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Sophie Nicholls

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Power, Consent, and the Role of the Multitude in Étienne de La Boétie's *De la servitude volontaire*

SOPHIE NICHOLLS
University of Oxford, UK

La Boétie's *De la servitude volontaire* has traditionally been read as an archetypal piece of French humanist writing. In contrast, this article argues that medieval, scholastic ideas underpin *De la servitude volontaire*. There are two components to this argument: the first is the influence of La Boétie's training in civil law at the Université d'Orléans on his political ideas, where there is clear evidence that aspects of medieval jurisprudence underpinned an argument that is otherwise presented in the stylish prose of French humanism. The second is La Boétie's indebtedness to aspects of the Aristotelian, scholastic tradition, in which his use of anti-democratic commentaries on Aristotle's *Politics* forms the basis of a critique of republican readings of *De la servitude volontaire*.

KEYWORDS French humanism, scholasticism, anti-democracy, Aristotle, Roman law, tyranny

Scholars interested in Étienne de La Boétie do not have to look far to find him described in terms of the archetypal, or even 'radical' French humanist of the mid-sixteenth century. La Boétie is readily described as having the most 'authentic' voice of Renaissance humanism, and his vision of society in *De la servitude volontaire* is seen to be 'profoundly humanist'.[1] In the early twentieth century, La Boétie's use of classical sources and his rhetorical style were demonstrated to conform to

[1] Nannerl Keohane, 'The Radical Humanism of Etienne De La Boétie,' *Journal of the History of Ideas*, 38 (1977), 121; Augustin Renaudet, 'Review of Joseph Barrère, *L'Humanisme et la politique dans le Discours de la servitude volontaire. Étude sur les origines du texte et l'objet du discours d'Estienne de la Boétie*,' *Revue d'histoire littéraire de la France*, 32 (1925), 286–87 (p. 286).

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contemporary intellectual conventions.[2] More recently, the precise nature of that classical intellectual heritage has been critiqued, with a view to arguing that *De la servitude volontaire* offers, instead, a breach with the traditional approach.[3] The consequences of La Boétie's peculiar type of 'humanism', in this regard, are seen to be highly innovative, and in tune with the most cutting-edge of humanist thinkers of the time, including More, Erasmus, Machiavelli, and Castiglione. Notwithstanding the ongoing liveliness of these debates, the scholarly consensus remains overwhelmingly committed to the view that, like his friend Michel de Montaigne, La Boétie was 'steeped in the humanist ideal'.[4] In this article, I would like to question this approach, and particularly the notion that the work of La Boétie conformed to a unified, clearly identifiable humanist 'ideal'. In doing so, I build on the notion that humanism was not demonstrably underpinned by a unified political ideology.[5]

La Boétie had doubtless been educated in the *studia humanitatis* and taught to write in a rhetorical style that was self-consciously anti-scholastic. However, in modern scholarship, La Boétie's humanism is more often characterised as a republican political philosophy, underpinned by a fundamentally fraternal ideology that rested on 'a classical vision of a free and equal community of brothers', and was 'deeply humanitarian'.[6] There is a problem of a lack of precision here as to the nature of La Boétie's view of humanity, especially when it is put in terms of such a broadly conceived value system. Seen from the perspective of medieval political thought, the fraternal, a-political social ideal that La Boétie seems to celebrate in

[2] Joseph Barrère, *L'Humanisme et la politique dans le 'Discours de la Servitude volontaire'. Étude sur les origines du texte et l'objet du discours d'Estienne de la Boétie* (Paris: Champion, 1923); Louis Delaruelle, 'L'Inspiration antique dans le *Discours de la servitude volontaire*,' *Revue d'histoire littéraire de la France*, 17 (1910), 34–72.

[3] Jean-Pierre Cavaillé, 'Langage, tyrannie et liberté dans *Le Discours de la servitude volontaire* d'Étienne de la Boétie,' *Revue des Sciences philosophiques et théologiques*, 72 (1988), 3–30; Richard L. Regosin, 'Mais O bon dieu, que peut estre cela ? La Boétie's *La Servitude volontaire* and the Rhetoric of Political Perplexity,' in *Étienne de la Boétie : sage révolutionnaire et poète périgourdin*, ed. by Marcel Tétel (Paris: Classiques Garnier, 2004), pp. 241–60; Keohane.

[4] Anne-Marie Cocula-Vaillières, *Étienne de La Boétie et le destin du 'Discours de la servitude volontaire'* (Paris: Classiques Garnier, 2018), p. 56. An exception to this is Mario Turchetti, *Tyrannie et tyrannicide de l'Antiquité à nos jours* (Paris: Classiques Garnier, 2006), pp. 447–53, where he suggests the possible influence of Nicolas d'Oresme on La Boétie. My thanks to the anonymous reader for drawing my attention to this reference.

[5] On which see Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols (Cambridge: Cambridge University Press, 1978), I: *The Renaissance*; James Hankins, 'Humanism and the Origins of Modern Political Thought,' in *The Cambridge Companion to Renaissance Humanism*, ed. by Jill Kraye (Cambridge: Cambridge University Press, 1996), pp. 118–41; James Hankins, *Virtue Politics: Soulcraft and Statecraft in Renaissance Italy* (Cambridge, MA: Harvard University Press, 2019).

[6] Keohane, p. 121; I. D. McFarlane, *A Literary History of France. Renaissance France, 1470–1589* (Tonbridge: Ernest Benn Ltd, 1974), p. 471. On La Boétie's republicanism, see Robert Sparling, 'Sunlight is the Best Disinfectant? Étienne de La Boétie on Corruption and Transparency,' *European Journal of Political Theory*, 12 (2013), 483–509; Jean Terrel, 'Républicanisme et droit naturel dans le *Discours de la servitude volontaire* : une rencontre aporétique,' in *Lectures politiques de La Boétie*, ed. by Laurent Gerbier, 'Cahiers La Boétie, 3' (Paris: Classiques Garnier, 2013), pp. 35–60; Marta Garcia-Alonso, 'La Boétie and the Neo-Roman Conception of Freedom,' *History of European Ideas*, 39.3 (2013), 317–34; Saul Newman, 'La Boétie and Republican Liberty: Voluntary Servitude and Non-Domination,' *European Journal of Political Theory* (2019), 1–21.

De la servitude volontaire could be just as persuasively characterised as profoundly Augustinian, rather than humanist.[7] Excavating the scholastic sources of La Boétie's text, therefore, puts it in a different light entirely from that of civic humanism or republicanism.

Instead of regarding scholasticism as in a 'sclerotic' state in this era, this article posits that medieval sources continue to underpin French political thinking, even if any such intellectual debt goes unacknowledged.[8] My discussion here is confined to two aspects of the scholastic tradition: the Aristotelian and the juridical. In the context of the Aristotelian tradition, this article focusses on medieval Aristotelian commentaries, rather than the humanist Aristotelianism of, for example, Jacques Lefèvre d'Étaples. In the context of the juridical tradition, I look particularly at anti-tyrannical and anti-democratic perspectives in medieval jurisprudence, as they continued to be influential in sixteenth-century France. Here, the Aristotelian and the juridical overlap importantly. Consideration of the role of custom and customary law in *De la servitude volontaire* further demonstrates the importance of La Boétie's legal training in the formation of the political views he puts forward in this text. In this way, we find twin streams of medieval scholasticism flowing under the edifice of *De la servitude volontaire*.

The nature, and transfer, of power

Political power expressed in its constitutional, ordered form, is not the preserve of liberty in *De la servitude volontaire*. On the contrary, it is an agent of enslavement. The divergences here with conventions in French royalist political thought, notably expressed in the works of Claude de Seyssel and Guillaume Budé in the early sixteenth-century context, are clear. La Boétie's unconventional approach in this regard has drawn frequent comparison to Machiavelli, and More.[9] Less well established, however, are the points at which La Boétie's views on political power do owe something to convention, specifically the conventions of Roman law in political thought, framed around interpretations of the *lex regia*.[10]

Even though there are no explicit legal references in *De la servitude volontaire,* La Boétie's legal background at the université d'Orléans, under the instruction

[7] As suggested by Efraim Podoksik, 'Estienne de La Boétie and the Politics of Obedience', *Bibliothèque d'humanisme et Renaissance*, 65.1 (2003), 90. On the relationship between humanism and republicanism, see the relevant debates on 'civic humanism', including James M. Blythe, 'Civic Humanism and Medieval Political Thought,' in *Renaissance Civic Humanism*, ed. by James Hankins (Cambridge: Cambridge University Press, 2000), pp. 30–74; James Hankins, 'The "Baron Thesis" after Forty Years and Some Recent Studies of Leonardo Bruni,' *Journal of the History of Ideas*, 56 (1995), 309–38.

[8] On 'sclerotic' scholasticism, see Jacques Le Goff, *Les Intellectuels au Moyen Âge* (Paris: Éditions du Seuil, 2004), p. 170.

[9] Laurent Gerbier, 'Comparing Machiavelli and La Boétie. From the History of Reception to the Elaboration of Concepts,' *Storia del pensiero politico*, 2 (2016), 183–202; Sébastien Roman, 'L'Antiquité et la culture humaniste au XVIe siècle. Étude comparative de Machiavel et de La Boétie,' *Archives de Philosophie*, 83 (2020), 103–120; Paul Bonnefon, *Estienne de La Boétie : sa vie, ses ouvrages et ses relations avec Montaigne* (Geneva: Slatkine Reprints, 1970).

[10] Marcus Ryan, 'Political Thought,' in *The Cambridge Companion to Roman Law*, ed. by David Johnston (Cambridge: Cambridge University Press, 2015).

(primarily) of Anne du Bourg, renders the text open to readings from Roman law.[11] This approach is particularly revealing when considered in the context of La Boétie's views on the origins, and transfer of power to the sovereign ruler, where La Boétie takes as his first principle the notion that power is irrevocably transferred from the people to the ruler: 'un tyran seul [...] n'a puissance que celle qu'ils luy donnent'.[12] The act of voluntary enslavement requires that the people willingly perform this transfer of power, and that they cannot take back that power once it has been transferred. This is akin to interpretations of *lex regia* as an abdication of power on the part of the people, in an irrevocable transfer (the 'translation' theory). La Boétie does not even consider, although he would doubtless have been well aware of it, the alternative reading of *lex regia* (the 'concession' theory), which was widely adopted, notably (in this particular context) by influential French jurists such as Jacques de Révigny and Pierre de Belleperche.[13] In this reading, power was revocable; it was delegated, rather than abdicated. Apparently overlooking this divergent interpretation of the Roman law, La Boétie establishes an inflexible first principle. It is natural to choose liberty, he argues, and yet people don't.[14]

The concession theory, a scholastic notion as much as a humanist one, became a crucial component of the resistance theories of the 1570s. La Boétie's text became heavily implicated with these after his death, when *De la servitude volontaire* was doctored and incorporated into the Huguenot 'alarm bell' treatise produced after St Bartholomew's Day, the *Reveille-Matin* (1574), and subsequently into Simon Goulart's *Mémoires* (1577).[15] Ironically enough, La Boétie's implicit interpretation of the *lex regia* was diametrically opposed to that of the Calvinist resistance theorists. *De la servitude volontaire* could only be incorporated into the resistance theory of the 1570s through a misreading of his central message.[16] Nevertheless, there were similarities of method, which do form the basis of a constructive comparison between the work of La Boétie and, for example, the *Vindiciae, contra Tyrannos* (1579). In the *Vindiciae*, the author used scriptural references to overlay an argument that was structured, and underpinned, by fundamental principles taken from Roman and canon law. The same technique can be seen in operation in La Boétie's *De la servitude volontaire*, in the context of his treatment of 1 Samuel 8, another touchstone of political argument in medieval and early modern political thought.[17]

[11] Bonnefon, pp. 9–11.

[12] Estienne de La Boétie, Malcolm Smith, and M. Magnien, *De la servitude volontaire, ou, Contr'un*, Éd. augm., Textes littéraires français. 351 (Genève: Droz, 2001).

[13] Ryan, 'Political Thought,' p. 427.

[14] La Boétie, et al., p. 45.

[15] Michel de Montaigne et al., *Les essais*, Bibliothèque de la Pléiade (Paris: Gallimard, 2007). As John O'Brien has demonstrated, *De la servitude volontaire* continued to be carved up and scattered around significant polemical works published in the later wars of religion, in the 1580s and 90s: '*Mais de quel roi parlez-vous, et de quel prince ?* Sovereign Power, Freedom and La Boétie's *La Servitude volontaire* in the 1580s,' *Modern Language Review*, 116.2 (2021), 245–63.

[16] Efraim Podoksik, 'Estienne de la Boétie and the Politics of Obedience,' *Bibliothèque d'Humanisme et Renaissance*, 65 (2003), 83–95.

[17] These ideas are further discussed in Sophie Nicholls, *Political Thought in the French Wars of Religion* (Cambridge: Cambridge University Press, 2021).

La Boétie used the translation theory of the *lex regia* to interpret 1 Samuel 8 as a law of tyranny. He treated the choice of the Israelites to have a king rule over them as an exception to the rule that people would choose liberty if they knew what was good for them; La Boétie claims, in a rhetorical manoeuvre, not to understand the perspective of the Israelites.[18] Given the strong emphasis in French writing on the connection of the French people to the Israelites, it is also possible that La Boétie was obliquely critiquing an established myth in French culture that connected French identity with freedom, and considered the French Christians to be a 'chosen people', in the specific context of the model of the Hebrew Commonwealth.[19] By going back to an Old Testament first principle here, La Boétie finds his resources to undermine established theological and juridical arguments for good kingship. In doing so, he was deliberately going against the grain of well-established traditions in political thought. Aquinas had used 1 Samuel 8 to argue that kingship was the best form of rule, as long as it was not corrupt. Aquinas argued that God had in fact laid down the terms for good kingship: by eliding 1 Samuel 8 with Deuteronomy 17, the conventional location of argument for elective kingship, scholastic thinkers could still claim that kingship was not, in its nature, tyrannous.[20]

In his treatment of 1 Samuel 8, La Boétie appeared to reject, implicitly, another strand of legal thought based on commentaries on the Digest: the notion that kingship is from the *ius gentium*, the law of nations, and so pertained to that part of natural law that governs human law. This line of argument is the basis of French claims to be free from the hegemony of Roman imperial law, because such governance would be considered free and natural. The French commentary tradition contained all of these ideas, of which La Boétie would have been well aware. In rejecting the idea of natural, rational governance, La Boétie appears to be engaging critically with the classical and medieval theological canon. Nevertheless, if it is correct to view La Boétie as working on the basis of one particular interpretation of the *lex regia* which sees it as an abdication of popular power, it looks as though he is indebted to the very traditions he appears to critique.

A further example of unacknowledged legal principles finding their way into *De la servitude volontaire* is the treatment of lordship as property ownership. When La Boétie suggests at the start of his treatise that he does not want to conform to convention, he slips in a leading observation: 'Ancor' voudrois je sçavoir, avant que mettre en doute quel rang la monarchie doit avoir entres les republicques, si elle en y doit avoir aucun, pource qu'il est malaisé de croire qu'il y ait rien de public en ce gouvernement où tout est a un.'[21] La Boétie treats this as an aside, something he is excluding from the discussion. But the view he expresses here is significant: there is no commonwealth (rien de public) in a country where everything belongs to one person. Where the ruler owns all the property of the *patria*, there can be no *respublica*. La Boétie reveals here that he is working with a definition of

[18] La Boétie, et al., p. 45.
[19] Colette Beaune, *Naissance de la nation France* (Paris: Gallimard, 1985), pp. 210–11.
[20] Thomas Aquinas, *Summa Theologiae*, IaIIae105.1. Cf. *Vindiciae, contra tyrannos*, ed. and trans. by George Garnett (Cambridge: Cambridge University Press, 1994), p. 68; p. 43.
[21] La Boétie, et al., p. 34.

dominium as proprietary ownership, rather than *dominium* as lordship or governance. This distinction refers to the principle that the jurisdiction of monarchs comes from the fact that they are property owners: they own the *universitas*, the whole, in the sense of owning a corporation of goods and chattels.[22] This is demonstrated clearly in La Boétie's analysis of the bizarrely passive way in which people submit to the authority of a tyrant:

> Vous vous laissés emporter devant vous le plus beau et le plus clair de vostre revenu, piller vos champs, voller vos maisons et les despouiller des meubles anciens et paternels, vous vivés de sorte que vous ne vous pouvés vanter que rien soit à vous, et sembleroit que meshui ce vous seroit grand heur de tenir à ferme vos biens, vos familles et vos vies.[23]

This principle underpins La Boétie's whole concept of tyranny, as described in the famous passage that owes a clear debt to 1 Samuel 8: 'Vous semés vos fruicts afin qu'il en face le degast [...]. Vous vous affoiblissés afin de le rendre plus fort et roide à vous tenir plus courte la bride.'[24] The tyrant as property owner is framed in Old Testament terms here, but arguably the intellectual principle comes from Roman law. Even though La Boétie has deliberately and frankly sidelined in his opening paragraphs the constitutional questions that are the conventional subject matter of sixteenth-century political treatises, he has nevertheless let this significant juridical principle in through the back door.

Considering these two Roman legal principles: the first concerning the transfer of power, and the second concerning *dominium* understood as property ownership, demonstrates that La Boétie's analysis can be situated within the French legal commentary tradition. Power is irrevocably transferred to the ruler, in La Boétie's account; and that power translates to ownership of property, rather than governance. Furthermore, his treatment should be recognised as highly selective in wilfully ignoring the conventional arguments for good kingship, and focussing instead on a very specific definition of tyranny. Ironically enough, La Boétie behaves here in exactly the manner that humanists often derided scholastics for: he doesn't acknowledge historical context, or the question of change over time, but sticks to an uncontested set of first principles that he treats as universally applicable.

Aristotelian ideas in *De la servitude volontaire*

Whilst La Boétie's *De la servitude volontaire* may look, on the surface, to be a profoundly anti-Aristotelian analysis, it can be suggested that, along with Roman-legal principles, La Boétie was indebted to particular readings of Aristotle's *Politics* that were available in the medieval commentary tradition.

If we take the foundational claim of Aristotle's *Politics* to be that 'man is a political animal', then it is very clear that La Boétie rejects any such characterisation of man's nature. Man is shown to be sociable, fraternal, elitist, slavish, conformist, but

[22] Ryan, 'Political Thought,' p. 437.
[23] La Boétie, et al., p. 39.
[24] Ibid., p. 40.

never political by nature in *De la servitude volontaire*. For Aristotle in the *Politics*, the life lived in a political community is a rational choice, and furthermore, it is only through active citizenship that individual virtue can be exercised and allowed to flourish. It is also only through collaboration in a community that the common good can be achieved. La Boétie's text looks to be a rupture with this communitarian, constitutional Aristotelian tradition that had framed French political thinking in late medieval and early modern period, in which Aristotle was read in a strictly royalist context.

However, if we look more closely at the components of La Boétie's argument in *De la servitude volontaire*, its Aristotelian foundations become more evident. This is particularly the case if we consider the role of the multitude. La Boétie argues that the multitude is as much to blame for tyrannous rule as the tyrant himself, if not more so. The resources for thinking in this way are rich, but they depend on a particular reading of Aristotle's *Politics* which has not been widely recognised as a resource for early modern thinkers who were sceptical of *both* the powers of monarchs and of the people. I refer in particular to the close connection drawn by Aristotle between anti-tyrannical and anti-democratic arguments.

The starting point for thinking along these lines are Aristotle's references to the same quotation from Homer's *Iliad* which La Boétie uses to open his treatise: 'D'avoir plusieurs seigneurs aucun bien je n'y voy : /Qu'un sans plus soit le maistre et qu'un seul soit le Roy.'[25] In using this reference, La Boétie had no doubt deliberately chosen a conventional location in French political thought for arguments about the superlative nature of a royal constitution to start his subversive analysis of political power. Especially noteworthy for the purposes of this discussion, however, is that La Boétie chose this passage from Homer as a reflection on the problem of monarchy, when it clearly offers a dismissal of the rule of many. It suggests to the reader that the two might go together in some way: that the failings of a group of people are connected to the problem, as La Boétie sees it, of the rule of one. Indeed, this is his reading of the passage: that no form of political power will be immune from declining into its worst, deviated form.

Potential origins for La Boétie's choice of quotation here have been thoroughly combed over in the existing scholarship, but there are two Aristotelian points of reference which are relevant to the discussion and deserve closer attention.[26] In the *Metaphysics* and the *Politics*, Aristotle put this exact quotation from Homer to two quite different purposes, both of which offer an illuminating perspective on La Boétie's ideas.

In *Metaphysics* 12, Aristotle had used the quotation from the *Iliad* to bring an end to his discourse on the nature of order in the universe and the significance of first principles.[27] The idea that the rule of one was superior to the rule of many is brought in to support his view that a multiplicity of governing principles is a bad thing: for the world to be governed well, a first principle must be established. Aristotle had not meant this as a celebration of monarchy, but as a philosophical

[25] Ibid., p. 33.
[26] See in particular Delaruelle.
[27] Aristotle, *Metaphysics*, 1076a.

point about order. Nevertheless, in the medieval commentary tradition it was read as a royalist statement: Aquinas and Ptolemy of Lucca took it to refer to monarchy as a microcosm of God's rule over heaven, and in harmony with the order of the cosmos in the *De regimine principum*. Dante drew a similar connection.[28] Through this route Aristotle's ideas, and indeed his various references to Homer's *Iliad* in the *Politics*, were converted into a monarchical framework and became part of the widespread commonplace of political references that reinforced the well-established notion that monarchy was the best constitution.[29] Jacques Almain had used it to defend the idea that the church was organised and governed as a perfect community.[30] It is exactly this tradition that La Boétie challenges. Where he has something in common with Aristotle in the *Metaphysics*, however, is a commitment to the concept of first principles: indeed, he uses this to replace the conventional constitutionalist framework hitherto employed to analyse monarchy as the 'best' constitution, and to undermine conventional expectations about man's nature in a political context. He thereby uses an Aristotelian method to subvert a part of the Aristotelian tradition.

Aristotle's reference to the *Iliad* in the *Politics* is even more pertinent to this discussion of La Boétie and not, to my knowledge, widely discussed in the context of the opening passage of *De la servitude volontaire*. It offers a very different perspective on the Homeric text than the one offered in the *Metaphysics*, for it is in the context of his critique of democracy in Book IV that Aristotle draws on the *Iliad*. Here he makes a complex argument in the context of an attack on demagogues. When a polis is governed according to the law in a democracy, there are no demagogues, he argues. 'But when the laws are not sovereign, there you find demagogues': 'such a people, in its role as a monarch, not being controlled by the law, aims at sole power and becomes like a master, giving honour to those who curry its favour. Such a democracy is the counterpart of tyranny among monarchies.'[31] The way in which Aristotle uses this reference to Homer is to demonstrate that the multitude, when not ruled by law, and so in the absence of justice, is tyrannical: the collective behaves as a master over slaves and gives power to ill-deserving flatterers in the same way as an individual tyrant does. The injustice here is that the

[28] Aquinas, *Opusculum de regimine principum,* ed. by Francis Seguin (Avignon: Francis Seguin, 1853); Dante, *De monarchia* I. x.

[29] Discussed in Marc Schachter, *Voluntary Servitude and the Erotics of Friendship: From Classical Antiquity to Early Modern France* (Aldershot: Ashgate, 2008), pp. 59–61. On Aquinas' views on Aristotle's use of Homer, framed in reference to kingship, see Aquinas, *Commentary on Aristotle's Politics*, trans. by Richard Regan (Indianapolis/Cambridge: Hackett Publishing Company, 2007); Aquinas, *Tomus quintus D. Thomae Aquinatis doctoris angelici, complectens expositionem, in decem libros Ethicorum, et in octo libros Politicorum. Aristotelis* (Rome: Giulio Accolti, 1570). Cf. Gabriele Galluzzo, *The Medieval Reception of Book Zeta of Aristotle's Metaphysics* (Leiden: Brill, 2013); Jean Dunbabin, 'Aristotle's Politics: Reception and Interpretation,' in *The Cambridge History of Later Medieval Philosophy*, ed. by Norman Kretzmann, Anthony Kenny and Jan Pinborg (Cambridge: Cambridge University Press, 1988), pp. 723–37.

[30] Jacques Almain, *A Book Concerning the Authority of the Church (Libellus de auctoritate ecclesie)*, in *Conciliarism and Papalism*, ed. and trans. by J. H. Burns and Thomas Izbicki (Cambridge: Cambridge University Press, 1997), p. 167.

[31] Aristotle, *Politics*, IV.1292a7–30. All translations are from Aristotle, *Politics*, trans. by T. A. Sinclair (London: Penguin, repr. 1992).

'better sort' of people are being ruled over as if they were slaves, and the wrong people are in power.

Certainly, this is not identical to La Boétie's use of Homer. There is no sense in the *Politics* that the 'better sort' in this instance have voluntarily enslaved themselves: they are simple victims. Furthermore, as Aristotle observes, it is not clear what kind of constitution Homer was referring to when he talked about the 'rule of several individuals'. Aristotle nevertheless takes it to apply to democracy, but there is no such clarity in La Boétie's use of the reference. Indeed, he appears to treat the idea of the rule of several rulers as meaning the rule of an elite group rather than a collective, or a multitude as they are treated in the Aristotelian text.

There is not an exact parallel to be found here between La Boétie and the *Politics*, but nevertheless it is deeply suggestive that Aristotle used anti-democratic arguments in conjunction with anti-tyrannical ones. Aristotle's use of Homer indicates that the two go together, and this connection supports the rationale for thinking about anti-democracy as a potential resource for La Boétie's argument against tyranny. Aristotle's analysis of the rule of one where the multitude becomes the monarch and rules without justice suggests a path for thinking differently about the relationship between servitude, obedience, order, and freedom in which the *multitude* is the problem. This shifts the ground of the debate by thinking about the problem of the people in a political community, and may well have provided La Boétie with a starting point for his own subversive argument in which the multitude is not the tyrant, but the slave who props up a tyrant. It is plausible, therefore that what began life as an anti-democratic argument can become both an anti-tyrannical argument, and an argument condemning the behaviour of the people as a whole as slavish.

This notion can be fleshed out in reference to Aristotle's views on collective wisdom in Book III of the *Politics*: 'that the mass of the people ought to be sovereign, rather than the best but few, is not without difficulty, but perhaps has some truth in it'.[32] In answering the question of whether an individual or the many should rule, Aristotle falls – at this point in the text – on the side of the many, even if he acknowledges that this is not a case to be made without difficulty. As well as arguing for the superiority of a collective judgement over an individual one, Aristotle also argues that a collective is less corruptible, like a large body of water. It is less quick to anger, and less likely to be driven by the passions than an individual or small group of individuals.[33] Furthermore, if it is made of up of men who are both good citizens and good men, then it is undoubtedly superior to monarchy or aristocracy.

This is the argument for superlative collective wisdom in Aristotle which became a bedrock for scholastic visions of elective rule: the idea of the *valentior pars* in

[32] Aristotle, *Politics*, III. 1281a40–b7. There is a plausible comparison to La Boétie's famous passage, usually connected to Thomas Hobbes's concept of the Leviathan, or Erasmus' Adages, where he says that the tyrant has no eyes, arms, or feet to spy, beat, and trample his people with that do not come from the people themselves. La Boétie uses the corporate metaphor here to an effective rhetorical end: La Boétie, p. 40.

[33] Ibid., 1286a24–31.

Marsilius of Padua's *Defensor Pacis* is a famous example of collective wisdom.[34] The idea of an elite, wise, elective collective body can also be seen to underpin the resistance theory of the Calvinist theorists writing in the 1570s: Bèze, Hotman, and the author of the *Vindiciae* depended on the notion of collective wisdom for their argument against tyranny, and one significant scholastic source for this idea lies in the Dominican commentary tradition of the fourteenth century, wherein the power of the body that the ruler exercises is the power of self-preservation.[35]

Looking at La Boétie's scholastic sources in this context offers good reason to be very cautious about the existing 'origins' story for accounts of popular sovereignty in early modern political thought and the classical republican tradition that is so intimately connected to these accounts. The multitude in La Boétie is not wise, but slavish and lacking in reason. On the one hand, such suspicion towards the ordinary person in the French political community is entirely consistent with early modern anti-democratic arguments: the resistance theorists of the 1570s were very clear that only an educated elite would determine what constituted tyranny, and the best form of government. Unleashing the power of the 'many-headed beast' was a prospect to be feared. But on the other hand, these resistance theorists utterly depended on a fusion of the classical idea of collective wisdom with the corporation theory of the medieval lawyers, to be able to argue that the people as a whole were superior to the individual of the king. It is this aspect of La Boétie's argument which is so arresting: that he takes his thesis right into what was already enshrined in medieval political thought, and became the heartland of conventional resistance theory, precisely in order to subvert the idea that the people as a whole would make the right decision.

Such an argumentative strategy was by no means without precedent. In fact, it is an established strand of thought in scholastic Aristotelianism to argue that the multitude could be brutish, even slavish, and that it could lack reason. This was often offered as a critique of forms of popular government. Just as Aristotle's *Politics* could offer a resource for making an argument for collective wisdom, so it could be used to prove the opposite. Aristotle recognised that not every group of people everywhere would always be similarly wise. He made the point that it is *possible* for the many to be excellent in this way, and so correspondingly that it is *possible* to have a truly successful democracy somewhere, but all the while acknowledging that this is a general, not a specific or particularly demonstrable point. A major caveat that Aristotle introduces is that, to fulfil the criteria of superlative wisdom, the multitude must be made up of free, law-abiding men who are able to achieve the goal of being both good

[34] Marsilius of Padua, *The Defender of the Peace*, trans. and ed. by A. Brett (Cambridge: Cambridge University Press, 2005), Discourse I, 12.4, pp. 67–8. See also Brett's definition of *valentior pars* at l–li and Garnett on the canonist origins of the *maior et sanior pars* in George Garnett, *Marsilius of Padua and the 'Truth of History'* (Oxford: Oxford University Press, 2006), p. 90, n.173. Garnett discusses the problems of equating these kinds of arguments with republicanism at pp. 1–48.

[35] Annabel Brett, *Changes of State. Nature and the Limits of the City in Early Modern Natural Law* (Princeton: Princeton University Press, 2011), p. 124.

men and good citizens. In other words, it is a very rare phenomenon.[36] A *plethos* can only be a reasonably good judge in comparison to an individual expert so long as the *plethos* is not 'overly slavish'. In Aristotle's view, this meant as long as it was not made up of labourers and artisans, whom he excluded from achieving active virtue.[37]

The foundation of Aristotle's critique of democracy in the *Politics* was widely taken up in medieval commentaries. Peter of Auvergne, for example, argued that a multitude could rule *only* if it was made up of a reasonable amount of wise men, along with a group of men who could be persuaded and educated to reason. A 'bestial multitude' in contrast, had no right to rule.[38] The Milan commentator and Jean Buridan also commented on this problem of a bestial or brutish multitude, examining the problems of a mixed community of people, made up of the virtuous and the non-virtuous. The Milan commentator, in reference to the *Nicomachean Ethics* (1179b–1180a), excluded those who could not be persuaded to the good from having political rights; Buridan's 'vile' multitude was similarly made up of those who could be persuaded to the good, and those who could not.[39]

The celebrated Italian jurist, Bartolus of Sassoferrato, had also made a direct connection between tyranny and the problem of a brutish multitude in *De Tyranno*. In Book VI, Bartolus cited the example of a tyrant brought to power, not by the elite, but by a group 'composé de gens vils et d'hommes d'abjecte condition', who could not, therefore, be said to hold a legitimate title. In this chapter Bartolus explicitly addressed the problem of a tyrant who is created by force, and fear, exactly as La Boétie discusses.[40] La Boétie's treatment clearly lacks the stringent juridical treatment of Bartolus, but it is very unlikely that La Boétie would not have been familiar with such a well-known and influential treatise as *De Tyranno*, notwithstanding the scathing treatment of Bartolus in the hands of those French intellectuals who felt as Rabelais did, that he was a stupid ignoramus who didn't understand the law at all.[41]

Such an approach casts fresh light on La Boétie's own views on the slavish multitude, not least because his condemnation is built on a principle of elitism: that wise men were immune to such slavish attitudes, and it was predominantly the ordinary, ill-educated people who were to blame for tyrannical rule: 'toujours le populaire a eu cela'.[42] Their gullibility and foolishness leaves them open to manipulation by tyrants, and in this sense the 'populaire' is contrasted with the 'mieulx nés', who

[36] Aristotle, *Politics*, III. 1286a36.

[37] Ibid., 1282a14. Cf. Josiah Ober, *Political Dissent in Democratic Athens. Intellectual Critics of Popular Rule* (Princeton: Princeton University Press, 1998), pp. 319–21.

[38] Peter of Auvergne, 'Quaestiones supra libros Politicorum,' in Christoph Flüeler, *Rezeption und Interpretation der Aristotelischen 'Politica' im späten Mittelalter* (Amsterdam: Grüner, 1992); discussed in Dunbabin, p. 733.

[39] MS Milan Ambrosiana A 100 Inf.f.28r in Flüeler; Jean Buridan, *Questiones Johannis Buridani super octo libros Politicorum Aristotelis* (Paris: Jehan Petit, [1513]). Discussed in Dunbabin, pp. 734–37.

[40] Bartolus de Sassoferrato, *Traités sur les Guelfes et les Gibelins, sur le Gouvernement de la cité, Sur le Tyran*, textes introduits, traduite et commentés par Sylvain Parent (Paris: Les Belles Lettres, 2019), p. 107.

[41] François Rabelais, *Pantagruel*, in *The Complete Works of François Rabelais*, trans. by Donald Frame (Berkeley: University of California Press, 1991), p. 168. Renzo Ragghianti, *Rétablir un texte. Le 'Discours de la servitude volontaire' d'Étienne de la Boétie* (Florence: L. S. Olschki Editore, 2010), pp. 45–54, sees La Boétie's work as distinct from the Thomist and Bartolist traditions.

[42] La Boétie, et al., p. 59.

are never reduced to a state of subjection.[43] Their clear-headedness is connected to an unshakeable love of liberty, at odds with the attitude of the 'gros populas'. In tune with the spirit of Aristotle's *Nicomachean Ethics*, it requires an educated person to perceive the good and understand how to go about practising virtue.[44] La Boétie connects brutishness to servile instincts, a connection that finds its origins in Aristotle's infamous analysis of slavery, wherein the slave is described as obeying 'not reason but emotions', hardly different to 'tame animals'.[45] A difference is that La Boétie grapples with the problem of a 'natural' slave and prefers to think of it as a consequence of weakness of mind, whereas in Aristotle's treatment, the slave has no choice in their status. Nevertheless, the Aristotelian influence is clear here.

Even the points at which La Boétie appears to break down the distinction between the better and worse find their resources in Aristotelian ideas. In his 'bread and circuses' paragraph La Boétie writes that: 'Le plus avisé et entendu d'en-tr'eus n'eust pas quitté son esculée de soupe pour recouvrer la liberté de la republique de Platon', suggesting that even the wise are not invulnerable to the temptations of servile behaviour.[46] It is as an important feature of La Boétie's argument here that the better sort are weak-willed: they are like the akratic person in the *Nicomachean Ethics*, incontinent in their failed pursuit of virtue.[47] If virtue is knowledge, as Socrates had it, they may be virtuous, but they may not always act as though they are.[48] Both the *Nicomachean Ethics* and the *Politics* appear, then, to be providing resources for La Boétie in thinking about the problem of the multitude. This evidence, and the clear connections to the medieval commentaries, suggest that what would otherwise be called La Boétie's elitism is more precisely defined as anti-democratic sentiment built on a seasoned distrust of both the people and of tyrants: anti-democracy and anti-tyranny are consistent with one another.

It is clear that La Boétie rejected the fundamental Aristotelian principle that man is by nature a political animal. But examining La Boétie's relationship to this idea from the perspective of the influence of the scholastic Aristotelian tradition does in fact indicate another possible angle on this infamous claim. In William of Moerbeke's thirteenth-century translation of the *Politics*, man is rendered, by nature, a political *and* a social animal: the 'social animal' is a medieval addition and was taken to be a part of the original in the medieval commentary tradition. La Boétie is arguably much more interested in man as a social being than in man as a political being. The latter, in his view, has only brought tyranny and enslavement, where the former can provide for a life of peace, flourishing, and friendship. La Boétie argues that man is gregarious by nature, not political, and that he has an

43 Ibid., pp. 51, 57–9.

44 Ibid., p. 52. Cf. Aristotle, *Nicomachean Ethics*, 2.9, 1109b23.

45 Aristotle, *Politics*, I.5, 125a17–1255a3.

46 La Boétie, et al., p. 58.

47 Aristotle, *Nicomachean Ethics*, 1.3, 109512–11; 7, 1145a–1155a. Cf. Myles Burnyeat, 'Aristotle on Learning to be Good,' in *Essays on Aristotle's Ethics*, ed. by Amélie Oksenberg Rorty (Berkeley and Los Angeles: University of California Press, 1980), pp. 69–92.

48 Burnyeat.

enormous capacity for friendship. It may well be, then, that La Boétie picked up on this medieval reading of Aristotle and took the 'social' component as the foundation of his argument in place of the 'political'.

Custom and consent

La Boétie's claim about voluntary servitude is fascinating precisely because it is cognitive: the people, or multitude here, is willingly enslaving itself: 'C'est le peuple qui s'asservit, qui se coupe la gorge, qui, aiant le chois ou d'estre serf ou d'estre libre, quitte sa franchise et prend le joug, qui consent à son mal ou plustot le pourchasse.'[49] Like the akratic, or incontinent person in the *Nichomachean Ethics*, the multitude acts against its knowledge of the good not because it is irrational, but because there is *some* foundation of reason determining its choice. The problem is partly weak will, but also the absence of a stable, robust conception of the good – which in this case is freedom. La Boétie shows how flimsy the foundations of nature and education are in the face of the desire to be ruled over. Nevertheless, just as in the *Nicomachean Ethics*, the reader is left wondering why the people makes this choice when there is clearly a better one to be made.[50] La Boétie's answer lies in his analysis of custom which is not innate, but learned through habit, and so can possibly be overcome. In taking the view that custom was the source of voluntary servitude, La Boétie cast fresh light on a topic that was integral to the development of French law in this period.[51]

La Boétie mentions three types of custom in his treatise: the habit of obedience; the customs or ways of the ancestors that should be emulated; and finally (connected to the first two), the rational capacity of man that can be habituated to virtue with the right education.

The habit of obeying an individual of superlative virtue is something La Boétie identifies as a fundamental problem in political life when it leads to granting prerogatives. It is not prudent to remove a person from the position where they were doing good, and to put them into a position where they have the power to abuse those who obey them.[52] This is an argument that runs against the idea of the Aristotelian god-like man of superlative virtue – someone who is so virtuous that it is only natural and rational to obey them.[53] It would appear that this is exactly the kind of definition of natural and rational action that La Boétie is trying to counteract.

The second type of custom La Boétie refers to in the text is to ancient practice: what would be known in the Roman tradition as the *mos maiorum*, the habits,

49 La Boétie, et al., p. 38.

50 I acknowledge an important debt, in thinking along these lines, to Burnyeat.

51 René Filhol, 'The Codification of Customary Law in France in the Fifteenth and Sixteenth Centuries,' in *Government in Reformation Europe, 1520–1560*, ed. by Henry J. Cohn (London: Macmillan, 1971), pp. 265–83; *Figures de la coutume*, ed. by Laurent Gerbier and Olivier Guerrier, 'Cahiers La Boétie, 2' (Paris: Classiques Garnier, 2012); Marie Seong-Hak Kim, *Custom, Law, and Monarchy: A Legal History of Early Modern France* (Oxford: Oxford University Press, 2021).

52 La Boétie, et al., p. 35.

53 Aristotle, *Politics*, 3. 1284a3–17.

rituals, and behaviour of the ancestors.[54] These few clear-sighted men are distinguished from the brutish mass, they have not lost their appetite for liberty because, through education, they are able to remember their ancestors and their former ways. La Boétie uses this discussion as an opportunity to develop his views on tyranny, and here his views conform with remarkable specificity to those of Bartolus. La Boétie refers to what Bartolus had identified in his analysis of tyranny as a conventional sign of tyranny of conduct: the suppression of books and education.[55] Exactly as Bartolus described, La Boétie gives the example of Ottoman rulers acting in this way.[56] Here education is the key to remembering what liberty is, and a strong foundation for understanding why tyranny is so reprehensible, if not for taking action against it.

The third type of custom is again a type of habit-forming. It is based on the principle that human beings have rational capacities for virtuous activity, but that these capacities need to be educated properly for them to flourish. La Boétie suggests that people are rational enough to be able to be habituated to virtue.[57] Overwhelmingly, he leans towards the conclusion that virtue is not able to resist vice, but he does allow for the possibility that it could triumph, with the right education.

Custom is, therefore, a central component of La Boétie's treatise. This is especially significant for the argument of this article, if we consider custom from a juridical perspective. In this context, custom is the voluntary expression of the people's will that could, in certain contexts, be used to challenge other forms of law, particularly imperial law. Reading into La Boétie's view of voluntary servitude, it is possible to argue that he has taken that medieval perspective on customary law and turned it on its head, to argue that precisely because custom is an expression of the people's will, it is possible to say that tyrannical rule is evidence of the people's voluntary servitude that comes about through habit. The people consent to tyranny; custom is will. This is an important disruption of a convention that had hitherto been used as a basis to argue for civic freedom: Bartolus, for example, famously and influentially argued that customary law could overcome imperial law in a civic context.[58] The city could be its own prince, and its own lawgiver. François Hotman in his *Francogallia* would take this idea up as the foundation of his resistance theory.[59] La Boétie, as we can see, is doing something rather different.

La Boétie does not encourage resistance or advocate violent rebellion against a tyrant. Instead he suggests that removing consent from a ruler is the way to topple him: in other words, to act against the type of custom-as-habit that has brought the tyrant to power and sustained him in his position, and to recover custom-as-consent understood from the perspective of the medieval commentary

[54] La Boétie, et al., pp. 51–2.

[55] Bartole, *Traité sur le Tyran*, 8, pp. 117–18.

[56] La Boétie, et al., p. 52.

[57] Ibid., p. 41.

[58] Discussed in Marcus Ryan, 'Bartolus of Sassoferrato and Free Cities,' *Transactions of the Royal Historical Society, Sixth Series*, 10 (2000), 65–89.

[59] George Garnett, 'Scholastic Thought in Humanist Guise. François Hotman's Ancient Constitution,' in *The Medieval World*, ed. by Peter Linehan, Janet L. Nelson and Marios Costambeys (London: Routledge, 2018), pp. 789–810.

tradition: 'Je ne veux pas que vous le poussiés ou l'esbranliés, mais seulement ne le soustenés plus, et vous le verrés, comme un grand colosse à qui on a desrobé la base, de son pois mesme fondre en bas et se rompre.'[60] A sceptical reader might legitimately ask of the text – how is this to come about? How can the simple withdrawal of consent, without any institutional or constitutional content, have this power? How would this work in the French monarchy, for example? One suggestion is that here La Boétie is advocating for a withdrawal from society, from the public into the private.

Another interpretation is, in my view, more powerful because it builds on the principle that without will, customary law has no validity. And without will, after all, La Boétie's concept of voluntary servitude has no power. For a ruler to have authority, he needs to be recognised as having that authority. This is where Bartolus once more appears to be the key to understanding La Boétie's perspective on dealing with tyrants: the doctrine of non-recognition of a superior was a staple in medieval juridical analyses of royal power, drawn from canon law originally and converted by Bartolus into an argument for the freedom of cities in the empire where 'a city or people which recognized no superior became a free city'.[61] This abstract, Bartolist doctrine of non-recognition appears to be the basis of La Boétie's understanding of the ways in which the people can free themselves, and sustain effective government. The difference is that in Bartolus' analysis it is a *de facto* claim to sovereignty, but in La Boétie's text it becomes a *de facto* claim to liberty.[62] This is a subtle re-jigging of a medieval argument to make the case for a different kind of liberty, one that is fundamentally a-political and built on the idea of universal fraternity: a brotherhood of men united by their friendship, and so implicitly also a just community.

This article has suggested that La Boétie's treatise is more scholastic than humanist, in the sense that an excavation of the possible sources of his ideas demonstrates his dependence on both the juridical, and the Aristotelian, medieval, commentary traditions which continued to underpin French intellectual life, even as innovations were being introduced.[63] Rather than reading La Boétie as a proto-republican theorist, I have suggested instead that he was dependent on a different set of sources which emphasised the problems of popular sovereignty rather than its virtues. La Boétie's use of these sources was certainly inventive and rhetorically effective, but I have sought to suggest here that he was nevertheless more conventional than is traditionally considered to be the case.

[60] La Boétie, et al., pp. 38, 40.

[61] Ryan, 'Political Thought,' p. 442.

[62] I disagree, therefore, with Pieters and Roose that this is a form of Foucauldian governmentality: Jürgen Pieters and Alexander Roose, 'The Art of Saying "No". Premonitions of Foucault's "Governmentality" in Étienne de La Boétie's *Discours de la servitude volontaire*,' in *Mystifying the Monarch: Studies on Discourse, Power, and History*, ed. by Jeroen Deploige and Gita Deneckere (Amsterdam: Amsterdam University Press, 2006), pp. 79–97.

[63] On the 'hybridity' of legal humanism, see Paul J. du Plessis and John W. Cairns, eds. *Reassessing Legal Humanism and Its Claims: Petere Fontes?* (Edinburgh: Edinburgh University Press, 2016).

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Biographical note

Correspondence to: Sophie Nicholls sophie.nicholls@history.ox.ac.uk University of Oxford, UK

Notes on contributor

Sophie Nicholls is a lecturer at the University of Oxford in Early Modern History. She specialises in the history of political thought and ideas in the French Wars of Religion.

ORCID

Sophie Nicholls http://orcid.org/0000-0002-2082-5179