaze.

II

Boucher's *De Justa Abdicatione* was evidently a work of the moment, rushed through the press to defend the recent regicide. For a fuller and more coherent account of the necessity of a Catholic ruler and the role of priests and sacrifice we can turn to the *De Justa … Authoritate*. The first edition of this text was printed in 1590 under the initials G.G. R. A.; when a second edition appeared it carried the pseudonym 'Rossaeus', and it now lacked the most controversial chapter in which tyrannicide was defended. The author's identity remains somewhat uncertain, but the most likely candidates are the English Catholics William Gifford and William Reynolds, perhaps working together.[26] In his account of the thought of the Catholic League, Frederic Baumgartner suggested the text 'had a more medieval quality', which has perhaps limited its appeal to historians, although J. H. Salmon drew attention to the radical aspects of Rossaeus's text and Baumgartner's rather dismissive account is now being revised.[27] What I want to do here is to read it as a distinctively

Catholic account of humans' natural sociability designed in large part as a response to those royalist Catholics who were willing to acquiesce in the rule of Henry of Navarre.

Where Boucher had focused his energy on a critique of Henry III, Rossaeus offered instead a more robust and sophisticated account of the commonwealth and its authority over its rulers. Indeed, the opening pages offer a substantial account of the foundation of societies, which he anchored in nature itself. 'Nature brought about unions and communities of people', he argued, 'nature made cities, nature instituted commonwealths'; only subsequently did those cities and communities choose to elect rulers to government.[28]

This vision of the natural sociability of humans was not in itself innovative but Rossaeus was well aware that it was a subject of considerable controversy. The claim that humans came together in societies before they set up kings and rulers had been defended by the Scottish humanist George Buchanan, who built upon this claim to justify the deposition of Mary, Queen of Scots in his *De Jure Regno apud Scotos* (1579). Buchanan was himself drawing on a range of classical sources, many of which were also used by Rossaeus; as John Salmon has argued, Rossaeus's account was probably shaped at least in part by his reading of Buchanan and by Buchanan's presentation of ancient sources. But Buchanan's text was largely written in the late 1560s, a generation before Rossaeus, and in the intervening decades the discussion of sovereignty, law and resistance had developed – in part in response to Buchanan's own work. The longest and most comprehensive direct critique of *De Jure Regno* was the *Apologia pro Regibus*, written by Adam Blackwood, a Scottish jurist resident in France. For Blackwood, there could not be a people independent of the ruler who could judge their ruler or call him (or her) to account. Without sovereign power, he argued, the people were simply a collection of individuals, lacking any unifying principle or shared concept of law.[29] More broadly, in Jean Bodin's *Six Livres de la République* (1576) a commonwealth was defined as a group of households united by sovereign power; Bodin's well known definition implied the centrality of sovereign power in any human community.[30] Rossaeus had read both Blackwood and Bodin, and recognised the need to counter their new theories of sovereign power in his own presentation of human sociability.

For Rossaeus, the argument of Blackwood in particular was troubling not only for its claims about sovereignty but also for the way in which religion and politics were linked together. Blackwood was a Catholic partisan of Mary, Queen of Scots, and he characterised the opposition to Mary as driven by an heretical Calvinism which was necessarily seditious. For him, true religion fostered obedience and good order; and the best evidence for the truth of Catholicism was its emphasis on obedience.[31] But that chain of reasoning led Blackwood to acquiesce in the rule of Henry of Navarre – indeed, through the 1590s Blackwood enjoyed a successful career as a lawyer in Poitiers. And Blackwood was not the only Catholic to reason in this way. In 1585 another lawyer, Pierre Belloy, had used similarly absolutist ideas to defend the right of Henry of Navarre to accede to the French throne in his *Apologie Catholique*. Belloy described himself as a lifelong Catholic who, like all Frenchmen, was 'bound to the King and the Princes of his bloud according to the order and natural succession by the Lawes of this Crowne'; for the King's power was 'holden immediatly of the hand of almightie God, and not of men'. Neither the people nor the church had the right to dispute the succession of the next in line, even if he were a heretic and an excommunicate.[32] In response, Rossaeus believed it was necessary to show that true Catholicism was not merely a support for royal power, but fundamental to the identity of the French community.

In the opening sections of the *De Justa*, Rossaeus began by explaining that the origins of society lay not in force or in the imposition of sovereignty but in mutual need and the distinctively human qualities of communication and speech. The resulting human communities then subsequently establish their own magistrates: as he put it, 'individual societies create magistrates for themselves, by whose zeal and authority they might live together in peace and quietly enjoy their own goods'.[33] Underlining his claim that sovereignty and magistracy was secondary to the formation of community, Rossaeus pointed to examples of communities which lacked sovereigns; he noted that the people of the far North, 'who are not held together by one authority, and are not bounded in

one city, and do not have set limits to their dominion but spend their time in tents … nevertheless do not wander around as individuals, but as groups'.[34] By arguing in this way, Rossaeus could make clear that – contrary to Blackwood and Belloy – the institution of royal power is secondary to the natural process of sociability, and the people, understood as a collective body, exist prior to their magistrates. The people can then decide what kind of form their government will take, but whatever that may be, 'we must return to the authority of the commonwealth and the people as the true source of these things'.[35] Here in the first chapter Rossaeus engaged quite closely with the writing of Belloy and Blackwood, singling out some of their more exalted descriptions of royal power. Against their understanding of the commonwealth, Rossaues insisted that 'without [the king] the body politic can survive and flourish'.[36]

Rossaeus acknowledged that humans were not the only sociable creatures; bees, sheep and even lions also lived with others of their species and maintained 'a certain kind of external justice and order'.[37] But he emphasised that what was distinctive about the formation of *human* communities was the shared pursuit of higher ends. In discussing the purpose of society, therefore, he explained that for humans this was threefold. The most basic purpose was physical security and wellbeing, but humans also came together to pursue virtue and to live moral and upright lives. Even this was not enough, however, for there was a third purpose which could be traced back to human nature: the worship of God. To make his case, Rossaeus argued that this practice was evident in all societies and at all times – its universality was proof of its intrinsic connection to humans' sociable nature.[38] A society that lacked religious worship could not be a human society in his view, instead it was a gathering or flock like those of bees and sheep. For, he argued, 'it is only animals, who lack reason, who cannot conceive of a divinity, and so they do not know to pay to him the reverence that is due'. Religion was necessary to any properly human community, but it was also greatly beneficial: 'who can deny that a kingdom is happier and more perfectly constituted, the more it conforms to reason and worships in obedience to God?'[39] Religion, he underlined, was an essential part of the bonds of social exchange and community cohesion, and so the more Christian a kingdom the more tightly bound both king and people would be to the laws that governed it. As Rossaeus wrote, 'if we compare Christian kings under the gospel with Pagans in the law of nature, we will find this one difference between them: the Christians are much more strictly bound to rule justly and piously'.[40] Because grace perfected nature, a Christian kingdom would be similar to a pagan one; both would worship God, but the Christians would attain a greater perfection and a greater happiness thanks to their superior religion.

The role of religion in forming communities was highlighted by Rossaeus, as we have seen, but it is important to recognise that he understood religion in a very particular way. At the heart of divine worship was, for him, the practice of sacrifice, and it was the collective engagement in this ritual which brought the community together. Thus when he explained the need for the worship of God he added that there had never been any kind of political community or organisation 'which does not worship the immortal gods together, and offer them sacrifices'.[41] When he went on to consider the kind of worship which could be seen through time and space, he highlighted again the role of sacrifice, in an extensive exercise in comparative religion:

> Let us now go on to examine the form and general nature of religion depicted in all the records and writing of people – the Jews, the Gentiles, the Christians, even the barbarians. Was there ever a nation which worshipped God without sacrifice? Ask the Hebrews in the law of nature. Abel, Noah, Abraham and all the Patriarchs reply that they sacrificed sheep and lambs and the fruits of the earth in order to show that they devoted themselves to the honour of God … . What about the Greeks and Romans – all their cities had altars and temples [which show] they did not believe at all in any religion which lacked sacrifices … .

It is at this point that Rossaeus added the comment referred to at the start of this article: his claim that even the ancient philosophers thought sacrifices more necessary than laws, because they 'affect the intrinsic nature of the commonwealth itself so much that without them it is not even possible to conceive of a commonwealth'. The purposes of these sacrifices were to honour God and to mitigate

the punishments due to their ancestors; and Rossaeus stressed that by the light of nature all peoples naturally know that God is to be worshipped through sacrifice.[42]

Rossaeus's insistence upon the role of sacrifice was tightly bound up with his denunciation of Protestantism as worse than any kind of paganism. Unlike all other human communities, he argued, the Protestants denied that God was to be worshipped through sacrifice and thus their religion was either Atheism or Satanism; at any rate, 'it has nothing in common either with sacred scripture or with the religion either of the law of nature or of the condition of grace'.[43] In this way he could rebut not only any suggestion that a Protestant might be crowned king, but also any edict of toleration or proposal that Protestants might be allowed into the body politic. Indeed, Protestants are for him like animals in that they lack the basic human quality of worshipping their god through sacrifice, and without this practice they cannot be part of a truly human community.[44] Rossaeus added for good measure that from this one error flowed a series of others, including their denial of prayers and sacrifices for the dead – both of which indicated, he thought, that the Protestants believed 'the souls of human beings die with their bodies, and that humans do not differ from brute animals'.[45] Such vile doctrines marked the Protestants out from other organised human societies and were evidence, for him at least, of their intolerable wretchedness.

We see, therefore, in Rossaeus' s thought, that the mechanisms of sacrifice and sacrament are crucial to the web of connections that hold society together. Through the organised worship of God, the community is enabled to achieve its highest purpose and fulfil its highest duty. But these rituals also serve to determine who is within and who is without the boundaries of that community. Because the Huguenots have rejected true and proper rituals of sacrifice they have placed themselves outside human society and human law; heresy thus becomes the greatest crime and a heretic king is by definition a tyrant because he fails to uphold this fundamental aspect of human social life. Heretics and tyrants are to be treated like wild beats, they can be killed by anyone because they have lost the distinctive quality that makes them human. Here Rossaeus may have been drawing on Buchanan's writing, for Buchanan had also likened the tyrant to a wild beast and excluded him from the boundaries of human society; but for Buchanan it was the tyrant's violation of law and not his rejection of true worship which placed him outside the human social framework.[46] For Rossaeus, there is a double bond of law and sacrifice which holds the community together, and these are tightly connected. Yet for him there could be no (human) sovereign decision to determine the meaning of these bonds, and his tract was an attempt to explain to his readers the scope and meaning of law and sacrifice.

What were the implications of Rossaeus's argument for the current situation in France? By arguing that the people could exist without a sovereign, although not without priests, and by emphasising the role of the bishops in the coronation ceremony, Rossaeus was suggesting (at the very least) that the clergy could take the lead in protecting the commonwealth. He was also adamant that, given the centrality of religious worship in securing the wellbeing and cohesion of the commonwealth, a heretical king was necessarily a tyrant. But he also wanted to defend those individuals who had taken matters into their own hands and removed a tyrant who was destroying the commonwealth. Jacques Clement may be the paradigm example of such a hero, but Rossaeus was also keen to praise ancient patriots who had been willing to slay their oppressors. Justifying their action, Rossaeus argued that these pagans were following the law of God that was in their hearts; it is noticeable that here he does not mention priests or any religious structure.[47] By linking tyranny with heresy, Rossaeus could suggest that the church must play a key role in determining who counted as a tyrant and in inspiring both individuals and officers of the kingdom to take action against such a ruler. But Rossaeus, like Boucher, struggled to show how this could result in a clear argument either for resistance or for the election of a new ruler; both men hoped that the civil and religious authorities would work together to select an appropriate new king but neither wished to dwell on what that process might look like. They could not quite translate the priests' authority over sacrifice into political power or power to direct the community in civil affairs.

What was so unusual about the argument of Rossaeus, then, was his effort to show that priestly power over sacrifice was central to human community formation and thereby to resist any discussion of the relative importance of ecclesiastic and civil power. The religious system that was necessary for the unity and cohesion of any society could not, in his view, be seen as analogous to or in competition with political authority. Although Rossaeus was clear that religious worship was prior to magistracy or kingship or indeed any kind of political structure, he did not want to draw from this any conclusions about where ultimate sovereign power might lie. Rather than debate whether the pope or the church had direct or indirect power in the temporal sphere, as so many of his fellow Catholics were doing, he took a different approach. He denied that we could even imagine a temporal sphere which lacked religious ritual and sacrifice (except insofar as the Protestant heretics were seeking to create one). To discuss politics and civil power was, for him, already to assume a group of people who were naturally sociable and who were united not only by their shared needs but also by their collective worship. Rossaeus's insistence upon the importance of distinguishing sacred and civil power is clear; to read him in the wake of the interventions of Prodi and Agamben is to be reminded once more of the vibrant early modern debate over the nature of the sacred and its connections to power.

III

The Catholic debate on the relationship between priests, sacrifice and civil authority remained tense, however, both in theoretical and practical terms; in the early-seventeenth century it occupied the attention of the most important Catholic theologians as they sought to determine the difference but also the connections between sacred and civil power. Here as so often the starting point for early modern debate was the teaching of Thomas Aquinas, who had considered sacrifice in the *Summa Theologica* (IIa IIae q 85) and had argued that it formed part of the law of nature. Using Aquinas's claim as their starting point, later Jesuit theologians considered what such sacrifices might involved in the state of nature, that is in an hypothetical condition without sin and without grace. For them, sacrifice in this condition was an aspect of communal life which could be organised by human authorities, rather than (as Rossaeus had argued) the primary ritual which bound a community together. Indeed, their arguments suggested that power over sacrifice was one of a bundle of powers which could be held by human authority, a claim which would later be freed from its original location in the hypothetical state of nature.

This approach to the idea of sacrifice and its relationship to community can be seen in the writing of Francisco Suarez, particularly in his commentary on the Third Part of Thomas Aquinas's *Summa Theologica*, published in 1599. At this point Suarez held the principal chair of theology at the University of Coimbra in Portugal, appointed there by order of Philip II who desired this eminent theologian to lend prestige and lustre to the institution. In his commentary, Suarez explained that, at least in the state of nature, the authority to organise sacrifices belonged not to any special individual but to the commonwealth as a whole: 'there is', he explained, 'in human commonwealths the power to establish sacrifices, which are offered to God in the name of the whole people' and this was true because

> nature requires of human beings, that they come together in in one political body of the commonwealth; this political body ought most of all to be ordered towards the worship of God, therefore it is necessary that not only private individuals worship God, but also that the whole commonwealth, in the manner of one body, should worship God'.[48]

In other words, the practice of collective worship flows for Suarez from the social and political nature of human beings – and it is the commonwealth which establishes those practices of worship and, at least in the state of nature, authorises the priests. Where Rossaeus had seen the practice of sacrifice as integral to the very formation of those commonwealths, Suarez emphasises the commonwealth's power and control over the organisation of ritual – at least, that is, until the commonwealth cedes that power to the true Catholic Church.

In the writing of another Jesuit, Leonard Lessius, the practice of sacrifice came to be described in even more obviously political and legal terms. For Lessius, sacrifice was the principle means by which 'the whole Commonwealth together, as if one political body imbued with one and the same religion, reverences the divine and confess his supremacy and their subjection'. Because sacrifice is a shared and collective ritual, 'it is necessary that there are persons assigned to this role in the name of the people, and they are called priests'.[49] He went on to consider how such priests might be authorised where there was no true, Catholic Church, either in the 'state of pure nature' or, for example, 'among the Indians and the Japanese'. His answer was that this could be done 'through the election and consecration of the Commonwealth'. For, 'just as a perfect commonwealth has the authority, by the law of nature, of setting up a ruler … in the same way it can establish a priest, who can direct it in the worship of God and the administration of sacred things'.[50] In Lessius, as in Suarez, the commonwealth in nature exists as an entity capable of organising the administration of both religious and civil affairs, setting up parallel systems of law and authority.

At the same time, Suarez and Lessius were not suggesting that the commonwealth had *carte blanche* to do as it wished in matters of religion. Both were careful to insist that the kind of religion that the commonwealth establishes must include sacrifice, for the duty of sacrifice is a central tenet of the law of nature. In this they were heirs to a long discussion about what sacrifice might mean, and whether any kind of offering to God might count as a sacrifice. In the Summa Theologica, Aquinas had given a broad definition of the term, including within it not only the actions of priests but also the inward sacrifices of those who offer to God a devout mind.[51] Protestant authors, including Philip Melanchthon, had argued in a similar vein that all offerings of praise and thanksgiving were sacrifices, and had used this argument to critique Catholic claims about the Mass.[52] In response, Catholic theologians began to define sacrifice more tightly, denying that any offering counted and insisting that Protestant worship was illegitimate because it lacked true sacrifices. Lessius therefore began his discussion of sacrifice by noting that the 'heretics' want 'every good work, or at least every [good work] that is offered to God to be called a sacrifice', but that this was wrong.[53] Instead he argued that there had to be some kind of change in the substance of that which was offered in order for a true sacrifice to occur, the kind of change which occurred according to Catholic teaching on transubstantiation or which was seen in pagan rituals when some kind of victim or gift was destroyed. In Suarez's view, some kind of sacrifice is 'of the law of nature', for a certain kind of external sign of worship of God is 'proportionate to human nature'; he added that it was essential to the definition of sacrifice that a thing or object was not just offered but also changed, and that this must be done by a legitimate minister.[54] As this suggests, both wanted to show that the Catholic understanding of religion and sacrifice was not only commanded by God in the positive laws he gave to the Church, but also best expressed the principles set out in the law of nature.

Neither Suarez nor Lessius wanted to draw conclusions about ecclesiastical authority from their discussion of sacrifice, however; and when they argued for the (indirect) power of the pope over temporal rulers they used a different line of argument. Indeed, in his *Defensio Fidei* (1613) Suarez explicitly denied that the power of order, or the power to administer and dispense the sacraments conferred by ordination, had any bearing on this issue. The *Defensio Fidei* was a lengthy critique of the Oath of Allegiance demanded of Catholics by James VI & I and as part of that discussion Suarez was drawn to discuss the relationship between the different kinds of power wielded by churchmen. The power of order, he explained, 'is not a power of a superior over subordinates but is a certain moral faculty ordered to the religious cult of God', and therefore it was irrelevant when considering the nature of papal power and jurisdiction.[55] The power of order was common to all priests and, as Suarez was well aware, linking clerical power to sacrifice and to the administration of sacraments could have decidedly egalitarian consequences, flattening the hierarchy of the Catholic Church and suggesting equality among priests. (Edmond Richer, a syndic of the Sorbonne, had been accused of making this claim when defending the liberties of the Gallican Church in France.[56]) Suarez was therefore keen to avoid any such suggestion, and preferred to emphasise instead the

superior end and purpose of papal power, over clergy directly and rulers indirectly. And for him this was a power both legal or juridical and moral, binding in conscience.

As the writings of Lessius and Suarez suggest, there was little appetite among Catholic theologians to connect the (political) power of the priesthood too closely to their control of sacrifice and sacraments. Instead, as Prodi has argued, what happened in the late-sixteenth and early-seventeenth century was a move towards seeing clerical and priestly power as both juridical and normative, legal and moral. Meanwhile, with the establishment of national churches and a growing emphasis on the divine right of kings, the power of the state came also to be seen in analogous ways. For Prodi, the result was a new dualism, no longer between two legal orders but now between positive law and morality. The role of Suarez in this process has more recently been suggested by Giorgio Agamben, who has argued in *Opus Dei* that Suarez understands religion in juridical terms, as an infinite debt owed to God by human beings. For Agamben, Suarez is important because he sees the religious duty of human beings in legal terms, as both a virtue and an inexhaustible obligation. Thus Suarez brings together law and religion so that they 'necessarily coincide'. For Agamben, this development can only be understood as part of an ongoing elaboration, within the Catholic church, of the duty or office or priesthood, the paradigm example of 'duty or office as a model of the highest human activity'. And by the time we reach Suarez, at least for Agamben, that model of activity can be detached from its roots in the sacrifice of the mass to become available to Protestant theorists, most notably Samuel Pufendorf and Immanuel Kant.[57]

And yet the concept of sacrifice continued to exercise sway over the imagination of early modern writers and theologians. This was particularly true in France, where it helped to shape the piety and devotion of some of the leading spiritual writers, especially those connected to the Oratory. Pierre de Bérulle, the leading theologian and writer in early-seventeenth century France, emphasised above all else the annihilating sacrifice of Christ on the cross which he believed should be the model for all Christians, but especially those called to the most holy vocation of priesthood. Much of his writing emphasised the mystical aspects of the believer's own sacrifice and self-annihilation, but he also drew some conclusions about the nature of religion and of human beings. For him, it was 'law and obedience, sacrament and sacrifice which are the bonds which tie and join us with God, and are the pillars and foundations which uphold the state of religion on earth'. Moreover, he also insisted that – apart from the modern heretics' claims, 'there has never been a religion on earth without priests, without an altar and without sacrifice'.[58] It is perhaps not surprising that Berulle was hostile to the toleration of Protestants in France; indeed, Berulle's theology of sacrifice has been described as itself highly political, linked to his vision of reform in France.[59] For that reform, however, he required the support of the monarchy; and no monarchy was willing to allow the priests such power.

By examining Catholic discussion of sacrifice, therefore, it is possible to see in more depth and detail what Prodi termed the process of osmosis, the movement of ideas and concepts between the religious and political spheres. Because sacrifice in the Catholic tradition was seen as a collective ritual, overseen and enabled by a duly authorised priest, any analysis of it would also involve reflection upon the kind of the community that could and did carry out such ceremonies. In the heady months after the assassination of Henry III, when the location of sovereignty in France was called into question, some Catholic writers wanted to show that legal and jurisdictional power was secondary to the unifying force of religious worship. They hoped to use this argument to prevent the accession of a heretic king, but without any clear contender and in the face of a string of military victories on the part of Henry of Navarre, their hopes were dashed. And when the new king Henry IV came to assert his legitimacy, he accepted the Catholic faith but he presented himself as God's agent on earth, the true mediator between God and the French people.[60]

Notes

1. [G. Rossaeus] *De Justa reipublicae christianae in reges impios et haereticos Authoritate* (1590), 115b.

2. Paolo Prodi, 'From Secularisations to Political Religions', this issue.
3. See, for example, Debora Kuller Shuger, *The Renaissance Bible: Scholarship, Sacrifice, and Subjectivity* (Berkeley: University of California Press, 1994); Victoria Kahn, *The Future of Illusion: Political Theology and Early Modern Texts* (Chicago: University of Chicago Press, 2014); Jennifer R. Rust, *The Body in Mystery: The Political Theology of the Corpus Mysticum in the Literature of Reformation England* (Evanston, IL: Northwestern University Press, 2014).
4. An important recent example is Pedullà, Gabriele. *Machiavelli in Tumult: The Discourses on Livy and the Origins of Political Conflictualism* (Cambridge; New York, NY, 2018).
5. Henri de Lubac, *Corpus Mysticum: The Eucharist and the Church in the Middle Ages: A Historical Survey*, trans. Gemma Simmonds (South Bend, IN: University of Notre Dame Press, 2007); Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology*. (Princeton, 1957); one of the first political theorists to make use of their writing was Sheldon Wolin in his *Politics and Vision: Continuity and Innovation in Western Political Thought* (London: Little, Brown, 1960).
6. On these events see C. Zwierlein, *The political thought of the French league and Rome 1585–1589* (Geneva, 2016). For the broader intellectual contexts, see S. Mortimer, Reformation, Resistance and Reason of State (Oxford: Oxford University Press, 2021) ch 10.
7. W. Barclay, *De Regno et regali potestate: Libri Sex (Paris, 1600)* books V and VI; F. Baumgartner, *Radical Reactionaries: The Political Thought of the French Catholic League* (Geneva, 1976).
8. Zwierlein, *Political Thought*.
9. A partial transcription and translation is provided in Zwierlein, *Political Thought*, see 211–13; 229, also 119, 150–2 for the wider argument. A digitised copy of one of the surviving manuscripts (BAV Urb. Lat. 1009 f. 61r–109v) can be found at: https://digi.vatlib.it/view/MSS_Urb.lat.1009.
10. Jean Boucher, *De justa Henrici Tertii abdicatione e Francorum regno, libri quatuor* (Paris, 1589), e.g. 22v–30v.
11. Ibid., 43r (De Causus legitimis quae ius Ecclesiae spectant, Henricum i abdicandi).
12. Ibid., 44r.
13. Ibid., 228v–233r.
14. MS BAV Urb. Lat. 1009 f. 62v–63r, 'quam verum sit sine sacerdotes Populum esse non posse, tam verum esse carere eum Rege posse'.
15. Boucher, *De Justa … Abdicatione*, 19v.
16. Sophie E.B. Nicholls, 'Catholic Resistance Theory: William Barclay versus Jean Boucher', *History of European Ideas* 44, no. 4 (2018): 404–18.
17. Boucher, *De Justa … Abdicatione*, 44v–45r.
18. Ibid., 46v-47r. See Giorgio Agamben, *Opus Dei: An Archaeology of Duty* (Stanford University Press, 2013), 36.
19. Ibid., 176v.
20. Baumgartner, *Radical Reactionaries*, 138.
21. J. Boucher, *Sermons de la simulée conversion, et nullité de la prétendue absolution de Henry de Bourbon* (Paris, 1594), 12v, 'par la Foy & fidelité toutes choses sont conservées, aussi par la perfidie ells sont du tout renversées'.
22. Ibid., 23r.
23. Ibid., 143r, 'le fondement de religion, le gage de l'eternitie'.
24. Ibid., 295v.
25. Barclay, *De regno*, 383.
26. For recent discussions of authorship see Sophie Nicholls, *Political Thought in the French Wars of Religion* (Cambridge, 2021), 135–6.
27. Baumgartner, *Radical Reactionaries*, 158; J.H.M. Salmon, 'An Alternative Theory of Popular Resistance: Buchanan, Rossaeus, and Locke', in *Renaissance and Revolt: Essays in the Intellectual and Social History of Early Modern France* (New York: Cambridge University Press, 1987); Nicholls, *Political Thought*, ch 6.
28. [G. Rossaeus] *De Justa reipublicae christianae in reges impios et haereticos Authoritate* (1590), 4r.
29. On the thought of Blackwood see S. Mortimer, 'Sovereignty Beyond Natural Law: Adam Blackwood's Catholic Royalism', *History of European Ideas* (2021), DOI: 10.1080/01916599.2021.1975151.
30. Jean Bodin, *Six livres de la Republique* (Paris, 1576), 1.
31. Adam Blackwood, *De coniunctione religionis et imperii libri duo in Adami Blacuodae … opera omnia* (Paris, 1644) at 259: Primum Christianae religionis argumentum est studium quietis & otii, alterum est magistratuum obedientia.
32. Translated as P. Belloy, *A Catholicke Apologie Against the Libels, Declarations, Aduices, and Consultations Made, Written, and Published by Those of the League* (London, 1585), preface, 29. On Belloy's thought see Matthew Innes, 'Pierre De Belloy (c 1550–1611): Politics, Polemic, and Political Thought During the French Wars of Religion' (DPhil, University of Oxford, 2020).
33. [Rossaeus] *De Justa reipublicae christianae*, 4v: singulae societates magistratus sibi quosdam crearent, quorum studio & authoritate pacate viverent, & quiete bonis suis fruerentur

34. Ibid., 3v: Quin etiam agrestes in ultima Septentrione Tartari qui unius imperio non continentur, neque vero civitatibus includuntur, neque certos habent ditionis terminus, sed sub papilionibus degunt … non tamen singuli dispersi, sed tanta multitudine vagantur.
35. Ibid., 11r – 'ad rei publicae populique authoritatem tanquam verun horum utriusque fontem recurrendum sit'.
36. Ibid., 17r, 'sine qua [rege] corpus politicum consistere et florere potest'. Blackwood and Belloy are discussed on 13r–14v.
37. Ibid., 67r, 'Apes & oves, & leones etiam aliquando externam quondam iustitiam & ordinem servent'.
38. Ibid., 68v–69r.
39. Ibid., 25r, 'Quis negaverit omnia regna eo esse faelicius & perfectius constituta, quo magis sunt ad rationis, & divinae obedientiae cultum confirmata?'
40. Ibid., 84r.
41. Ibid., 69r; he quotes Aristotle as saying 'tum vero primum est quod ad deorum cultum pertinent, quod sacerdotum sacrificiumque vocatur'.
42. Ibid., 115r-v. 'Magis necessarium putant sacerdotium & sacrificium quam leges, quam magistratum, quae tamen ita intrinsecam cuiusque reipub. naturam attingunt ut sine iis respub. ne cogitari quidem possit'.
43. Ibid., 118v.
44. Ibid., 118r.
45. Ibid., 118v.
46. *A Dialogue on the Law of Kingship among the Scots: A Critical Edition and Translation of George Buchanan's De iure regni apud Scotos dialogus*, ed. and trans. R. Mason and M. Smith (Aldershot, 2004), 131.
47. [Rossaeus] *De Justa reipublicae*, 404v.
48. Franciscus Suárez, *Commentaria ac disputationes in tertiam partem D. Thomae* (Opera omnia, 21), (Paris: Vivès, 1866), 609-10: In hac re primo statuendum est, esse in humana respublica potestatem ad instituenda sacrificia, quae nomine totius populi Deo offerantur, quae non possunt alicujus private auctoritate institui, aut immutari. … Hujus autem rei ratio primo ex eo redidi potest, quod natura hominam postulat, ut in unum politicum corpus reipublicae congregetur; hoc autem politicum corpus ad Dei cultum debet potissimum ordinari; ergo necesse est, ut non solum singuli private colant Deum, sed etiam ut tota respublica per modum unius corporis cultum Deo exhibeat.
49. Lessius, *De Justitia et Jure* (Paris, 1610), 519 (book 2 ch 38): Confirmatur, quia sacrificium est praecipua caeremonia externa, qua populus in unum nomen religionis conspirat, per illud enim omnes simul instar unius corporis Deum colunt, & religionem suam testantur. Oportet enim aliquas esse actiones ac caeremonias externas, quibus non solum singuili seorsim, sed etiam tota Respub, iunctim, veluti unum corpus politicum una eademq religione imbutum, divinum numen veneretur, eiusq summum principatum & suam subiectionem profiteatur; cum etiam omnes simul Deo subiecti sint, & totam bonum commune ab ipso dependeat. Itaque cum inter has primum locum teneat sacrificum, necesse est ut sint aliquae personae public nomine ad hoc deputatae, quae sacerdotes dicuntur.
50. Ibid., 522. (2.38.3 dub 4): Petes Unde illi haberent sacerdotes ad huiusmodi sacrificia idoneos? Respondeo, Ex electione & dedication Reipub. Sicut enim Respub perfecta iure naturae habet auctoritatem constituendi Principem, qui illam iustis legibus regat in iis, quae ad politicam consuetudinem & contractus pertinent: ita etiam potest constituere sacerdotem, qui eam regat in cultu divino, & sacra administret, iuxta modum et capacitatem illius status. Et hic eam haberet potestatem in spiritualibus illi statui accommodatis, quam Princeps in temporalibus; deberetque Princeps ei subesse in iis, quae ad cultum divinum pertinent: nisi forte unus idemq esset Summus Pointifex & Princeps, sicut Imperator Romanorum olim errant; ut ex historiis constat.
51. Aquinas, *Summa Theologica* IIa IIae q. 85 a. 4.
52. Theodore G. Tappert, *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Philadelphia: Fortress, 1959), esp., 255.
53. Lessius, *De Justitia et Jure*, 517 (2.38 dub 2) Haeretici ut excludant unicum et verum Ecclesiae sacrificium, ita rationem sacrificii explicant, ut vel omne opus bonum, vel saltem omne id quod Deo offertur, velint esse proprie dictum sacrificium.
54. Suarez, *Commentaria ac disputationes in tertiam partem. 607:* Ad rationem sacrificii visibilis sufficit significatio moralis invisibilis sacrificii; haec autem signification est adeo proportionata humanae naturae, ut propterea dicatur sacrificium esse de lege naturae; on 602 he explains that sacrifice is an action by which something 'aliquo modo immutetur a publico et legitimo ministro'.
55. Suarez, *Defensio Fidei* 3.6.1 quoted from the translation at: https://philological.cal.bham.ac.uk/suarez/3eng.html.
56. Philippe Denis, *Edmond Richer et le renouveau du conciliarisme au xviie siècle* (Paris, 2014), 247–50.
57. Giorgio Agamben, *Opus Dei: An Archaeology of Duty* (Stanford University Press, 2013), quotations from 106, 112.
58. Berulle, *Oeuvres complètes de De Bérulle*, ed. J.-P. Migne (Paris, 1856), cols 682, 686.

59. Ivan Strenski, *Contesting Sacrifice: Religion, Nationalism, and Social Thought in France* (Chicago and London: U of Chicago, 2002), 19–20; see also Michel Despland, *Le Recul Du Sacrifice: Quatre Siècles De Polémiques Francaises* (Québec, 2009).
60. Nicolas Le Roux, *Le roi, la cour, l'État: De la Renaissance à l'Absolutisme* (Seysell, 2013), Ch 14, 'Le roi du miracle'.

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