CITIZENSHIP IN LATER MEDIEVAL FRANCE, c. 1370 – c. 1480

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By

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Did citizenship exist in later medieval France? The current historical narrative on the history of citizenship would answer no. According to this narrative, many towns north of the Alps saw civic practices, but they were unconnected to fully developed civic ideologies in the Classical Republican tradition practiced in the northern Italian city-republics. As for the late medieval French kingdom in general, the same narrative does not consider citizenship even a relevant conceptual category.

In my dissertation I examine the interconnections among political thought, political society and the practice of citizenship in the law and politics of France from c. 1370 to c. 1480. I address a number of questions that most historians thus far have not seriously considered, partly because civic discourse and civic practices seem irrelevant to the traditional scholarship and its concern with the rise and sacralization of royal authority. Historians focused on the imminent rise of the modern French state, as well as historians who associate citizenship primarily with the rise of authoritarian city-states in Renaissance Italy, tend not to ask the questions that I address: Who were citizens and who were not? Was citizenship universal in any way? What functions did citizens fulfill and whom did society consider good citizens? What grades of citizens existed and just how unequal was citizenship at the time? My sources include political theory tracts, legal writings, legal proceedings and decisions, edicts, political speeches, chronicles,
administrative documents (such as letters of naturalization), and municipal deliberations of several towns.

Granted, citizenship in later medieval France did not revolve around the modern organizing concept of the democratic liberal state. Yet citizenship as a concept was relevant, and contemporaries held clear conceptions of it. They practiced citizenship in what they considered the commonwealth of the whole realm of France, in the Church, in the commonwealths of the towns (each a self-ruling polity), and in the principalities or regions (pays). In my dissertation I show their conceptions and practices of citizenship not only in the realm as a whole, but also in the towns of Champagne, in Brittany and in Dauphiné.
To Lilach, Alon and Michal
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Map

A Fifteenth-Century View of France

Source: MS. BnF. Lat. 4802, ff. 125v-126r (A manuscript from the second half of the fifteenth century of Ptolemy's Cosmographia, translated in Florence by Jacob Angelo).
Introduction

On July 15, 1385, the Parlement of Paris (the highest court of law in France) gave a decision in the matter of the inhabitants (habitans) and residents (manans) of Orléans against its sergeants and notaries. The inhabitants argued that the notaries and sergeants, who were more than 60 men and among the richest in the town besides, should pay the taxes used for the town's fortifications. The sergeants and notaries answered that they were not part of the "commune" of the town, that they did not go to its assemblies, and that they should therefore not pay its taxes. They also argued that they served in arms in times of war, and therefore paying for fortifications would make them essentially pay the same tax twice. The court decided in favor of the inhabitants, making the sergeants and notaries pay town taxes from then on.¹

This fairly typical case (usually in this period the court made clergy and other such men pay for town fortifications despite their claims for exemption) sheds a light on some fairly typical aspects of citizenship in France at the time. First, France was a commonwealth composed of many commonwealths, here called "communes," elsewhere, for instance in a similar case decided in 1388 against the clergy of Noyon, called a "civitas,"² or a "commonwealth" (la chose publique). These terms signify a conception of these towns as republics or commonwealths, self-governing political bodies within the kingdom of France. Second, the inhabitants of the town saw themselves as the town's citizens. They thought that they could demand of everyone in the town contributions to the town's defense. In other words, they thought that everyone had civic duties toward

¹ Quoted in Questiones Johannis Galli, Marguerite Boulet ed. (Paris: E. de Boccard, 1944), 50-51. All the dates in this dissertation count years as beginning on January 1.
² Quoted in Ibid, 168.
their town (or commonwealth). Lastly, this case shows that at least the sergeants and notaries thought that civic participation in town assemblies was such a common norm, that anyone not participating was not its citizen. In other words, they equated citizenship in the town with active political participation in decision-making.

Orléans is just a single typical example of a wider phenomenon. Civic ideologies and self-conscious civic practices were common in late medieval France. These ideologies and practices are the subject of this dissertation. I examine in it the interconnections among political thought, political society and the practice of citizenship in the law and politics of France from c. 1370 to c. 1480. I address a number of questions that most historians thus far have not seriously considered, partly because civic discourse and civic practices seem irrelevant to the traditional scholarship and its concern with the rise and sacralization of royal authority. Historians focused on the imminent rise of the modern French state, as well as historians who mainly associate citizenship with the the rise of authoritarian city-states in Renaissance Italy, tend not to ask the questions in the French context that I address: Who were citizens and who were not? Was citizenship universal in any way? What functions did citizens fulfill and whom did society consider good citizens? What grades of citizens existed and just how unequal was citizenship at the time? Were there differences between citizenship as participation in the self-rule of the political body and citizenship as a legal status conferring rights?

Scholars in the field of citizenship studies regularly delineate four interconnected but distinct concepts of citizenship. First, citizenship politically understood is membership in an independent political community, conferring rights to participate in its self-rule, i.e. in formal or institutional decision-making. This is the Aristotelian definition
of citizenship to which Classical Republicanism often refers, in which citizens are individuals who have the right to participate in the self-rule of a republic or commonwealth. Second, citizenship is also understood as a legal status that confers legal rights. These rights regularly include political rights, protection of the law, and welfare rights, such as the gleanage rights extended to all those on an early modern French tax roll. In the modern democratic nation-state these two senses of the word often converge, yet the first is active political citizenship and the second is passive nationality, being subject to the law. Third, citizenship is also associated with identity of individuals through membership in human associations or communities. Yet again, in the modern nation-state citizenship in this sense is equated with nationality, membership in a nation. Fourth, citizenship is a cultural activity. It is a political virtue that orators promote and through which teachers educate.  

As shown in the seven chapters below, citizenship existed in late medieval France in all these concepts, even though at the time it was neither a nation-state nor a democracy. In contrast, today the study of citizenship goes hand-in-hand with the concept of the modern, liberal, democratic, nation-state that is associated with all four concepts of citizenship. Granted, scholars have in recent decades shattered the previous conception that singularly associated citizenship with possessing rights in a liberal democratic nation-state. Many of them have noted the retreat of the nation-state in terms of access to citizenship and in terms of its loss of a supposed former monopoly in supplying civic identity. Some scholars have attempted to redefine citizenship, challenging the former

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monolithic conception. The study of civic republicanism, for instance, as civic practices associating citizenship with political virtues is one of these challenges. Multicultural citizenship is another. Yet in any case, as a defining concept or as a retreating concept, the nation-state remains a key reference point for current citizenship studies.  

The modern nation-state is also a key player in the current historical narrative on citizenship. Perhaps it is better to speak of several historical narratives, since some dispute remains on the exact trajectory of the history of citizenship. Quentin Skinner and John Pocock are among the more influential historians of citizenship. They have focused on the foundations (in the case of Skinner) and the novelty (in the case of Pocock) of the civic ideologies of fifteenth-century northern Italy. Skinner alongside other historians such as Brian Tierney and Maurizio Viroli, continue, in a sense, the historical thesis that Walter Ullmann promoted. They locate in earlier times the origins of the forms of citizenship that flowered in fifteenth-century northern Italy. In contrast, Pocock and other historians, such as Cary Nederman (and, earlier still, Hans Baron), see a clearer break between medieval political thought and fifteenth-century northern Italian civic conceptions, making a case for their novelty. In any case, both sides of this debate focus on the fifteenth-century northern Italian Renaissance as the era in which civic ideologies either matured or were born.  

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5 I am indebted here to the historiographic discussion in Cary J. Nederman, "Empire and the Historiography of European Political Thought: Marsiglio of Padua, Nicholas of Cusa, and the Medieval/Modern Divide,"
The narrative that Pocock in particular promotes sees the first and fourth senses of citizenship, citizenship as active participation in political decision-making and as a political virtue, as born in ancient Greece, the so-called Classical Republicanism. Imperial Rome replaced this form of citizenship with an imperial form of citizenship, which fits better with the second sense of citizenship, i.e. passive enjoying of rights (protection of courts and of Roman troops). As this historical narrative goes, in medieval times (both in the towns and the feudal kingdoms) subjects replaced citizens to form the basis of modern legal citizenship. Political citizenship in the Classical Republican tradition resurged in the Renaissance in parts of northern Italy; its heirs included the English Commonwealth of the seventeenth century, the French Revolution and the United States of America in the eighteenth century.6

Scholars who subscribe to this historical narrative might be surprised to discover that citizenship and civic ideologies were relevant conceptual categories for late-medieval

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France. They believe that the discourse on citizenship in the late middle-ages was mostly Italian, since a self-conscious practice of citizenship in the Classical Republican tradition was recovered almost only in some of the Italian cities. Towns north of the Alps sometimes receive some attention, especially the towns of Flanders. Yet scholars perceive the civic practices of other towns, such as those of France or the Empire, as underdeveloped in comparison to their Italian counterparts. In other words, this historical narrative rejects the notion of the very existence of civic ideologies and practices in late-medieval France outside the towns, and even in the towns only in some lesser form. As Peter Riesenberg has generalized on Europe north of Italy:

[C]itizenship...did not really exist in the north at the level of the kingdom or feudal state. It did exist, however, within the city, although probably not with the full resonance of the institution as found in Italy and elsewhere in the Mediterranean, where the legacy of Rome was strong.\(^7\)

Historians mostly believe that citizenship in the second sense, i.e. the citizen as a holder of legal rights and a subject of state law, arose with the modern state. The towns are a good example. The towns were traditionally the main locus for the study of the history of citizenship. In the past historians had viewed modern citizenship and civil society as products of some bourgeois victory over feudalism. Today historians see that beside republican practices, towns also enforced typical medieval forms of government, just as the late-medieval monarchies and principalities did. Historians now see most of

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\(^7\) Peter Riesenberg, *Citizenship in the Western Tradition: Plato to Rousseau* (Chapel Hill and London: The University of North Carolina Press, 1992), 113. For a similar historiographical narrative see Paul Magnette, *Citizenship: the History of an Idea* (Colchester, U.K.: ECPR Press, 2005), 47, and Derek Heather, *Citizenship: The Civic Ideal in World History, Politics and Education* (London and New York: Longman, 1990), 21. ("The Medieval Frenchman was a subject of the Capetian monarch, not a citizen of France.") Both Riesenberg and Heather focus on the Italian context when discussing civic conceptions and Classical Republicanism, rejecting their relevance outside the towns, and even there in some lesser forms. With regard to France both generalize on medieval times up to c. 1500, and begin a more detailed discussion only with the sixteenth century.
the towns too as precursors of modern legal citizenship, in the sense of the citizen as a passive subject of the law.\textsuperscript{8}

In France, historians view modern citizenship as a product, at least in part, of the policies of the late medieval French crown. The relevant distinction is between naturals of France (later, nationals) and foreigners. Some historians, particularly Peter Sahlins, but also Charlotte Catherine Wells, perceive a pendulum-movement process in the history of French citizenship. They discuss how in the sixteenth century jurists and other writers promoted a political sense of citizenship, in the sense of positive membership in a French commonwealth. The Wars of Religion and especially the 1570s saw a movement toward legal citizenship, i.e. citizenship in the sense of individuals as subjects of the law who do not suffer the liabilities of foreigners (the \textit{droit d'aubaine}). Sahlins and Wells survey this process through a study of letters of naturalization, which the crown granted as exemptions from these liabilities. Finally, so both of them argue (separately), the second half of the eighteenth century saw a reversion (a swing back of the pendulum) toward the former political sense of citizenship, and a transformation of the legal citizenship into a national citizenship.\textsuperscript{9}

Sahlins has little enough to say on the late medieval period. Indeed the current relatively “hot debate” on foreigners in the \textit{ancien régime}, as seen in recent exchanges between Peter Sahlins and Simona Cerruti, focuses on the nature of the \textit{droit d’aubaine} in

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sixteenth-century France, its uniqueness, its novelty, if it reveals a malevolence of the
state toward foreigners, and if letters of naturalization connected to it were part of
France’s state- and nation-building.\textsuperscript{10} Wells argues that a certain sense of political
citizenship existed in the fifteenth century, but supports this argument mainly through the
writings of a single philosopher in the 1370s, Nicole Oresme, implying that he was a
voice in the wilderness in that period. Otherwise the citizenship that she claims was
universal and equal, was the legal citizenship that juxtaposed foreigners with naturals of
France.\textsuperscript{11} Other historians that look at the late medieval period in France in these
contexts, such as Rogers Brubaker and Jacques Boizet, argue that the legal type of
citizenship grew in a linear process. This process was gradual from the late medieval
period (the consolidation of the power of the crown versus seigniorial rights) through
early modern times. The Revolution of the eighteenth century was not in their view a
swing-back of the pendulum, but truly a revolution adding to the older legal citizenship
the political and national citizenship.\textsuperscript{12}

Finally one cannot ignore the debate with regard to the origin of nationalism and
the idea of the nation in France. Historians of nationalism and nationhood are generally
divided between historians that see nationalism and nationhood as modern phenomena
(such as Benedict Anderson, E.J. Hobsbawm, and Ernest Gellner), and historians that see
at least the nation as a relevant category in the pre-modern era (such as Anthony D. Smith

\begin{footnotes}
\footnote{10} Simona Cerutti, "À qui appartiennent les biens qui n’appartiennent à personne? Citoyenneté et droit
daubaine à l’époque moderne." \textit{Annales HSS} 62, no. 2 (mars-avril, 2007), 355-383; Peter Sahlins, "Sur la
citoyenneté et le droit d’aubaine à l’époque moderne : Réponse à Simona Cerutti," \textit{Annales HSS} 63, no. 2
(mars-avril, 2008), 385-398.
\footnote{11} Wells, \textit{Law and Citizenship in Early Modern France}, 9-15; Charlotte Catherine Wells, “The Language of
\footnote{12} Rogers Brubaker, \textit{Citizenship and Nationhood in France and Germany} (Cambridge, Mass.: Harvard
Laverone, 1943).
\end{footnotes}
and Adrian Hastings). The first group argues that national sentiments did not truly exist in any widespread manner in late medieval France. The second group believes that even ancient polities (as Barry J. Kemp, for instance, depicted ancient Egypt) could manifest widespread national sentiments, not to mention France in the time of Jeanne d'Arc.

With regard to France in particular, historians such as Colette Beaune, Jacques Krynen and Nicole Pons have argued that the period of the so-called "Hundred-Years-War" saw a rise of national sentiments. Bernard Guenée noted that elites gave the term "French" (français) ethnic and national meanings as early as c. 1300. The perception of this category arguably spread to a wider public with the English victories in the war. In the terms of citizenship studies (which they generally do not use) these historians would argue that citizenship in its third sense of identity in a human association existed in late medieval France, because France was, to a certain extent, becoming a nation. (The history of French nationalism or of French national sentiments, as opposed to French civic identity, is outside the scope of this dissertation.)

In short, citizenship in the third sense (as identity) is contested with some historians arguing for the existence of strong national sentiments in late medieval France (connected with the second phase of the Hundred Years War) and others looking to the sixteenth century and later. Citizenship in the second sense (legal citizenship) is also contested, with some historians arguing for its relevance in late medieval France. But even those historians who look to the late medieval period generally relegate the first (political) and fourth (ethical) senses of citizenship to the towns, and even there in a lesser undeveloped form compared to the Italian towns. Yet despite these historical narratives, citizenship in all four senses had manifestations in late medieval France (political participation; legal rights; as a form of identity; and as a political virtue).

True, in examining citizenship in late medieval France I am at times using the words “citizen” and “citizenship” anachronistically, applying meanings and philosophical frameworks that were foreign to most late medieval people. The regular meaning of the words “cives” and “citoyen” in late medieval France was “free city dweller.” The more common word for such people was “burgenses” ("bourgeois"), though in this period it meant the same, i.e. free city dwellers (or holders of free land in a city). The bourgeois was part of a legal estate, free people of means dwelling in towns. Both the towns and the crown clearly defined who in the town enjoyed citizenship. The conditions were fairly standard: men who were born and resided in the town; men who inherited the status of

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burgher or paid for the right of entry; men who held enough landed property and those who participated in communal expenses.  

The emphasis on the urban and social elements of the meaning of the words “citoyen” and “bourgeois” remained constant throughout the period examined here, but the better educated elites also conveyed other meanings to the word "citizen." The religious connotations of the word "citizen" would immediately come to mind. Through works of the Fathers of the Church that elites continued to read and to translate, the idea of the "citizen of the heavenly city" or "patria" remained relatively widespread. 

Beyond church and urban connotations, contemporaries had conceptions of citizenship as a conceptual category in its four senses (political participation; legal rights; as a form of identity; and as a political virtue), even when they did not use the term "citizen." From the second half of the fourteenth century, French political language following the rediscovery of Aristotle’s *Politics* (and its translation into French by Nicole Oresme) was transformed. Even before that the idea of the “body politic” was widely

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16 See for instance Raoul de Presles, *Cité de Dieu* [c. 1371-5] (Abbéville: J. Du Pré et P. Gérard, 1486), fol. 6. Online: [http://gallica.bnf.fr/ark:/12148/bpt6k110643s](http://gallica.bnf.fr/ark:/12148/bpt6k110643s). For further discussion of this type of citizenship see below, chapter one.
dispersed through the texts such as John of Salisbury's twelfth-century *Policraticus*\(^\text{17}\) But from mid-century, political society used new rhetoric and asked new questions on the nature of the body politic, most notably asking whether it was a *civitas* and who were its "citizens."\(^\text{18}\)

This transformation was part of a wider European process. As John Watts has shown, political culture and language were transformed throughout late medieval Europe, as the political community in each polity became more complex and went through what he has called a "constitutional thickening" in its political assumptions and practices.\(^\text{19}\) Some of the new rhetoric and new questions of the French political community related to citizenship. While the word "citizen" denoted in regular speech a person who belongs to the politically and legally privileged small elite of a city, some philosophers such as Oresme began to use this word in a wider sense. Even those who did not use this word, but instead used the words “subject” (*sujet* in French, *subditus* in Latin), "regnicole" ("inhabitant of the kingdom") or "inhabitant" (*habitans*), conveyed new civic meanings to the words.

Wells, Sahlins and Cerruti, by focusing on the sixteenth century onwards, accept in essence the meta-historical arguments promoted by Pocock and others on the novelty of the civic ideologies of the Renaissance. They implicitly assume an absence of a well-developed discourse on citizenship (beside Oresme) and self-conscious civic practices in

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\(^{18}\) Krynen, *L'Empire du roi*, 248-249

late-medieval France. They implicitly assume that Riesenberg's aforementioned generalization is correct. A wider focus reveals the fallacy of their assumption. Civic discourse and practices rested not only on “political theory” or on philosophical treatises, but also on other expressions of political ideologies, including for instance legal treatises, court decisions, political speeches and political deliberations. As scholars of the “Cambridge Method” argue, exemplified most prominently by Skinner and Pocock himself, the study of the history of political theory should not be seen as:

the study of allegedly canonical texts, but rather as a more wide-ranging investigation of the changing political languages in which societies talk to themselves.20

And so, we must investigate late-medieval political language taking a wide view. We must see how they saw, spoke of, and practiced what we today call "citizenship."

Intellectual writings and political deliberations are obvious venues for articulating civic ideologies in this period. Another venue for articulating civic ideologies in this period was law and legal discourse. What is the justification for treating law as a civic ideology rather than solely as a civic practice? The first and foremost problem in the philosophy of law relates to the nature of law. From a positivist philosopher's point of view, such as that of Hans Kelsen or H. L. A. Hart, state-recognized norms constitute law. From such a point of view, law with regard to citizenship indeed appears more as a civic practice rather than as a civic ideology. Other philosophical points of view, such as the critical legal studies schools of thought, tend to see practices – for example the execution of norms in courts – as law. From such points of view, while practices of courts may constitute civic practices, the norms themselves are civic ideologies.

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Yet one need not use the insights provided by critical legal studies schools of thought, to view at least some legal norms as civic ideologies in the late-medieval period. The positivist conception of law as state-recognized norms is an historical phenomenon. Both Kelsen's pyramid of norms and Hart's rule of recognition make sense only in the context of a modern state. The modern state and its conception of sovereignty, i.e. Jean Bodin's contention that sovereignty consists of a monopoly on making positive law, only gradually became a reality, as states monopolized the authority to make law in the legal reforms of the eighteenth century. On the other hand, early modern states, not to mention late-medieval polities such as France, practiced legal pluralism. True, jurists sometimes defined the kingdom of France judicially as the area in which the king of France held supreme appellate jurisdiction (resort), had general care and could make all ordinances (establissemens) for the common profit (commun proufit).\textsuperscript{21} Yet in fact legal systems co-existed and overlapped within this territory, as in other territories of that age. Several legal tracts of the age begin a survey of law by delineating the various sources of law and jurisdictions coexisting: secular and temporal; natural; written; customary; and so forth.\textsuperscript{22}

In a pluralistic legal system, some legal norms are bound to find themselves unenforced at least by some, especially in light of competing legal norms and jurisdictional disputes. Unenforcement gives even more justification to view legal norms,


as opposed to legal practice, as civic ideologies. Another justification lies in the character of the legal thought and legal writings of the age. Often the greatest importance of legal tracts was as legal ideologies rather than as legal practices.

Many legal tracts of the time were in the fields of canon and Roman laws. In one sense, both were independent systems of law, recognizing and competing with each other. At times courts applied these systems of law, for instance in Church courts and in the south. Yet beyond their actual application, jurists developed these fields into a single rational system that influenced other sources of law. Men (again, all men) who received degrees of Roman and canon law in Montpelier, Orléans or Bologna, later practiced the customs of a region or a town, or the rules of the royal court in which they became barristers or justices. Roman and canon laws were – to quote Manlio Bellomo – the single *ius commune* (common law) system of Western Europe. Not only did jurists apply them as a possible source of law when other laws did not apply, but they also supplied the common legal language and system of Western Europe; they gave their terms (such as *imperium*) to other local laws. In other words, beyond their immediate practical effects as positive laws, Roman and canon laws as ideologies affected other positive laws.

A well-known example of this influence of Roman and canon laws as ideologies is on customary law. France was divided between regions of written law (in the south) and regions of customary law (in the north). Customary law relied on practice in specific regions and towns and not on written law. Yet gradually from the twelfth century onwards, customary law went through processes of formalization: the crown confirmed customs of Church, urban and village communities; the crown abolished "bad costumes";

and practicing jurists unofficially redacted the customs of their regions (official royal redactions began in 1454). Yet redactions of customary law – which by definition were attempts to write down the legal practices of a region (sometimes a very small region) – were written in terms of Roman law. Finally, royal ordinances too show the same influence of Roman and canon legal theories. Royal officials used Roman law and canon law concepts to construct and apply royal administration and royal authority. Ultimately these concepts influenced not only the construction of royal law, but its perception as well. As such, again, legal tracts such as *summas*, at times formed an ideology rather than a practically enforced norm.

In other words, civic practice in the law of the period was in the actual execution of law at the hands of various officials, royal or otherwise, such as bailiffs and town councils. These officials held executive, judicial and legislative powers, and when enunciating or enforcing civic norms, they revealed civic practices. When legal experts redacted customary law or wrote other legal tracts on civic norms, they might have reflected civic practices, but often they articulated their own civic ideology.

With this attention to the legal context, we can now return to a consideration of citizenship. As already noted, citizenship existed in late medieval France in the four senses discussed above: citizenship as political participation of individuals in formal decision-making in a commonwealth; citizenship as individuals being subject of the law with rights, privileges and obligations; citizenship as identity; and citizenship as a

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27 On royal administration at the time holding all three powers see Rigaudière, *Penser et construire l'Etat*, 182-183. For a description of royal offices, see Guillot, Rigaudière and Sassier, *Pouvoirs et institutions dans la France médiévale*, 196-241.
political virtue. In chapter one I examine the theory of citizenship, taking a wide view of political theory. I focus on the late fourteenth century, showing that an Aristotelian theoretical discourse on citizenship existed, which appreciated the difference between the citizen who participates in formal decision-making (political citizenship) and the citizen-as-subject or regnicole who must obey (legal citizenship). Oresme was not the only writer to discuss citizenship, although his importance is great. By taking a wide view of political theory I show the wide-spread discourse on citizenship that existed in the late fourteenth century. I also put that discourse in its proper political and social contexts, including the importance of local elites, the dangers to the unity of France, and the attempt of the elites to prevent social turmoil.

Chapter two looks at almost the same period as chapter one, focusing on the urban tax uprisings of 1380-1383. Yet instead of theory, this chapter analyzes both civic ideologies and civic practices, relying on administrative and legal sources as well as six contemporary chronicles. Chapter two shows that elites practiced a republican and political citizenship in what they saw as the commonwealth of France. Political language was Aristotelian and republican with frequent mentions of the "commonwealth" (la chose publique). The elites not only saw themselves as active citizens, but also participated in practice in decision-making and in the administration of the realm alongside the crown. A wider public (the regnicoles) enjoyed passive legal citizenship entailing both duties and privileges. The chapter shows their popular pressures for change.

Chapter three will keep us in the late fourteenth century, focusing on citizenship in Brittany (located in north-western France). Taking late fourteenth-century public opinion for its word, this chapter reassesses the role of the Parlement of Brittany in this
period and its relationship with the duke of Brittany. The Parlement was a key player in Duke Jean IV’s return to power in the years 1379-1381. Instead of seeing the Parlement as an instrument in the hands of the duke, as some historians seem to see it today, public opinion saw a convergence of interests between them, all to preserve Breton independence. The nobles and town elites of Brittany created in the process an active model of citizenship.

Chapter four returns to theory on citizenship and moves forward to the fifteenth century. It shows that the great challenge of the civic theory of the period was to find a way to consider the dispersed and multilingual late-medieval kingdom of France, in which only limited direct speech-based interaction was possible, as a political community in the Aristotelian sense. In trying to overcome this challenge, from the late fourteenth century onwards writers and speakers developed two complementary types of theoretical bases to imagine it as a commonwealth. The first theoretical basis, surveyed in chapter one, was focused on justice as the bond between the citizens. The second theoretical basis, developed especially following the early fifteenth-century political crisis and as a reaction to the legalization of the monarchy, focused on natural, informal and fraternal ties between citizens.

Chapter five examines the significance of the early fifteenth-century civil war in terms of citizenship. The Armagnac-Bourguignon conflict sheds light on contemporary conceptions and practices of citizenship. The war, in which citizens and regnicoles (inhabitants of the realm) fought their fellows, drew notice to the distinctions between types of citizens (political and legal) and foreigners. Some writers made comparisons between their own civil war and the Roman civil war, making the republican nature of
political language starkly evident. This period also saw wider circles of men and women actively participating in politics, at times challenging contemporary definitions of political citizenship. The civil war also brought more reflections on matters of civic virtue, loyalty to and treason against the king and the commonwealth.

Chapter six uses the registers of the municipal deliberations of Châlons, Reims and Troyes to analyze citizenship in Champagne in the years 1417-1435. People in these towns practiced citizenship and conceived of citizenship in at least three levels: town citizenship; Champagne citizenship; and French citizenship. Champagne and the towns at times decided their own course of action, navigating the turbulent waters of the Armagnac-Bourguignon conflict and the Franco-English conflict. These conflicts, and Champagne’s position(s) in relation to them, allowed and emphasized active and self-conscious civic practices and ideologies in these three towns. These civic practices and ideologies existed not only in the obvious town level, or in the traditional Champenois level, but also in the greater French level. These practices and ideologies were highly developed well before the second half of the fifteenth century, in which some of the recent scholarship finds them in other towns in France.

Finally, chapter seven examines citizenship in Dauphiné (located in south-eastern France). Focusing on the reign of Louis II (the later king Louis XI) as Dauphin in the years 1447-1456, this chapter analyzes the significance in terms of citizenship of this principality's ambivalent legal relationship with the kingdom of France. It shows that the political community conceived of a well-delimited Dauphinois citizenship while also seeing itself as part of the “house of France.” Analyzing both legal and political citizenship, this chapter shows that Louis II directed his administrative policies taking
account of the civic conceptions and practices current in Dauphiné. Dauphiné displays a process that several *apanages* and independent duchies or principalities went through at the time, making it a good example of conceptions and practices of citizenship within the semi-independent principalities of the period.

The period examined has four characteristics that are important for an understanding of the civic ideologies and practices of the period. First, the period since the 1350s, and especially beginning in the 1370s, saw a process of formalization and legalization of French political culture. The formalization of political society was part of the agenda of the reformers of the 1370s, who set to combat the corruption inherent in a governance system relying on patronage and personal relationships. Indeed one of the most enduring of political agendas was reform of the administration. The reform agenda of the 1370s finds its origins in the political fallout from the disaster of the battle of Poitiers in 1356. While the reforms of the almost revolutionary Estates General of 1356-1358 failed, reform minded councilors continued to dominate the royal council through the 1370s.

These reformers directed crown policy in the 1370s. One side of this policy was to promote the idea of the abstract crown and the notions of the domain of the crown (the separation between the patrimony of the king and the patrimony of the crown). Another side of the crown's policy was the passing of the important ordinances of *Bois de*  

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29 On the rise of the notion of the domain of the crown see Guillaume Leyte, *Domaine et domanialité publique dans la France médiévale (XIIe - XVe siècles)* (Strasbourg: Presses Universitaires de Strasbourg, 1996), 213-217. On the policy of Charles V and his council to advance the notion of the crown as an abstract idea in general, see Raymond Cazelles, *Société politique, noblesse et couronne sous Jean le Bon et Charles V* (Genève - Paris: Librairie Droz, 1982), 505-516.
Vincennes in 1374 concerning the royal succession, the royal majority and apanages. King Charles V (r. 1364-1380) and his council also changed the oaths of consecration, which limited the monarch. These important ordinances and the changing of the oaths contributed to the process of constitutionally separating the crown and the king through formalizing the public rules of the former while limiting the latter.\(^{30}\)

The third side of this royal policy was the administrative reforms of the 1370s. Charles V and his council enacted several separate ordinances in 1372-3 promoting the creation of a more orderly administration of finances, of the military, and of the law. This policy of administrative reform also contributed to the formalization of the rules governing the monarchy in its administrative arm.\(^{31}\)

The second characteristic to note is that France of this period, at least up to the mid-fifteenth century, was a society beset by social rifts, products of long-term crises: environmental (the Little Ice Age began at around 1300); demographic (famine struck time and again since 1315; the Black Death recurred several times after 1348-9; extended war); and economic (cereal yields dropped in the period between 1350 and about 1450, in some areas by more than sixty percent).\(^{32}\) From a social perspective, the consequences of

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\(^{31}\) For reforms in financial administration in 1372-3, see for instance Ordonnances des roys de France de la troisième race, vol. 5, pp. 537-41 and 643-651. For a reform in 1372 in the functions of the royal sergeants with jurisdiction of high-justice, see Ordonnances des roys de France de la troisième race, vol. 5, pp. 444-445. For reforms in 1373 in payments to judges in the parlement (out of court revenues), see Ordonnances des roys de France de la troisième race, vol. 5, pp. 613-614. For reforms in 1373 in the administration of the troops, see Ordonnances des roys de France de la troisième race, vol. 5, pp. 657-661. For the successes of the northwestern nobility, see John Bell Henneman, Olivier de Clisson and Political Society in France under Charles V and Charles VI (Philadelphia: University of Pennsylvania Press, 1996), 35-54.

these crises differed from group to group, but overall the period saw a rise in social tensions: between the politically powerless rich peasants and the seigneurs; between artisan and commercial urban aristocracy and the old urban aristocracy. The social tension within the peasantry and within the towns often erupted in violence, especially with the increased taxation necessary for the war with England. Some of the more notable popular rebellions occurred in 1358 (the Jacquerie) and in 1381 (both the Tuchins in the south of France and tax revolts in the north).  

The nobility also faced a crisis between 1348 and 1450. With the demographic crisis following the famines of the 1310s and 1320s and the Black Death of 1348, greater economic cleavages appeared within the nobility, with many nobles struggling to maintain both their level of income (enough to maintain themselves as military men), its type (i.e. having income not based on commerce or manual labor), and their legal privileges. Not surprisingly, the numbers of nobles and their ratio within the population decreased instigating higher rates of ennoblement.

The social tensions of the fourteenth and fifteenth centuries were instruments of social change. Wages of workers rose from about 1350 due to labor shortage, despite all

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royal legislation that tried to curb it. More peasants gained their freedom. The wages of women rose also after 1350. A previously static society was beset by change. The change was not only social, but political as well, as political society tried to come to grips with the series of crises besetting it, not to mention the losses in the war with England, such as the devastating battle of Poitiers (1356).  

This brings us to the third characteristic: political crisis. Especially between 1380 and 1440 France experienced a series of devastating political troubles, from Charles VI's (r. 1380-1422) minority, through his insanity, the civil war, the losses in the war with England (such as the battle of Agincourt in 1415), to the dismemberment of the kingdom in the 1420s. Only towards mid-century did the crown under Charles VII (r. 1422-1461) avert the crisis. The reign of Louis XI (r. 1461-1483) saw also struggles and wars, but in the context of political consolidation and curbing of the independent principalities. Survival of the kingdom was no longer the issue (even if it was not completely assured).  

Finally, and perhaps most importantly, the crown ruled the French kingdom through negotiation and cooperation. The negotiated nature of the French polity throughout the period cannot be stressed enough. Legitimacy of rule (or, the legitimately accepted use of authority) was one reason for this negotiated character, and contemporaries based political legitimacy in a large measure on the old concepts of “aid”

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36 Though lessened, the potential for dismemberment of the kingdom remained, such as the English and Burgundian threats. On the scholarly debate with regard to the potential independence of Burgundy see Philippe Contamine, Des pouvoirs en France 1300-1500 (Paris: Presses de L'Ecole Normale Superieure, 1992), 61-98.
and “counsel.”37 But a second reason for the negotiated character of the polity was that the sheer power that the rulers of the polity held – whoever these rulers were – was by far smaller than held by rulers of present-day states. The administration was not only very small but also local in character. While central administration existed in the form of the parlement, the royal councilors, the chambre de comptes, this was a very small administration for such a large territory. Thus much of the official royal power was wielded locally by local elites. In other words, power was not only negotiated, but also localized in late medieval France. Local powers and elites acted in various political circles to advance their interests; patronage and economic recompense were not the least of motives and tools in political circles.38 Since local elites wielded much of the royal power, the king had to appease them and had to negotiate with them. Negotiation with (and sometimes capitulation to) local interests was a recurring theme of the period.39 Local elites defended their interests, sometimes including their interests in preserving local autonomy, throughout the fourteenth and fifteenth centuries.

These four characteristics (legalization of the monarchy, social rifts, on-going political crises, and the negotiated and local nature of power) set the background for


38 On the influence of local interests, and on the varied economic recompense of political careers see Raymond Cazelles, La société politique et la crise de la royauté sous Philippe de Valois (Paris: Librairie d’Argences, 1958), 267-399.

39 The most prominent example is the regional leagues of 1314-5. See especially the Norman charter which was gained by this movement, in Ordonnances des roys de France de la troisième race, vol. 11 (Paris : Imprimerie Royale, 1723-1849), 551-552 and 587-594. For the rest of the charters gained by this movement see Ibid, 552-581. For more on this movement see Elizabeth A. R. Brown, "Reform and Resistance to Royal Authority in Fourteenth-Century France: The Leagues of 1314-1315," in Politics and Institutions in Capetian France (Aldershot: Variorum, 1991), 109, and André Artonne, Le mouvement de 1314 et les chartes provinciales de 1315 (Paris: Alcan, 1912).
understanding the civic ideologies and practices examined in the chapters below. In each level (kingdom, region, town) a small elite held full political citizenship that conferred rights of participating in formal decision-making. This elite saw itself as the citizens of their commonwealths (kingdom, region or town). A self-aware republicanism flourished, for instance, in the towns of early fifteenth-century Champagne. Yet civic culture flourished also in the wider realm. Beside the small civic elite, many more people were legal inhabitants (who had many names: subjects, inhabitants, *regnicoles*), a status that conferred several legal rights and privileges (again, in each level examined, kingdom, region or town). Elites also developed civic ideologies on the virtues and duties of citizens as well as inhabitants. In other words, citizenship existed in late medieval France in at least the four senses mentioned above: political, legal, as a form of identity, and as a political virtue.
Chapter One: Theory on Citizenship in Late Medieval France: c. 1370 – c. 1400

I. Introduction

Jacques Krynen describes in his magisterial study of political theory in late medieval France how in the 1370s two factions connected to the court of Charles V (r. 1364-1380) discussed the nature of the king’s political authority. On the one hand jurists wrote of the supreme rule of the king, using Roman law sources and precepts. On the other hand scholars from the university who adopted Aristotle’s intellectual teachings criticized these jurists. France was a monarchy, they argued, but in the Aristotelian sense. Such a monarchy was based on justice, on the participation of free and equal citizens, and was ruled for the common good.¹

Scholars such as Nicole Oresme and Pierre d'Ailly held the jurists in contempt and exhibited an open animosity toward them. They believed that the jurists promoted only the positive laws of the monarchy, rather than the higher laws of the Aristotelian polity.² One of these jurists was Évrart de Trémaugon. Charles V not only employed

¹ Jacques Krynen, *L'Empire du roi: Idées et croyances politiques en France XIIIe-XVe siècle* (Paris: Gallimard, 1993), 110-124. This quarrel has long been well-known. For a critical treatment of the historiography on this quarrel, which sometimes falsely saw the legal scholars as agents of absolutism, see Olivier Guillot, Albert Rigaudière and Yves Sassier, *Pouvoirs et institutions dans la France médiévale: Des temps féodaux aux temps de l'État* (Paris: Armand Colin, 1998), 54-90. For a study of political thought in the reign of Charles V in general, see Jeannine Quillet, *Charles V le roi lettré: essai sur la pensée politique d'un règne* (Paris: Perrin, 1984). The scholars in the quarrel were, for instance, the scholars mentioned below from the collège de Navarre. As for the jurists, Charles V placed in his council jurists from his household and administration, the so-called *Marmousets*, for instance from the chancellery (most noted were the brothers and successive chancellors Jean de Dormans and Guillaume de Dormans) from the *Parlement*, and from the *chambre des comptes*. See Françoise Autrand, *Charles V: le Sage* (Paris: Fayard, 1994), 691-693 and 702-706. In Charles V’s testament of October 1374, for instance, he wrote up the names of the councilors with whom the tutors of his heirs must consult, including these jurists, such as Évrart de Trémaugon, Arnaud de Corbie (president of *Parlement*, mentioned below in chapter two), and Pierre d’Orgemont (chancellor after Dormans, mentioned below in chapter two). See Isambert, Decrusy et Jourdan eds, *Recueil général des anciennes lois Françaises*, vol. 5 (Ridgewood, New Jersey: Gregg Press, 1964), 435.

Trémaugon, but also had him redact in 1374 the constitutional ordinance fixing the age of majority of kings to fourteen.\textsuperscript{3} Indeed, in the ordinance, the king used as justification the Roman law principle that he is not bound by the laws.\textsuperscript{4} But this narrative on the straightforward quarrel and animosity presents a puzzle. Nicole Oresme, perhaps one of the most important Aristotelian scholars in the quarrel, was commissioned in 1372 by Charles V to translate into French Aristotle's \textit{Politics}, in which he expressed many of his Aristotelian views.\textsuperscript{5} Why would Charles V sponsor at the same time two opposing men promoting two opposing political ideologies? Why would Charles V wish to actively associate himself with both of these opposing views?

Could the opposing views – the jurists' and the scholars' – be reconciled philosophically? One should place both the jurists and the scholars within the Aristotelian paradigm.\textsuperscript{6} Indeed viewed from the prism of citizenship, these views are two sides of the same coin. The university scholars viewed the monarchy as an Aristotelian polity. They studied and reflected on the role of citizens as the members constituting and participating in the politics of the polity or commonwealth (the active political sense of citizenship delineated in the introduction above). The jurists also viewed the monarchy as an Aristotelian polity, but they focused on the administrative arm of the monarchy (in the vision of the scholars, the Aristotelian polity or commonwealth controlled the

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\item[6] According to Krynen, Oresme continued interpretive traditions of the early commentators of Aristotle's \textit{Politics}, such as Peter of Auvergne and, especially, Marsilius of Padua. His greatest originality lay in applying these traditions to France in a "national, monarchic and concrete sense." See Krynen, \textit{L'empire du roi}, 114. According to Krynen, the jurists, such as Évrart de Trémaugon, continued the traditions of the publicists of Philip IV, including John of Paris, affirming the independence of the French king and his "puissance absolue." See Krynen, \textit{L'empire du roi}, 108.
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administrative arm). They focused on the role of the citizens as subjects of the monarchy, whom the king governs (the legal sense of citizenship as delineated above in the introduction).

The two distinct ideas – the polity and the administration – are today sometimes subsumed into the modern state. Indeed, from a modern-state vantage point, as explained by Immanuel Kant, the citizen and the subject are two sides of the same coin. As Kant explains:

everyone in a nation who is subject to laws is a subject and consequently is, along with all other members of the commonwealth, subject to the right of coercion [Italics in the original]7

On the flip side, Kant explains that everyone possessing property and manhood (neither women nor children, implying that they are not fully rational) is “a member of the commonwealth as a citizen, i.e., as co-legislator.”8

Kant’s conceptual framework allows us to see what was at the heart of the debate between the Aristotelian university scholars and the jurists in terms of citizenship. The first group promoted active participation of citizens in the rule of the polity, while the second group promoted the citizens-as-subjects’ obedience to the administration of the polity. (In the 1370s the administration was, as noted in the introduction, relatively small.) In the eighteenth century Kant tried to preserve some liberty of the citizen within the commonwealth alongside the (male) duty to obey the law as subject. According to Kant, no one has a right of resistance to the will of the state (the general will of the citizens), because as subjects everyone has an equal duty of obedience:

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8 Ibid, 75.
Thus, if a people should judge that a particular actual [piece of] legislation would in all probability cause them to forfeit their happiness, what should they do about it? Should they not resist it? There can be only one answer: nothing can be done about it, except to obey.

There is no rightfully constituted commonwealth without the power to put down all internal resistance, for such resistance would have to derive from a maxim that, if made universal, would destroy all civil constitutions, thus annihilating the only state in which men can possess rights.\(^9\)

In the same manner, the jurists of the fourteenth century insisted that citizens in the university scholars’ Aristotelian commonwealth had a duty to obey as subjects in order to preserve peace and order. But while Kant preserved some liberty of the citizen, the jurists sometimes deemphasized the role of citizens as the constituting members of the commonwealth, which the university scholars promoted.

And so the puzzle remains. How could Charles V hold both ends of the stick (or both sides of the coin, to keep our metaphors straight)? The complete answer lies in the political and social context of this quarrel, and indeed in the political and social context of the entire intellectual discourse on citizenship in late medieval France. The present chapter will politically and socially contextualize this intellectual and legal discourse on citizenship, trying to understand in their own terms the civic ideologies of the age.

The new late fourteenth-century discourse on citizenship, following the adoption of the Aristotelian political language, at times appreciated the double aspect of citizenship: the citizen as a political decision-maker (the active political sense of citizenship); and the citizen-as-subject (or the legal passive sense of citizenship), who was called for instance "subject," or *regnicole* (inhabitant of the realm). At other times writers (university scholars, jurists and others) focused on a single aspect of citizenship. Instead of preserving the scholars-jurists typology of this discourse, the present chapter

\(^9\) Ibid, 78-79.
will first discuss the discourse on the political aspect of citizenship (through the writings of Oresme, Philippe de Mézières, conciliarists, jurists and others), and second discuss the discourse on the legal aspect of citizenship (through the writings of some of the same authors as well as Trémaugon and other jurists). In either case, writers wrote both within a traditional intellectual framework (Aristotelian, legal, and Christian), and in contemporary social and political contexts.

II. The Purpose of Citizenship and the Identity of the Citizens
Charles V's sponsoring of two rival civic philosophies reflects royal decision-making in the 1370s. Charles V was not an absolute monarch taking decisions by himself, and France was not a state in which decision-making procedures always followed well defined institutionalized processes. As Raymond Cazelles puts it, the French monarchy was neither an abstract “chose publique” defined by laws, nor a state, but “a place where multiple wills met; wills for security, for respect, for a certain equality of destiny, progress and tradition.”¹⁰ Thus Charles V's decisions to sponsor two rival philosophical positions reflect a meeting of wills in his royal council and court.

Decision-making at the level of the king and royal council was never monolithic. By the 1370s, two sets of councilors in the royal council vied for control: the old councilors from the time of Charles V's reign as Dauphin during his father's captivity (1356-1360), and the newer councilors who were associated with legal circles and who remained influential later in Charles VI's reign – the Marmousets. Debates continue on who controlled whom in the 1370s, the royal council or Charles V, with some scholars

thinking that until 1375 the council controlled Charles V. In any case, our understanding of royal decision-making in the 1370s as non-monolithic helps to explain how the king (and his council) could sponsor writers promoting two different civic philosophies at virtually the same time by commissioning both Oresme's translation of the Politics and the work of Trémaugon. The royal council was one of the places where various interests and civic ideologies met, including both sides of the citizenship coin (citizen and subject; political and legal).¹¹

Each civic ideology itself reflected contemporary political and social interests. An in-depth analysis of civic ideologies cannot evade the political and social contexts of the age. The university scholars' Aristotelian opinions are no exception. They are part of a wider contemporary discourse in France on the function of the citizen in a specific Aristotelian polity: the kingdom of France.

In this period, the conception of the citizen as actively participating in political deliberation focused on the Aristotelian end or purpose of citizenship. Aristotle's influential translator into French was the aforementioned Nicole Oresme, who was in the entourage of Charles V. As already mentioned, in 1372 Charles V commissioned Oresme to translate Aristotle's Politics, much as he commissioned other translations of important works, such as Raoul de Presles' translation of Augustine's City of God, and Denis...

¹¹ On other institutions and places for cooperation, reformation and contestation, such as the various Estates, see Guillot, Rigaudière and Sassier, Pouvoirs et institutions dans la France médiévale, 140-202. Debates on who controlled whom in the royal council continue with regard to earlier and later monarchs, such as Philip IV and Charles VII. See Philippe Contamine, Des pouvoirs en France 1300-1500 (Paris: Presses de L'Ecole Normale Superieure, 1992), 13. On this debate with regard to Charles V, see Cazelles, Société politique, noblesse et couronne sous Jean le Bon et Charles V, 542-554; Autrand, Charles V, 690-693; John Bell Henneman, Olivier de Clisson and Political Society in France under Charles V and Charles VI (Philadelphia: University of Pennsylvania Press, 1996), 72-85.
Foulechat's translation of John of Salisbury's *Policraticus* (1372). Beyond its clarity, Oresme's analysis of citizenship is important for its popularity in the fifteenth century. As evident by the provenance of its eighteen extant manuscripts (it was first printed in 1489), Oresme's translation was held in the libraries of many of the most powerful political figures in France since c. 1380.

Nicole Oresme was a doctor of theology educated at the famous *collège de Navarre*. This *collège* produced other scholars oriented toward the new Aristotelian model of citizenship, such as Pierre d'Ailly, Jean Gerson, Jean de Montreuil, and Nicolas de Clamanges. Charles V and others considered Oresme one of the most important masters in the University of Paris. His commentary on Aristotle's *Politics* accepts the basic views of Aristotle on citizenship but modifies his views to better fit Oresme's conception of Charles V's kingdom of France.

One of Oresme's most important adaptations of Aristotle's views is the function or purpose of citizenship. Similar to Aristotle, Oresme defines a citizen through his potential deliberative end. Aristotle writes that "the citizen ... is defined by no other thing so much as by sharing in *decision* and *office,*" terms translated by Oresme as "*jugement*" and "*princey.*" Aristotle in this definition envisions a city government shared by a plethora of people (and thus more fitting a democratic regime, as he immediately clarifies).

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Aristotle then refines the definition to better include regimes other than democracies, claiming that a citizen is "whoever is entitled to participate in an office involving deliberation or decision." Thus ultimately the potential deliberative element of citizenship comes to the fore in Aristotle's definition. Oresme clearly has in mind his contemporary France when he comments on Aristotle's meaning of the term "office" ("princey"). Oresme explains that Aristotle means by "office" anyone who takes a:

certain public post or authority or honorable public office who regards the whole community or any member of it. And thus the citizen is he who participates in any of these things or who is able to, considering his lineage or nativity, his estate, his power, his possessions, etc. And the reason why the cité is a cité is by ordaining its distributive justice, which appertains to princes; and because of its commutative justice, which appertains to judges; or because of expediency, which appertains to counselors. And so he who can participate in these operations is a citizen and takes part of the city and none other. And those are called citizens bourgeois, because they can be mayors, or council-members, or consuls, or have other similar offices by other names.

Thus Oresme accepts Aristotle's definition of the citizen through his potential deliberative end, but then through his commentary modifies the definition to better fit the office-holders of France, and more importantly to better fit its aristocracy. While Aristotle's definition is explicitly intended to define citizenship in any regime, Oresme's definition is intended to describe the kingdom of France as an aristocratic monarchy whose citizens are those who are "able to" participate in public office considering their "lineage," "estate," "power" and "possessions": namely the nobility and the urban elites.

17 Oresme, Le livre de politiques d'Aristote, 115. ("posté publique ou auctorité ou office publique honorable qui regarde toute la communauté ou aucun membre de elle. Et donques citoyen est celui qui participe de faict en aucunes de teles choses ou qui est habil a ce, consideré son lignage ou nativité, son estat, sa puissance, ses possessions, etc. Et la cause est car cité est cité et a son estre par ordenance selon justice distributive, qui appartient mesmement as princes; et selon justice commutative, qui appartient as juges, ou selon expedient, qui appartient as conseillers. Et donques celui qui peut participer en ces operacions est citoyen en partie de cité et non autre. Et aucuns appelant telz citoyens bourgeois, car il pevent estre maires ou esquevins ou conseuls ou avoir aucune honorablités autrement nommes.") On the relationship between this passage and Marsilius of Padua's Defensor pacis see Jeannine Quillet, La philosophie politique du Songe du Vergier (1378) (Paris: Vrin, 1977), 124.
Oresme accepts the fact that there could be controversy as to who the citizens are, and even gives the example of contemporary controversies on the Church (which would become more acute a few years later with the schism).\(^1\) He further accepts the fact that there could be differences between different regimes, giving examples of the bad regimes of democracies (where all the *peuple* are citizens) and oligarchies (where the rich are citizens).\(^2\) But he clearly endorses the aristocratic definition of citizenship which he implicitly applies to France, in which just a small elite out of all the inhabitants are citizens.\(^3\)

Oresme's aristocratic or elitist definition of citizenship reflects social and political realities in his contemporary France, in which the only citizens were the elite part of society, the nobles and the urban elite, or as Oresme called them those who are "able to" participate in public office considering their "lineage," "estate," "power" and "possessions." In describing France as an Aristotelian monarchy-aristocracy in which the nobles are the citizens, Oresme crafted an ideal of citizenship for France. Oresme's conception of citizenship calls for government not only through consent, but through active participation of the nobility. Yet Oresme articulated and justified philosophically a political fact. Government in France was managed in practice through a wide circle of political elites: the upper clergy; the noble office holders, including the royal princes, the dukes, the counts, the barons, etc.; the legal and financial administration; and the town

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18 Ibid, 114. (Oresme explains that some think that the "city of God" is ruled only by the Pope, some mention the College of Cardinals, and some the general council of the Church.)

19 Ibid, 115.

elites. Oresme's vision of the king of France ruling through the counsel of his aristocracy was a reflection of political reality.\textsuperscript{21}

Oresme's focus on the elites who participate in political deliberation was common to other writers on the function or purpose of the citizen (rather than on the subject). Another example that offers a look at the Aristotelian discourse surrounding the court of Charles V is the famous \textit{Le songe du vieil pelerin} by Philippe de Mézières. Mézières (1327-1405) was a Picard born soldier before he came to be an administrator, first as chancellor of Cyprus, then since 1374 as councilor of Charles V. When Charles V's successor, Charles VI, came of age in 1388 (and before his mental collapse a few years later), Mézières wrote the \textit{Songe du vieil pelerin} to the young king. He presented there his hopes and policy recommendations for a better monarchy.\textsuperscript{22}

The second book (out of three) of the \textit{Songe du vieil pelerin} is dedicated mainly to a review of the ailments affecting France. Mézières analyses (in a literary form) the society of France. He divides France into four hierarchies and each hierarchy has its elite population: the first hierarchy is the clergy with the prelates and abbots at the top;\textsuperscript{23} the second hierarchy is the nobility, with the king, the great princes, and the barons at the top;\textsuperscript{24} the third hierarchy is the administration with the highest men of justice at the top;\textsuperscript{25}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{21} Oresme, \textit{Le livre de politiques d'Aristote}, 135 and 152. Cf. an analysis of the elite men of authority in Bernard Guenée, \textit{L'opinion publique à la fin du Moyen Age: d'après la "Chronique de Charles VI" du Religieux de Saint-Denis} (Paris: Perrin, 2002), 111-121. For a description of political practice in this era, see chapter two below.
\item \textsuperscript{23} Mézières, \textit{Le songe du vieil pelerin}, 622.
\item \textsuperscript{24} Ibid, 507.
\end{itemize}
\end{footnotesize}
finally the fourth hierarchy is the rest of the people, with the greater bourgeois and merchants at the top. Mézières clearly has in mind an aristocratic, hierarchic, estate-divided, Oresme-like description of France. Mézières lists almost the same citizens that Oresme mentions: the prelates, the nobility, the administration and the urban elite (though Oresme excluded the merchants).

Both Oresme and Mézières divided the polity into the different types of people according to their different functions, following Aristotle's discussion in the *Politics*. But they both added the element of estates to the Aristotelian polity. The "three estates" were the citizens of the polity. In Oresme and Mézières' vision, each function in the city (workers, artisans, fighters, citizens, priests) was separated from the other. While there was some mobility, these estates were otherwise distinct. According to Oresme, the chores of the polity were reserved for the non-citizen people, including the serf-farmers, the workers, the artisans and the merchants, who lacked in political virtue and who served the citizens. Citizenship – i.e. the potential to hold political offices – was reserved only to the well born and the wealthy. In other words, only the free elites were citizens. The citizens-elites were to lead lives of religious and political virtue: when young they were the men of arms, and when older they took up public offices; they were also the sacerdotal class. They did not work nor trade, and must have been instead people of

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27 In fact, Mézières was greatly influenced by Oresme in other matters as well, and copied parts of a work by Oresme in the *Songe du vieil pelerin*. See Mézières, *Le songe du vieil pelerin*, 438 (by the editor).
29 In contrast to their vision, the period was characterized, as noted in the introduction, by relatively high upward mobility, including into the nobility.
30 Oresme, *Le livre de politiques d'Aristote*, 138-140 and 305-308.
possessions (especially landed possessions), to enable them to act morally. These citizens were the "three estates" – the only citizens - who must be virtuous in the best polity.\textsuperscript{31}

Oresme's exclusion of merchants from citizen status is fascinating. In practice merchants in this era participated in the rule of their cities (the smaller \textit{civitates}), as even Oresme mentions in the passage quoted above. They also participated in representative assemblies. Oresme's exclusion of the merchants shows the type of political and moral virtue that Oresme gave citizenship, in line with other medieval qualms against the morals of merchants. Perhaps the repeated urban uprisings of the age, in which merchants had a central role, made him fear their political mobilization. In this sense Oresme is more conservative than other writers of his age (such as Mézières), who included the merchants.

See below an illustration taken out of an extant manuscript of Oresme's translation of the \textit{Politics}, prepared in the 1390s for the duke of Orléans, showing the six types of people, the citizens (men of arms, men of counsel, men of the church) and the non-citizens (cultivators of the earth, artisans, merchants).\textsuperscript{32}

\textsuperscript{31} Ibid, 305-308, and 322. ("les iii estas qui sunt citoiens, ce est assavoir gens d'armes, gens de conseil et gent sacerdotal, il convient qu'il soient vertueus en policie tres bonne.")

\textsuperscript{32} Source: BnF. MS. Fr. 9106, ff. 243v-244r.
Oresme and Mézières described the kingdom of France as the ideal Aristotelian polity; according to them the ideal polity (and contrary to Aristotle's opinion) was a monarchy mixed with an aristocracy. Their non-universal, hierarchical and non-egalitarian vision of citizenship is clear and articulate. Jurists also sometimes analyzed citizenship in a similar manner, breaking down the clear-cut lines of the quarrel, at least as historians had at times represented it. Such an example is manifest in the *Coutumier Bourguignon* (a treatise detailing the customary laws of the duchy of Burgundy). The anonymous author of the *coutumier*, a text compiled and glossed at around 1400, probably by a cleric educated in canon and civil law at the University of Orléans,\(^{33}\) begins with an important prologue. The anonymous author explains in the prologue why Burgundy is a "most noble pays." Among his explanations, the author explains that the customs of Burgundy are not simply approved by emperors and their counselors. Thus these customs are not constituted and ordained in the favor of emperors, and the princes of the pays, the nobles, the ladies, and the counselors who have the favor of these persons. Rather:

the customs of Burgundy are made, approved and corrected by three manners of ordinary judges, by their great counsel and by their long deliberations, confirmed by the most noble duke and princes of Burgundy, by the consent of the religious, the nobles and the bourgeois [estates], by three manners of ordinary judges, like the mayor of Dijon, the mayors of Talent and of Beaune, the vie d'Autun, the mayors of Sémur and of Montbard, the mayors of Chaumont, of Châtillon.\(^ {34}\)

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\(^{34}\) Ibid, 60. ("mais les coutumes de Bourgoignonne sont faites, aprouvées et corrigitées par trois manieres de juges ordinaires, par leurs grands conseizl et deliberaciones longuées, conformées par les três nobles dux et princes de Bourgoignonne, par le consentement des religieux, nobles et bourgeois, par III manieres de juges ordinaires, comme par la maierie de Dijom, les maieries de Talent et de Beaune, le vie d'Ostun, la maierie de Semur et de Monbar, les maieries de Chaumont, de Chasteillon.")
The anonymous author concludes that "all customs are enacted without favor, because the most noble prince, prelates and nobles and bourgeois govern by the said customs without favor and without malice."35 Basing a coutumier's legitimacy on "popular participation" was not novel, but earlier coutumiers more often relied on the feudal principle of counsel (rather than on consent), and thus mentioned only the major feudal vassals of the prince, and not the wider Oresmian Aristocracy mentioned in the Burgundian coutumier (the coutumier even included the bourgeois whom Oresme excluded).36

The anonymous author of the glossed coutumier establishes the grandeur of Burgundy based on an idealized description of citizenship. Those whom Oresme and Mézières considered citizens - the prince, prelates, and nobles – and the town elites (Oresme, as already mentioned, excluded the merchants) all participated in both political deliberation and in actual judgments and rulings. The author of the coutumier, in other words, describes a Burgundy which is the aristocratic monarchy of Oresme's dreams in terms of the function and identity of its citizens. All these writers promote civic agency of a small elite group within France. This small group of citizens – and only this group - must be politically active if they are to be virtuous men (yet again, only men).37

35 Ibid, 60. ("car le trés noble prince, les prelatz et les nobles et les bourgois sont gouvernéz par les dites coutumes sans favours et sans emport."")
36 See for instance an earlier thirteenth-century coutumier of Champagne, in BnF. MS. Fr. 5256, f. 1.
The conciliarists were another group of scholars that contributed to the civic discourse developing in legal circles and around the court of Charles V and his successor Charles VI. They came like Oresme from university circles, and were often even educated at the same collège de Navarre, which came to be a bastion of conciliarism in the fifteenth century.\(^{38}\) The two most obvious examples, already noted above, are Pierre d'Ailly and Jean Gerson (other examples from the same period, also already noted, include Jean de Montreuil and Nicolas de Clamanges). These writers discussed the political problems of France, much as Oresme did, in Aristotelian language.\(^{39}\) But for d'Ailly and Gerson the most burning problem of the age was the Schism (beginning in 1378).

Jean Gerson, for instance, discussed legitimate political authority with regard to the Church. In a speech before the council of Constance (1414-1418) Gerson described Aristotle’s typology of regimes (the three good regimes and the three bad regimes) and then argued that the Church’s regime is a mixed regime combining the three good regimes. The Pope is the monarchical element in the Church, the College of Cardinal is the aristocratic element, and the general council is the timocratic element.\(^{40}\) Gerson exemplifies the culmination of the early conciliar movement. D'Ailly at the same council in 1417 also described the Church not as a simple monarchy, but as mixed monarchy – as explained by Aristotle in the *Politics* - with Aristocracy and Democracy (the College of

\(^{38}\) Oakley, *The Political Thought of Pierre d'Ailly*, 8-14.


Cardinals and a general council) which temper this regime.⁴¹ The Church was in Gerson and d'Ailly's eyes a Christian polity. Essentially they argued for popular authority from below instead of simply divine authority from above.⁴²

How would we describe in our own terms this Aristotelian civic discourse? How could we understand its purpose? A definition of terms through modern writers would help. The aforementioned writers discussed the polity in the Aristotelian sense, which Cicero translated as *res publica* – the republic or commonwealth. As John Locke explains it:

By “commonwealth” I must be understood all along to mean not a democracy, or any form of government, but any independent community which the Latins signified by the word *civitas*…and most properly expresses such a society of men which “community” does not (for there may be subordinate communities in a government), and “city” much less.⁴³

Here Locke clarifies that he wishes to distinguish between the political society, the commonwealth, and the officers of the government, in our terms, the state:

The majority having, as has been showed, upon men’s first uniting into society, the whole power of the community naturally in them, may employ all that power in making laws for the community from time to time, and executing those laws by officers of their own appointing, and then the form of the government is a perfect democracy; or else may put the power of making laws into the hands of a few select men, and their heirs or successors, and then it is an oligarchy; or else into the hands of one man, and then it is a monarchy…⁴⁴

The distinction that Locke makes between the commonwealth and the apparatus of government, or the state, is one that Thomas Hobbes attempted to erase by subsuming

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⁴⁴ Ibid, ch. 10, 182
into his Leviathan the "commonwealth," the "state," and the "civitas." Hobbes wished sovereignty to reside perpetually in the hands of the sovereign to whom society gave political power. The apparatus of the state, in essence, irretrievably takes over the powers of the political community. Locke on the other hand wished to keep the ultimate power in the hands of the political community, which could take back sovereign power from the legislature and from its state apparatus:

...the legislative being only a fiduciary power to act for certain ends, there remains still in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them.

Locke's reference to trustee or fiduciary powers leads us back to an understanding of the intention of the Aristotelian writers of the late fourteenth century and early fifteenth century. D'Ailly, for example, wrote explicitly (again in 1417) that the Church – i.e. the polity – was supreme, even over the Pope (meaning that its representative, the general council, was supreme over the Pope). Similarly he gives the example of the king of France, who is "superior in his entire realm," but in certain cases is under the jurisdiction of his Parlement (the highest court of justice in France). He is under the Parlement's jurisdiction and must obey its sentences because he is also an officer of the polity, and the polity is superior to its officers, even the most supreme of them.

The polity comes before the administration, and thus the citizens of the polity come before the administration that serves the citizens. As d'Ailly wrote earlier (in 1409, perhaps

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46 Locke, *Of Civil Government*, ch. 13, 192.
47 d’Ailly, “Tractatus de Ecclesiae,” 957. (“Nam Rex Franciae qui est major & superior in toto Regno, saepè in aliquibus casibus judicatur, & contra eum fertur Sententia, in suo Parlamento: similiter Papa in Foro concientiae, à simplici Sacerdote judicatur, etiam in Foro exteriori, potest judicari ab inferiori suo, si ie & sponte subjiciat.”)
harkening back to a similar argument in Jean Gerson's 1405 *Vivat rex* sermon), when explaining how a general council of the Church may be summoned:

Not only by the authority of Christ; but also by the common law of nature … just as a natural body by nature resists its divisions and destructions; and just as an animated body, naturally congregates all its members and all its powers for the conservation of its unity and for repelling its divisions: similarly any mode and any civil body, or civil community, or polity rightly ordained.48

Thus any civic body (*corpus civile*), or any civic community (*communitas civilis*), or any polity (*politia*) has rights that are prior to its administration, whether that administration is papal (in the case of the Church) or royal (in the case of the kingdom of France).

The Aristotelian writers discussed, in essence, the limits imposed by society - or rather by the political society of citizens, the commonwealth - on the actions of the officers of the state. Locke would later justify his famous list of rights (to life, to liberty and to property) partially on these same limits and the superiority of the polity over the administration. Thus a recurring theme was that the king must rule for the common good of the polity and its citizens.

The recurring theme that the king must rule for the common good of the polity and its citizens is reflected in the political events of the age, in which one of the most enduring of political agendas was reform of the administration. As noted briefly in the introduction to this dissertation, the reform agenda of the 1370s finds its origins in the political fallout of the disaster of the battle of Poitiers in 1356. That disaster discredited

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the established political powers in France and brought about the rise of two elements wishing to reform the corrupt administration and limit it: Etienne Marcel and his followers among the burghers of Paris tried to reform the administration through the Estates of Languedoil, famously instituting the Grand Ordonnance of 1357, which attempted an unsuccessful constitutional reform of the monarchy; and nobles with an agenda of reform who dominated the royal council.\(^49\) While the reforms of Etienne Marcel and the Estates General of 1356-1358 failed, reform minded councilors continued to dominate the royal council: first Guillaume de Melun and his brothers who dominated the council in the 1360s; and from 1375 at the latest, new councilors, later called the Marmousets.\(^50\) Both these groups of councilors were composed especially of nobles from the north-west, especially Brittany and Normandy.\(^51\) And so in the royal council the reform movement remained in power.

In essence, all the reform movements (whether nobles or burghers) reflect the idea that the polity – the commonwealth of citizens - must control and limit its administration. They essentially wanted a more limited monarchy. The clergy, nobles and burghers who assembled in the Estates General of 1356 spoke of the tax burdens due to the war, of the debasement of currency, but most of all they spoke of the corruption of the administration. They demanded that elected members from among themselves – the same citizens that Oresme and the other writers identified, namely the clergy, the nobles and the town elites – would ensure through permanent councils that further abuses do not occur. The representatives told the king in the assembly that the councils were meant to

\(^{49}\) Cazelles, Société politique, noblesse et couronne sous Jean le Bon et Charles V, 242-287.

\(^{50}\) Ibid, 455-469 and 577-581.

limit the administration so that the "subjects of the realm, the honor of God, [and] the profit of the commonwealth (chose publique)" would not suffer further damage.52

The discourse on the purpose or function of the citizen - to actively participate in political deliberation - reflects not only the reform movement's agenda to limit the administration, but also a more immediate concern to preserve the unity and perhaps the existence of the realm. D'Ailly's aforementioned discussion on how any polity "naturally congregates all its members and all its powers for the conservation of its unity and for repelling its divisions"53 refers to the central issue of the schism of the Church between rival Popes since 1378. The kingdom of France faced since the middle of the century a threat in the form of the war with the English king and in the challenge of the King of Navarre – both with legitimate dynastic claims to the throne of France and to various parts of France.

The Aristotelian discourse did not diffuse threats to the unity of France entirely, but it did diminish them. This discourse on citizenship viewed the whole of France as a polity, and not only the cities that were both in Aristotle's times and in contemporary times the more obvious candidates. In Aristotle's Politics, the frame of reference was the self-sufficient polis, for example when he argued that "[the city] reaches a level of full self-sufficiency."54 Contemporary usage too viewed the city as the polity, as seen for example in the regular meaning of the word "citizen" ("cives" and "citoyen") in fourteenth-century France - "free city dweller."55 On the other hand Oresme and others

52 The quote is from BnF. MS. Dupuy 646, f. 48 (which contains a seventeenth-century copy of the procès-verbal of the Estates General of 1356). See background on these events in Cazelles, Société politique, noblesse et couronne sous Jean le Bon et Charles V, 183-225 and 242-274. For the 1340s origins of this movement, see Cazelles, La Société politique et la crise de la royauté sous Philippe de Valois, 253-261.
54 Aristotle, The Politics, 36.
55 See the Introduction chapter.
found it necessary to move beyond the city. This need was not new. Thomas Aquinas, for instance, wrote that "in the city, however, (which is a complete community), there is as much as suffices for all the necessities of life, yet still much more in a province because of the need for defense and of the mutual aid of allies against the public enemy."  

Oresme follows suit and defines the term "city" more widely. A city is firstly, explains Oresme (following the regular usage of his time), a multitude of citizens inhabiting one place and one *cité*, such as Paris or Rouen. But the same multitude of citizens who are governed by one regime (*policie*) and by the same princes or the same prince also could be called a *cité*, because the regime (*policie*) forms the city. Thus, concludes Oresme, "every kingdom or *pays* is a large *cité* which contains many partial *cités,*" giving as examples imperial Rome in which many inhabitants were far from the city of Rome but were called Roman citizens, and the Church, which is a city made up of all Christians.

Rather than analyzing some theoretical ideal, Oresme treats the practical conditions of his day (following in the footsteps of Aristotle), in which polities could be single towns, but were also often larger provinces or kingdoms. He is aware of the historical gulf between his day and Aristotle's day. Similarly he argues that while polities (or "*cités*") could be as large as kingdoms, they could not comprise the whole world, thus arguing against writers calling for the universal rule of either the Pope or the Emperor despite this enterprise's practical impossibility.

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57 Oresme, *Le livre de politiques d'Aristote*, 119-120. ("tout un royalme ou un pays est une grand cité, qui contient plusieurs cités partiales.")

In a similar way, other writers also saw the kingdom of France as an Aristotelian polity. Speakers in political forums held this view, such as in the Estates General of 1356 or in the frequent assemblies after the death of Charles V in late 1380 and early 1381, who spoke of the "kingdom of France" as a "commonwealth (la chose publique)." Royal ordinances also frequently referred to France as a commonwealth, such as in one of Charles V's important constitutional ordinances of Bois de Vincennes (in 1374) on the majority of his heir. He discusses there how the prince must be educated to be concerned with the good of the commonwealth, with the state of the realm and its subjects. Courts of law also ascribed to this point of view (breaking down the lines of the jurists-scholars quarrel), such as the Parlement, when convicting Pierre de Craon and his several accomplices in 1392 for the attack against the constable Olivier de Clisson (the top military official in the realm), that saw the attack on this crown officer as an attack on the commonwealth (la chose publique). Other writers discussed here, such as d'Ailly, also equated France with an Aristotelian polity. This political language reflects a common concern in viewing France as a single united polity, even if governed and composed of multiple partial polities. This new political language, which began to present the kingdom of France as an Aristotelian polity and its leading elites as the citizens, is part of the rise of a new rhetoric, which since mid-fourteenth century began to use Aristotelian terms and metaphors.

59 From the Estates General of 1356 see MS. BnF. Dupuy 646, f. 43v. From other assemblies see chapter two below.  
60 Recueil général des anciennes lois Françaises, vol. 5, 416-417. For more such ordinances and the practice of the legal administration, see chapter two below.  
61 MS. BnF. Fr. 16536, ff. 91-92.  
63 Krynen, L'empire du roi, 248-249
The description of France as an Aristotelian polity composed of multiple partial polities is especially understandable in light of the localized nature of power in France, also apparent in the aforementioned coutumier of Burgundy, which treated Burgundy as a polity, though also as part of the kingdom of France. The royal council and Charles V in the 1370s (and earlier) consciously attempted to change the ways in which political society operated. One side of this attempt was to delegate administrative powers to the localities. Indeed Jean II (r. 1350-1364), Charles V and their councils delegated more and more administrative functions through the apanages and through their own provincial administration.\textsuperscript{64} Such delegation of power allowed in the final assessment better control of the administration and helped to preserve the unity of the realm. Thus the civic discourse that viewed France as a polity composed of multiple partial polities reflects an active crown policy to delegate authority in order to preserve overall unity.

III. The Duty to Obey
Another of the major dangers which the royal council faced in the 1370s was popular unrest. The social tensions, as already mentioned, erupted again and again in popular rebellions, such as in the Jacquerie (1358), the Tuchins rebellion in the south of France (1381), the tax revolts in the north of France (1381) and the recurring rebellions in Flanders. One of the most politically volatile elements in this period, from the Estates General of the mid-1350s to the tax revolts in the 1380s and beyond, was the urban population, including at times its mercantile elite.\textsuperscript{65} The elitist conception of citizenship reflects a concern with social unrest. The line between rulers and ruled is clear, for

\textsuperscript{64} Cazelles, Société politique, noblesse et couronne sous Jean le Bon et Charles V, 496-504.
\textsuperscript{65} See chapters 2 and 5 below.
example, in Oresme's discussion, even more than it is in Aristotle's discussion. Aristotle's view is somewhat ambivalent. He first explains that:

If the virtue of the good ruler and the good man is the same, and if one who is ruled is also a citizen, the virtue of the citizen and man would not be the same unqualifiedly, but only in the case of a certain sort of citizen. For the virtue of ruler and citizen is not the same...

But Aristotle finally does not accept this inequality, and chooses a more egalitarian model when he explains that:

[T]he good citizen should know and have the capacity both to be ruled and to rule, and this very thing is the virtue of a citizen – knowledge of rule over free persons from both [points of view.]

Aquinas, on the other hand, had emphasized the line between rulers and ruled that Aristotle deliberately smothers here. 66

Oresme more closely follows Aristotle. Oresme agrees with Aristotle's explanation that the virtue of the prince is to rule well and the virtue of the subject is to obey. But he then clarifies that some subjects (not all) are also citizens. These "subject citizens" as he calls them could take up office and must also participate in governing, in counseling and in judging. Thus the "subject citizens" in their capacity as subjects must "obey and suppose and consider that the prince commands well," and in their capacity as citizens they must "participate in ruling, in counseling and in judging." 67

Aquinas had emphasized obedience. Thus Aquinas wrote that:

[I]n matters concerning the disposal of actions and human affairs, a subject is bound to obey his superior within the sphere of his authority; for instance, a soldier must obey his general in matters relating to war, a slave his master in matters touching the execution of the duties of his service, a

66 Aquinas noted that "the common good of the political community cannot flourish unless the citizens be virtuous, at least those whose business it is to govern. But it is enough for the good of the community that the other citizens be so far virtuous that they obey the commands of their rulers." See Aquinas, On Law, Morality, and Politics, 31. Cf. Ibid, 116.

67 Oresme, Le livre de politiques d'Aristote, 124.
son his father in matters relating to the conduct of his life and the care of the household and so forth. Oresme holds a more nuanced position, akin to Kant's distinction between subject and citizen (though applicable only to a smaller elite population than Kant's larger civic population). According to Oresme, the same person acts sometimes in his capacity as citizen, and sometimes in his capacity as subject. On the other hand, Oresme follows Aquinas in differentiating clearly between those who are only subjects and the subject-citizens. While he explains that even those who are only subjects, such as serfs, must have virtue and prudence, these are virtues of obedience, much as in Aquinas' discussion of the virtue of the subject. Much like other writers, Oresme returns again and again to the importance of the obedience of the people to their prince or king.

Oresme's conception of citizenship is thus distinct from Aristotle's conception of citizenship. Citizenship is reserved to the aristocracy and some of the urban elites, who alone may be eligible for public office and are alone politically active. The rest of the people are not citizens, and their only virtue is in obedience. Only between citizens is Oresme's vision egalitarian and the Aristotelian end of human flourishing in virtue becomes paramount. Oresme promoted a model of citizenship in which a small group of citizens must be active in politics and must participate in the administration of the monarchy, while the rest of the population must remain passive and obedient. Only such an aristocratic model of citizenship would achieve the end of the Oresmeian polity, namely peaceful living in civic and religious virtue of the individual citizens.

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69 Oresme, Le livre de politiques d'Aristote, 123.
70 Ibid, 153. On other writers who emphasized obedience, such as Jean Gerson in sermons from 1405 and 1413, see chapter four below.
Other writers also emphasized the importance of obedience of the people, called by various names: regnicoles (inhabitants of the realm), subjects, plebs, populares and menu peuple. They were the politically unprivileged inhabitants of the realm, who had legal citizenship rather than political citizenship. Their virtue lay first and foremost in obedience.

Raoul de Presles described in his Musa (1365) the virtues that the citizens of cities must exhibit. In his description (in a literary medium of a fictional trip to classical times) the private virtues of the individual citizens were important for the peace of the kingdom. These virtues included both the classical virtues and the Christian virtues. Again, as in Oresme's analysis, alongside the need for citizens to pursue political virtues, such as wisdom, and Christian virtues, such as evading debauchery, the whole people must respect authority in order to achieve peace within the city, because the "lives of the cities is peace."71

Mézières also focuses on the citizens-as-subjects who must obey in order to deflect social disturbances. In discussing the fourth hierarchy of society, the whole people who are not nobles, clerics or administrators, Mézières treats them only as passive subjects. Their duty (in which he accuses them of failing) is obedience to the nobility. He treats the urban elites in a slightly different manner, implicitly granting them some authority, when he describes how the people rebelled "not only against the nobles and the clergy, but also against their own companions, the great bourgeois and merchants."72 Yet ultimately Mézières treats the king and the great princes, including dukes, counts and

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71 Raoul de Presles, Musa (1365), BnF MS. Lat. 3233, fol. 24r – 24v.
72 Mézières, Le songe du vieil pelerin, 455. ("non tant seulement aux nobles et au clergie, mais a noz propres compaignons, groz bourgeois et marchans.")
barons, as true rulers; the rest are subjects who must do their duties well.\(^7^3\) In his famous metaphor of France as a ship, those directing the ship represent the king and the royal palace, the royal princes and barons, and the counselors of the king. The ship's 12 castles represent the peers of France, the seigneurs of the realm. Mézières lumps together the rest of the people of France – *gens de mestiers, bourgeois, marchans et laboureurs* – as passive passengers.\(^7^4\)

Mézières' negative attitude toward the urban population is unsurprising. In this passage his stance is reminiscent of Oresme's exclusion of the merchant and some of the *bourgeois* elites from civic status. Some of these elites rose in the urban uprisings of the early 1380s, both in Flanders and in the towns of northern France. Writers such as Mézières mistrusted these potentially violent elites. Froissart exemplifies this attitude, when he describes in his chronicle the 1380s tax uprisings as a "great devil" that arose in France following the example of the "men of Ghent."

The discourse on the purpose or function of the citizen, even when it promoted the obedience of the citizen-as-subject or *regniole*, presented a new political language, not seen in France before the mid-fourteenth century. But through it, older types of discourse remained. Writers thought of the king’s duties to care for the common good not only in the classical terms of Aristotle, but also in Christian terms. In this sense we can place these Aristotelian writers within the intellectual framework of Thomas Aquinas, even though they did not always cite him, since Aquinas saw the common good as first and foremost directed toward eternal salvation, and after that also towards individual

\(^7^3\) See for instance Mézières, *Le songe du vieil pelerin*, 532.
\(^7^4\) Ibid, 555.
\(^7^5\) Froissart, "Chroniques," in Kervyn de Lettenhove ed., *Oeuvres de Froissart*, vol. 9 (Osnabrück: Biblio Verlag, 1967), 449. See more on this subject in chapters 2 and 5 below.
virtues.⁷⁶ Both Oresme and de Presles, for example, show a similar subordination of the civic virtues of the citizen to the divine virtues of the Christian.⁷⁷ Raoul de Presles also translated Augustine's Civitas Dei (c. 1371-5), and within it Augustine’s discussion in the first chapter of the first book on the pagan enemies who were converted into "citizens" (citoyens) of the Cité de Dieu.⁷⁸ Raoul de Presles' Augustine simply continues a tradition of treating theologically the notion of the "citizen" of the "city of God," seen in many other works. This politico-theological discourse used the word "citizen" to convey a sense of membership in the mystical body of the Church. Writers used this notion to exhort these citizens (all Christians) to faith and to obedience to Christ and the Church.⁷⁹

Another traditional venue for civic discourse was legal discourse. Legal treatises also reflected a concern for the obedience of citizens-as-subjects (and of subjects in general) in order to prevent social turmoil. But legal tracts reflected not only a fear from social turmoil; they also reflected another side of the reform movement's agenda. The 1370s saw the success of the administrative policies of the 1350s reform movement. From mid-fourteenth century the royal council and Charles V consciously tried to create a more formal, legal and abstract notion of the monarchy, and consequently a more formal and public working of political society. Legal discourse reflected this political agenda.

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⁷⁶ Aquinas, On Law, Morality, and Politics, I-II, Q. 91, art. 4, 23.
⁷⁷ Raoul de Presles, Musa (1365), BnF MS. Lat. 3233, fol. 24r – 24v. According to Oresme, the end of a good polity, such as the kingdom of France and the city of Paris, is to work for the good virtues and for God. Oresme, Oresme, Le livre de politiques d’Aristote, 286.
⁷⁸ Raoul de Presles, Cité de Dieu [c. 1371-5] (Abbéville: J. Du Pré et P. Gérard, 1486), fol. 6. Online: http://gallica.bnf.fr/ark:/12148/bpt6k110643s. See also the Introduction chapter.
⁷⁹ See for instance a thirteenth century manuscript of a work by St. Ambrose. In this manuscript Ambrose discusses the duty of the "citizens of the heavenly homeland" (cives caelestis patriae) to keep their fidelity toward the "king of the city" (rex civitatis) of heaven. Ambrose uses (and was thus read in the thirteenth century) the word "citizen" to denote a membership in a mystical body, headed by God who is the king of heaven, but meant especially to exhort one to faith, loyalty and sacrifice up to martyrdom. See BnF, MS. Lat. 1726, fol. 54v.
The jurist Évrart de Trémaugon elaborated on the subject's virtue of obedience in his *Songe du vergier* (Latin – 1376; French - 1378), which Charles V commissioned in 1374. Trémaugon was from minor Breton nobility, which figured highly in this period’s reform movement and in the *Marmousets*. He was educated at Bologna where he became a doctor of law. He taught canon law in Paris from 1369 until 1374, when he entered the service of Charles V, and as already mentioned played a part in redacting some of the most important ordinances of his reign.\(^80\) The *Songe du vergier* is a constitutional-legal treatise on the authority of the king in France versus the authority of the Church. The work is a dream conversation between a knight and a priest.

The chagrin with which Oresme and other scholars viewed jurists such as Trémaugon is understandable, for Trémaugon focuses completely on the citizen-as-subject. While the term "subject" appears numerous times in the book, Trémaugon does not use the term "citizen" at all. The king rules for the good of his subjects, supplying order and peace, as befitting a monarch who is not a tyrant.\(^81\) Here Trémaugon is in synch with the Aristotelian ideology of the age. But according to Trémaugon, the king’s subjects (including for example those subjects under English rule in Guyenne) owe him loyalty and obedience because of the relationship of seigneur and subject. This is a relationship derived from feudal law and from Roman law, not from an Aristotelian understanding of the proper relationships within the polity.\(^82\)


\(^{82}\) Trémaugon, "Le songe du vergier," I. 171-173.
A lot more than the Aristotelian university scholars, Trémaugon uses the body metaphor to describe French society. As he describes the types of subjects (free and in servitude), or as he discusses the primacy of the secular power over the spiritual power, he returns again and again to a description of society as composed of "chef et membres," the head and the rest of the body.83 Thus instead of a society composed of citizens, subjects and estates, we have a sharper division between the ruler – the head – and the rest - the members. The most important theme becomes the obedience of the members to the head, who is also the fountain of all authority.84

Trémaugon's Songe du vergier exemplifies a legal discourse on citizenship that was focused on the citizen-as-subject rather than on the citizen as he participates in political deliberation. Two key elements of this discourse are manifest in the Songe du vergier: the citizen is subject to the law of the king; the citizen-as-subject has duties of loyalty and obedience. These two elements of the citizen-as-subject legal discourse remained throughout our period.

Trémaugon's focus on the citizen-as-subject makes Trémaugon subordinate the polity, or rather the kingdom – including all its citizens – to the king. Trémaugon bases the authority of the king on Roman law, even if influenced by Aristotelian ideas. Thus the king is emperor in his realm, and rules only under God.85 Roman law principles also formed the basis of royal policy in which Trémaugon was a principle player. As already mentioned, in the ordinance fixing the age of majority of kings to fourteen, which

83 Ibid, I. 140 and II. 3.
84 On the origins of the body metaphor and its uses in the late Middle Ages, see Ernst H. Kantorowicz, The King's Two Bodies (Princeton, N.J.: Princeton University Press, 1957), chapter 5. See also chapter four below.
Trémaugon redacted, the king used as justification the Roman law principle that he is not bound by the laws.\footnote{Recueil general des anciennes lois Françaises, vol. 5, 422. For a discussion on this principle, which related to positive law and not to natural law (including rights to property), see: J. P. Canning, "Law, Sovereignty and Corporation Theory, 1300-1450," in J. H. Burns ed, The Cambridge History of Medieval Political Thought (Cambridge: Cambridge University Press, 1988) 454-455; and Brian Tierney, "'The Prince is Not Bound by the Laws', Accursius and the Origins of the Modern State," 5 Comparative Studies in Society and History (1963), 378.}

The legal discourse of the age was suffused by such principles of Roman law. While not new, it is important to note the re-emphasis of the king's authority based on these principles. For example, Jean Boutillier in the \textit{Somme rural} (c. 1393-1395), as befitting a bailiff in royal service, promotes in his \textit{coutumier} the authority of the king based on Roman law principles.\footnote{On Jean boutillier, see J. Foviaux, “Boutillier Jean” in Dictionnaire historique de juristes français, eds. Patrick Arbeyre, Jean-Louis Halpérin and Jacques Krynen (Paris: Presses Universitaires de France, 2007), 129-130.} He explains in the beginning of the second book, which treats procedural law, that the king of France who is "emperor in his realm can enact ordinances" in all imperial type matters.\footnote{Jean Boutillier, \textit{Somme rural} (Lyon: 1494), II, f. 1r.} For example, he can tax his subjects for the good of the realm. He is also the guardian of the entire realm including all his subjects.\footnote{Ibid, II, ff. 1v – 2r.}

The emphasis on principles of authority based on Roman law, on loyalty and on the subjects' duty to obey the king and his laws, reflect not only the fear of popular rebellions of the age, but also the older Capetian policies of attempting to consolidate the king's authority throughout France. One of the most striking examples of this policy is manifest in the rhetoric of letters of \textit{bourgeoisie} (which would later be called letters of naturalization), treated in chapter two below. The royal chancellery, before granting rights to new \textit{regnicoles} (or, in other words, to new legal inhabitants of the realm),
described them as already loyal merchants, and turned them through the letters into "loyal regnicoles."\textsuperscript{90}

In some writings it is clear that fear of social conflict prompted the focus on obedience and loyalty. Honoré Bonet (or Bouvet), writing in the 1380s the \textit{Arbre des batailles}, explicitly mentioned that he wrote it in connection with the disturbances in his native land of Provence (at the time, not part of the kingdom of France), and especially the "diverse opinions between the nobles and the common people."\textsuperscript{91} Bonet's \textit{Arbre des batailles} (1386-9) is indeed another example of the legal discourse on the citizen-as-subject.

Bonet shares the common Aristotelian view that the prince must "always work for the good and common utility of his people and of all his pays, but he is a tyrant who regards always the profit of his purse only, and is always thinking how he can enlarge his coffers."\textsuperscript{92} But Bonet consistently focuses on the people as subjects of the prince. Bonet explains that all jurisdiction comes from God, but due to human strife there is a need for human jurisdiction. Thus every society, again likened to a body, must have one head to govern all its members. The subject-members of society must obey their ruler. And so, Bonet concludes, "all just and true jurisdictions come from God and through the election of men."\textsuperscript{93}

Throughout his work, Bonet establishes the duty of the subjects to obey their king. Bonet justifies the duty of obedience by means of Roman law and feudal law

\textsuperscript{90} See such a description of the loyal merchant Benedictus de Gallo, in AN JJ 104, no. 85, fol. 38, from January 1373; see also the making of two Florentine merchants in 1384 into regnicoles and loyal merchants. They become "good and loyal burgenses et habitatores" of Nîmes, Montpellier and the whole realm. See AN JJ 124, no. 220, fol. 124.
\textsuperscript{92} Ibid, 69.
\textsuperscript{93} Ibid, 67. ("Ainsi doncques toute jurisdiction juste et vraie vient de Dieu et par election des hommes.")
explanations. The subject, for example, must obey his king over his baron for three reasons: because the king regards the common utility of the whole realm versus the singular utility of the barony; because the authority of the king stands at the base of the authority of the baron; and because the king is the lord of the baron, his vassal.94

Beyond the fear of social turmoil, the agenda of the reformers of the 1350s, still in the royal council in the 1370s, is reflected in the Roman law discourse. The legal discourse of the time reflects the agenda of administrative reform promoting a more efficient administration that acts under formal limitations to prevent corruption and abuse. Legal tracts accepted new basic tenets of the Aristotelian discourse on citizenship, which subordinated the administration to the commonwealth of citizens. Trémaugon's work frequently quotes Aristotle's *Politics* and *Ethics*, consistently calling him "the Philosopher."95 He also uses other philosophical sources, such as the works of Plato and Aquinas, not to mention scriptural sources. And so despite his considerable reliance on Roman law, he was an Aristotelian influenced Roman lawyer. In fact, the legal discourse simply focused on the citizen-as-subject in Oresme's analysis.

The French jurists followed the scholars of Roman law in northern Italy. Roman law scholars in the cities of northern Italy, as Trémaugon no doubt knew since he was educated in Bologna, came to be influenced more and more by Aristotle and by Classical Roman Republicanism. Trémaugon’s contemporary Baldus de Ubaldis (1327-1400), writing in and on Italian cities, had most influentially inserted Aristotelian terms into the legal discourse on citizenship. For example, Baldus recognized in his writings the

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95 See for instance Trémaugon, "Le songe du vergier," I. 185.
Aristotelian analysis of "the citizen as both ruler and ruled," and thus accepted that the citizen of the city acts also as subject when he must obey the laws of the city.96

Trémaugon too shows a strong Aristotelian influence in the *Songe du vergier*. Beside citing and using Aristotle as a source, Trémaugon also frequently discusses the duties of the king of France in Aristotelian terms: to take care of the common good as governor of the commonwealth (*la chose publique*); to avoid becoming a tyrant who rules only for his own private good.97 Most importantly, when justifying taxation, Trémaugon remarks that there are two types of subjects - serfs and free people. The king may tax the serfs whatever he wills (in practice this may not have been true). But the king rules the second type of subjects - the free subjects - (citing Aristotle) "politically." Therefore the king may tax them only "for the defense of the commonwealth (*la chose publique*) and with their permission when the ordinary revenues do not suffice for defense of the *pays*."98 In contrast, early fourteenth-century legal principles allowed for taxation for the "defense of the *realm*," often relying and citing feudal law principles or Roman law principles.99

Trémaugon is promoting a new position, at least in rhetoric, focusing on the Aristotelian commonwealth. In explaining that the king rules the free subjects

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98 Ibid, I. 140.
"politically," Trémaugon recognizes them as citizens in an Aristotelian polity; they are free people who are ruled as equals. As Aristotle explains:

\[\text{Mastery and political [rule] are not the same thing ... For the one sort is over those free by nature, the other over slaves; and household management is monarchy (for every household is run by one alone), while political rule is over free and equal persons.}\]

**Taxation and Property Rights**

Trémaugon focuses on the limits within which the king operates especially in terms of taxation, and that was indeed one of the most important issues in that age's political agenda. As noted already, the Parisian burghers of the 1350s were concerned especially with the rising taxes due to the war. The royal council established permanent taxes to support the new permanent military of the 1360s and 1370s.\(^{100}\) The crown originally levied these taxes as an emergency measure to pay for the ransom of King Jean II in the 1360s, but then kept them as permanent taxes. And yet all taxes remained a central issue of negotiation between various groups within France. The abolition of the direct taxes at the death of Charles V in 1380, and the royal uncles’ abuses of crown revenues in the 1380s during the minority of King Charles VI, kept the issue of taxation relevant.\(^{101}\) The legal discourse remained focused both on the duty of all subjects to contribute to crown revenues and on limiting taxation to rightful justifications and consent in order to protect the property rights of the subjects of the king.

Thus Bonet in *l’Arbre des batailles* (1386-9) establishes the authority of the king over all the subjects residing in his realm, especially with regard to taxation. Bonet discusses the authority of the king to tax a citizen of Milan who came to reside in Paris

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\(^{100}\) Autrand, *Charles V*, 401-450 and 568-612.

\(^{101}\) Henneman, *Olivier de Clisson and Political Society*, 103-119.
and owns a house in Paris. Bonet argues that the king of France may tax him even though he is not a citizen of Paris, because the citizen must pay taxes for property he has in France.  

Similarly, Philippe de Mézières in his aforementioned Songe du vieil pelerin (1389), written at about the same time as Bonet's work, also supports the same points of the subordination of all the subjects in France to the king, especially in terms of taxation. In the third book of the Songe du vieil pelerin, Mézières describes the relationship of the good king with his "subjects." Mézières explains that the king must provide justice and avoid tyranny through reigning in justice as promoted by Aristotle in the Politics and Ethics. Mézières even explains to Charles VI that "you are not only lord and king, but minister of the realm of Gaul..." Thus the king, as minister of - in other words - the polity, "must not acquire the heritage, the lordships, the rents, the houses or possessions of your subjects against their will" and must only tax them for the public good (le bien publique).

Parlement was another bastion promoting the discourse on the king's authority over his subjects in terms of taxation (as already mentioned, the Parlement was the highest court of justice in France). Thus Jean le Coq, a barrister (avocat) in parlement in the 1380s and 1390s, reported in a widely diffused and influential manuscript on a question that came before the parlement in March 1386. In that matter the parlement explained the main principles of the authority of the king of France to tax his subjects. The king of France (rex Francie) has the right to tax his subjects (subditis suis) in his whole realm, with their assent. None other has this right in the realm of France, without

102 Bonet, l'Arbre des batailles, 191-192.
104 Ibid, 346 (tu ne doys pas qequerre les heritaes et seigneuries, rentes, maisons ou possessions de tes subgies encontre leur voulente... tu es non tant seulement seigneur et roy, mais minstre du royaume de Gaule...)
the consent of the king, who is superior to all in his realm. Yet again, this legal discourse focused on the authority of the king over his subjects, basing it on Roman law principles.\textsuperscript{105}

It is true that the crown in practice taxed from the 1360s at times without bothering with getting any formal consent from the subjects. Yet in legal theory at least, jurists of the period, including those who were close to the crown such as Trémaugon, enunciated the principle based on Roman law (\textit{quod omnes tangit}) and Aristotelian principles, that the king has an authority to tax, but must receive the subjects' consent for taxation.\textsuperscript{106}

\textbf{The Citizens' Duties to Contribute to Defense}

And so the duties of citizens-as-subjects (or \textit{regnicoles}) were not only to obey. The citizens-as-subjects must also contribute to the commonwealth (\textit{la chose publique}), but only for its defense and with consent. Yet in this duty to contribute for the defense of the commonwealth arose a difference between citizens-as-subjects and simply subjects or \textit{regnicoles}. The citizens-as-subjects, namely the nobility, must actively defend in arms the other subjects and the commonwealth (\textit{la chose publique}). The rest of the subjects simply contribute in taxes.\textsuperscript{107}

\textsuperscript{105} Marguerite Boulet ed., \textit{Questiones Johannis Galli} (Paris: E. de Boccard, 1944), qu. 64, 80-81.


\textsuperscript{107} For the early fourteenth-century basis for taxation, see Henneman, \textit{Royal Taxation in Fourteenth Century France...1322-1356}, 17-30, and Strayer, \textit{Medieval Statecraft and the Perspectives of History}, 292-298.
Jacques d'Ableiges, for example, was a lawyer in service of various courts when he wrote a famous work on the *coutumes* of France (mostly the *coutumes* of the Paris region) in 1388. He later served as a barrister (*avocat*) in the *Châtelet*.

In his important *Le grand coutumier de France* (1388) he differentiated between different types of persons. Nobles (whether by birth or by office), he explains, are:

persons who are simply free, whom the law frees from all servitude of country [pays] such as *tailles*, *impositions*, *gabelles* and other taxes. Because the nobles are elected and ordained to hold and to guard the *pays* in peace, and to defend the subjects and the commonwealth (*la chose publique*).

In other words, Ableiges sees the nobles as citizens. As citizens they must defend the realm; as nobles or knights they must do so through their arms. Furthermore, as citizens, whether born as such or appointed on account of their services or offices in the kingdom, nobles must be exemplars in their life and in their manners. Ableiges divides all the rest, the non-nobles, into free and servile. The non-nobles are all subject to the various taxes of the land.

The discourse on the citizens-nobles' duty to defend the realm in war reflects an ideal. In actual fact, especially after Poitiers (1356), many in society thought that the nobility failed in this duty. As Philippe Contamine explains, chivalric values were at the time a cornerstone of the ethos of the nobility in France, and indeed the nobility was in many respects an order. One of their main duties was to defend the commonwealth (*la*

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111 Ibid, 210. They are all subjects of the king, as are the nobles. The only difference is that the nobles are subjects only of the king, while the rest have other masters too. Still, the free non-nobles may sell and buy goods as they will, and may marry as they will. Servile people may not do so, and are also subject to various limitations on rights in marriage and inheritance. Ibid, 211-212.
When they failed in their duty, they faced intense hostility, manifest especially but not exclusively in the Jacquerie (1358).

Thus the discourse on the duties of citizens, also a discourse on the duties of the nobility, reflects the crisis of the nobility. Trémaugon, for instance, describes the nobility not as the citizens of a polity (as already mentioned, he only discusses "subjects" not "citizens"), but as privileged subjects. Yet he focuses on the nobility's role in war, rather than in political deliberation and decision-making.

In describing types of nobility (after describing the spiritual nobility – a matter of religious virtue - and the natural nobility – a matter of natural excellence, for example of the good artisan), Trémaugon analyzes political nobility. "Political nobility" is explicitly an Aristotelian nobility of political virtue: nobles have it more than others; free men more than serfs. Trémaugon views this type of nobility as natural and universal, thus even among the serfs there are some who are nobler than others, because it is a nobility of political preeminence; a nobility of reputation. Trémaugon explains that the sovereign seigneur distributes this type of nobility, or political preeminence. Only the sovereign prince can ennable, and none others. Trémaugon not only tries to reinforce the nobility's duties in war, thus promoting its legitimacy, but also reinforces its exclusive position in society. Thus even an impoverished noble unable to become a knight, preserves his privileged position in society.

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112 Contamine, *La noblesse au rayaume de France de Philippe le Bel a Louis XII: essai de synthese*, ch. 9 and 10.
113 Cazelles, *Société politique, noblesse et couronne sous Jean le Bon et Charles V*, 318-337.
115 Ibid, I. 188-190.
IV. Conclusion

Oresme’s importance in elucidating and analyzing citizenship is great, but he was not a voice in the wilderness, as, for instance, Charlotte Catherine Wells seems to assume (at least as far as political citizenship is concerned). A wider view of the venues for theoretical writings on citizenship reveals the more wide-spread discourse described in this chapter. The Aristotelian transformation of the civic discourse in the late fourteenth century created a focus on the double aspect of citizenship: the purpose or function of the citizen to participate in political deliberation and decision-making (political citizenship); and the duty of the citizen-as-subject or *regnicole* to obey the king (legal citizenship). The wide-spread discourse on both aspects of citizenship reflected the age’s political and social concerns: local elites and interests ruled; the unity of France was under attack. Finally much like ancient writers such as Plato, French elites writing within the Aristotelian discourse promoted only their own civic activism, while on the other hand they wanted to keep the great majority passive so as to preserve peace and to prevent social turmoil.

Civic discourse in France did not adopt – for the most part – the terms "citizen" and "citizenship." Writers (with the notable exception of Oresme) only called the urban elites "citizens." But writers created in essence a political ideology of active and non-universal citizenship, adopting Aristotelian concepts and civic rhetoric. The existence of

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118 The Classical age's concern of promoting the virtue of the small elite while keeping civic strife to a minimum is manifest, for example, in Plato's "city in speech" within the *Republic*, where the "guardians" of the city are the only political active element as opposed to the rest of the multitude who are passive and trained by the active citizens. See Plato, *The Republic*, trans. Allan Bloom (New York: Basic Books Inc., 1968), 111. Similarly Cicero argued that good republics promote virtue and negate political strife, fearing divisions above all. See Marcus Tullius Cicero, *De Re Publica*, trans. Clinton Walker Keyes, The Loeb Classical Library ed. (Cambridge, Massachusetts; London, England: Harvard University Press, 1928), 55-65.
traditional Christian and legal elements does not negate the novelty of the late fourteenth-century discourse on citizenship, even in its legal subject-as-citizen aspects. A more nuanced understanding of the double aspect of citizenship developed. Political language changed and began to reflect a conception of France as a commonwealth, where an exclusive group of citizens must take part in political deliberation, in the administration, and participate in the defense of the commonwealth, in arms or in funds. Legal discourse fitted within this political ideology, sometimes adopting the new political language.

In the process, the discourse on citizenship reflected the social and the political interests of the nobility and of the urban elites who were actually in power. The ruling nobility and urban elites wanted to preserve their group's privileged position as citizens who actively participate in decision-making and in ruling, and to keep the great majority of the people passive and obedient.

In terms of the theoretical conceptions of citizenship, a new period began in the first two decades of the fifteenth century. The French monarchy was to face some of its greatest political crises. The onset of the civil war in the first decade of the fifteenth century, followed by the English invasion and the consequent great political crisis which the French monarchy faced, transformed the political language, as will be shown below in chapter four. Yet the civic ideologies of the late fourteenth century were themselves the foundations of the consequent generations' civic ideologies.

A possible critic of this chapter may argue that what was true in theory (with regard to citizenship) was not necessarily true in practice (to partially paraphrase the proverb in Kant's above-quoted paper). This chapter shows that the theoretical discourse on citizenship was not limited to Oresme and a few others, but would-be critics might
still venture to assume that it was mostly limited to the circle of councilors surrounding Charles V. They might further assume that with the passing of Charles V in September 1380, passed also a "golden age" of civic theory.

Chapter two that immediately follows will forestall such would-be critics. It does so in several levels. First, it discusses not only civic theory but also civic practice. Was civic practice similar to civic theory? Indeed, was there any civic practice to mention? The next chapter shows that the answer to both of these questions is affirmative. Second, instead of discussing only relatively well-developed theories, the next chapter examines civic conceptions that are at times implicit and undeveloped, yet strongly held and even promoted. While mostly focused on elites, the next chapter looks at a greater public: elites both within the court and without as well as an urban public that was not part of the urban elites. Finally, the next chapter focuses on the period of political crisis surrounding the death of Charles V and the first years of the reign of Charles VI (r. 1380-1422), namely the tax uprisings of 1380-1383. This chapter will show that both in terms of civic conceptions as well as civic practices, the 1370s and the 1380s are not dissimilar. The well-developed civic discourse, civic ideologies and civic practices were not the domain of a small circle surrounding Charles V in the 1370s, but rather were shared by the elites of fourteenth-century France.
Chapter Two: French Citizenship and the Uprisings of 1380-1383

I. Introduction
Sometime in late 1380, the young merchant Jean Chasserat came across a few elder men in the streets of Sens. Chasserat realized that these men had just concluded a meeting, in which they discussed letters received from Sens' delegation to the assembly of "the three estates of Languedoil" (the Estates General) held at the time in Paris. Chasserat accused them of agreeing in the meeting to renew the royal sales taxes (cancelled in November 1380), instead of demanding their complete abolition. Chasserat immediately went to the house of the lieutenant du bailly of the town, Pierre Juerre. Chasserat demanded that a public assembly be held in Sens according to its accustomed procedures, and especially that the bell should ring calling the assembly. Finally Juerre succumbed to Chasserat's demands, especially on the argument that proper procedures were not followed in assembling the previous meeting, in which perhaps as few as twenty people met. The "men of the town" convened and held a large assembly. Some claimed that Sens had never seen such a large assembly, while others claimed that it was the largest assembly seen in "only" twenty years.

We know of these events because Chasserat finally had to face trial due to his actions. The procureur du roi who accused him in the Parlement of Paris (the highest court in France at the time) a few months later, called attention to the fact that Chasserat was a young married merchant, a "citizen of Sens," who was not accustomed to go to the assemblies of the town if he was not liable to receive some private profit or to suffer some private damage. Indeed, in the grand assembly which Chasserat finally convened, an assembly "for the public good of the king our lord and his realm" (l'assemblée pour le
bien public du roy nostre sire et de son royaume), Chasserat had the temerity to speak against paying taxes for the war.¹

In examining the trial of Jean Chasserat, as in any trial, we need to locate the legal controversy. The main legal controversy, beside other factual controversies, was extremely narrow. On the one hand, Chasserat argued that he was entitled to participate in the assembly of the town, and was just pursuing his rights, of which the small group of the "elders" had robbed him. The procureur du roi did not argue that the proceedings of the small meeting of the assembly were in order, nor did he argue that the larger meeting was out of order. He simply argued that Chasserat, though a citizen of Sens, did not regularly participate in such meetings, and when he did, as in this case, he did not promote the public good (le bien public) but instead his own private good. Chasserat, in Aristotelian terms, was a corrupt citizen pursuing his own good instead of the public good. Both the procureur and Chasserat reveal, at least in their arguments in court, very similar conceptions of citizenship, in which citizens had a right to participate in decision-making involving the public good of the realm. No less important, the trial reveals that both in Sens and in the Parlement of Paris, civic practices at times followed these civic conceptions.

The trial of Jean Chasserat is connected to the popular uprisings of the beginning of the reign of Charles VI (r. 1380-1422), in the years 1380-1383. These eventful years are a window through which to view the conceptions and practices of citizenship of France in the late-fourteenth century. Many scholars have examined the popular uprisings

¹ The Conseil du Parlement heard this trial in two sessions in February and March 1381. See MS BnF. Fr. 16412, ff. 101v-104v. The notes in the register of the Conseil du Parlement with regard to this trial were also published in Kervyn de Lettenhove (ed.), Oeuvres de Froissart, vol. 18 (Osnabrück: Biblio Verlag, 1967), pp. 557-562.
of 1380-1383. Some scholars such as Michel Mollat and Philippe Wolff viewed them through a social prism, as part of the wider European trend of the period of popular uprisings instigated by economic pressures and social tensions.\(^2\) Other scholars looked at them through an administrative prism, or with an interest in the history of French taxation or of French government. Léon Mirot, for instance, writing in the early twentieth century, perceived the uprisings as a failed attempt of the estates (the nobility and the urban elites) to check the rise of royal power.\(^3\)

Since Mirot, other scholars, such as Charles M. Radding, argued for a more cooperative model of the relationships between the estates and the crown, thus seeing the uprisings as a brief interlude in which the weakened crown failed to cooperate with the local elites as it usually did.\(^4\) James Russell Major also saw these uprisings through a cooperative model. Yet he treated the uprisings in passing as an aberrant period, in which the crown tried to cooperate with assemblies representing the whole realm (Estates General), despite the general decline of these assemblies in the late middle-ages (as


\(^3\) Léon Mirot saw the uprisings as a product of malcontent with royal government, especially in light of the destructive effects of the war and the tax burden. He perceived their failure as a victory of royal centralizing policies, and as the product of a lack of a unifying element in the interests of the opposition. See Léon Mirot, *Les insurrections urbaines au début de règne de Charles VI (1380-1383): leurs causes, leurs conséquences* (Genève: Slatkine, 1974), 219-220. Harry A. Miskimin explained the uprisings as a consequence of bad economic conditions coupled with the weakness of the regency government in the beginning of the reign of Charles VI, especially in light of the empty treasury due to the corruption of the duke of Anjou. See Harry A. Miskimin, “The last act of Charles V: The Background of the Revolts of 1382,” *Speculum* 38 (1963), 433-442. John Bell Henneman argued too that the assemblies of this period opposed royal taxes, but the crown finally repressed the opposition and continued to levy taxes without recourse to consent. See John Bell Henneman, *Royal Taxation in Fourteenth-Century France: The Captivity and Ransom of John II, 1356-1370* (Philadelphia: The American Philosophical Society, 1976), 300-303.

opposed to provincial estates which were to prove the forums for representation in the Renaissance).\(^5\)

An examination of the period and of these uprisings reveals the conceptions and practices of citizenship of France. Such an examination of the crises corroborates a cooperative understanding of the relationships between the crown and the elites, seeing them all as part of a single civic milieu. The crises reveal the deeply held civic ideologies of this milieu, and shed light on civic practices both during the crises and before them. The relative plethora of sources from the period, including six independent contemporary chronicles which treat these events in some detail, permits an in-depth study of these civic conceptions and practices.\(^6\)

The period examined here reveals a fully developed conception of citizenship of inhabitants (*regnicoles* or *regnicolae*) in the whole realm of France. The rhetoric of the period was Aristotelian and republican. Politicians and administrators often referred to the "commonwealth" (*la chose publique* in French or *res publica* in Latin) in their arguments and reasoning. Clearly delimited elites perceived themselves as active citizens, who participate in decision-making and in the administration of the commonwealth. In practice they governed the realm alongside the crown. Still wider groups in the population also tried to participate in decision-making. Legally some civic duties, such as loyalty to the commonwealth and the king, were more strongly established than others,

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such as the duty to contribute taxes. Some civic rights were clearly established, even though the right to consent to taxation was not always practiced. Finally, the identity of citizens though clear at the time, was under popular pressure to change.

II. The Uprisings of 1380-1383: Background
The story begins with the final act of Charles V's reign (r. 1364-1380). On his deathbed on September 16, 1380, lamenting the "great expenses that our people and subjects have sustained" for the war with England, Charles V annulled part of these taxes – the _fouage_ (a hearth tax). These taxes were part of a taxation regime which the crown put into place as an emergency measure to pay for the ransom of King Jean II in the 1360s, but kept as permanent taxes. As Harry A. Miskimin has argued, with the treasury full and economic conditions harsh in 1380, Charles V probably wanted to partially ease the tax burden. After his death, calls rose throughout France to cancel also the indirect sales taxes and the _gabelle_ (on salt), and the urban populace in some towns attacked royal tax receivers. Since Charles VI was twelve-year-old at the time, bickering commenced on how to rule the kingdom in his minority, despite the explicit rules promulgated by Charles V in October 1374, which gave the regency until the majority of the king at age fourteen to Charles V's brother the duke of Anjou and tutelage of the king to the dukes of Burgundy (another brother) and Bourbon. A dispute arose between the uncles of the new king, and

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7 _Ordonnances des rois de France de la troisième race_, vol. 7 (Paris: Imprimerie Royale, 1745), 710 (très-grans charges que notre peuple et sujets ont soustenus).
8 Henneman, _Royal Taxation in Fourteenth-Century France_.
9 Miskimin, "The Last Act of Charles V." 440-441.
10 Juvenal des Ursins, "Histoire de Charles VI," 340. The _fouage_ hit the countryside harder than the towns, and townsmen too wanted the tax burden eased.
especially between the duke of Anjou and the duke of Burgundy. An assembly of notables held in October 1380 in Paris resolved this dispute. The next assembly held also in Paris in November tried to address a suddenly bad financial situation, apparently due to Anjou embezzling the treasury, and not only due to the cancellation of the *fouage*. The king in the assembly of November cancelled most of the rest of the indirect sales taxes, due to the popular Parisian pressure to do so. The Parisian population celebrated this event with a pogrom of the Jewish population in Paris.

The king and his council cancelled the indirect sales taxes on the understanding that other taxes would replace them (hence Sens' representatives' request of instructions from their constituency mentioned in the trial of Chasserat). Consequently the crown summoned more assemblies between December 1380 and February 1381, both provincial and general, to approve the new taxes. These various assemblies finally approved, in February and March 1381, new direct taxes – hearth taxes – for a year, and received in exchange another ordinance reaffirming the cancellation of the previous sales taxes, and also the crown's commitment to various rights and privileges of the "men and subjects" of the realm, as well as the crown's commitment in various administrative and policy

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14 For the ordinance from November 16, 1380 revoking taxes, see *Ordonnances des rois de France de la troisième race*, vol. 6, 527-8. For a description of the Parisian popular pressure, especially on Anjou, see: Moranvillé, *Chronographia regum Francorum*, 3 (the only chronicler explicitly mentioning by name the assembly of the "three estates"); Guenée, *Chronique du religieux de Saint-Denys*, 44-52; Juvénal des Ursins, "Histoire de Charles VI," 342; Luce, *Chronique des quatre premiers Valois (1327-1393)*, 292.
matters, including limiting further the rights of Jews and commitment to fair justice and administrative reforms.\(^\text{16}\)

Problems ensued in collecting the new hearth taxes, and throughout the year the duke of Anjou (heading the royal council) negotiated with various assemblies in attempts to reestablish the sales taxes, yet urban disorders continued and the attempts were unsuccessful.\(^\text{17}\) In early 1382, after meeting with representatives of the guilds of Paris, the crown decreed anew the imposition of the indirect sales taxes.\(^\text{18}\) The new tax was scheduled to take effect on March 1, 1382. In late February the urban *plebs* of Rouen rose, rioting both against royal officers and rich burghers.\(^\text{19}\) In early March similar riots struck Paris, with the urban *plebs* killing royal tax officers and storming the Châtelet (the local Parisian court), destroying registers and freeing prisoners. They also took this opportunity to conduct another pogrom of Parisian Jews.\(^\text{20}\)

Other towns in the north of France such as Reims and Orléans followed suit.\(^\text{21}\) At the same time the crown had to deal with popular uprisings in Flanders.\(^\text{22}\) Not only that, the south of France (Languedoc) also rose in rebellion. Some of the nobility and towns stood against the appointment of the duke of Berry instead of the count Foix as governor in November 1380, again in connection to taxation. Not only had the urban populace

\(^{16}\) For the ordinance of January 1381 revoking the taxes, see *Ordonnances des rois de France de la troisième race*, vol. 6, 552-554. For the ordinance on administrative reforms and the Jews from March 1381, see Pierre Varin, *Archives administratives de la ville de Reims*, vol. 3 (Paris: L'imprimerie de Crapelet, 1848), 512-516. See also: Luce, *Chronique des quatre premiers Valois (1327-1393)*, 292-293; Mirot, *Les insurrections urbaines au début de règne de Charles VI*, 3-74.


\(^{18}\) Moranvillé, *Chronographia regum Francorum*, 7-8; Luce, *Chronique des quatre premiers Valois*, 297.

\(^{19}\) Luce, *Chronique des quatre premiers Valois*, 298.


\(^{21}\) Moranvillé, *Chronographia regum Francorum*, 27.

\(^{22}\) Guenée, *Chronique du religieux de Saint-Denis*, 108-118.
there rebelled against taxation, but also the Tuchins.\textsuperscript{23} To contemporaries it seemed that all the \textit{populares} were rising in 1381-2, following each other's examples in Northern France, Southern France, Flanders and even England (the Wat Tyler rebellion), sometimes even exposing correspondence between the various rebellions.\textsuperscript{24}

Faced with these popular uprisings, the king and council negotiated with various assemblies of northern France (including general assemblies at Compiègne and Meaux in April 1382), at times punishing the towns. Finally instead of the indirect taxes, the towns gave other taxes or one-time payments in the spring and summer of 1382. These taxes were collected with difficulty and urban disturbances continued.\textsuperscript{25} Yet the tide began to turn. The duke of Berry, governor of Languedoc, gradually quelled the rebellion there.\textsuperscript{26}

By the spring of 1383, after an assembly of the Estates of Languedoc in Lyon, the sales taxes there were back in place.\textsuperscript{27} Meanwhile, the king and the duke of Burgundy went on a campaign in Flanders, winning the battle of Roosebeke in the fall of 1382.\textsuperscript{28} These victories allowed the king and his council to finally harshly suppress the rebellions in the


\textsuperscript{24} Froissart mentioned that "the great devil was beginning to rise in France and everyone followed the footsteps and order of the men of Ghent..." See Froissart, "Chroniques," 449. ("or regardés la grant déabilité qui se commenchoit à eslever en France, et tout prendoient piet et ordonnance sus les Gantois, et dissoient les communaultés adont tout par le monde que li Gantois estoient bonnes gens et que vaillaument il soutenoient leurs franchisses, dont il devoient de toutes gens estré amé, prisié et honneré.") See also: Juvénal des Ursins, "Histoire de Charles VI," 348; Guenée, \textit{Chronique du religieux de Saint-Denys}, 132. On Ghent in this period see David Nicholas, \textit{The Metamorphosis of a Medieval City: Ghent in the Age of the Arteveldes, 1302-1390} (Lincoln and London: University of Nebraska Press, 1987). On Flanders' republicanism, which probably had an impact in France, see below chapter six.


\textsuperscript{26} Devic and Vaissète, \textit{Histoire générale de Languedoc}, 899-913.

\textsuperscript{27} Devic and Vaissète, \textit{Histoire générale de Languedoc}, 914-915.

\textsuperscript{28} Moranvillé, \textit{Chronographia regum Francorum}, 39-46.
towns of northern France, especially Paris and Rouen, reinstating the indirect sales taxes there in January 1383.\textsuperscript{29} By the summer of 1383 the tax regime was back in place throughout France, the popular rebellions suppressed, with fines (another kind of tax) imposed on the rebel towns.

III. Membership in the Commonwealth of France (1380-1383)
While the period reveals social tensions and wide divergences of opinions between groups in French society, some civic conceptions enjoyed a surprisingly wide consensus. The most important consensus was that wide segments of the population saw citizenship in France as membership not only in the most obvious suspects such as the town or the pays, but also in the whole realm. Whatever rights or duties this citizenship entailed, men (and their wives) held it with regard to the whole realm as a commonwealth, and not some small part of it.

The decrees of the crown following the assemblies of late 1380 and early 1381 reflect such a realm-wide conception of citizenship. In these decrees, Charles VI describes those assemblies of late 1380 and early 1381 as "general assemblies" of the clergy, nobles and the burghers and inhabitants of the good towns of Languedoil. Throughout the two ordinances of January and March 1381 (in which Charles VI cancelled almost all of the indirect taxes) Charles VI refers to the rights of two types of people: his men (vassals), and the rest of his subjects or people. Both groups hold rights which kings since the reign of Philip IV infringed upon. On the one hand, vassals held

\textsuperscript{29} For the punishment of Paris in January 27, 1383, see \textit{Ordonnances des rois de France de la troisième race}, vol. 6, 685-687; for the ordinance describing the manner of collecting the renewed sales taxes including the gabelle from January 21, 1383, see \textit{Ordonnances des rois de France de la troisième race}, vol. 7, 746-752; for descriptions of the events see: Guenée, \textit{Chronique du religieux de Saint-Denis}, 234-254; Juvénal des Ursins, "Histoire de Charles VI," 358; Luce, \textit{Chronique des quatre premiers Valois}, 308-311.
rights emanating from personal relationships with the king. On the other hand, Charles VI describes in a different manner the rights of the rest, i.e., the members of all the estates mentioned (namely the three estates of clergy, nobility and burghers). The “subjects” or “people” hold rights because they are subject to royal ordinances (les ordonnances Royaux anciennes), and not only because of their estate, corporation, town and pays-specific rights, immunities, customs and privileges (immunitez, nobleices, franchises, libertez, privileges, constitucions, usages et coutumes de pais).  

Consequently, Charles VI excludes from the ordinance taxes on various specific communities (mostly Italian) of those who were born outside the kingdom. Foreigners do not enjoy the same rights as natural born subjects of the king.

The practice of the royal administration in this period shows that natural born subjects of the king enjoyed rights or privileges that foreigners did not enjoy. First, with regard to those foreigners, the crown in this period granted letters of privileges to groups of foreign merchants and bankers (such as from Castile, Portugal and Lombardy), allowing them to practice their trade and to reside in specific towns. The crown at times granted foreign groups special privileges (such as exemption from customs or privileges to special legal processes), and at times even granted them the privileges and liberties enjoyed by the local burghers (even the custom of bequeathing property to heirs). The crown also granted Jews a special license to reside (demourer) in the kingdom.

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30 Quoted from the March 1381 ordinance, in Ordonnances des rois de France de la troisième race, vol. 6, 564; Cf. the January ordinance in Ibid, vol. 6, 552-553.
31 Ibid., 553 and 565.
32 For a July 1362 letter of privileges for merchants from Portugal living in Harfleur, granting them for instance liberty to trade, exemption from customs, special process of law, and protection of their merchandise and heirs, see Ibid, vol. 3, 571-581. For a similar 1364 letter of privileges for merchants from Castile in the towns of Harfleur, Crotoy, and Abbéville, see Ibid, 166-167. For a February 1381 letter allowing Lombard merchants and bankers to reside and practice their trades in certain towns in the kingdom, see Ibid, vol. 6, 558-9. For a greater May 1381 privilege to six Lombard merchants, to reside in
Second, another practice of the royal chancellery, giving letters to foreigners allowing them to become "burghers of the king," shows that all the inhabitants of the kingdom (regnicoles or regnicolae) had at least some rights emanating from being legal inhabitants. The royal chancellery recognized in its lettres de bourgeoisie (which in mid-fifteenth century would become naturalization letters) foreign burghers (mostly Italian merchants) as "burghers of the king." The legal formula which the royal chancellery used is significant. It recognized specific foreigners as citizens (cives) of a specific town (or towns), and also as a regnicole of the whole kingdom of France. The privileges that these new regnicoles enjoyed were not only the "customs and privileges" of the specific towns (bonis villis or civitatis), but also explicitly those enjoyed by regnicoles of the "whole realm."  

Some foreign and natural-born men (and their wives) became burghers of specific towns according to the strict customs of specific towns or according to royal laws, such as Philip IV's ordinance of 1302 (mainly, they had to reside in the town and have a house of big enough value), and enjoyed free town-dweller status. In contrast, the new foreign-born bourgeois du roi were inhabitants of the whole realm – regnicoles. As the

Mouson and enjoy there the "franchises, droiz, usaiges, libertez" as its men, bourgeois and inhabitants, see Ibid, vol. 7, 715-8. For an October 1380 special license for Jews to reside (demourer) in the kingdom of France, see Ibid, vol. 6, 521-2 (cf. a similar license from 1364 in Ibid, vol. 4, 438-439). Cf. the excellent study of royal privileges to Jews in the second half of the fourteenth century, showing that they basically had the same status as foreign merchants such as the Lombards, in Roger Kohn, Les Juifs de la France du Nord dans la seconde moitié du XIVe siècle (Paris: Peeters, 1988), 7-52 but especially 28-29.

See for instance the following four letters, which the royal administration issued between 1373 and 1384: AN JJ 124, no. 220, fol. 124, and AN JJ 124, no. 323, fol. 183, both from February 1384; AN JJ 107, no. 22, fol. 14, from May 9, 1375 and AN JJ 104, no. 85, fol. 38, from January 1373. Royal administration created in these letters regnicoles of the kingdom and citizens of specific towns, and had done so decades prior to our period. See for instance the following three letters: AN JJ 62, no. 29, fol. 19, from February, 1324; AN JJ 72, no. 402, fol. 317, from December 1341; and AN JJ 98, no. 254, fol. 80, from February 1365.

For the ordinance of Philip IV from 1302, see Ordonnances des rois de France de la troisième race, vol. 1, 367. For an example of the customs of a specific town, see the customs of Beaune published in Michel Petitjean and Marie-Louise Marchand eds., Le coutumier Bourguignon glosé (Fin du XIVe siècle) (Paris: Centre National de la Recherche Scientifique, 1982), 29.
complaints of the assemblies of early 1381 show (and earlier complaints, for example in Languedoc in 1376), the royal administration gave such privileges to those who did not even meet the conditions necessary to become burghers according to royal regulations (inhabiting a town for a long enough time, and owning there landed property of sufficient value).^{35}

The royal legal regime which focused more clearly on the distinction between *regnicoles* and foreigners (*aubains*) coalesced, as seen in the legal formulae of the letters of *bourgeoisie*, only in the middle of the fourteenth century (thus probably bringing about the aforementioned complaints against infringement of royal regulation of the *droit du bourgeoisie*). Besides being free town dwellers, enjoying the privileges of townspeople, the new foreign-born *regnicoles* also enjoyed the privileges of inhabitants of the realm emanating from the legal system of the kingdom. They did not suffer the legal disabilities of other foreigners from out of the kingdom (*droit d'aubaine*), especially in terms of bequeathing property to inheritors (foreigners would face more legal disabilities in the fifteenth century).^{36} To summarize this point, the practices of the administration of the

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^{35} For the ordinance of Charles V from 1376, which came about due to the complaints of nobles and clergy from Languedoc against infringements upon Philip IV's ordinance, see *Ordonnances des rois de France de la troisième race*, vol. 6, 214-218. A royal ordinance from January 1381 following an assembly of the estates of Languedoc, decreed that royal ordinances with respect to "bourgeois de nous [i.e. the king] ou autres seigneurs terriens" will be kept. See Varin, *Archives administratives de la ville de Reims*, vol. 3, 514.

^{36} See the seven letters mentioned in note 33 above. As Jacques Boizet explained, the crown gave letters of *bourgeoisie* already in the thirteenth century, but only in the middle of the fourteenth century did these letters clearly separate between the *aubains* as people coming from out of the kingdom and the inhabitants of the whole realm (regnicoles), into which the letters turned them. See Jacques Boizet, *Les Lettres de naturalité sous l'Ancien régime* (Paris: M. Laverone, 1943), 37-38. In a similar process at almost the same time, Kim Keechang argues that in the 1380s the letters of privileges in England, which the crown gave to foreign merchants, began to give privileges pertaining to the whole legal system, and not just mercantile privileges as before. See Kim Keechang, *Aliens in Medieval Law: The Origins of Modern Citizenship* (Cambridge: Cambridge University Press, 2000) 52-59. On the *droit d'aubaine* in France, see Charlotte Catherine Wells, *Law and Citizenship in Early Modern France* (Baltimore: Johns Hopkins University Press, 1995), 15-30. For a general survey on regnicoles and foreigners in the fourteenth and fifteenth centuries, see Philippe Contamine, *Le moyen âge: le roi, l'Église, les grâns, le people, 451-1514* (Paris: Éditions du Seuil, 2002), 422-423; and Philippe Contamine, "Qu'est-ce qu'un 'étranger' pour un Francais de
period gave rights to *regnicoles* – inhabitants of the kingdom – as such; these practices recognized realm-wide citizenship entailing at least some rights.

The rise of Aristotelian and republican rhetoric went hand in hand with these administrative and royal practices and permeated them. The royal administration and the educated public saw the kingdom of France as a commonwealth. This conception of France, already mentioned in chapter one, explains why administrative practices gave legal effects to membership in this commonwealth.

The royal ordinances of these years frequently referenced the commonwealth (*la chose publique*) to the good of which - or to the public good (*le bien publique*) – the king promulgated them. Thus in Charles V's famous ordinance of August 1374 fixing the majority of kings at the age of fourteen, already mentioned in chapter 1, he discusses how the prince must be educated to be concerned with the good of the commonwealth, with the state of the realm and its subjects.37 Similarly in December 1380, in annulling tolls on rivers added since the reign of Philip VI (due to the public pressure), Charles VI describes how these tolls made the passage of wine and wheat difficult for merchants and was very detrimental to the commonwealth (*la chose publique*).38 Similarly in an ordinance from the summer of 1381, with regard to one of the taxes accorded in that period for a single year (in that case by the assembly of the "three estates" of Artois, Boulonnais and the county of Saint-Pol), the king congratulates the estates on granting a

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38 *Recueil général des anciennes lois Françaises*, vol. 6, 551-552. I believe "la chose publique" here means "commonwealth," though it could also mean in this context the "public domain." Cf. the entry "chose" in *Dictionnaire du Moyen Français* (ATILF CNRS - Université de Lorraine, version 2012). Internet site: [http://www.atilf.fr/dmf](http://www.atilf.fr/dmf).
tax due to their affection to the public good, following usage that goes back to the 1360s.\footnote{Ordonnances des rois de France de la troisième race, vol. 6, 600. For earlier usage see for instance a 1367 grant of these Estates in Ordonnances des rois de France de la troisième race, vol. 5, 82, which mentioned the "common good" (bien commun) of the realm, and a grant of 1373 that named the "public good" (bien publique) of the realm, in ibid, 652. See also chapter six below.}

The republican rhetoric of this period is manifest also in the highest court of law, the Parlement. The Parlement's registers are filled with references to the good of the commonwealth and to injuries to it, or to the "public good" (le bien publique), as in the aforementioned case of Chasserat, tried in February and March 1381. The Parlement judges themselves used such rhetoric in several types of trials. For example, in a contractual case from 1387 involving an obligation incurred by royal administrators, the Parlement ruled that they could not delegate their authority "since they were sent for the common good" (bonum commune).\footnote{Jean le Coq reported on this case and it was thus known by contemporaries. See Marguerite Boulet ed., Questiones Johannis Galli (Paris: E. de Boccard, 1944), 76-78.} Another example, this time from a criminal trial, already mentioned in chapter one, is the case against the attackers of the constable Clisson in 1392, which the court described as an attack against the commonwealth. (Clisson was a crown officer.)\footnote{MS. BnF. Fr. 16536, ff. 91-92.}

The royal administration also used the same kind of rhetoric, alluding often to the commonwealth and to the public good. Charles VI (or rather his council) summoned in early February 1381 the Estates of Normandy, to replace the sales taxes cancelled in November 1380 and January 1381, as agreed in the assembly of the estates of Languedoc. The cause he gives in the letters of summons is that he wants to see to the defense and the public good of his realm (la défense et bien publique de nostre
The rest of the administration followed such royal example. And so in a typical letter of bourgeoisie from 1373, turning a merchant from Luca called Benedictus de Gallo into a regnicole of France, the royal chancellery explains that this letter is given for the good of the commonwealth (republica), which is served by its merchants.43

This republican rhetoric and frequent allusions to the commonwealth and the public good came to be even more pronounced in the various political assemblies and debates surrounding the uprisings of 1380-1383. An assembly of notables was held in the Parlement in early October 1380 to determine how the kingdom would be ruled in Charles VI's minority. The registers of Parlement report that Jean des Mares (the avocat du roi) explained on behalf of the duke of Anjou that they should proceed to crown the twelve-year-old Charles VI, and that the royal council with the advice of the royal uncles should rule the kingdom in his name – all for the good of the commonwealth (le bien de la chose publicque).44

Yet the registers of Parlement disguise what truly happened in this assembly of notables. Contemporary accounts describe this assembly as a scene of a fight between two parties. On the one hand, the duke of Anjou as eldest surviving brother of Charles V wanted both the regency and tutelage of the minor king. On the other hand, the duke of Burgundy wanted some control of the treasury and to be named (with the duke of Bourbon) as tutor of the minor king. Jurists argued both cases.

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43 AN JJ 104, no. 85, fol. 38.
44 MS BnF. Fr. 16412, f. 99.
If it weren't for the republican language of the registers of Parlement, we would have found it difficult to give credence to the speeches that the Michel Pintoin (author of the important contemporary *Chronique du religieux de Saint-Denys* 45) quotes at length from this meeting. Some words of the speeches are perhaps invented, as the writer was not present at the time, yet they are close enough to the report of the register in spirit at least. Pintoin quoted Jean des Mares arguing the case for the duke of Anjou in a remarkably republican speech. Des Mares evokes Cicero's rhetorical skills, and then explains that the rule of the minor king (through the regency of Anjou) will be to the utility of the commonwealth (*reipublice utilitati*), and that Charles V made the law on which Anjou supports his case (for becoming regent until the king is fourteen) with the assent of the lords and *regnicoles*. 46 The recently dismissed chancellor and executor of Charles V's will Pierre d'Orgemont argued the case for the dukes of Burgundy and Bourbon. He warns that the commonwealth is hurt by disunity, and argues that Charles V had charged Burgundy and Bourbon to educate his children and control some revenues.47

With both parties amassing troops, the dukes and the royal council agreed to put the case

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46 Guenée, *Chronique du religieux de Saint-Denys*, 8-10. *Utilitas* (utility) was not equivalent to the "common good." The latter included a sense of the good Christian community, and implied the superiority of the spiritual power over the temporal power. Thus in a speech focused on the secular authority, the use of the word *utilitas* is natural. See Matthew S. Kempshall, *The Common Good in Late Medieval Political Thought* (Oxford: Clarendon Press, 1999), 351-354. Use of the word *utilitas* also corroborates the authenticity of the speech, since it is improbable that the monk Pintoin would have used the secular word *utilitas* in a speech he had completely invented.

to arbitration. The arbiters concluded the case after four days, essentially on the side of the duke of Burgundy.48

The republican rhetoric of the assembly of notables is remarkable. Even if some of the words of the speeches were invented, Pintoin still thought that contemporaries would believe them. Beyond that, accounts of others such as Jean Juvénal des Ursins agree with the essence of the disagreements and the parties participating in the disputes, as Pintoin reports them (while the differences in the details show that at least on these points, they wrote independently and relied on different sources).49 Beyond these points, contemporary chronicles report on and quote such republican rhetoric in other assemblies and contexts in these turbulent years.

Juvénal des Ursins and Pintoin report that angry Parisian burghers and *populares* in the summer and fall of 1381 called "enemies of the commonwealth" those such as des Mares, who spoke in various assemblies of estates for renewing the sales taxes (as the duke of Anjou wanted).50 Another chronicler reports that the Parisian citizens (*cives*), in the midst of the March 1382 tax uprisings, claimed to defend the liberties of their *civitas* and of the whole kingdom (*libertates civitatis sue ac totius regni Francie*).51 On the other side, in an assembly of estates of Languedoil held at Compiègne in April 1382, following the violent urban tax uprisings of March, the first president of *Parlement* Arnaud de Corbie argued for the king that because of the war it was not possible without the sales

taxes to conduct the commonwealth.\textsuperscript{52} And so both sides in the tax uprisings used republican rhetoric, even if for conflicting ends. Even if such rhetoric is simply the invention of the chroniclers, such as Pintoin or Juvénal des Ursins, it is still significant that they themselves used it and thought that contemporaries would believe the invented speeches.

The republican rhetoric and practice recognized France as a commonwealth. Yet it is well to remember, as already mentioned in the introduction, that in language the words "citizen" and "burgher" were exchangeable, and related exclusively to a small percentage of privileged inhabitants of towns. They were citizens of the small commonwealths: the “good towns” (bonnes villes) or civitates. As the letters of bourgeoisie show, the citizens of the commonwealth of France were called "regnicoles" (i.e. inhabitants of the kingdom) or subjects.\textsuperscript{53} In both types of commonwealth – France or its towns – the chronicles of the period make frequent mention of common people called by various names: plebs, populares and menu peuple.\textsuperscript{54} These common people rioted in the tax uprisings, rebelled as the so-called Tuchins in Languedoc (in 1380-1384) and in Auvergne (in 1363-1389), and played a significant role in the period. In order to understand the differences between the populares and the elites in terms of citizenship, we must explore what citizenship entailed in practice in this period: who fulfilled the Aristotelian citizenship promoted by various theorists of the period? What were the duties

\textsuperscript{52} Juvénal des Ursins, "Histoire de Charles VI," 350. Cf. Luce, Chronique des quatre premiers Valois, 301 and Guenée, Chronique du religieux de Saint-Denis, 150.
\textsuperscript{53} See the letters cited in note 33 above.
\textsuperscript{54} These references are common in all the chronicles cited in note 6 above as well as the ordinances of the period. For an analysis of the common people as opposed to the elite see Bernard Guenée, L’opinion publique à la fin du Moyen Age: d’après la "Chronique de Charles VI" du Religieux de Saint-Denis (Paris: Perrin, 2002), 101-110.
and rights of citizenship? Who exactly were fully citizens and who did these full citizens exclude?

IV. Citizenship of France in Practice (1380-1383)

A striking feature of the period, on which many historians have commented, is that the crown convened a number of realm-wide assemblies (or at least separate assemblies of Languedoil and Languedoc). Georges Picot had commented more than a century ago on the various assemblies convened in the few months after November 1380, even if he thought that they did not merit the name "Estates General" and called them simply assemblies of notables, for their lack of generality and initiative.55 Other historians, such as Mirot and Major, allowed the name "Estates General" at least to the two assemblies of November 1380 and December 1380-January 1381, yet they generally saw them as an aberration in the general decline of these estates, noting that they did not assemble for decades later.56

While the question of the exact nature of each assembly is important, yet another fact is more important in terms of citizenship. All new regimes in this period, especially since they relied heavily on the personal authority of the king, faced a legitimacy problem. A minority posed special problems in terms of legitimacy, since whatever its composition, the regency council did not replace in the eyes of contemporaries the

legitimate rule of a king who was the fountain of all authority.\textsuperscript{57} The tax riots worsened the legitimacy crisis. Yet the minority of the twelve-year-old Charles VI and the royal council's need to gather legitimacy in the face of the tax riots explain only partly the plethora of realm-wide assemblies of this period (convened also in both earlier and later minorities and inheritance crises, such as the minority of Charles VIII in 1484, and other minorities in the sixteenth and seventeenth centuries).

The legitimacy crisis of the new regime – due to the minority of the king and the tax riots – was coupled with a cooperative conception of government. Contemporaries thought that the crown should govern the realm through the active participation of elite groups in society: nobles and clergy; town elites; royal officers. In other words, the citizens in the French commonwealth actively participated in the government of the realm in any situation, but the legitimacy crisis raised by the minority and the tax riots necessitated even greater involvement through the assemblies. The citizens in this case were not all of the regnicoles of the realm; only small elites considered themselves as the citizens who participate in the rule of the commonwealth.

One of the first assemblies came about only days after the death of Charles V. The funeral services of the late king, held eight to ten days after his death (September 24-26, 1380), saw a gathering of the highest nobility (including the late king's three brothers, the dukes of Anjou, Burgundy and Berry), the prelates and the highest royal officers.\textsuperscript{58} The obvious legitimacy crisis due to the minority of the heir, and despite the rules which Charles V promulgated for this purpose, brought about the next meeting – an assembly of

\textsuperscript{57} For the king as fountain of all authority and justice, see Olivier Guillot, Albert Rigaudière and Yves Sassier, Pouvoirs et institutions dans la France médiévale: Des temps féodaux aux temps de l'État (Paris: Armand Colin, 1998), 196-241.

\textsuperscript{58} MS BnF. Fr. 16412, ff. 97-98.
notables. Held in early October, this meeting was the scene of the fight between the dukes of Anjou and Burgundy.

The decision of the arbiters between the dukes was explicitly intended to solve the legitimacy crisis and the rivalry of the dukes. As the *Grandes chroniques de France* notes, the counsel and advice of the wisest in France (the arbiters), elected and ordained by the dukes of Anjou, Burgundy and Bourbon to advise them, was that in order to hold the dukes in unity and consequently the whole realm of France, it will be expedient to already proceed to the king's consecration and coronation, where he will receive the homage of the dukes and of the whole realm, which will be governed in his name. Contemporaries saw the October 1380 meeting of notables almost as a natural occurrence. Pintoin describes how all the notables congregated in Paris already on hearing that Charles V was on his deathbed. Thus the meeting of notables was held in Parlement and presided by its presidents, between those "with whom the king always disposes public affairs." These notables included indeed not only the highest nobility and clergy, but also the royal officers of the Parlement, the Chambre des Comptes, the tresoriers, and others, as Juvénal des Ursins (himself a royal officer) noted. Thus this assembly of notables was a natural meeting of those who always governed the realm with the king, and not only in this extraordinary crisis, his “natural council” so to speak.

The decision of the arbiters to proceed to Charles VI's consecration was intended to alleviate the legitimacy crisis of the new regime. Their decision on who would govern

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59 Paulin-Pâris ed., *Les grandes chroniques de France*, vol. 6, 471.
60 Guenée, *Chronique du religieux de Saint-Denis*, 6 ("deputatos antistites, barones ac eminentis scientiae viros, cum quibus ardua semper dispuserat negotia...ut camenis regalis Palacii presidentes.").
the realm was intended to solve the dispute between Anjou and Burgundy, yet it also reveals how the arbiters and the rest of the notables conceived of government in general. They decided that the dukes of Burgundy and Bourbon would have tutelage of Charles VI and his brother. They decided that the revenues of the domain and of taxes would generally be put in the royal treasury (in law these revenues were the property of the commonwealth, not the king), yet that the duke of Anjou would control for the king all his personal property. Finally, that the royal council would govern the realm with the advice of the dukes, though only the duke of Anjou would be called regent. Thus beside settling the dispute between the dukes and in essence dividing authority between them, the arbiters thought that the royal council should in fact govern.

The four closest relatives of the deceased king – the dukes of Anjou, Burgundy, Berry (his brothers) and Bourbon (his brother-in-law) – held the strongest positions in the royal council. Yet they did not believe it feasible that they would be able to govern alone. By the end of November they formalized the procedures of the royal council, its members and rules. The four dukes were always part of the council, if they pleased, with Anjou the president. The four dukes elected together up to twelve other members who always stood by the king. Decisions in council were made by a majority of its members. All appointments to royal offices had to receive the approval of the royal council, as well...
as all distribution of finances, and any alienation of the domain (which had to receive unanimous approval of the four dukes).\footnote{Recueil général des anciennes lois Françaises, vol. 6, 549-551. Cf. to Charles V's October 1374 edict, in which he forbade any alienation of the domain by the regnet.Recueil général des anciennes lois Françaises, vol. 5, 428.} In essence, the four dukes had control of the government, but they agreed to decide matters with the 12 other council members. The dukes did not give over political power. Any other decision would not have been legitimate or politically feasible. They had to govern with the established elites, as any king.\footnote{As Charles V wrote in his testament of October 1374, "we and our predecessors have always governed...through a council of a large number of wise men." He thus wrote up the names of the councilors with whom the tutors of his heirs must consult, including his top administrators, officers of the crown, presidents of the Parlement, top clergy and six burghers of Paris. See Recueil général des anciennes lois Françaises, vol. 5, 434-435.}

Other assemblies shared in decision-making beside the royal council. The various meetings of estates and assemblies of notables were such forums. The characterization of two of these assemblies or more as "Estates General" is not as important as the fact that contemporaries saw these assemblies as occasions in which the crown shared in decision-making with elites from the whole realm. The royal council convened such "notables" almost continuously in the first months of the reign of Charles VI. In this sense, any such assembly was an "act" or an occasion and not a "body of persons" or an institution (borrowing terms by which English historians defined the English Parliament in 1305);\footnote{Frederic William Maitland, “Introduction to Memoranda de Parliamento, 1305,” in Selected Historical Essays of F. W. Maitland (Cambridge: Cambridge University Press, 1957), 77-78.} an occasion in which representatives of the "three estates" came to discuss government in a "general assembly," as the royal ordinances cancelling the taxes called these assemblies.\footnote{See the ordinance of January 1381, in Ordonnances des roys de France de la troisième race, vol. 6, 552. See also the ordinance of March 1381, in Ordonnances des roys de France de la troisième race, vol. 6, 564. See also the ordinance of March 20, 1381, establishing a tax for a year in exchange for administrative}

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dialogue, means for “cooperation, reformation and contestation.” In this sense, the two meetings of November 1380 and December 1380-January 1381 were similar to the assembly of notables of October 1380 and to the later assemblies at Compiègne and Meaux of April 1382; they were all meetings of the men with whom the king consulted when he governed his realm.

Who were these men? First, even if they were apparently almost only men, at times women were present, especially when they were widows of notable nobles or officers, such as late Charles V's wife and queen, or the duchess of Orléans in the assembly of notables of October 1380. In this context, as in the context of citizenship status of towns, the wife had her husband's privileged status, even if privileged status was mostly reserved for males. Second, the highest clergy and nobility participated, as well as the burghers (bourgeois) and inhabitants (habitans) of the towns (bonnes villes); in other words, the elites of the countryside (the nobility and clergy) and the urban elites (the burghers). Third, important royal officers participated, such as the constable, marshal, and the administrators from the courts of law mentioned by Juvénal des Ursins. What is common to all these men who participated in the assemblies (except for the inhabitants of the towns as opposed to the burghers), was that they also had day-to-day legal authority; they governed in practice and were the active citizens who participated in public decision-making (not only in these assemblies). In other words, the meetings of


70 Guillot, Rigaudière and Sassier, Pouvoirs et institutions dans la France médiévale, 140-202.

71 On the participation of the queen and the duchess in the assembly of notables of October 1380, see MS BnF. Fr. 16412, f. 98v. On the status of wives of burghers, see the ordinance of Philip IV from 1302, in Ordonnances des rois de France de la troisième race, vol. 1, 367.
these men were forums for consultation with the men governing the realm on behalf of
the king.\textsuperscript{72}

The traditional cause for convening such general assemblies was to raise taxes or
gather public support or legitimacy for the crown.\textsuperscript{73} Yet the royal council envisioned
other potential purposes. For example, an ordinance of March 20, 1381, following the
estates of Languedoc, called for administrative reforms as well as for more checks on the
privileges of Jews.\textsuperscript{74} To give another example, when the royal council appointed the duke
of Berry as governor of Languedoc, it gave him authority to convene assemblies of the
prelates, princes, barons, and other nobles, the peoples, corporations and communities,
civitates and good towns (\textit{congregaciones prelatorum, principum et baronum},
ceterorumque nobelium, \textit{popularium}, \textit{universitatum et communitatum}, civitatum et
\textit{bonarum villarum nostrarum}) for discussing the regime in Languedoc over all the king's
"subjects."\textsuperscript{75} Granted, Berry used this very general authority only in order to raise funds,
yet Berry and the royal council thought that they might need such general authority.\textsuperscript{76}

\textsuperscript{72} Neithard Bulst shows with regard to the second half of the fifteenth century, in the Estates General of
1468 and 1484, that a significant ratio of the delegates of the third estate was royal officers. In the 1484
Estates General 67\% were royal officers (in 1468 less than half), and 20\% town officials (in 1468 more
than half were town officials). In any case, both in 1468 and 1484 almost all the delegates from the third
estate (87\% in the latter Estates General) were either royal or town officials, or in other words had day-to-

\textsuperscript{73} See for instance: Major, \textit{Representative Government in Early Modern France}, 10-22; Albert Rigaudière,
\textit{Penser et construire l’État dans la France du moyen âge (XII\textsuperscript{-}XIV\textsuperscript{e} siècle) } (Paris: Comité pour l’histoire économique et financière, 2003), 523-589.

\textsuperscript{74} Varin, \textit{Archives administratives de la ville de Reims}, vol. 3, 512.

\textsuperscript{75} See the ordinance of November 19, 1380, in \textit{Ordonnances des rois de France de la troisième race}, vol.
6, 531.

\textsuperscript{76} See a letter from the duke of Berry to the count of Armagnac, February 18, 1381, in Devic and Vaissète,
\textit{Histoire générale de Languedoc avec des notes et les pièces justificatives}, vol. 10, 1646. Indeed this
assembly of the estates of Languedoc produced an ordinance revoking the taxes and reaffirming privileges,
in April 1381, which is similar to the ordinances promulgated for Languedoc. See Ibid, 1648-1650.
A well-known rhetorical trope of the period was that kings ruled through advice and counsel. The politics of the period show that this rhetorical trope was based on political reality, as the minor king and his uncles reached their decisions only after consulting the royal council, as shown above in the rules of the council. Yet often they consulted with the wider forums, for example in the failed attempts to convince the estates to grant more taxes throughout the fall of 1381. Even after the northern towns' tax rebellions of February and March 1382, the royal council attempted reconciliation in the assemblies of the estates at Compiègne and Meaux in April 1382. The other side of the coin is that even in rebellion, leading political figures preferred to profess loyalty, and to accuse bad advisors and bad advice, as a rhetorical trope for implicitly criticizing the crown. The count of Foix, for example, rebelled against the duke of Berry, yet professed loyalty and accused the bad advisors in his letter to the king of February 4, 1381.

In this cooperative model of government, in which the royal council truly ruled through advice and counsel, administrators and legal people played an important function. One can see the importance with which the public viewed the legal profession, as part of the general formalization and legalization of French political culture. The wide public at times saw jurists as corrupt, as seen in the decisions with regard to administrative reform following the Estates General of January 1381, or in the violent

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attacks against legal officials in the urban tax uprisings of March 1382.\textsuperscript{81} Yet the educated public mostly held the legal officers in high regard.\textsuperscript{82}

Legal officers often served as arbiters in the disorders of the age, for example between the dukes in the assembly of notables of 1380, and between the burghers of Paris and the crown after the failure to reach agreement in the meetings of the estates of April 1382. In the second case, we have a reliable report of the proceedings held at St. Denys. The crown's representative was the first president of \textit{Parlement} Arnaud de Corbie, while Paris' representative was another aforementioned jurist, Jean des Mares. De Corbie talked of the necessity of taxes for the king and kingdom, while des Mares responded with affirming Paris’ fidelity to the king, and finally agreed on behalf of the city to grant the king a sum of 100,000 or 80,000 francs.\textsuperscript{83} At another time, we have an account of the royal council seeking advice of all its legal administrators, with regard to its negotiations with the Estates General of January 1381.\textsuperscript{84}

Yet in all this rather elitist decision-making process, the striking feature of the period is that the \textit{regnicoles} whom decision-makers regularly excluded from the process,

\begin{footnotesize}
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\item \textsuperscript{81} The January 1381 ordinance was published in Varin, \textit{Archives administratives de la ville de Reims}, vol. 3, 513. This ordinance stipulated for example that administrators and judges be good, wise and discreet, not native of their places of office, at least twenty years of age, and reside in their places of office. Moranvillé, \textit{Chronographia regum Francorum}, vol. 3, 24, names the specific legal officers which the mob attacked, killed and destroyed their homes in the tax riots of March 1382 in Paris.
\item \textsuperscript{82} For contrasting views of officials in fifteenth-century France see Kathleen Daly, "Private Vice, Public Service? Civil Service and \textit{Chose Publique} in Fifteenth-Century France," in \textit{Concepts and Patterns of Service in the Later Middle Ages}, Anne Curry and Elizabeth Matthew eds. (Woodbridge: The Boydell Press, 2000), 99-118.
\item \textsuperscript{83} Michel Pintoin probably had good sources on this dispute, as it was held in St. Denys, even though he talks of a sum of 100,000 francs. See Guenée, \textit{Chronique du religieux de Saint-Denis}, 154-156. See on the other hand an \textit{emprunt} of 80,000 francs for a year, published in May 17, 1382, in Douët-d'Arcq ed., \textit{Choix de pièces inédites relatives au règne de Charles VI}, vol. 1, 36. This sum accords better with the account of the dispute in Moranvillé, \textit{Chronographia regum Francorum}, vol. 3, 36-37.
\item \textsuperscript{84} See the registers of \textit{Parlement}, talking of a two-days consultation in early January 1381 of the chancellor, the lords of \textit{Parlement}, many lords of the \textit{chambre des comptes}, many prelates, the \textit{procureur} and \textit{advocats du roi}, to give advice on the letter of the "three estates" assembled \textit{pour le faict et gouvernement} of the realm. See MS BnF. Fr. 16412, 100v-101.
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rose and wanted a say. In the case of the towns of northern France, the riots were against the sales taxes. As Charles M. Radding explained, the indirect sales taxes were by nature regressive. The direct taxes (both before Charles V cancelled them in the form of the fouage and in their renewed form as the taille) were not in essence regressive, and indeed at times they were collected in practice with a higher tax rate imposed on the rich than on the poor. In contrast, the crown imposed the indirect sales taxes as a fixed ratio on consumption goods, and thus the poor felt their burden more heavily than the rich. Frustrated at this shift of the tax burden onto them, the population of the towns attacked the elite of the towns, which was involved in royal decision-making process (some even farmed the indirect taxes), or at the very least imposed bridles on the elite’s ability to cooperate with the crown.

Violence of the poor against the rich is especially manifest in accounts on the riots of 1382 in Rouen and Paris. Froissart talks of the common people attacking the good houses of Paris in 1382, and Pintoin famously describes an attack on and ridicule of a rich cloth merchant in Rouen. There are accounts that describe rich people fleeing Paris and Rouen for fear of the rioters. Yet even the case of Chasserat reveals the same type of limits, which men outside the regular ruling circles (such as Chasserat, a young

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86 With regard to the fouage, see for instance a case in Reims in December 1378, in which the city council assumed that eleven rich men must pay a greater portion of the fouage than the rest of the town, published in Varin, Archives administratives de la ville de Reims, vol. 3, 465. In our period see the report on the hearth-tax voted in early 1381, in Luce, Chronique des quatre premiers Valois, 293. See generally on the taille Henneman, Royal Taxation in Fourteenth-Century France, 303.
87 Froissart, "Chroniques," 446.
88 Guenée, Chronique du religieux de Saint-Denys, 130. See also the class riots in Rouen described in Luce, Chronique des quatre premiers Valois, 298.
89 Luce, Chronique des quatre premiers Valois, 298; Guenée, Chronique du religieux de Saint-Denys, 138.
merchant, regularly uninvolved in the politics of Sens) imposed on their representatives to the various assemblies.

The chroniclers keep discussing the anger of the *peuple* against intentions of the richer burghers to agree to taxes. So, for example, in the estates of Normandy, assembled in December 1380, while some thought to agree to allow anew some taxes (which were cancelled in November), the *peuple* angrily called that they would agree to nothing.\(^{90}\) Similarly, after the apex of the tax riots of March 1382, the chroniclers describe how the burghers could not appease the crown in negotiations for renewing the taxes in exchange for pardons, because the *menus gens* or *menu peuple* would not allow it. The representatives who came to the assembly at Compiègne in mid-April 1382 seemed at first pliant to the pleas of the crown's representative, Arnaud de Corbie, yet came only with the authority to hear and not to decide on taxes. Days later in the assembly at Meaux, after consulting with their constituencies, the representatives claimed that due to popular pressure they could not agree to more taxes (the representatives of Sens even went back on a previous consent).\(^{91}\) Throughout this period, the assemblies acted with fear of popular uprisings against the sales taxes. Even in January 1383, with royal troops located in strategic locations throughout Paris and the uprising harshly suppressed, the royal council hesitated before imposing again the sales taxes, fearing that raising them without popular consent (*sine populari consensu*) as in the past, would instigate anew the popular uprisings.\(^{92}\)

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\(^{90}\) Luce, *Chronique des quatre premiers Valois*, 293.


V. Civic Duties and Civic Rights
What rights and duties did citizenship entail in this period? Again, the answer to this question depends on the types of citizens. While the right to participate in political proceedings was generally reserved to elites (the popular pressure of the period was an exception to the rule), the duty of loyalty to the king and to the commonwealth was the basic duty of all the subjects or *regnicoles*. It is well known that the king stood at the center of a royal religion which served to bolster the legitimacy of the monarchy. The king was almost a priest figure, and various ceremonies such as royal entrees into towns, the king’s consecration, his healing touch, all celebrated his greater-than-man status.93 Yet the crown used the royal religion not only to bolster its own legitimacy, but also to promote fidelity to the person of the king and to France.

Royal ordinances, for instance, frequently alluded to the loyalty and obedience of the king’s subjects.94 Representatives in assemblies, even while rebelling, confessed loyalty and obedience.95 As already mentioned in chapter one, the royal chancellery, before granting rights to new *regnicoles*, described them as already loyal merchants, and turned them through the letters into "loyal *regnicoles*."96 Treason trials also demonstrate

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94 See for instance in the ordinance cancelling the taxes in November 1380, *Ordonnance des roys de France de la troisième race*, vol. 6, 527.
95 Again, Jean des Mares’ speech in the arbitration following the tax riots of March 1382 is a classic case of confessing loyalty while opposing the king. Guenée, *Chronique du religieux de Saint-Denys*, 156. See also the aforementioned letter of the count of Foix, from February 1381, in Devic and Vaissete, *Histoire générale de Languedoc avec des notes et les pièces justificatives*, vol. 10, 1645.
96 See such a description of the loyal merchant Benedictus de Gallo, in AN JJ 104, no. 85, fol. 38, from January 1373; see also the making of two Florentine merchants in 1384 into *regnicoles* and loyal merchants. They become “good and loyal *burgenses et habitatores*” of Nimes, Montpellier and the whole realm. See AN JJ 124, no. 220, fol. 124.
this point. While the crown accused its vassals for breach of a personal obligation of loyalty, as seen for instance in the process against the king of Navarre in 1378, it accused its other subjects for a more general breach of loyalty as subjects, as seen for instance in the 1379 sentence against Montpellier for its rebellion, or in the January 1383 sentence against Paris for its part in the tax uprising of March 1382. As S. H. Cuttler pointed out, in the reign of Charles V the crown began to put political pressure on regular people (not vassals or combatants) just for remaining in English controlled territory. The result was a de facto legal (and rhetorical) duty of loyalty derived from the status of regnicole.

Duties to contribute to the commonwealth, especially in terms of funding its actions, were also general. As the legal tracts of the period explained, such as Jacques d'Ableiges' *Le grand coutumier de France* from 1387 (already mentioned in chapter one), nobles had a duty to defend the commonwealth through arms, and were thus exempt from the taxes of the land to which all other subjects (whether free or servile) must contribute. Jean le Coq, for instance, reported in the late 1390s in a widely disseminated manuscript on a case from 1385, in which the *Parlement* ruled that the king had an exclusive right to tax all his subjects (*subditis suis*) in the whole realm (*in toto regno suo*) with their consent. And indeed the crown decreed that the year-long hearth taxes ordained by the various assemblies in March 1381 would be paid by all persons without

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97 For the first two processes, see MS BnF. Fr. 16536, ff. 90-90v and 94-97. For the royal sentence against the city of Paris, see *Ordonnances des roys de France de la troisième race*, vol. 6, 685-687. See also the very personal oath of loyalty of Charles of Navarre from 1378, published in *Recueil général des anciennes lois Françaises*, vol. 6, 511-512. See also the 1383 sentence against the inhabitants of Orléans for their part in the tax riots of 1382, mentioning how they made a commotion against the king. See Douët-d'Arcq ed., *Choix de pièces inédites relatives au règne de Charles VI*, vol. 1, 47.

98 S. H. Cuttler, *The Law of Treason and Treason Trials in Later Medieval France* (Cambridge: Cambridge University Press, 1981), 163-180. In this period, see for instance the process in which the Sire de Budoa confessed loyalty to the king, even while his lands were conquered by the English. See MS. BnF. Fr. 16412, ff. 109v-113.

99 As noted in the late 1380s in d'Ableiges, *Le grand coutumier de France*, 210-211.

exemptions of any kind, except for clergy who were to pay according to established royal and church regulations, and those nobles who were exempt from paying the hearth taxes (fouage) in the time of Charles V. In contrast, the crown decreed that all inhabitants of Languedoc (including those who were formerly exempt from the fouage) had to pay the reestablished taxes of 1383.

The general duty to contribute to the commonwealth, especially for its defense, is attested by the fact that at times local communities (in essence, towns were small "partial" commonwealths, civitates, within the larger French commonwealth) forced even nobles or exempt clergy to contribute to at least some taxes. Thus in December 1378 the town council of Reims forced eleven nobles of the town to pay the fouage (and was backed by the généraux and the élus). These nobles claimed exemption from the fouage that the other common people (populaires) of the town had to pay. The town council made them pay this royal tax due to its heavy burden, and due to these nobles' wealth.

One of the demands of the assemblies of early 1381 was that Jews would also pay the taxes (besides demanding to curtail further their rights). They received their demands in an ordinance of March 1381. Similarly, popular opinion demanded in these turbulent times that the Church contribute in taxes, as the "inhabitants" of Paris demanded with regard to the tax of May 1382, or the inhabitants of Rouen in the riots of February 1382 (in practice, the period after the 1378 Great Schism, and especially between 1383

102 Ordonnances des roys de France de la troisième race, vol. 7, 28-29.
103 Varin, Archives administratives de la ville de Reims, vol. 3, 465-467. As already noted, nobles’ exemption targeted mostly nobles actually in arms. On the decreasing frequency of the nobles’ exemption in this period see Major, Representative Government in Early Modern France, 29. In contrast, see the very few noble exemptions granted in Paris in the 1420s and 1430s, in Jean Favier, Les contribuables Parisiens à la fin de la guerre de cent ans: Les rôles d'impôt de 1421, 1423 et 1438 (Paris: Droz, 1970), 42-44.
104 Varin, Archives administratives de la ville de Reims, vol. 3, 513.
105 Juvénal des Ursins, "Histoire de Charles VI," 350
and c. 1416, the clergy was less exempt and paid more taxes). Towns' disgruntlement against Church exemptions, in the face of the general duty of everyone else, was displayed by many suits brought by towns against clergy, demanding that they contribute to local town taxes as well as royal taxes, especially when they were levied for the defense of the town or for repairing its defenses. So for example the mayor, council and inhabitants of Noyon won a trial in 1388 against the clergy of the town (including the Bishop), forcing them to pay for town fortifications and to contribute to royal taxes since 1345. Other towns won similar trials with similar demands against, for instance, the university professors of Orléans (in 1395), and against its sergeants and notaries (in 1385). All subjects of the realm had a duty to contribute at least to its defense, even if in some places usage exempted some types of privileged subjects.

Moving from duties to rights, looking at some of the legal disabilities of liminal groups is a good way of noting the legal rights of the regnicoles. As noted above, foreigners were not able to bequeath property to heirs, with the exception of foreigners whom the crown granted special privileges, such as specific Italian merchants and bankers in specific towns. The crown stipulated similarly in the aforementioned ordinance of March 1381, that Jews would not be able to have any heritage. The unprivileged position of these two outcast groups serves to illustrate that regnicoles

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106 Luce, Chronique des quatre premiers Valois, 298. On the tax exemptions of the clergy in this period see P. S. Lewis, Later Medieval France: The Polity (New York: Macmillan; St. Martin's P., 1968), 312.
109 For a letter of privileges from June 1380 allowing five persons not only to reside in Troyes, trade and practice banking there, but also to bequeath property to heirs, see Ordonnances des roys de France de la troisième race, vol. 6, 480-1; For a similarly worded letter granted in September 1381 to four Lombard merchants and bankers in Noyon, see Ibid, vol. 7, 737-8; For a letter of privileges from May 1381, allowing six Lombard merchants to bequeath property to heirs, see Ibid, vol. 7, 716-7.
enjoyed such rights of inheritance, or at least those who were not of servile status.\footnote{d'Ableiges, Le grand coutumier de France, 212.} More generally, regnicos enjoyed access to justice and the protection of law, again depending on their status (servile people faced limitations). So, for instance, courts sometimes had to force debtors to pay their confessed debts to Jews, despite their contrary claims that they did not need to honor such debts.\footnote{See for instance a decision of the Parlement from January 1384, in MS BnF. Fr. 16412, ff. 113v-114. As Roger Kohn has shown, one of the primary incentives for the two pogroms against the Jews that were part of the tax uprisings in 1380 and 1382 was to avoid outstanding debts. See Roger Kohn, "Les insurrections urbaines du début du règne de Charles VI et les Juifs," Revue des études juives, CXXVI (1977): 517-523.}

Regnicos enjoyed other "liberties" and "privileges," though most emanated from the customs or privileges of the lands in which they resided. In contrast to the instances mentioned above in which politically active speakers referred to the commonwealth, when discussing civic rights men spoke of "liberties" (as mentioned above, the Parisians declared in the uprising of March 1382 that they were defending their "liberties"), "franchises" and "privileges." As opposed to the other two terms, "privileges" implied crown endowment rather than civic entitlement. For example, Charles VI confirmed in July 1381 the "liberties, franchises and all privileges" of Briançonnois (as he confirmed for other places). Some of their liberties, privileges and duties included the liberty from servile status, the privilege to elect people for self-government, to tax locals (not foreigners, étrangers) of the town for communal expenses, to appeal criminal sentences, to bequeath property through testament, and the duty to provide troops.\footnote{Ordonnances des roys de France de la troisième race, vol. 7, 719-736. Cf. the confirmation of the "privileges, franchises, libertez" of the town of Abbéville en Pontieu in November 1380, and the confirmation of the "franchisiases, libertates, necnon privilegia"of Normandy in January 1381, in Ibid, vol. 6, 536 and 550. In contrast, in exchange for the tax they voted for in June 1381, the crown reserved the "liberties and franchises" of the bourgeois and inhabitants of Artois, Boulonnais and the county of Saint-Pol, not mentioning privileges at all. See ibid, vol. 6, 602. Cf. earlier grants by this body, such as the 1367 grant in ibid, vol. 5, 82, and the 1373 grant in ibid, 652.}

\footnotetext[111]{d'Ableiges, Le grand coutumier de France, 212.}
\footnotetext[112]{See for instance a decision of the Parlement from January 1384, in MS BnF. Fr. 16412, ff. 113v-114. As Roger Kohn has shown, one of the primary incentives for the two pogroms against the Jews that were part of the tax uprisings in 1380 and 1382 was to avoid outstanding debts. See Roger Kohn, "Les insurrections urbaines du début du règne de Charles VI et les Juifs," Revue des études juives, CXXVI (1977): 517-523.}
\footnotetext[113]{Ordonnances des roys de France de la troisième race, vol. 7, 719-736. Cf. the confirmation of the "privileges, franchises, libertez" of the town of Abbéville en Pontieu in November 1380, and the confirmation of the "franchisiases, libertates, necnon privilegia"of Normandy in January 1381, in Ibid, vol. 6, 536 and 550. In contrast, in exchange for the tax they voted for in June 1381, the crown reserved the "liberties and franchises" of the bourgeois and inhabitants of Artois, Boulonnais and the county of Saint-Pol, not mentioning privileges at all. See ibid, vol. 6, 602. Cf. earlier grants by this body, such as the 1367 grant in ibid, vol. 5, 82, and the 1373 grant in ibid, 652.}
If we return to general realm-wide \textit{regnicole} privileges, one of the largest looming issues is the right to consent (or not to consent) to taxation. In formal legal terms, as noted above, legal tracts of the period agreed that taxation was possible only through consent. Royal ordinances of the period and administrative acts kept insisting that taxation was only through consent.\footnote{See for instance Charles VI's claim in November 1380 that his subjects gave the crown all previous taxes voluntarily, in Ordonnances des roys de France de la troisième race, vol. 6, 527.} Yet in practice, the crown in the reigns of Charles V and Charles VI often dispensed with gaining consent for taxation in some parts of France.\footnote{Major argues for a lack of a consistent and general idea of consent in this period. See Major, \textit{Representative Government in Early Modern France}, 22, 27-28 and 46. John Bell Henneman argues that while there was a recognized theory on consent, there was a more complex situation in practice. See Henneman, \textit{Royal Taxation in Fourteenth-Century France}, 13 and 287.} The exceptional nature of the period at hand (1380-1383) in this context is that both the general and provincial assemblies of the period insisted on their legal rights or privileges to consent to taxation. The estates of Normandy, for instance, forced the crown in January 1381 to confirm their early fourteenth-century privileges not to contribute taxes except in cases of evident utility or urgent necessity (\textit{evidens utilitas aut urgens necessitas}) before they agreed to pay taxes for a year.\footnote{Ordonnances des roys de France de la troisième race, vol. 6, 550. Granted, the “urgent necessity” exception is quite big.} The crown also had to seek consent for taxes in the Estates General of January 1381, as well as in the estates at Compiègne and Meaux in April 1382, in both cases going to great lengths to gain consent (not achieving it in 1382). Both the crown and the estates saw consent for taxation as necessary.\footnote{Guenée, \textit{Chronique du religieux de Saint-Denys}, 148-150; Juvénal des Ursins, "Histoire de Charles VI," 350.} Yet in the end, in January 1383, the crown restored the taxes, again without
seeking popular consent. The crown hoped that this time the popular uprisings would not follow, after it had just suppressed them harshly.

VI. Conclusion

A few years earlier, in 1372, Charles V commissioned Nicole Oresme's translation of Aristotle's Politics. In that treatise, Oresme defined citizenship in a strictly elitist manner, as quoted in chapter one, according to the potential to participate in decision-making and government, claiming that the citizens in France were the nobility, the office holders and the urban elites. This chapter shows that, at least in these tumultuous years, Oresme's theoretical vision was put into practice. The crown decided matters through the active participation of the nobility (including the upper clergy), the administration and the urban elites, or in other words all those holding authority in France.

Oresme explained in his translation of the Politics that the rest of the population of France – as in any commonwealth – were passive subjects whose only duty was to obey. They were not citizens in the Aristotelian sense. The regnicoles discussed in this chapter were Oresme's subjects, and so again his theoretical vision is corroborated by political reality. These subjects or regnicoles held legal citizenship, i.e. they held a status that conferred legal rights (except for rights of political participation).

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118 See the ordinance of January 1383, in which Charles VI stipulated the manner of raising the renewed sales taxes. Ordonnances des roys de France de la troisième race, vol. 7, 746-752. The crown promulgated this ordinance in parallel to suppressing the town privileges of Paris (see Ordonnances des roys de France de la troisième race, vol. 6, 685-687). It did not seek consent for either of these two essentially oppressive measures, nor did it mention consent in the ordinance, as in the previous November 1380 ordinance in which it cancelled the taxes.

119 Guenée, Chronique du religieux de Saint-Denis, 242.

120 Nicole Oresme, Le livre de politiques d'Aristote, ed. Albert Douglas Menut (Philadelphia: The American Philosophical Society, 1970), 115. See also chapter one above.

121 Oresme, Le livre de politiques d'Aristote, 123-124.
The exceptional nature of the uprisings, as opposed to the regular practice, is double. First, the elite Aristotelian citizens used the opportunity of a new and minor king to demand more control especially in terms of taxation. Yet this difference is a matter of degree, since the crown regularly cooperated with these citizens. Contemporaries saw the assemblies of late 1380 as natural consultations of the crown with those with whom it always consulted. The second point of difference is more significant. The legal but not political citizens, those regularly obedient subjects or regnicoles, used the opportunity to put political pressure on the elites. The regnicoles, especially the urban populace such as the young merchant Jean Chasserat or the artisans who participated in the urban riots of Paris and Rouen, suffered from the burden of the regressive sales taxes. They wanted a say in decision-making, and in rising they almost broke Oresme's aristocratic civic vision.122

The uprisings, by their exceptional nature, show just how unequal citizenship was. There were many types of citizens. Only a small segment of the populace was composed of full citizens in the republican, political and Aristotelian meanings of the word. Some of these full citizens (mainly nobles and clergy) managed to receive exemptions from paying some taxes in exchange for their other contributions to the commonwealth; exemptions against which the rest of the citizens and the regnicoles fought. Some of the rest of the population of legal (but not political) citizens were the regnicoles, yet even here clear hierarchies ruled. Servile people lacked some of the rights of free people. Women often received regnicole status (as shown in the droit du bourgeois cited above) only through their husbands and not independently. Jews were also a category

122 On the public opinion of the regnicoles as a political position, see Guenée, L'opinion publique à la fin du Moyen Age, 59.
apart, even if at times they received some protection of the law.\textsuperscript{123} Finally, foreigners residing in the kingdom lacked the rights and privileges of \textit{regnicoles}. Jews and foreigners were at times targets of the tax uprisings, producing some attempts of the crown to protect them.\textsuperscript{124} Both attacks and protection show these groups’ outsider status.

In the final assessment, the elites managed to exclude both attackers (\textit{regnicoles}) and victims (Jews and foreigners) from permanent political power. In this sense, the tax uprisings failed – or perhaps never truly attempted – to challenge Oresme’s aristocratic republic.\textsuperscript{125} Citizenship remained hierarchical and elitist.

While large segments of the population saw France as a kingdom-wide commonwealth, they also thought that it was composed of multiple entities (towns, principalities, and so forth). This chapter has thus provided only a partial view of civic conceptions and civic practices, because it did not fully address the question of how the population in such entities conceived of and practiced citizenship in this period. The next chapter will therefore examine the same period, but will focus on one of these semi-independent political entities: the duchy of Brittany.

Brittany is an especially well-placed case-study to examine civic conceptions and civic practices in this period. Located in the north-western Atlantic shores of France, Brittany was unquestionably in the periphery, both geographically and culturally (with a

\textsuperscript{123} See for instance a case that came before the \textit{Parlement} in February 1380, which began originally as a suit of a widow of a Jew against one of his debtors. The \textit{Parlement} saw both as "citizens" of Reims. See Varin, \textit{Archives administratives de la ville de Reims}, vol. 3, 501.

\textsuperscript{124} See for instance: a description of attacks against both Jews and (probably foreign) financial men in Juvénal des Ursins, "Histoire de Charles VI," 342; and see a crown ordinance of February 1381 protecting Italian financial people in \textit{Ordonnances des roys de France de la troisième race}, vol. 6, 558-559. For the incentives for the attacks against the Jews, the identity of the attackers and the consequences of these attacks see Kohn, "Les insurrections urbaines du début du règne de Charles VI et les Juifs," 517-525.

\textsuperscript{125} Claude Gauvard too noted that the revolts did not create a "fissure in monarchical power." He saw them instead as a carnival moment, an inversion of the ordinary social order. See Gauvard, "Les révoltes du règne de Charles VI tentative pour expliquer un échec," 59.
large Breton-speaking population). Yet the relations of center-periphery between Paris and Brittany were not straightforward. As already noted in chapter one, the reform-minded councilors of Charles V (in the 1360s, in the 1370s, and the later so-called *Marmousets* connected to the reign of Charles VI) came especially from the north-west. Bretons figured largely among these councilors, and thus had important places in the royal council and in the administration of the period: of law, of finances and of the military.126

At the same time, as also noted in chapter one, the crown promoted in the reigns of Jean II and Charles V a policy of decentralizing administrative functions to the semi-independent *apanas* and principalities. Thus even in the 1370s, when for reasons detailed below the duke of Anjou ruled Brittany, he did so through Breton lieutenants.127 In other words, even while Brittany was supposedly peripheral to the political center in Paris, it was intentionally peripheral as part of the center's policies. Moreover, Brittany played an important role in central political events and not only influenced them, but was part of them (more such events are related below in chapter three).

The Breton case-study not only allows an examination of political and legal citizenship in the periphery. Since Brittany was a semi-independent political entity, with a distinct cultural identity, it also allows an examination of citizenship in its third sense, i.e. citizenship as the identity of individuals through membership in human associations or communities. Again, while chapters one and two have shown that citizenship related to

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France as a kingdom-wide commonwealth (examining all four senses of citizenship, but focusing mostly on its political and legal senses), citizenship related to the partial commonwealths as well, including, in this case, Brittany. Chapter three will thus provide an analysis of citizenship in all four senses (political participation; legal rights and duties; as a form of identity; and as a political virtue) in a peripheral, semi-independent polity.
Chapter Three: Brittany’s Glorious Revolution
Citizenship in Late Fourteenth-Century Brittany

I. Introduction
Jean IV, duke of Brittany (r. 1364-1399), inaugurated over a century of virtual ducal independence from interference by the kings of France. His administration laid claim to regalian public powers, resting on claims of earlier kingship. He pursued an overall policy of presenting Brittany as an independent polity (“the duke is king in his duchy”). Jean IV continued similar policies of former dukes. Through much of the fourteenth century the dukes consciously promoted a Breton sense of independence and identity, as a means of achieving their own independence from intervention of the French Crown.

Current scholarly opinion, associated especially with the works of Michael Jones and of Jean Kerhervé, is that the dukes of Brittany used the Parlement of Brittany (the Breton Estates) as a tool of propaganda. Jean IV and later dukes used the Parlement as a means “for publicizing regional feelings.” In other words, the Parlement played a

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1 For an explanation on what some of these “regalian powers” consisted of in France in general, and in Jean IV’s claims in particular, see p. 135 below.
5 Ibid, 293.
passive part in a process that promoted identity “from above,” with Parlement serving as a tool, not as an active agent.  

The main narrative sources of the time paint a different picture of the Parlement’s role. In 1378 Jean IV was in England, having lost power and having fled Brittany in 1373. King Charles V of France (r. 1364-1380) managed in December 1378 to have the Parlement of Paris (the highest court in France) declare Jean IV guilty of lèse-majesté, and confiscated the duchy of Brittany. Jean Froissart in his Chroniques gives the towns and the nobility of Brittany the primary role in giving the duke back his power following the confiscation of the duchy. Froissart tells us that:

The good towns (bonnes villes) of Brittany reached an agreement with the duke…and asked him to be their seigneur; and the same agreement was reached with many knights and squires of Brittany and the countess de Penthièvre …

Elsewhere Froissart emphasizes the role of the towns as intermediaries in the negotiations that ensued between Jean IV and Charles V.

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6 Michael Jones is especially important in relegating the Parlement to a secondary role, perhaps because, as Jean Kerhervé has argued, the Parlement almost never opposed the duke at the time. [See Jean Kerhervé, L’État breton aux XIV° et XV° siècles. Les ducs, l’argent, les hommes, Vol. 1 (Paris: Maloine, 1987), 142.] It should be noted, however, that the fact that Parlement never opposed the duke might have been the source of its strength, just as the English Parliament’s source of strength was its continuing assent to grant taxation. [See for example Ronald Butt, A History of Parliament: The Middle Ages (London: Constable, 1989), 567. Cf. with P. S. Lewis’ different opinion on the characteristics of those estates that survived, in P. S. Lewis, ”The Failure of the French Medieval Estates" In Essays in Later Medieval French History, ed. P. S. Lewis (London and Ronceverte: The Hambledon Press, 1985), 117.] Indeed, just like the Parlement of Brittany, one role of the English Parliament at the end of the fourteenth century was to be a focal point for advancing the unity of England as a political entity. [See J. S. Roskell, Parliament and Politics in Late Medieval England, Vol. 1 (London: The Hambledon Press, 1981), 14.]

7 Jourdan, Decrusy and Isambert eds., Recueil general des anciennes lois Françaises, vol. 5 (Ridgewood, New Jersey: Gregg press, 1964), 494-497 and 513. See also MS. BnF. Fr. 16412, ff. 85v-88v.

8 "car les bonnes villes de Bretagne estoient assés de l'acort dou duc, et avoient les plusieur grant merveille que on demandoit à leur seigneur; et ossi estoient de leur accord plusieurs chevaliers et escuiers de Breaigne et la comtesse de Pentière, mère as enfans de Breaigne, par alliance evocques eux." Jean Froissart, Chroniques, ed. Gaston Raynaud, Vol. 9 (Paris: La Société de l'Histoire de France, 1894), 137.

9 Ibid., 279 and 282-283.
Another narrative is that of Guillaume de Saint André, Jean IV’s secretary who had first person knowledge of events. Saint André in his narrative gave credit to the Bretons, who decided to defend their franchises and liberties in the face of the confiscation of the duchy. Saint André, writing in praise of his master, painted events in the best way to establish the legitimacy of the duke’s rule over Brittany; he describes how the Breton nobles sent messengers to Jean IV, recalling him from England, saying that they wish him “to govern them as his subjects.” The *Chronicon Briocense*, an anonymous chronicle most probably written by the ducal archivist Hervé Le Grant (d. 1416), recounts a similar story. The Breton nobles and towns were angry with the king's confiscation of the duchy, and gathering in arms for the "defense of their homeland (*patria*) Brittany and their franchises and liberties," they sent an embassy to call back their duke from England.

Other contemporary writers shared Froissart, Le Grant and Saint André’s opinions. Michel Pintoin wrote in his *Chronique du religieux de Saint-Denis* how the barons of Brittany worked to reconcile the duke (after he had returned to Brittany) with the king of France. Finally, writes Pintoin, the barons managed to convince the duke, and he chose among them his deputies to the king. Jean Juvénal des Ursins wrote similarly,

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11 Ibid., 346-347 (“Ensemble s’étoient conseillez / sagement, & deliberez / de soy defendre sans feintise ; / ... comment leur duc n’estoit pas mort, / ... si vont envoyer chevaliers / en Engleterre, com messagiers, / dire au duc, ... / ...les gouverner com ses subjetz ;”).
12 Jones, "En son habit royal," 267.
13 Morice, *Memoires pour servir de preuves*, vol. 1, 50 and 53-4 ("Tunc enim dicti comitissa, barones, & milites...congregaverunt omnen armatum militem Britannie ab obviandum & restitendum malicie & potentie regis & suorum pro defensione sue patrie Britannie & eorum franchisiarum & libertatum").
describing Olivier de Clisson and the other Breton nobles (who, as noted in chapter two, played a major role in French royal policies) as the intermediaries between the duke and the king.\footnote{Jean Juvénal des Ursins, “Histoire de Charles VI, roy de France,” in Michaud and Poujoulat eds., Nouvelle collection des mémoires pour server a l’histoire de France, vol. 2 (Paris: Edouard Proux, 1836), 343.} The \textit{Chronographia regum Francorum} describes the reconciliation between the duke of Anjou (during Charles VI’s minority) and Jean IV, as a result of the objection of the barons of Brittany to its confiscation by Charles V.\footnote{H. Moranvillé ed., \textit{Chronographia regum Francorum}, vol. 3 (Paris: Librairie Renouard, 1897), 6-7.} In short, late fourteenth-century public opinion saw the nobility and towns as central in giving Jean IV’s power back and in his reconciliation with the king of France.\footnote{On public opinion in this era and its importance, see Bernard Guenée, \textit{L'opinion publique à la fin du Moyen Age: d'après la "Chronique de Charles VI" du Religieux de Saint-Denis} (Paris: Perrin, 2002).}

Over a century ago Arthur de la Borderie, in his monumental \textit{Histoire de Bretagne}, took medieval public opinion at its word and emphasized the important role that the Parlement of Brittany had played.\footnote{La Borderie, \textit{Histoire de Bretagne}, vol. 4, 65-68 and 115-6. La Borderie is also credited with arguing for the widening of ducal authority that was part of ducal policies of Jean IV after his return to power in 1379. Ibid., 71 and 117. Michael Jones has commented on La Borderie’s influence in the historiographical narrative of the duke’s monarchical policies. See Jones, \textit{Ducal Brittany}, 55. Though Jones and other historians today reject many of La Borderie’s assertions and see such policies decades earlier, historians still hold to a surprisingly large part of his depiction of events. For a similar opinion to the one held by La Borderie see Lewis, \textit{"Breton Estates}," 137.} Why has current historical opinion so moved away from this narrative, to construct one focused solely on the duke? What role did the Parlement play in the creation of an independent duchy of Brittany, under the authority of the duke? Perhaps a cooperative model between the duke and the Parlement will help to explain matters better than the Parlement-as-tool model. Their policies were complementary.

The surviving documents of Jean IV’s Parlement suggest that it played a more complex role than that ascribed to it by historians today. The fourteenth-century
Parlement of Brittany offers an example of the process described by Pierre Bourdieu, in which there is a close connection between representation and the creation of a group, and group identity. In this sense, both the act of creating institutions of representation and their political activities, serve in themselves to “create a group” so to speak. According to Bourdieu, representative institutions do not play a passive role at all; they play an active and pivotal role in creating a polity.¹⁹ I suggest reading Bourdieu as saying that representative institutions are an important active agent that creates the commonwealth, in the sense of binding those represented to each other and turning them into citizens. If citizens are defined as those able to elect, and perhaps also those that may be elected to political office, then by creating a political institution in which political figures represent the citizens, the citizens’ collective body has been created: the commonwealth.

This line of thought coincides with the thirteenth-century translation of Aristotle’s *Politics* into Latin, a development that had a profound influence on political thought in France and the rest of Europe.²⁰ Nicole Oresme’s French translation (1372) of the *Politics* took for granted Aristotelian ideas of citizenship and participation in the polity, and incorporated them into the French context.²¹ For example, Oresme commented that only the nobles and the urban aristocracy (with the exclusion of merchants) should be citizens (could participate in political life and take political office) in a good regime.²² These “Aristotelian” ideas of the polity coincide with the line of analysis that views the creation

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of a polity, the political community of citizens, as a process achieved by creating its representative institutions.

The second source of inspiration in this chapter is the school of Historical and Comparative Institutional Analysis. This school suggests that the economic and political success of a polity depends on its ability to create stable and self-enforcing political and constitutional institutions that prevent the government from infringing on property rights. This group (in a very loose sense) of modern scholars argues that these institutions play a vital part in a government’s ability to achieve credible commitment that the rights of the public would be maintained, especially property rights. The Institutional Analysis theoretical framework in general is applicable to fourteenth-century Brittany, although one should of course use the term “property” with caution, since at the time it had many definitions.

Douglass North and Barry Weingast, two of the most important scholars of this group, showed that for the purpose of maintaining economic growth the government must be denied by political and constitutional institutions from enacting rules that will benefit only a small minority or from changing rules with regard to property rights. The government has an economic and institutional incentive to create a constitutional order that will be credibly committed to maintaining property rights, since the government wishes to encourage the public to pay taxes, invest money, and lend to the government; it

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24 This fact is long established, and can be seen already in P. Boissonnade, Life and Work in Medieval Europe, trans. Eileen Power (New York & Evanston: Harper & Row, 1964), 240. For a more recent summary of some of the scholarship see Constance B. Bouchard, "Community: Society and the Church in Medieval France," French Historical Studies 17, no. 4 (Autumn, 1992), 1036.
also wants economic growth. Likewise, the general public has the same kind of incentive to create the same kind of constitutional order, since it wants to prevent infringement of its property rights. However, this constitutional order must be self-enforcing for it to be stable; it must include institutions that prevent breaches of the constitutional order by the government due to short-term incentives, and thereby harming the credible commitment to property rights. Such short-term incentives include, for example, wars, which generally necessitate expending funds that are unavailable, and therefore encourage the government to turn to the “easy” recourse of infringing on the public’s property rights.

How does one create a self-enforcing constitutional order? North and Weingast maintain that the “Glorious Revolution” in England (in the late seventeenth century) achieved such a constitutional order. In similar vein, John Brewer argues that only this constitutional order made possible England’s economic and political success.26

Did Brittany have a “Glorious Revolution”? The Glorious Revolution is an interesting example in some ways, and it leads us back to Brittany in the late fourteenth century. Since the Glorious Revolution created a founding document in the form of the English Bill of Rights that incorporated into it the rationale and the mechanism, so to speak, of the self-enforcing order, and since it also included a change of rulers in England, historians found it easy to maintain that the Glorious Revolution established a new constitutional order. In Brittany during the rule of Jean IV

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no such parallel is immediately apparent. Yet the Parlement of Brittany managed its own "glorious revolution," as implied by late fourteenth-century public opinion.

Jean IV came to power following his victory in 1364 against his rivals, Charles de Blois and his wife Jeanne de Penthièvre. Jean IV, raised in England, recognized Edward III, king of England, as his lord due to his lands in Richmond, and had close alliances with him. Not surprisingly, therefore, some of Jean IV’s advisors and administrators were English. Jean IV had to flee his duchy for England in 1373, after Charles V published the contents of a secret treaty between the duke and Edward III. Charles V appointed his brother, the duke of Anjou, husband of Jeanne de Penthièvre’s heiress (the rival line of succession to the duchy), as lieutenant general of Brittany; Anjou ruled mainly through Breton lieutenants of his own. By 1378 Jean IV’s authority in Brittany was all but gone, yet, a year later, the Bretons called him back to power.27

Was Jean IV’s return to power a Breton Glorious Revolution? The active political actors in Brittany, its citizens to use another word – the nobles, clergy and town elites – called him back; as a group – the Parlement of Brittany – they participated and were central in the negotiations with Charles V and later with the duke of Anjou over his return to power; as the Parlement, they both guaranteed and received assurances in turn of the new Breton commonwealth constitutional order; and, as the Parlement, continued to play an active role in Brittany in accordance with its new constitutional order. The new constitutional order guaranteed some of the key property rights of Brittany’s citizens; and

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as predicted by the model of the Historical and Comparative Institutional Analysis, Brittany then enjoyed a period of economic expansion and prosperity, built on trade with England and with France.²⁸

II. The Parlement of Brittany

The Estates General of France declined in the late fourteenth century and in the fifteenth century, despite a brief revival in the early part of the reign of Charles VII (r. 1422-1461). At the same time French kings summoned more provincial and local representative institutions, such as the Estates of Languedoc, the Estates of Dauphiné and the Estates (Estates General) of Burgundy. These provincial representative institutions fleshed out their administration in the fifteenth century. They were an important political venue for raising funds for the royal government.²⁹

Historians today do not consider the Estates in Brittany, the Parlement of Brittany,³⁰ as an important and active actor in the fourteenth and fifteenth centuries. As noted, historians see the Parlement of Brittany for the most part as a passive forum; a tool in the hands of the duke to defend the integrity of the duchy and to advance his policy to promote himself as “a king in his duchy.”³¹

³¹ See Kerhervé, L'État breton, 142-143, and Jones, The Creation of Brittany, 9-12, 293, 306-7. For an earlier more positive assessment, arguing that “the support of the Estates was useful to the much-harassed
The Parlement had the same functions that estates had in different areas in France. First, it approved important legal documents such as “laws,” founding of abbeys, rules of succession to the duchy, and treaties. Second, the Parlement approved some public taxes, such as the *fouage* and the “*aide des villes*.32 Tax patterns in Brittany resembled those in the rest of France, where the ruler negotiated with the nobility and the towns on the taxes, allowing them to keep locally a portion of the tax receipts.33 The Parlement of Brittany convened each year for much of the fifteenth century. The Parlement was then composed of the stronger nobles, the high clergy and representatives of the towns, basically composed of the richer elements in the towns.34 The crucial year for the beginning of the participation of the towns in the Parlement of Brittany is 1379.35 This rise in the representative element of the Parlement will be examined herein.36

It is not easy to fathom the nature of the Parlement in the fourteenth century, as Jean Kerhervé explained. The documentation for the period of Jean IV’s rule is not enough to create an accurate picture. Kerhervé claimed, none the less, that its representative nature was not great at the time. Specifically, the towns did not systematically participate (the duke began to grant exemptions to walled towns from the *fouage* during the period examined here37), though – again – the events examined here

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32 For the origins of the fouage and other taxes see La Borderie, *Histoire de Bretagne*, vol. 4, 114.
34 Monnier and Cassard, *Toute l'histoire de la Bretagne*, 176.
35 Jones, *Ducal Brittany*, 38.
36 See pp. 121-128 and 151-159 below.
will show that 1379 is a turning point in the towns' entry into the Breton political sphere. The Parlement under Jean IV was in Kerhervé's eyes more like “an enlarged ducal council.”

In fact, the Ducal Council, as opposed to the Parlement, probably had the most powerful position in Brittany. According to Kerhervé, the duke exercised the principle of consensual government, most important in contemporary eyes, through the Ducal Council. Another important institution in the duchy was the Chancellery, which was the professional institution standing beside the duke.

The duke of Brittany had regular revenues from his domain and, like the king of France, from import-export duties. His largest source of income, when he raised it, came from the “extraordinary” resource of the *fouage*, which Jean IV first raised with the consent of Parlement in October 1365. The *fouage* later became the greatest source of revenue for the duchy. The duke regularly had to receive the Parlement’s consent in order to raise the *fouage*. He also had to receive the lords’ consent in order to raise it from their serfs.

Returning to the events of 1379, they created a self-regulating order in Brittany. What was the self-enforcing system in Brittany? It was composed of a few

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38 Ibid., 141. The same was in some ways true for the Estates General of Languedoc. Interestingly enough, some scholars believe that the English Parliament in the fourteenth century was also in essence an enlarged and higher form of the king’s council. See G. O. Sayles, *The Functions of the Medieval Parliament of England* (London and Ronceverte: The Hambledon Press, 1988), 57.


40 ibid., 134-139, and Jones, *The Creation of Brittany*, 111-158. For other institutions such as the *Chambre des Comptes*, and for departments and officials within the ducal household, such as the *Trésorier de Chambre*, and their development, see Kerhervé, *L’État breton*, Vol. 1, 225-250.

41 On these duties see La Borderie, *Histoire de Bretagne*, vol. 4, 114.


complementary elements. The Parlement was the forum, at least potentially, for cooperation and contestation in Brittany.\textsuperscript{44} The need to act through it regulated the actions of all political actors: the duke, the nobility and the towns. The need to act through Parlement, especially in the context of consenting to taxes, created a credible commitment to the property rights of the citizens: the nobles, clergy and town elites. Other elements reinforce the impression that the political society of the time was creating, in essence, a self-regulating order that would regulate the powers of the dukes, nobles and towns, even while they were asserting the idea of Brittany as an independent principality. The incidents in 1379-81 that are examined below - the League among the nobles, the negotiations with the duke, the petition of the combined estates to the king, the Second Treaty of Guérande - were all part of this self-regulating mechanism.

The self-regulating mechanism came into practical effect in the minds of people at the time through ideas with regard to the commonwealth that were propagated through Aristotelian language and ideas. The idea of Brittany as a commonwealth that has its ancient rights and laws, and that should be ruled for its common good, was a strong self-enforcing element. As noted practically at the same time in the \textit{Songe du vergier} (1378), governors of the \textit{chose publique} (or commonwealth), kings or others, must rule for the common good rather than their own good.\textsuperscript{45} Thus, for example, Évrart de Trémaugon, the Breton jurist crown official who wrote the \textit{Songe du vergier} (and commentated on the duke of Brittany's status taking the side of the king), explained there that the ruler may

\textsuperscript{44} For the role of representative institutions in France in general see Olivier Guillot, Albert Rigaudière and Yves Sassier, \textit{Pouvoirs et institutions dans la France médiévale: Des temps féodaux aux temps de l'État} (Paris: Armand Colin, 1998), 140-202. For examples in which the Parlement of Brittany resisted the dukes, see Leguay and Martin, \textit{Fastes et malheurs}, 171.

\textsuperscript{45} Évrart de Trémaugon, "Le songe du vergier," in ed. Pierre Dupuy, \textit{Traitez des droits et libertez de l'eglise Gallicane} (1731), I., 28 and 210-212.
tax his free subjects, whom he rules "politically," only for the defense of the commonwealth and with their permission.\textsuperscript{46}

How in fact did Jean IV return to power? All through the year 1378 Jean IV was in England.\textsuperscript{47} His lack of power in Brittany during 1378 is clear. Almost the last place in his control was Brest,\textsuperscript{48} where he made his last appearance in Brittany in January 1378, relieving his garrison there, with the help of English troops. Jean IV relied on English troops to regain his duchy, but they were unsuccessful.\textsuperscript{49} He even relinquished formally his hold over Brest, and handed it over to the English forces in 1378.\textsuperscript{50}

In December 1378 the Parlement of Paris reached a decision that completely changed the political situation. Charles V convened the Parlement of Paris in a \textit{lit de justice}, with most of the peers of France present,\textsuperscript{51} to deal with the subject of the “former” duke of Brittany and the absence of a ruler in Brittany.\textsuperscript{52} The direct authority of the crown over Brittany was formally approved, and the crown confiscated the duchy. In that occasion Jeanne de Penthièvre’s barrister wanted instead of the confiscation, the crown to appoint a commission to decide what to do with the duchy. Yet Charles V

\begin{itemize}
\item \textsuperscript{46} Ibid, I. 140.
\item \textsuperscript{47} His correspondence from that time places him in England (mostly London), and not dealing at all with matters that relate to Brittany. The first letter to place him outside of England was written while he was on his way to Brittany, in July 28, 1379. See document 306 in Michael Jones, ed., \textit{Recueil des actes de Jean IV, duc de Bretagne, 1357-1399}, Vol. 1 (Paris: C. Klincksieck, 1980), 368-369.
\item \textsuperscript{48} Jones, \textit{Ducal Brittany} 1364-1399, 77.
\item \textsuperscript{49} Henneman, \textit{Olivier de Clisson}, 89.
\item \textsuperscript{50} Jones, \textit{Ducal Brittany}, 83-84.
\item \textsuperscript{52} Morice, \textit{Memoires pour servir de preuves}, Vol. 2, 201-202.
\end{itemize}
pushed the confiscation forward, and the Parlement of Paris confirmed the sentence of Jean IV as guilty of lèse-majesté and the confiscation of the duchy.\textsuperscript{53}

Trémaugon explained Charles V's position in this matter in 1378. Besides justifying the confiscation of the duchy on the grounds of Jean IV's crime of treason, he added that since Jean IV was previously the rightful duke, the Parlement of Paris rightfully refused giving the duchy to the Penthièvre line, instead confiscating it into the hands of the king.\textsuperscript{54}

The Bretons did not approve of the duchy’s confiscation. Besides putting them at war with England, with which they had trade relations, the nobility of Brittany, just like its dukes, saw Brittany as a semi-autonomous duchy, free of crown control or interference.\textsuperscript{55} And, in fact, Brittany was until then relatively free of royal taxes,\textsuperscript{56} or of taxes voted by the occasional Estates General, since they did not participate in them.\textsuperscript{57} Even as Charles V’s brother, the duke of Anjou, ruled Brittany since 1373, he did so through Breton lieutenants.\textsuperscript{58} The Bretons feared that the confiscation of the duchy would put them under direct rule of the crown,\textsuperscript{59} and that Brittany would become part of the royal domain.\textsuperscript{60}

\begin{footnotes}
\item[53] Jourdan, Decrusy and Isambert, Recueil général des anciennes lois Françaises, vol. 5, 496-497 and 513. See also MS. BnF. Fr. 16412, ff. 85v-88v.
\item[56] The crown could not at that time directly raise taxes in Brittany. See Planiol, Histoire des institutions, Vol. 3, 67.
\item[57] See the Parlement of Brittany’s claim to this effect with regard to the church in 1384, in footnote 257 below. For a more general argument on the fact that the crown did not summon the Bretons to the Estates General, see ibid., 68.
\item[58] Jones, Ducal Brittany, 80
\item[59] A consideration emphasized by Michael Jones in ibid., 85 and 87
\item[60] The process that the Bretons feared could be seen in other places in France, as the crown enlarged the royal domain through the benefit of seigniorial entities. See Guillaume Leyte, Domaine et domanalité
\end{footnotes}
III. The League of April 1379

One interesting reaction to the aforementioned act of the Parlement of Paris was the formation of a league of nobles. Although nobles from all over the duchy formed this league, it seems that it had a large element of nobles from the eastern part of the duchy and near Rennes. Two former rival groups in the duchy (in the civil war) formed the League, but the largest group was of old supporters of Penthièvre. Significant in their absence from the League were the four perhaps most powerful men in Brittany, since they exercised some powers on behalf of the king during the time of the duke’s exile: the viscount of Rohan (who was in charge of the western Breton parts of Brittany), Olivier de Clisson (who was in charge of the rest of the duchy), the baron of Laval, and Bertrand du Guesclin who 1373 was in charge of conquering Brittany. Some of these nobles were also the greatest landholders in Brittany. Rohan, for example, held after the union with Léon in the 1360’s about 15% of the land in Brittany. The Penthièvre also held an immense amount of the lands of Brittany. All these noble families, including also the Laval family (which held great tracts of forest in Brittany), also held lands outside of Brittany.

The nobles created the League through two separate agreements, both made in April 25, 1379. The first agreement was between two groups of altogether seventy higher
nobles, knights and lower nobility. In this agreement, they basically agreed to help each other to guard and defend the ducal right of Brittany (“droit ducal de Bretagne”), against all who would want to contest the rightful “possession” of the duchy.69 This document assumed the duchy’s right to semi-autonomous political existence. A large part of the nobles who were part of this agreement were formerly Jean IV's rivals’ supporters, yet their actions later served the absent duke, and Michael Jones argues that the plan to ask for his return was already in the air at the time.70

The League in its founding documents tried to avoid writing about problematic issues such as who would actually be the duke, probably wanting to reserve a wide range of potential political courses. The nobles did not take sides in the question of who of the claimants in the civil war had a right to the duchy, not wishing to alienate Jeanne de Penthièvre, and so they explicitly agreed to leave out the right of inheritance from the obligation to defend the ducal right of Brittany. They also explicitly agreed to leave out matters with regard to the overall lordship (“souveraineté”) of the king of France from that obligation.71

The League was an instrument of creating an enforcement mechanism for the rights of the duchy as an independent political entity. The beneficiaries were obviously the nobles who feared royal encroachment on their rights, although both claimants to the duchy might benefit by their action. How did the nobles envision this mechanism? They

69 “C’est à sçavoir que nous...avons promis, grée & conjure les uns aux autres nous entr’ayder à la garde & defense du droit ducal de Bretagne, contre tous ceux qui voudroient prendre la faisine & possession dudit duché...” Morice, Memoires pour servir de preuves, Vol. 2, 215.
70 Jones, Ducal Brittany 1364-1399, 86. For a counter argument, according to which the league thought perhaps of another candidate first, see Henneman, Olivier de Clisson, 94.
71 “C’est à sçavoir que nous...avons promis... la garde & defense... contre tous...excepté à qui elle doit appartenir en droite ligne, & le roy de France en souveraineté.” Morice, Memoires pour servir de preuves, Vol. 2, 215.
appointed four marshals who would govern the pays and defend it.\footnote{72} These marshals would coordinate the defense efforts, thus allowing for an easy and ongoing way of corroboration between the nobles.

The appointment of four marshals was one way of harnessing the nobles’ collective power. Another way was raising money to pay troops who would be the active military arm of the League in defense of the duchy. The League raised funds through a hearth tax from each family, a fouage (including also a tax on the town of Rennes). The League also agreed that if after the fact it would realize that not enough funds had been raised, it would cover the deficit out of the duchy’s revenues, both “ordinary” (as mentioned, these included regular ducal revenues, such as court revenues) and “extraordinary”\footnote{73} (such as, but not only, the fouage\footnote{74}).

Since at the time the duke of Anjou's lieutenants ruled the duchy, foremost of them Olivier de Clisson,\footnote{75} who was not part of the League, this decision was a bold claim of legitimacy on the part of the League. The nobles who were part of the League perceived the duchy as an independent polity, in which they, as the citizens of the polity, could of their own initiative take the handles of government. In essence, the nobles through this action declared Brittany a self-governing polity, a commonwealth (even if part of the larger commonwealth of France).

\footnote{72} “& avons promis & juré obeyr és chevetaines qui sont & seront esleuz pour gouverner le pays à sa défense... ” Ibid., 215.
\footnote{73} “Et nous sommes assentis tous & chacuns, qu’un franc soit levé sur chacun feu en la duché de Bretagne pour contribuer à payer les gens d’armes pour la garde du pays... Et aussi nous avons juré & accordé que les revenus du duché de Bretagne, ordinaires & extraordinaires, seront departis és gens d’armes, comme seront les fouages ; & si lesdits fouages, & autres revenus dudit pays de Rennes ne suffisoient au payement des soudoyers & gens d’armes...seront ceux soudoyers parpayez de ce qui en dessaudroit sur les autres fouages & revenus dudit duché.” Ibid., 215.
\footnote{74} Jones, The Creation of Brittany, 239-262.
\footnote{75} Jones, Ducal Brittany, 80.
The League also provided for a financial council that would have control over its funds. This council had the power to decide how to allocate the funds that would be taken from the duchy’s revenues. The four most important nobles in the League (those named first in the agreement) formed this council. These nobles were different people from the marshals, thus creating a check on the power of the marshals.

The League took special care not to infringe on the rights of the town and castle of Rennes. The nobles made a second agreement that same day involving nobles and the townsmen of Rennes. In this agreement they gave Rennes a special status in their League, appointing one of the marshals, Amaury de Fontenay, as captain and guardian of Rennes. They also created a majority decision mechanism for deciding how to defend Rennes. The majority would have to be achieved between all those signing the document, including the townsmen who signed it.76 Furthermore, the League created a council composed of the newly appointed captain and some of the nobles, and gave it the power to allocate funds that would be raised in Rennes, again through a hearth tax.77

The League reveals something of the political atmosphere of the time. A sense of crisis imbued everything. This crisis was the infringement on the political rights of Brittany. The Bretons who entered the League saw themselves as citizens taking legitimate actions in defense of the common good of the duchy – its rights as a self-governing political body. They were not afraid to usurp public powers of taxation for the defense of the duchy. Indeed, they did not see this as usurpation, but as a legitimate action on their part. The participation of at least two of the estates in this process, both

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77 Ibid., 215.
nobles and townsmen,\footnote{Jean-Pierre Leguay suggested that perhaps the towns’ involvement was greater than suggested here. See Jean-Pierre Leguay, \textit{Un réseau urbain au moyen âge: les villes du duché de Bretagne aux XIVème et XVème siècles} (Paris: Maloine Éditeur, 1981), 76. Given ecclesiastical tax exemption, the clergy's uninvolve is understandable.} is also revealing. They considered themselves the active players in the Breton polity – its citizens.

Creating leagues to promote concerted action was not a new phenomenon in France. In 1314-5, for example, the three estates in some regions in France formed leagues against a tax that King Philip IV tried to raise. The Normans, for instance, forced the king to grant them a charter in which he declared that he would not be able to tax within Normandy unless some clear utility or emerging necessity demanded it.\footnote{Laurière, Eusèbe Jacob de, Denis François Secousse et al., \textit{Ordonnances des roys de France de la troisième race}, Vol. 1 (Paris: Imprimerie royale, 1723), 552. ("...impositions facere non possimus, nisi evidens utilitas, vel emergens necessitas id exxposeat.") The crown gave various regions of France other charters of rights. See for example the charter of Champagne, in ibid, 574. See also in an obligation toward Toulouse for keeping its “consuetudines, franchisias, immunitates, libertates et privilegia” in Brown, Elizabeth A. R., "Reform and Resistance to Royal Authority in Fourteenth-Century France: The Leagues of 1314-1315" In \textit{Politics and Institutions in Capetian France} (Aldershot: Variorum, 1991), 123 and Appendix 7. See some discussion of these charters below in p. 146. For some of the historiography on this movement see ibid. See also André Artonne, \textit{Le mouvement de 1314 et les chartes provinciales de 1315} (Paris: Alcan, 1912), 21-25.} Those successful leagues were a check on the power of King Philip IV, but also a potential check, by example, on the power of future kings and other rulers. In the League of April 1379, the check was on the power of the king of France, who was trying to infringe on the duchy’s rights, but was also a potential check, by example, on the power of all those ruling in Brittany. The citizens of Brittany asserted themselves as an active force.

In this sense, the League of 1379, although in its founding documents it was not primarily concerned with the mechanisms of how to rule Brittany, would later serve as a self-enforcing mechanism within the duchy. The dukes and other political players within the duchy – including the leading members of the League – would have to take into consideration the interests of all the members of the League. This possibility was not
theoretical. Once Jean IV returned to Brittany, mainly through the League’s actions, one of his first actions (after landing in Brittany on August 4, 1379 and before August 13, 1379) was to correspond with some of the leading figures of the League: Charles de Dinan, Raoul de Montfort, Olivier de Montauban, Geoffroi de Kerimel and Eustace de la Houssaie. These letters have not survived. It is clear, however, that the duke came to terms with the leading figures of the League and legitimized their actions, especially since, as will be shown directly, they would later serve his interests and be instrumental in his return to power. In a document that has survived, from August 15, the duke authorized, while staying in Rennes, the reimbursement of one of these leading nobles, Olivier de Montauban, for the expenses of his military company.

The leading figures of the League remained later, as will be shown below, strong political players in Brittany. At least Dinan, Montfort and Montauban continued to receive the favors of the duke, helped him in some of his endeavors, and perhaps formed part of his council. Kerimel would shortly become the marshal of Brittany.

The League of 1379 is crucial for understanding the role of the Parlement of Brittany. The participation of the towns in the Parlement of Brittany began after this event. Indeed the walled towns (such as the fortress of Rennes), because of their walls, played a central role in defense of the duchy. The public powers which the League

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81 Ibid., 273.
82 See below.
84 See mention of him as Marshal in ibid., 278.
85 See more on these events below in pp. 151-158.
commandeered (in other places these public powers are related to the regalian administration of the duke\textsuperscript{87}), such as raising the *fouage* and coordinating the defense of the duchy, showed their active role in turning Brittany into an independent political entity.\textsuperscript{88}

The League remained influential in Breton politics, and was instrumental in giving the duke back his power. Less than two weeks after its formation, the League decided to send Jean IV an embassy.\textsuperscript{89} The embassy did not form out of the authority of the duke, and in that sense could have limited claims of legitimacy. The initiative here came from the League as it does not seem, from the duke’s documents, that he was communicating with the League prior to the embassy contacting him.

On May 4, 1379, the League sent the embassy to Jean IV. In introducing this embassy before the duke, the leading figures in the League addressed him as lord of Brittany (“Monseigneur de Bretagne”). They then wrote that they wished to negotiate with him with regard to matters “that relate to your [the duke], our [the League], and all your duchy’s honor and profit” (“touchent le honneur et proufit de vous et de nous et de tout vostre duchie”). They lastly added that if he wanted to recover the duchy of Brittany, it will be to his advantage to talk with the embassy, implying that they represented “the knights, squires, burghers, good towns and the common estate of your entire duchy” (“les

\textsuperscript{87} Jones, *Ducal Brittany*, 32.

\textsuperscript{88} Many historians recognize the importance of the League and commented on them, even if their analysis does not recognize its role in creating a self-enforcing mechanism or constitutional order. For instance, Jean Markale describes the League as an attempt by the nobles to preserve the identity of the duchy of Brittany against all aggression that might come, and in a sense he analyzes the League in a similar manner to the one taken here, but without mentioning the self-enforcing mechanism it created and its relation to the representative institution of Brittany. See Markale, *Histoire de la Bretagne*, 45. To take another example, Leguay and Martin (in *Fastes et malheurs*, 171) recognized the League as part of a tradition of opposition of the Parlement (the representatives of the elite) to policies they thought detrimental to the "nation."

This document reveals a lot about the political atmosphere of the time. The embassy obviously offered the duke a return to power. They claimed that they had the key to his power in Brittany, a power that he lacked at the time that they were writing. But the most interesting part here is that the nobles writing this document did not write in “power politics” language. They claimed legitimacy by representing all of the estates in Brittany, the Parlement. Clearly representation has come to the fore as a source of legitimacy and as a source of power. The embassy claimed that the estates represented by them held the key to power in the duchy. It is also clear that they saw the duchy as a distinct and independent entity. The estates and the duke together compose and represent this polity, not just the duke. They all formed part of the duke's polity, and could act as a collective entity.

The embassy, through claiming authority as representative of the Parlement of Brittany, also played a part in the negotiations leading to the treaty between Jean IV and Richard II, king of England. When granting the power to create the treaty with Jean IV, in July 9, the king and his council treated the “duke of Brittany” and the “prelates, barons, nobles and towns” of the duchy as the other side to the treaty, and Jean IV and the embassy presented themselves as such also (“praelatos, barones, nobiles & comunitates ducatūs...ex altera”). Eventually, however, in July 13, the treaty between Richard II and Jean IV did not incorporate the embassy or the Parlement as a side to it.

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90 The letter appears in ibid., 218
91 Ibid., 219.
Generally, the treaty provided for English support (with troops) of Jean’s attempt to regain power in the duchy. In exchange, Jean IV promised, among other things, to help English war efforts elsewhere in France, such as in Bordeaux. The treaty also provided for the garrison of English troops in Brittany’s towns and castles, as part of the war effort, in the event that Jean IV regained power there (“...si son païs de Bretaigne, ou notable partie d’icelle, retourne à l’obeïssance dudit duc...”), thus appreciating the role of the combined estates, the Parlement, in agreeing to this act. The treaty also obliged the duke to bring along his Breton subjects to the war efforts, but only in case the “prelates, nobles and self-governing towns (communes) of the païs of Brittany” go along with the duke in allying with the king.92

In both the negotiations to create the treaty and in the treaty itself, the representatives of the estates of Brittany played an active part in creating a legitimate independent political entity out of Brittany. The representatives of the League, probably the Parlement by this point, became an independent political player, and turned Brittany into an independent political entity in these negotiations.

IV. Jean IV Returns to Power
With royal French troops garrisoned in various parts of the duchy, Jean IV’s return to power was by no means assured. English help in troops did not materialize in the strength that was promised, and Jean IV sailed to Brittany at the end of July 1379 with no

92 “en cas que les prelats, nobles, & communes dudit païs de Bretaigne…” Ibid., 221.
assurances of success, and indeed even after he regained power in most of the duchy, he had to fight the forces of Clisson in the Nantes region.

Jean IV’s success in returning to power was due mainly to the political atmosphere in Brittany, which was opposed to any attempt by the crown to infringe on Brittany’s ducal rights. The League shows how widely held was this notion. Even Jean IV’s own personal rival, Jeanne de Penthièvre, is known to have said that Brittany is a “free principality without any obligation but paying the homage of alliance.” Her position is not surprising, since the Parlement of Paris’ action in 1379 of “confiscating” the duchy was a personal affront to the Penthièvre faction, not only to the duke. Indeed, the Parlement of Paris’ action and the formation of the League broke a coalition that had formerly controlled most of the duchy’s affairs in the duke's absence: Jeanne de Penthièvre, Olivier de Clisson and the powerful viscount of Rohan.

Directly after the duke's return to Brittany he strove to put the nobility behind him. Jean IV did not encounter any major resistance, and the nobles began to give him oaths of allegiance. On August 11, for example, the duke had two major successes in gaining power, gaining the fidelity of two groups of nobles. The first of these groups was headed by Brient de Châteaubriant. Châteaubriant was lord of a barony in the baillie of Rennes that contained 4 Castellans and 27 parishes, and was, because of its position and size, not unimportant. Châteaubriant swore fidelity to the duke at the head of a group of other knights, and maybe one other lord. Their oath was of fidelity to Jean IV as duke

93 Jones, Ducal Brittany, 86.
94 Ibid., 89.
95 “Car le duché n’était point tenu en fief, mais était libre principauté sans autre obligation qu’un hommage d’alliance.” Quoted in Monnier and Cassard, Toute l’histoire de la Bretagne, 162.
96 Markale, Histoire de la Bretagne, 48.
97 Kerhervé, L’État breton, Vol. 1, 33.
“against all.” In a “side letter,” the duke and Châteaubriant, as well as the other nobles, enlarged on this oath and provided for an alliance between them. The nobles promised to “guard and defend the powers (poveirs & puissances) of the duchy of Brittany, its noble rights and its ducal liberties.” The wording of this last sentence is striking. The alliance was made for protection of the laws of the duchy of Brittany against anyone – no exceptions were made, not even the king of France. In other words, the separate status of the duchy and its protection from crown infringement, the issue that instigated Jean IV’s recall, were central in the minds of the nobles who entered this alliance.

The second group that swore allegiance to the duke on August 11 was headed by Lord Robin de Lanvalay. Lanvalay and the 22 other nobles that swore with him signed the same form of alliance that Châteaubriant and his group signed – again against anyone without any exceptions. Significantly, Lanvalay was one of the nobles who entered the League of April 1379. Before entering the League, it seems that he was serving in Charles V’s armies. Was he simply a fickle noble, giving his allegiance once to one lord and then to the other? It is unlikely that he simply had a change of heart. In fact, as already mentioned, many nobles in the League were not previously ardent supporters of the duke, and some also, like Lanvalay, took part in Charles V’s army. The truth of the matter is that the League’s objectives and the duke’s objectives were the same: defense of the rights of the duchy as an entity. What these nobles’ stand shows, and what their careful defiance of the king shows, is that there was a genuine outrage on the part of the

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98 “Monsieur Briant de Chateau-Brient sire de Beaufort... jurent fidelité au duc, à vivre & à mourir, envers & contre tous...” Morice, Memoires pour servir de preuves, Vol 2, 228.
99 “…et li aider a leurs poveirs et puissances a garder et deffendre son duche de Breaigne, ses droiz noblesces et libertez duchaux…” See document 309 in Jones, Recueil des actes de Jean IV, 273.
100 “…et li aider a leurs poveirs et puissances a garder et deffendre son duche de Breaigne, ses droiz noblesces et libertez duchaux…” See document 308 in ibid., 272-273.
101 Jones, Ducal Brittany, 59.
Breton nobility. In order to keep the duchy’s rights (as an independent entity) they decided to recall Jean IV. In order to buttress their own legitimacy for this move, they presented themselves as representatives of the whole estates of Brittany.

Jean IV continued to rally his support all through the fall, although it took him some time to achieve relatively complete success. In fact, only on October 22 did some of the most important lords in the League swear fidelity to Jean IV as duke “against all,” again without any exceptions (including the king of France). Some of them were already corresponding with the duke and receiving reimbursement for their military expenses as early as mid August. Jean IV’s success was far from complete at this point. As late as February 22, 1380, the knight Raoul Hurault did not swear fidelity to the duke, but only allied with him for the “conquest and recovery of his duchy.” This alliance and the two other alliances already mentioned between the duke and his nobility were fairly common in Brittany, and the duke used them as a means to exact various obligations from his nobility.

A major concern for the duke remained Clisson, who retained control of the area around Nantes, and who was now himself the main rival for the dukedom, through his connections with the Penthièvre line. And so it is not surprising that on April 13, 1380,

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102 “Jehan sire de Beaumanoir, Olivier sire de Montauban...Eustace de la Houssaye...jurent sur les saintes evangiles, & promettent feauté au Duc Jehan, contre toutes personees qui peuvent vivre & mourir, sans aucunes excepter, plus proche à luy que à aucunes autres.” Morice, Memoires pour servir de preuves, Vol. 2, 228.
103 See documents 310-315 in Jones, Recueil des actes de Jean IV, 273.
104 “Raoul Hurault chevalier s’allie avec Monseignor Jehan duc de Bretaigne pour la conquête & recouvrance de sa duché.” Morice, Memoires pour servir de preuves, Vol. 2, 228.
105 For a detailed study of these alliances see P. S. Lewis, “Of Breton Alliances and Other Matters” In Essays in Later Medieval French History, ed. P. S. Lewis (London and Ronceverte: The Hambledon Press, 1985), 69-90. See also Jones, The Creation of Brittany, 226.
the important viscount of Rohan swore fidelity to the duke “against all...but especially
against Olivier de Clisson.”\textsuperscript{106}

Rohan is an interesting example of the slow and expensive process of winning
over the nobility of Brittany. One of the major landholders and nobles in Brittany,\textsuperscript{107} and
a former ally of Clisson and Penthievre, it was obviously worth the returning duke’s
while to have him on his side. In late September 1379 the duke allowed Rohan an
uncommon concession: to raise certain taxes in his lands for his own use during all his
lifetime (uncommon as opposed to the common concession of allowing a noble or town
to use a portion of the taxes raised by the duke). Jean IV granted this privilege in
recompense for Rohan’s “good services” in the recovery of the duchy.\textsuperscript{108} In the same day
the duke also confirmed a sale of some lands to Rohan, made two years earlier, that was
probably under some dispute. He made this confirmation in “general parlement,” in
Vannes.\textsuperscript{109} Despite everything, their relations were not going smoothly,\textsuperscript{110} and it was only
in April 1380 that Rohan swore fidelity, although even before that he became part of the
duke’s administration and was in October 1379 part of the negotiators on behalf of the
duke with the king.\textsuperscript{111}

Rohan is not the only example of Jean IV having to pay-off nobles and other
people for “good services.” The duke also legitimized retroactively the ducal revenues

\textsuperscript{106} “Jehan vicomte de Rohan fait serment de fidellité au duc envers & contre tous...sans nul excepter, a par
\textsuperscript{107} See footnote 65 above.
\textsuperscript{108} “Nous Jehan, duc de Breaigne, comte de Montfort et Richemont, faisons savoir a tous que, pour partie
de remmuneracion des bons et agreables services que nostre ame et foial cousin le vicomte de Rohan nous
a fait au recourement de nostre pais et autrement...” See document 320 in Jones, Recueil des actes de
Jean IV, 276-277.
\textsuperscript{109} See document 319 in ibid., 275-276.
\textsuperscript{110} See the annulment of the privileges granted in Morice, Memoires pour servir de preuves, Vol. 2, 231.
\textsuperscript{111} See ibid., 233.
taken by the bishop of Quimper in his diocese since 1377. Jean IV explained their legitimacy by the fact that the bishop raised them for his “present coming” and for “the defense of our lands,” but added that he was reserving “his sovereignty and his royal and ducal rights.” The duke was reasserting his power, especially over rival groups, but also reasserting Brittany’s regalian powers (such as minting coins).

Jurists of the day, especially those connected to the crown or in the Parlement of Paris, clearly delineated the regalian rights of the king, including creating jurisdictions, creating fairs, nobilizations and legitimations, minting coins and dealing with offences with regard to money, the right over public roads, over navigable rivers, not being subject to the laws, and the right to tax with consent. In all these rights, and indeed also in the usage of the regalia – such as the scepter, the crown and the diadem – the crown and the jurists connected to it tried (with growing lack of success) to claim exclusivity. Yet by the use of these words, “droitz roiaulx” and “souverainete,” Jean IV was laying claim, alongside to his nobility, to regalian rights and to the duchy’s independence from

112 “Jeahn, duc de Breteaignne, conte de Montfort et de Richemont, faisons savoir a touz que...levesque de cornouaille...de commun assentement nous aient ottroie ce present fouage en leurs terres a cause de nostre presente venue et pour la defense de nostre pais et aussi ledit reverend père...ait octroie les imposicions...en sa terre...qui vient en deus ans, nous ne voulons ne nest de riens nostre entente que la chose leur portege prejudice ne este traitt a consequence pour le temps avenir senz nouveau consentemantz sauff et reserve nostre souverainete et droitz roiaulx et doucaxulx en toutes choses.” See document 317 in Jones, Recueil des actes de Jean IV, 274.

113 See from about 1387 Jacques d'Ableiges, Le grand coutumier de France (Paris: A. Durand, 1868), 94-103; See from the 1390s Jean Boutillier, Somme rural, II (Lyon: 1494), ff. 1v-5r; see a 1380s or 1390s report on a case in the Parlement of Paris in Marguerite Boulet ed., Questiones Johannis Galli (Paris: E. de Bocard, 1944), 461-465. See also Leyte, Domaine et domanialeté publique, 169-194

114 For use of the regalia in the coronation, see Charles V's edict of August 1374, fixing the age of majority of kings to 14, and detailing the regalia to be used, Recueil general des anciennes lois Françaises, vol. 5, 421. For the Parlement of Paris' claims of exclusivity in taxes from 1386 see Questiones Johannis Galli, 80-81.
interference of the crown in these powers. In the years after his return to power, Jean IV continued to evoke regal language, symbols and powers.

Negotiations with the French Crown

Jean IV pursued two paths in the months leading to the Second Treaty of Guérande in April 1381. On the one hand he continued to deal with the English as if he would continue to fight the king of France, and concluded an offensive and defensive treaty with England in March 1380. On the other hand, he tried to negotiate with Charles V to reach a peaceful solution to their differences. Jean IV was greatly helped in this venture by the fact that neither the king nor the duke of Anjou could oppose him militarily at the time, due to rebellions in the south of France.


116 See for example a legal complaint of Jean IV and the Parlement of Brittany from 1384, in which they claim that Brittany is “un pays distinct et separate d’autres” and that “the duke of Brittany is in possession of royal rights” (“le duc de Bretagne en possession des droizt royaux…”). See Morice, Mémoires pour servir de preuves, Vol. 2, 457-8. Cf. Planiol, Histoire des institutions de la Bretagne, Vol. 3, 95, and also Leyte, Domaine et domaniaalité publique, 181, and Jones, "En son habit royal," 253-278.

117 For such an analysis see Jones, Ducal Brittany, 89-92.

118 Morice, Mémoires pour servir de preuves, Vol. 2, 237-242. The treaty with the English king illustrates the importance that the duke and his nobility gave by now to Brittany’s separate status. The treaty included a provision according to which even if the English king would come to the possession of the crown of France, the duke would not have to do him liege homage [On the difference between liege homage and simple homage, see for example Marc Bloch, La société féodale (Paris: Albin Michel, 1939), 303-308], which was one of the major issues between the duke and the King of France, and that the “usages and customs of his pays will be reserved entirely.” (“...si ledit roy d’Engleterre...viennent à la possession de la corone de Fraunce, ledit duc, ne ses heirs, ne sera, ne serront tenue à leur faire hommage, ne obeissance en escun temps pur ladite duchée de Bretaingne, & sont & serront les honeurs, estats, noblesces, franchises, libertées dudit duc, & les usages & custumes de son pais reservez entierement.” Morice, Mémoires pour servir de preuves, Vol. 2, 240.) Nobles from the league were part of the negotiations, such as the lord of Beaumanoir, who was also part of the negotiating team with Charles V.

The negotiations with Charles V illustrate best the involvement and influence of the Parlement of Brittany at this stage. In the letter in which Jean IV tried to establish negotiations, on October 24, 1379, he used high (“Aristotelian”) language of acting for “the good of the pays.” More importantly, the duke mentioned that on his side others pledged for these negotiations: his “cousin, Penthièvre, Henri, her son, the aforementioned [part of the negotiators mentioned earlier] the viscount of Rohan, the lord of Beaumanoir [part of the League], the viscounts of Coymain and Dynan [they were also part of the League]…” In short, at least half of the about a dozen nobles Jean IV mentioned were part of the League. Besides, he mentioned all his legitimate rivals to the dukedom, except Clisson.120

The Parlement wrote the most interesting letter in the negotiations on April 28, 1380. Charles V acknowledged the letter and answered it, basically in the negative (in a very lengthy manner), on May 22.121 Regardless of the king’s reply, the content of the petition to the king is important. All the estates of Brittany wrote the petition, and to them the king addressed his answer: “The prelates, Clergy, barons, nobles, towns and communes of the pays of Brittany.”122 The Parlement, who in essence wrote the letter, petitioned for the king’s mercy, that he would forgive the duke. The Parlement called Jean IV “Monsieur le duc de Breaigne,” a title that the king did not repeat in his reply, calling him only “Jean de Montfort.” They asked the king to use his mercy and thereby

120 “Jehan, duc de Breaigne…faisons savoir a tous que pour reverence de Dieu et le bien de pays…avons ordene nos cousins le conte de Flandres, le sire de Laval, le visconte de Rohan, le sire de Montafilant et le sire de Beaumanoir…Et…promectons tenir en bonne foy…et aussi ont jure ces choses nostre cousine de Peintevre, Henri, son fils, ledit visconte de Rohan, le sire de Beaumanoir, les viscontes de Coymain et de Dynan…” See document 326 in Jones, Recueil des actes de Jean IV, 281.
121 See this document in Morice, Memoires pour servir de preuves, Vol. 2, 285.
122 “les prelaz, Clergié, barons, nobles hommes, villes & communes du pays de Breaigne…”
defend the duke’s honor, estate and heritage, but also to defend the honor, estate and heritage of “the whole pays of Brittany.”

The Parlement, and obviously also Jean IV who was probably behind this letter (which coincides in date with Rohan’s oath of fidelity to Jean; Charles V mentioned Rohan in his reply as one of those presenting the letter) were reasserting the Parlement’s role in Brittany, in both the content of the letter and in the fact that they were sending it. The Parlement became here the representative of Brittany, even while Brittany (in theory at this point) did not have a duke. The Parlement was in essence asking Charles V to keep the status of the duchy free from direct interference of the crown, to keep intact its own customs as a pays. Jean IV was showing the king that he had the support of the Parlement of Brittany as well as his potential rivals.

**The Parlement's Role in Jean IV's Return to Power**

The Parlement of Brittany played a vital role in Jean IV’s return to power. The League of April 1379 may not have been a formal Parlement, but in essence it was exactly such an institution. It claimed public powers that belong to the Parlement (it raised a fouage, which in contemporary eyes was an act of sovereign or regal power), and received legitimacy for its actions by Jean IV after he returned to Brittany. In later political events – the embassy to Jean IV and the negotiations with Charles V especially – Jean IV and Charles V gave the Parlement, or the Estates, formal recognition.

The Parlement played a double role in all these events. First, the Parlement (or the representatives of the estates in Brittany in lieu of the Parlement) buttressed the claim,

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123 “l’honneur, estat, & heritaige...de tout le pays de Bretaigne”; Ibid., 285.
widely accepted in Brittany, that the duchy was a separate and independent political entity. This claim was initiated by the Parlement even before Jean IV began to play a part in these events, although after he returned to Brittany he also took the same stand. Second, the Parlement set a precedent with regard to the duke’s power in Brittany. The Parlement was the vital element that allowed Jean IV to return to power. The Parlement gave the duke the keys to the duchy. Political players in the duchy wielded power from then on, at least partially, through the Parlement.

The Parlement’s actions in 1379-80 are an independent act by the Estates of Brittany to assert themselves as citizens of an independent political body. The fact that they held public power and gave such power to Jean IV, who had lost it a few years before, created a self-enforcing mechanism in the actions of all political players in the duchy. The need of the Parlement’s approval of the *fouage*, one of the duke's primary sources of revenue, assured all political players in Brittany that the self-enforcing mechanism would stay in place.124 By acting through the Parlement in the petition to the king, Jean IV also assured the Parlement of his adherence to their new-found role, thus creating a credible commitment to their property rights. In all these events, the interests of the duke and the Parlement complemented each other and allowed for their cooperation.125

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124 As already noted, the precedent with this regard was set in 1365. See footnotes 42 and 43 above.
125 Cf. Gerhard Oestreich's analysis of sixteenth-century political thought. He explained that writers understood that "the estates and the ruler were two legally independent forces negotiating with each other. Relations between them could be settled only by agreement." See Gerhard Oestreich, *Neostoicism and the Early Modern State* (Cambridge: Cambridge University Press, 1982), 138.
V. The Second Treaty of Guérande

A century ago La Borderie considered the first part of the Jean IV’s reign, before 1373, as his “sinful” anglophile era. According to La Borderie, after the duke’s return to power in 1379, some of his top barons made him direct his policy in a more “French” orientation.\footnote{La Borderie, *Histoire de Bretagne*, 65.} Today historians see the duke’s policies in a “realpolitik” view. Jean IV’s alliance with the English before his loss of power was just as self-interested as his neutrality after his return to power. He managed to walk the middle ground between England and France during their war, and thus kept his duchy neutral, but more importantly for him, independent.\footnote{Michael Jones takes this view in Michael Jones, *Between France and England: Politics, Power, and Society in Late Medieval Brittany* (Burlington, Vt.: Variorum, 2003).}

In Brittany's foreign policy realignment, the role of the Breton Parlement is far from emphasized enough.\footnote{P.S. Lewis touched upon this. See Lewis, “Breton Estates,” 127-138.} Its central role is manifest especially in the Second Treaty of Guérande (1381). In the treaty, Jean IV realigned himself in a more neutral position between France and England. The treaty defined his constitutional position and pacified the relations between Brittany and the French king, while the vague forms of homage the duke gave the king (not clarifying if he was making simple or liege homage\footnote{On the difference between the two, see for example Bloch, *La société féodale*, 303-308.}) kept his duchy mostly independent (though part of the kingdom of France). At first glance, the Parlement seems to have played a ceremonial role in the treaty, serving as a venue for publicizing it and getting support for it and for the duke. Closer inspection of the treaty, including the negotiations that preceded it and the ratification process that followed it, reveals a more complex picture. The Parlement was not only an active player in the negotiations; it was also a separate and distinct side to the treaty.

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\footnote{La Borderie, *Histoire de Bretagne*, 65.}
\footnote{Michael Jones takes this view in Michael Jones, *Between France and England: Politics, Power, and Society in Late Medieval Brittany* (Burlington, Vt.: Variorum, 2003).}
\footnote{P.S. Lewis touched upon this. See Lewis, “Breton Estates,” 127-138.}
\footnote{On the difference between the two, see for example Bloch, *La société féodale*, 303-308.}
Negotiations for the Second Treaty of Guérande

The years immediately following the death of Charles V in September 1380 were the time of King Charles VI’s minority. During that time the king’s uncles dominated court politics: the dukes of Anjou, Burgundy, Berry and Bourbon. Various factions vied for power within the “natural council” of the king.\textsuperscript{130} These great nobles managed to amass great power in France as well as a share of its revenues.\textsuperscript{131} During these political struggles, especially in the years 1378-1382, various rebellions shook France. Michel Mollat and Philippe Wolff have called the fourteenth century the age of “révolutions populaires.”\textsuperscript{132} Hostility between the lower social classes and the nobility manifested itself in various ways due to economic and social developments.\textsuperscript{133} In the years 1378-1382 this atmosphere brought about a flood of revolutions across Europe. In France, the death of Charles V (and his cancelling of the direct taxes on his deathbed) brought about tax riots in the north. The south also shook with rebellions including the Tuchins rebellion, and rebellion also struck in Flanders.

In Brittany, the death of King Charles V in September 1380 opened the way for reconciliation between Jean IV and the minor king, Charles VI. In November 1380, shortly after the death of Charles V, Jean IV appointed ambassadors to negotiate a treaty between him and the king.

\textsuperscript{130} I am borrowing this term from Philippe Contamine. For the development of this “natural council” see Philippe Contamine, \textit{La noblesse au royaume de France de Philippe le Bel a Louis XII: essai de synthèse} (Paris: Presses Universitaires de France, 1997), 80. For some background on the politics of the time, see Henneman, \textit{Olivier de Clisson}, 104 and 141.
\textsuperscript{131} Contamine, \textit{La noblesse au royaume}, 320.
\textsuperscript{133} Contamine, \textit{La noblesse au royaume}, 305-314. For hostility between les grands and the popolani in the towns see Mollat and Wolff, \textit{Ongles Bleus}, 22.
Ignoring for now the question of motivation – whether the appointment of ambassadors was under pressure of a group of barons tired of English presence\textsuperscript{134} or whether Jean IV pursued an almost Machiavellian policy of double dealing with both the English and the French in order to navigate an independent course of action\textsuperscript{135} – one should note the identity of this embassy. The duke appointed four people to be his ambassadors to negotiate a treaty with the new king (or, actually, his regent the duke of Anjou).\textsuperscript{136} Among these four people, two were personal councilors of the duke, and one was the baron of Laval, an important noble in Brittany (and France), and probably another member of his council (he participated in many such ventures at the time). The fourth ambassador was the lord of Montafilant, Charles de Dinan. He was one of the leading figures of the League, and one of those who sent the embassy that approached the duke in England proposing the terms of his return in 1379.\textsuperscript{137} Jean IV corresponded with him in the first days after his return to Brittany,\textsuperscript{138} and Charles de Dinan was one of the main figures pressuring for reconciliation with the king, at least according to la Borderie, alongside the baron of Laval, and the viscount of Rohan.\textsuperscript{139}

What did it mean to convey Charles de Dinan \textit{Pleins Pouvoirs} to negotiate a treaty with the king? Conveying these powers to Charles de Dinan seems to suggest the importance that these former League figures have assumed in the duke’s eyes. These strong figures in the Parlement of Brittany, who were central in appealing Charles V for pardoning Jean IV, were now also central in negotiating with Charles VI’s new regime.

\begin{itemize}
\item \textsuperscript{134} La Borderie, \textit{Histoire de Bretagne}, 65.
\item \textsuperscript{135} Jones, \textit{Ducal Brittany}, 89-92.
\item \textsuperscript{136} See document 354 in Jones, \textit{Recueil des actes de Jean IV}, 299-300.
\item \textsuperscript{137} See Morice, \textit{Memoires pour servir de preuves}, Vol. 2, 218.
\item \textsuperscript{138} See Jones, \textit{Recueil des actes de Jean IV}, 273.
\item \textsuperscript{139} La Borderie, \textit{Histoire de Bretagne}, 65. For the importance of Rohan and Laval see footnotes 51 and 53 above.
\end{itemize}
The participation in the negotiations of central figures from the Parlement or from the League, such as Charles de Dinan, or previously lord of Beaumanoir and lord of Montauban, became here a fixture. Thus Dinan and Beaumanoir were part of the embassy to Charles V in the previous October, and Beaumanoir and Montauban were part of the embassy to King Richard II of England in January 1380. Indeed, contemporary narrative sources, already mentioned above, give the primary role in the negotiations between Jean IV and the French crown to the same Breton barons. Michel Pintoin ascribed to this view, giving the leadership as intermediary in the negotiations to (League-member) Beaumanoir alongside Clisson. Jean Juvénal des Ursins too described Clisson and the other Breton nobles as intermediaries.

In the document in which the ambassadors to the English king were appointed, Jean IV emphasized that he is sending them after getting the advice, counsel and consent of his “barons, knights and others from his alliance,” or in other words (in the context of the League and his return to Brittany) the Parlement. According to feudal principles, Jean IV could not legitimately act without seeking the advice of his vassals. In this sense, the participation of the Parlement in the negotiations with both England and France was part of fourteenth-century ideals of good government through of advice, counsel and consent. Contemporaries applied the common feudal principle of government through

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141 Ibid., 236.
143 Juvénal des Ursins, “Histoire de Charles VI, roy de France,” 343. See also the Chronographia regum Francorum, which gave the primary role in the reconciliation to the objection of the barons of Brittany to its confiscation. See Moranvillé ed., Chronographia regum Francorum, vol. 3, 6-7.
144 “par bon deliberation...& o l’avisme...& conseill...& consentemnt des Barons, Chivalers, & autre...” See ibid., 236
145 Generally on the feudal origins of the principles of advice, counsel and consent, see Bloch, La société féodale, 313. On the late fourteenth-century ideal of good government through deliberation and counsel, see Philippe Contamine, Le moyen âge: le roi, l’Église, les grands, le people, 451-1514 (Paris: Éditions du Seuil, 2002), 458-468.
advice and consent in the new Aristotelian language, for example Oresme in his
aforementioned commentary on Aristotle’s Politics saw the advice of the peers of France
in royal governance as part of the aristocratic element of government. In this sense,
feudal principles and political thought marked the legitimate courses of action available
to political players, in this case the duke.

Feudal and political thought principles of legitimate political action also
articulated a political reality. Just as in France in general the royal princes had actual
control of the government along with the king (even after he reached majority), in
Brittany the duke could not act politically without the barons who sat in Parlement.
The fact that the Parlement participated in negotiations shows how contemporaries
applied the feudal principle of advice and consent in Breton politics.

The importance of the representative element in Jean IV’s negotiations indicates
that the new constitutional order, here named the "Glorious Revolution" of Brittany, was
kept intact through the year 1381. The terms of the Second Treaty of Guérande
themselves will also illustrate the permanence of this new constitutional order.

147 Cf. J. G. A. Pocock, The Machiavellian Moment: Florentine Political Thought and the Atlantic
148 For these specific times see Henneman, Olivier de Clisson, 104. In Charles VI's minority the royal
council controlled the government. The royal uncles had the primary position in the royal government, as
seen in their enactment in November 1380 of the agreement with regard to the procedures of the royal
council, in Recueil général des anciennes lois Françaises, vol. 6, 549-551. For example, in November 28,
1380, they appointed Olivier de Clisson, as constable of France, showing their control of the most
important offices in France. See: Morice, Mémoires pour servir de preuves, Vol. 2, 296-7; Moranvillé ed.,
Chronographia regum Francorum, vol. 2, 396; Guéné ed., Chronique du religieux de Saint-Denis, vol. 1,
26. Debates on who controlled whom in the royal council continue with regard to earlier and later
monarchs, such as Philip IV and Charles VII. See Philippe Contamine, Des pouvoirs en France 1300-1500
(Paris: Presses de L'Ecole Normale Supérieure, 1992), 13. On this debate with regard to Charles V, see
Raymond Cazelles, Société politique, noblesse et couronne sous Jean le Bon et Charles V (Genève - Paris:
Henneman, Olivier de Clisson, 72-85.
149 For the various estates as institutions for cooperation, reformation and contestation, see Guillot,
Rigaudière and Sassier, Pouvoirs et institutions dans la France médiévale, 140-202.
The Terms of the Second Treaty of Guérande

Negotiations went relatively quickly. On January 15, 1381 the negotiators agreed on the terms of the Second Treaty of Guérande. The Treaty provided for the resolution of the conflict between the duke of Brittany and the king of France. The treaty described the future relationship between the two. First, the rehabilitation of Jean IV: he would ask for pardon and will receive it; he will then receive Brittany from the king, and will offer him homage in "the manner of his predecessors the dukes of Brittany." Second, both Brittany and France were allied against the king of England and the king of Navarre. This alliance was the main redirection of policy on the side of Jean IV: estrangement from England. Neutrality of Brittany was kept possible through a secret clause in the treaty, by which Jean IV received a dispensation not to fight against the English.

Other important articles in the treaty included the guarantee of Jean IV's powers to mint coins, articles with regard to returning disputed lands, payment by Brittany of 200,000 francs in damages, and articles with regard to lack of English involvement in Breton administration as captains of fortresses or in the ducal council. The treaty also contained some parallel obligations of the King.

The treaty shows throughout the important part that the Parlement played in its inception. The duke promised in the treaty to “guard the liberties, nobilities, rights and lordships of churches, barons, nobles and other men and subjects of the said pays of

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150 The text of the treaty appears in MS. BnF. Fr. 15596, ff. 2-5, and was published in Morice, Memoires pour servir de preuves, Vol. 2, 298-301.
151 “en la maniere que ses predecesseurs ducs de Bretagne estoient”; See ibid., 298.
152 See a letter by Rohan and other nobles with regard to this article in ibid., 280-1. See also La Borderie, Histoire de Bretagne, 66.
153 “ne tiendra nulz Anglois qui soyent capitaines en forteresses, ny en son conseil.”
Brittany..." The redactors of the treaty wrote this obligation in similar a manner in which the king of France wrote prior charters of liberties, for example in the charters of 1315.

Closer to home, the oaths of accession of the dukes of Brittany included an obligation that was very similar in wording to the obligation in the treaty (to defend rights, liberties, franchises, etc.), even if focused more on the rights of the patrimony of Brittany and on the obligation not to alienate it. This oath itself closely resembled the king of France's coronation oath. The king serves in the treaty also as an enforcer or guarantor of these rights. The king also assured that the treaty does not derogate from the duke’s subjects’ “franchises and liberties.”

The importance of these obligations cannot be exaggerated. The term “rights” in the obligation indicates that the property of the subjects of the duchy was protected. The term “lordship” indicates that for those who had jurisdictional powers, the obligation recognized their ownership of these powers. And so, the ranking nobility of the duchy, such as Rohan and Laval, received recognition and protection of their jurisdictional powers. This recognition was a great achievement for the Parlement, especially in the wider French context (the 1315 charters did not commonly include the terms "rights" and "lordships").

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154 “Item, promettera & jurera ledict de Bretagne a tenir & garder les libertés, noblesses, droitz & seigneuries des eglizes, barons, nobles & autres gens & subjectz dudit pays de Bretagne, au lieu oú il a accoustumé.” See Morice, Memoires pour servir de preuves, Vol. 2, 298.

155 See for example the charter of Champagne, in Ordonnances des roys de France, Vol. 1, 574. See also in an obligation toward Toulouse for keeping its “consuetudines, franchias, immunitates, libertates et privilegia” in Brown, Elizabeth A. R., Reform and Resistance to Royal Authority in Fourteenth-Century France: The Leagues of 1314-1315, 123 and Appendix 7.

156 For Jean V's oath of accession in 1401, at least as written in the aforementioned Chronicon Briocense, see Morice, Memoires pour servir de preuves, vol. 1, 82.

157 Yet the oaths of the kings did not include at this time an oath to refrain from alienating the domain. See Jackson, Vive Le Roi!, 57-93.

158 “Item, les sermens & obligations dessusdicts ne feront à consequence...& ne sera fait aucun prejudice pour ledict temps advenir par ce present traicté contre les franchises & libertés des ducs, & subjectz de Bretagne...” See Morice, Memoires pour servir de preuves, Vol. 2, 301.

159 See footnotes 65 and 67 above.
Previously, in the return to power of 1379, the enforcer of the rights of Bretons was the Parlement, since it had a central part in bringing back Jean IV to power. Here, beside the Parlement, the parties to the treaty added two other enforcing institutions. First, a charter of liberties, especially one as strongly worded as this one, was by definition a check on the power of the grantor of the charter – here the duke. Second, the king became here an outside enforcer of rights within Brittany: their guarantor.

Any constitutional order involving a form of credible commitment to rights must have some self-enforcing mechanism for it to be stable. A self-enforcing mechanism is essential due to short-term incentives to infringe on rights of individuals, such as a dire need of funds that creates an incentive to infringe on property rights. These short-term incentives might destroy a constitutional order that is beneficial in the long term for both the dukes (in this case) and their subjects or citizens, hence the need for some kind of enforcement mechanism: here the charter of liberties and the king.

The king’s role as a potential outside enforcer of rights was not an idle one. His role as active guarantor could be shown by another example from the treaty, which will take us, as an aside, to some events that occurred in later years. The duke took upon himself in the treaty to keep the rights of Olivier de Clisson, the new constable of France. Later, in May 30, after the parties ratified the treaty, the duke and Clisson established an alliance between them, thus ending, for a while, the conflict between them. In their alliance they wrote that they were entering into it for the “great and evident profit, well-being and tranquility of the duke and of the whole duchy and of the

160 See ibid., 299.
161 The text of this alliance is in ibid., 370.
entire kingdom.” The duke promised to guard Clisson’s honor, property and person. Later, on February 17, 1382, the duke strengthened this promise in a letter, in which he promised to defend Clisson’s “franchises, high offices and liberties of his body and the state of his person, his life and his heritages.”

Some have speculated whether all these promises of friendship were sincere or not. Whatever their sincerity at the time, the fact remains that a break between Clisson and the duke occurred not long after these promises were made, and the break developed into full-scale conflict. This conflict prompted eventual intervention by the French crown. This conflict had potentially dire consequences for the duke, due to Clisson’s position as constable of France, but also due to his obligations toward his subjects in the treaty and toward Clisson. As mentioned, the crown intervened in this conflict, first through the royal princes in 1388, and later through Charles VI himself. Seen in the context of the relations between the duke and the crown following the Second Treaty of Guérande, this intervention was an attempt to enforce the duke’s obligations. The crown assumed obligations according to the treaty to enforce the duke’s obligations toward the Parlement and toward Clisson, and henceforth had a role, sometimes only potentially and sometimes used in a Machiavellian manner, as outside enforcer or guarantor of the constitutional order in Brittany.

162 “…& aussi pour le tres grand & evident prouffit, bien & tranquillité de nous, de tout notre duchié, & de tout le royaume…”
163 “l'honneur, bien, & estat de sa personne”
164 “…nous…garder ses franchises, honeurs et libertez son corps et lestat de sa personne, sa vie et ses heritages…” See Jones, Recueil des actes de Jean IV, 325-6. As noted in chapters one and two above, the crown saw an attack against the constable Clisson as treason. 
165 See La Borderie, Histoire de Bretagne, 68.
166 For details on this conflict see ibid., 72-80.
Returning to the Second Treaty of Guérande, the Estates or the Parlement’s role in it was not only passive (to receive an obligation on the part of the duke). The Parlement had also an active part to play in the treaty. In fact, the Parlement was a side to the treaty and had obligations of its own. One important obligation on the side of the Estates, or the “people of the Church, nobles and other notable persons of the pays,” was to take the side of the king of France against all enemies and not to aid them, naming especially the English.\(^{167}\) The fact that the reference to these “people of the Church, the nobles and other notable persons of the pays” is in fact a reference to the Parlement, will be evident when the ratification process will be later examined. This obligation makes it clear that the treaty was not, in fact, simply between the king and the duke, but a three-side treaty in which the Estates of Brittany (the citizens of Brittany) assumed their own independent obligations.

The treaty provided for the independent role of the Estates of Brittany also by the following obligation:

For the purpose of preserving, accomplishing and defending all the articles above and below, the said [duke of] Brittany and the prelates, the men of the Church, barons, nobles and other good towns of the duchy take upon themselves…to produce written obligations [to the king]…\(^{168}\)

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\(^{167}\) “Item pour plus grande furté, les gens d’Eglize, nobles, & autres personnes notables du pays, jureront & prometront de faire tenir par ledict de Bretagne la paix, & autres choses dessusdites, ny ne viendront, ny feront, ny souffriront à venir, ny faire allencontre par ledict de Bretagne, à leur pouvoir; & s’il advenoit, ce que Dieu ne veille, qu’il se rendeist ennemy du roy, ou feist au contraire; ils ne le soustientron, ayderont, ou consorteront, mais tiendront le party du roy contre le Angloys, Navarois, & tous qui tiendron le party au contraire du roy.” See Morice, Memoires pour servir de preuves, Vol. 2, 299.

\(^{168}\) “Item, pour tenir, accomplir, & garder toutes les choses dessudites, & chascunes d’icelles, s’obligeron ledict de Bretagne, & les prelaz, gens d’Eglize, barons, nobles, & autres bonnes villes du duché, par les meilleures & plus fortes lettres & obligations qu’il se poura faire.” See ibid., 299.
This obligation makes it apparent that the Estates were not only an important side to the
treaty, who was obliged to act according to the treaty, but also guarantors of the treaty.\textsuperscript{169}

Overall the Treaty reads as a three-party treaty, despite the fact that in various
references to it contemporaries spoke of it as a treaty between the duke on the one hand
and the king on the other hand.\textsuperscript{170} The king, the duke and the Estates each assumed
obligations toward each-other, for which the two other sides were guarantors and
enforcers. Thus, the treaty was a continuation and protection of the new constitutional
order from 1379. It is also an indication of the convergence of interests of the duke and
the Parlement: to defend the independence of the duchy and the rights of its citizens. The
active role of the Estates in promoting Brittany’s independence is apparent in the treaty.
The assumption of both the crown’s negotiators and the duke’s negotiators, one of which
at least was a prominent member of the League of 1379, was that the Estates had an
important role to play in preserving Brittany’s independence.

The treaty was another step in affirming the Parlement of Brittany as an
independent and active player in Breton and French politics. On the one hand, the treaty
furthered the creation of Breton independence, through an affirmation of Breton rights,
and gave the Parlement a pivotal role in enforcing and preserving these rights. On the
other hand, the treaty affirmed the new constitutional order in Brittany. Beside

\textsuperscript{169} Major political players, including burghers of towns, often guaranteed major treaties in this era. See for
instance the moving description of the signing of the Treaty of Peace of Auxerre (1412), in the context of
the civil war between the Burgundians and the Armagnacs. The contemporary chronicler, Michel Pintoin,
describes how the Chancellor of the Duke of Guienne asked all those present to take an oath and agree to
the treaty. The politicians present included, beside the parties to the treaty, many of the major nobles of the
realm, its prelates, the deputies of the University of Paris and burghers from Paris and other towns. See

\textsuperscript{170} See for example the Duke’s letter of April 10, 1381, in Jones, Recueil des actes de Jean IV, 304. The
Chronographia regum Francorum describes the treaty as an agreement between the duke of Anjou and
Parlement’s role as an enforcer of the new constitutional order, now both the treaty and the Estates’ rights enumerated in it, and the crown, became two further institutions of enforcement. Thus the duke and his barons further cemented their credible commitment to property rights through these two new self-enforcing mechanisms. Again, their interests converged and allowed their cooperation in cementing the new constitutional order.

Ratification of the Second Treaty of Guérande
Since the Second Treaty of Guérande was a complex three-sided treaty, involving the duke, the king and the Parlement of Brittany (as the representatives of the citizens of Brittany), it had a corollary relatively complex ratification process. This process reveals a dramatic change in political participation in the duchy, and is radically different from previous ratification processes.\(^\text{171}\)

On April 4, 1381, the ceremony of peace was performed in Guérande.\(^\text{172}\) In this ceremony, in which the first president of the Parlement of Paris attended, Charles VI's ambassadors presented a letter in which he promised to abide by the terms of the treaty, “made after advice and deliberation” with his royal uncles, the dukes of Anjou, Berry, Burgundy and Bourbon.\(^\text{173}\) The duke for his part also promised to abide by the terms of the treaty. Beside the royal representatives present (the king had already signed the treaty

\(^{171}\) For instance, the Second Treaty of Guérande included the towns in the ratification process, as opposed to the First Treaty of Guérande, less than 20 years before, that did not include them. See footnote 207 below.

\(^{172}\) See the document in Morice, *Memoires pour servir de preuves*, Vol. 2, 301-2. For a copy of the Parlement of Paris’ registration of the treaty see MS. BnF. Fr. 15596, f. 5.

\(^{173}\) For the deliberations in the royal council of whether to give the duke pardon in exchange for homage, see Guenée ed., *Chronique du religieux de Saint-Denis*, vol. 1, 60.
on January 15) witnesses to this ceremony included some of the top nobles of the duchy, including again Charles de Dinan and other leading members of the League and Parlement.

A group of Breton nobles made an interesting “ratification” of an article. As already mentioned, the treaty had a secret article absolving the duke from his duty to fight personally against the English king. On April 11 a group of nobles “ratified” this article. This group included the important viscount of Rohan, but also the top members of the League and presumably the Parlement: Montfort, Beaumanoir, Montauban and Jean de Malestroit, to name some of the most prominent. All these nobles, some of whom formed part of the duke’s various embassies (such as Beaumanoir and Montauban), now assured him that “in case the king will not want to abide” by the terms of the treaty, by which the duke does not have to fight in person against the king of England, they will “take the side of the lord duke, and will aid and advise him with their powers without fraud…against all…”

The nobles’ assurance of support for the duke in the face of a possible infringement of the treaty by Charles VI shows that the duke considered them an active and distinct political player, whose interests to some extent complemented his own. Despite the fact that some of these nobles were in various times ambassadors on behalf of the duke, this letter presents them as a separate entity; separate enough that he wanted their assurance of support. In other words, while the duke and the nobles were all part of a single body-politic, he was only its head and they were its members. The letter also

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174 Ibid., 280-1.
175 “nous tendrons le parti de nostredit seigneur le duc, & ecli nostre seigneur le duc aiderons, consortherons, & conseillerons a nos pouoirs, sans fraude..., en tout manieres, contre toud qui puent vivre & mourir, de quel estat, autorité, dignité & condition qu’ils soyent.” See ibid., 281.
indicates that their participation in previous embassies was in a representative capacity; but representative of the Parlement rather than of the duke.

On April 10, Jean IV asked the Bretons commitment to the treaty. He began his letter by addressing the Estates: “the bishops, abbots and other prelates and men of the Church, the barons, nobles and other lords and ladies, inhabitants of good towns and other notable persons and subjects of duchy.” He asked them to provide his and the king’s officers with letters affirming their commitment to the treaty. The duke’s request started the ratification process within the Estates of Brittany.

Prior to the Estates, the great nobles who were with the duke in Guérande ratified the treaty. Interestingly, three top figures from the League were among these notables, two of them former marshals of the League. After them, the Estates of Guérande began the process of ratification on April 10, and included the three estates: a few clergy, many nobles, and “the burghers of Guérande.” Next, on April 20, the Estates of Rennes ratified the treaty: the officers of the duke, including the captain and the constable of Rennes (officers of the duke were regular members of the General Parlement), the nobility (including former members of the League), and then the clergy and the burghers. In Dinan the nobility ratified the treaty on April 25, and the clergy on April 24. In Lamballe the Estates (clergy, nobility and burghers) ratified the treaty on April

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176 See the letter in Jones, Recueil des actes de Jean IV, 304-5.
177 See also the text of this letter as part of a larger document in Morice, Memoires pour servir de preuves, Vol. 2, 274.
178 Ibid., 274.
179 Ibid., 275.
180 For an explanation on these offices see Marcel Planiol, Histoire des institutions de la Bretagne, Vol. 4 (Mayenne: Association pour la publication du manuscrit de M. Planiol, 1981), 83.
182 See Morice, Memoires pour servir de preuves, Vol. 2, 276.
183 See ibid., 276.
The process was repeated on April 29 in Saint Brieuc. In Guingamp, the nobility and burghers ratified on April 30, the clergy and the office holders on May 1. Among these officers was the marshal of Brittany, Geffroy de Kerimel, one of the leading figures in the League. Among the last to ratify was the Penthièvre faction. Lastly, the Estates of Nantes ratified the treaty, in separate days on the 24 and 26 of June.

One of the classic roles of provincial estates in France in general, and in Brittany in particular, was ratification of treaties. Yet it was not the General Parlement that ratified the Second Treaty of Guérande, but instead the Estates of each area of Brittany. The convocation of a general Parlement was not unknown by that time. And so the piecemeal ratification process was deliberate. The duke wanted the consent of all the citizens (i.e. the upper clergy, the nobles, and the town elites) to legitimize the treaty and to meet the demands of the legal principle of quod omnes tangit. To do so quickly, he did not bother with first having local assemblies grant delegates plena potestas (full power), and then convening a general Parlement, but instead went directly to the local assemblies. The result was that Jean IV facilitated the participation of wide segments of Breton population in this political process.

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184 Ibid., 277.
185 Ibid., 277.
186 Ibid., 278.
187 Ibid., 278-9.
188 Ibid., 280.
191 For the documents relating to the ratification process, see Morice, Memoires pour servir de preuves, Vol. 2, 273-280.
192 For a list of the General Parlements until the end of the fifteenth Century, see Planiol, Histoire des institutions, Vol. 3, 132-143.
Interestingly enough, the burghers also participated in the process. The treaty, as noted, mentioned the towns of Brittany, in the article obligating them to ratify it. The term used there, “the good towns” ("les bonnes villes"), is a loaded term used in many political documents of the time. In the period between 1360 and 1415, as the convocation of local estates grew around France, central in this process were the “bonnes villes,” since the princes needed their funds. Contemporaries used this term to indicate which towns would form the third estate.\textsuperscript{194} These years, and more so in the fifteenth century, also saw more of the burghers rise to nobility.\textsuperscript{195} At the same time, especially in these turbulent months of the spring of 1381, the towns of northern France, especially Paris and Rouen, formed a core of opposition and unrest toward the intents of the duke of Anjou and the rest of the royal council to reestablish royal taxes, even before the height of the tax rebellions a year later.\textsuperscript{196}

Going back to the ratification process, each of the three estates ratified the treaty separately, with the towns participating in this process. As Marcel Planiol has shown, mention of the towns’ participation in the general Parlement was not frequent in the documents at the time,\textsuperscript{197} in contrast to some other areas in France in which town representation was already very important.\textsuperscript{198} For example, in the fouage voted for Jean

\textsuperscript{195} See Contamine, \textit{La noblesse au royaume}, 97. The average rate of letters of ennoblement in France in general peaked between c. 1350 and c. 1410, and especially in the 1370s, 1390s, and 1400s. See Ellery Schalk, "Ennoblement in France from 1350-1660," \textit{Journal of Social History} 16, no. 2 (Winter, 1982), pp. 101-110. The average rate of ennoblement in Brittany peaked at the same time (about 7 a year), to decrease after the mid-fifteenth century. See Jones, \textit{The Creation of Brittany}, 219-237.
\textsuperscript{197} Planiol, \textit{Histoire des institutions}, Vol. 3, 130. La Borderie thought the towns participated in these General Parlements despite the lack of mention of them in the documents. See La Borderie, \textit{Histoire de Bretagne}, 115-6.
\textsuperscript{198} Chevalier, \textit{Les bonnes villes}, 45-6.
IV in 1365, the Parlement included explicitly only the clergy and the nobles.\textsuperscript{199} The dukes did not generally seek the towns’ approval in any taxes or aids of the fourteenth century.\textsuperscript{200}

The fact that the towns did not participate in the 1365 Parlement is particularly exceptional, since it is very likely that at this point the duke did not exempt the towns from the Fouage, and indeed in the fouage of 1373, the towns' duty to pay the tax was explicit, or so Kerhervé has argued.\textsuperscript{201} It is in the 1380’s and 1390’s that the duke began to grant the towns exemptions from the fouage and gave them other privileges, and this process accelerated in the 1400’s.\textsuperscript{202} This process is in synch with the novelty of the towns’ political power seen here.

Hence the participation of the towns in Parlement is a fairly new factor.\textsuperscript{203} This is also the period in which began the great development of municipal institutions in important towns in Brittany that participated in the ratification process, such as Nantes, Saint-Malo and Guingamp,\textsuperscript{204} a process which came to fruition in the fifteenth century.\textsuperscript{205} This process is especially true in many parts of France in which one can discern the rise of the concept of citizenship in towns of the “good men” of the town.\textsuperscript{206}

\textsuperscript{199} Morice, \textit{Memoires pour servir de preuves}, Vol. 1, 1604.
\textsuperscript{200} See Lewis, "Breton Estates," 136.
\textsuperscript{201} Kerhervé, \textit{L’État breton}, Vol. 1, 93. For the fouage of 1373 see Morice, \textit{Memoires pour servir de preuves}, Vol. 2, 77.
\textsuperscript{202} See Kerhervé, \textit{L’État breton}, Vol. 1, 93, and Leguay, \textit{Un réseau urbain}, 77.
\textsuperscript{203} Some examples of the towns participating in Parlement may be seen before this time. For example, in 1315, the General Parlement of Brittany declared upon the protection of the rights of the churches in Brittany, and at least mentioned that this was made in the “presence of the three estates.” Morice, \textit{Memoires pour servir de preuves}, Vol. 1, 1252. It should be mentioned that even in the fifteenth century the towns were relatively under represented. See Lewis, "Breton Estates," 130. Cf. Leguay, \textit{Un réseau urbain}, 77.
\textsuperscript{204} Planiol, \textit{Histoire des institutions}, Vol. 4, 85-88.
\textsuperscript{205} See ibid., 89-101, and Leguay, \textit{Un réseau urbain}, 97-122.
\textsuperscript{206} Chevalier, \textit{Les bonnes villes}, 72.
To show the new nature of the participation of the towns in this ratification process, one can refer to the First Treaty of Guérande. That treaty concluded the civil war in 1365, which brought Duke Jean IV to power in the first place. One would think that these two treaties, fairly close in time, would have similar ratification processes. But in fact their ratification processes were very different. The First Treaty of Guérande named a group of nobles and clergy that agreed to it, but it did not include an intricate ratification process in the Estates, nor the ratification of the towns.\(^{207}\) The particular characteristics of the ratification process of the Second Treaty of Guérande, especially the importance of the towns, show the rise of new elements in the politics of Brittany. The towns formed here, as in other parts of France, an important actor promoting provincial autonomy.\(^{208}\)

The participation of these dispersed political communities, sometimes very different socially and economically, in a single political act, helped to create in Brittany a unified political community.\(^{209}\) The nobles and the duke achieved this unification through a widening of the participation of Breton population in the political process and in the Parlement. They widened participation in a few senses. First, towns now participated in the process, and the significance of their participation has already been mentioned. Second, simply a larger number of people participated here than in any other general Parlement of Brittany. The preserved and published documents name over 400 people who ratified the treaty. This number does not count most of the unnamed burghers, whom

\(^{207}\) Morice, Memoires pour servir de preuves, Vol. 1, 1597.

\(^{208}\) For other areas in France see Chevalier, Les bonnes villes, 49-53.

\(^{209}\) Cf. Kerhervé, L'État breton, Vol. 1, 143. The nobility was to a certain extent already connected to each other through marriage. Henneman called the aristocracy of Brittany “one vast interrelated network” and named their conflicts “a family affair.” See Henneman, Olivier de Clisson, 21.
the documents mention simply as a group. In stark contrast, sometimes as few as 35 people participated in the general Parlements of Brittany in the 1380’s.\textsuperscript{210}

Third, as part of the participation of the towns, it seems that burghers played a more significant role. Thus, the documents of ratification mention by name some of the burghers, for example a burgher of Rennes, thus indicating their rising importance and status. Perhaps their mention is also an example of the rise of some of the burghers into the nobility, a process in which Brittany was not an exception in France.\textsuperscript{211}

A wider population participated in a representative political assembly that discussed a political act that saw Brittany as a distinct political entity. This process certainly furthered Breton political identity. The widening participation served the interests of both the Parlement and the duke, not only to preserve Breton independence, but also to cement the new constitutional order achieved just two years before. The active agents in this political act of ratification were, among the nobility of each and every area in Brittany, leading figures of the League who were those that brought about this new constitutional order.

The final step in the ratification process, or perhaps the first step in the fulfillment of the treaty, was the homage of the duke to the king. Jean IV’s situation was obviously better after signing the Second Treaty of Guérande. He had strong allies within the French court (such as the duke of Anjou),\textsuperscript{212} and was able again and again to extend

\begin{itemize}
\item \textsuperscript{211} Michael Jones argued that a relatively large number of nobles were created in Brittany at the time, perhaps as much as seven a year sometimes, as opposed to the closing of the nobility that occurred in the mid-fifteenth century. See Jones, \textit{The Creation of Brittany}, 219-237.
\item \textsuperscript{212} See a letter confirming an alliance with the Duke of Anjou in Jones, \textit{Recueil des actes de Jean IV}, 305-6.
\end{itemize}
payment for much of the fine. He was also able to pay for the withdrawal of the English forces besieging Nantes (until then controlled by the French crown through Clisson) for a payment of 20,000 francs. Finally, on September 27, 1381, the duke made his homage to the king according to the terms of the treaty.

This homage was purposefully vague, as is well known. The duke asked for pardon, received it, and made homage “in the manner” of his predecessors (thus not committing himself to either liege or simple homage). Yet again, the Parlement of Brittany played a part in this ceremony, since it was conducted in front of the general Parlement. In fact, this was the only general Parlement of the year, despite the various meetings of the estates. Contemporary narrative accounts emphasized the participation of many Breton prelates, nobles and knights in this occasion. After ratifying the treaty, it was but natural for the Estates to be part of its consummation.

In sum, the role of the Parlement of Brittany, or the Estates of Brittany, has been large in all of the events surrounding the Second Treaty of Guérande: in participating in the negotiations, in being a side to the treaty, in receiving important rights through the treaty, in ratifying the treaty, and in bearing witness to its consummation through the duke's intentionally vague homage. This large role indicates the independent part that the

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213 See for example a letter from March 31, 1382, in ibid., 327.
214 See Jean IV’s letter from April 4, 1381, in ibid., 302. Cf. Henneman, Olivier de Clisson, 100.
216 La Borderie, Histoire de Bretagne, 67.
Parlement of Brittany played in this political process, which set a course for Brittany’s
neutrality and independence.

The Parlement did more than that in the events surrounding the Treaty. The
Parlement, especially in the ratification process, was instrumental in bringing wider
circles of Breton society into a political process involving “Breton-wide” matters. The
Treaty, and the Parlement’s participation in it, advanced Breton identity. Dispersed and
unconnected political communities in Brittany participated in a single political event that
defined Brittany as a single political entity through its Estates, and vis-à-vis the duke and
the king. The Treaty treated the Estates (and Brittany through the Estates) as an entity
defined through its relations with the duke and the king.

The Parlement strengthened its constitutional position through the part it played in
the political process, through the obligations the duke assumed toward it in the treaty and
through the enforcement mechanisms of the treaty. Yet most importantly, this political
process shows that the duke did not simply use the Parlement. The duke and the
Parlement were both active political players, whose interests coincided. In the process of
their mutual defense of the independence of the duchy, and of their mutual assurance of
the rights of its citizens, they also cemented Brittany's newly established constitutional
order.

VI. Agency and the Role of the Parlement in the 1380’s and the
1390’s
Jean IV continued to follow in the 1380’s and 1390’s, after the Second Treaty of
Guérande, a policy promoting Breton independence. He was continuing such policies of
his predecessors, who throughout the fourteenth century increasingly promoted a Breton sense of independence. This policy had in his time various manifestation, most of them treated extensively in the historiography. The duke pursued an independent policy in his dealings with both England and France, as well as with other polities in Europe. The duke continued to pursue a policy of claiming regal powers within Brittany, and tried to curb some seigneurial “rights” or “exactions,” for example, by making it illegal to tax without his consent. As already mentioned, the historiography views the Breton Parlement as a tool in the hands of the duke in pursuing his policies during these years.

And yet, as shown above, the Breton Parlement had an active role in pushing through Brittany's "Glorious Revolution" in 1379, and was instrumental in cementing the new constitutional order. In these ventures the interests of the duke and his Parlement coincided for the most part. It seems unlikely that Parlement reverted to a passive role in the following two decades, even if positive evidence for its active role is hard to produce, since so little is known on the Parlement during those years. Still, the Parlement's documents that do survive point to its continuing active role.

One piece of evidence that stands prominently with regard to the role of the Parlement is an increase in the frequency of Parlements after the 1379-1381 “Glorious Revolution of Brittany.” As already mentioned, Jean IV came to power after winning the war against the rival party to the dukedom in 1364. The duke himself lost power in 1373, and came back to power in 1379. He remained in power, more or less, until his death in

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218 Jones, *Ducal Brittany*, 114.
219 See p. 136 above.
222 Cf. ibid., 141.
1399. One can therefore divide his reign into basically two unequal periods: 1364-1373 and 1379-1399. In the first period, a period of 8-9 years, the Parlement of Brittany assembled only 3 times: in 1365; in 1367; and in 1373. In other words, an average of about once every three years. But as a matter of fact, the Parlement of 1373 assembled in August after the duke fled to England, and when one discounts this Parlement the average goes down to once every four years. In the second period, a period of about 20 years, the Parlement of Brittany assembled 11 times, an average of about once every two years. The following table will illustrate the frequency of parlements in Jean IV’s reign:

| Year of the Parlement (in parentheses: how long has it been since the last parlement) |
|---------------------------------|---------------------------------|
| Parlements in 1365-1373:        |                                 |
| 1365 (13)                       |                                 |
| 1367 (2)                        |                                 |
| 1373 (6)                        |                                 |
| Parlements of the “Glorious Revolution” (1379-1381): |                                 |
| 1379 (6)                        |                                 |
| 1380 (1)                        |                                 |
| 1381 (1)                        |                                 |
| 1384 (3)                        |                                 |
| 1385 (1)                        |                                 |
| 1386 (1)                        |                                 |
| 1387 (1)                        |                                 |
| 1388 (1)                        |                                 |
| 1395 (7)                        |                                 |
| 1396 (1)                        |                                 |
| 1398 (2)                        |                                 |
| 1399 (1)                        |                                 |

This quantitative evidence is striking, but it does not really solve the puzzle of agency. First, the spotty evidence on the Parlements doesn’t allow us to rest assured that the evidence we have accounts for all the Parlements assembled. Marcel Planiol created a

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224 See a document that mentions this Parlement in Morice, *Memoires pour servir de preuves*, 77.
list of probable Parlements, sometimes based on just an implicit mention of an assembly.\textsuperscript{226} It is very probable that some Parlements left no trace at all, especially if we consider the Parlement, as noted above, as a forum for consultation on the far end of a range of meetings assembled for this purpose, going from ducal council, to expanded ducal council, to large meetings of the Parlement. Second, such quantitative evidence as an increase in the frequency of Parlements does not really prove agency. The counter thesis is still possible, namely that the duke changed his policy and called more and more Parlements, using them as passive tools of propaganda.

The qualitative evidence (as opposed to the quantitative evidence) shows that the Parlement had greater political activities after 1379 as compared to before. One of the primary functions of Parlement in both periods was to consent to taxation, specifically the \textit{fouage}.\textsuperscript{227} The evidence on the Parlements before 1379 is scarce indeed. Jean IV assembled the Parlement of 1365 after the consolidation of his power, and used it to raise a general \textit{fouage}, the first one raised in Brittany.\textsuperscript{228} The duke presented this tax as a request in Parlement to the “peers and barons of our duchy of Brittany to give” him a certain \textit{fouage} in “their territories.”\textsuperscript{229} Raising this \textit{fouage} took a while, and a year later when the duke mentioned the tax with regard to a specific exemption, he wrote that the Parlement accorded it “to aid in paying our debts, and our other necessities.”\textsuperscript{230}

\textsuperscript{226} Ibid., 132. Cf. Lewis, "Breton Estates," 129.
\textsuperscript{229} "…nous eusions priey requis les pair & barons de nostre duché de Breaigne donner & otreer un certain fouage en leurs terrouoirs de un escu d’or par feu, le riche aydant au povre…” Morice, \textit{Memoires pour servir de preuves}, Vol. 1, 1604.
\textsuperscript{230} “pour nous ayder à payer nos debtes, & en nos autres necessitez.” ibid., 1608
The Parlement of 1373 can serve as another example of raising funds. This Parlement assembled in August 1373 after Jean IV was already in exile in England, and Brittany was just occupied by royal forces commanded by Bertrand du Guesclin.\footnote{See Henneman, \textit{Olivier de Clisson}, 86.} The Parlement of 1373 was again all about raising funds (for the war against England) through the fouage.\footnote{Morice, \textit{Memoires pour servir de preuves}, Vol. 2, 77.}

Jean IV managed during the first period mentioned, 1365-73, to receive funds, including a limited fouage, sometimes through personal agreements with nobles.\footnote{Jones, \textit{Ducal Brittany}, 33.} Just as the king in France, the duke often found this practice essential, since he had trouble collecting the fouage in some areas in Brittany, for instance due to a noble’s opposition.\footnote{For an explanation on the difficulties in collecting this tax in various nobles’ territories, see Kerhervé, \textit{L'État breton}, Vol. 1, 83.} Months after the Parlement of 1365, the duke imposed “through the advice of his council” an indirect tax on wine, and on other merchandise.\footnote{Morice, \textit{Memoires pour servir de preuves}, Vol. 1, 1603.} This imposition was also the first introduction of this tax, which would remain, like the fouage, a fixture in ducal finances.\footnote{Kerhervé, \textit{L'État breton}, Vol. 1, 102.}

And so, the Parlements of the first period’s primary function was to agree on taxation.\footnote{Cf. Major, \textit{Representative Government in Early Modern France}, 22.} This function remained constant. The duke managed to raise the fouage also in the 1380’s and 1390’s, and indeed managed to raise it from more areas of Brittany.\footnote{See an explanation on this process in Kerhervé, \textit{L'État breton}, Vol. 1, 81-83.} Interestingly enough, in the 1380’s and the 1390’s, according to Kerhervé, the duke gave more and more exemptions from the fouage, especially to the towns. Prior to that, as noted previously, the duke did not exempt the towns from the fouage (that was explicitly
stated with regard to the *fouage* of 1373).\(^{239}\) This change may be another indication of the rise in political power of the towns, already argued for above.

What is strikingly different about the Parlements in the second period, 1379 onward, is their intensely active political quality. La Borderie already pointed out this fact.\(^{240}\) Their political activity, beginning in 1379, is indicative of the change that occurred in their constitutional status. The Parlements of the “Glorious Revolution” years, 1379-1381, already examined above, first assumed "political" functions (although strictly speaking, assenting to taxation is as “political” as it gets).\(^{241}\) And so, as already noted, it is probable that at around 1379, when the League called back Jean IV, a Parlement was involved to give more formal authority to these political decisions. This is evident in the passage already quoted above, in which the League claimed authority to represent “the knights, squires, burghers, good towns and the greater part of the estates of your entire duchy.”\(^{242}\) A Parlement sent the letter mentioned above to King Charles V, asking for pardon on account of Duke Jean IV in 1380.\(^{243}\) A Parlement was also involved in the ratification process of the Second Treaty of Guérande.\(^{244}\) In short, as explained above, the Parlements of 1379-1381 had an active part to play in creating an independent Brittany and in creating a new constitutional order in Brittany. This new constitutional order was a self-enforcing mechanism, in which more citizens of Brittany became active politically, and in which the duke and Parlement assured their rights.

\(^{239}\) Ibid, 93.

\(^{240}\) La Borderie, *Histoire de Bretagne*, 116.

\(^{241}\) Cf. ibid., 116.


\(^{243}\) Ibid., 285.

\(^{244}\) See the document describing this in ibid., 376-7. Cf. La Borderie, *Histoire de Bretagne*, 67.
The Parlements of the years after the Second Treaty of Guérande continued to play, at least in some cases, an active and independent part in Breton politics. They continued to enforce the new constitutional order, regulated and prevented infringements on rights, and promoted Breton independence. An important part of the activities of Parlements at the time was their judicial role. A Parlement’s traditional role was to be the highest judicial authority, and Brittany was not unlike Parlements in some other parts of France in this regard.\(^{245}\) And so, the Parlement of 1384 spent at least 6 days hearing cases.\(^{246}\) Indeed, it is only from this Parlement onward that the position of the Parlement as the regular supreme judge became fixed, and records were preserved of its meetings.\(^{247}\)

The Parlement of 1384 not only heard cases, it also decided with the duke to send messengers to Charles VI over a judicial matter. In a fight over matters of jurisdiction, and more particularly the authority of the Parlement of Paris to hear appeals from the duke’s court,\(^{248}\) the Parlement and the duke sent a complaint to the crown.\(^{249}\) This complaint was obviously a matter of grave concern for both the duke and for the members of the Parlement of Brittany. As already mentioned, jurists, such as the late thirteenth-century jurist Philippe de Beaumanoir, sometimes defined the kingdom of France as the area in which the king held supreme appellate jurisdiction (\textit{resort}).\(^{250}\)

The document enumerating the arguments of the duke and the Parlement is a classic example of their claim for the independence of Brittany.\(^{251}\) This complaint was

\(^{245}\) Pocquet du Haut-Jussé, "Le grand fief breton," 281.
\(^{247}\) Pocquet du Haut-Jussé, "Le grand fief breton," 281
\(^{248}\) For more on the background of these events, see Henneman, \textit{Olivier de Clisson}, 112.
not simply the duke's. The Parlement sent the ambassadors who presented the complaint “through deliberation done in Parlement, by the prelates, barons, and the other counsel of the lord.”\textsuperscript{252} The duke found it necessary to rely on the legitimacy of the Parlement of Brittany in this political action. In fact, the document ends with the ambassadors' plea:

The messengers ask the king in the name of the prelates, barons and the three estates of Brittany, that he will please not undertake any new act to prejudice other rights and practices of the duke and the duchy…\textsuperscript{253}

In the complaint, very much as a legal brief, the Parlement and the duke argued for the independence of Brittany and its jurisdiction. Parlement played a key role in this legal argument. In Brittany, so they argued, the supreme appellate jurisdiction is the general Parlement of Brittany. The Parlement of Brittany has held this jurisdiction “for so long a length of time as the memories of men cannot refute it.”\textsuperscript{254} They argued that this jurisdiction demonstrates Brittany’s independence and regal power.\textsuperscript{255} The duke and the Parlement also argued that it convened every time it was necessary, “for raising a tax or for any other thing for the profit of this pays.”\textsuperscript{256} They also mentioned that the church in Brittany never went to the Estates General of France, but was always a part of the Parlement of Brittany, the “prince of Brittany and his body politic.”\textsuperscript{257} In short, the

\textsuperscript{252} “portent touchant les noblesses & gouvernement du pays de Bretagne, par délibération fait en ce present Parlement, par les prelatz, barons, & le autre conseil de Monsieur ;” Morice, Memoires pour servir de preuves, Vol. 2, 456.

\textsuperscript{253} “Aussi lesdits messagers supplieront au roy & de par les prelatz & barons, & trois estatz de Bretnage, qui luy plaise n’entreprendre ne faire novalité contre ne au prejudice des autres droits & usages du duc & du duché qui sont tels que devant est dit…” ibid., 459.

\textsuperscript{254} Ibid., 457.

\textsuperscript{255} For the role of the parlements in these “regalian” matters see Leyte, Domaine et domaniaalité publique, 381-386.

\textsuperscript{256} “…toutes-fois qu’il en est debat, & que bon semble aux prince, les prelatz, barons, & commun dudit pays, ou chose leur est necessair, tant du subside que de autre chose au profit dudit pays…” Morice, Memoires pour servir de preuves, Vol. 2, 457-8.

\textsuperscript{257} “car l’Eglise de Bretagne jamais ne fut soumise au roy ne à ses Etats, pour ce qu’elle appartient prochement au prince de Bretagne & à son corps politique ; & sont lesdits prelatz membres des Parlementz & Estatz du duché.” Ibid., 458.
importance of the Parlement of Brittany in this entire document is manifest, and it presents Brittany as an independent commonwealth. The Parlement, both in this political action, and in the substance of this complaint, is clearly a very active player in pursuing Breton independence as a political community. The fact that its interests and the duke's are practically the same here, does not relegate it into a passive role.

Jean IV acted in Brittany, even in his most aggressive political actions, within tight constitutional constraints, so as not to alienate his allies within the Parlement. He judged his potential legitimate actions in part through the constitutional arrangement reached in 1379 and in the Second Treaty of Guérande. In 1384, the duke made a move against one of his chief rivals. Clisson was the major ally of the Penthièvre faction. So when the countess of Penthièvre died, while her heir, John of Blois, was held captive in England, the duke used his captivity as a pretext to move against the Penthièvre property, especially the fortresses. In October 1384 the duke claimed the property on grounds relating to feudal law (“ob defectum deveriorum feodalium”), since John of Blois was not able to offer him homage. It is obvious he had to base this action on feudal law, and could not simply confiscate the property, because of the legal constraints in which he acted, for example his obligation in the Second Treaty of Guérande to keep his subjects’ rights. Indeed, even in this act he emphasized that he had the consent of his council, including the most powerful members of the nobility, such as Rohan, Kerrimel, and Houssaye. The last two were also part of the League of 1379.

258 See Henneman, Olivier de Clisson, 114.
259 Morice, Memoires pour servir de preuves, Vol. 2, 480.
260 See Henneman, Olivier de Clisson, 114.
261 Morice, Memoires pour servir de preuves, Vol. 2, 481.
The importance of the Ducal Council as one of the most important political institutions in Brittany at the time is not denied. But the incident of the unsuccessful confiscation attempt in 1384 (Blois appointed Clisson as his lieutenant in his lands, and thus prevented the confiscation) shows the tight connection between the Ducal Council and the Parlement. At least some of the leading figures of the League of 1379, presumably the leading figures of the Parlement at the time, were members of the Ducal Council. This tight connection would remain true for all of the 1380’s. Hence Parlement had a way to influence the duke and vise-versa; they had means of achieving a consensus of interests. Perhaps the Ducal Council in its executive actions, through the representation in it of important members of the Parlement, kept in mind the interests of the Parlement.

This confiscation attempt was neither the beginning nor the end of a long struggle between the duke and his rival faction in Brittany, centered on the house of Penthièvre and Clisson. A famous incident in the 1380’s, which had tremendous political consequences in the French court in the power struggle between the royal uncles and the Marmoussets, was the attack against Clisson in 1387. The duke seized Clisson in June 1387 and made him sign a treaty in which Clisson gave the duke important castles and other property. Supposedly, this seizure is an example of one of the duke’s more forceful and almost “despotic” measures, which he took against his main rival for power in Brittany in order to hinder an invasion of England planned by Clisson as constable of England.

263 Morice, Memoires pour servir de preuves, Vol. 2, 482.
264 Henneman, Olivier de Clisson, 115.
266 See La Borderie, Histoire de Bretagne, 72-80, and Henneman, Olivier de Clisson, 122-126.
267 See ibid., 124.
268 The treaty was published in Morice, Memoires pour servir de preuves, Vol. 2, 540-542.
France. But in fact, this event also shows that the duke operated within tight constitutional constraints and in concert with the Parlement.

Prominent members of the nobility in Brittany witnessed the treaty in which Clisson gave up his property to the duke. Among these, at least one, Montafillant, was already mentioned here as one of the leading members of the League and of the Parlement. The duke wanted this violent move to assume some aura of legality, and he used for this purpose witnesses who were the representative leaders of Parlement. This attempt did not work, and in fact Bretons probably viewed this move as an illegal act by the duke.

The court in Paris mostly received the duke’s move with anger (although some of the royal uncles supported the duke before this move). The crown played a vital role in reversing the duke’s violent move and restoring Clisson’s property. In one of its embassies to Brittany, the crown demanded and received the assurance of the duke that he will keep Clisson faction’s “estate, honor, rights and nobilities.” This assurance is an echo of the duke’s obligation in the Second Treaty of Guérande that had the same essence. In fact, this intervention is a classic example of an outside enforcement by the crown of the constitutional rights of the duke’s subjects. In the language of Institutional Analysis, this is an enforcement mechanism of the constitutional regime and its credible commitment to rights. This enforcement mechanism is even more apparent in the king’s judgment a year later, in which he pronounced for the restitution of all Clisson’s property.

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269 Henneman, *Olivier de Clisson*, 123.
271 Henneman, *Olivier de Clisson*, 126.
272 Ibid., 123.
In this judgment, the king called on all sides to “defend,” among other things, “the treaty of peace” between him and Jean IV, namely, the Second Treaty of Guérande.274

VII. Conclusion
The narrative sources describing the Glorious Revolution in Brittany in 1379-1381 do not necessarily paint an accurate picture of events. To take just Froissart's Chroniques as an example, factual inaccuracies are common there.275 The popularity of some of these works, such as Froissart's, allows us a close approximation of the common perceptions of the time, or in other words, its public opinion.276 Late fourteenth-century public opinion saw the events of 1379-1381 as a Glorious Revolution. Public opinion thought that the Parlement was instrumental in convincing the king to pardon Jean IV; it saw a convergence of interests between the duke and the Parlement, to preserve Breton independence.

The nobles and town elites of Brittany created with the duke a new constitutional order. This constitutional order included a self-enforcing mechanism in the form of an active Parlement and the sureties from the French king, and contained assurances of the property rights of the citizens of the Breton polity: the same nobles and town elites. In the process, the citizens exhibited and created a very active model of citizenship. The citizens of Brittany became actively and institutionally involved in its politics, and in the process

274 “…en gardant…le traité de la paix…faite entre nous & nostredit cousin de Bretaigne.” Ibid., 554.
276 For some comments on the readers of Froissart, see Peter F. Ainsworth, Jean Froissart and the Fabric of History (Oxford: Clarendon Press, 1990), 8.
created and then preserved an independent self-governing polity: the Breton commonwealth.

This active model of citizenship was itself part of Brittany's self-enforcing mechanism. All political actors, including the duke and his Parlement, thought that for the purpose of legitimacy (as well as for practical purposes) all true citizens should participate in any major decision-making process. This perception limited in advance the potential actions of political actors in Brittany, both the duke and the Parlement.

Still it is well to remember that the Breton model of citizenship – involved and active as it was – remained elitist. Only the true citizens, those nobles and town elites involved, remained active citizens and enjoyed the credible commitment of Breton political players to their property rights. The fact that Brittany enjoyed the economic prosperity which the Institutional Analysis model predicts such credible commitment would produce does not negate the fact that the wide populace remained passive subjects and not active citizens. While the citizens created and promoted in their actions a Breton political identity, one has to wonder how widely held this political identity actually was, in contrast to the distinctly cultural Breton identity.277

This chapter, as well as chapters one and two, has looked at a period spanning roughly from c. 1370 to c 1400. Several historians characterize this period as one of political crisis, at least beginning with the minority of Charles VI in 1380. As noted in the introduction, there is some merit in this characterization. Indeed several historians analyze the whole period of political crisis between c. 1380 and c. 1440 as a whole.278

277 On Breton identity in this era see Kerhervé, "Entre conscience nationale et identité régionale," 219-243.
278 See, for instance, Jacques Krynen, Idéal du prince et pouvoir royal en France à la fin du moyen âge (1380-1440) (Paris: Picard, 1981). Nicole Hochner, for instance, analyzed the whole fifteenth-century as "a
Yet in terms of citizenship, c. 1400 saw great change. The insanity of Charles VI, the civil war and then the English invasion deepened the political crisis. How were civic conceptions and civic practices transformed after 1400?

The next chapter will answer the first part of this question. Taking chapter one as its starting point, it shows how civic conceptions evolved after c. 1400. While this chapter returns to the center as well as to a focus on civic conceptions, it also analyzes in greater detail (than chapter one) citizenship in its third and fourth senses, as identity and as a cultural and ethical activity. Finally arriving at the issue of national sentiments, it looks at the growth of French political identity and its basis in ethical terms, asking how the French citizens were connected to each other and to the French body politic.

The coming chapter examines civic ideologies rather than only civic theories. "Civic ideologies" in the way that I am using the term here are not simply a set of intellectual ideas that one may argue with, explain or contextualize as theories. Civic ideologies are, to borrow a term from Clifford Geertz, "a cultural system." They provide "authoritative concepts" and "images"; they are a "metaphor"; they attempt "to render otherwise incomprehensible social situations meaningful" which "accounts both for the ideologies' highly figurative nature and for the intensity with which, once accepted, they are held." In our context, civic ideologies as metaphors not only have great social impact in providing meaning to citizenship, they also do not necessitate great theoretical development (though they do not necessarily exclude such development).

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280 Ibid, 210, 218 and 220.
Thus more (or less) than theory, the next chapter focuses on the metaphors, on the symbols, on the political language of citizenship in fifteenth-century France.
Chapter Four: Civic Ideologies in Fifteenth-Century France

I. Lyon - The Classic Civitas

Lyon’s council met frequently in the 1410s. On September 14, 1416 it met and decided upon a matter of great importance to a barber of the town named Etienne Manissier. He had enclosed a certain “common place” near the river Rhone for his own private use. The council decided that he must now reopen that enclosure for public use, since the town (ville) had enjoyed it and used it for a “very long time.”

Little more than a month later, on October 19, the council met to discuss another important matter. It read a letter that had arrived from the Dauphin (heir to the French throne), who had exhorted the burghers and the inhabitants of the town (ville) of Lyon to prove loyal and to leave aside any note of “division” in the face of the attack of the English enemy on Calais. The council answered that they would remain loyal. Similarly on February 6, 1417 the seneschal of Lyon gave a speech before the council, arguing that they must remain “good and loyal subjects, obeying the king our lord.” He based his argument on the 1320 treaty between the Archbishop of Lyon and the King of France, which provided for the entry of Lyon into the kingdom. This rhetoric for “loyalty” and against “division” disguised decisions reached in the context of a civil war, at this point between the Dauphin and the duke of Burgundy, John the Fearless.

The meetings of the council of Lyon exemplify a problem inherent in early fifteenth-century French civic ideas. The “citizens” (citoyens) of Lyon, as the ruling elite mostly called themselves, deliberated and administered justice in Lyon. Lyon was the

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1 Les Archives municipales de Lyon, BB1, f. 4.
2 For the meeting of October 19, 1416 see Ibid, BB1, ff. 8-9. For the meeting of February 6, 1417 see Ibid, BB1, f. 16v.
classic *polis* or *civitas* (city-commonwealth) that philosophers had envisioned. It had a relatively large population, though less than its early fourteenth-century apex of 15,000-20,000 (of which only 3,000 had been citizens), and thus was able to defend itself. Yet as seen in the ruling with regard to the barber, the citizens had a close relationship with each other and with the rest of their not-too-large community. They deliberated on the "public good" (*bien publique*) of their community, as they called it, and, for example, decided to punish someone for illegal commercial practices (for instance in a decision with regard to bakeries on August 17, 1419) and decided that the clergy of the town must contribute in funds to the repair of its fortifications (on August 26, 1417).

Yet Lyon was also part of a larger kingdom. As men and women began to envision this kingdom as a large *civitas* made up of many smaller *civitates*, and the citizens of Lyon as also members of that larger *civitas*, how could they tie this larger civic body together? Lyon is an especially poignant example, since it entered the kingdom only about a century earlier. How could a kingdom-wide growing entity become a civic community, without the close ties inherent in the civic communities known until then, such as Lyon?

**II. The Crisis of the Norms-Based Kingdom- *Civitas***
Philosophically speaking, dealing with larger *civitates* was not a new issue in the fifteenth century. While Aristotle’s frame of reference was the self-sufficient *polis*, his great

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4 For the decision on the monopoly, see *Les Archives municipales de Lyon*, BB 1, f. 86. For the decision on the clergy see *Ibid*, BB 1, f. 38. On the elites of Lyon in this period see Caroline Fargeix, *Les élites Lyonnaises du xve siècle au miroir de leur language: pratiques et représentations culturelles des conseillers de Lyon, d'après les registres de délibérations consulaires* (Paris: de Boccard, 2007).
Christian medieval adaptor, Saint Thomas Aquinas, already deemed it necessary to move beyond the city-\textit{polis}. He argued in the \textit{De regno} that “in the city (\textit{civitate}) however, which is a perfect community, there is all that is necessary for life; yet even more in a province (\textit{provincia}) because of the necessity of mutual fighting and aid against the enemy.”\textsuperscript{5} While economically speaking the \textit{civitas} that Aquinas envisaged was self-sufficient, it was not truly self-sufficient in all senses of the word. Aquinas envisioned a larger frame of reference than Aristotle, implicitly allowing the possibility of citizenship in the subject matter of the \textit{De regno}, the kingdom (and, ultimately, the Church); a kingdom where the king rules “a multitude of \textit{civitatis}” for the "common good" (\textit{bonum commune}), and not only the smaller traditional Greek \textit{polis}.\textsuperscript{6}

Yet civic ideas in early fifteenth-century France had to develop responses to new challenges. Nicole Oresme had in mind the kingdom of France when he wrote in 1372 that "every kingdom or \textit{pays} is a large \textit{cité} which contains many partial \textit{cités}.” Preliminarily he defined a \textit{cité} (the French equivalent of \textit{civitas} and \textit{polis}) as a multitude of citizens inhabiting a single place such as Paris (or, in the above noted example, Lyon). Yet he then moved on to define the \textit{cité} as a multitude of citizens governed by a single regime – a \textit{polis}. Thus Oresme made the explicit step that Aquinas did not quite take, of defining a province (\textit{pays}) and a kingdom as a \textit{polis} or \textit{civitas} (explicitly including the ultimate \textit{polis}, the Church, whose citizens are all the Christians).\textsuperscript{7}


How can one tie together these dispersed groups of citizens, not inhabiting a single place, under a single regime or civitas? In Aristotle's Politics, the philosophical common ground of the era, the polis was an economic self-sufficient unit. Yet the ties between its citizens were not only economic. As Aristotle noted at the beginning of the Politics (and as Jean Gerson noted in a speech before the French royal court in 1408), the citizens of the polis were a "partnership" (koinōnia; société), a community based on direct spoken interaction in order to distribute justice. This "partnership" was a political community, in which the citizens were tied together with bonds of "civic friendship," as Aristotle calls these bonds in the Ethics (or "friendship with citizens" as Aquinas calls them in the Summa Theologiae). In his typology of regimes in the Ethics, for instance, Aristotle characterizes them, among other things, by the types of friendships between citizens; the corrupt regimes have little in terms of friendship between citizens. Thus fraternity tied together the Aristotelian polis, which is why Aristotle writes in the Ethics that "friendship is the bond of polities."8

Lyon was in these terms the classic Aristotelian polis. One can only with great difficulty consider the dispersed and multilingual kingdom of France, in which only limited direct speech-based interaction was possible, as a community in the Aristotelian sense. Tying its citizens together and turning them into a political partnership in the

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Aristotelian sense was in essence the great civic project of the late fourteenth century and early fifteenth century.\textsuperscript{9} Ways had to be found to either achieve direct speech-based deliberations of the citizens or to replace them with another form of civic friendship or partnership.\textsuperscript{10}

The late fourteenth-century civic discourse tried to tie together the kingdom-	extit{civitas} through a focus on the double aspect of citizenship, examined in chapter one. On the one hand Oresme and others focused on citizens as the elite few potential office holders in the French monarchy, participating in political deliberation and in the administration of justice. On the other hand, jurists and other Roman Law-influenced writers focused on the norms regulating this kingdom-	extit{civitas}. In it the citizens, or, rather, the 	extit{regnicoles} (”inhabitants of the kingdom”) in contemporary usage, were all subjects of the French crown. They all had a duty to obey the king, and were tied together and to the crown by bonds of obedience. In Aristotelian terms, this civic ideology or civic discourse focused on justice (or norms of justice) as the bond of this polity in two aspects: first, the citizens deliberated over justice (as office holders); and second, the administration of justice over the citizens-as-subjects (who received the protection of justice and obeyed its administrators).

This double aspect of civic ideology was not abandoned in the early fifteenth century. Yet a new focus rose in civic discourse due in part to new political circumstances. The late fourteenth-century discourse was closely tied to the legalization


\textsuperscript{10} This political community was to be”imagined community” in Benedict Anderson's words. In a sense this chapter shows Anderson's mistake in arguing that the modern imagined communities of the nations replaced the older sacral communities of the Middle-Ages. This chapter shows an attempt to create a political imagined community that was neither the medieval kingdom or the Church, nor the modern nation or state. It was the commonwealth. Cf. Benedict Anderson, \textit{Imagined Communities: Reflections on the Origin and Spread of Nationalism} (London and New York: Verso, 2006).
or formalization of the monarchy. The monarchy was formalizing itself first in its higher norms, those governing the relationship between the monarchy (i.e. the administration) and the civitas (the community of citizens), for instance in the development of the notion of the abstract crown (that tended to limit the king) and in the ordinances of Bois de Vincennes in 1374 concerning the royal succession, the royal majority and apanages.\textsuperscript{11}

Second, the monarchy was formalizing itself in terms of its regular norms, i.e. in terms of the 1370s projects of creating a more orderly administration of finances, of the military, and of the law.\textsuperscript{12} Both these developments were closely tied to the general formalization and legalization of French political culture.\textsuperscript{13} As Françoise Autrand explains through an examination of statutes promulgated for the "reform" of the realm in this period, there was a growing perception in the French monarchy that it must be based on legal norms.\textsuperscript{14}

Yet in the early fifteenth century this edifice was crumbling. The mental illness of Charles VI (r. 1380-1422), revealed in 1392, created a crisis of authority at the top of the French monarchy. The king was the fountain of all authority, and his absence due to


\textsuperscript{14} Françoise Autrand, "Progrès de l'état moderne ou construction de l'état de droit?", in Progrès, réaction, décadence dans l'occident médiéval, eds. Emmanuelle Baumgartner and Laurence Harf-Lancner (Geneva: Droz, 2003), 77.
insanity created both a legitimacy crisis for the regime and a political vacuum. The political vacuum brought about the factional dispute between the dukes of Burgundy and Orléans. This dispute escalated to civil war, first between Burgundy and Orléans (beginning in 1405), then ultimately after the assassination of Orléans (in 1407) between the Burgundians and the Armagnacs. The final coup de grâce came with the English invasion (1415), their conquest of Normandy (1417-1419), and the treaty of Troyes (1420) with its disinheretance of the Dauphin and the consequent de facto triple division of France between the English, the Burgundians and the Dauphin, the future Charles VII (r. 1422-1461).

With the dismemberment of the monarchy and the civil war, the civic ideology based on active participation of citizens faced philosophical bankruptcy. For how could the elite members (the citizens) of the French monarchy participate in its rule, when the body-politic itself was dismembered? Even worse was the state of the civic ideology based on obedience to the king (who was first insane, later in dispute) and to his administration (that was both crumbling and divided). What other recourse could civic ideology find in the face of such a crisis? What else could tie together the dispersed and warring citizens?

The political crisis within the French monarchy came on top of an earlier crisis, the schism within the Church. Civic ideologies intent on binding together the immense civitas of the kingdom were also bent on treating the Church as a civitas of Christians. Thus Oresme wrote on the question of who are the citizens of the Church (the Pope, the College of Cardinals, or a general council of the Church) and regarded the Church as a cité of all Christians. Similar ideas analyzing the type of civitas that was the Church were
also inherent in the writings and speeches of Jean Gerson and Pierre d'Ailly before the Council of Constance (1414-1418).\textsuperscript{15}

The Church was in Aristotelian-Christian terms the ultimate \textit{civitas}, in which believers could realize the Christian common good of living good Christian lives. The schism (beginning in 1378) brought with it both a crisis of authority and a crisis of belief. Writers sought to conserve the unity of this holy \textit{civitas} and reach harmony (\textit{concordia}). More important in our context, they sought to maintain the \textit{civitas}, any \textit{civitas}, in unity.\textsuperscript{16}

\section*{III. The "Natural Loyalty"-Based Kingdom-\textit{Civitas}}

The early fifteenth century still saw the justice-oriented discourse on the horizontal civic-participation-based ties between citizens, and on the vertical norms-based ties between the king and the citizens. Yet the early fifteenth century also saw a shift to a new emphasis on informal ties: horizontal ties between citizens; and vertical ties between the king and the citizens. In contrast to the justice and norms-oriented civic discourse of the previous age, this civic ideology emphasized communal and natural ties.

As noted, this type of civic ideology is not foreign to Aristotelian civic discourse. As shown above, Aristotle (just as Gerson) appreciated and even based the \textit{polis} on communal ties between citizens, or "civic friendship." Natural friendship-type bonds are also not absent from other classical writes, such as Cicero, and medieval writers also have


\textsuperscript{16} Thus d'Ailly wrote in 1409 that any polity seeks to preserve its unity and prevent divisions within itself. See Pierre d'Ailly, “Aliae prepositiones a utiles, ad exterminationem praesentis schismatis, per viam Concilii generalis,” in ed. Louis Ellies du Pin, \textit{Jean Gerson Opera Omnia} (Antwerp: Sumptibus Societatis, 1706), 112-113.
not abstained from dwelling on such ties.\textsuperscript{17} Yet the turn of the century saw a new emphasis in civic ideology on an ultimately personal duty of loyalty that was not based on norms or on the administration of justice, but on the natural bonds tying a community together.

A development that preceded this new emphasis in civic ideology was the rise of the rhetorical trope of the "natural lord" (naturel seigneur) and his connection to France as his natural pays. Jacques Krynen shows that the first known usage of this key term in reference to the king of France was following the Treaty of Brétigny (1360). As Krynen argues, part of the 1370s project of the monarchy was to show (following the dismemberment of France in the Treaty of Brétigny) that the French king was the natural lord of the French: "natural" both in the sense of a natural of France (i.e. not a foreigner or "étranger"), and in the sense of the best prince by nature. Thus the image of the king of France as the "natural lord" of the French is explicit both in Oresme's commentary and in the Songe du vergier. This rhetorical trope continued, as Krynen shows, in the early fifteenth century and after the Treaty of Troyes (1420).\textsuperscript{18}


The “natural lord” rhetoric is important, among other things, since it implied a necessary natural relationship between the specific French lord and his subjects instead of the previously more consensual, legal and contingent lordship. Yet in civic context, we must focus on the civic duty of "natural loyalty" which was the consequent implication of having a "natural lord." The notion of the "loyal subject" was not new, and royal ordinances, for instance, have long used it. Yet royal rhetoric began to rely on the "natural loyalty" that the "natural lord's" subjects had to show. Loyalty, in contrast to obedience, did not necessitate an active (or sane) king. Calling loyalty "natural" meant that it applied to all the French regnicoles (anyone who was not a foreigner or “étranger”). Thus in April 1403 Charles VI, in light of his bouts of insanity and the growing dissensions in court, ordered that basically all the "men of estate" of his realm, namely nobility, prelates and burghers, take an oath to remain his "good, true and loyal subjects," since he was their "natural lord." The king justified this demand through "natural reason," by which everyone must owe him such loyalty to ensure "good peace and tranquility" and to prevent "all debates and dissensions."

The elite followed this decree. The duke of Anjou, for instance, swore such an oath at the end of December 1403, toward the king as his "natural king" (regi naturali). In other words, the notion of the "natural lord" created consequent civic duties to remain loyal and to avoid civil disharmony between citizens; potentially, these duties were

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19 Cf. Krynen, "Naturel: Essai sur l'argument de la nature dans la pensée politique à la fin du Moyen Âge," 177-180, who discusses the "natural obedience" which was due toward the head of the body politic.  
20 See for instance the November 1380 ordinance abolishing the sales taxes, mentioning how the subjects have always obeyed and shown loyalty to their kings. Ordonnances des roys de France de la troisième race, vol. 6, p. 527.  
universal to all *regnicoles* and the relationship they implied was not truly the lord-subject relationship of old, but a new king-people relationship. The French people must remain loyal and avoid dissension, all to promote concord between them.\(^22\)

The political rhetoric of the age was imbued with notions of the bonds tying the French subjects to each other and to their king. Especially with the growing dissension at court, and later with the civil war, political rhetoric exhorted loyalty and personal sacrifice for the king, the commonwealth (i.e. the political community), and the people. On the other side of the coin, political rhetoric came back time and again to accusations of "treason," and of "divisions," that harm "concord" and "peace."

Duke Philip the Bold of Burgundy, for instance, in registering his public opposition to a tax in May 1402, wrote that he was ready to sacrifice his "body" for the "good and honor" of the king, for the "common profit and utility of the kingdom and his people." Similarly in his heir's manifest of August 1405, John the Fearless took upon himself to "counsel loyally," offering his "body and goods" for the king. The other side of the civil war had an almost identical rhetoric. Thus in the manifest of the League of Gien of September 2, 1410 (establishing the Armagnac faction), the nobles professed their loyalty to the king, saying that they only wanted to act for the good of the realm and its commonwealth (*la chose publique*), or in other words for the kingdom and its political community.\(^23\)

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On the other side of the coin, both sides of the civil war kept accusing each other of treason against the king and the commonwealth, as seen in the chronicles of the era such as the chronicle of Jean Juvénal des Ursins and the *Journal d’un bourgeois de Paris*. With regard to horizontal ties, political rhetoric abhorred "divisions," as going against "peace, love and concord." Thus, for instance, in an ordinance in 1405 the king exhorted Orléans and Burgundy to stop bickering and to nourish instead "peace, love and concord between them." He made all the major nobles in court take another oath to avoid "divisions."\(^\text{24}\)

“Natural loyalty” implied natural kinds of relationships, such as the relationship within a family (or an ethnic group) that creates natural duties toward each other. And indeed, writers of political theory, articulating the civic ideology inherent in this rhetoric, emphasized in the early fifteenth century natural informal ties between citizens, mostly vertical but also horizontal, through three related subject matters of political theory: 1. discourse on the body-politic as a mystical body; 2. new national sentiments; and 3. developments in the "royal religion." While these political theory discourses are relatively well-known, in our context one must emphasize their contribution to civic discourse, and the meaning of the civic ideologies inherent in them.\(^\text{25}\) All these civic ideologies emphasized communal and natural bonds of the citizens to their king and to each-other. Such natural bonds or duties imply a different type of discourse than the Aristotelian virtue-focused discourse, though writers also discussed such duties in terms

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\(^\text{25}\) Yet see Krynen, *L'empire du roi*, pp. 328-336, who rightly emphasizes the growth in this period of the notions of the "naturel pays" and the "naturel seigneur."
of civic virtues. The civic ideologies on the body-politic, on national sentiments and on
the royal religion ultimately all served the purpose of establishing the ideological bonds
of “natural loyalty,” and of communal harmony or concord.

III.A. The Body-Politic
Jacques Krynen had noted in a study of political thought between 1380 and 1440 that the political crisis of the period brought about a philosophical outlook focused on maintaining the idea of the monarchy alive in the face of the power vacuum. According to Krynen, writers pursued this philosophical project through two venues: first, through mirror-of-princes literature that developed a notion of the ideal prince who stands at the head of a "body-politic"; second, by developing the "royal religion" through theories on royal power. Krynen notes that the political theory of the age exhibited almost an obsession with the person of the "prince" who stands at the head of the "body-politic," and thus developed the old metaphor that saw the polity as a mystical body and equated it with the natural body.  

26 It is true, as Krynen notes, that the person of the prince at the head of the body-politic served to maintain the monarchy in the face of its authority crisis. Indeed the trend of mirror-of-princes literature of the fifteenth century to focus on the person of the prince was important. As elsewhere, writers in France came to regard the person of the prince as all important for keeping the internal peace of the land, and the harmony between the

members of the body-politic. Yet for the purposes of civic discourse, we must focus instead on the ideological construct of the body-politic itself (facing dismemberment).²⁷

Originating with the work of John of Salisbury in the twelfth century, the body metaphor for a polity predated the fifteenth century, and even predated the Aristotelian renaissance of the thirteenth and fourteenth centuries. The predominance of the organic understanding of the polity in early fifteenth-century France is significant in our context, because it is a different path of imagining the polity than the late fourteenth-century trend. The legalization inherent in the late fourteenth century emphasized, for instance, the abstract crown as distinct from the king, the domain and the fisc as distinct from the private patrimony of the king, and the civitas as a corporation (universitas) distinct from its rulers and citizens. Such ways of thinking were norms-based, jurists dominated in their dissemination, and they obviously continued in the early fifteenth century. Yet the predominance of the organic metaphor or way of thinking on the polity was not norms-based. Instead of continuing the corporative idea inherent in the legalistic tendencies of the late fourteenth century, writers adopting this metaphor strode down a different, non-legalistic, organic path. This path emphasized natural unity and fraternity between all the members of the body-politic, including the prince and all the citizens.²⁸

²⁷ For the duties of the prince to maintain harmony between members of the body-politic see Krynen, Idéal du prince, pp. 157-170. For the importance of the person of the prince in mirror-of-princes literature in Italy in this period see Quentin Skinner, The Foundations of Modern Political Thought, vol. 1 (Cambridge: Cambridge University Press, 1978), ch. 5.

²⁸ On the history of the body metaphor, and on the history of first the Church and then monarchies as mystical bodies, see: Ernst H. Kantorowicz, The King’s Two Bodies: A Study in Mediaeval Political Theology (Princeton, N.J.: Princeton University Press, 1957), ch. 5; Joseph Canning, A History of Medieval Political Thought 300-1450 (London and New York: Routledge, 1996), 110-114. For a study of the changes in the usage of this metaphor in fifteenth-century France, see Nicole Hochner, "A Sixteenth-Century Manifesto for Social Mobility or the Body Politic Metaphor in Mutation," History of Political Thought, XXXIII (Winter 2012), 607-626. For corporative writings on the abstract crown, the domain and the fisc in France see Leyte, Domaine et domanialité publique dans la France médiévale, pp. 57-91 and 219-256. For the earlier origins of corporative thinking, see Brian Tierney, Religion, Law and the Growth of Constitutional Thought 1150-1650 (Cambridge: Cambridge University Press, 1982), pp. 8-53.
A classic example of this new emphasis is Christine de Pizan’s Book on the Body-Politic (*Livre du corps de policie*), written just after the first armed conflicts between the dukes of Orléans and Burgundy in 1405. Pizan focuses on the metaphor of the commonwealth (*la chose publique*) as a living body. The prince is the head and the nobility – the citizens in Oresme’s commonwealth – are according to Pizan the hands and feet since they "should be in charge of the defense of the law of the prince and the commonwealth (*la chose publique*)."\(^{29}\)

Pizan’s book is steeped in earlier Aristotelian influences and norms-based discussions, citing for instance the *Politics* in her refutation of the popular regime and her adherence to monarchies and aristocracies. Yet her focus in the book is on the natural ties between the members of the body-politic. First and foremost are the vertical ties. The prince should “love and care” for his “subjects and people,” and the nobles must also defend the “people.” Similarly the people must “love” and “obey” the prince. Second are the horizontal ties. In Pizan’s political organism, each member has an allotted “office for which it must serve.” Pizan emphasizes that all the members should be “united,” each serving its function. Thus while she argues that loyalty to the prince is paramount (vertical ties), she does not forget to stress “unity of accord” (both horizontal and vertical ties). “Concord” is in her account (citing Sallust) the great conserver of the body-politic.\(^{30}\)

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30 Pisan, *Le livre du corps de policie*, pp. 92-96. Other writers have emphasized Pizan's focus on the importance of communal relationships. Cary J. Nederman, for instance, has shown that her emphasis on an interdependent, harmonious sense of communal relationships in her use of the metaphor of the body politic is different than Oresme's use of this metaphor, in that he tends to emphasize the central directory role of the head. See Cary J. Nederman, "The Living Body Politic: the Diversification of Organic Metaphors in Nicole Oresme and Christine de Pizan," in *Healing the Body Politic: The Political Thought of Christine de Pizan*, ed. Karen Green and Constant J. Mews (Turnhout: Brepols, 2005), pp. 19-33. Cf. Barry
A similar idea is inherent in the speeches and writings of the leading conciliarists in France. In 1409 Pierre d’Ailly used the body metaphor to argue against the notion that only the Pope had the authority to summon a general council of the Church. He explained that any body-politic “naturally congregates all its members and all its powers for the conservation of its unity and for repelling its divisions.” He thus emphasized even more the horizontal links within the body-politic, yet in the context of the Church. Jean Gerson, on the other hand, gave the speech *Veniat pax* in late 1408 or early 1409 in the context of the threat of civil war following the assassination of the duke of Orléans (in 1407). He too emphasizes that all estates must pursue peace. He notes there that “[peace is] the thing that would bring health and love to all who live in the realm,” mentioning all “estates.” They must have “general union.”

In the context of the French body-politic, Gerson emphasized the vertical ties between the prince and his people.32 For instance, in his speech *Rex in sempiternum vive* of September 1413 (after the Caboch rebellion in Paris),33 when talking against the evils of the civil war, he argues that loyalty to the king is natural in the body-politic, because


32 Cf. Krynen, *Idéal du prince*, pp. 313-332, who notes that Gerson was a conciliar only in the context of the papacy. In France, according to Gerson, the king was the head of a mystical body, and he represented this body by himself.

33 See the treatment of this speech in Guenée, *Un Meurtre, une société*, pp. 232-239.
disloyalty would destroy “all human polity, all conversation and all peace and alliance, and the body of the commonwealth (la chose publique) would be without nerves and without connection.” Indeed in this speech he explains that this loyalty is as natural as not even necessitating an oath; a clear reference to the oath the king demanded as a "natural lord." In 1405, after the first armed conflict between the dukes of Burgundy and Orléans, in his famous speech Vivat rex, Gerson described a more reciprocal relationship: natural loyalty of the subjects toward the king and protection of the king toward the subjects. At that point Gerson emphasized more strongly justice, used to prevent disunion in the body-politic, which he likened to dismemberment in the natural body.\textsuperscript{34}

The English invasion and the dismemberment of the kingdom escalated the rhetoric on the body-politic and the consequent communal ties of civic friendship and the natural civic duties of loyalty. A well-known tract written by Jean de Terrevermeille (or Terrerouge, c. 1370 – 1430), brings this type of civic ideology to full fruition. In contrast to Gerson or Pizan, Terrevermeille was a jurist, educated at the University of Montpellier, who served in the administration of various towns. He wrote his tract in 1419 in reaction to the realignment of Languedoc at the side of the Duke of Burgundy, and basically called there for remaining loyal to the Dauphin (the future Charles VII).\textsuperscript{35}

Terrevermeille's juristic career explains the legalistic trends in his work, best known with regard to the first book of his tract on the law of succession to the throne. Yet despite its undoubted legalistic leanings, Terrevermeille’s work in its civic ideology is a


classic and even radical example of the use of the mystical-body metaphor for the commonwealth to justify a natural civic duty of loyalty towards its head, in this case the Dauphin. The defining principle of the kingdom, and indeed a prerequisite for its very existence, according to Terrevermeille, is that this mystical body must be unified under the head, who is the king. Thus not only does everyone owe the king loyalty; any divisions between the members of the mystical body against the single will and the head are rebellions.36

Two points are especially important in the civic ideology inherent in Terrevermeille's work, and especially in the character of the natural duty of loyalty which he justifies. First, the natural civic duty of loyalty, which he ascribes to members of the body-politic, is individualistic. In contrast to the earlier examples noted above, such as Gerson and Pizan, the members of the body-politic in his account are not only each "estate." Every "regnicola" (inhabitant of the realm) of "noble or plebian status," that is "nearly everyone" must be loyal to the king. This individual duty of loyalty might seem a variant on the feudal order, yet it relates to all the inhabitants of the realm, and not only to the "men" of the king, his vassals (or vassals of vassals). Thus Terrevermeille goes on to show how each member of any mystical body must be loyal and obedient to the king and the political body. He explicitly argues that the citizen (cives) is a member the commonwealth as a mystical body, and thus the loyalty of the citizen in defending the commonwealth is part of good citizenship. He also explicitly turns loyalty into a civic virtue that stands at the basis of the polity. The citizen must die to eliminate danger to the

36 Jean de Terrevermeille, *Contra rebelles suorum regum* (Lyon: Crespin, 1526), ff. 49v.-51r. For a new edition of this work see Ralph E. Giesey, *Jean de Terrevermeille [Terre Rouge]: Three Tractates* (2010), http://www.regiesey.com/terrevermeille/terrevermeille_home.htm. Terrevermeille's third tract, from which I quote, has been seen as a harbinger of "absolutism." See: Giesey, *Jean de Terrevermeille*, introduction; the most detailed analysis of this work is Barbey, *La fonction royale*. 
commonwealth (re publica). Similarly, every “regnicola” is a member of a mystical body, i.e. the kingdom, and is as a vassal to its king, and must be loyal to him.37

The second important characteristic of this natural duty of loyalty is its ideological basis: on natural friendship-type bonds. He bases the natural part of his justification for loyalty through a comparison to the natural body. Thus in the two arguments mentioned above, i.e. on the citizen (cives) as part of the commonwealth (re publica) and the regnicola as part of the kingdom – the argumentation or justification is the comparison to the natural body. He writes of a loyalty by nature.38

Terrevermeille compares this natural loyalty to love and friendship, explaining that each citizen must become as a “friend” (amicus) to the head and the body politic. Without loyalty there would be no friendship. Citing Aristotle’s aforementioned discussion of friendship in polities in the Ethics, he clearly has in mind a political society tied together by loyalty and friendship.39

Especially in light of Terrevermeille juristic background and the legal nature of his work, the character of the loyalty he argues for is remarkable: individualistic rather than corporative; natural rather than legal; and friendship-based rather than norms-based. The vertical ties between the king as the head of the kingdom and every one of the regnicolae in his realm (or citizens in the commonwealth) are natural, individual, and based on bonds of love or friendship. In his work comes to full fruition the civic ideology of the civitas-kingdom as a large community held together by bonds of civic friendship.

37 Ibid, ff. 54r and f. 56r.
III.B. National Sentiments and the Royal Religion

Another connected type of civic discourse of the period emphasized natural loyalty toward the king based on a different type of argumentation. Instead of the justification based on the kingdom or *civitas* as a mystical body, in which loyalty to the head was necessary for its continued existence, another kind of reasoning based this natural loyalty on natural patriotism or love of the "homeland," on national sentiments ascribing natural characteristics to the "French nation," and on the French “royal religion.”

National sentiments at this point were not new in France, having their origins by 1300 at the latest. As Bernard Guenée explains, the word *natio* denoted throughout the middle-ages a group of people coming of the same origins. By the early fourteenth century political elites in the French kingdom came to believe that they shared not only a single political allegiance, but also had the same origins and formed a single ethnic group, a "nation."  

The people in France manifested these ideas both in writing and in symbols. Symbols were especially important in this context. First, as Pierre Bourdieu explains, in any period so-called “objective criteria” such as “region” and “ethnicity” (and, of course, nation) are a product of symbolic language. Second, as Colette Beaune explains, for an illiterate population symbols were frequently more important than written works. Symbols and written works stood side by side. So, for instance, the historiographical  

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40 Indeed the idea of the “nation” in France existed throughout the Middle-Ages, yet began to receive more of its contemporary meanings in the fourteenth century. Bernard Guenée argues that “in the history of the French nation, the beginning of the fourteenth century is a decisive moment, since at this moment the members of the political community in the realm grew convinced that they formed at the same time an ethnic community, a nation.” And so by around 1300, at the time of Philip le Bel at the latest, elites began to think on the people residing in the kingdom as “the French” and of the kingdom as “France.” See Bernard Guenée, "État et nation en France au Moyen Age," *Revue historique* 237 (Janv.-Mars, 1967), pp. 21 and 23.
works written in the fourteenth and fifteenth centuries on Clovis as the first King of France, and his portrayal as the “most Christian king,” found their counterpart in a cult of him as a saint. Thus this important element of the royal “religion” was important for both literate and illiterate people.\textsuperscript{43}

An important symbolic element in these “national” sentiments in France in the fourteenth and fifteenth centuries was the strong connection between the nation and the monarchy. Symbols of the monarchy formed at this period part of the image of France. The various ethnic, lingual and cultural groups in France saw themselves as part of a single nation by means of the symbols of a single monarchy: the \textit{fleur de lys}, Clovis, Saint Louis, the most Christian King. All these formed a royal “religion” of sorts. The king was a sacral figure, as seen through royal ceremonies such as royal entries into towns, the royal healing touch, the royal funeral and the coronation. The connection between the crown and religion was pervasive in many symbolic and practical forms.\textsuperscript{44}

The early fifteenth-century growth of national sentiments and development of the royal religion are important in our context, because they were another manifestation of a civic ideology basing a natural duty of loyalty of citizens to the king and to the kingdom. They too came in part as a response to the political crisis, the civil war and the English invasion, and served the purpose of tying together the French \textit{civitas} by natural and communal bonds rather than by norms.

Elites in France came to describe the civic "natural" characteristics of the invented French ethnic group, the French "nation." This nation was a naturally loyal nation; it naturally loved its king, who was, naturally, French. Writers delineated and based these

\textsuperscript{43} Ibid., 55-74
\textsuperscript{44} Ibid., 229
natural civic characteristics of the French "nation" through the several means mentioned above: historiographical origins, symbolic ties to the king, the "royal religion," and the king as a "natural lord." Christine de Pizan, for instance, in her comparative typology of regimes and justification of the French monarchy (in the 1405 above quoted book of the body-politic), wrote that "the people of France" (le peuple de France) were blessed, because since the foundation of the kingdom by the Trojans, their own princes rather than foreign princes governed them from heir to heir. Granted, Pizan's "peuple" are basically the common people. Yet it is clear that Pizan's French nation had two natural characteristics: first, that it was natural only for French princes to govern it; and second, that it was natural for it to love (amour) and obey (obeissance) its prince. While she thus justifies a certain crown law of succession and implicitly fights competing English claims, more important in terms of civic duties and ideology is her claim of natural ties of loyalty and love between the French nation and its monarchs.\textsuperscript{45}

The full fruition of this type of civic discourse, focused on natural personal loyalty of all French subjects based on national characteristics and ties to the monarch, came in 1419 onwards, especially after the murder of John the Fearless, duke of Burgundy (September 1419), and the Anglo-Burgundian Treaty of Troyes (1420), which disinherited the Dauphin (the future Charles VII). A flurry of political pamphlets promoted the position that all the French people must remain loyal to the natural heir to the insane Charles VI, the French Dauphin. Terrevermeille's above quoted work (1419) was perhaps the most legalistic of these works. Terrevermeille, as already noted,

\textsuperscript{45} Pisan, \textit{Le livre du corps de policie}, p. 93. Cf. the similar treatment of these passages at Krynen, \textit{L'empire du roi}, p. 334.
analyzed in his influential first tract the right of inheritance to the French crown, and in the third tract argued for a natural personal duty of loyalty of every *regnicola*.

Other works of the period had a similar double foci, yet with a more nation-based argument (which is also not absent from Terrevermeille’s work). Thus in the anonymous *Réponse d'un bon et loyal François au peuple de France de tous estats*, the author (writing after the Burgundian English realignment of policy of December 1419 yet before the actual treaty of Troyes of May 1420) focuses on two points: first on the legal right of inheritance of the crown; Second, on the loyalty due to the crown. The author describes there a personal duty of loyalty of all men and women of the kingdom of France toward the crown and the "honor of the *fleur de lys,*" which is the requisite for "peace and concord." The change from norms-based arguments to nature-based or nation-based arguments thus brought with it not only a change from a focus on estates to a focus on individuals, but also a universality or focus on all individuals in France, including women.  

Other pamphlets promoted nature-based patriotic arguments, writing of a duty of loyalty to the homeland, *patria* or *pays.* Thus after the Treaty of Troyes (May 1420) Robert Blondel called all "good Gauls" (*bonos Gallicos*) to help the "lord Dauphin

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46 *Réponse d'un bon et loyal François au peuple de France de tous estats,* in Nicole Pons ed., "*L'honneur de la couronne de France*" (Paris: C. Klincksieck, 1990), p. 125 ("considerez quelle charge de conscience puet avoir esté et sera a tous ceuluix et celles du royaume de France qui on esté et seront contrains de faire telz seremens, contre la premiere et principale loyaulté qu'ilz doivent a la couronne de France et a l'onneur des fleurs de lis, et en quelle paix et concorde ont esté, sont et seront par ce desloyal et tres seicieux traictié tous les subgiez de la couronne de France."). On this pamphlet see see Nicole Pons, "De la renommée du royaume à l'honneur de la France," *Médiévales* 24 (printemps 1993), 101-116.  

47 The focus on the *patria* and the *pays* attest to the very local or regional nature of this patriotic sentiment. See Bernard Guenée, *Un roi et son historien: vingt études sur le règne de Charles VI et la Chronique du religieux de Saint-Denis* (Paris: Diffusion de Boccard, 1999), 403-404. On the pamphlets of this period in general see Nicole Pons, "La propagande de guerre française avant l'apparition de Jeanne d'Arc," *Journal des savants* (no. 2, 1982), 191-214. For a mid-fifteenth century map that connects French identity with the territory of France see Camille Serchuk, "Ceste figure contient tout le royaulme de France: Cartography and National Identity at the End of the Hundred Years War," *Journal of Medieval History* 33, no. 3 (September 2007), 320-338.
defend the French homeland" (*Francie patriam*). Blondel thus ascribes to French subjects a single historic origin (Gauls). More importantly, he implicitly supposes that patriotism or defending the *patria* is a civic virtue of the Dauphin’s subjects.48

A good example of the patriotic argument for natural loyalty is the work of Alain Chartier. Chartier wrote in 1422 of a France beset by trouble and on the brink of death. Chartier writes of many reasons for this crisis throughout the *Quadrilogue invectif*, but the two most prominent ones are lack of unity – especially between and within the members of the French body-politic (grouped roughly in estates, the people, the clergy and the nobility) - and disloyalty to France. Most significantly for the natural-patriotism argument, Chartier constantly connects the natural loyalty that each person (and even beasts) must have for their place of birth (*pays*) and the loyalty that each subject must have for the "seigneurie" under which they live, in this case the kingdom of France and its king.49

Chartier’s argument here is significant. He does not rely on the legal analysis that all inhabitants of France are the king's subjects and owe him loyalty or obedience (seen in the work of Terrevermeille for instance). He also does not rely here on the national argument (seen for instance in Pizan’s work) ascribing to the French people specific characteristics of loyalty. Rather Chartier supports a natural universal ideology, according to which all the inhabitants of France are naturally inclined to give loyalty, as the inhabitants of any other place.

Despite some differences, the natural patriotism and the national sentiments-based loyalty arguments manifested in the works of Robert Blondel, Alain Chartier and others in the 1420s, share three important characteristics with each other and with the body-politic arguments. First, they are personal. Estates are not absent, yet loyalty does not rely on estates; each and every person individually owes loyalty to the king. Second, they are natural. Each and every person is naturally inclined to this loyalty. Third, they are based on bonds of love, friendship, fraternity and so forth, not on norms or justice. That is not to say that justice and legal arguments are absent. Yet the focus compared to late fourteenth-century discourse is on informal communal bonds, rather than legal bonds.

Were the national sentiments and patriotism of the 1420s simply French royal propaganda? P.S. Lewis argues that for any instance of a national sentiment that opposes the rule of an English king over French subjects, one can see a counter unconcerned sentiment which sees the struggle as a dynastic one. Lewis' analysis, however, disregards the more symbolic elements of the royal religion and the national sentiment. Could the royal entries, as shown in the work of Bernard Guenée and Françoise Lehoux, with their increasingly elaborate royal religion symbols (including symbols of royal power connected with religious ceremonies such as a sermon and royal-religious procession), enacted with great town participation, have been only crown propaganda?

As Philippe Contamine shows, it was in the period of the 1420s that the ideal of dying for France became important, as seen in the works analyzed above, such as

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Terrevermeille's work or Chartier's *quadrilogue invectif*, a prime example of the manifestation of this patriotic ideal. Local initiatives for commemorations of deaths (and victories) also show that this sentiment was not only royal propaganda. Similarly, Krynen argues that royal patriotic propaganda did not invent anything; just crystallized popular ideas. In any case, by mid-fifteenth century even Lewis would accept the widespread nature of the French national sentiment. The widespread nature of the French national sentiment strengthened the ideas on the natural personal love-based loyalty of the inhabitants of France, or of the French nation, towards the king of France. Yet the purpose of these bonds was ultimately communal: to maintain peace and concord within the political community.\(^{51}\)

**IV. Complementary Ideologies: Norms and Community**

The ideologies that promoted the civic virtues of “natural loyalty” and communal or civic friendship (concord) were in a way a reaction to the political crisis of the early fifteenth century, as already noted. One can see that as the crisis deepened, especially following the Treaty of Troyes (May 1420), the adherents of the Dauphin (and later of Charles VII) focused less on the horizontal ties between the citizens. They even put less emphasis on the reciprocity between the king and the rest of the citizens. Most important were the ties of loyalty (or love and friendship) that bonded the French nation or body-politic to its

king, even if their ultimate purpose remained communal peace and concord between citizens.  

Yet while civic discourse undoubtedly reacted to political circumstances, the emphasis on communal ties of civic friendship between citizens was also a complementary ideology and a reaction to the emphasis on norms-based civic ideologies in the late fourteenth century. The formalization and legalization of civic discourse, as well as of political culture in general, did not abate in the early fifteenth century. Yet there was less emphasis on norms and justice-based civic discourse compared to the late fourteenth century. Instead, civic discourse emphasized the communal ties between citizens, trying to reach *concordia* (harmony) and preserve the unity of the French commonwealth.

The new early fifteenth-century attempt to tie the commonwealth together was in essence the same project of the norms and justice-based civic discourse of the late fourteenth century, which was trumped by the civil war. Perhaps the late fourteenth-century over-emphasis on norms and justice as the ties of the dispersed French commonwealth underlined what a far cry this commonwealth was from the classic Aristotelian *polis* in terms of communal ties. Thus the emphasis on communal ties in new forms - mystical (the body-politic), cultural (the nation), and quasi-religious faith in the leadership (the royal religion) – was a complementary reaction to the late fourteenth-century emphasis on norms.

The political context corroborates the notion that the emphasis on communal ties was a reaction to the earlier emphasis on norms. Bernard Guenée notes that one way to

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view the civil war of the early fifteenth century is as a battle between adherents of customary liberties and equity (the Burgundians) and of partisans of a stronger "state" based on norms of justice (the Armagnacs). As Guenée notes, both sides promoted in essence “the political construction of the royal majesty”; the Armagnacs wanted to base it on justice, while the Burgundians on customs and equity (though perhaps it would have been more accurate to note that they simply emphasized more than the Armagnacs customs and equity).  

Indeed as other scholars have already noted, these two groups represented in a sense long-ranging interests. The Burgundians inherited the reform agenda of the 1350s, while the duke of Orléans and the Armagnacs inherited the interests of the Marmousets, a group of advisors to Charles V in the 1370s, and later to Charles VI (in 1388-1392), who promoted at the end of the fourteenth century a more legally based and public monarchy. Thus the emphasis on equity (which allowed breaking the letter of the law in order to achieve its end) and customs that Guenée notes is part of the same reaction against the attempt to base the monarchy on norms (or justice) rather than on the more informal communal links.

One might be tempted to view this new emphasis on ties of loyalty and on unity of opinion (concordia) in civic discourse in terms of an authoritarian reaction to the more republican late fourteenth-century civic discourse. Indeed the norms and justice-based discourse sometimes separated the commonwealth (la chose publique) from the king.

better than the body-politic metaphor or the royal religion of the king-centered French nation. Yet as seen in the works cited above, these metaphors did not exclude the republican discourse on the commonwealth as distinct from the kingdom; they complemented it. Thus both Chartier and Terrevermeille, for instance, spoke not only of natural loyalty to the king and the kingdom, but on natural loyalty to the commonwealth (*la chose publique; re publica*).\(^{55}\)

Another connected temptation is to view the new emphasis on natural communal ties instead of norms as a harbinger of a less limited monarchy, the so-called "absolute monarchy." Indeed the aforementioned formalization and legalization of civic discourse, for instance in its corporative ideas and in the development of the abstract crown, tended at times to develop norms that limited the king’s power. Moreover, the new ideas on civic duties of natural loyalty to the king, which escalated as the political crisis deepened, emphasized the need for obedience to the king and thus tended to augment his power *vis-à-vis* the commonwealth (that needed to obey him).\(^{56}\)

Yet this second temptation is no less ephemeral. First, the norms-based discourse, as discussed in chapter one, also had trends that emphasized the duty of obedience due to the king, based on legal norms and on the citizen-as-subject. Second, since the discourse on communal ties complemented rather than replaced the norms and justice-based discourse, it held within it potential republican and limited-monarchy ideas. In a way, it even allowed a form of radical republicanism, i.e. tyrannicide, through its individual civic activism.

\(^{55}\) Chartier, *Le quadrilogue invectif*, p. 59; Terrevermeill, Contra rebelles suorum regum, f. 56r.

The individual civic duty of loyalty to the king was in truth directed towards the king who rules in justice for the common good. Thus this civic duty had a complementary individual civic duty of opposition to a tyrant who rules without justice. Jean Petit, in his March 1408 defense of John the Fearless, duke of Burgundy (who had the duke of Orléans assassinated a few months earlier), promoted a duty of loyalty and defense based on the ties that Burgundy had with the king, since he was, among other things, his relative, his subject and a noble. Indeed his justification of Burgundy is another manifestation of the emphasis on informal links between citizens rather than norms of justice, for instance in noting that the closeness of the ties to the king determines the strength of the duties of loyalty: from the family of the king, to dukes, counts, barons, and simple knights, to simple subjects.\footnote{For the speech of Jean Petit, see La Chronique d'Enguerran de Monstrelet, ed. L. Douet-d'Arcqu, vol. 1 (Paris: Renouard, 1858), p. 177-242, and for the specific example see p. 215.}

Furthermore, as Bernard Guenée notes, Petit based part of his justification on equity. Burgundy could murder the duke of Orléans despite the letter of the law, because he acted for the spirit of the law, namely “to guard the honor of the king, his person and the commonwealth.” It is significant also that Petit used as example (to illustrate how equity works) the citizens fighting to defend their \textit{cité}. Despite the law against foreigners (\textit{estrangers}) mounting the walls in defense of the \textit{cité}, explains Petit, they will not be sanctioned if they do so in its defense when an enemy attacks it. Thus even in his choice of example, Petit has in mind a communal-linked \textit{cité}.\footnote{La Chronique d'Enguerran de Monstrelet, pp. 212-213; Guenée, \textit{Un Meurtre, une société}, p. 194.}

Petit promoted an individual civic duty to act in defense of the commonwealth and the king. Petit analyzed the crime of \textit{lèse-majesté} as including an attack against the
commonwealth (*la chose publique*). He also, most notably, argued that Burgundy acted against Orléans since he was a tyrant who committed such crimes against the commonwealth. This argument defended the actions of the Duke of Burgundy against a prince who was a tyrant since he usurped power. This argument did not explicitly promote individual activism of this sort in the future against actual tyrant rulers, yet the implications brought about the adverse reactions of contemporaries. They also brought about Jean Gerson's denunciation in his aforementioned speech of 1413, in which among other things he spoke against private or civic initiative without the king's consent and usurpation of authority.

Yet the specter of violent individual civic activism against tyrants remained. Terrevermeille, for instance, turns Jean Petit's argument in defense of John the Fearless, against him. He argued that the duke of Burgundy was a tyrant, since he ruled in a commonwealth (*re publica*) without laws, without authority or support of the people, and against his king. Thus, argues Terrevermeille, "each and every *regnicole*" (inhabitant of the kingdom) may kill him. Written in 1419, this argument was in essence the basis for John the Fearless’ murder in a meeting with the Dauphin on the Montereau bridge (September 1419). While scholars read Terrevermeille's position as a precursor of an "absolute monarchy" because of his "obsession" with obedience, a less hind-sight reading

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59 *La Chronique d'Enguerran de Monstrelet*, 188 and 241. For more on Petit's analysis of an attack against the commonwealth as a separate category of *lèse-majesté*, see below in chapter five.  
60 For Gerson's speech see Gerson, "*Rex in sempiternum vive,*" p. 1007. For other adverse reactions, see for instance Bernard Guenée ed., *Chronique du religieux de Saint-Denis* Vol. 3 (Paris: Éditions du comité des travaux historiques et scientifiques, 1994), p. 764. For more on the speech of Jean Petit and the reactions to it see Guenée, *Un Meurtre, une société*, pp. 188-199 and Alfred Coville, *Jean Petit: La question du tyrannicide au commencement du XV\textsuperscript{e} siècle* (Genève: Slatkine Reprints, 1974), pp. 207-224 and 435-437. While Krynen is correct in explaining that Petit's justification focused only on "tyranny of usurpation" and not the "tyranny of ruling," I think that he is wrong to conclude that the question of tyrannicide was inconceivable in light of the royal religion. (See Krynen, *L'empire du roi*, p. 361) The orthodox adverse reaction of Gerson, for instance, shows that contemporaries understood well the implications of Petit's justification of Burgundy.
of his work suggests the radical republican possibilities inherent in his support of tyrannicide.  

Petit’s and Terrevermeille’s position is radical especially in comparison to the orthodox position, represented for instance in the work of Gerson who focused on estates and opposed such individual initiative without the king’s authority. Gerson followed the orthodox position of Aquinas in these matters. Aquinas too opposed “private presumptions” or initiatives against even the worst of tyrants, and argued instead for intervention only of the “public authority” (auctoritate publica). Only the community, or the “multitude,” who’s “right” (ius) it was to “provide itself” with a king, had the right to depose him when he turned into a tyrant. Compared to this orthodox position, the new early fifteenth-century discourse had potential radical republican trends, and not only authoritarian trends.

V. Conclusion: The Assemblies of 1468 and 1484

The Treaty of Arras with Burgundy (1435), French victories in the war with England, and the rebuilding in the 1440s of the permanent military (companigies d’ordonnance) and tax system (the taille), ended the political crisis. The end of the political crisis allows seeing the complete synthesis of both types of discourses - norms or justice-based and communal ties-based – in the second half of the fifteenth century. One of Louis XI's (r. 1461-1483) main political projects was to consolidate his political control, especially over the semi-independent princes and holders of apanages. He was able to do so through

61 Terrevermeill, Contra rebelles suorum regum, f. 47. For readings of Terrevermeille's work as a precursor of the "absolute monarchy" see: Cosandey and Descimon, L'absolutisme en France, p. 68; Krynen, L'empire du roi, p. 362; Barbe, La fonction royale, 379.
62 Aquinas, De regno, I.7. For more on tyrannicide between Aquinas and Jean Petit see Coville, Jean Petit: La question du tyrannicide au commencement du XV^e siècle, pp. 199-209.
luck (such as dying out of bloodlines) and ruthless politics, partly through which he gained his image as the tyrant-king. Thus in his reign survival of the monarchy was less at issue, its justice and norms more so, allowing the further development and synthesis of civic discourses. The complementary nature of the two discourses came to the fore. Both those who promoted the authority of the king and those who tried to limit or oppose it manifested at least implicit acceptance of these two types of ideologies or value systems.\(^6^3\)

The assembly of the Estates General of Tours in 1468, for instance, provides several examples of the full synthesis of both discourses. Jean Juvénal des Ursins in a speech before the assembly, described the “kingdom or the commonwealth” as a body; it is ill, since the princes (who are members of the body) oppose the king (who is the head). Yet in the same breath he also argues that the king may not give Normandy to his brother Charles without consent of the Estates, partly since the king must ensure unity of the body. This argument is an amalgamation of the unity focused discourse, including the metaphor of the body, with the norms-based discourse, with the commonwealth and the crown limiting the actions of the king.\(^6^4\) Similarly, at the same assembly of 1468, the Chancellor spoke in the name of Louis XI “of the great noble and laudable deeds of the king of France and predecessors, the gifts of grace, the victories they had, and the loyalty


\(^6^4\) Granted, at this point Louis XI probably wanted this limitation, which justified refusing his brother’s demands. For the speech see Jean Juvénal des Ursins, *Écrits politiques*, vol. 2 (Paris: La société de l’histoire de France, 1985), p. 438.
that the three estates of the realm had given them,” basically exhorting the estates to continue in their loyalty.65

The estates in their reply could not help but agree with this historic description of the grace of God towards the most Christian king and nation, and the loyalty of the French towards the crown. They rhetorically wanted to continue to serve the king and remain loyal to him and to the entire commonwealth (toute la chose publique), the political community of the realm. Indeed they explicitly said that they spoke not only on behalf of those present, but on behalf of all the inhabitants, residents and those living (habitans, incoles et demeurans) in the realm. And yet with the same breath they also called for a more limited monarchy, with the advice of a council of their choice, due to the bad state of justice and administration of the realm, which brings much harm to the “commonwealth of the realm.” They wanted the king to give powers to these elected people of all estates, and to listen to their advice in all matters useful and profitable to justice. This demand is but an echo of previous such demands for reform, for instance in the Estates General of 1355-6. Yet the synthesis of discourses is important. They emphasized an individual duty of loyalty universal to all inhabitants of France based on cultural-historical characteristics, yet also talked of the commonwealth administered for justice.66

The next assembly of the Estates General of Tours in 1484 provides more examples of this sort of amalgamation. First is the speech of Guillaume de Rochefort, the Chancellor. Following a very similar rhetoric to that of the Chancellor’s speech of 1468, he exhorts through historical recitation the faithfulness of the French to their kings, as

opposed to the English people. He also follows the motif of the kingdom as a body-politic, with the members under authority of the head, the king. Yet he also quoted a passage known at the time from Cicero’s *de re publica* (both through Augustine and through Scipio’s Dream), that a commonwealth is a group of people united by a common perception of justice and the common good, describing the French kingdom as such a commonwealth.  

At the same assembly other speeches also revealed such a synthesis of discourses. One need not go to Phillipe Pot’s famous republican speech. Even the more orthodox speech which Jean de Rely gave in reply to the Chancellor’s speech suffices. He also spoke of the great love of the “French people” toward their king, describing the king as their “natural lord.” He bases this natural lordship on the national characteristics of the “French people” (who love their king), yet also on the naturalness of subjection based on Aristotle’s Metaphysics, on “civil and customary law” and on the history of the French people. Yet almost at the same breath he talks of those serving the commonwealth (*la chose publique*) taking too many pensions, and of the bad state of peace and justice in the commonwealth. Similarly, in a second speech, Jean de Rely talked of the love of everyone to their king, of the need for unity, peace and concord, but also of how the governors of the commonwealth took too many goods from their subjects.  

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68 Jean Corrozet, *Ordre des estats tenus a Tours, soubs le roy Charles VIII durant sa minorité* (Paris: Jean d’Allier, 1614), ff. 27-31v and 74-76. As noted already, Neithard Bulst shows that in the Estates General of 1484 (as in 1468) a significant ratio of the delegates of the third estate was royal officers (67%). Their concern with good governance is unsurprising. See Neithard Bulst, ”Vers les états modernes : le Tiers état
Seemingly, as seen in the assemblies of 1468 and 1484, by the second half of the fifteenth century elites in France largely succeeded in the project of philosophically creating an ideology of a kingdom-wide *civitas* on the model of Lyon. They were all tied together by various bonds. Philosophically speaking, the elite were the classical Aristotelian citizens, tied together by common deliberation on justice (at least in theory), seen in the assemblies of 1468 and 1484. The citizens in this commonwealth administered justice in the kingdom over the kingdom’s subjects, the citizens-as-subjects. Yet the citizens and the rest of the population, the *regnicoles*, were also tied by communal bonds as a single body-politic and as a nation under their “natural seigneur,” the king of France. Ideologically at least, all *regnicoles* (who were all the inhabitants of France) had a civic duty of loyalty toward the king and toward the commonwealth. In other words, the entire “people of France,” or the French nation, were tied together by communal bonds as a civic community: the French commonwealth.

Yet this generalization is problematic even in theory, not to mention in practice (such as the lapse of Estates General). Thus, for instance, after the December 1481 death of Charles d’Anjou, the count of Provence, the council of Arles had to decide its political course. Following an assembly of the Estates of Provence, they decided to send deputies to Louis XI as the other towns of Provence, Marseille and Aix. They certainly did not call him their “natural king” or lord, just the “great king.” Typically they offered their fidelity only on the condition that he first swear to maintain and observe all the conventions, liberties, privileges, statutes, donations and customs of the town.69

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69 *Les archives communales d’Arles*, BB5, ff. 313v-314v.
Arles, just as Lyon, was a typical *civitas*. Its council was composed of the leading “citizens” of Arles, including grandees, nobles and burghers. When deciding to turn their fidelity to Louis XI of France there was no mention of “natural loyalty,” but rather a loyalty conditional on his first swearing of oaths. Was France for them a large *civitas*? Were they bonded with the other inhabitants of France by civic bonds? In Arles as elsewhere in France (still mostly rural) the civic project of the early fifteenth century was just beginning.

Moving from theory to practice, the next chapter will reexamine the early fifteenth century, this time focusing on civic practices as well as civic conceptions. It will examine the civil war from c. 1405 until c. 1420, asking what that war reveals in terms of contemporary civic conceptions and civic practices. How does this great political crisis change citizenship?

In chronological terms the coming chapter continues the analysis begun in chapter two. While chapter two examined the end of the fourteenth century, the coming chapter examines mostly the early fifteenth century. The civil war opens a window for a wider examination of all four senses of citizenship, even more than chapter two. First, the levels of politicization reveal changes, or at least pressure for changes, in political participation. Political participation and the conception of the war as a "civil war" contribute to our understanding of contemporary conceptions of France as a commonwealth (the political sense of citizenship). Second, the civil war itself prompted a political language focused on the duties of citizens, often through exhortations to abide by such duties (the legal sense of citizenship). Third, the foreign troops participating in the civil war brought into sharper relief the differences between citizens and foreigners (citizenship as identity).
Fourth, the civil war promoted a discourse on the virtues of the good citizen (citizenship as a cultural activity). In all four senses, the political crisis brought change in the conceptions and practices of citizenship surveyed in chapter two.
Chapter Five: Citizenship and the Armagnac-Bourguignon Civil War

I. Introduction

Medieval France did not lack internal armed conflicts. The term “civil war” though seems mostly inadequate for conflicts fought between distinct entities within the kingdom. Contemporaries, at least, did not often call them so. In the early thirteenth-century Albigensian Crusade, for instance, the invaders from northern France often saw the campaigns and massacres in southern France in religious terms, while the inhabitants of the south (such as the town of Toulouse) saw them, rightly to a large extent, as a politically motivated invasion of foreigners from the north. Neither side called those bloody campaigns a "civil war."¹

Two centuries later, on September 13, 1413, Jean Gerson, the chancellor of the University of Paris gave a speech before the French royal court. In the speech, which he gave after the end of the Cabochien Revolt in Paris, Gerson condemned Jean Petit's March 1408 justification of John the Fearless, duke of Burgundy. Petit had explained that John the Fearless was justified in having the duke of Orléans assassinated, since he was a tyrant. In denouncing Petit's justification, Gerson saw it and other such "false assertions," as standing at the bottom of this "cursed civil war" (maudite guerre civile) fought since that murder between the so-called Armagnacs and the so-called Burgundians.²

What did Gerson mean in calling the Armagnac-Bourguignon conflict a "civil war"? Gerson was explicitly comparing this conflict to the classical "civil battle" (battaille civil), in the final days of republican Rome, between Julius Caesar and Pompey. Gerson noted in his speech that Cicero basically sat on the fence during that civil war, seeing in a bad light both sides, since both (citing Seneca) had destroyed the republic (la chose publique). Gerson thought that Cicero's position as he noted it to a fellow "citizen" (citoyen) was the right one, and remained correct in his own times: "I am a true Frenchman; I am for the king and for none other."³

Gerson was not alone in treating the Armagnac-Bourguignon conflict as a civil war. Michel Pintoin in his contemporary Chronique du religieux de Saint-Denys also commonly referred to the conflict as a "civil war." For instance in describing how each regnicole (inhabitant of the kingdom) took arms and the people divided into two opposing armies in September 1405, he explained that a war against enemies (hostili bello) [i.e., against England] had turned into a civil (civilem) one.⁴

What is the significance of treating the Armagnac-Bourguignon conflict as a civil war? The term "civil war," in its fifteenth-century definition, and especially in its classical definition in late-republican Rome to which Gerson referred, meant a war between citizens of the Roman civitas (cité as Gerson called it) or republic (the commonwealth or la chose publique as Gerson called it).⁵ Contemporary referral to the

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³ Gerson, “Rex in sempiternum vive,” 1018 (je suis vrai françois, je suis au Roy, et non à d'autre).
⁵ For this definition see David Armitage, "Civil War and Revolution," Agora 44, no. 2 (2009), 20. For Gerson’s usage of terms see Gerson, “Rex in sempiternum vive,” 1018 and 1023-4. For fifteenth-century usage of the term "guerre civile" as a "war between citizens," both in general and in particular reference to late republican Roman times, see the examples in the entry "civil" in Dictionnaire du Moyen Français (ATILF CNRS - Nancy University, version 2010). Internet site: http://www.atilf.fr/dmf.
early fifteenth-century conflict as a "civil war" signified a perception of at least two important conceptions in terms of citizenship: First, contemporaries such as Gerson and Pintoin saw the combatants as citizens; second, they saw them as citizens in a civitas (cité), a commonwealth or a republic (la chose publique) of the whole kingdom. The combatants fought over the ways in which the caretakers of the commonwealth (caretakers such as Cicero in Roman times, as Gerson pointed out) should administer it.

Gerson's conclusion, though, is not self-evident. He concluded that in such a conflict, a citizen such as Cicero or Gerson, in order to protect the commonwealth or the republic, must not take any side, but instead must reserve his loyalty to the king. In other words, Gerson in his speech equated good citizenship with actions of citizens for the well-being of the commonwealth and with loyalty to the king. As Gerson said elsewhere, both in his aforementioned 1413 speech as well as in his earlier 1405 Vivat rex sermon, disloyalty of the citizens or subjects (the members of the body-politic) to the king (its head) would destroy “the body of the commonwealth” (le corps de la chose publique).  

The Armagnac-Bourguignon conflict, or civil war, sheds light on contemporary conceptions and practices of citizenship. (I focus in this chapter on the period up to the Treaty of Troyes, i.e. until c. 1420.) Perhaps the civil war itself contributed to the development of these conceptions and practices. War pitting citizens and regnicoles (inhabitants of the realm) against their fellows drew notice to the fact that there was a distinction between citizens, regnicoles and those who were neither, such as the foreign mercenaries who participated in the war (on the difference between subjects or regnicoles and the elite citizenry see chapter two). Since they fought a war over the ways in which

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the king and his council must administer the commonwealth, they often had to refer to the realm’s commonwealth, affirming its existence. Since regnicoles fought in the civil war, a war over the rule of the commonwealth, wider circles of men and women actively participated in politics, instead of just the more exclusive group of citizens (mostly nobles and town elites). Finally, just as Gerson did, contemporaries drew conclusions from the civil war on matters of good citizenship and bad citizenship, equating good citizenship with loyalty to the king and the commonwealth and equating bad citizenship with treason against the commonwealth and the king.

II. A Feud and a Civil War
Contemporaries saw the origins of the Armagnac-Bourguignon conflict in John the Fearless’ arranged murder of duke Louis of Orléans on November 23, 1407. Even a Bourguignon supporter, such as the anonymous writer of the Journal d’un bourgeois de Paris wrote of “this cursed war” (cette maudite guerre) as beginning with Orléans’ murder in 1407. Another Burgundian who wrote later (c. 1454), Georges Chastellain, placed the origins of the conflict during the struggle between the dukes early in the reign of Charles VI (1380-1422), yet also saw the actual war as originating with the murders of Orléans and later of John the Fearless (1419) in a meeting with the Dauphin.7 In any case, in whatever side they stood, contemporaries saw the 1407 murder as the true beginning of the war. They saw the conflict as a feud between two branches of the royal family.8

8 Monstrelet, for instance, held the view that the war began with the murder of Orléans. See La Chronique d’Enguerran de Monstrelet, ed. L. Douet-d’Arcqu (Paris: Renouard, 1858), 154. The Parlement too, when registering the peace treaty of Arras in its session of March 16, 1415, saw the treaty as ending the discord that began with the murder of Orléans. See MS. BnF. Fr. 16413, f. 70v. The king’s ordinance of November
Indeed the wife and sons of Louis of Orléans formally and repeatedly sought redress and stated that it was their reason for going to war.  

Alongside the widespread view of the war as a feud, another common perception of it was Gerson’s “civil war” conception. Gerson’s destroyers of the Roman republic – both Caesar and Pompey – were in France the caretakers of the French commonwealth: the aristocracy. Thus in relating how the civil war escalated in 1410 following the formation of the League of Gien, Pintoin criticized all the “most illustrious lords” (prestantissimi domini) who had bungled their duty to guard “the utility of the republic” (utilitatis rei publice conservatores), echoing Gerson’s speech. This common view of the good "noble" (or, in other words, the good citizen) as caretaker or guardian of the interests of the commonwealth is also reflected in Christine de Pizan’s Le livre du corps de policie, written just after the first outbreak of hostilities between the dukes of Orléans and Burgundy in 1405. She had written that the virtues of the nobles and knights are to

14, 1411, in which he approved of the actions of inhabitants of Paris against the Armagnacs, also sees the war as a feud beginning with the murder of Orléans. See Ordonnances des rois de France de la troisième race, vol. 9 (Paris: Imprimerie Royale, 1723-1849), 654. On the importance of the institution of feud in the High Middle-Ages see Timothy Reuter, "Debate: The "Feudal Revolution"," Past and Present 155 (May, 1997), 177-195. On the "family feud" understanding of the civil war, see also Carla Bozzolo, "Familles éclatées, amis dispersés: échos des guerres civiles dans les écrits de Christine de Pizan et de ses contemporains," in Contexts and Continuities (Glasgow: University of Glasgow Press, 2002), 115-128.


10 For more contemporary references to this conflict as a "civil war," as "civil divisions," or as "civil battles," for instance by Alain Chartier and by Nicolas de Baye, see the entry "civil" in Dictionnaire du Moyen Français. See also Nicolas Offenstadt, "Armagnacs et Bourguignons: L’affreuse discorde," L’Histoire 311 ( juillet-août 2006), 24-27. While Offenstadt recognizes the wide-spread usage of the term "civil war" at the time, he sees the war as a rivalry of princes and as part of the war with England, but does not reach the same conclusions that I reach with regard to contemporary political language.
“guard the public”; to serve as curators of the commonwealth (la chose publique); to take care of the public good (avoir cure du bien publique).\footnote{Chronique des religieux de Saint-Denis, Vol. 2, tome 4, 362; Christine de Pisan, Le livre du corps de police (Paris: Honoré Champion, 1998), 1 and 57.}

In all these descriptions contemporaries saw France as the commonwealth or republic, of whom the citizens, i.e. the "nobles" or the aristocrats, must take care. In other words, despite the origins of the actual war with a feud, contemporaries also understood the conflict as a civil war, i.e. a war between citizens in a republic, fought over the administration of that republic. To a certain extent this view has merit. The causes of the conflict, notwithstanding the feud, are actually found early in the reign of Charles VI.

With Charles VI experiencing bouts of insanity since 1392, a political vacuum reigned at the top. The relatively orderly administration of the Marmousets (1388-1392), i.e. the old councilors of Charles V (1364-1380), was replaced in the 1390s by the royal uncles, and especially duke Philip the Bold of Burgundy. Gradually a struggle for control over the royal council ensued between Philip the Bold, uncle of the king, and Louis of Orléans, the younger brother of the king. Orléans was allied with the royal administration or the Marmousets. With the death of Philip the Bold in 1404, Orléans managed to gain almost complete control. Yet in 1405, John the Fearless (the new duke of Burgundy) retaliated through military action. Orléans regained control in 1405, strengthening his power in 1407, to which John the Fearless retaliated with his murder.\footnote{John Bell Henneman, Olivier De Clisson and Political Society in France Under Charles V and Charles VI (Philadelphia: University of Pennsylvania Press, 1996), 172-188; R. C. Famiglietti, Royal Intrigue: Crisis at the Court of Charles VI, 1392-1420 (New York: AMS Press, 1986).}

The civil war thus began with a bloody feud of Orléans against Burgundy, but its origins lay earlier still. The Armagnac faction was truly established only with the formation of the League of Gien (April 1410), a league against John the Fearless of some
of the highest nobility including the dukes of Berry, Orléans, Bourbon, and the counts of Alençon and Armagnac. Following the formation of the league, full-scale war ensued. The murder of John the Fearless (1419) deepened the feud. Neither the invasion of Henry V of England in 1415 (who became a side to this civil war), nor several peace treaties, helped to stop the war more than temporarily. A true end came only with the Treaty of Arras (1435) between duke Philip the Good of Burgundy and Charles VII (r. 1422-1461), after which the latter named the murderers of John the Fearless guilty of lèse-majesté.13

The merit of the “civil war” understanding of the war, alongside its feud-based origins, is strengthened by the material issues at hand. The Armagnac and Bourguignon groups represented in a sense long-range interests. The Burgundians inherited the reform agenda of the 1350s, associated also with the urban elites of Paris and with university scholars.14 The duke of Orléans and the Armagnacs inherited the interests of the Marmousets, who promoted at the end of the fourteenth century a more legally based and public monarchy.15 Bernard Guenée notes that in a certain sense the war was a struggle between a group attempting to create a stronger monarchy based on legal norms (the Armagnacs) and a group attempting to defend “customary liberties” (the Burgundians).

And yet regional interests and networks also played an important role. The conflict in this

13 For Charles VII's declaration see MS. BnF. Fr. 15596, f. 71. For general background on the period, see Guenée, Un Meurtre, une société, 152-231.
14 See for instance Jean de Nielés' speech in the name of John the Fearless, just after the first outbreak of hostilities in the summer of 1405, demanding reform of the administration of the realm in the main issues later pursued in the Cabochien revolt. (Chronique religieux de Saint-Denis, Vol. 2, tome 3, 296-304). Philip the Bold and John the Fearless repeatedly spoke against excessive and illegal taxation, and thus received a lot of public support. (see, for instance, Burgundy's opposition to a tax in 1402 registered in Journal de Nicolas Baye, greffier du Parlement de Paris 1400-1417, ed. Alexandre Tuete, Vol. 2 (Paris: Renouard, 1885-1888), 34-36; see also John the Fearless opposition to a tax in 1405, in La Chronique d'Enguerran de Monstrelet, p. 97).
15 For instance, in the public letter that the Armagnacs sent to the king following the formation of the league of Gien in 1410, they noted not only their obedience to him, but also found it important to affirm the Roman law principle that the king is “emperor in his realm.” See Juvénal des Ursins, Histoire de Charles VI," p. 453.
sense represented a power struggle between geographically based political coalitions, which began much earlier in the fourteenth century.\(^\text{16}\)

Even if political realities were such that personal and geographical coalitions determined policies, the contemporary civil war conception of the conflict is ultimately more important for our purposes. Even if personal power struggles and geographical political networks dictated events, contemporary understanding saw it all in terms of a struggle between the citizens and caretakers of a single commonwealth: a classical civil war. In other words, political language dictated that contemporaries present the war in terms of a civil war fought between citizens over the good administration of the commonwealth.

Not only contemporary commentators such as Gerson described the war in civic terms. The partisans presented their own actions in similar terms. Thus the Armagnac faction in their manifest following the formation of the League of Gien noted that they assembled their armies and acted for the honor and good of the realm and its commonwealth (la chose publique). The Burgundians used similar language.\(^\text{17}\) For instance, in Charles VI’s letter, prior to the signing of the treaty of Troyes (May 1420), he declared his son the Dauphin (and the future Charles VII) guilty of "great treason" and

\(^{16}\) See: Guenée, Un Meurtre, une société, 198-199; Henneman, Olivier De Clisson and Political Society, 172-188 ; Raymond Cazelles, Société politique, noblesse et couronne sous Jean le Bon et Charles V (Genève - Paris: Librairie Droz, 1982); Raymond Cazelles, La société politique et la crise de la royauté sous Philippe de Valois (Paris: Librairie d'Argences, 1958); Alfred Coville, Les Cabochiens et l'ordonnance de 1413 (Genève: Slatkine-Megariotis Reprints, 1974), 137-152. There are many scholarly discussions on the question of the merit of calling the warring factions "parties" in the modern sense, especially in light of the public support each tried to gain. See for instance Offenstadt, "Armagnacs et Bourguignons: L'affreuse discorde," 24-27.

\(^{17}\) The Cabochien revolt also manifested similar language. See for instance the May 24, 1413 ordinance of the king, in which he “approves” of the actions of the Parisian rebels, made for the good of “the commonwealth of his kingdom” (la chose publique de nostredit royaume). Ordonnances des rois de France de la troisième race, vol. 10, 68-70.
lèse-majesté due to the murder of John the Fearless. Yet he did not stop there, but also called the Dauphin “a destroyer and enemy of the commonwealth” (la chose publique).\(^{18}\)

The references to this conflict as a “civil war” fought for (and against) the good or honor of the commonwealth are a markedly civic political language, as opposed for instance to the religious language inherent in the descriptions of the early thirteenth-century “Albigensian Crusade,” or to feudal descriptions inherent in other wars.\(^{19}\) Indeed the earlier scholastic definition of the term "war," such as Thomas Aquinas' definition, limited it to war against foreign enemies, and did not call internal conflicts "wars" (civil or otherwise), but simply "seditions."\(^{20}\) The new civic political language that defined this conflict as a "civil war" not only dictated the ways in which contemporaries presented events, but also how they perceived them in normative terms, such as the portrayal of the civil war as “cursed,” and the main actors as “destroyers" or "enemies" of the commonwealth.\(^{21}\)

\(^{18}\) For the manifest of the League of Gien see Jean Juvénal des Ursins, "Histoire de Charles VI," in Michaud and Poujoulat eds., *Nouvelle collection des mémoires pour servir a l'histoire de France*, vol. 2 (Paris: Edouard Proux, 1836) pp. 453-454; and see also the records of the Parlement, in MS. BnF. Fr. 16143, f. 13. For such language used by both Philip the Bold and John the Fearless, see: *Journal de Nicolas Baye*, p. 36 and MS. BnF. Fr. 15596, f. 7. For Charles VI’s letter of May 1420, see MS. BnF. Fr. 15596, f. 46v and *Ordonnances des rois de France de la troisième race*, vol. 12, 276. (“il s’est rendu parricide, criminoux de lèse-majesté, destruiseur & ennemy de la chose publique, & s’est fait transgresseur de la loy de moyse, de la foy de l’Euvangile…& constitué ennemy de Dieu & de justice…”)

\(^{19}\) In the early thirteenth century, for instance, King Philip-Augustus based his war against King John of England on a 1202 feudal legal process for refusal to give homage. See for instance MS. BnF. Fr. 16536, f. 4.


III. Crimes, Virtues, Duties and Rights of Citizenship
The term “enemy of the commonwealth” has in today’s ears ominous associations (“enemy of the people”). One need not recall Stalin's Soviet Union or the Reign of Terror in revolutionary France. Political trials during the second half of the fifteenth century also saw references to “crimes against the commonwealth,” and indeed even to the phrase “enemy of the commonwealth.” Yet usage of the term “enemy of the commonwealth” and describing enemies as perpetrating crimes against the commonwealth were especially frequent during the Armagnac-Bourguignon conflict.

In the second half of the fourteenth century, as the royal court promoted the notion of the abstract crown, treason or lèse-majesté came to mean, among other things, an attack against that crown. Thus I have already mentioned in chapter two how the Parlement described as lèse-majesté the 1392 attack against an officer of the crown, the constable Clisson, since it was an attack against the “commonwealth” (la chose publique). On such grounds partisans in the civil war described their enemies as traitors and enemies of the commonwealth.

The Burgundians accused Orléans and the Armagnacs of treason in such civic ways. Petit in his justification of John the Fearless analyzed the crime of lèse-majesté as including an attack against “the good of the commonwealth” (contre le bien de la chose publique). Thus he described the murdered duke of Orléans not only as guilty of treason, but also as an “enemy of the commonwealth” (enemy de la chose publique). He based

22 In 1475 the duke of Burgundy declared Louis duke of Luxemburg an “enemy of the commonwealth” (la chose publique). See MS. BnF. Dupuy 646, f. 78. Louis XI described some of his victims of political trials as perpetrating crimes against the commonwealth. See his description of Jacques d’Armagnac, the duke of Nemours in 1477 (in Ibid, f. 86) and of those allied with his brother Charles in 1464 (MS. BnF. Fr. 15596, f. 73v).
24 MS BnF. Fr. 16536, f. 92.
this accusation not only on Orléans’ “alliances with enemies of the realm.” Petit relied also on the ways in which Orléans had imposed “intolerable taxes (tailles) and forced loans (emprunts) on the people.”\textsuperscript{25} The Orléans or Armagnac faction used similar language. A few months after Petit’s justification, the uncles of the king and other princes of the royal blood described John the Fearless in similar words (for his murder of Orléans), as an “enemy of the realm’s public” (\textit{publicum regni}).\textsuperscript{26}

In other words, just as Gerson did, contemporaries equated good citizenship with acts for the good of the commonwealth and equated bad citizenship with treason and with acts against the commonwealth. The civil war induced incessant accusations of treason. The republican aspect of treason, conforming most to the "civil war" conception of the conflict, was indeed treason as crimes against the commonwealth, of which Charles VI accused his son following the murder of John the Fearless, as noted above. Yet contemporaries often conceived of treason in its older meanings as well, i.e. as machinations of violence against the king and the royal family, again as Charles VI accused his son, the Dauphin.

Frequency is the notable character of the more traditional accusations of treason. Each side found it necessary to repeatedly present the other side as traitor against the king in order to gain public support in the war. The Burgundians often presented the Armagnacs' purpose in the war as attempting to "make a new king in France." Thus in two separate ordinances in October and November 1411, the king called on his loyal subjects to help him fight the main figures of the league of Gien (naming the duke of

\textsuperscript{25} \textit{La Chronique d’Enguerran de Monstrelet}, 188 and 241. Cf. to the way the council of Châlons described in September 1418 the enemies of Burgundy as enemies of the \textit{chose publique}, below in chapter six.

\textsuperscript{26} \textit{Chronique du religieux de Saint-Denis}, Vol. 2, tome 4, 136. I have translated \textit{publicum regni} as "public," though it may also be translated as "commonwealth" (which fits classical usage), and not as "state” as Bernard Guenée had done.
Berry, Charles de France, Jean de Bourbon, Jean d'Alençon, and Bernard d'Armagnac) and approved of the violence of Parisians against Armagnacs, since they wanted to "make a new king in France." Public opinion in Paris bought this accusation. The anonymous bourgeois de Paris (probably a pro-Burgundy member of the clergy) notes how in November 1411 Parisian leadership also declared the same Armagnacs as traitors, and he describes them repeatedly as traitors against the king throughout 1412.27

Similarly the Armagnacs often accused Burgundy of treason and of machinations against the king. They repeatedly described his arranged murder of Orléans as treason, especially after the formation of the League of Gien (1410). His lack of participation in the battle of Agincourt (1415) against the English Henry V worsened his case, and public opinion suspected him of treason and of wanting the government of the realm for himself. His letters to the towns of France arguing against the taxes of the summer of 1417 met similar accusations. The Treaty of Troyes (1420) with Henry V brought such accusations of treason to a climax. Thus Robert Blondel accused him of treason and of evil machinations against the Dauphin in the Complanctus bonorum gallicorum, written just after the treaty of Troyes (1420); similar accusations ran rampant in other pamphlets siding with the Dauphin (later Charles VII) in this period.28

The fact that public opinion repeatedly gave credence to accusations of treason is significant. Indeed public opinion suspected foul play and treason in even possibly innocuous events, such as the death of the Dauphin Jean in April 1417 (the second

28 Robert Blondel, Œuvres, edited by A. Héron, volume 1 (Genève: Slatkine Reprints, 1974), 1-42; see also Jean de Terrevermeille, Contra rebelles suorum regum (Lyon: Crespin, 1526), f. 47. For descriptions of Burgundy as traitor prior to Agincourt, see: Juvenal des Ursins, "Histoire de Charles VI," 456-464; Journal d’un bourgeois de Paris, 73. For Agincourt see Chronique du religieux de Saint-Denis, Vol. 3, tome 5, 584. For such accusations in 1417, see Journal d’un bourgeois de Paris, p. 99.
Dauphin to die in under 18 months; the former died of dysentery in December 1415), suspecting poisoning in that case.\(^{29}\) In other words, the civil war promoted an atmosphere that made suspicions of treason more believable.\(^{30}\)

The fact that the partisans of the war frequently addressed public opinion and accused the other side of treason, attests also to contemporary perception of the role of leading citizens or their civic virtues. Just as Gerson thought, nobles as well as those they addressed in their letters thought that citizens must first and foremost be loyal to the king. Both *regnicoles* (or subjects) and the more elite groups of citizens had a duty of loyalty toward the king. Yet the loyalty of the citizens of the commonwealth, most prominently the aristocracy, was both more active and more personal than the loyalty of all the rest.

The personal nature of the civic virtue or duty of loyalty is seen through contemporary emphasis on the personal relationships between the king and the leading citizens of the French commonwealth. Charles VI himself, both in light of his bouts of insanity and in light of the growing dissension at court and then the civil war, demanded public personal manifestations of loyalty. Thus he demanded in April 1403 an oath of loyalty of all the citizens. He stipulated that the leading citizens, i.e. his uncles and others "of our blood and linage" and the royal council, must give before him an oath to be "good, true and loyal subjects" obeying him "against everyone" as their "right, sovereign and natural lord." He stipulated that the rest of the citizens, i.e. the prelates, counts, barons, knights, squires, burghers of the good towns and other "men of estate of our realm" must give this oath between the hands of the crown's officers, the chancellor and


\(^{30}\) On this atmosphere of treason see Ardis Butterfield, "Converting Jeanne d'Arc: trahison and nation in the Hundred Years' War," *New Medieval Literatures* 8 (2006), 89-94.
constable. The elite followed this decree. In other words, the citizens gave personal oaths to the king, more personal if they were more prominent, and the subjects were exempt from these particular oaths.

Jean Petit in his aforementioned justification of John the Fearless promoted a similar personal conception of loyalty. According to Petit the closeness of the ties to the king determines the strength of the duties of loyalty: from the family of the king, to dukes, counts, barons, and simple knights, to simple subjects. In other words, loyalty was personal in the sense that it was connected to the strength of the personal tie to the king; the stronger the tie, the stronger the loyalty.

The personal nature of civic loyalty was connected to its active nature. The closer the citizen was to the king, the more active his loyalty had to be, until finally subjects who were not full political citizens had mostly an impersonal and passive duty of loyalty. The aforementioned conception of aristocrats as caretakers of the commonwealth is connected to this active characteristic of civic loyalty. Aristocrats, as citizens, had a duty to actively care for the commonwealth and to actively manifest their loyalty to the king. Thus, for instance, John the Fearless and his brothers in their Burgundian manifest of August 1405, promised not only to attempt reform of various administrative abuses (such as the administration of the domain or excessive taxation), but also to come before the

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king, "to counsel loyally" and to "promptly execute" that which is decided by the royal council, offering their bodies, their goods and their friends.\textsuperscript{33}

It is noteworthy that leading citizens in towns in this period also took such obligations to "counsel loyally" when they entered city councils. The counselors in Reims took oaths (for instance in 1426) to "well and loyally counsel the town (\textit{loyalement conseiller la ville})," to "speak their opinions freely for the good of the commonwealth (\textit{au bien de la choze publique})," to hold secret the deliberations and to attend them. The councilors of Lyon (for instance in 1417) took similar "accustomed oaths" to "well and loyally counsel on matters of the commune (\textit{le fait du commun})," to hold secret the deliberations of the council and to attend these deliberations.\textsuperscript{34} In other words, leading citizens – of the realm's commonwealth or of the towns' commonwealths – had a duty to loyally counsel and to attend their offices.

The elite perceived that it was its duty, or at least believed it a civic virtue, to actively participate in the rule of the kingdom and its commonwealth. Loyalty for this group included action for the good of the king and the commonwealth. The aristocrats, as already shown, were the caretakers of the commonwealth. In other words, they saw themselves as its citizens. As Gerson noted in his treatise on the subject, nobility was connected to "political rule" in the Aristotelian sense, i.e. the rule over free and equal

\textsuperscript{33} MS. BnF. Fr. 15596, ff. 6-7.

citizens, and thus nobles were those free and equal citizens who originally elected the kings.\textsuperscript{35}

Even in private treaties between them, aristocrats had to pay at least lip service to the good of the king and the commonwealth. For instance, in the December 1405 anti-Burgundian alliance between queen Isabeau and the dukes of Orléans and Berry they swore not only to remain allied, but also to take decisions for the good of the "king, of his realm, and of its commonwealth (\textit{de la chose publique d'icellui})." Not only major nobles followed this practice. About twenty-five nobles of the Armagnac faction found it necessary to write the king in October 1411, during the Armagnac siege of Saint-Denis to answer accusations that they had gathered with the intention of "occupying" his lordship. They declared in their letter that they gathered to pursue justice for the murder of the duke of Orléans, and due to similar cries for justice of the king's subjects. They targeted in their letter some of his bad and disloyal counselors, declaring themselves the king's true and obedient subjects.\textsuperscript{36}

The king himself called upon the nobility to actively defend the realm. For instance, in a declaration published in November 1418, Charles VI called on all "vassals and subjects" to remain loyal to the king as their "sovereign lord." Yet in the same declaration he called particularly on the "nobility" to take arms in his service for "the concern and need of the good, estate and honor of the most noble and most Christian house of France."\textsuperscript{37}

\textsuperscript{35} See Jean Gerson, \textit{De la noblesse}, in M.S. BnF Lat. 6710, ff. 34v-35. Cf. to Jean Raynaud's treatise on the nobility, in which nobles are distinguished by those who hold offices. See M.S. BnF. Lat. 6710, f. 3.


\textsuperscript{37} MS. BnF. Fr. 15596, f. 30.
The rest of the subjects who were not part of the civic elite also had a duty of loyalty, though not as active as that of the aristocracy. If plotting treason, the authorities prosecuted them, as they had ultimately the Parisians involved in the Cabochien revolt of 1413, or the Parisian draper Robert de Beloy, for a Burgundian plot in Easter 1416. Yet at times, the king prescribed stricter loyalty, especially for subjects who came under the control of his enemies, such as his subjects in Rouen. Subjects had to remain loyal and obedient to the king in whatever circumstances.

While having duties to remain loyal and to pay taxes, subjects also had rights, among them an expectation of peace and protection of the law. Yet the civil war drew attention to the many instances in which they could not realize these rights. It was an exceedingly cruel and violent war that caused widespread devastation in France. Thus the Parlement saw in May 1410 a legal proceeding against the duke of Lorraine for, among other things, illegally incarcerating subjects of the king in the county of Champagne. Similarly, squires complained to the king in April 1420 against the pillage of his “subjects.” For similar abuses Arnaud de Corbie noted in the opening speech of the Parlement in November 1408, that his court was the only refuge of justice in the kingdom with troops pillaging the king's subjects. The many complaints show that

38 MS. BnF. Fr. 16536, f. 104; Douët-d'Arcq, *Choix de pièces inédites relatives au règne de Charles VI*, vol. 1, pp. 367-9, 384.
39 See for instance Charles VII's pardon of burghers, residents and inhabitants ("bourgeois, manans et habitans") from Rouen in 1425, for taking the side of his enemies, as they were conquered by English troops, in MS BnF. Fr. 16536, ff. 106-9. Charles V already used treason trials against subjects who remained in enemy conquered territory. See Cuttler, *The Law of Treason and Treason Trials in Later Medieval France*, 163-180.
40 For a *taille* imposed on all the "subjects of this realm" in 1405, see *Journal de Nicolas Baye*, 131.
contemporaries believed it the right of subjects to enjoy peace and the law's protection, even if this age saw the exact opposite.\textsuperscript{43}

\section*{IV. Popular Pressures on the Limits of Citizenship}

As shown in chapter two a relatively clear distinction existed between the citizens (nobles and urban elites) and the rest of the legal inhabitants of the kingdom (\textit{regnicoles} or subjects). The virtues, duties and rights of each group surveyed above conform mostly to elitist conceptions and practices. Yet the civil war also served as a backdrop, perhaps even a catalyst, for popular pressures for change, especially in the towns. \textit{Regnicoles} pushed the limits of citizenship in two main senses: first, they exhibited greater civic activities and political participation, or in other words they put pressure to join the elitist group of citizens; and second, they questioned the royal way of defining membership in the wider group of \textit{regnicoles}, drawing a different outer limit to the French commonwealth than the elite did.

Decision-making still involved mostly the elite citizenry. As attested by the aforementioned list of those "men of estate" who in 1403 had to give an oath to the king, the citizens were still mostly the nobility and the urban elites. They played official roles in politics and in decision-making in the French commonwealth.

The king's blood relatives and the royal council had ultimate authority in the day to day running of affairs. Since the king faced frequent bouts of insanity, and with the royal council divided between Burgundy and Orléans, the king made official recognition of the

\footnote{On the writings of Nicolas de Clamanges in this period with regard to the devastation of the civil war, its reasons and the way to restore peace and justice, see Christopher M. Bellitto, "A Christian Humanist's Mirror to Princes: Nicolas de Clamanges and the Restoration of Justice during the French Civil War," \textit{Revue d'histoire ecclésiastique} 102, no. 1 (2007), 100-123.}
rule of the kingdom in his absence. Alongside his 1403 oath-ordinance, he also published an ordinance (on April 26, 1403) giving power to his wife the queen to attend to the affairs of the kingdom in his absence. He ordered her to have the "aid" and "counsel" of his "blood and linage" and his royal council.  

The king repeatedly recognized the official role of his blood relatives as well as the royal council. In December 1407, for example, on the heels of the murder of Orléans, the king gave in Parlement a declaration on the rule of the kingdom after his death, until his son reaches majority (restating a similar ordinance, not given in Parlement, of April 1403). He declared that a council would rule in the name of his son (who would be crowned immediately, echoing what happened in his own crowning in 1380), where decisions by majority would be the rule. This council would have been composed of the queen, the closest family in blood, the constable, the chancellor, and the rest of the royal council.  

The royal administration and especially its legal personnel were also part of the citizens regularly participating in decision-making. During the Council of Constance in late 1417 and early 1418, for instance, the Dauphin (the future Charles VII) presided over several debates held in the Parlement with the participation of the royal council and most of the Parlement's councilors on French church policy, its rights and liberties, especially in connection with the matters discussed in Constance. Yet while this debate had strict legal meanings and jurists' participation seems natural, even in clearly political matters the Parlement felt obliged to intervene. On November 16, 1415, in the difficult days

44 Ordonnances des rois de France de la troisième race, vol. 8, 578. On the important role of the blood relatives of the king in the day to day running of the kingdom, see Bernard Guenée, Un roi et son historien: vingt études sur le règne de Charles VI et la Chronique du religieux de Saint-Denis (Paris: Diffusion de Boccard, 1999), 309-311.  
45 Ordonnances des rois de France de la troisième race, vol. 9, 267.
following the Battle of Agincourt (October 25, 1415), the *Conseil du Parlement* met to
discuss the great damage and near destruction of the realm, as it put it. Unsolicited, the
councilors decided to send a delegation to the king to give him advice on how to govern
the realm. Two weeks later, on December 2, in a meeting with the chancellor and many
others from the royal council, they proposed that the first president of the Parlement give
his advice on reform of the realm. (Less than three weeks later they would also witness
the funeral of the Dauphin Louis.) In other words, the councilors of the Parlement saw
themselves as caretakers of the commonwealth, as seen also in the aforementioned 1408
speech of Arnaud de Corbie, having a duty to actively defend it just as much as the
nobility, even if not in arms.46

Finally, the citizens included also a wider group of the elite of the commonwealth,
namely its "three estates." The most obvious example is the assembly of the Estates
General of 1413, in which the agenda for reform won the day.47 Yet even before that
major assembly, another major assembly occurred on September 5, 1408. On that
occasion, preparing to hear the case of the Orléans family against Burgundy (made less
than a week later, on September 11), Jean Juvénal, the *avocat du roi*, re-declared in the
name of the king who would rule in his stead through his bouts of insanity. In that
declaration he named not only the queen, but also the Dauphin (Louis, d. 1415).
Significantly in our context, he made the declaration in the presence of a representative
group from the three estates, essentially an assembly of notables (or the citizens of the
French commonwealth). This assembly included the most important non-partisan dukes

46 For debates on the Council of Constance see the notes of the *Conseil du Parlement* from this period in
MS. BnF. Fr. 16413, ff. 120-135. For the debates of November and December 1415, see ibid, ff. 76-77v.
47 On that assembly see Alfred Coville, *Les Cabochiens et l'ordonnance de 1413* (Genève: Slatkine-
at this point (the dukes of Berry, Brittany and Bourbon) and other important nobles, crown officers (the chancellor and constable) and jurists (the presidents of the Parlement), the major clergy (archbishops and bishops), and about a hundred burghers from the urban elite of Paris and its environs.48

All these groups of people were traditionally the citizens of the commonwealth (see chapter two). Yet the civil war saw a burst of political activity of *regnicoles*; in other words the war saw more popular participation in politics and a challenge on the monopoly of the elite group of citizens.49 The most obvious example is the Cabochien revolt, which began in late April 1413. The Parisian street, led by the wealthy but non-noble butchers, wanted extreme reform of the administration. As Alfred Coville explains, the Parisian street was perhaps not as committed to reform as it was committed to political activism. At first they were allied with the Burgundians. But even though they put John the Fearless as their leader, he ultimately could not hold with them as they...
became more and more extreme. As Burgundy and the rebels had to leave Paris, the
Armagnacs gained power.\textsuperscript{50}

The bloody events of 1413 are just an extreme example. In fact the civil war saw
almost constant political activism of the urban population (not only in Paris), just as in
the tax uprisings of the early 1380s. John the Fearless, as part of his defense of customary
liberties, strongly opposed "excessive" royal taxation. He thus gained popularity among
the urban population that was also opposed to royal taxation. The chronicles of the era
repeatedly report on his popularity with this urban population that openly manifested its
support. They not only manifested non-violent signs of their support of Burgundy, such
as wearing his insignia, but also broke into violence against supposed Armagnacs. The
bloody reign of the butchers of Paris in 1413 was simply the most extremely violent
example of this phenomenon of popular participation in politics.

In Carcassonne, for instance, riots broke in 1414 against a tax ordered in Languedoc.
In the king's reply to a pardon request, he notes that when the people of Carcassonne
heard about the tax, they assembled in the hôtel de la ville where they customarily
assembled to discuss matters touching "the commune of this town" (le fait commun de
ladicte ville). They were in accord that they would not pay the taxes. Apparently John the
Fearless incited them further through a letter he sent them. They called officers of the
king "treacherous Armagnacs" (Traistre Armignac) and intoned "long live Burgundy."
The consuls of the town put down the rebellion.\textsuperscript{51}

\textsuperscript{50} Coville, \textit{Les Cabochiens et l'ordonnance de 1413}, 87-135, and 327-334. For a more recent explanation of
the revolt through sociological theories both in terms of its social motivations and its political motivations,
see Lia B. Ross, "Anger and the City: Who was in Charge of the Paris Cabochien Revolt of 1413?" in
\textit{Urban Space in the Middle Ages and the Early Modern Age}, Albrecht Classen ed. (Berlin: de Gruyter,
2009), 433-462.

\textsuperscript{51} Douët-d'Arcq, \textit{Choix de pièces inédites relatives au règne de Charles VI}, vol. 1, 378-380.
In other instances urban violence targeted private persons and administrators and jurists in the context of suspecting them as Armagnacs. 1418 in particular saw such violence in the towns of Champagne, in Soissons, and in Paris. The massacres in Paris of May and June 1418 were particularly significant. The Burgundians entered Paris in late May, instigating the seizure and then massacre of central figures in the administration such as the constable and Armagnac leader Bernard d'Armagnac and such as Arnaud de Corbie. Rioters also murdered many private persons suspected of being Armagnacs, though at times as an obvious excuse for class killings.\textsuperscript{52}

The elite recognized the power of the streets of the towns. It both feared the streets and tried to harness them for its own use. The king and the royal council are not an exception. Alternating between fear and necessity, they either tried to fight popular participation or use it against the other side (depending on whose side the king and royal council were at a given moment). In February 1408, the king outlawed "assembly of people" as lèse-majesté, induced by fear of the population of Paris that supported John the Fearless.\textsuperscript{53} Yet in November 1411, with Burgundy in ascendance, the king formally sanctioned the public support of the urban population of Paris for John the Fearless and their persecution of Armagnacs. They had, since the summer of 1411, openly worn Burgundian insignia, such as the cross of Saint André.\textsuperscript{54}

Again switching sides, this time against John the Fearless, the king's demand of a public oath of loyalty of August 1417 is important. This demand of an oath is significantly different than the first oath demanded in 1403. While the first demand

\begin{footnotesize}
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\item \textsuperscript{52} See, for instance, \textit{Journal d'un bourgeois de Paris}, 111-128. See also chapter six.
\item \textsuperscript{53} \textit{Ordonnances des rois de France de la troisième race}, vol. 9, 293. On the royal uncles fear of the population of Paris in this period with John the Fearless away from town, see \textit{Chronique du religieux de Saint-Denis}, Vol. 2, tome 4, 136.
\item \textsuperscript{54} \textit{Ordonnances des rois de France de la troisième race}, vol. 9, 654. \textit{Journal d'un bourgeois de Paris}, 39.
\end{itemize}
\end{footnotesize}
focused only on the elite, "the men of estate," this second demand mentioned the more general term of "subjects." The king demanded that they obey him as their sovereign lord and remain loyal. He also demanded that they employ their entire power to the defense and conservation of his realm against the king of England and the duke of Burgundy (the former advancing in Normandy, the latter taking hold of much of the east), against all their allies and accomplices and against all his enemies. This demand, as opposed to other such demands mentioned above (such as the 1403 demand of an oath, or the 1418 call on the nobility) targeted the wider active public, not only the smaller elite. Thus the oath not only sanctioned public political participation, but also public violence against the enemies of the commonwealth, in this case the Burgundians.55

Not only the king and his royal council, but the partisans of the civil war manifested recognition of the power of the street, in their case through frequent addresses of public opinion. In turn, as noted, public opinion supported either one side or the other. John the Fearless, for instance, after the April 1417 death of the Dauphin Jean, embarked upon a large-scale campaign. He sent letters to various towns in France to ally with him. He tried to convince them that he would defend their "ancient liberties" (*antiquas libertates*), especially making them “immune of all the taxes." the Armagnacs saw this campaign in a bad light, and declared in the Parlement in July that the letters were "offensive against the royal majesty." They were especially incensed since these letters tended to "move the people against the will of the king, to the destruction of the public good and the ruin of his estate." In other words, moving the "people" was important for both sides.56

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55 MS. BnF. Fr. 15596, ff. 22-23.
56 See for instance the letter to Rouen written in April in: MS. BnF. Fr. 15596, f. 21; *Chronique du religieux de Saint-Denys*, Vol. 3, tome 5, 74-80. On the propaganda campaign in general see Guénaë, *Un
A second challenge to the royal commonwealth conception of citizenship was to the borderline between *regnicole* and foreigner. I have already noted in chapter two how royal law came to separate *regnicoles* or subjects from foreigners (étrangers or aubains). The meaning of the term "foreigner" meant someone who came from out of the kingdom, as opposed to the *regnicole*, i.e. the natural born subject, who enjoyed royal privileges connected to this status. Royal law continued to convey legal significance to the difference between *regnicole* or subject and foreigner (étranger). As shown above, royal law continued to protect its subjects. Royal ordinances also recognized that foreigners were important for the kingdom's commerce, and declared the civil war evil for the damage it did to both subjects and foreigners.57

Yet older conceptions of the term "foreigner" (étranger) challenged royal legal doctrine. The civil war contributed to this challenge because of the many foreign mercenaries involved. *Regnicoles* understandably saw the foreign troops in a very bad light because of the damage they wrought. Yet who were the foreigners? As the war progressed, *regnicoles* and at times royal ordinances recognized that troops from within the kingdom, who had left their pays to fight in the war, were foreigners and viewed them in a bad light. Peace treaties and royal ordinances following peace treaties repeatedly ordered troops who have left their "pays and domicile" to return home. In a declaration of

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57 See the royal order of November 6, 1405, following the first armed conflict between Orléans and Burgundy, calling on troops to return to their pays, and to cease doing so much damage to both "subjects" and "foreigners" (étrangers), in *Ordonnances des rois de France*, vol. 9, 96. For another recognition of the difference of "subjects" and "foreigners," see the pardon of the Burgundians in the Peace Treaty of Arras of September 1414, in which Charles VI pardoned all the "subjects as well as the foreigners" except some five hundred commoners who were neither vassals nor subjects of the duke of Burgundy, in MS. BnF. Fr. 15596, f. 16. Cf. to Louis XI's general pardon of March 1464, in which he recognized the importance of foreigners for the kingdom's commerce, in ibid, f. 73v. On the definition of "foreigner" in this period, see Philippe Contamine, "Qu'est-ce qu'un 'étranger' pour un Francais de la fin du Moyen Age? Contribution a l'histoire de l'identite francaise," in *Peuples du Moyen Âge*, Calude Carozzi and Huguette Taviani-Carozzi eds. (Aix-en-Provence: Publications de l'Université de Provence, 1996), 27-43.
November 1418, the king declared that those who would refuse his order to return to their home-pays would be punished as "enemies of the king and of the realm."  

*Regnicoles* were adamantly against these "foreigners" who were from within the kingdom. In actual fact, the royal attempt to define "foreigners" as those coming from out of the kingdom was the relatively newer conception. As noted in chapter two this development occurred in the fourteenth century. In contrast, village communities, for instance, traditionally saw anyone from outside the village as a foreigner. Similarly, Parisians during the civil war saw any of the troops from outside their region, especially troops who did not speak their French dialect, as foreigners: English troops as well as troops from the south of France, Normandy, Brittany, Aquitaine, Picardy, etc.

The chronicles of the era not only described how the *regnicoles* resented these "foreign" troops, but themselves treated these troops even from within France as "foreign." The xenophobic attitude related both to troops of Burgundy and to troops of the Armagnacs. Pintoin describes in his chronicle how the *regnicoles* suspected in 1405 the foreign troops in the service of the duke of Orléans – "Bretons and Foreigners" - of treason. Similarly in 1410 he describes how both sides raised troops from "foreign nations." At first he mentions only "German" (Burgundy) and "English" (Armagnac) troops, but then he goes on to describe how "foreign troops" from both sides ravage the

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58 M.S. BnF. Fr. 15596, ff. 29v-30. Cf. the 1405 royal order, mentioned above, in *Ordonnances des rois de France*, vol. 9, 96.
59 At this point it seems that the later distinction between "forains" as foreigners from within the kingdom and “estrangers” as foreigners from without the kingdom was not yet clear cut. These terms were at times interchangeable, as seen for instance in a June 1421 “estranger” tax in Lyon, in which the town taxed “forains:” (Les Archives municipales de Lyon, BB1, f. 128v.) See also “forain” and “estranger” in *Dictionnaire du Moyen Français* (ATILF CNRS - Nancy University, version 2010). Internet site: [http://www.atilf.fr/dfm](http://www.atilf.fr/dfm).
countryside around Paris, lumping together "foreign troops" both from within France and from without: Aquitaine, Brittany, Normandy, Picardy, Lorraine, Savoy, Burgundy, England and Flanders.\(^\text{62}\) Jean Juvénal des Ursins and the bourgeoise de Paris have similar descriptions of the xenophobic attitudes of "regnicoles" towards "foreign" troops from within France in the service of both sides.\(^\text{63}\)

As noted, royal policy attempted to promote a conception of "regnicoles of France." The xenophobic attitudes of these regnicoles against troops who were supposed to be their fellows were not a conscience challenge against this policy. These attitudes show instead that royal policy failed to achieve a monopoly over the determination of citizenship and identity. Regnicoles or subjects of the crown of France still identified with smaller units, relating to "nation" (in its medieval rather than its modern sense), region or pays, and cultural and linguistic groups. Perhaps the de-facto division of France during the war and Burgundian appeal to traditional local liberties worked against the earlier achievements of royal policy in this regard.\(^\text{65}\) One may further assume that the insistence of the Flemish towns on their liberties influenced these Burgundian ideas and in turn Burgundian appeals to others' traditional local liberties.\(^\text{66}\)


\(^{63}\) Juvénal des Ursins, "Histoire de Charles VI," 455, 469 and 471; *Journal d’un bourgeois de Paris*, 35 and 91.


\(^{65}\) For Burgundian and later English appeal to local traditional liberties see chapter six. On regional identity and the composition of France out of many pays, especially in the writings of Michel Pintoin, see Bernard Guenée, *Un roi et son historien: vingt études sur le règne de Charles VI et la Chronique du religieux de Saint-Denis* (Paris: Diffusion de Boccard, 1999), 395-406.

\(^{66}\) On Flemish towns see above chapter two and below chapter six.
V. Conclusion
In late 1439 Charles VII held peace negotiations with England. He sought the advice of the Estates General assembled at Orléans in October and November on these negotiations. In this context, Jean Juvénal des Ursins wrote a letter (to that assembly or to a planned ultimately aborted later assembly in early 1440) on whether to accept peace at that point. In his letter, after discussing France's sufferings due to the war, Juvénal des Ursins writes how for 34 years (i.e. since 1405), there are many "division[s] civiles" in the realm, bringing many "men of many foreign nations" into the realm. In an earlier letter, to the Estates assembled at Blois in 1433, Juvénal des Ursins criticized the nobility for these "divisions." He blamed them for serving gold instead of their king as they should. Yet these divisions were not only among nobles and princes, but also among clergy and the people. These divisions were destroying the kingdom, and Juvénal des Ursins hoped that through the assembly of the Estates "the good union and concord of the realm would be restored."68

Juvenal des Ursins displays in these two letters enduring conceptions of the Armagnac-Bourguignon conflict. First, just as Jean Gerson, he described it as a "civil division," i.e. as a war between citizens. Second, he stretched in the letters the elitist description of citizenship, describing a civil division not only among top nobles (the obvious citizens) but also among the "people." Third, he saw a clear division between Frenchmen and foreigners who entered the kingdom due to the civil war. He displayed the same xenophobic attitude toward foreigners of the age of the civil war. Fourth, he concluded that loyalty to the king and concord were the duties of all the king's subjects,

even if mostly of his nobility. In other words, Juvénal des Ursins saw that war in civic terms and drew from it the same ethical conclusions as Gerson, equating good citizenship with loyalty to the king, to the realm and to its commonwealth.

From the civil war onwards, civil strife gained an understandable bad reputation. Elites believed it a civic duty to remain loyal and to avoid division. Thomas Basin, for example, writing in the late fifteenth century, tried to portray Louis XI (r. 1461-1483) in as bad a light as possible. He described Louis XI's rival Charles the Bold duke of Burgundy upon his death in 1477 as a virtuous contrast. Yet for that purpose he had to legitimize the war between them in order to exonerate Charles the Bold and to vilify Louis XI. He thus emphasized that their war was not truly a civil war but a war between brothers.

J. G. A. Pocock in his historical research describes how in the fourteenth and fifteenth-centuries Renaissance, especially in Florence, a paradigmatic change occurred in political thought. Intellectuals left universalistic modes of thinking (for instance, conceiving of the Roman Empire as constant) for temporal modes of thinking (for instance, historically analyzing how the Roman Empire replaced the Roman Republic). Republics and citizenship in them came to the fore, and the central problem was how to prevent their decline and fall, partly through civic virtue. As shown above, in the context

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69 Philippe Contamine argues, for instance, that since 1420 the idea of "reform of the realm," constant for almost two centuries, lost favor and took negative connotations with the "divisions" and "times of trouble." Philippe Contamine, Des pouvoirs en France 1300-1500 (Paris: Presses de l'Ecole Normale Supérieure, 1992), 37-47.

Jean Gerson saw the "civil war" as a political and an historical category; it was the cause of the fall of the Roman republic and the potential destroyer of the French commonwealth, just as Juvénal des Ursins and other writers in the times of the civil war thought. In contrast, earlier scholastic definitions, as noted above, did not see inner conflicts as "civil wars" at all, but as "seditions." Since contemporaries regarded civil war as a political category, they could understand inner conflicts in political terms and in civic terms. In other words, historical understanding of the Roman civil war and its possible parallels in contemporary times was related to a new temporal understanding of contemporary politics. In the same manner, just as civil war became a political and temporal category of potential catastrophic consequences for the French commonwealth, citizenship itself became a temporal and political category. The citizen's role in politics, his virtues, his political involvement and his loyalty to the commonwealth came to the fore, just as they did in fifteenth-century Florence.

The Armagnac-Bourguignon civil war was probably not the instigator of this change in political language and understanding. Citizenship already entered political language in France before the civil war. Yet the civil war strengthened preexisting currents of French citizenship through emphasizing the existence of realm-wide

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citizenship in the French commonwealth and through emphasizing civic loyalty to the king and to the commonwealth. The civil war also brings to light the concurrent challenges to the elitist conception of French citizenship: both its elitist membership and its realm-wide borders. But more than anything, the trauma of the civil war, especially the possibility that it might have destroyed the French commonwealth (just as the Roman civil war destroyed the Roman republic), served from then on as a specter haunting and influencing the development of French citizenship.

The influence of the civil war on French citizenship, though, is not as straightforward as one might assume. True, the civil war emphasized realm-wide citizenship. Yet what other influences did it have on citizenship, for instance in the periphery? What types of influences did it have on areas under Burgundian or English control? Especially after the 1420 Treaty of Troyes and the de-facto division of France, the civil war could have had divisive influences too.

The next chapter examines this issue by changing the focus of the analysis in three different ways. First, it examines a later period, from 1417 to c. 1435, in which the Armagnac-Bourguignon and Franco-English divisions came in starker geographical and administrative terms. Second, the next chapter moves from the center to the periphery, looking specifically at Champagne. Third, it focuses especially on citizenship in three towns in Champagne. Thus the next chapter allows an examination of citizenship in three different levels – town citizenship, Champagne citizenship, and French citizenship – focusing on the periphery.

Champagne's towns are a well-placed case-study. First, they had, as detailed below, a tradition of taking independent positions from the realm in general, taking care
of their own interests. The civil-war era did not prove different, as Champagne and the towns examined often decided their own course of action. Second, the towns examined had long traditions of administering their own affairs, saw a lot of outside influences (for reasons enumerated below), and thus had a potential to develop civic practices, as they did. As already mentioned several times, contemporaries often saw towns as commonwealths, each a self-contained civitas. To inspect this conception, we turn to the towns of Châlons, Reims, and Troyes.
Chapter Six: Citizenship in Late Medieval Champagne
The Towns of Châlons, Reims, and Troyes (1417 – c. 1435)

I. Introduction

Three important messengers of Charles VII (r. 1422-1461) reached Troyes on November 12, 1431. That same day the messengers called a general assembly of the city. Many men of Troyes assembled, and with them representatives of other cities in the region, such as Sens. In this grand assembly, the messengers read the king's letter, notifying "the men of the church, the burghers and inhabitants of the city of Troyes and other cities of the land (pays) of Champagne" of a truce he had reached with the duke of Burgundy. During the truce, the king requested that his "loyal subjects," the inhabitants of the good towns (bonnes villes) of Champagne, supply the royal troops in the area. The people in the assembly debated the matter and then decided in "common accord" that they must refuse the king's request, due to similar previous burdens that he had already placed upon them and due to their sufferings in the war. The messengers tried to convince the assembly of Troyes to adhere to the king's request in two more assemblies, on November 15 and 16. In the second assembly over three-hundred people of the town participated. Yet the people of the assembly remained adamant. They would not agree to the king's request. The events of November 1431 in Troyes typify not only the relationships between the crown and the towns of Troyes, Reims and Châlons (today Châlons-en-Champagne)

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2 Archives Troyes, Fonds Boutiot, A1, ff. 70-71v.
in 1417 – c. 1435, but also the conceptions and practices of citizenship in these Champenois towns. Both the king and the people of the town considered Troyes a political body in which the elite men of the town were citizens; a republic that decides its own course of action – as seen in the wide participation in the town assembly and its independent position - considering its own interests. Both the king and the people of Troyes considered Champagne a \textit{pays}, a land whose citizens are those residing in the towns of Champagne; again a land that decides its own course of action – as seen in the men who were the target of the king's letter and in the men representing the other towns in the initial assembly - considering its own interests. Most interestingly, they all thought of these citizens also as citizens of France, who may also consider its wider interests and politics. The strength of the collective identity of the town of Troyes as well as of the other Champenois towns is not surprising. The identities of their inhabitants as also members in the pays of Champagne as well as involved and active citizens of the French kingdom are less self-evident. All these parallel political identities or citizenships are inspected in this chapter.

Many historians have recently studied French towns and their relationships with the crown in the late middle-ages. Towns are not easily defined in this period as the economic and social interconnections between town and countryside were tight. For our purposes the legal definition relating to town privilege is important. Towns were small polities of their own with a large measure of autonomy, and they developed in the fourteenth and fifteenth centuries self-governing institutions, created local symbols of powers (such as keys and archives), and took local taxes. Like the towns of northern Italy, French towns also gradually developed a civic culture. The fourteenth century saw
the birth of a bourgeois small segment of the town that became the “good men” of the town (about 2-2.5 percent of the population). The elite of the town included local nobility, clergy and the upper mercantile elite. These elites defined citizenship legally through heredity, residence and property qualifications, and thus excluded the vast majority of the population: women, artisans, workers, small merchants, and lower classes such as prostitutes and the poor.  

Bernard Chevalier has contributed much to our understanding of the town’s place in the French polity in this period, through the model of the so-called “bonnes villes.” Towns won economic, legal and political privileges, but as the costs of administration grew they had to pay for these privileges in funds. Especially after the mid-fourteenth century, princes and kings summoned the “bonnes villes” to local estates. Towns also paid larger and larger sums for the growing costs of fortification, and thus played an important military role.  

A case that illustrates Chevalier's model is the towns of the county of Artois in the north (in the fifteenth century under the control of the duke of Burgundy as count of Artois). In the second half of the fourteenth century since 1361 (in the context of the funds needed to ransom King Jean II) the Estates of Artois assembled annually with their count and the king's emissaries to vote their tax for the king. Arras was dominant in the

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process, and its acquiescence often facilitated for the king (in the fourteenth century) and later for the count (in the fifteenth century) the consent of the other "bonnes villes" of Artois. Charles Hirschauer has shown that the Estates' regular negotiated acquiescence in granting the regular tax (a fixed "composition") allowed their continued existence. The formula of the Estates in agreeing to these taxes since 1361 is especially revealing: they granted the tax because of the affection they had for the king and the "public good (bien publique) [and] for the defense" of the realm.5

David Rivaud has further developed Chevalier's model. He has argued that as the cooperation between the towns and the crown grew after the middle of the fifteenth century, the town councils took more and more powers (including powers of high justice) and further developed their civic culture (through, for example, forcing citizens to participate). After about 1460, Rivaud has argued that the towns of Tours, Poitiers and Bourges developed a republican rhetoric in the style of Italian towns of the period. The towns in this period grew into places of contact between local elites and the crown. The towns thus became both an integral part of the royal government helping to assert royal power, and a means of preserving local centers of power and promoting local identity.6

As the present chapter shows, civic consciousness in the three towns from Champagne examined here was already highly developed in the first half of the fifteenth century. People there practiced citizenship and conceived of citizenship in at least three levels: town citizenship; Champagne citizenship; and French citizenship. In the examined

5 Quoted from the 1381 grant in Ordonnances des rois de France de la troisième race, vol. 6 (Paris: Imprimerie Royale, 1741), 600-602; Cf. the 1367 grant in Ordonnances des rois de France de la troisième race, vol. 5, 82, which mentioned the "common good" (bien commun) of the realm, and the grant of 1373 that named the "public good" (bien publique) of the realm, in ibid, 652. Charles Hirschauer, Les états d'Artois de leurs origines à l'occupation française, 1340-1640, Vol. 1 (Paris: Champion, 1923), 18-29 and 63.

period of 1417 – c. 1435, Champagne and the towns at times decided their own course of action, navigating the turbulent waters of the Armagnac-Bourguignon conflict and the Franco-English conflict. These conflicts, and Champagne’s position(s) in relation to them, allowed and emphasized active and self-conscious civic practices and ideologies in the three towns examined here. These civic practices and ideologies existed not only in the obvious town level, or in the traditional Champenois level, but also in the greater French level. The citizens of the towns were actively involved in realm-wide politics, such as the Armagnac-Bourguignon conflict. These practices and ideologies were highly developed well before the second half of the century, in which Rivaud finds them in the towns of the Loire.

II. The Armagnac-Bourguignon Conflict: A View from Champagne
The story must begin with geography. Champagne lay very close to the duke of Burgundy’s center of power, and was thus strategically important to him. Even in the period of Armagnac ascendancy after 1413, John the Fearless (duke of Burgundy) held Champagne well under his influence, not to mention when Burgundy gained back power in 1417 and 1418. In 1417 John the Fearless gained actual control of Troyes, Reims and Châlons. From then up to the treaty of Troyes (1420), Troyes was the administrative center of Burgundian France. In essence, Burgundian or English control of Champagne was thereafter not relinquished until the forces of Charles VII and Jeanne d’Arc conquered it in 1429.7

7 See for instance: Louis Phocion Todilere, Charles VI: les Armagnacs et les Bourguignons (Tours: Mame, 1848), 333; Richard Vaughan, John the Fearless: The Growth of Burgundian Power (Woodbridge: Boydell
Historians and contemporaries most often treated events in Champagne as they related to the general Armagnac-Bourguignon war; a look from the center, so to speak. The civil war struck Champagne relatively early and roughly, as troops and brigands devastated it from early in the conflict. Arnaud de Corbie in a speech he gave in the opening session of the Parlement of Paris (the highest court of law in France) in November 12, 1408, already lamented how troops had for the past four or five years pillaged the countryside and towns of Champagne and Brie. He focused on the Parlement’s role in the civil war. With Burgundy amassing troops in Champagne and Picardy, and with the other party amassing troops elsewhere, said Corbie, Parlement was the only refuge of justice in the kingdom.

Yet a look “from” Champagne at the Armagnac-bourguignon conflict is, perhaps, no less interesting. As part of a large-scale propaganda campaign, in September 1417 the duke of Burgundy attempted to persuade (or force) towns in France to ally with him. As a contemporary (not a Bourguignon partisan) described this event, Burgundy attempted to turn to his side the “inhabitants of Reims, Châlons and Troyes” among others from the “province of Reims.” He managed to convince them to ally with him. Yet the Champenois saw their own interests at hand when they agreed to come to the side of

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8 Two notable exceptions to the center-focused treatment of Champagne in the civil war is the work of Sylvette Guilbert, who had studied the towns of Champagne in this era and their relationships with the dukes of Burgundy (see below), and the work of Julien Briand, “Foi, politique et information en Champagne au XV\textsuperscript{e} Siècle,” Revue historique 310 (2010): 59-97.

9 MS BnF. Fr. 16413, ff. 7-7v. This speech was published in L. Douët-d’Arcq, Choix de pièces inédites relatives au règne de Charles VI, vol. 1 (New York: Johnson Reprint Corporation, 1968), 314-315.

10 Vaughan, John the Fearless, 181. This attempt was part of a months-long propaganda campaign, which began following the death in April 1417 of the Dauphin Jean. See Bernard Guenée, Un Meurtre, une société: L’assassinat du duc d’Orléans 23 Novembre 1407 (Paris: Gallimard, 1992), 269-270. The Armagnacs saw this campaign in a bad light, and declared in the Parlement in July that the letters were "offensive against the royal majesty." See MS BnF. Fr. 16413, ff. 107-107v.
Burgundy. They aspired through him to regain their “ancient liberties” (antiquas libertates).\(^\text{11}\)

We shall return to these Champenois “ancient liberties.” Let us first see how the Armagnac-Bourguignon conflict looked like in one of these towns, Châlons. As it became fully Bourguignon in the fall of 1417 (along with Troyes and Reims), Châlons began to search for and to prosecute “Armagnacs” within it, or as the city council called them in June 1418: people suspected of Armignagnerie.\(^\text{12}\) On November 12, 1417, John the Fearless of Burgundy appointed one of his men, Jean de Neuchâtel, as governor of Châlons and its environs with the "consent, accord, goodwill and at the request of the clergy, bourgeoisie and inhabitants" of Châlons. Neuchâtel's mandate was in the name of the king to conserve his lordship and to guard the "utility of the commonwealth" (utilite de la chose publique), his realm and his good and loyal subjects.\(^\text{13}\)

This republican rhetoric veiled a more mundane political intention, to keep Châlons' inhabitants loyal to Burgundy.\(^\text{14}\) Thus the governor appointed commissioners local in Châlons to govern in practice for the "chose publique" in justice, to preserve the peace, and to give accounts of goods and revenues of Châlons.\(^\text{15}\) Four days later, on November 16, they began their true duty, to keep the inhabitants in line and to prosecute Armagnacs. In rhetoric they continued to work for the chose publique and indeed forbade

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\(^\text{13}\) Registre des délibérations du Conseil de ville de Châlons-en-Champagne, 1.


\(^\text{15}\) Registre des délibérations du Conseil de ville de Châlons-en-Champagne, 2.
injurious words against either the "Bourgongnon" or "Armignac," yet in practice they began the trials of those who spoke against the duke of Burgundy, and thus, to their mind, worked against the *chose publique*.\textsuperscript{16} At least until June 1418 they continued prosecuting various citizens of the city - the so-called *Armagnacs* - and confiscating their goods. They prosecuted and convicted some victims in absentia. Some of the victims were powerful “Armagnac” burghers, yet priests (for example in May 1418) and women (for example in April 1418) were not exempt from prosecution.\textsuperscript{17} Other victims, such as the woman they simply named “the wolf” (who said "injurious words" of the duke of Burgundy), were of the lower classes or outcasts.\textsuperscript{18}

In January 1418, after queen Isabeau settled her court in Troyes, she sent word to Châlons that she was at the side of Burgundy, and took greater control of the city. She named a new governor, Phillebert de Moulant lord of Montagu, who, however, named the same council or commissioners to continue their work. The queen gave Montagu the same mandate, worded in republican words (the utility of the *chose publique*), yet again to continue prosecution of "disturbers of the peace."\textsuperscript{19}

This period of prosecution of Armagnacs only ended in July 1418. June and July saw both a tax (*taille*) sent to the duke of Burgundy and debates on town defenses. Yet as the Burgundian governor needed more funds for the war, finally a “general assembly” (*assemblée générale*) of the city met in July 18, 1418 and elected 52 men to serve as the city council of Châlons.\textsuperscript{20} While the governor of Châlons remained the same Burgundian

\textsuperscript{16} Ibid, 4-5.
\textsuperscript{17} Ibid, 5, 7-9, 10-11, 16-19, 27; for women victims see for instance, Ibid, 22; for a priest victim see for instance Ibid, 24.
\textsuperscript{18} Ibid, 5.
\textsuperscript{19} Ibid, 11-14.
\textsuperscript{20} Ibid, 35-36.
official (nominally, its captain), and former commissioners were still part of the council such as the deacon of Joinville or Regnault Barbelée the procureur du roi, many new councilmen entered the council: clergy, guild-masters, burgher-councilmen, constables and other officials. From then on prosecution of “Armagnacs” stopped. Yet the city council decided to give more funds to the city’s Burgundian captain on September 6, 1418, “to chase away the enemies of the king our lord, the lord of Burgundy and the chose publique.”

For the next few years the city council of Châlons remained the primary decision-making body of the city. Yet for some of the more major decisions a general assembly was called. For instance, during the state of emergency which occurred in October 1418, the general assembly promulgated several emergency measures. The general assembly also convened on hearing on September 12, 1419 the first rumors of the murder of John the Fearless, duke of Burgundy, at the hands of the Dauphin. In that occasion many “notable persons, burghers of the city” convened to discuss the rumors and decided to ask Troyes for news.

Official word of the death of the duke of Burgundy reached them from Reims only on September 15, and on that same day they also received a letter from the Dauphin (the future Charles VII). Yet they remained partisans of Burgundy until 1429, despite the Dauphin’s attempts to sway them to his side in October 1419. After the treaty of Troyes, while they deliberated the fate of Armagnac prisoners on October 19, 1420, they

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21 Ibid, 41. Naming enemies as "enemies of the chose publique" was common in this period. See above, chapter five.
22 Ibid, 41-44.
23 Ibid, 133.
24 Ibid, 135.
25 Ibid, 142-152. See also Guilbert, “Le recours au prince,” 181-182.
wrote Charles VI and Burgundy confessing their loyalty in the face of the enemy (namely, the future Charles VII). Nobles serving the city had to make an oath, not only to serve the king and the town as good, true and loyal subjects and to defend the realm and the town, but also to follow the treaty with the duke of Burgundy, “whom God ordained, for the good of the kingdom and for its commonwealth” (que dieu ordonne, pour le bien de ce royaulme et de la chose publique d'icellui), and to remain in the party (le parti) of the king, the city and the treaty with duke of Burgundy.

In 1429 things changed. To view this change let us transfer our point of view to Reims. Reims was also for years in the party of the duke of Burgundy. Even while Reims’ council complained (and often) to the Duke of Burgundy of the abysmal situation due to the Franco-English war, it kept professing its loyalty to him and to the English regent, the duke of Bedford. They gave support to both the regent and to Burgundy, and even in the face of the approaching army of Jeanne d’Arc and Charles VII in late June 1429 they remained loyal to Bedford and Burgundy, asking them for help in defense instead of simply defecting. Thus it is not surprising that after the city opened its gates to Charles VII in mid-July and witnessed his coronation, an enlarged city council of fifty men insisted (on August 12, 1429) that all inhabitants take an oath before the king in the churches of the city, deciding to impose fines on any of the inhabitants who would not come to the churches on time. In the face of such long-term loyalty to Burgundy, the

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26 Registre des délibérations du Conseil de ville de Châlons-en-Champagne, 246 (they wrote the letter on October 21, 1420).
27 See from November 28, 1420, Ibid, 257.
29 Ibid, 130.
personal loyalty of each inhabitant of the city to Charles VII was suspect, and to prove loyal they had to take these personal oaths.\textsuperscript{30}

For Troyes the municipal deliberations did not keep record of its change of loyalty to Charles VII, though similar events probably occurred there too. The records conserved of their municipal deliberations suspiciously begin only a few weeks later on September 21, 1429. By this time not only was Troyes firmly behind Charles VII, it also revealed widespread involvement and interest in the public affairs of the kingdom and of Charles VII. For example, on September 29, 1429 a general assembly of the town met, both clergy and lay, and agreed to grant a tax which the king asked of the pays of Champagne and Brie five days earlier. For discussing a tax it is not surprising that many people came to the assembly. Yet three days later, on October 2, 1429, again many people came to the assembly, because important letters had arrived. And what were these letters? One was from the king, yet another – read aloud word for word in front of all the assembly – was from Jeanne d'Arc, giving account of her injury "before Paris." Thus a full meeting of the assembly found interest in a letter, just because it was from Jeanne d'Arc, even though it did not really concern the town in any immediate way. They just took an interest in the important figures leading France at the time.\textsuperscript{31}

\textbf{III. Town Citizen and French Citizen}

Personal and popular partisanship of the urban population of Paris and some other northern towns in the Armagnac-bourguignon conflict is well known, for instance as seen in the \textit{Journal d’un bourgeois de Paris}, noting such phenomena as many in Paris wearing

\textsuperscript{30} Ibid, 138.

\textsuperscript{31} Archives Troyes, Fonds Boutiot, A1, ff. 1, 2v, 4, and 5v.
bourguignon insignia and personal enmity between Armagnacs and Bourguignons in Paris and Soissons.\textsuperscript{32} In both Châlons and Reims we see manifest the same popular personal loyalty to these parties, and the same popular personal enmity between these parties.\textsuperscript{33} Such evidence reinforces the impression that not only in the center (Paris) but also in the periphery (Champagne), citizens of cities took active interest in realm-wide politics, as seen in the general assembly convened in Châlons to discuss the rumor of the murder of the duke of Burgundy. Could we conclude that they saw themselves not only as citizens of their cities, but also in some way as citizens of the realm?

The evidence is suggestive. The level of personal involvement in realm-wide conflicts suggests that at least the privileged citizens of these towns – the bourgeois of the town as they called themselves – saw themselves as part of the wider French commonwealth. Personal involvement is seen especially in civic practices in the towns. Julien Briand has shown that these towns' councils often used public religious ceremonies to celebrate or note realm-wide events in this period.\textsuperscript{34} Popular involvement in civic practices included also not only wide participation in assemblies discussing realm-wide affairs, but also widespread personal oaths taken for example in Châlons (loyalty to the Burgundian party) and later in Reims (loyalty to Charles VII). The republican rhetoric, as seen for instance in Châlons in the allusions to the chose publique, is also suggestive.

Even more suggestive is the level of communication between the crown and the various towns. Before 1429 Châlons and Reims had a lively exchange of letters with the

\textsuperscript{34} Briand, “Foi, politique et information en Champagne au XV\textsuperscript{e} Siècle,” 81-84.
English regent and with Burgundy.\textsuperscript{35} The towns – as seen in the aftermath of the murder of John the Fearless – were involved in and knowledgeable of realm-wide politics.\textsuperscript{36} After 1429, Charles VII had a continuous link with the town councils or assemblies of Reims and Troyes. Several times a year personal letters of the king would arrive in each of these towns, and the town council – or often for such important letters the town assembly – would convene to read these letters.\textsuperscript{37} Men of the town council, or men whom the council appointed, would travel in embassies to the English regent, the royal council, the duke of Burgundy or Charles VII.\textsuperscript{38} When communications were lacking, they would send messengers to Paris to gather news, as Reims’ council did in May 1427.\textsuperscript{39}

In late May and early June 1433 the army of the duke of Burgundy approached Troyes. All men under fifty armed themselves and conducted expeditions against the Burgundians at the gates. The council refused negotiations with the duke of Burgundy, and finally in early June managed to expel the Burgundian army. Thus in early August 1433 they received a letter from the king saying that he was pleased with Troyes.\textsuperscript{40} The personal commitment of all the men of Troyes was coupled in this incident with the close connection they had with the crown.

In communicating with the crown, the citizens of the towns often confessed their loyalty, even while negotiating and even refusing the crown’s requests. As a Burgundian

\textsuperscript{35} For the level of the communications with the duke of Burgundy up to 1429, see Guilbert, “Le recours au prince,” 178-180.
\textsuperscript{36} For the role of clergy in disseminating political information see Briand, “Foi, politique et information en Champagne au XV\textsuperscript{e} Siècle,” 67-80.
\textsuperscript{37} Registre des délibérations du Conseil de ville de Châlons-en-Champagne, 48-50 and 142-152; Archives Troyes, Fonds Boutiot, A1, ff. 5, 13v and 50v; Registre de délibérations du conseil de ville de Reims, p. 14.
\textsuperscript{38} See for instance how Reims sent M. J. Wity and Baudenet Le Boutillier to Provins before the count of Salisbury and others from the royal council in October 1426, in Registre de délibérations du conseil de ville de Reims, 72.
\textsuperscript{39} Registre de délibérations du conseil de ville de Reims, 90.
\textsuperscript{40} Archives Troyes, Fonds Boutiot, A1, ff. 147, 148v, 152-152v, and 155.
army approached Troyes two years earlier, on July 8, 1431, the council decided to raise on each gate of the town the “emblem of the king” to show that they were loyal to him in the face of the coming siege. 41 Three days later, on July 11, in a discussion on many matters relating to the “good of the town,” the council decided symbolically not to allow entry into the town to anyone except Charles VII or the dauphin. 42 It is not surprising that two days later, as a letter arrived from Charles VII, a solemn assembly convened to hear the letter, including the highest clergy of the town. The king in the letter sent his love to the town and charged the men of the Church, bourgeoisie and inhabitants of Troyes to keep on the good fight. 43 Earlier still in December 1422, when Reims was under Burgundian control, they wrote the duke of Burgundy while complaining of the problems of the city that the “inhabitants” of Reims were always, are always, and always will be good and loyal subjects. 44

Such communications and confessions of loyalty – first to the English regent and the duke of Burgundy and later to Charles VII – were typical to all three towns. The council of Châlons, for instance, wrote Charles VI in October 1419 in the name of the temporal lords, bourgeoisie and inhabitants of the town that the “good and loyal subjects” of the town had prosecuted those who attempted to disturb the peace. 45 At times towns, such as Reims on September 12, 1426, would confess loyalty to the king, mentioning that they have always aided him “with the other cities and good towns and lands,” thus indicating an understanding of the towns’ part in the wider realm. 46

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41 Archives Troyes, Fonds Boutiot, A1, f. 48v.
42 Archives Troyes, Fonds Boutiot, A1, f. 50.
43 Archives Troyes, Fonds Boutiot, A1, f. 50v.
44 Registre de délibérations du conseil de ville de Reims, 4.
46 Registre de délibérations du conseil de ville de Reims, 62 and 66.
such rhetoric was manifest. For instance in a meeting of Troyes’ council in August 1431 on the subject of inducing men who live off the land to come to Saint-Lie, the members of council discussed whether this policy was to the advantage or disadvantage of the king, “his subjects” and “the town of Troyes.”

Beside communication with the crown and confessions of loyalty, the towns' involvement in realm-wide politics was manifest also in their consent to taxation. The fact that they at times refused to consent, as seen in the first example of the messengers of Charles VII arriving to Troyes, shows that when they agreed to taxation it was to some extent voluntary and with an understanding of the king’s (or English regent’s) position. In late November 1426, for example, Reims negotiated with the count of Salisbury on the level of their taxes. They complained of the poverty and desolation of the land (pays), of the value of the taxes rising, and asked that the inhabitants of Reims would “voluntarily contribute once as much as they can” instead of all the taxes. Negotiations continued through March 1427, through council members that Reims sent to Salisbury. Even though the council continued to ask for remission of taxes, it continued to contribute to the military effort of recovering Mont-aimé (Moymer). At first it contributed in taxes (raised partly through taxing villagers from around Reims), in cannons and siege material, and later in actually sending men (masons, carpenters and workers) to help in demolishing Moymer.

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47 Archives Troyes, Fonds Boutiot, A1, f. 55.
48 Registre de délibérations du conseil de ville de Reims, 76. Legally the monarchy found it important to show that the people consented to taxes. See for instance Charles VI's claim in November 1380 that his subjects gave the crown all previous taxes voluntarily, in Ordonnances des roys de France de la troisième race, vol. 6, 527.
49 Registre de délibérations du conseil de ville de Reims, 78, 81 and 85-87. Similarly in late September 1429, the council of Troyes met with Boson de Saiges, the messenger of Charles VII, who emphatically asked for taxes (a short while after Charles VII conquered the town) for the good of the king and of the chose publique. The council delayed its reply for five days. Finally an assembly of the clergy and lay of the
Finally, the towns' treatment of foreigners shows that they saw all the people of the kingdom, at least in some level, as fellow citizens. Foreigners were often targeted in times of emergency, as Troyes did in the summer of 1432. First it expelled some of the vagabond foreigners (estranges) from various places, including Brie, then it taxed refugees who came from far away, then it taxed villagers from the surrounding villages (as Reims did in early 1427), and only finally it taxed the men of the town.\textsuperscript{50}

Yet while Troyes considered foreigners any who were from out of the city, in Reims the council distinguished between foreigners from out of the city, and foreigners from out of the kingdom (both, “estrangers”). In the summer and fall of 1426 there was an abysmal state of security around Reims due to the war and the rampaging brigands (Reims was then still at the side of Burgundy). Reims' council decreed limitations on the entry of foreigners into the city. From September 1426 foreigners from out of the kingdom faced stricter limitations in terms of the surety they had to raise, the officials they had to report to and their lodgings. In October 1426 they were completely banned from the city.\textsuperscript{51} In other words, foreigners from out of the kingdom were seen as "more foreign" than simply foreigners from out of the city but from within the kingdom. As the oath any foreigner had to take from October 6, 1426 in order to enter the city – that he was from within the kingdom, obeyed the king and would give surety – shared loyalty to the king was crucial.\textsuperscript{52}

town decided to pay some of the requested taxes. See Archives Troyes, Fonds Boutiot, A1, ff. 2v-4. Also in July, 1432, the king asked Troyes’ council to aid his army. After refusing and helping only in a small way, they finally decided to aid the army but only through buying wheat, since other aid would not be for the profit of the king nor of his subjects. ("le profit du Roy ne de ses subgez") See Ibid, ff. 94-95.
\textsuperscript{50} Archives Troyes, Fonds Boutiot, A1, ff. 92v-93, 99v-101.
\textsuperscript{51} Registre de délibérations du conseil de ville de Reims, pp. 62-3, 69.
\textsuperscript{52} Ibid, 69. At this point it seems that the later distinction between “forains” as foreigners from within the kingdom and “estrangers” as foreigners from without the kingdom was not yet clear cut. These terms were at times interchangeable, as seen for instance in a June 1421 “estrangers” tax in Lyon, in which the town
And yet one should not get carried away. To contemporaries the term "citizen" related most obviously, and to most contemporaries perhaps exclusively, to the privileged inhabitants of towns (or, at times, to all the inhabitants of a town). In some towns such as Lyon or Arles (at the time outside the kingdom of France), the common term for this population was "citizen" (citoyen). In the Champagne towns the common term was "burgher" (bourgeois), as opposed to the other lower classes, such as the various inhabitants: “inhabitants” (habitans); “residents” (manans); and “those living” (demourans) in the towns. Yet the meaning of the words burgher and citizen was mostly identical in this period and related to the same privileged class.\(^{53}\)

In other words, the individual towns were the primary and most obvious polity to which their citizens belonged. Assemblies of towns saw the greatest participation of townsmen only in times of personal peril to the town or in threats to the town’s financial interests. As a matter of fact, practically all meetings in this period which included a wider forum than simply the small town councils (the town council included normally no taxed “forains.” (Les Archives municipales de Lyon, BB1, f. 128v.) See also “forain” and “estranger” in Dictionnaire du Moyen Français (ATILF CNRS - Nancy University, version 2010). Internet site: [http://www.atilf.fr/dmf](http://www.atilf.fr/dmf).

\(^{53}\) See for instance the way in which the Parlement of Paris called in the late fourteenth century the same type of people sometimes "citizens of Reims" and sometimes "burghers of Reims." Pierre Varin, Archives administratives de la ville de Reims (Paris: L'imprimerie de Crapelet, 1848), 501-505. For use of the term "citizen" in the municipal deliberations of Lyon see Les archives municipales de Lyon, BB1, f. 30v (from 1417). I utilized also the publication of these deliberations in M.C. Guigue, Recueil des délibérations de la commune de 1416 à 1421 (Lyon: Brun, 1882) and G. Guigue, Recueil des délibérations de la commune de 1422 à 1450 (Lyon: Archives et bibliothèque de la ville, 1926). For the use of the term "citizen" (cives) in Arles, see for instance Archives communales d'Arles, BB1, f. 2v (from 1426). For use of the terms "burgher" and the various types of "inhabitants" in the municipal deliberations of Troyes, see for instance Archives Troyes, Fonds Boutiot, A1, 105v (from 1432). The social and interchangeable meaning of the words “citoyen” and “bourgeois” is manifest, for instance, in Christine de Pisan’s Le livre du corps de police (1405). She emphasizes there the social and legal meanings of the words “bourgeois” or “citoyen” by explaining that the “bourgeois” are within the towns those from an “ancient nation” in lineage and must have their own surname and an authentic coat of arms. They, Pizan explains, are the principal inhabitants of towns, and they inherit the houses and manors on which they live (free holders of free land in towns). They are called “citoyens” or “bons bourgeois,” according to Pizan, as opposed to the rest of the towns’ “small people” (menu peuple). See Christine de Pisan, Le livre du corps de policie (Paris: Honoré Champion, 1998), p. 100. Cf. “Bourgeois” and “Citoyen” in Dictionnaire du Moyen Français (ATILF CNRS - Nancy University, version 2010). Internet site: [http://www.atilf.fr/dmf](http://www.atilf.fr/dmf).
more than ten to twenty men), whether of an enlarged version of the town council or the full several-hundred large town assembly, included some discussion over some critical town interest, such as discussions over taxation or for elections to the town council.

Large assemblies (in Troyes as large as 400 in December 1431; in Reims as large as 600 in January 1426\(^{54}\)) included not only the bourgeois elite, but also at times the lower classes, the "inhabitants" (habitants), residents (manans) and those living in town (demourans), for instance in Troyes in elections to the town council on October 1, 1432.\(^{55}\) The sheer size of these large assemblies is significant, showing that at times more than 10% of the adult male population participated in such assemblies. Popular participation – especially in elections – resulted at times in emotional assemblies, such as the "disorders" in the elections for the city council or Reims on December 28, 1425, probably connected to the Franco-English conflict.\(^{56}\) In any case, even though inhabitants could participate in such elections, the council was composed only of the bourgeois elite.\(^{57}\)

The relationship of the towns and the crown (with either the English regent or Charles VII) was based on negotiations, and at times elicited heated discussions in the towns. A key issue in France in general and in Champagne in particular was the value of coinage and opposition to the crown’s intents to reduce it.\(^{58}\) When Charles VII decreed in

\(^{54}\) Archives Troyes, Fonds Boutiot, A1, ff. 81-81v; Registre de délibérations du conseil de ville de Reims, p. 41.

\(^{55}\) Archives Troyes, Fonds Boutiot, A1, ff. 105-105v.

\(^{56}\) Varin reports on complaints by the lords "high justices" and the eschevins of the city on the disorders in these elections. See Varin, Archives administratives de la ville de Reims, pp. 461-2. The municipal deliberations just show that elections occurred in this date. See Registre de délibérations du conseil de ville de Reims, p. 40.

\(^{57}\) See the process of elections prescribed to Reims by Charles V in 1377, by which the "inhabitants" elect "good persons" to the council. See Varin, Archives administratives de la ville de Reims, p. 459.

\(^{58}\) The issue of keeping the value of coinage was certainly not new, and was one of the points of contention, for instance, in the provincial leagues of 1315, when the king made obligations with regard to it in many of
February 1430 the reduction of the relative value of his coins in relation to other coins, an assembly of some 150 men of Troyes met to read his letter and to discuss whether to obey it. The order decreed a lower exchange rate of pounds of Tours with other coins from England, Burgundy, Tournai, “forged” coins from the area of the Seine, Brittany, Lorraine, etc. The assembly decided that since the king was not obeyed in areas with which Troyes had commercial relationships, and to prevent the suffering of the poor people, they would not at that time obey the order and they wrote asking for the value to remain the same.\footnote{Archives Troyes, Fonds Boutiot, A1, ff. 13v-15.}

Yet on May 1, 1431 the assembly of Troyes had to convene again to discuss a new reduction of value. This time a heated debate ensued, with various different positions in the assembly. They finally decided two days later on different exchange rates than those the king decreed.\footnote{Ibid, ff. 36-7.} Even this conciliatory measure angered the lower classes. A day later because of the "great commotion" in the town caused by men of "mean estate" and others due to the agreed reduction of value, they decide instead to write and try to convince the king otherwise.\footnote{Ibid ff. 38-38v.}

The relationship of the crown and the towns was thus based on negotiations in which the citizens of the towns and their lower classes had an active say. Even when the towns agreed to contribute to the king in funds, the king had at times to give up some of the funds. For instance, as the army of Jeanne d'Arc approached Champagne in June 1429, the city council of Reims took funds for defense out of royal taxes.\footnote{Registre de délibérations du conseil de ville de Reims, p. 131.}
Finally the attitudes of the towns’ inhabitants show more than anything else that they saw themselves first and foremost as citizens of the towns. In rhetoric, the city councils frequently called themselves the council of the commonwealth (chose publique) of the town and referred often to the commonwealth for whose benefit they acted (for instance in Troyes’ refusal to change the exchange rates).\textsuperscript{63} Julien Brand has shown the important civic role played by religion and religious ceremonies, such as processions, in such rhetoric.\textsuperscript{64} At times the chose publique they referred to was that of the town, at times the whole land (pays) of Champagne, and at times the whole realm, yet clearly the benefit of the town stood foremost in actions.

The city councils were fairly small and elitist. The councils in Châlons, Troyes and Reims represented the whole town: clergy, burghers and inhabitants. They were composed of both the privileged burghers and the clergy, though at Reims clergy were not always involved. In all three cases the town councils were normally made up of some ten to twenty men, whom the assembly of the burghers and the inhabitants elected.\textsuperscript{65}

These councils’ republican rhetoric (evoking the utility of the commonwealth or chose publique) was also manifest in the oaths that councilmen – and other important citizens – at times swore. In the three towns oaths were a common civic practice. While the mandatory oaths required of all the inhabitants of Reims in 1429 were an extraordinary occurrence, the oaths of the members of the council and other officers of the town as they took office was a regular practice.

\textsuperscript{63} See for instance Archives Troyes, Fonds Boutiot, A1, ff. 31, 37.
\textsuperscript{64} Briand, “Foi, politique et information en Champagne au XV\textsuperscript{e} Siècle,” 85 and 93-95. Briand argues that the elite of the town saw its religious health as an integral part of its common good.
\textsuperscript{65} For the involvement of clergy in the councils of these towns, and in Reims in particular, see Briand, “Foi, politique et information en Champagne au XV\textsuperscript{e} Siècle,” 66-67.
The commissioners in Châlons took an oath under the hand of the new Burgundian governor in November 1417. Similarly in March 1419 as the town council recognized three mendicant orders in Châlons, it made them take an oath to be good and loyal to the king and to the good town of Châlons, for the honor, profit and good of the king, his realm and the commonwealth (chose publique) of him and of the lord of Burgundy. This oath is similar in essence to another oath already mentioned above. As noted, nobles serving Châlons took an oath in November 1418 to serve the king and the town as good, true and loyal subjects; to defend the realm and the town; and to follow the treaty with the duke of Burgundy, whom God ordained, for the good of the kingdom and for its commonwealth, and to remain in the party (le parti) of the king, the city and the treaty with duke of Burgundy.

Similar oaths were common also in Troyes. As the new members of council took office in October 1432, after the greatest part of the burghers, inhabitants and residents elected them, they took an oath before Pierre le Tartrier, the lieutenant of the bailli of Troyes. They swore to well and loyally attend and help as the council of Troyes and to keep secret what will be deliberated and concluded. Similarly, just after Charles VII conquered Troyes, as the council discussed the defenses of the city in October 1429, it made Oudinot de Dijon in charge of the works to be done in the town, and made him take an oath to do his work “well and loyally.” A week later, still in October 1429, the
council made the men of the town elected to guard the five gates of the town – two for each gate and for each day of the week – take an oath to guard the gates well and loyally.\textsuperscript{71}

Similar oaths were also common in Reims. In November 1422 the new members of the town council all swore a republican oath to well and loyally counsel the town, to speak their opinions freely for the good of the commonwealth (\textit{chose publique}), to hold secret the deliberations, and to attend the council.\textsuperscript{72} Similarly in December 1422 in a meeting of the council, the lord of \textit{St.-Remi} described treaties between the clergy, “the councilors and the \textit{bourgeois} with regard to the government” of Reims, in which all promised to take care of the affairs of the city well and loyally.\textsuperscript{73} New councilors continued to take such oaths in Reims, for instance in April 1426, when they swore to well and loyally counsel the king, the city and the council on the common affairs of Reims.\textsuperscript{74} As in the towns or communes of northern Italy, where similar oaths of office were common, such oaths were in essence civic practices of the citizens of the towns as members of the towns as republics; yet republics that were part of France and loyal to its king.\textsuperscript{75}

The ways in which the towns treated foreigners are again the best indication for their perceptions of citizenship as first and foremost relating to the specific town. While there is evidence for differential treatment of foreigners from within the kingdom as

\textsuperscript{71} Ibid, ff. 6-6v.
\textsuperscript{72} \textit{Registre de délégations du conseil de ville de Reims}, 1 (“bein et loyalment conseiller la ville, dire franchement au bien de la choze publique leurs oppinions, de tenir secret les deliberacions et venir toutesfois que mandé seront s’ilz n’ont essoingne souffisante et convenable.”).
\textsuperscript{73} Ibid, 3.
\textsuperscript{74} Ibid, 48.
\textsuperscript{75} For republican oaths common in the towns of northern Italy in this period, see Thomas F. Madden, \textit{Enrico Dandolo & the Rise of Venice} (Baltimore: Johns Hopkins University Press, 2003), 96; Philip Jones, \textit{The Italian City-State: From Commune to Signoria} (Oxford: Clarendon Press, 1997), 372.
opposed to foreigners from without (as noted in Reims), the towns perceived all those from without the towns or at the very least from without Champagne as foreigners. Towns taxed foreigners, for instance refugees in times of war, more easily than their own citizens. While for foreigners a simple decision of the town council often sufficed, to tax citizens a town assembly was needed. The crown made Troyes, as noted above, pay a large tax in the summer of 1432. At first the city council (not an assembly) taxed the refugees in the town, then it taxed the villagers from around Troyes, and only in late September an assembly (in actual fact an assembly of the estates of Champagne) was convened to tax the citizens of the towns of Champagne including Troyes. Finaly, as the Burgundian army approached Troyes in May 1433, while all men under fifty from within Troyes armed themselves, they expelled all foreigners (those not from Troyes), leaving only some men of arms native of Champagne, whom they hired to help in defense.

And so elites in the towns associated citizenship first and foremost with their own town. One may conjecture that ties with Flemish towns (or at least knowledge of them) contributed to the civic conceptions of the towns of Châlons, Troyes and Reims. Flanders had close contacts with the towns of Champagne even before coming under Burgundian control, which deepened its French contacts. The towns of Flanders saw relatively powerful conceptions of citizenship and civic practices, with civic processions, and popular political participation and civic oaths even in the countryside. Contemporaries at

76 Archives Troyes, Fonds Boutiot, A1, ff. 97v-101v.
77 Ibid, ff. 147-150.
times suspected that ties with Flemish towns led to urban unrest, for instance in the urban uprisings of 1382.²⁸

IV. Champagne Citizenship

Interestingly enough, civic consciousness was manifest not only in the town or realm-wide level, but also at another more traditional level, namely that of the county, or as contemporaries called it, the land (pays) of Champagne. Civic activities and civic ideologies were surprisingly strong at this level, probably stronger than at the realm-wide level.

As already noted, contemporary accounts mentioned that in September 1417 Reims, Troyes and Châlons gave their loyalty to the duke of Burgundy in order to regain their “ancient liberties” (antiquas libertates).²⁹ This attempt by these Champenois towns accords well with practices in Normandy in this period. As Christopher Allmand has shown, beginning in the conquest of 1417-8, the English in Normandy followed a policy of restoring and promoting independent Norman institutions which had existed prior to the conquest of the duchy by Philip-Augustus. They attempted, quite successfully, to make the Normans cooperate with the English occupation through emphasizing the

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²⁹ Guenée ed., Chronique du religieux de Saint-Denis, 78.
traditional Norman independence. At the same time, the duke of Burgundy and later the English pursued a similar policy in Champagne. Indeed Burgundy had sent letters talking of “ancient liberties” to Normandy (Rouen) in May 1417, months before he sent similar letters to the Champagne towns.  

Champagne had a tradition of county independence and concerted action. Legally, as a pays, it had long enjoyed its own customary law. In the early thirteenth century, for instance, the count and countess of Champagne had dominated the policies of the county, determined the way that land was distributed, controlled the Champagne fairs, and in general had great control over the affairs of the county (including establishing the first coutumier). This tradition of independence continued later, as seen in the concerted action of the Champagne nobility in 1314-5 against Philippe IV’s taxes. They created a league within Champagne and acted in concert with other regions. In 1315 they gained some of their “ancient liberties” in the form of royal charters which protected Champenois landed nobility’s interests.

The tradition of concerted action in Champagne was also manifest in the tumultuous events of the so-called "1350 moment." The origins of the town councils of Troyes and Reims lies in the 1350s (1354 and 1358 respectively), and one of their first

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81 Theodore Evergates ed., *Feudal Society in Medieval France: Documents from the County of Champagne* (Philadelphia: University of Pennsylvania Press, 1993). Count Thibaud IV established the first coutumier in 1224. See this coutumier and later ones up to the sixteenth century in BnF. MS. Fr. 5256 (the 1224 coutumier is in ff. 1-12).

actions was to reinforce fortifications and arm themselves.\textsuperscript{83} Especially after 1358, with the English isolating Troyes from Paris, and with three large bands of *routiers* threatening its environs, this Champenois town had to fend for itself. It organized military action with other towns in its environs and fought these bands. Reims and Troyes also sought concerted action in the face of English military actions in 1373, and Châlons and Troyes had frequent correspondence in 1375-6. Thus the origins of the town councils themselves are tied with concerted and independent Champenois action.\textsuperscript{84}

James Russell Major argues that as Champagne was newly conquered in 1429 it seemed to have a chance to create strong provincial estates. The estates of Champagne, says Major, met immediately after its recapture in 1431 and in 1437. But according to Major the abandonment of the estates of Languedoïl after the reestablishment of the indirect taxes (the aides) in 1436 was paralleled by the disappearance of these assemblies.\textsuperscript{85}

Yet a closer look at Champagne before Charles VII conquered it in 1429 reveals that he had simply continued a policy that Burgundy and then the English had put into place; a policy mirrored by the actions of the Champenois towns themselves. Since 1417 the towns of Champagne cooperated and acted in concert, sometimes in formal meetings of estates and at other times in less formal assemblies, consultations and

\textsuperscript{83} On the "1350 moment" and the origins of these towns councils see Briand, “Foi, politique et information en Champagne au XV\textsuperscript{e} Siècle,” 65. On their actions in self-defense and in building fortifications, see Louis Batiffol, Jean Jouvenal: Prévôt des marchands de la ville de Paris (1360-1431) (Paris: Champion, 1894), 44.

\textsuperscript{84} For the concerted actions of Troyes and Reims in 1361 and 1373 see ibid, 51 and 53. For the correspondence between Châlons and Troyes in 1375-6 see Sylvette Guibert, “Relations entre les administrations des villes champenoises pendant la Guerre de Cent Ans” in *La Champagne et ses administrations à travers le temps*, eds. Georges Clause, Sylvette Guilbert and Maurice Vaïsse (Paris: La Manufacture, 1990), 132.

correspondence.\textsuperscript{86} The municipal deliberations of the towns reveal that the English convened the estates of Champagne, for instance, at least twice in the first half of the 1420s, in December 1422 as part of a larger meeting at Laon, and in the summer of 1424 in Châlons.\textsuperscript{87} Informal meetings gathered more often. For instance, the three towns of Reims, Troyes and Châlons conferred in October 1425 on dealing with the English led siege of Mont-aimé, and cooperated up to January 1426 in the negotiations with the Count of Salisbury with regard to their help in taxes and cannons (Mont-aimé or Moymer was successfully taken by the count of Salisbury).\textsuperscript{88}

The concerted action of Champagne continued after the conquest in 1429. Thus the November 1431 meeting in Troyes to hear the messengers of the king was perceived by both the king and the towns as a meeting of the estates of Champagne.\textsuperscript{89} April 1432 saw another royal summons to an assembly at Châlons, to which Troyes sent only its \textit{Bailli}, and not representatives of the council.\textsuperscript{90} The towns of Champagne finally paid the tax of September 1432, which Troyes at first tried to pay through taxing foreigners only, by dividing the tax among the towns of the \textit{pays} including Troyes, Châlons, and Provins.\textsuperscript{91} Finally, as the armies of the duke of Burgundy approached Troyes in May 1433 making their intention known to enter Troyes in early June, the council of Troyes asked the king for help, but at the same time corresponded with Reims and Châlons on the same issue.\textsuperscript{92}

\textsuperscript{86} For the ties between the administrations of the towns, see Sylvette Guibert, “Relations entre les administrations des villes champenoises pendant la Guerre de Cent Ans,” 131-141.
\textsuperscript{87} \textit{Registre de délibérations du conseil de ville de Reims}, 5 and 19. Perhaps October 1426 saw another less formal assembly at Provins. See Ibid, 72.
\textsuperscript{88} Ibid, 36, 40, 43-45. On the siege see also Beaune ed., \textit{Journal d’un bourgeois de Paris}, 228.
\textsuperscript{89} \textit{Archives Troyes, Fonds Boutiot}, A1, f. 68.
\textsuperscript{90} Ibid, f. 89.
\textsuperscript{91} Ibid, f. 101v.
\textsuperscript{92} Ibid, f. 146v.
Coordination between the towns was especially manifest in matters of defense. Just as in the second half of the fourteenth century they had to fend for themselves in fighting the *routiers*, the towns often had to take independent action in the war. Thus during the summer of 1431 in the face of the approaching Burgundians, Troyes discussed various measures of defense, both in manning the walls and in its repairs.  

Similarly it is not surprising that in taking such costly measures, the towns approached each other and coordinated their efforts, such as in Châlons’ 1426 request of “great cannons,” to which Reims agreed.

Whether with the duke of Burgundy, with the English regent or with Charles VII, the towns of Champagne often acted as a single body and were in turn treated as such. They corresponded with each other on taxes and on mutual defense and often revealed both in rhetoric and in practice that they saw the other Champenois as being more trustworthy. Thus the same xenophobe council of Troyes, which in the summer of 1432 taxed all foreigners (from out of the city) and then expelled them, in June 1433 hired mercenaries who were native of Champagne to help the already armed men of the town against the duke of Burgundy’s army. Rhetorically in contributing taxes or in contributing siege material to the English (in April 1423), the towns evoked “the pays” (i.e. Champagne) for whose good they acted.

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93 Ibid, f. 54.
94 *Registre de délibérations du conseil de ville de Reims*, 40-41.
95 *Archives Troyes, Fonds Boutiot*, A1, ff. 149-150.
96 See for instance *Registre de délibérations du conseil de ville de Reims*, 8 and 43.
V. Conclusion

David Rivaud in his study of three towns in the Loire – Tours, Poitiers and Bourges – shows how after 1450 a new collective identity developed based on three developments: tighter and more formal definition of the power of the municipal administration including formal powers of justice, elections of mayors and formalization of town council membership; the growing participation of each town as a whole, representing its interests, in the political life of the realm; and a growing link (correspondence and embassies) with the crown. Rivaud also shows how after 1460 rhetoric and debates were more and more republican, with frequent allusions to the “utility of the chose publique” and with councils seeing themselves as administrators of the republic, which included the towns as part of the greater realm.

While the financial and administrative links between the crown and the towns were looser in Champagne of the first half of the fifteenth century, the rest of these processes occurred there, as shown in this chapter, yet half a century earlier. Perhaps the semi-independent position of Champagne, especially in light of the Burgundian and English policy of encouraging Champagne’s “ancient liberties,” contributed to these processes. Perhaps the ties to the Flemish towns, or at least knowledge of them, with their strong civic culture, also contributed. In the harsh security conditions of the age, the towns had to fend for themselves. The citizens of the town had to choose their own course, guarding their own interests in the turbulent realm-wide politics of the times. They could rely truly only on their own fellow citizens and at times also on the other towns of the region.

97 Rivaud, Les villes et le roi, ch. 5.
In such a harsh reality, civic practices and conceptions reveal an active and elitist citizen of the town as a republic, who is also an active and elitist member of Champagne and France. This citizen took part in elections to the city-council, and if elitist enough he also sat in the city’s council, and took an oath to administer the *chose publique* well and loyally. At times he had to take arms, at other times he had to contribute to the realm in funds, food or work. Civic commitment was at times very personal. Councilors and other town members not only went to council meetings and town assemblies. They also traveled in embassies to the king and to others. In the dismal security conditions of the time, such embassies went to their missions with great personal peril, which shows the level of their civic commitment.

In short, citizens saw their towns as republics and acted accordingly. The towns' councils swore to administer these republics as part of the greater republics of Champagne and France. They all conceived of citizenship as active, hierarchical and elitist, with only the privileged class practicing full citizenship, which included the potential to take public office. Yet all inhabitants took some part in the civic life of the towns, in elections, in defense, in contributing taxes, and at times in active duties to show their loyalty to the town and to the crown.

In some ways the civic practices described in this chapter, at least some of them, are a road-not-taken of French history. Could have Champagne remained semi-independent and the Estates there a strong institution? Perhaps they might have. France in the first half of the fifteenth century was going through one of its greatest political crises. The kingdom was effectively dismembered; its survival was at stake. The crown and its competitors were not able, nor willing, to keep all their territories under tight control.
Brittany and other principalities and *apanages* enjoyed semi-independent status anyway. Champagne's concerted independent action may be seen in that context.

As suggested in this chapter, Burgundian and English policies helped these trends along, through encouraging Champagne’s “ancient liberties.” Yet they were not alone in encouraging devolution of power to localities. In a wider sense, some of the policies of the French crown since the mid-fourteenth century are in line with these trends. As opposed to earlier Capetian policies of consolidation since the reign of Phillip-Augustus, from the 1350s Jean II and Charles V decentralized power by creating semi-independent *apanages*. They gave their siblings and sons independent administrative powers in separate principalities. As Françoise Autrand notes, their policies were perhaps a conscious effort of decentralizing the administration due to the cumbersome size of the realm. Using a modern anachronistic term, the French monarchy might be defined in this period as a “federation” of principalities.99

Were the semi-independent princes of the fifteenth century, great fief holders such as the duke of Brittany and great *apanage* holders such as the duke of Burgundy, heads of independent polities or members of the French body politic? During, before and after the crisis of the civil war, the answer was, to a large extent, both. The independent status of the principalities was exemplified in many ways. In the latter part of the fourteenth century and in the fifteenth century the principalities developed administrative institutions much like the kingdom as a whole. The princes themselves enjoyed regal rights, as shown above in chapter three with regard to Brittany, such as control over

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coinage and administration of church lands during vacancies. They had some control over taxation. Moreover the princes and the principalities promoted symbols of the princes as kings, again as shown above in chapter three, including parallel symbols and rhetoric as the king of France, such as “the duke is king in his duchy,” or “count in the grace of God.” This view of the French polity challenges its unitary nature.100

While in the first half of the fifteenth century principalities such as Brittany and Burgundy promoted aspects of independence, at the same time the princes saw themselves as part of the same polity of France. In a certain sense, the princes were all part of the same family and ruled the kingdom as a family possession. In times of minority, such as the minority of Charles VI, the family members gained hold of the administration, as shown above in chapter two. In a way the apanages were a means for the royal family to integrate a family venture that had grown too large to administer centrally.101

How did these processes influence civic practices and civic conceptions in such principalities? How did this ambivalent status – semi-independent yet part the French polity – influence citizenship? To answer these questions we turn in the next chapter to an examination of one such mid-fifteenth-century principality: Dauphiné. In one sense, the origins of the ambivalent status of Dauphiné’s relationship with the realm, as detailed below, are in the mid-fourteenth-century crown policy of decentralized power by creating semi-independent apanages or principalities (in this case, an independent principality for

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100 On Brittany see chapter three. Phillipe Contamine surveys similar processes in Burgundy in the fifteenth century in Contamine, Des pouvoirs en France, 61-74.
the heir to the throne). In this sense it serves as a good example for other such semi-independent principalities or *apanages*.

Dauphiné is a good example, or case study, in two more senses. First, geographically Dauphiné is an example of other such peripheral territories. France was an expanding kingdom. In several cases, its newly controlled peripheral areas remained legally apart from the kingdom (as would be the case from the late fifteenth century, for instance, in the newly acquired county of Provence). Second, chronologically, the mid-fifteenth century sees the end of the political crisis (as well as the economic and demographic crises) in which much of this dissertation has dwelled. Thus Dauphiné opens a window into a new period in terms of the development of French citizenship.

As noted in the introduction to this dissertation, in the second half of the fifteenth century survival of the kingdom was no longer as much at issue (even when it was not completely assured). It was a period of consolidation, and partly it was a period of consolidation in the face of such semi-independent principalities. Could the semi-independent princes have turned the French polity into a de-facto aristocracy, in which they were the rulers? Louis XI, whose earlier reign as the Dauphin is examined in the next chapter, managed to evade this possibility through luck and ruthless politics. Dying out of bloodlines was perhaps the most important factor. But even close to his death, Louis XI acknowledged the legitimacy of an aristocratic view of the polity. In his *Le rosier des guerres*, he gives the princes and the king almost an equal share the care of the polity. In this sense, Dauphiné is a good example of another road-not-taken (even if a different road than Champagne). It allows an examination of citizenship in this semi-independent periphery, as well as an examination of its not-so-special ambivalent status.

Chapter Seven: Citizenship in Late Medieval Dauphiné
Louis II as Dauphin, 1447-1456

I. Introduction

Crémieu faced problems typical of a Dauphinois town in the 1440s. A small administrative center in the northern region of Viennois-La Tour, it had lost a significant portion of its population due to the plague and to emigration. The tax burden on those remaining grew heavy. Typically, in 1449 they went to the Dauphin Louis II (1423-1483; as King Louis XI, r. 1461-1483) with their plights. They were not the first to succeed in gaining his favorable intervention. The plague had struck hard and many villages and towns asked for a revision of their tax burden. Louis II manifested an active policy of trying to repopulate various hard-struck places in Dauphiné and to encourage their economic activities (just as French monarchs did for hard plague-struck areas in France, and just as in later years he recommended doing in his advice to his heir).¹

Louis II decided on November 21, 1449, after consulting with his council, to attempt to "repopulate" (repeuples) Crémieu. He thus gave a twenty-year tax exemption from all the direct taxes voted by the representative assembly of Dauphiné, its Estates, to

¹ The examples of revisions of the taxable hearths due to the decreased population in the 1440s and 1450s are numerous. See for instance Louis II's decision from January 29, 1445, mandating the renowned jurist, Guy Pape, to revise the taxable hearths of certain locals, whose inhabitants had pleaded that they could not withstand the taxes due to heavy mortality. See Archives départementales de l'Isère, B. 2738, f. 407v-408r. For general revisions of allodial lands ordered on February 10 and 11, 1450, see B. 2747, f. 7v and 196v. Generally on this period of general revisions of hearths, see Isabelle Vernus-Moutin, "Les exemptions fiscales en Dauphiné à la fin du Moyen Age," in De la principauté à la province: Autour du 650e anniversaire du Transport du Dauphiné à la couronne de France, Pierette Paravy and René Verdier eds. (Grenoble : Université Pierre Mendès France, 2001), 103. Dauphiné saw a population drop of close to 70 percent between 1339 and 1474; demographic recovery came relatively late. For Dauphiné’s demographic decline, see Alfred Fierro, “Un Cycle démographique: Dauphiné et Faucigny du XIVe au XIXe Siècle,” Annales économies sociétés civilisations 26, no. 5 (1971), 941-959. For Louis XI's advice to his heir, including to "populate deserted lands," see Le rosiert des guerres, Maurice Diamantberger ed. (Paris: Bernouard, 1925), ch. 3. The dates in this chapter as in the entire dissertation are modernized. Documents of Dauphiné administrators' origins noted the new-year after Christmas, yet French documents noted the new-year after Easter.
any who would come from lands (des pays) out of Dauphiné (hors du nostre dalphine) to live in Crémieu. Louis II not only helped the potential inhabitants ("manans et habitans") of Crémieu. He decided to encourage the rebuilding of its Jewish community. Viewing the Jews as a great benefit to his pays of Dauphiné, he allowed any "Jew or Jewess" already there to stay, and encouraged any other Jew to come to stay (demorer) at Crémieu, promising to take from them a smaller annual tax than before.²

Louis II made several important distinctions in this single fairly typical act. First, Louis II obviously wanted to help the potential "inhabitants" ("habitans") of Crémieu, those who would receive the tax exemption. He clearly distinguished these inhabitants who would "inhabit" (habiter) the town, from the Jews who would simply "stay" (demorer) in it (i.e., implicitly they would live in it only with his license). He did not see the Jews as the town's inhabitants, suggesting that the inhabitants, by contrast, had a legal status akin to legal citizenship. Second, he clearly distinguished people from within his pays and people from without. He gave the exemption to any new inhabitant who would have come from without. Implicit is another distinction: between Dauphiné and other foreign "pais."

The Dauphin of Valentinois, Louis II, heir to the French throne, displayed in this act an orientation towards acting for the good of the population of Dauphiné, and treated those coming from other lands within the kingdom of France as foreigners (but not as foreign as the Jews who lived in Dauphiné). He is the same Louis XI, who would later be known as the first king to systematically act to promote the economic activities of the inhabitants of the French kingdom and the revenues of its crown, aided most probably by

² Archives départementales de l'Isère, B. 2966, f. 641-642v. This document has been published in Auguste Prudhomme, Les Juifs en Dauphine aux XIVᵉ et XVᵉ siècles (Grenoble: Gabriel Dupon, 1883), 104-106.
the economic recovery due to the decreased destruction of wars and epidemics, to population growth and to recovery of cereal yields.³

Louis II, his councilors and subjects, did not speak in these words, but in fact they revealed through such acts their conceptions, and the practice, of Dauphinois citizenship. Granted, the documents of the period talk of "Dauphiné's subjects" (sujets delphinaux),⁴ reserving the word "citizen" (citoyen or cives) to the politically privileged member of a town.⁵ Yet in essence they conceived of a well-delimited Dauphinois citizenship and acted accordingly. While the political community of Dauphiné saw itself as part of the “house of France,” it also made a clear legal distinction between "Dauphiné's subjects" and “foreigners” from other lands, including from the kingdom of France. Administrators had a clear conception of how to grant the status of “subject.” They also had a conception of the several hierarchical levels of legal and political citizenship, a conception of who


⁴ See for instance such usage within the transaction between the Dauphin and Louis de Poitiers, bishop of Valence and Die, from September 10, 1450, in Archives départementales de l'Isère, B. 2984, f. 28.

constituted a part of each level, yet also recognized some privileges, rights and duties of all "subjects." Finally the political community in Dauphiné had a well-developed civic culture.

All these civic conceptions and practices were the edifice upon which Louis II built his administrative policies during his ten-year stay at Dauphiné from January 1447, when his father granted him a four-month leave from court, until August 1456, when Charles VII forced him to flee to Burgundy. Louis II and his councilors designed his administrative policies so as to strengthen Dauphiné's administrative institutions, its autonomy, and his position as an independent prince only loosely tied to the crown. While these institutions were similar to central French institutions, and while the crown (including later Louis II as King Louis XI) used them from 1457 to integrate Dauphiné into the kingdom as a province, at the time they were signs of autonomy. In this sense Dauphiné displays a process that several apanages and independent duchies or principalities went through at the time. Thus despite its particular independent constitutional status, which as explained below stood at the basis of its civic conceptions and practices, Dauphiné is a good example of conceptions and practices of citizenship within the semi-independent principalities of the period.

II. Dauphine’s Constitutional Status and the Administration of Louis II
Dauphiné had a somewhat special constitutional status in the middle of the fifteenth century. Over a century earlier, in the first half of the fourteenth century, Dauphiné had been an independent principality in the Holy Roman Empire under the rule of the
Dauphins from the house of La Tour. Towards mid-century, the Dauphin Humbert II found himself without a male heir and in debt. After seeking at first other venues, he finally concluded in 1349 a transaction with the French crown – “a pure and irrevocable gift between the living” – transferring Dauphiné into the hands of the eldest son of the king of France, from then on the “Dauphin.”

The so-called “transport” of Dauphiné created an ambivalent constitutional situation. While legally Dauphiné remained an independent principality within the Empire, administrators in Paris and in Grenoble ruled it in the name of the Dauphin who was the eldest son of the king of France (or the king himself until he had an heir). Jurists in Dauphiné made it clear a century later in the 1440s that Dauphiné was “translated” as a whole into the “house of France” (la maison de France; domus franciae); yet it remained legally distinct. As Etienne Guillon, president of the Conseil delphinal (the highest court of law in Dauphiné) explained in the opening speech of the Estates of August 1440, made when Louis II took possession of Dauphiné, the Dauphin (and not the king) held not only the lordship of Dauphiné (its seigneurie). He also held its administration, and had in his hands all legal jurisdictions (jurisdiction; imperium) of high, middle and low justice, and all powers (puissance; potestas), including the powers to publish "ordinances with the force of law" and powers of hearing appeals.

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7 This speech was published in Abbe Dussert, Les états du Dauphiné aux XIVe et XVe siècles (Grenoble: Allier frères, 1915), 344-347.
Guy Pape, the renowned jurist who sat at the same court after it was renamed *Parlement*, held the same assumptions when he decided in the 1450s that the Dauphin Louis II, and not only the king of France, had had the power to create a *Parlement* in 1453 since the Dauphin Humbert II transferred Dauphiné into the “house of France” (*domus franciae*). And so while within the “house of France,” or in other words part of possessions of the French crown, and while the royal heir ruled it as Dauphin, Dauphiné remained legally distinct from the kingdom of France (the Parlement of Paris, for instance, did not have there territorial jurisdiction, *ressort*).

Just two weeks before the “transport” of March 1349, Humbert II also promulgated the *Statut delphinal*. This law of 52 articles granted privileges mainly to the nobility of Dauphiné. It both cemented old privileges and reformed some administrative abuses. It regulated and protected the patrimony of nobles, their landed interests, protected their right to conduct private wars, regulated their military duties and protected seigniorial justice from central intervention by the Dauphin. It also abolished the *mainmorte* and generally protected previous liberties and privileges. The *Statut* granted privileges in several cases to all "other Dauphiné's subjects" and not only to the nobility, but it was still to a large extent a charter of privileges for the nobility. In essence, the Dauphin signed a contract with his nobility just before the "transport."

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8 Guy Pape, *Decisiones parlamenti Dalphinali* (Lyon: Jacobum Myt, 1516), q. 43, f. 11v.


10 The *Statut delphinal* was published in Valbonnaise and Bourchenu, *Histoire de Dauphiné et des princes*, vol. 2, 586-592. Vital Chomel has explained that the *Statut* was not just a charter for the nobility, since it
By the 1440s the Statut delphinal grew farther away from being a mere charter of privileges for the nobility. Each new Dauphin, just as Louis II did in 1440, declared that he would keep his subjects' "liberties, privileges and franchises," referring specifically to the Statut. As the work of Vital Chomel and more recently of Anne Lemonde has shown, through ensuring the liberties and privileges of the people of Dauphiné and through ensuring also the integrity of Dauphiné, the Statut delphinal created an atmosphere that allowed the consolidation of a Dauphinois political community and a Dauphinois identity.11

While the Statut did not regulate or ensure the creation of Provincial Estates, in effect it created the conditions that assured this institution’s growth. The "subjects" of Dauphiné enjoyed immunity from direct taxation since 1341, even before the Statut. The Statut cemented this immunity for the nobility and the clergy, except for cases of "necessity or public utility" of the places where they lived. This immunity, to which each new Dauphin swore, necessitated frequent recourse to the Estates. The first example is the "gracious gift" which the Dauphin Charles I (the later king Charles V) needed to ask of an informal gathering of the three estates in 1357 after the disaster of Poitiers. Institutionalized in 1388-1391, by the early fifteenth century the Estates provided grants

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11 For Louis II's 1440 confirmation of the "liberties, privileges and franchises" of his "men and subjects," namely of the statut delphinal, see Archives départementales de l'Isère, B. 2906, f. 44v-45r. For the connection between the Statut delphinal and the creation of a political community see Anne Lemonde, "Le Dauphiné devient français," in Novelle histoire du Dauphiné, René Favier, ed. (Grenoble: Glénat, 2007), 74; and Anne Lemonde, Le temps des libertés en Dauphiné, 42-44 and 275-338.
to the Dauphins and grew strong as an institution. Meeting annually since 1417, the 
Estates became a focal point for the consolidation of the political community in 
Dauphiné. The Estates provided regular financial support to the Dauphin by mid-century. 
The Dauphin enabled concerted action of the political community through the Estates, 
but the Estates also served as a place where the political community could gather 
opposition to governors (for instance in 1408). As Chomel explained, the Estates 
"maintained and reinforced a certain sense of unity of the pays."\(^{12}\)

At the same time, since the "transport," the French crown, in Chomel’s phrase, 
gradually turned Dauphiné "from a principality into a province." The crown gradually 
instituted in Dauphiné administrative reforms in order to strengthen its central administration. As Anne Lemonde explained, French administrators in the 1370s and 1380s turned Dauphiné into a place where they could realize their administrative ideals. They gradually reformed and strengthened its *Chambre des Comptes* in the last decades of the fourteenth century and the first decades of the fifteenth century. At the same time the crown also sent some of its best jurists to the highest legal court, the *Conseil delphinal*.\(^{13}\)

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Louis II arrived in Dauphiné in 1447, seven years after his nominal accession, arguably beginning his real reign, and inaugurating ten years of institutional reform. The same two sides of the reform remained: keeping Dauphiné administratively distinct from France and strengthening its central administration. Louis II used excellent jurists, such as Mathieu Thomassin and Guy Pape, and transformed the *Conseil delphinal* into a *Parlement* (in 1453). He gave the same powers of the royal chancellery to a new Dauphinois "cancellaria," and created permanent armed forces. He further reformed the finances to have better fiscal control. He also brought the episcopal lords under his control, reined-in allodial lords, and ended noble privileges of making private wars, all to strengthen central control. In other words, he followed the same institution-building paths followed by French monarchs and semi-independent princes (such as the dukes of Brittany and Burgundy). As these other princes, he designed his policies to strengthen the administration (of law, finances and the army). He was thus able to strengthen Dauphiné's administrative autonomy and to bolster his position as an independent prince, even if connected to the French crown.¹⁴

III. The Outer Boundaries of Dauphinois Citizenship

In attempting to strengthen the political autonomy of Dauphiné, Louis II pursued at least two kinds of policies: policies focused on distinguishing Dauphiné from other lands or *pays*, especially France; and policies focused on strengthening his independent position

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¹⁴ For Louis II’s act of March 1447, which established the chancellery in Dauphiné with the same powers as the royal chancellery, see Archives départementales de l'Isère, B. 2904, ff. 60-62. René Verdier argued that Louis II acted as a typical *apanagiste*, copying royal institutions. See: René Verdier, "Louis II: le dernier dauphin," in Vital Chomel ed., *Dauphiné, France : De la principauté indépendante à la province (XIIe-XVIIe siècles)* (Grenoble : Presses Universitaires de Grenoble, 1999), 91-108; See also Chomel, "De la principauté à la province," 175-179.
as prince. In the context of citizenship the distinction between Dauphiné and France is especially important, as seen already in his actions in 1449 with regard to the town of Crémieu.

Louis II in his years in Dauphiné made several attempts to promote the political autonomy of Dauphiné, and pursued for example an independent foreign policy in connection with Savoy and with his own marriage. Louis II also argued for his principality's distinct status in connection with tax policies. Thus, for instance, Louis II argued that Dauphiné was distinct from the kingdom of France in an October 1447 letter to tax officials in France, stating that they could not collect export-import duties on merchandise going between Dauphiné and Aragon. His Estates voiced a similar complaint in January 1449 as the tax officials continued to collect the export-import duties, stating that "neither the men of Dauphiné nor the pays had been conjoined or united with the realm."\(^{15}\)

The most famous examples of promoting Dauphiné’s separate status are the commissions that Louis II gave one of his most famous jurists, Mathieu Thomassin. Thomassin was born in Lyon, took his legal education in Orléans and pursued his legal career in Paris since 1415. Installed since 1422 in Grenoble, Thomassin sat at the principality's highest legal court, the Conseil delphinal. In February 1445 Louis II commissioned him and another person to inspect the border between the "realm" and Dauphiné, noting that he had heard of many abuses, especially along the course of the

\(^{15}\) For Louis II's letter See E. Pilot de Thorey, ed., Catalogue des actes du Dauphin Louis II devenu le Roi de France Louis XI, Vol. 1 (Grenoble: Maisonville, 1899), 183; for the complaint of the Estates see Dussert, Les états du Dauphiné aux XIV\(^{e}\) et XV\(^{e}\) siècles, 362. They did not specify to which export duty they were referring, perhaps they meant the imposition foraine. They did not rely on the fact that they did not vote for these taxes, but on the argument that the 1349 "transport" explicitly mentioned that "neither the men of Dauphiné nor the pays had been conjoined or united with the realm." (les gens du Dauphiné ne le pays ne soient point conjoinct ne uniz avec ceux du royaume)
Rhône. Thomassin marked these borders just as he did the borders between Dauphiné and Savoy in 1436.\textsuperscript{16}

The position of Dauphiné vis-à-vis France remained ambivalent even in the policies of Louis II. Naturally the heir to the French throne did not want to sever his principality's connection to France. Yet he also emphasized the distinction between Dauphiné and the realm. The more famous commission he granted Thomassin exemplifies this policy. He asked Thomassin to write a history of Dauphiné, focused on its "rights" and "deeds." The end-result was the \textit{Registre delphinal}, written between 1448 and 1456. This book details the history of Dauphiné from early medieval times, in essence legitimizing its distinct status from France, while also asserting its place within the "house of France."\textsuperscript{17}

Thomassin was not the only jurist to maintain the distinction between Dauphiné and France while asserting its place within the "house of France," as demonstrated in the aforementioned speech of Etienne Guillon and in the decision of Guy Pape. A similar attitude is manifest in the representation of Louis II as Dauphin in a manuscript of Thomassin's \textit{Registre}. That painting represents Louis II receiving the manuscript of the \textit{Registre} from the hands of Thomassin while seated on a throne, wearing a crown and


\textsuperscript{17} See for instance MS BnF. Fr. 4627, ff. 14-52. The work marks Dauphiné as an important place within France, as demonstrated by Anne Lemonde, for instance through glorifying the subjects of Dauphiné who died for their homeland, both Dauphiné and France. See Anne Lemonde, "Mathieu Thomassin, conseiller du dauphin Louis II, à la recherche d'une identité dauphinoise," in Vital Chomel ed., \textit{Dauphiné, France : De la principauté indépendante à la province (XIIe–XVIIIe siècles)} (Grenoble : Presses Universitaires de Grenoble, 1999), 348-350. For the rise within French elites of the ideal of dying for the \textit{patria}, especially in the 1410s and 1420s when Thomassin was in Paris, see Philippe Contamine, "Mourir pour la patrie," in \textit{Les Lieux de mémoire: la nation}, Pierre Nora ed. (Paris: Gallimard, 1986), 11-43.
holding a scepter. This representation of the Dauphin both places him (and Dauphiné) within the "house of France," but also promotes a view of the Dauphin as an independent prince, wearing his symbols of authority, over the insignia of the Dauphin himself.\textsuperscript{18} Such representations were common in this period for other semi-independent princes. The dukes of Brittany, for instance, shifted in the late fourteenth century and early fifteenth century from portraying themselves in their seals as knights,\textsuperscript{19} to princes giving judgment.\textsuperscript{20}

Dauphiné's political society thus saw itself as belonging to the "house of France," all the while maintaining its independence. In terms of access to formal Dauphinois citizenship, the emphasis of the administration was on its distinct status. For instance, similarly to urban practice (see the Introduction chapter above), the administration granted Dauphinois citizenship, or in contemporary terms the status of "subject of Dauphiné," to anyone residing and owning a house in Dauphiné for at least a year and a day. The following example will illustrate the important consequences of this rule. In July 1454 Louis II ordered his administrators to assess the property of "men and subjects of the country of Savoy" ("gens et subgez du pays de Savoye") within Dauphiné, intending to confiscate it in light of a coming conflict. Yet a few months later, when his

\textsuperscript{18} For this painting see Olivier Ellena, "Du corps du prince au corps de la nation: Evolution de l'image du dauphin aux XIV\textsuperscript{e} et XV\textsuperscript{e} siècles," in De la principauté à la province: Autour du 650\textsuperscript{e} anniversaire du Transport du Dauphiné à la couronne de France, Pierette Paravy and René Verdier eds. (Grenoble : Université Pierre Mendès France, 2001), 404. In contrast to my interpretation of this painting, Olivier Ellena saw it as a culmination of an old tradition of representation (since the fourteenth century) of the Dauphin as the "wise king" and of the newer mystic royal representation identifying the king with the nation (since the 1420s). See Ibid, 385. In general, Ellena argues that the representations of the Dauphin in the reign of Charles VII (r. 1422-1461) identified the "royal body" with the "body of the nation." For representations of the duke of Brittany with regalia see Michael Jones, "En son habit royal": le duc de Bretagne et son image vers la fin du moyen âge," in Michael Jones, Between France and England (Burlington, Vt.: Variorum, 2003), 253-278.


\textsuperscript{20} See ibid., plaque 12; As Michael Jones pointed out, these seals used the words "dei gratia," indicating a policy of promoting their regalian powers. See Jones, "En son habit royal," 253-278,
administrators confiscated the property of Pierre Massonnet, a native of Savoy, Louis II ordered them to restitute his property. Louis II explained that despite being a native of Savoy, Massonnet had lived in Dauphiné for forty years, and “any man (homme) who resides in the pays for a year and a day holding a house (maison)...is our subject.”

As already seen in Louis II’s act of 1449 regarding Crémieu, his administration tried to attract people from other lands to come and become subjects of Dauphiné. His administration did not differentiate foreigners from within and from without the kingdom of France. Both were equally “foreigners,” as seen in a wide-scale 10-year tax exemption Louis II granted on November 23, 1451, after a severe outbreak of the plague in the summer of 1451. He granted this tax exemption to "all foreigners both from within the kingdom and from without, of whatever estate or condition,” who “want to live...in the pays of Dauphiné.”

In other words, a basic distinction in terms of citizenship existed between subjects of Dauphiné and “foreigners,” including subjects of the kingdom of France. This distinction in terms of gaining the legal status of “subject” did not exclude holding a conception of Dauphiné as residing within the “house of France.” Yet the legal administration of Dauphiné, while admitting that Dauphiné was in some ways part of

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21 For the July 1454 order to assess the property of Savoyard subjects, see Archives départementales de l'Isère, B. 2961, f. 323. For the December 1454 order annulling the confiscation of the property of Pierre Massonnet, see Archives départementales de l'Isère, B. 3232, f. 60. The administration in Dauphiné in granting the status of “subject” used rules similar to the laws regulated town citizenship in France, namely of how to become a burgher of a town or of the king (bourgeois du roi), without an actual letter of naturalization. For stipulations granting privileges to house owners in towns in France in general, see for instance the law regulating access to the status of burgher in Languedoc in 1376 in Isambert, Decrusy et Jourdan eds, Recueil général des anciennes lois Françaises, vol. 5 (Ridgewood, New Jersey: Gregg Press, 1964), 472-478.

22 See Archives départementales de l'Isère, B. 3232, f. 60v ("tous estrangieres tant du royaulme que d'aillers de quelque estat ou condition.")
“France,” or part of the possessions of the French crown, protected the legal distinction between the subjects of the kingdom of France and the subjects of Dauphiné.

IV. The Status of “Subject”: Grades, Legal Consequences, and Excluded Groups

IV. A. Grades of Citizens

While the documents of the period often mention the term “Dauphiné’s subjects” (sujets delphinaux; subditos dalphinates), and while such status had legal consequences as will be shown directly, not all subjects enjoyed all privileges and rights. Rather citizenship in Dauphiné, as in all of France, was graded and unequal.

Only the elites actually had rights of political participation. Contemporaries defined citizenship (from the 1370s) according to the potential to participate in decision-making and government.23 The composition of the Estates of Dauphiné followed this definition. The three estates were composed of the officials of the Church, nobles holding fiefs or patrimonial lordships (thus allowing the participation of women who held such lands), and finally the castellans, and the consuls and other deputies of the towns. In other words, only the governing elite of Dauphiné sat in its Estates.24

The politically privileged elite enjoyed other privileges as well, especially in comparison to the non-privileged. The seigniorial regime remained harsh on the rural population. No doubt at least some of the demographic decline was due to emigration for

23 See especially chapters one and two above.
24 For the composition of the Estates of March 1388 for instance, see Archives départementales de l’Isère, 1C2. Generally on the composition of the Estates in this period, see Dussert, Les états du Dauphiné aux XIVe et XVe siècles, 292-299. The composition of the Estates in this period were thus similar to the composition of the Estates General of 1468 and 1484 analyzed in Neithard Bulst, "Vers les états modernes: le Tiers état aux États généraux de Tours en 1484," in Représentation et vouloir politiques, Roger Chartier and Denis Richet eds. (Paris: Diffusion, 1982), 11-18.
reasons of wishing to escape seigniorial exactions. Nobles and clergy enjoyed many privileges that other “subjects” did not enjoy, some enumerated in the *Statut delphinal*, such as exemption from direct taxes. Towns enjoyed privileges which the Dauphin gave them in charters. In contrast, the Dauphin did not give the rural population similar privileges, probably since they were under the jurisdiction of their seigneurs. Indeed, for instance, when the Dauphin granted privileges to all the "men and subjects, burghers and inhabitants" (*hommes et subgetz, bourgeois, manans et habitans*) of Saint-Symphorien-d'Ozon in November 1447, he explicitly excluded those from "without the town (ville)."^25

The reign of Louis II as Dauphin is interesting for pressures that the non-privileged put on the Dauphin to take back some of the privileges or to give them to all the subjects of Dauphiné. When these pressures accorded with Louis II’s aims of strengthening his central control, he went along with such demands. A well-known issue is the 1447 demand of the towns that the Dauphin annul the tax privileges, granted to many privileged people. Various Dauphins gave tax exemptions not only to nobles and clergy, but also to specific persons, to officials of the administration, to town consuls, and to non-nobles who purchased noble land. And so, while the Estates of February 1447 granted Louis II a “free gift” of 45,000 florins, it gave it on the condition that he also impose the tax on some of those granted exemptions in the past. The result was his ordinance of September 23, 1447, stating that “all our subjects” (*omnes subditi nostri*) will have to contribute “taxes and free gifts” (*subsidia et dona gratuosa*) except “clergy

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^25 For the privilege of Saint-Symphorien-d'Ozon see Archives départementales de l'Isère, B. 2968, f. 830. For the harshness of the seigniorial exactions see for instance Chomel, "De la principauté a la province," 172.
living clerically and nobles living nobly” (exceptis clericis clericaliter & nibilibus nobiliter viventibus). Yet such granting of tax exemptions continued.²⁶

In other issues the unprivileged were more successful. Louis II tried throughout most of his ten-year stay in Dauphiné to rein-in the almost independent nobility, clergy and holders of allodial lands. He was able, for instance, to curtail episcopal autonomy in Grenoble, Vienne, Valence and Die, Gap, and Embrun. Thus, for instance, in a September 10, 1450 transaction, the Bishop of Valence and Die promised that he and his “vassals, subjects and men” would give homage and fidelity to the Dauphin. The almost immediate consequence of this transaction, in late October, was Louis II’s order to revise the taxable hearths in the Bishop’s lands, ensuring their contribution to the overall tax burden.²⁷

Louis II’s order was in line with the demands of the Estates and with his policies of gaining better control of Dauphiné. Similarly, the Estates demanded in early 1449 that holders of allodial lands begin to contribute to the annual taxes voted by the Estates. Louis II willingly acceded to this demand in February 1450 ordering that “our vassals who hold these allodial lands...will pay gifts and aides as our other subjects.” Making the episcopal subjects pay taxes, previously noted, was thus part of a policy of distributing

²⁶ For this ordinance see Archives départementales de l'Isère, B. 3232, f. 71v-72r; published in Statuta delphinalia (Grenoble: Pierre Charvys, 1619), ff. 126-126v. On tax exemptions in this period and the debates on them see Vernus-Moutin, "Les exemptions fiscales en Dauphiné à la fin du Moyen Age," 103-113. On these tax exemptions and the so-called “taille controversy” which had its origin in this ordinance see Daniel Hickey, The Coming of French Absolutism: The Struggle for Tax Reform in the Province of Dauphiné 1540-1640 (Toronto: University of Toronto Press, 1986), 18. For the “free gift” of the Estates of 1447 see Étienne Charavay ed., Lettres de Louis XI, vol. 1 (Paris: Renouard, 1883), 217-219. For the complaint of the Estates of January 1449 against the continuing policy of giving exemptions despite this edict, see Dussert, Les états du Dauphiné aux XIVe et XVe siècles, 363.

the tax burden on all the subjects of Dauphiné. To further illustrate this policy, the first act of Louis II in accordance with the demand of the Estates was already in May 1449, making alodial lands of the Church in Trièves pay direct taxes.28

Demands rose for a wider distribution of the tax burden also within the towns. Generally, Louis II granted liberties and privileges to all the inhabitants of a town, liberally defined as in the example of Crémieu. Yet many in the towns were, for instance, exempt from the direct taxes which all the rest of the town paid. The consuls of Grenoble convinced Louis II in October 1447 to write to his “loyal councilors, burghers, citizens and inhabitants” of Grenoble with regard to the public taxes (tailles, aydes et dons) voted by the three estates of the pays. He declared there that all the “citizens” must pay these taxes except for the clergy, some administrators and the poor.29

In Romans, after a severe outbreak of the plague, Louis II made an even more drastic declaration. There, in November 1451, he adhered to the demand of the “burghers and inhabitants” that the consuls of the town collect a certain tax from the privileged and the non-privileged alike, including the clergy and the nobles, both because it was a “free gift” and because over a thousand people had died of the plague. He enforced in that instance the standard progressive principle that the rich pay more than the poor (“the strong carry the feeble”; le fort portant le foible).30 The pressures of the non-privileged of Romans for a more equitable tax burden are similar to recurring pressures manifested by inhabitants and burghers of other towns in France in the late fourteenth century and early

28 See two orders of February 1450 in Archives départementales de l'Isère, B. 2747, f. 8 and 196v. See the order of May 1449 in f. 294-294v.
29 Archives départementales de l'Isère, B. 2947, f. 641. For privileges that Louis II gave to all the “citizens, burghers and inhabitants” (civites, burgensis et habitaciones) of the civitas of Vienne in October and November 1448, see Archives départementales de l'Isère, B. 2968, ff. 612-646v.
30 Lettres de Louis XI, vol. 1, 236-238.
fifteenth century, such as in the tax rebellions of the 1380s, and in the towns of Champagne in the 1430s.  

Despite all these pressures, Louis II continued to grant privileges to nobles and to towns, including tax exemptions. As already noted, besides granting tax exemptions to various individuals and office holders, Louis II granted many tax exemptions to towns in an effort to encourage their repopulation and their economic activities. He similarly granted other privileges to towns to encourage their economic activities or to increase their revenues, such as instituting fairs or allowing new communal taxes or duties. It is interesting to note, as an aside, that it is doubtful if this policy worked in Dauphiné, which still saw in this period economic and demographic decline.  

IV. B. Universal Rights and Duties  
Some liberties and privileges went along with being a subject of Dauphiné regardless of special privileges or exemptions. The status of “subject” had legal consequences which the administration of Dauphiné protected. The Dauphin and his administrators often noted their duty to protect the "liberties, privileges and franchises" of all the subjects of Dauphiné, beginning in the oath that Louis II took in 1440 when he took office confirming Humbert II's obligations. Subjects saw value in these obligations. As noted, the Bishop of Valence and Die gave homage in September 1450 to the Dauphin. The parties included in the transaction between the Dauphin and the Bishop the stipulation

31 See chapters two and six above.  
32 For a tax exemption given in January 9, 1450 to Simon Galbert of the town of Saint Marcellin who was secretary general of the Estates there see Archives départementales de l'Isère, B. 2738, f. 376. For a May 1449 exemption from direct taxes to Savasse, including a right to self-rule and to raise municipal taxes, see Archives départementales de l'Isère, B. 2983, f. 399. On tax exemptions to towns see Vernus-Moutin, "Les exemptions fiscales en Dauphiné à la fin du Moyen Age," 109. On Dauphiné's demographic decline (until the 1470s) and late economic recovery, see above, footnote 1.
that the Dauphin would treat the subjects of the Bishop as his own subjects, besides the stipulation that he would respect the franchises of the towns.\textsuperscript{33}

While the \textit{Statut delphinal} was a century old and in favor of the nobility, and while "franchises" referred mostly to towns, Louis II gave new privileges as part of his administrative policies of centralization and advancing legal autonomy. Thus, for example, in an August 1445 edict reforming the administration of justice and finances in Dauphiné, the Dauphin declared that his justices will punish crimes committed against "his subjects of Dauphiné" unless he gives a letter of grace and remission.\textsuperscript{34}

The flip side of the coin was also true. The courts not only protected the "subjects of Dauphiné" from crimes, they also allowed them recourse to justice. In an ordinance of May 1446, for instance, relating especially to the usage of notaries, the Dauphin stipulated that "subjects of Dauphiné" will not be transferred to jurisdictions out of Dauphiné (a privilege common in other places in France). Similarly in the September 1450 transaction with the Bishop of Valence and Die, the Dauphin included a stipulation limiting appeals of the Bishop's subjects to Dauphiné only. While the Dauphin used this stipulation to limit the ability to appeal, protecting the legal autonomy of Dauphiné as any other semi-independent prince, such as the Duke of Brittany, would have attempted, he also regulated the recourse of his new subjects to his courts. Similarly, while the Dauphin limited in May 1449 the right of his subjects to appeal to the \textit{Conseil delphinal}, including a stipulation of an unusually high sum to be paid upon appeal (indicating

\textsuperscript{33} For the 1440 confirmation of privileges, see note 11 above. For the stipulation in the September 1450 transaction see Archives départementales de l'Isère, B. 2984, f. 28.

\textsuperscript{34} Archives départementales de l'Isère, B. 2906, f. 254v.
perhaps that the court was overwhelmed by appeals), he also thus protected the principle giving them a right to appeal.\textsuperscript{35}

The right to inherit provides another example of the administrative policies of Louis II and the universal rights of the subjects of Dauphiné. As shown in a relatively recent exchange between Simona Cerutti (studying Savoy in the fifteenth and sixteenth centuries) and Peter Sahlins (studying France from the sixteenth century onwards), one of the key issues separating foreigners from "citizens" was their inability to inherit. Letters of naturalization would in the sixteenth century become the regular institutionalized remedy to this liability. Sahlins had maintained that the letters by being an exception to the rule show the connection between citizenship and the right to inherit in early modern France. Cerutti argued against the notion that the state had a monopoly on naturalizations and argued also against Sahlins' interpretation of the nature of the French state through the letters, including his notion of the malevolence of the state toward foreigners.\textsuperscript{36}

The case of Dauphiné in the years examined here provides an interesting insight on the right to inherit and on the Cerutti-Sahlins debate. The Dauphin had already abolished the mainmorte in Dauphiné in the Statut Edelphinal of 1349. In 1451 a new disagreement arose between the Dauphin and the Estates. The Dauphin promulgated a new law in November 1450 on the usage of notaries. The Estates assembled that winter,

\textsuperscript{35} For the May 1449 edict on notaries, see Archives départementales de l'Isère, B. 2904, f. 92-93v. For the relevant article from the transaction of September 1450, see Archives départementales de l'Isère, B. 2984, f. 26v. For the edict on appeals from May 1449, see Statuta Edelphinalia, ff. 29v-30v. For the 1384 letter of the Duke and Parlement of Brittany, complaining against the ability of Bretons to appeal to the Parlement of Paris, see Morice, Memoires pour servir de preuves, Vol. 2, 456-459.

in January 1451, and complained among other things against the two seals required on
documents such as contracts and wills and against the steep rates that castellans and
notaries required them to pay for them. In June 1451 Louis II replied to the complaints
and kept most of the regime in place reducing one of the seals required, yet that summer
conditions made Louis II change his stance even further. A new harsh outbreak of the
plague that summer took a toll of many deaths, for instance the already mentioned deaths
of over a thousand people in Romans. Thus in January 1452 Louis II noted that since
many had died and since there was also a lack of notaries due to the outbreak of the
plague, he gave a temporary general exemption from the need for notaries for
testaments.\textsuperscript{37}

The exception examined by Sahlins and Cerutti is less relevant for this period in
Dauphiné, when the administration tried to attract foreigners to the point of granting them
tax exemptions. Yet the connection between citizenship and the right to inherit is
manifest. All subjects had a right to bequeath property after death, even while the
Dauphin tried to regulate, centralize and draw revenues from this right.

Were there any universal duties of all subjects in Dauphiné? One such potential
universal duty was to contribute to taxation voted by the Estates. This duty was hardly
universal and even hardly a duty. First, as noted, in principle subjects had a general
liberty from taxation unless voted by the Estates. Second, the Estates themselves tried to
convince the Dauphin that he should abide by his declarations to refrain from exemptions
and that he should tax all subjects except clergy living clerically and nobles living nobly,
but to no avail. The principle of (almost) universal taxation remained, and as already

\textsuperscript{37} For the June 1451 edict see Archives départementales de l'Isère, B. 2947, ff. 714-721. For the January
1452 edict see Archives départementales de l'Isère, B. 2947, ff. 723-724v.
noted even advanced by the Dauphin. Yet the ability of the Dauphin to grant exemptions, i.e. exceptions to the principle, gave him centralized power which he found it hard to relinquish.\(^{38}\)

The true universal duty of all subjects was a somewhat amorphous duty of loyalty. The duty of loyalty of all subjects should not be confused with more personal duties of loyalty. When the Dauphin required upon reaching Dauphiné in 1447 that everyone give him homage, this requirement was based on personal relationships due to fiefs held from the Dauphin, and was not required of all subjects. Such personal relationship was the basis of the Dauphin's order of September 1447 stating that he would proceed to seize the fiefs of whoever had not already satisfactorily given him homage.\(^{39}\)

Yet the idea that Dauphiné was legally an independent principality meant for contemporaries that the Dauphin was every subject's "sovereign seigneur," and that all subjects owed him fidelity as such. Thus as the Bishop of Valence and Die gave homage to the Dauphin in September 1450, he undertook to make sure that his "vassals, subjects and men" will give an oath of loyalty to the Dauphin as their "sovereign seigneur."\(^{40}\)

The principle of universal loyalty is manifest especially at the end of Louis II's stay in Dauphiné. Having fled to Burgundy from his father king Charles VII in the summer of 1456, Louis II remained in communication with the Estates and his father. Charles VII, the Estates and Louis II negotiated over actual control of Dauphiné and over the question of the Estates taking an oath of loyalty to the king. The king in the negotiations often mentioned the loyalty of Dauphiné to the crown (and specifically to

\(^{38}\) For the 1449 demand of the Estates that the Dauphin refrain from granting tax exemptions see note 26 above.

\(^{39}\) Ulysse Chevalier, *Ordonnances des rois de France et autres princes souverains relatives au Dauphiné* (Colmar: Hoffmann, 1871), n. 407.

\(^{40}\) Archives départementales de l'Isère, B. 2984, f. 23.
him) in the civil wars, for instance in his letter to the Dauphinois of September 11, 1456.41

Louis II finally wrote from Brussels in early 1457, allowing the Estates to render obedience to the king. Thus the "three estates" of Dauphiné (the patrie dalphinalis) took an oath of loyalty to the king in April 1457, after receiving the power of the "Dauphiné subjects" (dalphinales subjectos). In both the need for Louis II's consent, and in Charles VII's requirement of an oath of loyalty, a principle of universal duty of loyalty is manifest. Indeed the oath of loyalty which Charles VII required of all the subjects of Dauphiné (to himself as king) through the proxy of the Estates is reminiscent of similar annual urban requirements and in such requirements he had of the inhabitants of newly conquered English and Burgundian controlled lands two and three decades earlier, such as the city of Reims in 1429.42

V. Civic Culture: Activities and Identities
Continuing an earlier tradition, Louis II assembled the Estates annually each winter throughout his ten-year stay in Dauphiné, except for 1452 when an outbreak of the plague prevented it. The legal immunity from direct taxation necessitated this frequent recourse to the Estates, and the Estates in turn granted its yearly tax or "free gift," 45,000 florins a year (worth 33,750 l.t.). The regular funding that the Estates provided turned them into an

41 Charavay ed., Lettres de Louis XI, 261-263. For a study of these events, their background, and for some of the letters exchanged between the Estates and Charles VII see Abbe Dussert, "Fin de l'indépendance politique du Dauphiné," Bul. de l'académie dalphinales, sér. 5, 1 (1907): 5-55.
42 Archives départementales de l'Ise, B. 2905, f. 579. For oaths of loyalty that Charles VII required of all the inhabitants of Reims upon entering the city in 1429 see Sylvette Guilbert ed., Registre délibérations du conseil de ville de Reims (1422-1436) (Reims: L'Académie Nationale de Reims, 1991), 138. Louis XI later in 1462 prosecuted Guy Pape and other councilors for not remaining loyal enough in these events. See MS. BnF. Fr. 16536, f. 165.
indispensable institution for the Dauphin, though in 1452 when the Estates did not meet due to the plague he still raised the same amount as voted in 1451. Dauphiné thus provides another example of the connection between immunity from taxation except for cases of necessity or public utility, a willingness of the Estates to vote for taxes and the flourishing of that institution. Normandy is another such famous example, having received its immunity from taxation (except in cases of "evident utility or urgent necessity") in 1315.43

The assemblies of the Estates were the regular forums not only for gathering funds, they were also forums where the Dauphin could gather support for his policies, and where the various groups of Dauphiné could coordinate their actions and oppose such policies. The Estates was a forum for negotiation, cooperation and at times contestation. Since the Estates served the Dauphin's purposes in granting funds, he in a sense encouraged their civic activities by assembling them each year, hearing their complaints and generally responding affirmatively.44 Since the Estates were composed of the governing elite, bringing them together from the various places around Dauphiné helped to improve its institutional coherence.

The first action of the Louis II as Dauphin upon arriving to Dauphiné was to gather the Estates at Romans in February 1447, where they granted 45,000 florins. The Dauphin gathered the Estates again in Romans in February 1448, where they again

43 For the 45,000 florins (and their value in pounds of Tours) voted in February 1448 see Charavay ed., Lettres de Louis XI, 219. For the tax of 1452, levied despite the lack of a meeting of the Estates that year, see Dussert, Les états du Dauphiné aux XIVe et XVe siècles, 251. For the Norman charter of 1315 see Eusèbe-Jacob de Laurière et al. eds., Ordonnances des roys de France de la troisième race, vol. 1 (Paris: Imprimerie royale 1723), 551.

44 For the various Estates in France in this period as forums of “cooperation, reformation and contestation” see Olivier Guillot, Albert Rigaudière and Yves Sassier, Pouvoirs et institutions dans la France médiévale: Des temps féodaux aux temps de l'État (Paris: Armand Colin, 1998), 140-202.
granted 45,000 florins. Each time the Estates made sure to note that "the men of the three estates of the pays of Dauphiné ... give" this tax to their "souverain seigneur" as a "free gift of their own will and without infraction of their liberties." Everyone wanted to emphasize the voluntary character of these taxes, enhancing their legitimacy and perhaps making them easier to collect.45

The assemblies were as noted also an occasion for negotiations between the Estates and the Dauphin. Thus the Estates of January 1449, besides granting the regular 45,000 florins, also presented a list of 11 complaints or demands, such as the above-noted issue of the export-import duties taken by French tax collectors from Dauphinois merchants, a request to prolong the period allowed to give homage to the Dauphin, the charges of notaries and castellans, and the tax exemptions granted despite earlier declarations. The Dauphin granted many of their demands. A similar exchange took place – with 24 articles of complaint – in the Estates of February 1451, where again the Estates raised the issue of notaries. The Dauphin promulgated in June a new law on this subject, stating that it was in response to the protests of the men of the "three estates" (as kings had emphasized prior consultation in edicts).46

The assembly of the Estates held following the outbreak of the plague in the summer of 1451 is also a good example of the negotiations between the Estates and the Dauphin. Held in January 1453, the Estates demanded among other things that he expel

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45 For the Estates of February 1447, see: Lettres de Louis XI, 217; Dussert, Les états du Dauphiné aux XIVe et XVe siècles, 232. For the Estates of February 1448 see: Lettres de Louis XI, 219; Dussert, Les états du Dauphiné aux XIVe et XVe siècles, 239.

46 For the published list of complaints and replies of January 1449, see Dussert, Les états du Dauphiné aux XIVe et XVe siècles, 361-366. For this assembly see also Archives départementales de l'Isère, IC2/27. For the complaints of February 1451 see Thorey, ed., Catalogue des actes du Dauphin Louis II devenu le Roi de France Louis XI, n. 847. For the law of June 1451 see Archives départementales de l'Isère, B. 2947, f. 714. For the Estates of 1449 and 1451 in general see Dussert, Les états du Dauphiné aux XIVe et XVe siècles, 241 and 248.
the Jews from Briançon because they ruined the pays with their usury, that he liberalize commerce in wheat, that he allow free hunting, and that the judicial institutions return to Grenoble (they fled to Romans due to the plague). The Dauphin did not allow free hunting since it was a privilege of the nobility, yet allowed free fishing to all the inhabitants of Dauphiné. He announced that the Conseil delphinal would return to Grenoble, and that the commerce in wheat would be liberalized, but that he wanted the Jews to continue to live in Dauphiné.\textsuperscript{47}

Civic activities in Dauphiné had other manifestations as well. The towns saw more civic activities than before. Thus the Dauphin allowed the town of Romans in February 1450 to elect four consuls by a majority, who would have full powers (plerarum potestatem) to raise communal taxes. The Dauphin also allowed La Sauzet a similar privilege in 1449 to elect syndics and consuls who would have powers to raise taxes.\textsuperscript{48}

Taken seriously, the late-medieval Aristotelian-theoretical view that the citizens were those participating in government suggests that the assemblies of the Estates were not the only venue for civic activities. The most obvious decision-making forum was the Dauphin's council, often referred to by the Dauphin as the forum with which he took advice before taking decisions. Especially in promulgating laws, the Dauphin referred to the advice he took of the Grand Conseil. The "grand council" was composed of the highest officers of Dauphiné (such as the governor, the maréchal, the men of the Conseil

\textsuperscript{47} For the complaints and replies see Thorey, ed., \textit{Catalogue des actes du Dauphin Louis II devenu le Roi de France Louis XI}, n. 1006 bis. For the law liberalizing fishing see \textit{Ibid}, n. 1001 bis. For the Estates of 1453 in general see Dussert, \textit{Les états du Dauphiné aux XIVe et XV\textsuperscript{e} siècles}, 254.

\textsuperscript{48} For the February 1450 privilege of Romans to elect consuls and raise taxes see Archives départementales de l'Isère, B. 2980, f. 742v. For the privileges of La Sauzet see Archives départementales de l'Isère, B. 2983, f. 399.
Other less obvious civic activities also become apparent when viewed widely. Thus when the Dauphin demanded in August 1445 that the "officers of the pays, make continual residence in their places of office," besides reforming the administration to prevent abuses, he was also encouraging civic participation in actual government. Similarly, when the Dauphin regulated in October 1452 the nobility's armed duties to create a more effective and available armed force, he was also encouraging their civic duties to defend the pays. In other words, the citizens of Dauphiné had duties to actively defend and to administer it. 

Yet the Aristotelian-theoretical view is not as manifest in the rhetoric of the age as one might imagine. Sixteenth-century charters confirming the "privileges and liberties" of Dauphiné, for instance those of Francis I and Henry II, granted the privileges not only "for the good" of their "loyal subjects" but also for the "whole republic (totius republico)." One can find such republican rhetoric in this period in Dauphiné, but it is relatively scarce. Thus, for instance, Louis II's confirmation of the "liberties, privileges and franchises" of his "men and subjects" lacks that republican rhetoric. References to the "chose publique" for instance, i.e. the commonwealth, were rare though used for instance in an ordinance against unlicensed hunting in December 1448. Dauphiné displays

49 For the composition of the grand council during this period in general see Thorey, ed., *Catalogue des actes du Dauphin Louis II devenu le Roi de France Louis XI*, x. For the composition of the grand council in January 1456 see a law promulgated and quoted in Ibid, n. 1213.

50 For the law of August 1445 regarding continual residence of officers, see Archives départementales de l'Isère, B. 2906, f. 254v. For the law of October 1452 see Thorey, ed., *Catalogue des actes du Dauphin Louis II devenu le Roi de France Louis XI*, n. 978.

51 For the sixteenth-century charters see Archives départementales de l'Isère, IC7, f. 1 and f 13. For Louis II 1441 confirmation of privileges see Archives départementales de l'Isère, B. 2906, ff. 44v-45. For the
mostly (though not exclusively) a rhetoric focused on “liberties, privileges and franchises” as in other places in France of the period. For instance, men in towns often demanded protection of their civic rights in these terms in the late fourteenth century: in Paris in 1382, in Abbéville in 1380, and in Artois, Boulonnais and the county of Saint-Pol in the 1360s and 1370s.$^52$

Political and legal actors did not refer often to Dauphiné as a commonwealth (*chose publique*). Instead they commonly used the term *pays*. Dauphiné had an entrenched political identity, which developed as already noted in the decades following the "transport" and the *Statut delphinal* of 1349. By the time of Louis II the political and legal elites commonly referred to the history of Dauphiné and to the "transport" which kept it as a *pays* legally independent from the kingdom of France. Beside the aforementioned examples, including the opening speech of the Estates of 1440, one can again mention the complaints of the Estates of January 1449. Thus the Estates began their complaints with a supplication "for the good of your lordship and this *pays*." Then in their aforementioned complaint on the export-import duties, they gave an historical argument, that "in the transport which put Dauphiné in the house of France...neither the men of Dauphiné nor the *pays* had been joined nor united with those of the Realm." In other words, both the citizens themselves and the principality of which they were part, were not part of the kingdom of France.$^53$

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$^52$ See note 113 in chapter two.

$^53$ The complaints were published in Dussert, *Les états du Dauphiné aux XIVe et XVe siècles*, 361-362 (pour le bien de votre ségnorie et dudit pays...au transport fait du Daulphiné en la maison de France soit expressément contenu que les gens du Daulphiné ne le pays ne soyen point conjoincts ne uniz avec ceux du Royaume...).
The citizens of Dauphiné, in other words, saw themselves as part of an autonomous principality. They were members of their homeland of Dauphiné. Yet as shown above they also saw themselves as part of the "house of France," despite some significant cultural differences including their dialect (franco-provençal) and intellectual provençal culture. Indeed since some of the legal and administrative cadre came from out of Dauphiné, including their prince, this strong connection is unsurprising. Their homeland was both Dauphiné and France. They did not hesitate to emphasize, as Charles VII did, their loyalty to the French crown, including in previous wars and civil conflicts.54

VI. Conclusion
The current historical narrative on the integration of Dauphiné into the kingdom of France describes a parallel process. The change from "principality to province" brought with it a "loss of liberties." The actual loss of political autonomy vis-à-vis the French crown was essential in this process. While historians differ on the exact date and process – 1457 or later – the narrative of "loss of liberties" remains essentially the same.55

Yet bemoaning previous "times of liberties" (as Anne Lemonde called them) before the crown put Dauphiné under direct rule in 1457 conceals part of the process. Rulers of apanages and other independent principalities developed administrative

54 For a close connection and coordination between Dauphiné and Lyon in the face of a feared invasion in 1417, see Les archives municipales de Lyon, BB1, ff. 25v-26. On Dauphiné provençal culture see for instance Vaillant, “La société dauphinoise,” 153.
55 René Favier, for instance, described a long process in René Favier "De la principauté à la province. Le perte des libertés dauphinoises (XVIe – XVIIe siècle)" in Vital Chomel ed., Dauphiné, France : De la principauté indépendante à la province (XIIe-XVIIIe siècles) (Grenoble : Presses Universitaires de Grenoble, 1999), 123-145. Abbe Dussert on the other hand described an abrupt moment in 1456-7 in Dussert, "Fin de l'indépendance politique du Dauphiné," 5-55.
institutions in this period of relative political autonomy. The crown later stepped in and absorbed them.\textsuperscript{56} In other words, while these better administrative institutions allowed political autonomy, they also later facilitated integration into the kingdom.

One fascinating aspect of this process in Dauphiné is that Louis II as Dauphin acted as one of the independent princes that he would later as King Louis XI try to suppress. In other words, the institution-building policies of any at least semi-independent prince were essentially the same. They wished to strengthen central administration and their own political power, and it did not matter if they were the Dauphin, the duke of Brittany, the duke of Burgundy, or, indeed, the king of France. Louis XI followed similar policies as he did as the Dauphin Louis II, wanting to strengthen his own political power, yet as king they meant consolidation of royal power against the princes, and as Dauphin they meant consolidation of the Dauphin's power in Dauphiné and against other powers, such as the French crown.

In terms of citizenship the "loss-of-liberties" process is more complex. While the Estates facilitated civic activities and civic liberties, other administrative institutions gradually reined them in. Historians such as Anne Lemonde have already noted the pivotal role of the "transport" and the \textit{Statut delphinal} of 1349 in creating the constitutional regime of Dauphiné and the liberties of its subjects. Yet it is also illuminating to compare them and the consequent developments with a similar document from another land in this period: the Kosice Privilege of 1374 in Poland.

\textsuperscript{56} Cf. this process in Brittany in James B. Collins, \textit{Classes, Estates and Order in Early Modern Brittany} (Cambridge: Cambridge University Press, 1994), 118.
Several parallels are noticeable. Louis d'Anjou, King of Hungary, issued the Kosice Privilege in anticipation of the problematic succession in Poland of his daughter, much like Humbert II's lack of an heir. The documents themselves have interesting parallels. Much like the Statut, the Kosice Privilege granted various privileges to all the inhabitants of Poland, yet helped mainly the nobility (or, in other words, the citizens). Much like the "transport" the Kosice privilege included a stipulation against division of the kingdom or other alienation of its lands. Much like the Statut, with its tax immunity, the Kosice Privilege included tax exemptions and a general promise to keep and not to infringe on the liberties and property of all the barons, magnates, nobles, cities, and towns. In essence, in both cases, the king or the Dauphin signed a contract with his nobility just before a problematic succession.57

The similarities in the starting points of both constitutional regimes underline the different constitutional paths that Poland and Dauphiné took in the fifteenth century. Poland strode on the path of creating a commonwealth of the nobility. Based on active political participation of nobles and self-rule, the rhetoric came to be very republican and the citizens-nobles managed to entrench further both their privileged status vis-à-vis the rest of the population, for example in the Wartha statutes (1423), and their liberties vis-à-vis the crown, exemplified by the Nihil novi article (1505), stipulating that "nothing new" may be instituted without consent of Poland's representative institutions.58

Dauphiné strode in a different direction. While the civic activities of its politically privileged groups at first increased, their liberties vis-à-vis the Dauphin and his administration steadily decreased. The Dauphin managed to create more efficient centrally controlled administrative institutions. He allied with less privileged populations outside the nobility and granted some liberties, or rather privileges, to all his subjects. The emphasis in political culture came to be not only on liberties of the subjects, but also on their loyalty. Political society focused on maintaining the independence of its homeland or principality of Dauphiné from the kingdom of France alongside its own tax privileges. All the while it also maintained its loyalty to the "house of France."

Perhaps in the final assessment, Dauphiné political society could not successfully promote at once all these aims. Emphasizing the political autonomy of Dauphiné and promoting it through its administrative institutions came at the expense of active political participation and self-rule within Dauphiné. Poland went down the path of active political participation or what we would call positive rights; Dauphiné went down the path of trying to maintain its legal autonomy from France and its tax privileges, or what we would call negative rights. In that sense, the administration planted the seeds of the loss-of-liberties process in Dauphiné in the "times of liberties" themselves.
Conclusion

The fall of 1428 was extremely difficult for the town of Lyon. With the war raging with England and Burgundy, enemy troops and bandits roamed the countryside, and the town had to raise funds to support its own troops to defend itself. It even asked Charles VII for a remission of taxes due to this heavy burden. Yet on receiving Charles VII’s letter on December 3, asking for Lyon’s help for the troops besieged by the English enemy in Orléans, they decided to agree and on December 8 sent various needed materials (such as saltpeter) to beleaguered Orléans.1 Unsurprisingly, the tax burden on Lyon remained heavy. On February 20, 1429 a large assembly of Lyon decided to change the tax base in order to ease the tax burden on the “small people” (menu peuple), or in other words, on the inhabitants of Lyon who were not part of its propertied ruling elite. They decided to levy taxes on foreigners passing through the town and to ask the clergy of the town to contribute.2

These events, occurring in the context of the crisis of the war with England, show the complex nature of French citizenship in Lyon. The citizens of Lyon were its propertied class, the people whose property rights on houses were ensured from creditors, held in long possession, and conserved in the archives of the town according to their own decision of May 27, 1422.3 Citizenship of Lyon was a coveted privileged political position that Pierre Neir had to apply for and take various commitments in order to obtain

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1 Les archives municipales de Lyon, BB2, f. 72. For the municipal deliberations of Lyon in this period see also G. Guigue, Recueil des délibérations de la commune de 1422 à 1450 (Lyon: Archives et bibliothèque de la ville, 1926).
2 Les archives municipales de Lyon, BB2, ff. 76v-77.
3 Les archives municipales de Lyon, BB1, f. 157.
Clergy did not consider themselves, strictly speaking, citizens of Lyon, and we see here just the tip of the iceberg of the many quarrels they (and especially the Archbishop) had with the town’s council. The menu peuple were also not part of the politically privileged citizenry. Yet even the menu peuple of Lyon, its legal inhabitants (habitans), had more privileges than other liminal groups, such as people from out of Lyon (forains), even from within the kingdom of France, who were more heavily taxed as foreigners (taille estrange), or Jews who could reside (demourant rather than habitant) in Lyon only with some special license, asked for instance for one of Lyon’s doctors, “Gabriel the Jew.”

Citizenship in Lyon also involved realm-wide commitments. Despite taking care first of Lyon’s interests, the citizens also had a genuine concern for the realm. Thus they sent help for Orléans despite their own difficult military situation. They regularly sent deputies to assemblies of Estates, which Charles VII frequently called in the 1420s, representing the town’s interests, yet participating in realm-wide debates and agreeing to the taxes requested. In short, citizenship in Lyon was both elitist (in terms of political privileges) and non-elitist (in terms of other legal privileges of inhabitants), exclusionary of outsiders even from within the kingdom of France (as seen in the foreigners tax) and inclusionary (in terms of realm-wide commitments taken by the town).

In stark contrast to the multifaceted and even fractured nature of citizenship in fifteenth-century Lyon, today citizenship revolves around the central organizing concept

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4 Les archives municipales de Lyon, BB3, f. 9.
5 See a the decision to impose taille estrange on the goods that those from out of Lyon (les forains) have in the town on June 18, 1421, in Les archives municipales de Lyon, BB1, f. 128v.
of the national liberal state and its ailments. As noted in the introduction, a former
supposed consensus that associated citizenship with possession of rights in a nation-state
is no longer valid with the retreat of the nation-state model. Christian Joppke, for
instance, has noted that the retreat of the nation-state brought about not only liberalization
of access to the status of citizenship, but also a decrease in the level of these rights
(mainly welfare rights) and the break between citizenship as a form of identity and the
state as supplier of that identity. Yet in any case, as a defining concept or as a retreating
concept, the nation-state remains a key reference point for current citizenship.

The same is to some extent true for scholarly debates on early modern French
citizenship. Yet in this case, the modern state is the specter haunting citizenship.
Charlotte Catherine Wells, for instance, argues that French legal scholars and lawyers
developed in the fifteenth and sixteenth centuries a conception of citizenship that was
already "nationally" applied in a universal and equal fashion, denying both that such
application did not exist in the Middle Ages and that it had to wait for the rise of the
modern state. Peter Sahlins argues for a transformation of French citizenship after the
Wars of Religion of the sixteenth century, as the crown asserted a monopoly over giving
rights of citizenship. Sahlins connects this process to the rise of the modern “absolutist”
state in France. Simona Cerutti has argued against Sahlins’ historical argument on the
monopoly of the monarchy in granting citizenship. She claims that even in the sixteenth

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century there was no such monopoly, since other constructions of naturalization were possible. Even the definition of foreigner and native were not completely "national."

Both sides of the Sahlins-Cerutti debate revolve around the defining concept of the state and the question when it had actually gained a monopoly over the right to grant citizenship. One cannot help but wonder whether even later, in the seventeenth century, the modern state actually had such a monopoly. Whatever the answer to this question, my dissertation examines pre-state French citizenship and thus departs from both the current state-centric discussions of citizenship and the state-haunted debates on early modern French citizenship. The crown (rather than the yet non-existent state) might have claimed exclusivity on granting *lettres de bourgeoisie* (which in mid-fifteenth century would become naturalization letters), but these claims were as ephemeral as other claims for exclusivity on regal powers (see chapters two and three), which other princes, for instance, ignored at least until the end of the fifteenth century. In any case, the citizenship in the sense of being an inhabitant of the realm (*regnicole*), granted in such letters, was not the only form of citizenship in the period, which also included political citizenship in the commonwealth of the realm, citizenship in the commonwealths of the towns, and citizenship (and legal inhabitancy) in places such as Dauphiné.

Elites in France in the period examined in this dissertation considered it a commonwealth composed of many partial commonwealths. Men and women held citizenship (as a status conferring rights or privileges) at the same time in several

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commonwealths. A citizen of Grenoble, for instance, was also a subject of Dauphiné, a citizen of the Church and a regnicole of the realm. No less important, citizenship was fractured in terms of the rights or privileges it conferred: citizens held political rights, defined by Nicole Oresme as the potential to take office; inhabitants (in the towns), subjects or regnicoles (in the whole realm) enjoyed legal privileges such as protection of and access to royal (or towns') courts and the ability to bequeath property.

Political citizenship, of a town, of a principality (or a pays), of the Church or of the whole realm, was never universally held in a given commonwealth. Only a small elite held political citizenship and participated in the actual rule of the commonwealth. While in the towns formal legal rules defined the identity of the political "citizens" (citoyens or bourgeois), in the realm these rules were not as explicit. Indeed for the most part, they did not call themselves "citizens" in regular usage. But as shown (see chapters two and five) a well-delimited elite participated in decision-making: the royal council, the near blood relatives of the king, the nobility, the legal elites, and the urban elites. These men (and the rare few noble women, such as the queen or noble widows) were a fairly stable group that held political power and excluded the rest from political decision-making forums. Political decision-making took place not only in the most obvious forums, such as the royal council, and the assemblies of notables and of estates, but also in the Parlement (the top royal court) and through administrative offices.

As seen in virtually all the chapters above, even though the elite group that held political citizenship was clearly delimited, other urban groups exerted recurring pressures for change. Time and again burghers excluded from political power grew politically active or violent and tried to have a say in decision-making. The examples recur
throughout this dissertation, from the urban uprisings of the 1380s, through the growth of urban participation in politics in Brittany in the late fourteenth century, to popular participation in politics in the civil war and in Champagne. While this political pressure did not change the elite's exclusion of the wider populace, popular participation was in a sense a recurring and almost constant exception to elitist rule. Its recurring nature meant that the elite had to take the wider populace into account; in other words, public opinion had an informal yet definite weight in politics. The most obvious example that illustrates this weight is the relative plethora of public letters and pamphlets of the civil war.\(^{10}\)

The fact that the political elite took notice of (and feared) public opinion of legal inhabitants who were not part of the elite political citizenry, necessitates a reassessment of political citizenship in this era. While a civil society in its democratic liberal state form did not truly exist, a non-liberal non-democratic public sphere and a non-liberal non-democratic civil society did to a certain extent exist. As Jürgen Habermas explains, civil society (today) exerts pressure on the political system when "the perception of relevant social problems evokes crisis consciousness at the periphery." In such a crisis, the mobilization of the "public sphere" helps a scattered public have political influence on "institutionalized opinion- and will-formation." While Habermas thinks that political movements may take such directions only in liberal regimes (through, for instance, civil disobedience), this was clearly not the case in late medieval France. Granted, public opinion served for the political elite as a "forum for plebiscitary legitimation," in Habermas' description of the non-liberal public sphere, as the fear of the masses and their opinion (and violence) made the elite choose their political actions in popularly legitimate

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\(^{10}\) On public opinion in this period as a force that exerted pressure in political life, indeed as a constant menace, see Bernard Guenée, *L'opinion publique à la fin du Moyen Age: d'après la "Chronique de Charles VI" du Religieux de Saint-Denis* (Paris: Perrin, 2002), 108.
forms. Yet as shown in chapters two, three, six and seven, at times political forums took
decisions that were also substantially influenced by popular pressure (such as Troyes' monetary decisions surveyed in chapter six or even Lyon's aforementioned change of the tax base).\footnote{Jürgen Habermas, \textit{Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy}, trans. William Rehg (Cambridge, Mass.: MIT Press, 1996), 282.}

In other words, the elite held political citizenship in its contemporary Aristotelian and political-institutions dominated definition. Yet if we adopt instead a non-liberal non-democratic civil-society definition, or a discourse-defined citizenship, political citizenship while not universal is still enlarged. The mobilized urban burghers, an echelon of politically excluded people who were relatively prosperous in economic terms, formed part of a non-institutional civil society. They conceived of themselves as \textit{regnicoles}, i.e. inhabitants of the realm, who could and should have a say in the rule of the commonwealth of France. The elite could call them \textit{menu peuple} all they liked, yet in practice they took their opinions in consideration (or ignored them at their own peril).

One of the most important themes recurring throughout the chapters was taxation. Taxation (and its history) was tied with citizenship (and its history). Again and again taxation mobilized the urban \textit{regnicoles} to political action. In this manner taxation served as a unifying civic issue. To use Habermas’ terms, it evoked a “crisis consciousness,” and thus helped the scattered urban \textit{regnicoles} have a political influence. Beyond its unifying force as a political or civic issue, the right to consent to taxes and the duty to pay them were also tightly attached to legal citizenship even when they were in dispute. As such privileges and duties related to taxation formed part of the status of legal citizenship, and
helped to differentiate between the citizens and the outsiders; the *regnicoles* and the foreigners.

The legal inhabitants, the subjects or *regnicoles*, while not enjoying full political citizenship, enjoyed many aspects of what we would call today the rights of citizenship. Their legal inhabitancy status as *regnicoles* of France granted them legal privileges (such as protection of justice and access to courts) and, at times, legal rights. This type of citizenship was almost universally enjoyed in the kingdom of France, but liminal groups such as women and serfs had lesser status even if they had some of the same legal rights or protections. Jews, while tolerated before the crown expelled them, just had license to stay in France (*demourans*). The Jews and foreigners, by definition, were not part of the commonwealth. Their lack of certain legal privileges (such as the ability to bequeath property) attests to the existence of legal consequences to the status of *regnicole*, who was part of the French commonwealth.

Graded, divided and unequal citizenship was the norm not only in the realm-wide commonwealth of France, but also in the partial commonwealths that composed it: the towns and the principalities or *pays*. In each of these polities the two types of citizens existed: the politically privileged citizen and the legal inhabitant. As chapters three, six and seven show, through the examples of Brittany, Champagne and Dauphiné, citizenship (or civic identity) in these sub-polities was not declining. The opposite is true. Conceptions of citizenship grew stronger in terms of the commonwealth of France just as they grew in the sub-polities. Citizenship in Brittany, citizenship of Troyes and citizenship of Champagne had more consequences in day-to-day political life than French
citizenship. Perhaps we may even conjecture that as local citizenship grew more powerful in terms of civic culture, it contributed to the growth of realm-wide citizenship.

From an early modern French perspective, focused on the so-called "rise of the modern state," the growth of French citizenship seems linear (at least from the end of the Wars of Religion), or so Sahlins describes this process. Consequently the rise of the nation-state meant that, at least in the twentieth century, the central provider of civic identity was the state. As this historiographical narrative goes, nationality and citizenship gradually came to mean almost the same thing, as the nation-state gained a monopoly of providing citizenship.

Yet from a late medieval point of view, realm-wide citizenship and citizenship in its sub-polities did not play a zero-sum game. The process was non-linear and historically contingent, as, for instance, the case of Champenois citizenship (or identity) shows with its ebbs and flows according to Champagne's changing political position. A non-linear and non-zero sum game is also manifest in Dauphiné, where an ambivalent relationship with the crown and an independent status built there a civic culture and conceptions of citizenship in both the pays and the kingdom, before declining.

In other words, the crown did not have a monopoly of providing civic identity. National sentiments too, in their medieval forms (which I largely did not study in this dissertation), even when they provided some sense of identity, did not have a monopoly. Instead citizenship in the sense of identity was just as divided as its sense as a status providing legal and political rights. The growth of civic culture promoted the identity of

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12 Most municipal deliberations in towns related to local matters, and, as shown in chapter six, the greatest participation in municipal deliberations in the towns of Champagne were in times of personal peril to the towns.
multiple polities, such as towns, pays, and the kingdom. While one can conjecture that the French civic identity grew stronger, it did not replace other civic identities, in the other entities. Citizenship in this sense too remained divided or multi-faceted.

One of the striking features of late medieval French civic culture, despite some common historical views of it today, is its self-consciousness and its well-developed civic ideologies. Citizenship in late medieval France was not wholly unlike the model of Renaissance citizenship painted by prominent scholars of the so called “Cambridge Method,” such as John Pocock and Quentin Skinner. The civic ideologies and Classical Republicanism of Italy resonated and had their counterparts in France.

Writers and speakers not only perceived France (and its partial polities) as a commonwealth, but also understood the practical difficulty of connecting all its dispersed and linguistically and culturally divided citizens. As shown in chapters 1 and 4, they were aware of the multi-faceted nature of citizenship and attempted to overcome this difficulty through basing realm-wide citizenship on two ideological bases. First, the citizens were to be connected through deliberation on justice and through the administration of justice; second, the citizens were to be connected through ties of civic friendship.

These two political bases prescribed a clear, even if again fractured, conception of the virtues of the good citizen. The citizens who held political rights had to be politically active. They had a civic duty to participate in the rule of the commonwealth and to help in its and the king's defense. Calling the nobles “caretakers of the commonwealth” was part of this civic ideology, just as accusing them of failing in this duty.

Citizenship was fractured in this sense because the civic virtue of the rest of the subjects or regnicoles lay in the exact opposite: passive obedience. In a certain sense,
writers promoted the political activism of the elite exactly to curtail the political activism of the rest and to encourage them instead to remain passively obedient. Yet again the age's preoccupation with passive obedience attests to the fear of the elite from the political mobilization of the urban streets. The mobilization of public opinion and of the public sphere shows the success of the project of creating the French commonwealth in the minds of the urban population (or at least its non-impoverished sections). The political mobilization of public opinion also shows that the elite failed to completely subdue and keep passive the *menu peuple*. Instead at least part of the urban population whom the elite called “*menu people*” adopted the civic ideology of the elite, wanted a say in the rule of the commonwealth and used it as a justification for persecuting the "enemies of the commonwealth."

The civil war especially saw frequent manifestation of such rhetoric and this type of popular mobilization (see chapters five and six). The war brought about a certain radicalization of the civic ideology that promoted civic friendship and loyalty between the citizens and the king as head of the commonwealth. Writers, speakers and the urban streets perceived not only a passive civic duty of obedience, but also an active civic duty of loyalty. The elites were divided by war, and while fearing the streets they could not help but use this unpredictable popular power. Yet popular power had its own agency and interests, as John the Fearless learned to his own detriment in trying to harness the Parisian masses in the 1410s (see chapter five).

Finally, my dissertation shows that two aspects of current citizenship were historically contingent. First, it shows that non-state based citizenship is not only possible, but was the rule in late medieval France. The current (beleaguered) state-based
citizenship is an historical phenomenon that occurred in modern times. In late medieval France one can see the early origins of a monopolistic state-given citizenship, in terms of the growth of a legalistically based (or justice based) citizenship and in the crown policy of promoting the creation of a legal status of inhabitants of the commonwealth of the whole realm of France. Late Medieval France saw a (non-linear yet ultimately persistent) reciprocal and parallel growth of legal citizenship and a legalization of French political culture. Yet as noted, other possibilities existed all along, including citizenship of other sub-entities and political, informal and non-legally based types of citizenship.

Second, the universal and, at least theoretically, equal grant of citizenship status is also an historical phenomenon. In late medieval France citizenship was ubiquitously non-universal and unequal. Yet the growth of the power of the street brought with it pressures for change, including a possible redefinition of political citizenship according to non-institutional discursive civil society lines. If we think in terms of institutional political centers and civil society peripheries (to follow Habermas' lines of thinking), then both center and peripheries were changing and growing. Historians still debate the conjecture that the growth of the urban civil society is connected to today's universal citizenship in terms of political participation, as nineteenth-century German philosophy had suggested through figures such as Georg Wilhelm Friedrich Hegel and Karl Marx. The evidence provided in my dissertation, though pertaining to an earlier period, is suggestive that at least in late medieval times this conjecture has some merit.13

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