

Bridling the Prince: Reforming French Constitutional Thought, 1532 to 1586

Dissertation Abstract | Nicholas Barden

This dissertation examines a tradition of constitutional theory that emerged during the French Renaissance, one characterized by a deep commitment to the dignity of high office and the role of counterbalancing institutions in cultivating within rulers a moral character conducive to stable rule. It situates four key authors in the history of early modern constitutional thought, Jean Calvin, François Hotman, Théodore de Bèze, and Jean Bodin, within their broader humanist contexts, showing how a shared concern with regulating the passions of rulers while clarifying the locus of public authority led them to articulate divergent understandings of constitutional order amidst conditions of religious violence and civil war. These thinkers, many of whom are associated with the tradition of Calvinist resistance theory, are often taken to embrace a neo-Roman or civic republican understanding of liberty characterized by popular participation in public institutions. In contrast, I show how their turn to popular institutions was driven by a search for the legal arrangements that best enabled rulers to cultivate a character capable of effectively navigating the moral hazards of high office. This neglected tradition of constitutional thinking before the rise of constitutionalism proved vital for later developments in early modern constitutional and democratic theory, and it remains a valuable resource for contemporary theorists of constitutional governance and public office.

The project is divided into two major parts. In the first part, I examine the political thought of the reformer Jean Calvin, showing how his constitutional theory drew on two interrelated currents of legal and political thought that developed in France during the sixteenth century: the *legal humanist* approach to the study of law that developed in the French universities, and a broader current of *public humanism* that shaped the civic cultures of northern Europe. In the first chapter, I explore the political thought of Calvin's first published work, his 1532 commentary on Seneca's *De Clementia*, showing how a critique of the public humanist mirrors for princes led him to develop a model of kingship in which high office cultivates a persistent arrogance that induces a state of *akrasia* resistant to moral advice. In the second chapter, I show how Calvin's 1536 *Institutes of the Christian Religion* resumed the line of inquiry begun in the Seneca Commentary, as he sought to develop a remedy for akratic kingship that drew both from contemporary legal interpretations of the Roman law of guardianship and from models of popular institutions found in Spartan, Athenian, and Roman constitutional history. In doing so, I show how Calvin sought to reinvigorate popular institutions as part of a broader virtue politics concerned with imposing limits on authority that could discipline the passions and cultivate within rulers an inner regimen ordered towards the public good.

In the second part, I explore the contested legacy of Calvin's thought in the writings of Hotman, Bèze, and Bodin, who, amidst their differing accounts of the nature of sovereignty and the legitimacy of resistance, each sought to reintegrate a fractured body politic by rethinking the theoretical basis of institutions capable of regulating the exercise of sovereign power. In chapters three and four, I examine the complementary arguments of Hotman and Bèze, showing how Hotman's turn to French constitutional history and Bèze's turn to the study of biblical Israel each sought to identify a set of stable regime forms that conformed to a universal standard of equity and could serve as the basis for reforming French institutions. In chapter five, I show how Bodin developed his well-known theory of sovereignty in direct response to the arguments advanced by Hotman and Bèze, as his account of harmonic justice sought to articulate a theory of mixed government amenable to a conventional Roman law theory of absolute sovereignty. In doing so, I show how these authors' sustained concern with bridling the passions unleashed by civil war shaped the development of early modern thought concerning the sources and limits of sovereign power.