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## Gallican Liberties and the Catholic League

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### Summary

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**Keywords:** XXXXXX

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### 1. Introduction

Theorists of Gallican liberty took as their premise the idea that, amongst all the Western churches, that of France had an exceptional status.<sup>1</sup> In the sixteenth century, intellectual debate over Gallican liberties concerned this singular status of the Gallican church both within the French kingdom and within the universal church. France's church was therefore conceived of in national, territorial terms which were part of a cosmopolitan religious framework. In the polemics of the Catholic League, it was essential to define the relationship between the national and the universal church in order to establish that a heretic could not rule France. The role of the *Roi très Chrétien* as head of the Gallican church and the French *patrie*, Leaguers argued, could not be fulfilled by any but a Catholic monarch.

Certain members of the Catholic League, notably Antoine Hotman, Gilbert Générard and Louis Dorléans, were preoccupied with questions of Gallican liberty, particularly with regards to the reception of the decrees of the Council of Trent (1544–1563) in France. Although broadly speaking Gallicanism and the Council have received a great deal of attention in scholarship, Leaguer theories of Gallican liberty have not.<sup>2</sup> In 1944, Henri

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<sup>1</sup> See Alain Tallon, *Conscience nationale et sentiment religieux en France au XVI<sup>e</sup> siècle: essai sur sa vision gallicane du monde* (Paris, 2002); Victor Martin, *Les origines du gallicanisme*, 2 vols (Paris, 1939); Henri Morel, *L'idée gallicane au temps des guerres de religion* (Aix-en-Provence, 2003); Jotham Parsons, *The Church in the Republic: Gallicanism & Political Ideology in Renaissance France* (Washington, DC, 2004).

<sup>2</sup> In his recent and important work *The Church in the Republic*, Jotham Parsons considers the ideology of erudite Gallicanism in the sixteenth century. He acknowledges the contribution of Leaguers such as Antoine Hotman to this ideology but is not concerned, as this article is, with the particular positioning of members of the League within the canon of Gallican thought. His approach is to recover a particular 'historical mindset', and as such he does not isolate particular groups in French society (e.g., Huguenot, *politique*, Leaguer), but rather groups associated with particular institutional positions (e.g., *parlementaire*, *gens du roi*, the clergy). This certainly has

Morel explained the League position in the following manner: 'The Leaguers are democratic, ultramontane and anti-national: this is why their adversaries attacked them in the name of absolutism, gallicanism and *la patrie*'.<sup>3</sup> Until recently, the association of League thought with ultramontanist prevented any serious consideration of Gallican ideas.<sup>4</sup> For this reason John Salmon termed it 'paradoxical' that elements of 'ecclesiastical Gallicanism' survived in what he described as a 'conservative Leaguer mentality'.<sup>5</sup> Frederic Baumgartner acknowledges (though does not elucidate further) that whilst there may have been Gallican 'influence' on some of the best known League thinkers such as Jean Boucher and the pseudonymous 'Guilielmus Rossaeus', the League had 'no set theory' on papal authority, nor did they support what he calls 'extreme Gallicanism'.<sup>6</sup> Most recently, Alain Tallon and Jotham Parsons have suggested that the term 'ultramontane' is not very useful, and in fact most Leaguers generally came close to what might be called a 'moderate' Gallican view.<sup>7</sup>

Whilst these works acknowledge that to a greater or lesser extent there are Gallican elements in League theory, there has as yet been no exploration of precisely what those elements contain. This is for several reasons, the first of which is a problem inherent in the term 'Gallicanism'. There is an uncertainty of genre regarding the texts which scholars consider to be 'Gallican': works which count as such are usually not confined to discussions of the independence of the national church, but range over secular and ecclesiastical history, canon and civil law to produce a broad textual range discussing questions regarding (for example) the institutions of Frankish Gaul, the technicalities of episcopal election in the thirteenth century, or issues of dynastic succession. Even divisions into 'ecclesiastical' and 'political' Gallicanism are not always helpful, as Tallon and Parsons have shown. And if Gallicanism is a slippery term, its theorists were just as slippery: Donald Kelley described them as 'unscrupulous eclectics'.<sup>8</sup> Before Pierre Pithou codified Gallican liberty in 1594 and before the 'Four Articles' of 1682 (which took Pithou's definitions as their basis), there was little consensus as to the precise details of its liberties, or the particular version of French history which most suited the description of those liberties. As Antoine Hotman put it, 'it is a strange phenomenon that everyone talks of the liberties of the Gallican Church and, most of the time, very few people know what they are and cannot account for their origins or for their progress'.<sup>9</sup>

The second reason why Leaguers are often overlooked in discussions of Gallican thought is for the more practical point that their opponents described them as 'enemies'

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its advantages, but in its search for a singly ideology it does not address the existence of competing narratives of French political-ecclesiastical identity which the League polemic brings to light—nor does it clarify what was at stake intellectually for Leaguer propagandists of Gallican liberty.

<sup>3</sup> Morel, *L'idée gallicane*, 159.

<sup>4</sup> Nancy L. Roelker has restated the ultramontane threat of the League to Gallican parliamentarians; see Nancy L. Roelker, *One King, One Faith: The Parlements of Paris and the Religious Reformations of the Sixteenth Century* (Berkeley, CA, 1996), 174–75.

<sup>5</sup> J. H. M. Salmon, 'Gallicanism and Anglicanism in the Age of the Counter-Reformation', in *Renaissance and Revolt: Essays in the Intellectual and Social History of Early Modern France* (Cambridge, 1987), 155–90 (171–72).

<sup>6</sup> Frederic J. Baumgartner, *Radical Reactionaries: The Political Thought of the French Catholic League* (Geneva, 1975), 93, 157, 233–34.

<sup>7</sup> Tallon, *Conscience nationale*, 141.

<sup>8</sup> Donald R. Kelley, *Foundations of Modern Historical Scholarship: Language, Law, and History in the French Renaissance* (New York, NY, 1970), 159.

<sup>9</sup> Antoine Hotman, *Traité des libertez de l'église gallicane: laquelle composition monstre la pure et sincère intelligence de ces libertez* (Paris, 1608), folio 1r.

of Gallican liberty. The Leaguers were associated with a position regarding the acceptance of the Tridentine decrees, and a view on papal excommunication of monarchs considered by many to be untenable for Gallicans. As the *politique* lawyer Pierre du Belloy put it, the League ‘leagued’ against the French king, and in joining with papal and Spanish forces to impose the Tridentine decrees on France they further ‘leagued’ against the king’s position regarding the Gallican church, which had been maintained and preserved since antiquity. The French prince is the ‘guardian, avenger and reformer of ecclesiastical discipline’ he argued, quoting canon law.<sup>10</sup> The Leaguers’ support for the papal bulls excommunicating Henri III and Henri de Navarre, the largely unwelcome legation of Cardinal Cajetan to France in 1589 and the complex question of the acceptance of the Tridentine decrees led opponents to place them firmly against Gallican liberties in their polemics.<sup>11</sup> Moreover, the question of Gallican liberty was embedded within the issue of dynastic succession: presenting the League as attacking key French institutions was a powerful method of ensuring that Navarre would inherit the throne and that League suggestions for a Catholic heir would be regarded as an illegitimate challenge to the rule of Salic law.<sup>12</sup>

This article proposes to explore the ideas and arguments concerning Gallican liberty in a number of League treatises, and their views on Trent, as a way of opening up their concerns about the Catholicity of the French monarchy from a different point of view than that of ‘resistance theory’.<sup>13</sup> League responses to theories of Gallican liberty have been eclipsed, in scholarship, by a focus on the ‘radical’ extremes of League political theory, particularly amongst the Paris Sixteen, and an emphasis on justifications of legitimate tyrannicide and ‘ultramontanism’. In contrast, this study situates Leaguer thought within the intellectual circles of moderate Gallican thinkers and correspondingly furthers the existing scholarly argument that the category of ‘Leaguer’ is broad and nuanced. Whilst in recent social and cultural historiography the League has been increasingly exonerated of fanaticism, this remains to be done for their political theory which is persistently labelled ‘radical’. Rather than emphasising theories of popular sovereignty and nascent democracy, acknowledging the contribution of certain Leaguers to Gallican theory is revealing of the way in which they balanced the demands of two potentially competing sources of authority in the political sphere: the *Roi très Chrétien*, and the pope. It is therefore suggestive of the fact that the Leaguer conception of the French commonwealth underpinned by the law of Catholicity was a more sophisticated construction than is often assumed.

This study has further implications for Leaguer political theory conceived more broadly as an endeavour to define and characterise the French *patrie* as underpinned by the law of Catholicity. In this I reject the suggestion that moderate Gallican theories were direct contributors to the origins of the modern state, and instead argue that the source

<sup>10</sup> Pierre de Belloy, *Apologie catholique contre les libelles declarations, advis, et consultations faictes, escriptes, & publiees par les Liguez perturbateurs du repos du Royaume de France* (1585), 1.6, folio 11v; 2.11, folios 41v–42r; 2.18, folio 54r.

<sup>11</sup> Well-known Gallican opponents of the League included Pierre Pithou, Louis Servin, Jacques Auguste de Thou, Guillaume du Vair and Claude Fauchet. See the recent articles by Marco Penzi, Robert Descimon and Alexandre Tarrête in *La culture gallicane: références et modèles (droit, ecclésiologie, histoire)*, edited by Charles Amiel (*Revue de l’histoire des religions*, 226[3] [2009]).

<sup>12</sup> Ralph E. Giesey explores the intellectual history of the Salic law debates and the succession crisis of the 1580s and 1590s; see Ralph E. Giesey, *Le rôle méconnu de la loi salique: la succession royale xiv<sup>e</sup>–xvi<sup>e</sup> siècles* (Paris, 2007).

<sup>13</sup> On the Leaguers as theorists of resistance, see J. H. M. Salmon, ‘Catholic Resistance Theory, Ultramontanism, and the Royalist Response, 1580–1620’, in *The Cambridge History of Political Thought, 1450–1700*, edited by James H. Burns (Cambridge, 1991), 219–53; Quentin Skinner, *The Foundations of Modern Political Thought*, 2 vols (Cambridge, 1978), II, 345.

material demonstrates that the concept of the nation, or *patrie*, is central to this particular historical moment.<sup>14</sup> The League polemic is a discussion about the overlapping communities in which people belong—domestic, national, territorial, political, cultural and spiritual—and correspondingly about the definition of French identity. What is striking about discussions on Trent in the Leaguer polemic is that they all make the reception of the decrees into a question of being a ‘true’ Frenchman. Defence of Catholicity equates to defence of the French national church and its relative independence from monarch and papacy, and further equates to a defence of French Catholic identity. The *patrie* is defined by its Catholicity, and thus the Leaguers claimed to be defending the very essence of what it was to be French. It is not overwhelmingly ‘the state’ which is at stake in these debates, but the emerging tensions between Catholic and French identities.<sup>15</sup> This article suggests that elements of League thought offer an enriching vision of what it meant to be ‘Gallican’ in France at the end of the sixteenth century.

## 2. Histories of Gallican Liberty and the Idea of Sacred Kingship

It should not be a surprise that the Leaguers were well placed to defend Gallican liberties. As head of the Gallican church, the French king had—in theory—an ancient and meaningful connection to the spiritual well-being of his subjects, sanctified by his coronation at the hands of the Archbishop of Rheims. The ‘heretic’ rule of a non-Catholic would sever those invisible threads linking the French to their monarch, their church, and each other. It was a small intellectual leap from there to argue that the law of Catholicity was a fundamental law of France, as the League declared at the meeting of the Estates General in the summer of 1588.<sup>16</sup> In the same year, a pamphlet entitled the *Declaration des causes qui ont mû Monseigneur le Cardinal de Bourbon, & les pairs, princes, seigneurs, villes & communautés Catholiques de ce Royaume de France, de s’opposer à ceux qui par tous moyens s’efforcent de subvertir la Religion Catholique & l’état* argued the case for the Cardinal of Bourbon’s claim to the throne. The anonymous author wrote that the ‘bond’ of the French commonwealth was the Catholic faith, uniting subject to monarch in a relationship of mutual obligation. Without a Catholic king, the author implies, that bond is dissolved, thus destroying the very foundation of the French commonwealth.<sup>17</sup> The duty of the king as the *Roi très Chrétien* was to protect and defend the institutions of the Catholic church in France: it was inconceivable for the Leaguers that a non-Catholic could be head of the Gallican church.

To put the League approach to Gallican histories in context, it is useful to acknowledge that Gallican thought in the sixteenth century was in a process of redefinition and refinement. Theorists developed and elaborated the concept of Gallican liberties in response to unstable Franco-papal relations, including the ‘crisis’ of 1510 to

<sup>14</sup> In this I disagree with Jotham Parsons, who positions his discussion of erudite Gallicanism as part of a teleology of an emerging centralised state; see Parsons, *The Church in the Republic*, 14–51.

<sup>15</sup> This is the subject of my current project, a monograph on League political thought provisionally entitled *Constructing a Catholic Nation: France and the Catholic League, c.1576–1595*.

<sup>16</sup> For the classic study on this concept of fundamental law, see André Lemaire, *Les lois fondamentales de la monarchie française d’après les théoriciens de l’Ancien Régime* (Paris, 1907). Lemaire explores the League and their attempts to introduce this ‘new’ fundamental law on pages 133–42. On the law of Catholicity in particular, see Robert Villers, ‘Aspects politiques et aspects juridiques de la loi de Catholicité (1589–1593)’, *Revue historique de droit Français et étranger*, 36 (1959), 196–293.

<sup>17</sup> Anonymous, *Declaration des causes qui ont mû Monseigneur le Cardinal De Bourbon, & les pairs, princes, seigneurs, villes & communautés catholiques de ce royaume de France, de s’opposer à ceux qui par tous moyens s’efforcent de subvertir la religion catholique & l’état* (1588), 56–57.

1513 between Louis XII and Julius II, the conflict between Henri II and the papacy from 1550 to 1552, and the controversial meetings and decisions of the Council of Trent.<sup>18</sup> But although generally the tendency in Gallican thought in this period was to innovate, certain important legacies of the medieval period are also to be found in their works. In particular, the heritage of conciliar thought, developed over the period of schism in the Roman church and reaching its zenith at the Councils of Constance and Basel, continued to be associated with the University of Paris and the theologians of the Sorbonne.<sup>19</sup> Jacques Almain's response to Tomasso de Vio Gaetani (Cajetan) and his statement of papal hierocratic theory in his *Auctoritas papae et concilii sive ecclesiae comparata* (1511) ensured that this association continued to be alive and active in France in the sixteenth century.<sup>20</sup>

Conciliar thought alone was not sufficient for the forging of the identity of an independent, national church. French history and law, especially the idea of jurisdictional territory, were required to fill in the gap conciliarists levered open when they claimed that fullness of ecclesiastical power was located in the general council as the representative of the universal Church.<sup>21</sup> The Pragmatic Sanction of Bourges (1438) and the Concordat of Bologna (1516) provided the legislative basis for claims of Gallican independence from the papacy. The Sanction confirmed the conciliar decrees of Constance and Basel, but equally importantly it confirmed the status of the French king as the head of the Gallican church. It declared that kings had the power to summon their own national councils and issue their own decrees, as well as returning to the French clergy the right to fill the major benefices.<sup>22</sup> The Concordat was a more equivocal document, badly received by the *parlement* of Paris, which explicitly gave the French king the right to nominate bishops but only in return for restoring the controversial right of taxation of annates to the pope.

Historical narratives of Gallican liberties tend to do two things: they establish that the French church had the most ancient foundations of all the Western churches, and they articulate the relationship between the church and the French king in historical

<sup>18</sup> Works on Gallican thought in the sixteenth century include *La culture gallicane*, edited by Amiel; Kelley, *Foundations of Modern Historical Scholarship*; Morel, *L'idée gallicane*; Parsons, *The Church in the Republic*; Jonathon Powis, 'Gallican Liberties and the Politics of Later Sixteenth-Century France', *The Historical Journal*, 26 (1983), 515–30; Salmon, 'Gallicanism and Anglicanism', in *Renaissance and Revolt*. Scholarship on Trent in France includes: Alain Tallon, *La France et le Concile de Trente (1518–1563)* (Rome, 1997); Robert M. Kingdon, 'Some French Reactions to the Council of Trent', *Church History*, 33 (1964), 149–56; Victor Martin, *Le gallicanisme et la réforme catholique: essai historique sur l'introduction en France des décrets du Concile de Trente, 1563–1615* (Paris, 1919); Thomas I. Crimando, 'Two French Views of the Council of Trent', *The Sixteenth Century Journal*, 19 (1988), 169–86; Sylvie Daubresse, *Le parlement de Paris ou la voix de la raison (1559–1589)* (Geneva, 2005).

<sup>19</sup> See in particular the works of Brian Tierney and Francis Oakley, especially Francis Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church, 1300–1870* (Oxford, 2003); Brian Tierney, *The Crisis of Church and State, 1050–1300* (Toronto, ON, 1988); Brian Tierney, *Foundations of the Conciliar Theory: The Contribution of the Medieval Canonists From Gratian to the Great Schism* (Leiden, 1998).

<sup>20</sup> Almain's piece offers particularly good evidence for the continuing importance of high medieval conciliar argument, and makes extensive use of Jean Gerson's *De potestate ecclesiastica* (1417) in particular. The conciliar heritage of the Almain-Cajetan debates is discussed in Olivier de La Brosse, *Le pape et le concile: la comparaison de leurs pouvoirs à la veille de la Réforme* (Paris, 1965).

<sup>21</sup> On the development of the notion of jurisdictional territory in Gallican thought, see Parsons, *The Church in the Republic*, 137–59.

<sup>22</sup> The pope retained the right of accepting or rejecting nominees but in practice his powers had been limited quite dramatically, even more so by the removal of his right to tax the annates. The French king now had the right to propose nominees to vacant sees, but not to force their acceptance.

terms.<sup>23</sup> France laid claim to a prestigious apostolic tradition which endowed it with superiority amongst the Western churches, listing seventy-two evangelising disciples from St Denys, the first bishop of Paris and disciple of St Paul, to St Martial, St Genevieve and St de Lazare.<sup>24</sup> This illustrious past was enhanced by the idea that the kings of France were, amongst all Christian monarchs, *très Chrétien*. The title supposed an inherent dignity which distinguished the rulers of France in the eyes of Europe and, most importantly, the papacy.<sup>25</sup> Leaguer *avocat du Roi* Louis Dorléans described the title as conferring a duty on the Kings of France to protect the Catholic faith.<sup>26</sup> One of Dorléans's principal opponents, *politique* and *avocat* Pierre du Belloy, argued that the title originated with Charlemagne and also stated that the kings of France should order nothing against the 'honour of God' and the Catholic Church.<sup>27</sup> However, for Dorléans the title represented a promise which the Leaguers felt Henri III to have broken with the Edict of Beaulieu in 1576, and would be impossible for a non-Catholic to fulfil; for Belloy the title carried with it a fullness of majesty and dignity which could not tolerate the rebellion and disobedience of the League.

The opposing views of Belloy and Dorléans on the significance of the title of *Roi très Chrétien* had further implications, both for monarchical-papal relations in general and for the precise duties incumbent upon the king of France towards the Gallican church. Historically, the 'special relationship' the French assumed between their monarch and the pope had been either of mutual benefit and support or mutual antagonism, resulting in the Gallican 'liberties'. Charlemagne in particular provided Gallicans with a useful and powerful model. His management of popes Adrian and Leo III, and in particular of the second Council of Nicene (787), demonstrated how the French rulers could be both

<sup>23</sup> For the varieties of historical narratives of sacred French history in Gallican works, see Tallon, *Conscience nationale*, 27–54; J. H. M. Salmon, 'Clovis and Constantine: The Uses of History in Sixteenth-Century Gallicanism', *The Journal of Ecclesiastical History*, 41 (1990), 584–605. On Charles Dumoulin in particular, see Kelley, *Foundations of Modern Historical Scholarship*, 151–82; Donald R. Kelley, 'Fides Historiae: Charles Dumoulin and the Gallican view of History', *Traditio*, 22 (1966), 347–402. On Jacques Cappel, see Salmon, 'Gallicanism and Anglicanism', in *Renaissance and Revolt*. Kelley argues that the historicist perception of the Gallican church was an innovation of the sixteenth century.

<sup>24</sup> Tallon, *Conscience nationale*, 34–35.

<sup>25</sup> Jacques Krynen, *L'empire du roi: idées et croyances politiques en France xiii<sup>e</sup>–xv<sup>e</sup> siècle* (Paris, 1993). As Krynen had shown, the title was claimed explicitly by the French in the fourteenth and fifteenth centuries; prior to that it had not had exclusively French associations—for an exploration of the intellectual and political implications of the title, see Krynen, *L'empire du roi*, 345–83. See also Colette Beaune, *Naissance de la nation France* (Paris, 1985).

<sup>26</sup> Louis Dorléans, *Apologie ou defence des catholiques unis les uns avec les autres, contre les impostures des catholiques associez à ceux de la pretenduë religion* (1586), 10: 'Le Roy est trop instruit en la Foy pour ne croire point qu'il n'est pas constitué Roy que pour maintenir l'honneur de Dieu, que c'est son devoir d'avoir soing du salut de son people: & qu'il doit rendre raison des ames de ses subjects, que c'est a luy de pourvoir de bons eveques consequement de chasser les loups de la bergerie de Dieu, qu'il a promis à son Sacre qu'il maintiendra la religion Catholique'.

<sup>27</sup> Pierre de Belloy, *De l'autorité du Roy et crimes de leze maiesté, qui se commettent par ligues, designation de successeur, et libelles escrits contre la personne, et dignité du prince* (1587), folios 7r, 23r–v. This text is an explicit rebuttal of Louis Dorléans, *Advertissement, des catholiques anglois aux François catholiques, du danger où ils sont de perdre leur religion* (1586). Philippe Duplessis Mornay also wrote a response: see Philippe de Mornay, *Lettre d'un gentilhomme catholique François: contenant breve responce aux calomnies d'un certain pretendu anglois* (Paris, 1587). Dorléans replied with the following: Louis Dorléans, *Responce des vrayz catholiques François, à l'avertissement des catholiques anglois, pour l'exclusion du Roy de Navarre de la Couronne de France. Descouvrant les calomnies, suppositions, & ruses contenues és declarations, & apologies du Roy de Navarre, & des heretiques, & autres livrets faits contre le roy, son edit de la reunion, ses bons subiets les catholiques, & la religion catholique, apostolique & romaine* (1588).

defenders of the universal church and protectors of their national independence.<sup>28</sup> Henri-Xavier Arquillière once argued persuasively that the unity between church and empire under Charlemagne, the concentration of power in the hands of the emperor and his conception of himself as head of both civil and spiritual society, was at root the same as the pretensions of Phillip IV and Louis XIV to the '*droit divin*' of their crown.<sup>29</sup> In the case of Phillip IV, those pretensions manifested themselves in his infamous clash with Boniface VIII, which resulted in one of the most extreme and dramatic expressions of papal hegemony in the bull *Unam sanctam* (1302).<sup>30</sup> This case in particular provided early modern French theorists with a rich seam of examples of the independence of the *Roi très Chrétien* from the power of the pope, and was considered one of the founding moments of Gallican liberties.<sup>31</sup> Charles Dumoulin described Boniface VIII as an enemy of France for claiming that all elections were under the hegemony of Rome.<sup>32</sup> The *politique* author of the pamphlet *Anti-Guisart* suggested a more equivocal verdict when he compared Boniface to Spartan descriptions of Phillip of Macedonia—entering the country neither as a friend nor as an enemy.<sup>33</sup> Jean Bodin interpreted the episode of Phillip the fair as epitomising the loyalty existing between the French king and his subjects, in the context of a chapter in his *Six livres de la République*, where he argued for the independence of French kings from papal domination.<sup>34</sup>

For the Leaguers, the episode between Phillip and Boniface was problematic because it was so frequently interpreted as a high Gallican moment. To argue against Phillip's actions would be the equivalent of denying any liberty to the Gallican church. Dorléans circumvented this problem by arguing that when those on the side of Henri de Navarre (whom he describes as 'these fantastic Frenchmen, these new and strange Catholics') argued that under Phillip IV Frenchmen had burnt papal bulls which opposed the liberties of the Gallican church, they were simply hypocrites: how could they claim to serve the Church when they were in the process of enslaving it to a 'heretic'? But Dorléans also agreed that Phillip IV had due cause to question Boniface VIII, only suggesting it may not have been necessary to behave so aggressively.<sup>35</sup> Antoine Hotman described Boniface as having appeared to ascribe temporal powers to himself in *Unam sanctam*. He records Phillip IV's response, but argues that it was the Estates of France and the clergy who were

<sup>28</sup> Henri-Xavier Arquillière, 'Charlemagne et les origines du gallicanisme', *L'université catholique: antérieurement 'La controverse et le contemporain'*, 62 (1909), 219–35.

<sup>29</sup> Arquillière, 'Charlemagne et les origines du gallicanisme', 219.

<sup>30</sup> Scholarship on this famous clash includes Joseph Canning, *Ideas of Power in the Late Middle Ages, 1296–1417* (Cambridge, 2011); Robert Gênestal, *Les origines de l'appel comme d'abus* (Paris, 1950); Jean Rivière, *Le problème de l'église et de l'état au temps de Philippe le Bel* (Paris, 1926); Jean Favier, *Philippe le Bel* (Paris, 1978); Fritz Kern, *Kingship and Law in the Middle Ages*, translated by S. B. Chrimes (Oxford, 1948); Tierney, *Crisis of Church and State*. More generally on royal-papal relations, see Michael J. Wilks, *The Problem of Sovereignty in the Later Middle Ages* (Cambridge, 1963). See also Pierre Dupuy, *Histoire du différend d'entre le pape Boniface VIII et Philippe le Bel, Roy de France* (Paris, 1655).

<sup>31</sup> Martin, *Origines du gallicanisme*, 34.

<sup>32</sup> Charles Dumoulin, *Conseil sur le faict du Concile de Trente, par Messier Charles Du Moulin, docteur des droicts, professeur des saintes lettres, iurisconsulte de France & Germanie, conseiller, & maistre des requestes de l'Hotel de la Roynie De Navarre* (Lyon, 1564), folio19r.

<sup>33</sup> 'Anti-Guisart' (1586), in Simon Goulart, *Mémoires de la Ligue, contenant les événements les plus remarquables depuis 1576, jusqu'à la paix accordée entre le Roi de France & le Roi d'Espagne, en 1598*, 6 vols (Amsterdam, 1758), I, 257–58. The author's reference is to Theophrastus.

<sup>34</sup> Jean Bodin, *Les six livres de la République*, 6 vols (Paris, 1986), I.x, 280.

<sup>35</sup> Louis Dorléans, *Plaidoyé des gens du roy faict en parlement en plaine audience, toutes les chambres assemblées le 22 jour de decembre mil.V.C. quatre vingt douze. Sur la cassation d'un prétendu arrest donné au prétendu parlement de Chalons le 18 jour de novembre auduct an* (Paris, 1593), 131–32. Dorléans is explicit that the decrees of illegitimate 'antipopes' were not to be accepted.

responsible for declaring the liberties and franchises of the Gallican church in this episode, thus downplaying the royal role.<sup>36</sup> Voicing a clerical opinion, the Franciscan League preacher Jean Porthaise suggested in a sermon that Phillip IV had been wrongly excommunicated by Boniface VIII, as his subsequent absolution demonstrated. The difference, Porthaise argued, between then and the present situation with Navarre was that there was no threat to the stability of the kingdom: it had not been a question of heresy.<sup>37</sup> In terms of their historical interpretation of these events, we can see that these Leaguers were careful not to be seen to destroy Gallican liberty.<sup>38</sup> As Dorléans put it:

What offence is it against the sacred Canons, against the laws of the Gallican church, against the laws of the Kingdom and the King, to demand that everyone leaves the heretic party and returns to the bosom of the Catholic Church?<sup>39</sup>

The notion that the French king was the head of the Gallican church was a staple of Gallican argument, but theories differed as to the precise authority this title conferred with regards both to the internal workings of the national church and to the papacy. The figure of Clovis, the first Christian king of France, often provided a model for Gallican theorists of sacred kingship. Clovis legitimised the French king's position as head of the church in a manner which could be put to use in both Catholic and Huguenot thought. For example, in his *Traité de la puissance des roys* (1561), Claude Gousté, the provost of Sens and a Huguenot, claimed that since Clovis all French kings had been head of the church.<sup>40</sup> As such he argued that the king could overrule the French clergy in matters of spiritual jurisdiction by divine right, and discounted any possibility of papal jurisdiction in the

<sup>36</sup> A. Hotman, *Traité*, folios 42v–43r.

<sup>37</sup> Jean Porthaise, *Cinq sermons du R.P.F.I. Porthaise de l'ordre St Francois, theologal de l'église de poitiers, par luy prononcez en icelle. Esquels traicté tant de la simulee conversion du Roy De Navarre, que de droict de l'absolution ecclesiastique, & d'autres matieres propres a ce temps* (Paris, 1594), 38. The political role of the League preachers in this period was an important aspect of the League campaign and has been much treated in scholarship. See, for example, Arlette Lebigre, *La révolution des curés: Paris, 1588–1594* (Paris, 1980); Megan C. Armstrong, *The Politics of Piety: Franciscan Preachers During the Wars of Religion, 1560–1600* (Rochester, NY, 2004); Ann W. Ramsey, *Liturgy, Politics, and Salvation: The Catholic League in Paris and the Nature of Catholic Reform, 1540–1630* (Rochester, NY, 1999); Barbara B. Diefendorf, 'Simon Vigor: A Radical Preacher in Sixteenth-Century Paris', *The Sixteenth Century Journal*, 18 (1987), 399–410; Barbara B. Diefendorf, *Beneath the Cross: Catholics and Huguenots in Sixteenth-Century Paris* (New York, NY, 1991); Thierry Amalou, 'Deux frères ennemis, deux sensibilités catholiques: les prédications de René Benoist et de Gilbert Génébrard à Paris pendant la Ligue (1591–1592)', in *La période des guerres de religion: historiographie, histoire des idées politiques*, edited by Isabelle Bouvignies, Frédéric Gabriel, and Marco Penzi, forthcoming.

<sup>38</sup> Of course this was not necessarily the case for all Leaguers. For example, the priest Jean Pigenat explicitly approved of the actions of Boniface VIII in his *L'aveuglement et grande consideration des politiques, dict maheustres* (Paris, 1592).

<sup>39</sup> Dorléans, *Plaidoyé*, 132: 'Quel offence contres les Saints Canons, contre les droictz de l'Eglise Gallicane, contre les droictz du Royaume et du Roy, d'exhorter un chacun de quicter le parti de l'heresie, et se retirer au giron de l'Eglise Catholique?'. All translations are my own. Dorléans makes a distinction here between the laws of the king and the kingdom indicative of his view of French monarchy as the administrator, not possessor, of France. In contrast, Belloy, in his *De l'autorité de roy*, described the *royaume* as the possession of the French king, and did not entertain a concept of the separate identity of the domain of the crown and that of the patrimony. This is in contrast to Bodin, who maintained the separation of the king's patrimony and public property (on the basis of medieval Roman law); see Bodin, *République*, I.viii, 224–25. The complexities of these kinds of legal distinctions and their medieval heritage are thoroughly discussed in Guillaume Leyte, *Domaine et domainalité publique dans la France médiévale (XII–XV<sup>e</sup> siècles)* (Strasbourg, 1996). On the distinction between patrimony and public property as one of the authoritative limits on Bodin's sovereign, see Ralph Giesey, 'Medieval Jurisprudence in Bodin's Concept of Sovereignty', in *Jean Bodin*, edited by Horst Denzer (Munich, 1973), 167–86.

<sup>40</sup> Claude Gousté, *Traicté de la puissance et autorité des roys. Et par qui doyvent estre commandez les diettes ou conciles solonnels de l'église* (1561), folio 12.

temporal sphere. In his *Recherches*, Étienne Pasquier similarly took Clovis as symbolic of the independence of the Gallican church from Rome.<sup>41</sup> As Yvonne Bellenger puts it, Clovis was the ‘historical guarantor’ of the sacred character of the monarchy and the kingdom of France.<sup>42</sup> However, members of the League had to construct an argument that Clovis was explicitly the guarantor of French Catholicity. In doing so they encountered strong opposition from the *politiques*.

In many central League treatises, Clovis’s baptism was a powerful symbol of the Catholicity of the French monarchy, and they tried to establish that the baptism proved definitively that only a Catholic could inherit the French throne. In the anonymous *Articles de la Sainte Union* published in 1588, the author used the baptism of Clovis as a symbolic affirmation of the perennial state of the French monarchy under ‘one Faith, one Law, and one King’.<sup>43</sup> *Un roi, une loi, une foi* was a classic triad in French thought and has been considered in the context of the League by Robert Descimon and Eli Barnavi.<sup>44</sup> The author of the *Articles* further stated that, once evangelised, the kings of France had always taken an oath ‘to maintain the Catholic, Apostolic and Roman faith, under which oath they receive the loyalty of their subjects’.<sup>45</sup> Obedience was wholly dependent on the king keeping the oath he made at the coronation ceremony, presided over by the Archbishop of Rheims.<sup>46</sup> In his *De justa reipublicae christianae auctoritate* (1590), the pseudonymous author made the same case for all Christian Kings, quoting the German, English and Polish coronation oaths. In the case of France, he reminds his reader that the Archbishop of Rheims asks the people to accept the person being crowned before the latter takes the oath. Unless a ruler promises, before the church and people, to ‘rule according to Christian faith and justice’, he cannot properly be called a king. The very nature of the office demands that this oath be taken. Moreover, the passage shows that the role of the Archbishop in the coronation ceremony is crucial in creating this sacred

<sup>41</sup> Yvonne Bellenger, ‘Clovis dans les recherches de la France d’Étienne Pasquier’, in *Clovis: histoire & mémoire. Le baptême de Clovis, son écho à travers l’histoire*, edited by Michel Rouche, 2 vols (Paris, 1997), II, 487–500 (487).

<sup>42</sup> See Bellenger, ‘Clovis dans les recherches’, in *Clovis*, edited by Rouche, II. Scholarship on the history and significance of Clovis, especially for French national identity, is extensive. See Colette Beaune, ‘Clovis dans les grandes chroniques de France’, in *Clovis*, edited by Rouche, 191–212; Colette Beaune, ‘Saint Clovis: histoire, religion et sentiment national en France à la fin du moyen âge’, in *Le métier d’historien au moyen âge: études sur l’historiographie médiévale*, edited by Bernard Guenée (Paris, 1977), 139–56; Olivier Guyotjeannin, *Clovis chez les historiens* (Paris, 1996); Myriam Yardeni, *Enquêtes sur l’identité de la ‘Nation France’: de la renaissance aux lumières* (Seyssel, 2004); Tallon, *Conscience nationale*. Tallon has shown that Calvinist thought provides evidence of a disillusionment with the symbol of Clovis, and their attempts to deconstruct the classic intellectual devices used to frame the image of France as a Catholic nation.

<sup>43</sup> This text is considered as one of the defining statements of Leaguer purpose, but on the complexities of this question see Marco Penzi, ‘Les pamphlets ligueurs et la polémique anti-ligueuse: faux-textes et “vrai faux”. Propagande et manipulation du récit (1576–1584)’, in *La mémoire des guerres de religion: la concurrence des genres historiques (xvi<sup>e</sup>–xvii<sup>e</sup> siècles)*, edited by Jacques Berthold and Marie-Madeleine Fragonard (Geneva, 2007), 133–51.

<sup>44</sup> Robert Descimon, *Qui étaient les seize? Mythes et réalités de la Ligue Parisienne (1585–1594)* (Paris, 1983); Eli Barnavi, *Le parti de Dieu: étude sociale et politique des chefs de la Ligue Parisienne, 1585–1594* (Louvain, 1980).

<sup>45</sup> Anonymous, *Articles de la Sainte Union des catholiques françois* (1588), folios 30r–v.

<sup>46</sup> There is a substantial literature on coronation oaths in medieval and early modern political thought, including Ralph E. Giesey, *If Not, Not: The Oath of the Aragonese and the Legendary Laws of Sobrarbe* (Princeton, NJ, 1968); Paolo Prodi, *Il sacramento del potere: il giuramento politico nella storia costituzionale dell’occidente* (Bologna, 1992); Richard A. Jackson, *Vive le roi! A History of the French Coronation from Charles V to Charles X* (Chapel Hill, NC, 1984); Conal Condren, *Argument and Authority in Early Modern England: The Presupposition of Oaths and Offices* (Cambridge, 2006), 233–89. The subject also offers a clear point of both comparison and contrast with Huguenot and *politique* analyses of contract between king and subject beyond the scope of this article.

bond among king, people and church. The bishop is said to represent the whole people at this moment, which Rossaeus does describe as one of popular vote (*'populi suffragiis'*).<sup>47</sup> He is explicit that only this ceremony can legitimate a Christian king's rule over France.<sup>48</sup>

Rossaeus's discussion of the coronation ceremony is consistent with a trend in Leaguer thought of making the ceremony central to an argument for the Catholicity of the French monarchy. It is also characteristic of League political theory to argue for elective monarchy. However the author is unusual for his interpretation of the role of the Archbishop in the ceremony who, as well as being the mediator between God and monarch in conferring power of divine origin, asks the people if they accept the choice of ruler.<sup>49</sup> The ceremony also has Gallican implications in Rossaeus's work. The French king has a duty to protect the Gallican church but it is the Archbishop who is its *pater*; Rossaeus is clear that Navarre cannot be said in any way to be the owner of the goods of the Gallican church as Belloy had claimed.<sup>50</sup> Rossaeus further appeals directly to the bishops of the Gallican church to perform their duty in expelling Navarre from the kingdom.<sup>51</sup> He also reminds the Gallican clergy at large of this obligation, in a manner reminiscent of Gilbert Générard's appeal in his *De clericis* (1589) to those members of the clergy who had continued to administer the sacraments to Henri III after his excommunication (explored below). Rossaeus's account is suggestive of what scholarship refers to as 'ecclesiastical' Gallicanism, emphasising the independence of the Gallican church from the jurisdiction of both monarchy and papacy. His explicit attack on Belloy is explained by the latter's rejection of the symbolism of Clovis as interpreted in League treatises, and of the legitimising role of the coronation

<sup>47</sup> Guilielmus Rossaeus, *De justa reipublicae christianae in reges impios et haereticos autoritate. Justissimaque catholicorum ad Henricum Navarreum & quemcunque haereticum a regno galliae repellendum confoederatione* (Paris, 1590), folios 27v–31v. See especially folio 31r: 'Regia (inquit ad regem) potestas tibi non est a natura a generatione sola, sed nunc tibi traditur per episcopos omnipotentis dei autoritate'. Discussions on the question of the authorship of this text include John W. Allen, *A History of Political Thought in the Sixteenth Century* (London, 1928), 351 note 51; Baumgartner, *Radical Reactionaries*, 145–47; Thomas H. Clancy, *Papist Pamphleteers: The Allen-Persons Party and the Political Thought of the Counter-Reformation in England, 1572–1615* (Chicago, IL, 1964), 59–60; Charles Labitte, *De la démocratie chez les prédicateurs de la ligue* (Paris, 1866), 295–99; C. H. McIlwain, 'Who was Rossaeus?', in *Constitutionalism and the Changing World* (Cambridge, 1939), 178–82; Georges Weill, *Les théories sur le pouvoir royal en France pendant les guerres de religion* (Paris, 1892), 237.

<sup>48</sup> Rossaeus, *De justa reipublicae christianae autoritate*, folio 250r. Rossaeus argues that Catholicity is the defining characteristic of the Gallican commonwealth at folio 195r.

<sup>49</sup> The obvious text to contrast this with is Jean Boucher, *De justa abdicatione Henrici III* (1589), especially folios 11v–17v. In one of the most famous League texts justifying the legitimate assassination of tyrants, Boucher places his emphasis on the role of the incorporated people (defined as the 'prudent multitude'), including the clergy, directly choosing their rulers. His text lacks the important intermediary role assigned to the Archbishop of Rheims by Rossaeus. For expositions of Boucher's and Rossaeus's texts, see Baumgartner, *Radical Reactionaries*; J. H. M. Salmon, 'An Alternative Theory of Popular Resistance: Buchanan, Rossaeus, and Locke', in *Renaissance and Revolt*; Salmon, 'Catholic Resistance Theory', in *Cambridge History of Political Thought, 1450–1700*, edited by Burns. A more recent work on the political thought of the League is Marco Penzi and José Javier Ruiz Ibáñez, 'Ius populi supra regem: concepciones y usos políticos del pueblo en la liga radical católica francesa (1580–1610)', *Historia contemporánea*, 28 (2004), 111–45.

<sup>50</sup> Rossaeus, *De justa reipublicae christianae autoritate*, folios 326r, 509r–513v. Compare Belloy, *Apologie catholique*, 1.11, folios 38v–43v. The regalian rights were a divisive point amongst Gallican theorists and there was no consensus amongst the Leaguers. Antoine Hotman, for example, argued that the king did own the goods of the church; see A. Hotman, *Traité*, folio 61v. Important French discussions of these concerns are to be found in Charles Grassaille, *Regalium franciae* (1538) and René Choppin, *De dominio franciae* (1572).

<sup>51</sup> Rossaeus, *De justa reipublicae christianae autoritate*, folios 323r–327r.

ceremony in transforming an individual into a king through unction.<sup>52</sup> As Belloy complained:

The disturbers of the peace and the laws of the Kingdom argue in particular against the King of Navarre, so that he shall never be King of France unless he is first consecrated, anointed and crowned according to the ancient custom upheld in their opinion since Clovis the first Christian King: and that nature alone cannot create kings, without the traditional ceremonies observed at the succession of a new Prince.<sup>53</sup>

Belloy's bugbear Louis Dorléans offered a further interpretation of Clovis: that in refusing to pardon his brothers-in-law for their Arianism, and his attempts to eradicate its followers from France, he established a model to be emulated by all future French kings in the active combating of heresy.<sup>54</sup> Dorléans recalled St Jerome's claim that only Gaul was free from heresy ('seule la Gaule n'a pas des monstres'), declaring the pity the Leaguers felt that this was no longer the case.<sup>55</sup> What is particularly interesting about Dorléans's use of that phrase was that it was, as Alain Tallon has shown, a major part of the traditional justification for Gallican liberty.<sup>56</sup> It is striking that the Leaguers defended traditional Gallican claims to an established Catholic heritage in the French monarchy, whereas a *politique* such as Belloy—traditionally seen in scholarship as the more likely defender of Gallican liberty—rejected the 'myth' of Clovis. This is indicative of the point that it should not be seen as 'paradoxical' or surprising that Leaguers like Dorléans and Rossaeus sought to defend Gallican liberties; in many ways they were capitalising on centuries of French Catholic tradition. There is also a deeper point to be made here: that in their arguments over interpretations of the French past, polemicists were in fact arguing over French identity: the communities, belief, histories and laws which constructed their idea of France and what it meant to be French in this period of profound instability.

### 3. The Gallican Church and the Papacy

League writers were able to draw on a rich collection of resources and traditions pointing to the sacred nature of French kingship and the exceptional status of the Gallican church

<sup>52</sup> Évrard de Trémaugon's *Somnium Viridarii* or *Songe du Vergier*, commissioned by Charles V in 1376, has one of the earliest descriptions of the grace which this unction transmits to the French king; see Krynen, *L'empire du roi*; Jeannine Quillet, *La philosophie politique du Songe du Vergier, 1378: sources doctrinales* (Paris, 1977).

<sup>53</sup> Belloy, *Apologie catholique*, 2.12, folio 43v: 'Les perturbateurs du repos & des loix de ce Royaume respondent particulièrement contre le Roy de Navarre, qu'il ne sera jamais Roy de France, qu'il ne soit premierement sacré, oinct, & couronné selon l'ancienne coutume, gardée à leur advis, depuis Clovis le premier Roy Chrestien: & que la seule nature ne le peut faire Roys, sans les cérémonies ordinaires, à l'advenement d'un nouveau Prince'. Belloy went on to argue that the coronation ceremony did not have the legitimating authority the Leaguers claimed for it. As the succession was instantaneous upon the death of the previous ruler (and subject to the rules of Salic law), all the ceremony demonstrates is that the king is Christian and Catholic, and from a private person he has become a king. It does not show that a king cannot become so without also being Catholic. Rossaeus, in disagreement, argued there was a 'little interregnum' between the death of a king and the accession of the next; see Rossaeus, *De justa reipublicae christianae autorite*, folio 31r. On the idea that the king 'never dies', see Jacques Krynen, 'La mort saisit le vif: genèse médiévale du principe d'instantanéité de la succession royale française', *Journal des savants*, 3 (1984), 187–221; Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, NJ, 1997); Ralph E. Giesey, *Cérémonial et puissance souveraine: France, x<sup>v</sup>–xvii<sup>e</sup> siècles* (Paris, 1987).

<sup>54</sup> Dorléans, *Apologie*, 77; Dorléans, *Advertissement*, 7. Rossaeus also makes this point; see Rossaeus, *De justa reipublicae christianae autoritate*, folio 337v.

<sup>55</sup> Dorléans, *Plaidoyé*, 28.

<sup>56</sup> Tallon, *Conscience nationale*, 46.

and France within the body of the universal church. This historical interpretation constituted an important part of their argument that France, its church and its monarchy were characterised by their Catholicity: France could not change its religion without also fundamentally changing its character.<sup>57</sup> However Leaguers also had to confront the long tradition of ecclesiological independence from the papacy in French and particularly Gallican thought which often precluded the right of the papacy to excommunicate French kings.<sup>58</sup> For example, the tradition of *appels comme d'abus* in Gallican thought rejected any encroaching external jurisdiction over spiritual or temporal affairs in the kingdom. In particular these *appels* were associated with the protection of the Pragmatic Sanction of Bourges.<sup>59</sup> Belloy referred to them as an 'inviolable custom' of French law since *parlement* had rejected Louis XI's attempts to abrogate the Sanction in 1467.<sup>60</sup> The French intellectual convention of independence from Rome, and the institutional status of the king as *très Chrétien* undermined the strength of the Leaguers' support for the indirect papal power in the temporal sphere.

The discussion in League treatises about the legitimacy of papal intervention in France was both an immediate response to the excommunications of Henri de Navarre and Henri III, and part of a broader concern with reform and stability within the Gallican church in this period. In particular the election of bishops and the stability of the episcopacy as a whole continued to be a pressing issue.<sup>61</sup> Between 1585 and 1594 the papacy made several direct intrusions into French temporal jurisdiction. Sixtus V excommunicated the Prince de Condé and Henri de Navarre for heresy in 1585, removing their property and goods on the basis of the 'fullness of power' he claimed for popes over monarchs.<sup>62</sup> As so many had done before him (including, perhaps most famously,

<sup>57</sup> A point made by Pierre Epinac, the Archbishop of Lyons (who would become a committed member of the League) in a speech before the king at the meeting of the Estates General in 1576; see Pierre Epinac, *Harengue, prononcée devant le Roy, seant en ses estatz généraux à blois, par Reverend Père en Dieu, Messire Pierre d'Epinac, archevesque, Comte de Lyon, Primat des Gaules, au nom de l'estat ecclesiastique de France* (Lyon, 1577), 12–15. Epinac's argument is an implicit reference to Aristotle's in the *Politics* III, chapter 3, that changing the constitution of a polis fundamentally changes its character. This is a question of the relation between the material and formal causes as Aristotle had explained them. In Epinac's case the 'form' of the commonwealth is its religion.

<sup>58</sup> Parsons, *The Church in the Republic*, 168–84. Parsons explains the complexity of the question of excommunication as an 'orphaned Gallican doctrine' that was hard for Gallicans to prove unequivocally. Often it turned out to be more convenient, as eventually proved in the case of Henri IV, to accept papal absolution than continue to challenge the initial excommunication.

<sup>59</sup> Génestal, *Les origines de l'appel comme d'abus*. Kelley notes Charles Dumoulin's appeal to the *appel*, 'which he regarded as a kind of general antidote for curialist encroachments'; see Kelley, *Foundations of Modern Historical Scholarship*, 180–81.

<sup>60</sup> Belloy, *Apologie catholique*, 2.21, folio 65v.

<sup>61</sup> Thierry Amalou, *Le lys et la mitre; loyalisme monarchique et pouvoir épiscopal pendant les guerres de religion (1580–1610)* (Paris, 2007); Frederic J. Baumgartner, *Change and Continuity in the French Episcopate: The Bishops and the Wars of Religion, 1547–1610* (Durham, 1986); Joseph Bergin, *The Making of the French Episcopate, 1589–1661* (New Haven, CT, 1996); Joseph Bergin, *Church, Society and Religious Change in France, 1580–1730* (New Haven, CT, 2009); Norman Ravitch, *Sword and Mitre: Government and Episcopate in France and England in the Age of Aristocracy* (The Hague, 1966); Félix Rocquain, *La France et Rome pendant les guerres de religion* (Paris, 1924); Michel Perronet, 'Les nominations épiscopales sous Henri III', in *Henri III et son temps: ouvrage publié avec le concours du Centre National de la Recherche Scientifique*, edited by Robert Sauzet (Paris, 1992), 285–92.

<sup>62</sup> 'Déclaration de nostre Saint-Pere le Pape Sixtus V, à l'encontre de Henri de Bourbon, soi-disant Roi de Navarre, & Henri, semblablement de Bourbon, prétendu prince de Condé, hérétique, contre leurs postérités & successeurs; par laquelle tous les sujets sont déclarés absolus de tous sermens qu'ils leur auroient jurés, faits ou promis', in Goulart, *Mémoires de la Ligue*, I, 214–22.

Boniface VIII), Sixtus drew his authority explicitly from the Petrine commission which, he argued, conferred power on the popes which surpassed that of all the kings and princes on earth.<sup>63</sup> This was François Hotman's famous 'Brutish Thunderbolt': Sixtus's claim usurping the jurisdiction of the French monarchy by his bulls.<sup>64</sup> The Parlement of Paris appealed against the Bull on behalf of the liberties of the Gallican church and the rights of the French king.<sup>65</sup> Henri III also forbade the bull's publication in France. The resulting polemics took on European significance with the involvement of Cardinal Bellarmine, and the translation of Gallican pamphlets into English.<sup>66</sup> In 1589 the excommunication of Henri III after the assassination of the duc de Guise and his brother, the cardinal, on the king's order in December 1588 exacerbated tensions between spiritual and ecclesiastical jurisdiction reflected in the explosion of polemical pamphlets in 1588/9.<sup>67</sup> After Henri III's assassination, Sixtus V sent a legation to France, headed by Cardinal Enrico Cajetani (Cajetan) and assisted by Bellarmine, to mediate between the League and the Catholic supporters of Henri de Navarre. The power struggle between the two *parlements*—the king's at Tours and that of the League in Paris—was not relieved by the papal intervention but only inflamed.<sup>68</sup> It precipitated some of the most systematic and dogmatic treatises on Gallican liberties the country had yet seen.<sup>69</sup>

In December of 1589 Cardinal Cajetan proceeded directly to Paris from Lyon and had Sixtus V's bulls of legation recorded and published, with reserve for the Gallican liberties,

<sup>63</sup> As Baumgartner points out, it is very telling that Sixtus V was responsible for placing Bellarmine's *Controversies* on the papal index—thoroughly disapproving of Bellarmine's description of papal power in the temporal sphere as 'indirect'; see Baumgartner, *Radical Reactionaries*, 234.

<sup>64</sup> François Hotman and others, *Brutum fulmen Papae Sixti V. Aduersus Henricum sereniss. Regem Nauarrae & illustrissimum Henricum Bourbonum, Principem Condacum: vna cum protestatione multiplicis nullitatis quarta editio. Cui, praeter alia quam plurima, subiuncta est disputatio Roberti Bellarminj Societatis Iesu, de primatu Episcopi Rom. & ad eam responsio* (Rome, 1585); François Hotman and others, *The Brutish Thunderbolt: Or Rather Feeble Fier-Flazh of Pope Sixtus the Fift, Against Henrie the Most Excellent King of Nauarre, and the Most Noble Henrie Borbon, Prince of Condie: Together With a Declaration of the Manifold Insufficiencie of the Same. Translated Out of Latin Into English by Christopher Fetherstone Minister of Gods Word* (London, 1586).

<sup>65</sup> 'Remonstrance au Roi, par la Cour de Parlement', in Goulart, *Mémoires de la Ligue*, I, 222–26.

<sup>66</sup> For a comparison of the two national churches in this period and the polemics of each, see Salmon, 'Gallicanism and Anglicanism', in *Renaissance and Revolt*. For a discussion of this French polemic in the English context, see J. H. M. Salmon, *The French Religious Wars in English Political Thought* (Oxford, 1959). For a list of French works published in England between 1560 and 1598, see J. H. M. Salmon, 'Appendix A', in *The French Religious Wars*, 171–80.

<sup>67</sup> See the work of Denis Pallier for a catalogue of publications by the League in Paris in this period: Denis Pallier, *Recherches sur l'imprimerie à Paris pendant la Ligue (1585–1594)* (Geneva, 1975).

<sup>68</sup> Michel de Bouard, 'Sixte Quint, Henri IV et la Ligue: la légation du cardinal Caetani en France 1589–1590', *Revue des questions historiques*, 60 (1932), 59–140; Sylvie Daubresse, Monique Morgat-Bonnet, and Isabelle Storez-Brancourt, *Le parlement en exil ou histoire politique et judiciaire des translations du parlement de Paris (xv<sup>e</sup>–xviii<sup>e</sup> siècle)* (Paris, 2007); Parsons, *The Church in the Republic*; Marco Penzi, 'Tours contre Rome au début du règne d'Henri IV', *Revue de l'histoire de religions*, 226 (2009), 329–47; Anne-Cécile Tizon-Germe, 'Nonces et legats en France (1589–1594)', in *Henri IV: le roi et la reconstruction du royaume (Volumes des actes du colloque Pau-Nérac 14–17 septembre 1989)* (Pau, 1990), 41–58; Anne-Cécile Tizon-Germe, 'Jurisdiction spirituelle et action pastorale des légats et nonces en France pendant la Ligue (1589–1594)', *Archivum Historiae Pontificiae*, 30 (1992), 159–230; Anne-Cécile Tizon-Germe, 'La représentation pontificale en France au début du règne d'Henri IV (1589–1594): cadre politique, moyens humains et financiers', *Bibliothèque de l'École de Chartres*, 151 (1993), 37–85.

<sup>69</sup> François de Clary, *Antisixtus* (Tours, 1590); Guy Coquille, *Discours des droits ecclésiastiques*; Claude Fauchet, *Traicté des libertez de l'eglise gallicane*, in Pierre Dupuy and others, *Traitez des droits et libertez de l'eglise gallicane*, 2 vols (Rouen, 1651); Charles Faye d'Espesses, *Discours des raisons et moyens pour lesquels Mm. du clergé assemblez en la ville de Chartres, ont déclaré les bulles monitoires décernées par Grégoire XIV contre les ecclésiastiques et autres qui ont demeurez en la fidelité du roy nulles et injustes* (Tours, 1591); Michel Hurault, *Antisixtus* (1590); Louis Servin, *Vindiciae secundum libertatem ecclesiae gallicanae et regii status gallo-francorum sub Henrici IV rege francorum et Navarrae* (Tours, 1590).

in direct opposition to Henri de Navarre's request that he present himself at Tours. In January of 1590 Pierre de l'Estoile recorded an *arrêt* by the *parlement* of Tours against Cajetan's 'treasonous' legation, forbidding communication with the Cardinal as an enemy of *l'état*, unless the Cardinal presented himself to the king in Tours.<sup>70</sup> Accusing the legation of treason, and assuming legislative legitimacy for the *parlement* in Tours, precipitated an exchange of parliamentary declarations thoroughly documented in scholarship.<sup>71</sup> In March 1591 a second legation arrived under Cardinal Landriano, sent by Gregory XIV. Gregory had confirmed Sixtus V's bulls and demanded all laymen and clergy to abandon Navarre or face excommunication, as well as renewing the excommunication of Navarre and the deprivation of his succession to the French throne. These bulls were published in June 1591 and were immediately opposed in an *arrêt* by the *parlement* at Châlons. Clement VIII sent a further legation to France under Cardinal Plaisance whose bulls were registered in October 1592 and gave the legate the authority to oversee the election of a Catholic king of France. These bulls were again condemned by Châlons, and once again this condemnation was rejected by the Leaguer *parlement* in Paris. The actions of the *parlements* of Tours and Châlons were undertaken in the name of Gallican liberties and the French laws of succession, a fact which has led scholars to emphasise the Gallican character of Navarre's supporters.<sup>72</sup> However whilst it is certainly true that in the polemic those on the side of Navarre claimed to preserve Gallican liberty, this was also a claim echoed by certain members of the League.

Louis Dorléans's *Plaidoyé des gens du roy* was a direct response to the Châlons *arrêt* of 1592 and a defence of the Leaguer *parlement*. The first point to note is the title of the piece: *Plaidoyé des gens du roy fait en parlement*. The '*gens du roi*' were the lawyers who traditionally represented the interests of the king before parliament. Jotham Parsons described them as holding a 'strategic location between the idea of an impersonal Crown that embodied the interests of the state and the actual *royal* government'.<sup>73</sup> Whilst it has been argued that Dorléans's text is anti-Gallican, if we read it in the context of the traditional position of the *gens du roi* as described by Parsons, then in fact we can see that it was, as Dorléans intended, a defence of French political and religious tradition.<sup>74</sup> His plea was made in the interests of the office of the king, and not Navarre (who was not recognised as king by the Leaguers at this point), and it is therefore clear that Dorléans was deliberately presenting his argument as a piece of pro-monarchical, pro-Gallican rhetoric. As far as Dorléans was concerned it was Navarre and his supporters who were

<sup>70</sup> In the 1776 supplement to his *Mémoires-Journaux*, quoted in Penzi, 'Tours contre Rome', 330.

<sup>71</sup> See note 66 above.

<sup>72</sup> Penzi, 'Tours contre Rome', 338–45. Penzi explores the views of Servin on the legation in Louis Servin, *Recueil de ce qui fut dict par M. Servin. Lors de la lecture des lettres patentes du roy du 5e janvier 1590, contenant déclarations de S.M. à la venue d'un des cardinals de la cour de Rome envoyé par le pape au royaume de France* (no date).

<sup>73</sup> Parsons, *The Church in the Republic*, 97. See also Caroline Le Mao, *Hommes et gens du roi dans les parlements de France à l'époque moderne* (Pessac, 2011).

<sup>74</sup> Robert C. Gould, 'The Life and Political Writings of Louis D'orléans, Publicist of the French Catholic League' (Ph.D. dissertation, Bryn Mawr College, 1975), 96–134. Gould argued that Dorléans's position on excommunication was a transgression of the kind of Gallicanism espoused by those such as Pithou, Servin and Antoine Séguier and that Dorléans's entire *œuvre* up until 1593 cannot be read except as an affront to Gallican liberties. This makes his 'volteface' in March of that year difficult to explain, according to Gould. At the meeting of the Estates General, Dorléans had vigorously rejected the acceptance of the decrees of the Council of Trent unless reservation was made for the protection of Gallican liberties. However if we read the text in the manner I have suggested then there is in fact no reversal of opinion on the part of Dorléans.

385 attacking the traditional authority of the French crown and Gallican church, not the League.

In his response to the accusation in the *arrêt* of Châlons that the League were subjecting France to the illegitimate jurisdiction of the pope, Dorléans explicitly asked his opponents how it could be considered contrary to the laws of the Gallican church to restore Catholicity in France.<sup>75</sup> His *Plaidoyé* is a plea for the correct definition of what it means to be a ‘good’ or ‘natural’ Frenchman, living in a community in the last instance governed by the universal church. He describes the church as ‘queen of the world’ and limited only by the ends of the earth.<sup>76</sup> However, far from resulting in a declamation of papal *plenitudo potestatis*, Dorléans’s emphasis is initially on the ‘heretical’ attack of the reformed faith on the church, and specifically on that of the ‘heretics’ at Tours and Châlons. They have, he argues, no marks of true Christianity about them:

[...] having nothing of the morals and the primordial virtue of the ancient and truly natural Frenchmen, [those] who audaciously usurp the name of ‘Catholic’, the parent of the name of ‘Christian’, in proclaiming themselves good Frenchmen, those who make open war on the Catholic Church, the Christian Religion and the true piety of the French?<sup>77</sup>

This connection between piety and the idea of being a ‘natural’ Frenchman explains Dorléans’s concept of Gallican liberty, drawn from ancient and medieval intellectual heritage. Dorléans connected the concepts of *pietas* and *patria* in order to convince his readership that being a true Frenchman required a precise understanding of love of country according to the ecclesiastical hierarchy in which piety towards the *patrie* is situated within the greater homage owed to God.<sup>78</sup> Dorléans argues that the Catholics who sided with Navarre and chose a king ‘nourished’ by Calvinism were betraying their *patrie*.<sup>79</sup>

In responding to the accusation in the *arrêt* that the League had pensioned France off to Spain by accepting the help of Phillip II, Dorléans made an extremely striking statement of the independence of French monarchical jurisdiction.<sup>80</sup> He claimed that kings

<sup>75</sup> Quoted in note 35 above.

<sup>76</sup> Dorléans, *Plaidoyé*, 10.

<sup>77</sup> Dorléans, *Plaidoyé*, 14: ‘[...] n’ayant rien des mœurs et de la vertu ancienne des anciens et vraiment naturelz François, si est-ce-qu’audacieusement ilz usurpent le nom de Catholique, se parent de ce nom de Chrestien, se proclament bons François, eux qui sont la guerre ouverte à l’Eglise Catholique, et à la Religion Chrestienne, et à le vraye pieté des François?’.

<sup>78</sup> This connection in League thought is the subject of a separate study exploring *pietas* and *patria* in the context of the Republican tradition; see Maurizio Viroli, *For Love of Country: An Essay on Patriotism and Nationalism* (Oxford, 1997), 18–40.

<sup>79</sup> Dorléans, *Plaidoyé*, 50–52.

<sup>80</sup> In particular, the Treaty of Joinville (1585), the presence and politics of the Spanish ambassador Bernardino de Mendoza in France and the acceptance of Spanish financial and military assistance enraged Huguenots and *politiques*. The polemic is packed full of this kind of accusation. Contemporary works include (the list is vast) Anonymous, *Les lauriers de roy contre les foudrez pratiqués par l’Espagne* (Caen, 1590); Anonymous, *Le manifeste de la France aux parisiens et à tout le peuple François* (1589); Anonymous [attributed to Antoine Arnauld], *L’anti espagnol et exhortation de ceux de Paris qui ne se veulent faire espagnols: à tous les François de leur party, de se remettre en l’obeissance du roy Henry IV & de se delivrer de la tyrannie de Castille* (1590); *Satyre ménippée de la vertu du catholicon d’Espagne et de la tenue des estats de Paris*, edited by Martial Martin (Paris, 2007), 62, 115, 149. Scholarship includes Delamar Jenson, *Diplomacy and Dogmatism: Bernard de Mendoza and the Catholic League* (Cambridge, MA, 1964), critiqued by Anatole A. Lozinsky, ‘La “Ligue” et la diplomatie espagnole’, *Annales, Économies, Sociétés, Civilisations*, 23e année (number 1) (Paris, 1968), 173–77; Jules Mathorez, ‘Les espagnols et la crise nationale française à la fin du XVIe siècle’, *Bulletin Hispanique*, 18 (1916), 86–113; Pallier, *Recherchessur l’imprimerie à Paris*, 86, 174–78; J. H. M. Salmon,

were the ‘vicar[s] of Christ’, and that they all held their territory directly from Christ. As true Frenchmen the League would never sell France (the kingdom is inalienable), or subject the French people to another ruler. Envisaging the French king as the ‘vicar of Christ’ is part of the same intellectual apparatus used to support the idea of the *Roi très Chrétien*, encompassing the idea that the French king received dominion over France from the divine.<sup>81</sup> However the term was traditionally applied to the pope, and Dorléans can here be seen to be making a very clear Gallican statement with regards to papal jurisdiction in France, rejecting the idea that the pope had both temporal and spiritual powers.<sup>82</sup> The only reason, he argues, the League sought the help of Spain is that France was in dire need of such help from its Catholic neighbour. Dorléans is explicit about preserving the jurisdictional and institutional integrity of the French monarch and kingdom as he conceives it.

Denying temporal power to the pope did not prevent Dorléans from arguing that he could still act directly in temporal affairs by excommunicating a heretic king, a topic to which we now turn. Arguing that accepting the bulls of Clement VIII was the duty of good Catholics—and good Frenchmen—was, Dorléans suggests in the *Plaidoyé*, a way of protecting Gallican liberties. This was not the view of *politique* and Huguenot Gallicans. Pierre Pithou argued that the two central defining points of Gallican liberty were as follows. First, the popes could not command or ordain anything, general or particular, which pertained to temporal affairs and to the countries and territories which were obedient to the sovereignty of the *Roi très Chrétien*. If they did, they could legitimately be ignored. Second, even though popes are recognised as having sovereignty over spiritual matters, in the case of France they could not extend this to claim an absolute and infinite power. In fact, he argued that their power was explicitly bound by the laws and canons of the Gallican church.<sup>83</sup>

Pierre du Belloy also made a strong claim for the independence of the French king from papal jurisdiction in the name of Gallican liberties. The French king, he argued in a classic statement of Capetian propaganda originally based on the thirteenth-century decretal *Per venerabilem* (1202), had no superior in his own kingdom but God.<sup>84</sup> Belloy could not avoid the edifice of canon law describing the papal power of excommunication, and does not deny the effect of this spiritual ‘medicine’ on the individual. What he does deny is that the act of excommunication removes the goods—the temporal belongings—of the excommunicate. In other words, the act of excommunication does not affect the person, it affects the soul: it cannot therefore detach the king from his kingdom. The subject is emphatically not released from his oath of obedience as a result of

‘The Paris Sixteen, 1584–1594: The Social Analysis of a Revolutionary Movement’, in *Renaissance and Revolt*, 235–66; Myriam Yardeni, ‘Antagonismes nationaux et propagandes durant les guerres de religion’, *Revue d’histoire moderne et contemporaine*, 13 (1966), 273–84.

<sup>81</sup> Krynen, *L’empire du roi*, 348–51. Dorléans refers to the fact that the kings of France were *très Chrétien* since their origins; see Dorléans, *Plaidoyé*, 87.

<sup>82</sup> For the medieval background to this discussion, works include Joseph Canning, *A History of Medieval Political Thought, 300–1450* (London, 2005); Canning, *Ideas of Power*; John A. Watt, *The Theory of Papal Monarchy in the Thirteenth Century: The Contribution of the Canonists* (London, 1965); Wilks, *The Problem of Sovereignty*.

<sup>83</sup> Pierre Pithou, *Les libertez de l’église gallicane* (Paris, 1594). Pithou used the example of the rejection by the University of Paris of the bulls of the legation of Cardinal d’Amboise in 1498 which sought to reduce the privileges of the University.

<sup>84</sup> Belloy, *Apologie catholique*, 2.21, folio 57r. Compare Krynen, *L’empire du roi*, 348.

excommunication.<sup>85</sup> Clearly this was precisely what the Leaguers were arguing, as a respondent to the *Apologie catholique* argued:

If any *Politique* tries to say that a King of France can't be excommunicated: it is easy to respond that, being the child of the Church he is subject to its discipline in the same manner as all other Christians, and there is not a single canon of the church from which he would be exempt.<sup>86</sup>

The author may have declared that the king was subject to the authority of the Roman church, but the reality was even more complex: after the assassination of the Guise brothers, the Leaguers in the theology faculty (including Jean Boucher and Guillaume Rose) at the University of Paris declared subjects of Henri III released from their obedience and justified in taking up arms against the tyrant. They sent their decrees to Rome for approval by the pope, who subsequently excommunicated Henri. The finer points of monarchical deposition are not the subject of this article, but it is important to note that it was the University which first declared the king deposed. The faculty of theology was, as Baumgartner put it, an extraordinarily powerful weapon in the hands of the League.<sup>87</sup> Once again, it is clear that whilst opponents of the League made dramatic declarations of its devastating attack on Gallican liberty and the very nature of being French, in fact the League had both tradition and institution in their armoury. On this basis they could claim to be the true guardians of Gallican liberties.

In Dorléans's *Plaidoyé* the defence of Gallican liberties was largely implicit; we turn now to more explicit declarations of those liberties in Leaguer thought. In his work *De Clericis* (1589), published in French as *Excommunication des ecclesiastiques*, the theologian and Hebraist scholar Gilbert Génébrard, Archbishop of Aix, justified Henri III's excommunication but also that of the members of the clergy who had continued to allow the king to worship after he had been excluded from the community of the church.<sup>88</sup> Génébrard argues for what he calls the full excommunication (*grande excommunication*) in the case of Henri III, to whom he refers as a tyrant. By this he means the punishment to include the removal of the king's temporal possessions and

<sup>85</sup> For the full discussion, see Belloy, *Apologie catholique*, 2.12, folios 63r–74v.

<sup>86</sup> *Advertissement aux catholiques sure la bulle de nostre Saint Pere touchant l'excommunication de Henry de Valois: avec plusieurs exemples des punitions estranges & merueilleux iugements de Dieu sur les excommuniés* (Paris, 1589), 28–29: 'Que si quelque Politique s'avance de dire, qu'un Roy de France ne peut estre excommunié: il est facile de respondre qu'iceluy estant enfant de l'Eglise est subiet à la discipline d'icelle comme tous les autres Chrestiens, n'y ayant aucun canon de l'Eglise par lequel il en soit exempté'.

<sup>87</sup> Baumgartner, *Radical Reactionaries*, 104. The role of the university under the League is explored in Thierry Amalou, 'Entre réforme du royaume et enjeux dynastiques: le magistère intellectuel et moral de l'Université de Paris au sein de la Ligue (1576–1594)', *Cahiers de recherches médiévales et humanistes*, 18 (2009), 145–66.

<sup>88</sup> Gilbert Génébrard, *De clericis praesertim episcopis, qui participarunt in divinis scienter & sponte cum Henrico Valesio post cardinalicidium* (Paris, 1589); Gilbert Génébrard, *Excommunication des ecclesiastiques, principalement des évesques, abbez et docteurs, qui ont assisté au divin service, sciemment & volontairement avec Henry de Vallois, apres le massacre du Cardinal de Guyse* (Paris, 1589). Génébrard was appointed Professor of Hebrew at the Collège Royale in 1563 and counted François de Sales amongst his most famous students. He became a member of the League in 1588 and was made Archbishop of Aix in 1591 by Gregory XIII. Although he submitted to Navarre's monarchy in 1593 this did not prevent him from being banished from Aix by the local parliament in 1596 after he published his *De sacrarum electionum iure et necessitate ad ecclesiae gallicanae redintegrationem* in 1593, which argued that bishops should be elected by the clergy and people, not by the king. For more on this episode, see Thierry Amalou, 'Le bannissement d'un chef ligueur: Gilbert Génébrard, archevêque d'aix devant le parlement de Provence', *Les Ligues catholiques et leurs alliés dans la France des guerres de religion*, colloque international organisé par l'Université Paul Valéry-Montpellier III (4–5 avril 2008), <http://www.msh-m.tv/spip.php?article60> (accessed 28 March 2013).

thereby relieving his subjects from their obedience.<sup>89</sup> Taking his reader through the intricacies of canon legal argument, G  n  brard seeks to persuade his reader that consorting with an excommunicate is tantamount to being tainted by their punishment, an argument which had also been used in the treatises of Rossaeus and Jean Boucher, as well as in the latter's sermons. In the final pages of his discussion G  n  brard addresses the reader explicitly and lists the justifications for the 'holy war' the League had embarked on. His seventh reason is that they act

for the management of the Gallican church, the privileges of that church, the Pragmatic Sanction, the Council of Trent, the Catholic, Apostolic, Roman Religion [...] the foundations of our fathers, our lives, our goods, our *patrie*, our liberty and that of our parents, friends, children and posterity.<sup>90</sup>

For G  n  brard there is no contradiction inherent in placing the Pragmatic Sanction of Bourges—a famous Gallican declaration—alongside the Council of Trent, whose decrees were so troubling to many Gallicans. As Dorl  ans had also done in his *Plaidoy  *, G  n  brard makes an explicit connection between the *patrie*, Catholicity and the Gallican church.

G  n  brard pursued these ideas further in his *De sacrarum electionum ad ecclesiae gallicanae redintegrationem* (1593), where he argued against the Concordat of Bologna, denying the king the right to control benefices in the manner brokered in that particular deal.<sup>91</sup> This was not a particularly striking complaint in itself, as criticism of the Concordat was common in the period. What is notable about G  n  brard's work is, as Thierry Amalou describes, the vigour with which he denounced the royal election of bishops as 'illegitimate'.<sup>92</sup> This offers a contrast to, for example, Louis Dorl  ans's conception of the role of the French ruler as a functioning outside the church, whose role was administrative and executive but which nevertheless included the authority to elect bishops. Dorl  ans, as we saw above, thought of the *Roi tr  s Chr  tien* as the 'vicar of Christ', and in his *Responce des vrays catholiques* (1588) he explored the idea that pope and king ought to work in harmony. Both, he suggested, receive their power from God (although differently: Dorl  ans reminds his reader that the king receives his power from God, but through the commonwealth). Like the separate arms of the human body, one attends to spiritual jurisdiction and the souls under its charge, the other temporal jurisdiction and its kingdom.<sup>93</sup> But whilst Dorl  ans and G  n  brard differ on this point, both were in agreement that a fundamental duty towards the Gallican church amongst its members was to protect it from heresy.<sup>94</sup> G  n  brard's defence of the Pragmatic Sanction is consistent with that goal, and his demand for the renewal of the Gallican church through rejecting the Concordat situates his text both within the League polemic, but also within the broader context of Gallican demands for reform of canonical election in France in this period.

<sup>89</sup> G  n  brard, *Excommunication des eccl  siastiques*, 12–16.

<sup>90</sup> G  n  brard, *Excommunication des eccl  siastiques*, 60: 'Pour la manutention de l'Eglise Gallicane, privil  ges d'icelle, pragmatique Sanction, Concile de Trente, Religion Catholique, Apostolique, Romaine [...] fondations de nos p  res, pour nos vies, nos biens, Patrie, pour nostre libert  , & de nos parens, amis, enfans, post  rit  '.

<sup>91</sup> Gilbert G  n  brard, *De sacrarum electionum jure et necessitate: ad ecclesiae gallicanae redintegrationem* (Paris, 1593).

<sup>92</sup> Amalou, 'Le banissement d'un chef ligueur', 12; Daubresse, *Le parlement de Paris*, 240.

<sup>93</sup> Dorl  ans, *Responce*, 239–40. Dorl  ans's description of the relation of the two powers is reminiscent of Bellarmine's.

<sup>94</sup> G  n  brard, *De sacrarum electionum*, 148–70.

Although the Leaguer treatises we have examined so far have indicated a brand of Gallican theory heavily dependent on the principle of protecting the church from heresy, this did not always automatically extend, as opponents accused, to a bold defence of papal jurisdiction in the temporal sphere. On the contrary, as the treatise of Antoine Hotman demonstrates with particular clarity, it was possible to be a Gallican Leaguer and acknowledge a balance between the spiritual and temporal jurisdictions of pope and monarch albeit in a manner unacceptable to, for example, a theorist such as Pierre Pithou. Hotman described the liberties in the following way:

The liberties of the Gallican Church are not papal concessions; they are not rights acquired externally or against the common law. Because in order that France is wholly conserved in a [state of] liberty – more than any other Catholic nation – one cannot say that she has been freed, so much as she has always been autonomous and free since her beginnings.<sup>95</sup>

Hotman's argument closely associates France's ecclesiological liberty with its political freedom. He argued that from its beginnings France was better preserved (*conservée*) than other Catholic countries and so had no need to claim privileges from the Roman church. This construction of Gallican freedom is subtly different to Pithou's, and those of other theorists such as Charles Dumoulin, who based their version of Gallican liberty on the 'rights, liberties and immunities' the Gallican church had claimed from the papacy over centuries.<sup>96</sup> Hotman deliberately offers his reader a positive construction of Gallican liberty in order to argue that the Gallican church is in sympathy with the dignity of the *saint siège*: 'they are not against each other, they are both legitimate: and the balance between them is conducive to the maintenance of the Church and the removal of heresy and atheism'.<sup>97</sup> Hotman, like Dorléans, sought to persuade his reader that the temporal and spiritual jurisdictions could exist in harmony: the papacy had always been a part of French history. On this particular point their ideas are not so far from those of Claude Fauchet and Etienne Pasquier, who both acknowledged the historical papal role in French affairs.<sup>98</sup>

Hotman gives the Gallican liberties a central role in the preservation of the well-being of the French kingdom, and of Christianity itself. But he is quick to explain that this does not mean that the Gallican church has either excessive licence from, or complete subjection to, Rome. These elusive liberties are to be found in the balance struck between recognising the priority and supremacy of the Roman church and the honours and

<sup>95</sup> A. Hotman, *Traité*, folio 6r: 'Mais les libertez de l'Eglise Gallicane ne sont point concession des Papes, ce ne sont point droits acquis outré & contre le droit commun: Car pour s'estre la France conservée en son entier, plus qu'autre nation qui soit Catholique, on ne peut pas dire qu'elle ait este affranchie: mais elle est franche & libre des sa premiere origine'. It is likely that Hotman was here echoing a convention in French political thought which his brother François had also recalled in his *Francogallia*—that it was inherent in the very name of the Franks to be free in the positive sense; see François Hotman, *Francogallia*, edited and translated by J. H. M. Salmon and Ralph E. Giesey (Cambridge, 1972), 200–01. Although they disagreed over questions of faith, François and his brother Antoine shared the idea that France's status of liberty was rooted in antiquity. François had converted to the reformed faith in the 1540s whilst he was apprentice at law, but his five brothers remained orthodox Catholics, and two—Charles and Antoine—became members of the Catholic League.

<sup>96</sup> Dumoulin, *Conseil*. On Dumoulin and Trent, see Kingdon, 'Some French Reactions to the Council of Trent'; Kelley, *Foundations of Modern Historical Scholarship*.

<sup>97</sup> A. Hotman, *Traité*, folios 1v–2r: 'Au lieu que la liberté de l'Eglise Gallicane peut compatir avec la dignité du saint siege: et ne sont point deux choses contraires l'un à l'autre, elles sont toutes deux légitimes: et la proportion correspondante entr'elles, sert à maintenir l'Eglise, et en retrancher l'heresie & l'atheisme'.

<sup>98</sup> Jotham Parsons, 'Papauté, histoire et mémoire gallicane au XVI<sup>e</sup> siècle', *Revue de l'histoire des religions*, 226 (2009), 315–28.

prerogatives owed to it, and nevertheless preserving France from excessive papal interference. In specific reference to papal prescription, Hotman argues that the papacy must not acquire any more rights than they have held up until now.<sup>99</sup> The French, described as a 'frank and free' people, obey the papacy insofar as can be expected of people of such a nature, so long as the popes act reasonably, and with an honest proportion of power. The jewel to be preserved in all this is the 'natural franchise and liberty' of France.<sup>100</sup> Hotman is explicit that the Gallican church does not challenge the authority of the papal seat, but that it has a 'dignity' which is comparable.<sup>101</sup> He explains the distinction between the Roman church and the Gallican on the basis that the liberty of the latter consisted in allowing the papacy no less or more power than has been legally established in France: the Gallican church's independence had strong legal foundations. The papacy may traditionally be viewed as superior to all other bishops of the church, but Hotman makes the claim that the chancellor of Paris had an exceptional status with regards to the pope precisely because France had a stronger tradition of Catholicity than other Christian countries.<sup>102</sup>

Importantly, Hotman identified a balance between the dual identity of France and Catholicism. He recognised, and explained, the complexity of the relationships this engendered between French church, Roman church, and French king, each side claiming their own rights:

It is also useful to remark that the liberties of the Gallican Church are maintained in diverse ways. Because it is not only for freedom from the aspirations of Rome, but also Royal and secular jurisdictions, this is what we see from all the remonstrations and disputes which have been made by the Clergy.<sup>103</sup>

The Gallican liberties are both defined against the 'pretensions' of Rome and those of the French kings. However, in the same way that Hotman makes it clear that in this he does not see the Gallican church as positioning itself against papal authority, neither does it do so against monarchical authority. He argues that the church has granted certain unique privileges to the French king because, uniquely, the French king is the patron and principal founder of the church of France, an argument we have seen to be a staple of Gallican theory. Although in certain countries the popes have over time received rights of superiority, this is not the case in France, and Hotman contrasts this situation to that of the kingdom of Naples, which acknowledged the pope as its feudal lord. However France could not be considered loosed from all papal jurisdiction. Hotman is clear that papal bulls have to be accepted.<sup>104</sup>

<sup>99</sup> Hotman, *Traité*, folios 1v–2r: '[...] c'est le bien de la France, que de luy conserver cette franchise & liberté. C'est mesmes le bien de la Chrestienté, moyennant que nous ne la prenions point pour une licence effrénée, pour un desbordement de raison, ny pour la soustraire de la révérence & submission qu'elle doit au saint siege de Rome. Ains en le recognoissant premier & supérieur de l'Eglise, & luy déferant les honneurs & prérogatives qui luy appartiennent: conserver neantmoins la France en telle façon, que les Papes n'y aquirent par usance & longue possession; plus de droits qu'ils y ont eu iusques à présent'.

<sup>100</sup> A. Hotman, *Traité*, folio 3r.

<sup>101</sup> A. Hotman, *Traité*, folio 6v.

<sup>102</sup> A. Hotman, *Traité*, folios 25r–v. This status was conferred by Benedict XI, who revoked the decrees of Boniface VIII on this point.

<sup>103</sup> A. Hotman, *Traité*, folios 3r–v: 'Il est bon aussi de remarquer que en diverse façons les libertez de l'Eglise Gallicane sont maintenues. Car ce n'est pas seulement pour un affranchissement des prétentions de Rome, mais aussi des iurisdiccions Royales & laïques, ce qui se recognoist par toutes les remonstrances & disputes qui ont este faictes par les Ecclesiastiques'.

<sup>104</sup> A. Hotman, *Traité*, folios 25r–v.

Hotman further maintained that the power of excommunication was a legitimate one in the hands of the pope, even over French kings. However, he uses the serviceable example of Boniface VIII and Phillip IV to demonstrate that such excommunications ought only to be carried out after serious consideration. There should be mutual respect between pope and king. On the one hand, he argued, the papacy should respect monarchical power and ought to take care that their actions would not be counteractive in causing monarch and people to join together in rebellion against papal authority.<sup>105</sup> On the other, kings should acknowledge that the pope had always had supreme authority in divine matters, notwithstanding the fact that the Gallican church had a measure of liberty from papal interference. On that basis, Hotman suggested that kings should be wary of risking excommunication for fear of alienating themselves from their subjects, an event which could, he warned, have serious results.<sup>106</sup>

Hotman tries to maintain the independence of the Gallican church and the authority of the pope simultaneously. In the specific case of excommunicating French kings, Hotman accepted that the Council of Trent had caused problems in France by declaring that papal excommunication meant *ipso iure* that excommunicated kings were immediately deprived of their kingdoms. Not so, Hotman states. Until the French *parlement* has confirmed an excommunication, he argued that it did not have effect in France. He further warns that excommunication has no effect on the succession of the French monarchy, in the sense that it is not for the pope to continue to interfere.<sup>107</sup> This view did not have consensus amongst the Leaguers, particularly considering Clement VIII's authorisation of his legate's duty to oversee the election of a Catholic king of France in 1592. Hotman is clear that, ordinarily, the French are free to obey nobody but their king when it comes to questions of French temporal jurisdiction.<sup>108</sup> As Hotman was well aware, the biggest issue at stake in the question of the liberties of the Gallican church, and the freedom of the French people, was the precise delineation of jurisdictional boundaries: papal and royal, spiritual and temporal. This brings us finally to the question of the acceptance of the Tridentine decrees in France and the complexities of the relationship between different areas of jurisdiction in the French commonwealth. As Hotman noted, Trent caused difficulties precisely because it blurred the lines between temporal and spiritual authority.<sup>109</sup>

#### 4. The Council of Trent and Gallican Liberty

It was characteristic of League demands from 1585 onwards that the decrees of the Council of Trent should be accepted in France with reserve for the liberties of the Gallican church. This was the case in the articles of Edict of Union in 1588 and the meeting of the Estates General in 1593. Despite this, Leaguers met with full-blooded opposition and were perceived to be the instruments of the will of Sixtus V: imposing an authority which had no jurisdiction in France.<sup>110</sup> Jacques Auguste de Thou, Achille Harlay and Jacques Faye d'Espesse were amongst the most vocal opponents of the reception of the decrees in the *parlement*. The debate about the reception of the Tridentine decrees was ultimately

<sup>105</sup> A. Hotman, *Traité*, folio 67r.

<sup>106</sup> A. Hotman, *Traité*, folios 67v–80v.

<sup>107</sup> A. Hotman, *Traité*, folio 48v.

<sup>108</sup> A. Hotman, *Traité*, folio 52v.

<sup>109</sup> A. Hotman, *Traité*, folio 57v.

<sup>110</sup> The fullest exploration of the League with regards to the Council of Trent and Sixtus V's diplomacy remains Martin, *Le gallicanisme et la réforme catholique*, 210–302.

one of authority and who had the greater claim to tend to the reform of the Gallican church—the pope, the French king or the French clergy.

The Council of Trent met three times between 1545 and 1563. Although broad in its scope, the predominant motivation behind the Council was to provide an answer to the questions of reform and heresy. As such, it was both a doctrinal declaration and a programme for reform. Historiographically, it has been viewed either as the bastion of a retrenched, reactionary Catholicism or as the herald of a reformed Catholicism of modernity. Trent challenged the ways in which French Catholics perceived their relation to their monarch and their pope, forming the basis of what Sylvio de Franceschi has termed ‘the theological-political crisis of the early Baroque age’.<sup>111</sup> The controversy the council provoked addressed some of the central questions of Gallican theories: how far the papacy should be permitted to intervene in French ecclesiastical reform; how far the papacy could dictate to the French monarch how ecclesiastical reform was to be undertaken; the independence of the French church from excessive interference from both king and pope; and finally, the question of the role of the general council itself and its relation to the authority of provincial councils. One of the major problems with Trent was that it failed to identify explicitly the source of ecclesiastical jurisdiction, thus leaving room for intense debate about whether bishops held their authority by divine right or from papal dispensation.<sup>112</sup> The Tridentine decrees lacked clarity and unanimity of support in the Catholic church and because they were open to wide interpretation their implementation was deeply problematic, particularly in the French case.

One of the most thorough French treatises rejecting the Tridentine decrees was Charles Dumoulin’s *Conseil sur le fait du Concile de Trente* (1564), which resulted in his almost immediate imprisonment by *parlement* and was mostly received badly. However, the work continued to define the parameters of the debate in the League period, and it is worth briefly considering Dumoulin’s major objections. His first complaint was that the council was illegitimate, having been convened under the sole authority of the pope. This, he argued, was against divine, natural and human law as well as being against the ‘public health and well-being’. The Council was, he argued, against God, against the ancient councils (particularly Constance and Basle, notable for their association with the development of Gallican theory), against the majesty and authority of the king and the rights of the crown and above all against the rights, liberties and immunities of the Gallican church. It abolished the Pragmatic Sanctions of Orleans and Bourges, thus removing the French crown and people’s right to elect their own bishops; it undermined the rights of provincial councils, and it attributed more power to the pope than he had ever had before.<sup>113</sup>

Dumoulin’s complaints provided a resource for Pierre du Belloy in his attacks on the League. Belloy accused the pope, Sixtus V, of ‘abasing and diminishing’ the ‘dignity’ of the French crown, ‘which has always had, thanks to God, complete sovereign power, institution, jurisdiction and *police* over the clergy’.<sup>114</sup> According to Belloy, the French king, not the papacy, had authority over the administration of the French church. He

<sup>111</sup> Sylvio Hermann de Franceschi, *La crise théologico-politique du premier âge baroque: antiromanisme doctrinal, pouvoir pastoral et raison du prince: le saint-siège face au prisme français, 1607–1627* (Rome, 2009).

<sup>112</sup> Tallon, *La France et le Concile de Trente*, 72–73; Salmon, ‘Gallicanism and Anglicanism’, in *Renaissance and Revolt*, 161.

<sup>113</sup> Dumoulin, *Conseil*. For more on Dumoulin and Gallicanism, see Kingdon, ‘Some French Reactions to the Council of Trent’; Kelley, ‘Fides Historiae’; Jean-Louis Thireau, *Charles Dumoulin* (Geneva, 1980).

<sup>114</sup> Belloy, *Apologie catholique*, 2.11, folio 40v: ‘Laquelle à eu toujours grâces à Dieu tout puissance souveraine, institution, juridiction & polices sur les Ecclesiastiques [...]’.

contrasted Trent with the Council of Constance, a legitimate council which granted ‘the liberty, franchises and privileges’ of the French church.<sup>115</sup> He cited the Pragmatic Sanction explicitly as having shown that ‘we are not obliged in France to obey the ordinances, councils or decrees of the pope, nor the assembly made in his authority which he calls a council’.<sup>116</sup> France could reject a council’s ordinances on two counts: the council’s illegitimacy, and if the council decreed anything against the Pragmatic Sanction. Having established these points, he lists in detail twenty-eight decrees of Trent which ‘seem diametrically opposed to the liberty of our Churches, and the Majesty of the very Christian King, against which they are plotting’. These included casting doubt on the status of the French king as ‘*très Chrétien*’; taking over jurisdiction of the church which belongs to the crown; excommunicating and punishing those who have already been dealt with in the French courts; forbidding magistrates from preventing the clergy from excommunicating individuals; and returning the provision of bishops and prelates to the pope, which Belloy argued was against an ancient ordinance of Charlemagne. As far as Belloy was concerned, the poisonous combination of the Tridentine decrees and the ambitions of the League directly threatened the authority of the French king over the French church, and the liberties of that church itself. AQ15

However the Leaguers did not all fit the mould Belloy had cast for them. Some were dogmatic, like Pierre Epinac, Archbishop of Lyon, who appended the Tridentine confession of faith to a pamphlet addressed to the clergy in his diocese as the authority on how to handle heretics.<sup>117</sup> Others had more of an eye for the complexities of the political, Gallican mentality. As we have seen, Dorléans made the case for the monarch’s administrative role in the Gallican church as well as arguing for the reception of the decrees: there was no necessary conflict. Antoine Hotman, like Belloy, recognised that the difficulties France had in receiving the decrees was largely due to the question of *police*: the limits of temporal and spiritual jurisdiction in the French polity. He expressed concern that the claims made by Trent would be badly received if the French king were *commanded* to receive them.<sup>118</sup> Leaguers such as Dorléans and Hotman offer a much more nuanced vision of the League views on Trent than a polemicist such as Belloy would have cared to admit.

One of the most sophisticated arguments concerning the reception of the Tridentine decrees is that of Pierre Grégoire. His ‘Reponse au Conseil donné par Charles du Molins, sur la dissuasion de la publication du Concile de Trente en France’ (1584) was, as the title suggests, a point by point response to Dumoulin’s treatise. Grégoire was law professor at the University of Pont à Mousson from 1582, best known for his political treatise of 1596, *De Republica*. His patron, Charles the Duke of Lorraine, was a supporter of the Guise brothers in their opposition to Henri III’s policies towards the reformers. His *Conseil*,

<sup>115</sup> Belloy, *Apologie catholique*, 2.25, folios 76v–81r.

<sup>116</sup> Belloy, *Apologie catholique*, 2.25, folio 77r: ‘Nous ne sommes pas obligez en France aux ordonances, constitutions, ou décrets du Pape, ny de l’assemblée faicte de son autorité qu’il appelle Concile’.

<sup>117</sup> Pierre Epinac, *Advertissement de la part de monseigneur le Reverendiss. Archevesque, comte de Lyon, primat des Gaules, au clergé de son diocèse: touchant la réduction des defuoyez & heretiques à la sainte eglise catholique apostolique Romaine. Avec la confession de la foy, faicte par ordonnance du S. Concile de Trente* (Lyon, 1585).

<sup>118</sup> A. Hotman, *Traité*, folios 54v–55r. He cites in particular the question of tithes which ought to be under the jurisdiction of the officers of the crown and were not a matter for the clergy.

published in Lyon by the league printer Jean Pillehotte, can be read as part of the League polemic, even though it would not be accurate to describe Grégoire as a ‘Leaguer’.<sup>119</sup>

Grégoire’s work argued that the purpose of a church council was to resolve problems in the community at large. Trent, he states, was legitimately convened in the manner of all general councils and as such acted with God’s grace. On that basis, he wrote the following:

By which response will be shown that if it pleases the King to publish it and support each point according to its form and content, that will be done as a Catholic Prince, following the paths and legacies of his Forebears the very Christian Kings, and always well disposed to the Catholic Faith, without wasting time to the contrary with fake council, which arms itself with the privileges of France that some say they want to preserve, their intention being nothing less than the honour of France, which they have [in fact] blackened and divided under the pretext of defending.<sup>120</sup>

Grégoire’s point here is that it is the correct duty of a Catholic ‘*très Chrétien*’ king to accept the decrees of Trent, in direct opposition to Dumoulin’s point that the king could not accept the decrees without violating his own majesty and the rights of the French church. He is dismissive of Dumoulin’s argument that Trent was an illegitimate council, and that under Pope Julius III it only sought to attack Henri II of France and undermine Gallican liberties, arguing that Henri II had no reason to reject Trent.<sup>121</sup> In fact, the trouble was between the emperor and Henri II—it had nothing to do with the papacy. The implication of Grégoire’s argument is that the Tridentine decrees ought not to be interpreted as a covert attack on Gallican liberty under the guise of a general council, but as a movement to reform the universal church. The whole constitution of the church was under discussion at Trent, not the Gallican privileges on which du Moulin focuses.

Grégoire clarifies his position on Gallican liberties over the question of episcopal election. Dumoulin had argued that Trent declared that bishops could not be elected by lay powers, and thus overturned the French king’s Gallican right to elect his bishops.<sup>122</sup> He went on to argue that it was a crime of *lèse-majesté* to exempt the clergy from secular jurisdiction, as he argued the Tridentine decrees were trying to do.<sup>123</sup> By phrasing it in these terms, Dumoulin portrayed Trent as an unequivocal threat to secular jurisdiction. In

<sup>119</sup> Scholarship which has addressed this treatise has not done so in the context of the League. See Crimando, ‘Two French Views of the Council of Trent’. The two main works on Grégoire are: Claude Collot, *L’école doctrinale de droit public de Pont à Mousson* (Paris, 1965); Charles Hyver, *Le doyen Pierre Grégoire de Toulouse et l’organisation de faculté de droit de Pont à Mousson* (Pont à Mousson, 1874). On Grégoire’s *De Republica* there is also Luigi Gambino, *Il De republica di Pierre Grégoire: ordine politico e monarchia nella Francia di fine Cinquecento* (Milan, 1978).

<sup>120</sup> Pierre Grégoire, ‘Reponse au Conseil donné par Charles Dumoulin sur la dissuasion de la publication du Concile de Trente en France, par Pierre Grégoire Tholosain’, in *Caroli molinaei franciae et germaniae celeberrimi jurisconsulti, et in supremo parisiorum senatu antiqui advocati, omnia quae extant opera, ex variis librorum apothecis, in quibus latebant, nunc primum eruta, & simul typis commissa, permultisque medis, auibz sensim scatebant ad exemplaria tum ab authore recognita, tum a viris doctissimis, jurisue peritissimis inter legendum notata, & quam fieri potuit diligentissime purgata. Editio novissima quinque tomis distributa, auctior & emendatior. Horum seriem pagina sequens indicabit* (Paris, 1681), 5, 387–88: ‘Par laquelle response sera montré que s’il plaist au Roy de le faire publier & entretenir de point en point selon sa forme & teneur; se sera comme Prince Catholique, & suivant les traves & vestiges de ses Ayeulx très-Chrestiens Roys & toujours bien affectionnez à la Religion Catholique, sans s’amuser au contraire prétendu conseil, qui s’arme des privilèges de France que quelques uns disent vouloir conserver, n’estant rien moins de leur intention que de l’honneur de la France, qu’ils ont misérablement charbonnée & divisée sous pretexte de la défendre’.

<sup>121</sup> Grégoire, ‘Reponse au Conseil’, 404; Dumoulin, *Conseil*, folios 6r–7r.

<sup>122</sup> Dumoulin, *Conseil*, folios 7r–v.

<sup>123</sup> Dumoulin, *Conseil*, folio 16v.

his response, Grégoire quoted the council's decree (session 23) directly. He argued that the actual decree stated that lay powers alone could not elect bishops. The French king's right to investiture was in fact a 'privilege', not a 'right' which emphatically did not prevent the legitimate election made by the clergy.<sup>124</sup> No king, Grégoire argued, would deny that the spiritual and temporal jurisdictions were separate. On that basis, he states that it would be more a crime of *lèse-majesté* to do as Dumoulin wished and subject the clergy to lay jurisdiction. Turning Dumoulin's argument on its head, he argued that it is the king's duty to protect the church's liberties.<sup>125</sup> Grégoire's piece demonstrates how it was intellectually possible for members of the League to claim that accepting the Tridentine decrees would be an act of protecting, not destroying, the French national church.

Trent posed a problem for France through its failure to clarify the source of episcopal authority, and as such it was the catalyst for profound debate about the relationship between the temporal and spiritual powers, the limits and origins of jurisdictional powers in both spheres, and the position of the Gallican church with regards to these debates. By mostly advocating the acceptance of the Tridentine decrees, the League drew fierce opposition from *parlement* in particular. However this discussion in many ways transcended the immediate context of the League polemic, as support for Trent was widespread amongst the episcopate and the Assemblies of the Clergy. In this sense, the League were not acting on the fringes of French society, but in accordance with the mainstream opinion of the French clergy. AQ16

This continues to be the case if we move forwards to the seventeenth century. Although in many ways the intellectual landscape shifted as Henri IV consolidated his control over France after his conversion and absolution, there remained some continuity with the earlier period. Gallican theory saw the resurgence of Gersonian conciliarism with the publications of Edmond Richer, which scholars have often opposed to the more hierocratic theories of Cardinal Bellarmine in the context of the controversy of the indirect papal power, but it is clear that a middle route survived. Of the texts studied here Gilbert Génébrard's controversial *De sacrarum electionum* and Antoine Hotman's *Traité des libertez de l'église gallicane* continued to be published in the early seventeenth century, and a trajectory can be traced between League theories of Gallican liberty and the developing episcopal Gallican theories in the seventeenth century, which negotiated between papal and monarchical power but maintained a focus on internal church reform.<sup>126</sup> The members of the League considered here are more accurately considered as moderate theorists of Gallican liberty than proponents of unequivocal ultramontaniam.

### Acknowledgements

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<sup>124</sup> Grégoire, 'Reponse au Conseil', 416–17: 'Et encore cela est par privilege & non de droit, & pour garder qu'il n'y ait tumulte en la province, & pour scavoir quelles gens sont esleus en son Royaume, non pas pour les eslire ny pour empescher l'élection légitimement & canoniquement faite par le Clergé'.

<sup>125</sup> Grégoire, 'Reponse au Conseil', 420.

<sup>126</sup> Aimé Georges Martimort, *Le gallicanisme de Bossuet* (Paris, 1953); Olivier Poncet, *La France et le pouvoir pontifical, 1595–1661: l'esprit des institutions* (Rome, 2011); Bergin, *The Making of the French Episcopate*; Parsons, *The Church in the Republic*, 227–73. My thanks to the anonymous reviewer who suggested this point.