

Contents

<i>Preface</i>	ix
<i>Acknowledgements</i>	xi
<i>Notes on the Contributors</i>	xii
Part I Conceptual Questions: Terminological Problems	1
1. Introduction	3
<i>Robert v. Friedeburg</i>	
2. The Office of Rule and the Rhetorics of Tyrannicide in Medieval and Early-Modern Europe: An Overview	48
<i>Conal Condren</i>	
Part II Medieval Kings and the Making of Monarchy	73
3. Murder and Monarchy in the Visigothic Kingdoms	75
<i>J.N. Hillgarth</i>	
4. Murdering the Anointed	83
<i>Jean Philippe Genet</i>	
Part III <i>Rex Inutilis</i>: The Defence of Monarchy against its Kings in Late-Medieval Europe	97
5. Resisting and Deposing Kings in England in the Thirteenth, Fourteenth and Fifteenth Centuries	99
<i>Christine Carpenter</i>	
6. France in the Fifteenth Century	122
<i>Neithard Bulst</i>	
7. Limitations to Monarchical Power	136
<i>Wim Blockmans</i>	
Part IV ‘New Monarchy’: ‘New Monarchs’? The Punishment of Tyrants, Heretics and Traitors	147
8. <i>Pro Me Si Mereor In Me</i> : Kingship and Tyranny in Scotland, 1437–1587	149
<i>James Burns</i>	

9. The English State and the Death of Mary, Queen of Scots <i>David Loades</i>	159
10. Regicide, Martyrs and Monarchical Authority in France in the Wars of Religion <i>Mark Greengrass</i>	176
Part V Religious Turmoil and the Defence of Order by Monarchical Means	193
11. Murder and Monarchy in France <i>Lucien Bély</i>	195
12. Regicide: The Execution of Charles I and English Political Thought <i>Glenn Burgess</i>	212
Part VI The Dawn of Early Modern Monarchy	237
13. Medieval and Early Modern Constitutionalism and Autocracy: Monarchy in Sweden and Russia and the Eighteenth-Century Regicides <i>Klaus Zernack</i>	239
14. The Breakdown of the Rule of Law: A Comparative View of the Depositions of George III, Louis XVI and Napoleon I <i>Volker Sellin</i>	259
Part VII Visions of Monarchy, Old and New	291
15. Conclusion: King-Killing in Perspective <i>John Morrill</i>	293

Part I

Conceptual Questions: Terminological Problems

1

Introduction

Robert v. Friedeburg

Few statements better reflect the hesitation, ambivalence and the sometimes momentous change in thought on the meaning and dangers of regicide than the 'Instruction' that Archibald Campbell, Marquess of Argyll, wrote to his son while waiting for his execution in 1660. He reminded him that he 'never thought of those dire consequences which presently followed [until] all remedies that were applied had the quite contrary operation; whatever therefore hath been said by me and others in this matter, you must repute and accept them as from a distracted man, of a distracted subject, in a distracted time wherein I lived: and this shall serve to let you know how far I waded unwarily in that business'.¹ To no avail. For while the father had warned him not to meddle with his king and advised him to 'make your duty to your sovereign one of the chief points of your religion',² he had also reminded his son to be 'constant and zealous in the religion now established in this kingdom'.³ Thus, when confronted with the Test in 1681, the ninth Earl of Argyll refused, went into exile, attempted an expedition into Scotland in 1685, was captured and, like his father, executed for treason.⁴

This book focuses on regicides in order to understand the expectations of society towards monarchy and the working of monarchy within society. By taking moments of crisis as a starting point, the contributions to this volume attempt to understand the constraints and possibilities of monarchy in different historical settings and periods. Their overarching theme is not, as one might suspect from choosing regicides for a starting point, the search for a principle of freedom struggling with monarchical oppression. The contributions hold, across a wide variety of settings in later medieval and early-modern Europe, that regicides reflect the importance of a core problem in European societies

and in their theory and practice of government – the problem of how to organise the accountability of government and at the same time to secure the constraint of licence by those holding office, including monarchical office.

During the last decade, three major developments have made the nature of monarchy in both European and wider perspective a core concern in current and future historical research. One, in specialised monographic research a shift has occurred from the sociology of state building to accounts of kingship, court and patronage.⁵ Understanding ‘monarchy’ has thus become a core issue across periods. Recent textbooks on England contribute to and reflect this development.⁶ That is also true for much of the historiography of the European continent, both for the medieval and early-modern period.⁷ Indeed, to inquire into the nature of ‘monarchy’ has developed into one of the most important and promising ways to bring to light long-term historical change or to attempt synthesis.⁸ As sociologically inspired models of state-building and ‘Absolutism’ have become increasingly contentious,⁹ ‘monarchy’ has provided a less loaded term to describe medieval and early-modern government. Looking at monarchy also helps us to understand the nature of the society within which it remained embedded, and the assumptions around which contemporaries hoped to organise life in society.¹⁰ For these reasons, the number of volumes that focus on ‘monarchy’ in order to provide large scale synthesis,¹¹ or that try to bring together different specialists to provide a broader perspective on a specific issue, has begun to grow.¹² In order to put the contributions to this volume in the context of these developments, we need to review the function of monarchy in much of nineteenth- and early twentieth-century historiography and the notion of citizenship as an alleged counterpoint to subjection to monarchy (I). We also need to look at the relationship of state and monarchy (II) in late medieval and early-modern thought. It is against this general background that the core themes of this volume – the wish to keep government accountable and the need to restrain the licence of magistrates – gain their particular importance. Finally, the contributions will be summed up (III).

I

Few topics are so overwhelmed by subsequent layers of grand narratives as the history of monarchy. During the nineteenth century, such history of monarchy remained embedded in the history of the unity and power of the people it was meant to lead as a nation. Depending

on the various meanings of liberty and constitution within nineteenth-century nation-states, that story also included the making and protecting of the liberty of citizens, albeit not necessarily in terms of the participation of all citizens in government. In England that meant the making of constitutional monarchy. In its popularised version, Winston Churchill, while always a staunch supporter of parliamentary government, did look with a critical eye on mass participation and general adult suffrage during the 1920s and 1930s.¹³ His history of the English people informed by Macaulay, Froude, Gardiner and Carlyle, thus enlisted a number of skilful and inept leaders. Alfred the Great, William the Conqueror, Henry II, Richard I, Edward I, Henry V, Henry VII, Elizabeth and William III figured as successes; Stephen, John, Richard II, Richard III, Mary Tudor, James II, George III and George IV as failures.¹⁴

Despite the different setting of monarchy in the German states from that in England, German historians also alleged that monarchy had to be measured against historical goals and had to be judged accordingly – in the German case, uniting and defending the nation and providing liberty and security to its citizens, primarily against alleged feudal disorder.¹⁵ The growing strength of monarchical rule in sixteenth-century Europe, from Tudor England to Valois France, and from Spain to the territories within the Empire, was thus understood as a part of the making of the modern state, engineered by able rulers supported by citizens and peasants in order to gain legal security and protection against feudal anarchy.¹⁶ Although German historians quarrelled among themselves about issues such as the relative importance of Teutonic or Classical roots of kingship,¹⁷ the civilisation of the nation, the development of its culture, the freedom of its citizens from arbitrary persecution, and the defence and projection of the power of the nation informed the evaluation of the performance of kings and queens. The history of monarchy thus disappeared behind the alleged goal of history, the making of the constitutional nation-state, its legal safeguards and its international power. Thus wrote Thomas Babington Macaulay in April 1842, reviewing a history of Frederick the Great and his times published in London the same year, about ‘The Prussian Monarchy, the youngest of the great European *States...*’.¹⁸

Although there had been isolated examples of an emerging new agenda¹⁹ before, it was mainly the fall of the continental empires in 1917/1918, the institution – and frequent failure – of democratic republics in Central Europe and the coming of general male suffrage across Europe that established this new concern. The issue was that of

the transformation of subjects into citizens to take part in sovereign government. Even in Germany itself, where the large majority of historians from the 1920s to 1940s remained committed to defending the national monarchical heritage and its alleged 'Sonderweg' against Western 'plutocratic democracy', a small minority of historians began to question the services that monarchy had delivered to the nation. These were favourable to the new republic of Weimar and were attempting to trace republican roots of government even in German lands. In particular, the historian Hans Baron began to search for non-monarchical roots of government providing unity and freedom for Germany that would help to provide a more suitable past for the new republic of citizens abandoned by their erstwhile leaders.²⁰ Between 1929 and 1932, however, German voters turned to a new leader, and Baron had to emigrate. While in exile, he published his seminal 'Calvinist Republicanism' in the *Ecclesiastical Historical Review*, the first scholarly article ever to use the term 'Republicanism' in this context of scholarly research in history. He argued that urban government and Calvinism had coincided occasionally to provide the framework for 'Calvinist Republicanism', for the rule of citizens over themselves as a viable historical alternative to the rule of kings over subjects.²¹

His argument on the affinity of Calvinism and civic freedom, his use of 'Republicanism' as a scholarly denominator for a principled alternative to monarchy, and his focus on Florence and Northern Alpine towns proved to be highly influential. Of course, towns had long been a major topic for German medieval historians. But the nineteenth-century effort on the part of the German school of legal history to find the roots of an organic cooperation of people and kings in a Teutonic associational past, later represented in town government, was never anti-monarchical. It accepted monarchical leadership, but tried to complement it by associational means.²² Now, however, Baron began to conceive monarchy as an institution bent on the suppression of freedom to which alternatives had to be found. By the same token, the acceptance by much nineteenth-century historical scholarship of the problems of democracy and of the legitimacy and importance of constitutional safeguards for subjects lost ground. In his seminal work, Leonard Krieger described the idea of a freedom not based on the active control of sovereign power, but only on the provision of legally secured spheres of freedom of religion and property, for instance within monarchical rule, as a specifically 'German Idea of Freedom'.²³

Baron's legacy in Florentine scholarship, though deeply controversial even in its own time, has provided historical inquiry with the quest for

alternatives to government as a hierarchy of order and subjection, identified with monarchy, and to search late-medieval and early-modern Europe for ideas of civic self-rule. Fourteenth and fifteenth-century Florence and the English republic have been major areas in which to identify concepts of such freedom.²⁴ During the last 20 years, alleged alternatives to order and subjection within monarchy have been more often than not subsumed under the term 'Republicanism', addressed as part of a major alternative to monarchy – indeed, its major challenge. It is against this background that even past political thought in favour of monarchical rule, though in a limited, mixed or constrained form, was subsumed as part of the legacy of 'Republicanism'.²⁵

Indeed the wide range of the active participation of subjects within monarchical rule in late-medieval and early-modern Europe is now widely accepted – not only for England. However this participation was hardly meant to replace monarchy, but rather to support monarchy in a wide variety of humble or major offices, from village constable to privy councillor. For example, the good councillor was emphatically both *homo politicus et regalis*, a subject obedient to the sovereign king *and* a citizen actively participating in shaping the realm.²⁶ We must be careful not to back-project later constitutional divides, such as the nineteenth-century German one between the monarchical state on the one hand and the parliamentary representation of civic society on the other, into late-medieval and early-modern monarchies. Support and counsel were themselves embedded in the late-medieval and early-modern discourse on the viability of different *forms* of government. In this discourse, monarchy and aristocracy were by no means opposites, but complementary forms of rule, while democracy was eschewed in practice and in theory by most writers.²⁷ For as John Winthrop, leader of the Puritan emigration to New England, and fierce opponent of King Charles, put it, 'God Almighty in his most high and wise providence hath so disposed of the condition of mankind, as in all times some must be rich, some poor, some high and eminent in power and dignity; others mean and subject'.²⁸ Against this background, contemporaries did not necessarily hold different principles of freedom or oppression, but could still be at loggerheads on how to keep government accountable while at the same time allowing it to impose discipline.

During the last two decades of research inquiry into arguments against kings and non-monarchical models of government has been thriving. But at the same time, the conceptual and historical problems of identifying a fundamentally ideological opposition to monarchy in the late-medieval and early-modern period, wishing to replace monarchy in all

places and denying the importance of obedience have become ever more apparent. Because of Baron's 'Calvinist Republicanism', Calvinism first lost its claim to being a programme for revolution. In 1980, Quentin Skinner's seminal essay on Calvinist theories of resistance identified Roman law and medieval elements among the tools used to legitimise resistance against tyrants, neither inherently anti-monarchical nor even Calvinist.²⁹ Even historical master-models of republican theory and practice did not survive unscathed. The Florentine Republic in its prime did not allow all of its citizens, nor even a large majority of them, to participate in leading offices or to exercise supreme government. Most had the opportunity to serve, but in comparably minor and humble roles.³⁰ The late-medieval account of the citizen acknowledged readily that the *populus* as such had to be distrusted as a dangerous beast, as *multitudo bestialis*, and civic participation could thus only involve some, and then in grades according to their ability and status.³¹ Even one of the most distinguished advocates of Florentine republican values, Leonardo Bruni, did not so much emphasise the active participation of all citizens in his praise of Florentine liberty as the protection of all citizens against arbitrary government. Indeed, similar to the Roman Republic itself, citizenship did not confer any claim or opportunity to serve in leading offices, but it did confer a claim to due process of law. That was the meaning of Bruni's *Florentinum civis sum*, as it had been the meaning of *civis Romanum sum*. Such protection was also at the heart of Florentine judicial practice in allowing citizens to appeal to courts of law against alleged misdeeds of magistrates.³² The large majority of Florentine citizens could never hope to occupy a leading office themselves, but they could, at least during the flourishing years of the Republic, hold magistrates accountable for miscarriages of justice. Leonardo's *Florentinum civis sum* reminded his fellow citizens of just that. In precisely this sense it reflected the experience of the Roman Republic – itself a highly hierarchical society led by the senatorial aristocracy, not by the people as such, but guaranteeing its citizens due legal process.³³

None of this contradicts the allegation that core texts of the Roman experience referring to citizens and their duties carried inherently subversive notions for any system of order and subjection. In republican Rome there were citizens with or without office, with or without magisterial powers, with or without the appropriate family background allowing them to serve, but there was no institutional state. The legitimacy of magisterial action hinged itself, as the debates during the civil wars showed, on the perceived welfare of the citizens as a whole, and not only on their congruity with any such an abstract state.³⁴ Indeed,

'*ratio status*' is not a term used by Cicero in either *De Officiis* or *De Republica*. In times of intense conflict, Cicero did refer to the issue of the utility of an action for the common weal. For instance, during the threat by the Catilinarians, Cicero managed to make the Senate agree to the immediate execution of captured adherents of Catiline being under the impression that there was a direct threat from the Catilinarian movement as a whole. These individuals were denied proper trial. Their right to *provocatio* was violated. Their major right as Roman citizens – to due process of law – was thus denied. Cicero explained the need for this violation by reference to *utilitas rei publicae*. In the senate meeting of 133 Scipio Nasica had already urged the employment of armed force against Tiberius Gracchus. Consul P. Mucius had replied that he would not treat a Roman citizen in this way, denying him *provocatio* and thus due process of law. Nasica replied that this reluctance endangered the public weal and that, if the consul refused to act, he himself would endeavour to save the public weal and urged others to follow him – *qui rem publicam salvam esse volunt, me sequantur* (Val. Max. 3, 2, 17). Note that he endeavoured to act without magisterial powers despite the fact that magistrates with such powers were present and were able to act themselves, but had declined to do so. In effect, that meant breaking the law. But during the years to follow, the law was amended in order to deny Roman citizens due process of law under specific circumstances. For extraordinary events like these the next decades saw the development of the concept of *hostes*. Being declared *hostis* meant to lose the privileges of Roman citizens, including the claim to *provocatio* and due process of law. In this manner, Catiline had been declared *hostis*. But that declaration had only referred to Catiline himself and his armed adherents beyond the city walls, effectively constituting a hostile army. Did it apply to *captured* Catilinians in Rome as well? Cicero knew about the legal ambiguity of his actions and thus defended them in *De Legibus* by arguing that *salus populi suprema lex esto*. Indeed, *salus populi* and *utilitas* were going to have careers of their own. In 61 AD, a senate meeting discussed whether the 400 slaves and freedmen of the *praefectus urbi* who had been murdered by one or some of them in his own house should all be killed as punishment for this murder. Senator Cassius Longinus pushed the issue by arguing that this measure, though clearly implying injustice to all individuals who were to be killed who had not in fact collaborated in the act, served the *utilitas publica* and had thus to be executed – an incident retold by Tacitus (Ann. 14, 44, 4). Indeed *salus populi suprema lex esto* and *utilitas*, during the early-modern

period, were becoming major arguments for overriding precedent and breaking established laws. Lipsius did indeed refer to Tacitus and his account in arguing that a monarch could break the law in order to safeguard the state. Lipsius, though, was creatively interpreting the issue with new meanings in mind when he alleged that *utilitas publica* had been used in the senate session of 61 AD (or earlier) to allow a monarch to break laws. For the distinction that he implied between the state as the institutional configuration of public order on the one hand and the sanctity of precedent and law on the other did plainly not exist in this way in the debates to which Cicero contributed, nor in the debate in the senate of 61 AD. For a sense of public order as an institution, itself capable of acting and defending itself, the state, was only developed during the later middle ages, a development to which we refer below.³⁵

Cicero's terminology did thus not recognise the state as the institutional configuration of public order, able to act as if it was a real person. Indeed his terminology remained firmly embedded in a society that strongly distinguished between the senatorial nobility and the people, with only the former fit to rule.³⁶ Yet the lack of any sense of an institutionalised state, existing apart from the office-holders themselves, gave some of the actions (and the subsequent texts reflecting those actions) from the Roman Republic a radical edge. Members of the senatorial nobility and *homini novi* made claims to be able to act in violation of hitherto accepted procedures in order to serve the common good. They alleged that their social status entitled them to break the law and to judge for themselves what was good for the common weal. These views would have an ambivalent future. They could be and were used by monarchs to explain their overriding of law and precedent, but they could equally be used by opponents to a particular king to claim an office to defend the common good, even against the monarch.

However the late-medieval understanding of most Latin sources remained deeply influenced by the reception and interpretation of later centuries of Roman history, not least by members of the emerging Christian church looking back at the fall of the republic and experiencing a Roman Empire of an altogether different nature. That reception, for example by Augustinus, had already domesticated the rhetoric of the citizen by fitting it into an order of hierarchy and subjection.³⁷ The fact that Cicero never envisaged anyone other than the nobility actually governing (and that Roman citizens had become imperial subjects during the later Roman experience) helped to make the terminology of citizenship applicable to the hierarchical world of late-medieval and

early-modern Europe. Indeed, a good deal of the discussion of Florentine politics addressed the problems of aristocratic government – of how members of the leading families in the city were able to control each other's licence, or to what extent they needed a prince to protect them from each other. As Janet Coleman suggests, this was also a core issue in Machiavelli's *Discorsi* and his *The Prince*.³⁸

Neither the Roman Republic itself, nor its reception via late Antiquity, nor even the reality of the most famous late-medieval republic, Florence, thus provided a radical counter-model to the hierarchies of medieval and early-modern Europe. Rather, social hierarchy and the need for obedience were very much built into the reception of these texts. Other counter-models to monarchy did not fare much better. German cities never exhibited the kind of popular government that was once believed to have been overturned during the later fifteenth or sixteenth centuries.³⁹ The Levellers primarily made an argument about the accountability of political power and the need for a written constitution in order to safeguard this accountability. This had nothing to do with modern democratic equality.⁴⁰ Members of the English Rump Parliament understood themselves to be an aristocracy, not as representatives of a republic of citizens. The small number of committed republicans despised the members of the Rump as an oligarchy and traitors to the ideal of the Republic.⁴¹ Milton understood republican self-rule to be the prerogative of the elect, not for every Englishman. He thus accepted the usefulness of monarchy for a range of other situations and persons and countries. Even Cromwell, though a firm opponent of King Charles, remained also a firm monarchist.⁴² English *de facto* theory of the period immediately after the execution of Charles I remained fundamentally influenced by an Augustinian insistence on uncompromising obedience to any authority in power. It mirrored the fundamental concept of the necessity of rule for 'fallen' men, a main inheritance of the late-medieval and sixteenth-century view of late Antiquity.⁴³

On the other hand, monarchy in Europe was significantly less characterized by ideas denying accountability to human agencies or fundamental laws and other positive laws than is sometimes alleged.⁴⁴ Even the Spanish monarchy, portrayed by the Protestant black-legend as a tyranny, remained straitjacketed by local custom and legal restraint at almost all levels of administration.⁴⁵ Glenn Burgess has pointed out that early Stuart rule did not envisage the possibility that the punishment of a monarch could be enforced by any institution within the realm, but did envisage a monarchy being bound by law and custom.⁴⁶

David Smith and Michael Mendle have been uncovering the relationship between participation, monarchy and republican ideas in stressing the absolutist elements of the republic's government and the constitutional elements in English royalism.⁴⁷ Research on German territorial states has all but abandoned the notion of absolutism, in particular with regard to the elected emperor, but also to his princely vassals.⁴⁸ The important qualifications that contemporaries made about the powers of the French king have been given due attention.⁴⁹

Indeed, there is no point ignoring the differences between monarchical and polyarchical government, between government by one and government by few. Nor can it be denied that the organisation of accountability could lead, even among supporters of monarchy, to hostile debate or even to civil war. But insisting on the accountability of kings was in no sense *anti*-monarchical. Monarchy could very well be accountable, but when and to whom? Recently, John Maddicot has reconstructed the 'Pre-History of Parliament' in England and described the period between 1149 and 1225 as one of transformation of the council under the pressure of the financial demands of the king. These demands needed an increasingly sophisticated procedure of acceptance.⁵⁰ The later middle ages saw a plethora of thought stressing monarchical accountability, in particular with reference to making financial demands on the community. While this period has been addressed as a 'crisis of monarchy',⁵¹ and the thought addressing the organisation of accountability as 'medieval constitutionalism', this constitutionalism was hardly anti-monarchical.

A case in point is Johannes Althusius. He has been identified as a major champion of the revival of medieval constitutionalism during the later-sixteenth and early-seventeenth century and thus as a major opponent to monarchical absolutism. Althusius' term for inferior magistrates being specifically responsible to represent the body politic against the monarch, to hold him accountable and even to punish him for violating the constitution, was 'Ephors'. Many other authors, such as Philipp Melancthon, used the same term. It was a common European designation for guardians of the constitution. Henry Parker also used it.⁵² Given the fact that his patron, the Earl of Essex, claimed to occupy the office of High Constable at the time and could thus see himself as such an Ephor, Parker's use of the term may not be that surprising. The point has been made that even the prosecution of Charles I itself was based on 'medieval constitutionalism', on the assumption of the legal accountability of a monarch towards the corporate body politic.⁵³ At the same time, the constitutional character of the arguments of English

Royalists during the Civil War period has been stressed.⁵⁴ Even one of the most productive and sustained strands of criticism against monarchy, the 1650s and 1660s attacks on the institution of the *stadhouderate* in the Dutch republic, while vigorously attacking the institution with regard to its usefulness in the Netherlands, did not in principle deny its general usefulness in other European countries, nor impugn the legitimacy of monarchical government elsewhere on principle grounds.⁵⁵ These various strands of thought did not wish to replace monarchy for all places and times, but to defend ideas of accountability. These, however, had come under attack during the whole period from the 1570s to the 1680s.

In particular the assassination of Henry III and the execution of Charles I brought a new radicalism in their wake, which insisted that kings were not and must not be made accountable. For example, the exchange between Milton and Salmasius in the aftermath of the execution of Charles provided very different points of view.⁵⁶ Of course, even this radical departure from medieval constitutionalism developed against a background suggesting that the defence of monarchy had to become unconditional in order ultimately to serve society and protect it from collapse. Its supporters, from James VI's True Law of Free Monarchies to William Barclay's *De regno*, from Filmer to Bossuet, directly referred to the danger to the commonwealth should subjects, in an age of religious strife, hold the king accountable to whatever their varying ideas on religion might be. The services of monarchy – defence of religion, protection of property, and administration of justice – could only be rendered if monarchy was protected against the vicissitudes of religious civil war. That meant to insist on its unaccountability to the warring churches or their adherents.⁵⁷ But even among them we must not underestimate the willingness to adapt to circumstances. For whatever reason James himself was quite willing to accept that England needed to be governed in accordance with common law and parliament.⁵⁸

Moreover, it is doubtful whether the 'Absolutist' responses to religious strife should be understood to be representative of ideas of monarchy in general. Some aspects of the controversial debates about the room of legitimate monarchical action did address problems of any possible government, such as the problem of *necessitas*. Already in the debates between James VI and I and his councillors on the nature of the prerogative, the problem of binding the prerogative by statute, and the support that James seemed to give to a number of problematic definitions in Cowell's Law dictionary, such as the position of the

crown above the law, and the legality of impositions, had been discussed. Salisbury referred to the issue of necessity: 'I am sure if they knew your Majesty's necessity they would, were they in my place, do as I do, let them think of me as they please ... From my heart do I wish that impositions and the necessity thereof might end with this parliament and so your Majesty, your issue and estate were well and needed not these means'.⁵⁹ However struggle over the nature and extent of the prerogative and the range of legitimate action imposed by necessity did not challenge monarchy itself.⁶⁰ But, especially in times of war and distress, the question had to arise whether and to what extent should monarchy be able to exercise special measures to serve its function.⁶¹ The most spectacular theoretical debate between a monarch and his parliament, that between Charles and the long Parliament between 1641 and 1649, was not least a struggle over serving the functional need of defending the realm in times of necessity.⁶²

The confrontation of adherents of a monarchy by divine right and unaccountable to any human institution, such as James VI and his True Law of Free Monarchy, William Barclay, Bossuet, Robert Filmer, to name but a few, with those who insisted on such accountability must not be misunderstood as an ideological confrontation about whether monarchy was useful or good in general. They argued about the possibilities and dangers of accountability against the background of religious war in France and the damage that assassinations of princes could produce in an age of religious mass mobilisation. What had been unfortunate and dangerous for all involved during the fourteenth or fifteenth centuries, that is, turmoil at the top of the body politic necessarily coming about with the exchange of one monarch for a (hopefully) better one, took on an altogether more menacing face against the reality of the Paris Seize and the execution of Charles I.⁶³ But only in England and France was the Royal Touch revived.⁶⁴ Leading seventeenth-century political scientists in the Netherlands, such as Marcus Zuericus Boxhorn, did account for the particular needs of a mercantile republic, but also, precisely because of these needs, argued in favour of a monarchical element within the Dutch polity.⁶⁵ Accountable monarchy remained always an important option, and possibly more important than divine-right monarchy. Thus, debates about the nature and extent of the accountability of monarchy could potentially lead to serious disruptions in society, but they did not necessarily address the need for government without monarchy. With democracy being dismissed by most commentators, noble influence was an important constituent of most, if not every, monarchy. With the most conspicuous

republics having been robbed of many of their participatory aspects,⁶⁶ many major republican propagandists appear to have favoured their ideas only in the specific circumstances of their own time and place, and did not reject monarchy in principle.⁶⁷

Regicides and attacks on the monarch may thus need to be put into a different perspective than that of alleging a principled stand against monarchy. A number of responses have been offered in recent years. Patrick Collinson has spoken of the 'Monarchical Republic' of Queen Elizabeth, pointing towards the *de facto* and also theoretically accepted collaboration of English subjects in their own rule – self government *at the King's/Queen's command*.⁶⁸ It remains clear that in England the aristocracy and its households were meant to provide a number of important public functions with the help of their resources at hand. At the same time members of the nobility were meant to accept their status as important, but subordinate, as someone like the Earl of Essex had to learn when being executed for rebellion in 1601.⁶⁹ Likewise, on all levels of early-modern society important services were never delivered by a professional bureaucracy as today, but by subjects who, in serving the polity, did not challenge their inferiority to the monarch. Although there is no emerging consensus it is fair to say that the actual practice of monarchy appears to be much more participatory, much more serving as an umbrella to enlist various groups in society, much more of a channel serving various elements in society to further their own needs, than the ultimate theoretical hyperbole of the absolutist radicalism of the period from the 1570s appears to allow for.

There appears to be a much broader consensus of late-medieval and early-modern Europeans on the need for both accountability of monarchy and obedience of subjects, than the dichotomy of Absolutism and Republicanism seems to suggest. Indeed the legitimacy of any government in late-medieval and early-modern Europe ultimately rested on its ability to serve God and a further range of common purposes, the common good.⁷⁰ Monarchy or aristocracy, all had to defend the faith, administer justice and defend the realm. Suggesting such a broad consensus does not at all deprive history of the ability to explain conflict or even civil war. For delivery of these very services that society expected monarchy to fulfil could lead to deadly confrontation. Conflicts over the interpretation of the true faith could qualify the ability of monarchy to protect religion. The financial demands of war and last but not least the problems of dynastic succession, including the problems of minorities and regencies, could produce significant strife. The contributions to this volume show that

all of these problems could even lead to a breakdown of monarchical government – without necessarily anyone wishing to replace monarchy. But we must also recognise that monarchy faced these problems against fundamental changes in the conceptual understanding of society and state among contemporaries. For that state appeared to be an institution that European thought was increasingly able to distinguish from both the society of citizens and subjects and the magistrates and their office to rule. It is thus necessary to review the relationship between monarchy and what we would today address as the ‘state’ in late-medieval and early-modern Europe.

II

Late-medieval and early-modern commentators used mainly three different discourses to discuss the nature and legitimacy of government. First, there was the discourse on the dignity of kings and their specific personal valour.⁷¹ Second, since the translation of Aristotle’s politics and its reception during the thirteenth century, recourse to the Aristotelian forms of government gained prime importance. This distinguished types of government according to the number of persons holding office (not only supreme office): one: monarchy, few – aristocracy – many, polity. With this tripartite division went the three derogated forms of government, tyranny, oligarchy and democracy.⁷² An elaborated discourse treated the potential advantages and disadvantages of any one form in a highly casuistical and practical way. Few doubted that a small peasant-village could be run along the lines of a democratic *polity*. Most hold that in a large country kingship was best for managing the demands of government.⁷³ Alternatively, another approach distinguished monarchies from aristocratic republics. It is important to remember that neither approach addressed the issue of the state in a modern sense. In discussing the advantages of monarchy and aristocracy, writers from Aquinas to Machiavelli addressed the sociology of how many were ruling, and the lessons to be drawn from a variety of examples of such cases.

Third, the re-interpretation of the Latin term *universitas* by European post-glossators allowed them to distinguish the state as the institutional configuration of public order from magistrates as exercising government for that state, but also from society as the area of human interaction in general. This distinction potentially allowed them to think of magistrates as accountable to the state, and of the state as continuing in existence and providing order independent from its mortal

magistrates and subjects. Looking backwards from the later eighteenth century, there is no doubt that only those monarchies survived that were able to persuade society that they had served the state in a useful fashion. The growing importance of thinking of government in terms of an institutional configuration of order rather than just the exercise of a number of individual magistrates, would also determine the fate of monarchy. While the history of monarchy needs to be distinguished from the history of order in an institutionalised fashion, no monarchy could ultimately allow this new sense of addressing government to undermine the importance of kings. The history of regicides cuts across this development and we therefore need to focus on this issue.

During the thirteenth and early-fourteenth centuries, post-glossators Bartolus de Sassoferato and Baldus de Ubaldis reshaped the meaning of the Latin term *universitas*.⁷⁴ The term began to address a legal, fictitious person (*persona ficta*), who could be thought of as acting similarly to a real person. Legal accountability was attributed to it to a degree. This notion provides the core of what we today address as a state. Indeed, it would take until the nineteenth century to allow subjects actually to sue this legal person – their own state – that is, before courts. But already during the first half of the sixteenth century the German lawyer Ulricus Zasius claimed that this *universitas* could be sued for damages and that it had to be independent from the life and death of its citizens and magistrates.

Lawyers and political scientists from the fourteenth century associated this new meaning of the term *universitas* with the term *res publica*. Rather than addressing issues only common to a given community – the common good as opposed to *res privata*, private pursuits – the term *res publica* began also to be used to address the institutional configuration of public order of any given community, not the community itself or the sum of its magistrates, citizens or subjects. This institutional configuration of order could then be thought of as having laws and as possessing property. In order to work, however, it had to be run by officers. Even the king could then be understood to be an officer serving the *res publica*. At least two major issues had then to be addressed. One, could this *universitas* be held accountable and, if so, in which way, given that it was not a real person? And in what way should the relation between itself and its magistrates be understood?

By the first half of the sixteenth century, accountability was sometimes granted, but with considerable practical reservations. One of the most widely published European lawyers of the early sixteenth century, Ulricus Zasius, addressed the *res publica* as a '*multitudo seu universitas*

civium'. This legal person possessed properties independent from any or all of its mortal magistrates and subjects. Zasius questioned whether such a fictitious person could indeed be thought of as being legally accountable. He thought so. Moreover, he argued, denying the existence of this legal person and its corporate enforcing of order independent from any one of its citizens would also undermine and destroy political order among humans.⁷⁵

The relationship between the *res publica*, the state, and the magistrates running it was conceived as fitting different models of representation. Representation was meant to address mainly two different ways of legal accountability. One was the *representatio potestatis*, similar to the tutelage of a tutor over a minor. This was supposed to be the representation of the body politic by its supreme magistrate. In this model, the magistrate remained an officer of the state, but the actual subjects had hardly any means of holding this magistrate accountable because they were thought to be in the position of minors. In cases of alleged fraud, for instance in conflicts within German imperial towns, the issue of how to hold the urban magistrates accountable for their alleged failures remained a vexed question throughout the early-modern period. The other way of representation was the *representatio identitatis*, the representation of the whole body politic by a part of it that was then thought to *be* the whole. Once the whole *universitas* was thought to be actually present, then this part could also act in behalf of the whole.⁷⁶

The importance of understanding *res publica* as the institutionalised configuration of order rather than only as a common concern for the common good increased as the ability of *societas*, the plain number of citizens, to organise itself was increasingly cast into doubt. Already in 1576 Petrus Victorius argued in his influential translation and comment on Aristotle that the state was the sole root of order in a society.⁷⁷ This was radicalised by the widely quoted, German absolutist, Henning Arnisaeus, who argued even that the state *consisted* of the supreme power of the magistrate.⁷⁸ While society could still be thought of as a cooperating number of participants, these participants were increasingly conceived of as an amorphous assembly of men, whose living-together could only be imagined by being given order, by being shaped by a state, or by an order flowing from the magistrate's possession of supreme authority. The background to this latter argument was located in Aristotelian physics. Along these lines, society is only inchoate matter, in need of being given form by the order imposed by the magistrate.⁷⁹ Thus, not only was the necessity of

order, subjection and hierarchy stressed (though the necessity of order and hierarchy remained common consent throughout the later Middle Ages and the early-modern period). But the root and place of that order was increasingly located in the institutional configuration of order as a separate institution, not in society as such. This approach necessarily emphasised the power of magistrates, representing the state, over citizens. It could potentially be used *also* to emphasise the power of the supreme magistrate as the sole source of order; but even this approach needs to be distinguished from, for instance, comparing the rule of a king to that of a father over his children and thus ignoring altogether the difference between household rule and political rule. By the early-seventeenth century, some accounts even denied the distinction between the head of a commonwealth and the commonwealth itself. Commentators recognised this development. They complained that the head was different from the whole body and thus could not represent it alone.⁸⁰

There is no doubt that from the 1570s the accountability of the supreme magistrate to the body politic began to be challenged. This was part of the reaction to religious strife since the 1570s mentioned above. We need to remember, though, that there was a wide variety of ways to achieve this. Between comparing kingship to fatherhood and locating the representation of the *res publica* in the supreme magistrate alone there are significant differences. Arguments denying the accountability of kings could choose to use or to ignore Roman Law. And the vocabulary of Roman Law could be used for both, insisting on accountability by referring to the *universitas* and its representation, or denying accountability by referring to majesty and the *princeps legibus solutus*. Indeed, there is no straightforward relation between the increasing emphasis on the need of an institutional configuration of order to make society work and allowances for accountability. For example, while Arnisaeus' absolutist response was primarily located in the experience of sixteenth-century religious civil war, the emphasis on an institutional configuration of order different from society was by no means restricted to authors favouring Absolutism. It was part of a much wider development.⁸¹ It remained rooted in a shift in translating Aristotelian politics long underway. Translations had used terms such as *communitas politica*, *communitas civilis* or *communicatio civium* to explain and translate the *civitas*, the assembly of citizens.⁸² Significantly, it was Leonardo Bruni himself, the famous Florentine rhetorician, who was among the first to exchange these notions with *societas civilis* – a term allowing him to carve out an independent space

for the *res publica* as the hierarchical structure that society needed in order to function. Bruni wrote that since the *civitas* was a society, it remained in need of various forms of government to allow it to exist permanently.⁸³ An institutional governmental structure, dependent on magistrates and addressed as *res publica*, was increasingly and explicitly distinguished from the community of citizens as such and deemed indispensable for the very existence of society. The *civitas* and its social hierarchy of persons with varying status and office, whether humble or eminent, lost ground as a body politic in its own right. Magistrates could still be thought of as representing the state, and some of them even as holding the supreme magistrate accountable. But the insistence on obedience on behalf of the citizens increased. Their subject-status became ever more relevant as *res publica* and *societas* were clearly distinguished.

There is hardly a better example of this development than Johannes Althusius himself, the outspoken antagonist to Absolutism and to Henning Arnisaeus. Arnisaeus had criticised Althusius for being a dangerous monarchomach. Althusius in turn explicitly criticised Arnisaeus for having compared government with fatherly rule.⁸⁴ It is important to identify the issues behind the fog of hostile rhetoric in order to come to terms with the relation of society, monarchy and state in this debate.

Arnisaeus did not identify paternal and monarchical rule. He stuck to the Aristotelian distinction of family rule and rule in society. He even criticised the English Court of Wards for not respecting the property of English subjects.⁸⁵ What he did do was to deny that the order of the state sprang from any other root than the possession and exercise of majesty by the supreme magistrate, who possessed majesty by conquest, inheritance or transferral. He thus denied the accountability of the supreme magistrate to other magistrates, such as Althusius' Ephors. He did not deny that goods were exchanged in civil society, and that any government had to protect that exchange and the property of subjects, for the government he envisaged was neither tyranny nor paternal rule. But the supreme magistrate must, to his mind, remain unaccountable.⁸⁶

Althusius also accepted the clear-cut distinction between the *res publica*, the institutional configuration of order headed by magistrates, and the notion of society as helpless without the order imposed by magistrates.⁸⁷ He justified social hierarchy with the need for a functional distribution of labour to serve society best – just as John Winthrop had done. Althusius even abolished such elements of

democratic participation as existed in Emden, the town where he served as syndic. There he enforced the rule of a tightly knit oligarchy, because he argued that democratic government could not function and that aristocratic rule needed to be restored.⁸⁸ In this sense, he shared the preferences of the Puritan settlers in New England that chose to elect a young and inexperienced member to be Governor, because he had the appropriate social background.⁸⁹ But he put the rights of sovereignty firmly in the hands of the *universitas* itself, the *regnum*, not into the hands of any magistrate or groups of magistrates. Magistrates thus ruled only by possessing an office, and they possessed this office by virtue of representing the corporate body politic, the *universitas*, in a juridical sense. Every magistrate thus remained accountable. Inferior magistrates could be held accountable by the supreme magistrate. The supreme magistrate could be held accountable by the Ephors acting together. In effect, this provided a clear-cut challenge to any argument in favour of absolutism. Therefore, Althusius was portrayed as monarchomach. But he shared Arnisaeus' approach of leaving no room for the civic community apart from the public configuration of order, run by magistrates. His world was divided, just as Arnisaeus', into magistrates and subjects.⁹⁰ The only exception developed by Althusius not fitting into this polarity of rule and obedience was the defence of the fatherland by citizens allowed to take the sword on no other account than their love of the fatherland, proven by their willingness to die. It was for this argument that Althusius referred to Cicero. It was precisely here that the radical edge of the Ciceronian argument, devoid of the institution of the state and arguing solely from a hierarchy of citizens claiming office by virtue of their pursuit of the common good, was exploited.⁹¹

The debate between Althusius and Arnisaeus is helpful in identifying the possible range of issues that could matter when the precise role and rights of monarchy became a matter of intense debate in the later-sixteenth century. But we must not conclude that all debates were pursued on this same template. The sense of *universitas* and its accompanying modes of representation had been developed within the late-medieval interpretation of Roman Law. English texts also carried notions of the issue, but the wording was by no means always clear-cut. Sir Thomas Smith's influential *De re publica Anglorum* used the term 'commonwealth' – a possible English translation of '*res publica*'. Smith alleged that when parliament was assembled – king, lords and commons – sovereignty could be exercised, for 'all that ever the people of Rome might do either in

Centuriatis comitiis or tributis, the same may be doone by the parliament of Englande, which representeth and hath the power of the whole realme both the head and the bodie. For every Englishmen is intended to be present, and the consent of the Parliament is taken to be every men's consent'.⁹² In particular this place has been taken to indicate the incidence of *representatio identitatis* in English political thought.⁹³ But Smith's own definition of 'commonwealth' by no means clearly indicates that he meant to understand England to be a *universitas* in the legal sense that could then be appropriately represented. Smith primarily listed only common concerns as the characteristic of a commonwealth, such as a 'common doing of a multitude of free men collected together and united by a common accord and covenantes among themselves, for the conservation of themselves as well in peace as in war'. This in itself does not at all refer to the meaning of *res publica* as *universitas*. But he then added, 'For properly a host of men is not called a common wealth but abusively, *because they are collected but for a time and for a fact*: which done, each individual divideth himself from others as they were before. And if one man had as some of the old Romanse had v. thousand or x. thousande bondmen whom he ruled well, though they were dwelled all in one citie, or were distributed into divers villages, yet there were no common wealth: for the bondman has no communication with this master ... the wealth of the Lord is onely sought for...'.⁹⁴

This seems to echo Zasius' argument that the true state needed to be independent from the social relations of mortal individuals. Characteristically, however, the argument about the immortality of the legal corporate body is not carried through, and the counter-example of the lord and bondmen could be used to imply that government needs to pursue public, not private, ends. It is by no means clear whether Smith did have the legal concept of the *universitas* in mind. Indeed, it has been argued that Smith's sense of representation was primarily informed not from the perspective of the corporate entity itself and its need to be able to act by way of representation, but by the needs of the crown gathering the whole realm around it to be able to govern.⁹⁵ This perspective also suggests itself from a more practical point of view, looking at the development of parliament through the fifteenth and sixteenth centuries.⁹⁶ It is thus unclear to what extent Smith did envisage an English state independent from the crown of England. But it is clear that he used the terms '*Res publica*' and 'commonwealth' to address the institutional configuration of order in the realm of England.

Res publica remained up to the eighteenth century a common term for this institutional side of societal order, an order that we today mean by the term 'state'. During the sixteenth and seventeenth centuries, 'state' rather meant what we now understand as 'status' or 'state' in 'state of the nation' or of a person, the entirety of situational circumstances, proprieties, properties and prospects to be considered when describing such a 'state'. From the later-sixteenth century onwards it began also to be used to describe what we now call a 'state'. But right up to the seventeenth century, both in Latin speaking discourse, and in English speaking discourse, 'state' was also used in the sense of the 'status' of a group of persons or a single person, including the rights and privileges of this person. In this sense, it remained tied to the term 'estate', being the sum of properties and privileges of a group of persons sharing similar status. As late as during the 1630s, a 'Discourse of Warre and Single Combat' reminded the reader that a 'Christian Prince' can 'warre with a safe conscience against enemies of his estate'.⁹⁷ It was also only in the seventeenth century that 'republic' had been firmly established not just as the institutional configuration of any society, but also of a state without a king. This way of classification did not distinguish three possible main forms of government, monarchy, aristocracy, and polity, but rather two, monarchy on the one hand, and aristocracy and polity on the other. By the seventeenth century, the terms 'republic' and 'commonwealth' came also to be used to mean specifically a non-monarchical state such as the English or Dutch republic.⁹⁸

From the American and French revolutions, however, the terms 'republican' and 'republicanism' began to take on a new meaning in political language. They signified new claims on the legitimacy of government that were increasingly irreconcilable with royal personal rule. A monarchy that wished to remain legitimate against these new benchmarks needed to have a written constitution and needed to constrain any personal direct power of the monarch. As Robespierre put it on 13 July 1791 when the king had already been suspended from his office, 'le mot république ne signifie aucune forme particuliere de gouvernement: Il appartient à tout gouvernement d'hommes libres, qui ont une patrie. Or, on peut etre libre avec un monarchie comme avec un senat. Qu' est-ce que la constitution francaise actuelle? C'est une république avec un monarque. Elle n'est donc point monarchie ni république, elle est l'un et l'autre'.⁹⁹ At this juncture, monarchy ceased to be understood primarily as just one kind of government against a background where 'fallen' men needed government anyway. Now, new requirements were

deemed to be vital to make a government legitimate, among them the separation of powers and a written constitution. Against these new benchmarks constitutional government began to be pitted against unconstitutional government. But the adverse verdict on the latter could be and was directed not only against unconstitutional monarchical government, but also against European republics, such as Venice or the Swiss city-republics, in so far as they lacked a modern constitution.¹⁰⁰ In particular in Germany, where the Princes would be committed to introducing constitutional arrangements in their now sovereign territories in 1815 but often failed to do so, constitutionalism, the ‘monarchical principle’ and, indeed, also republicanism now became ideologically pitted against each other.¹⁰¹

But arguments in favour of accountable monarchy had no problem in being accommodated by the enlightenment and by modern constitutionalism. While an uncompromising stand on the Divine Right legitimacy of monarchy, perhaps even buttressed by tokens of divine grace such as the Royal Touch, would at best serve as an embarrassment during the eighteenth century, accountable monarchy could be made to look useful in a wide variety of settings. The exploits of the Irish Stroker for instance, an ignoble Irishmen healing his fellow-countrymen by the touch of his hand from about 1662, visiting Dublin in 1665 and becoming a public sensation between January and May 1666 in London, did not necessarily help the proponents of Divine Right.¹⁰² Thus, as mentioned above, as the eighteenth century progressed and the benchmarks of what was understood to be a legitimate government were slowly changing, the lack of constitutional settings would to be perceived with increasingly critical eyes, not monarchical government as such. Thus, the exercise of aristocratic power within the *existing* republics, in Venice or in the urban republics in Switzerland, raised the critical concern of the Enlightenment. It was against the attacks of the Enlightenment on clerical orthodoxy that Enlightened Absolutism, promising important reforms in church and state, could win for some time the favour of many enlightened authors.¹⁰³

This is not to deny the existence of a ‘Radical Enlightenment’ also critical of monarchical rule. But monarchy did fare relatively well as a survivor against both clerical orthodoxy and dangerous enthusiasm.¹⁰⁴ It is thus perhaps no accident that the single most important study on the success of monarchy in eighteenth-century Europe concentrates on England and Germany as examples and concludes that monarchy fared best when it least insisted on its Divine Right legacy. Tim Blanning juxtaposes monarchy in England and Germany with monarchy in France.

While the princes in Germany and monarchy in England were able to establish an office for nation and fatherland during the eighteenth century, the latter failed to do so.¹⁰⁵ Arguably, English government during the eighteenth century resembled in many respects an aristocracy more than a monarchy. In particular after the defeat of Britain during the American War of Independence and during the regency it is difficult to take Britain as an unqualified example of the survival of monarchy. But Blanning successfully argues that monarchy could carve out a role of its own by securing a position functional for society and persuading others about this functional importance. It is indeed remarkable that the monarchy making least claim to Divine Right¹⁰⁶ and with the strongest tradition of being held legally accountable,¹⁰⁷ that is, princely government in Germany, was indeed the most successful during the later eighteenth and the whole of the nineteenth centuries. Here, monarchy not only continued to mean actual personal rule with a vast influence on the executive, and a strong independence from any elected assembly, but it also commanded right into the late-nineteenth century strong intellectual support – from Kant at the end of the eighteenth century to Fontane in the late-nineteenth century.¹⁰⁸ It was indeed only during the later 1890s when, owing to a number of specific political events during the reign of William II, the image of monarchy began to suffer seriously.¹⁰⁹ These developments need not concern us here, especially as any attempt to draw simple connections between early-modern Germany and nineteenth- or twenty-century developments is now rightly understood to be extremely unwise. But the rise of monarchy in Germany is not only worth a detailed study of its own,¹¹⁰ it also reminds us that long-term survival could very well depend on early provision of accountability rather than on a radical stand on Divine Right legitimacy.

Thus, late-medieval and early-modern Europeans themselves did not envisage, in general, a Europe divided by two mutually excluding ideological ideas on government. Social hierarchy remained accepted. Monarchy as a possible form of government remained accepted. Only a rule violating the basic functions that government had to serve – defending religion, administering justice, protecting the property of subjects – lost its legitimacy. To most Europeans, the government of the Ottoman Empire did not deliver these basic requirements and was thus a tyranny. To Protestants in Europe, a number of Catholic monarchs and their actions were denounced as bordering on ‘Turkish Tyranny’ or being identical to it – from Charles V for his military actions against Protestants within Germany to Louis XIV, in particular

after the revocation of the Edict of Nantes. The true boundary that Europeans drew was thus not between republic and monarchy, but between tyranny and legitimate government, and secondly between varying emphases on the accountability of monarchy. The precise nature of both the boundary between monarchy and tyranny and the place of accountability in this spectrum, however, remained open to controversial debate. Attacks on monarchs as tyrants were thus quite a likely course of action, not differentiating between ideological camps in Europe.¹¹¹ To make matters even more untidy, authors of political tracts defy our search for a consistent template of debate by changing their objects of attack and main course of argument according to changed circumstances.¹¹² Incidences of physical assaults on monarchs are by no means easily or necessarily linked to this template of debate nor to ideological confrontations mobilising an entire population.¹¹³ Charles I was the first Scottish king who could begin his reign without the background of bloodshed and minority regencies, and he was the first to be executed by formal court trial and to place Scotland under the rule of a republic. At the same time, even frequent physical assaults on a king, as in fifteenth-century Scotland, should not necessarily lead us to conclude that monarchy itself was unstable or had to cope with ideological alternatives.

However, the necessary suspicion against turning individual incidences of personal enmity or political accident to be structural problems of monarchy should not blind us to the fact that 'medieval constitutionalism', if it appeared in the prosecution of Charles I, did so in a changed world. Monarchy had to explain itself against a changing template of expectations. That world did not only know religious civil wars and massacres among Christianity that had produced new demands for order. Not only did Europeans increasingly refer to the *res publica* as the institutional configuration of order during the sixteenth century: they attached to this institutional configuration laws and precedents of its own in terms of defence. These could potentially be used to define the legitimate framework of action in an increasingly narrow way. As John Elliott put it, arguing that during the sixteenth century, across Europe, contemporaries developed

an idealised conception of the various communities to which allegiance was owed; and it embraced, in ever-widening circles, the family and vocational communities to which they belonged, the urban or provincial community in which they lived, and ultimately, and sometimes very hazily, the community of the realm.

This idealised conception of the community was compounded of various elements. There was, and most naturally, the sense of kinship and unity with others sharing the same allegiance. But there was also a sense of the corporation or community as a legal and historical entity, which had acquired certain distinctive characteristics with the passage of time, together with certain specific obligations, rights and privileges.¹¹⁴

Along these lines, princes had not only to cope with an increasingly detailed understanding of what the specific fundamental laws of any realm allegedly were, *de facto* circumscribing their room for manoeuvre, but also with new notions of the office of defending the laws of that realm against alleged breaches by the prince himself. During 9–10 August 1638 the Swedish crown council agreed to the request of their general, Alexander Leslie, to dismiss him from Swedish service and support him with pieces of artillery. Leslie, having served the Swedish crown for 30 years, had petitioned to be allowed to return to Scotland and help defend the country against illicit attacks by advisers to King Charles. The Swedes agreed to his request not least because it had been sought for love of country only (*'solus amor patriae'*). Thus, they did not only appreciate three decades of loyal service to the Swedish crown, but also Leslie's loyalty to this fatherland. Of course, the nature of that fatherland was by no means fixed or prescribed. James King, a general like Leslie, also a Scotsman, also supporting the covenanters, was said in one Swedish communication about his motives to be in favour of Swedish support for the covenanters because, so he had allegedly said, 'Britannie ist mien patria, darin ich geboren bin'.¹¹⁵ More than that, by the first decade of the seventeenth century, a dictionary of the English and French languages carried the neologism 'patriot' for a person loving his fatherland. In Germany members of the Hessian and Pomeranian territorial estates began, between 1615 and the 1630s, to address themselves as 'Patrioten' in order to make claims about their participation in the government of their territorial fatherland.¹¹⁶

Among the more systematic changes that monarchy had to deal with was thus an increasingly detailed articulation of the nature of the body politic as independent from the possessions of the monarch, of the laws and indeed the constitution of that body politic, and of the need of monarchy to serve the purposes of this entity and its laws. Where monarchy allowed the service to these new dimensions of legitimacy to slip away from its grasp or even allowed itself to be portrayed as threatening them, as during the American and French revolutions,

defeat was ultimately a consequence. Where it managed to appear as a main guardian of them, as Tim Blanning has shown, it had the capacity to remain crucially important despite the Atlantic revolutions and even to survive into the nineteenth century.¹¹⁷

Of course, what *ex post* looks like a game that could be won or lost, depending on choosing the right strategy at the right moment, was at the time a confused development made up of a myriad of motives. Focusing on incidences of regicides allows us to concentrate on moments when contemporaries, more than at other times, made efforts to justify their actions: they took unprecedented risks, for themselves, for their family, and for their society. It also allows us to review the functions that monarchy should have served.

III

Contributions concerning English and French monarchy from the early-fourteenth to the late-seventeenth century run through the whole of this volume (Genet, Carpenter, Bulst, Loades, Greengrass, Bély, Burgess). While English and French kings were the only monarchs that could and did claim the Royal Touch, and thus specific proof of their divine dignity, English and French monarchy provided for some of the most spectacular regicides, supporting Genet's scepticism about the effectiveness of such protections. Most cases remain firmly embedded in accounts of king-killing within the conceptual and institutional framework of the late-medieval and early-modern period. Conceptually, the Aristotelian terminology of monarchy and tyranny allowed the demarcation of legitimate from illegitimate government (king against usurper) and legitimate from illegitimate performance in office (king against tyrant) (Condren). Institutionally, monarchy had then established itself as being based on conveying specific dignity to kings to protect them, on detailed rules of succession and on principles of indivisibility of rule within the kingdom. Two contributions introduce us to the period before and during the establishment of this conceptual and institutional framework and thus allow us to understand its importance (Hillgarth, Genet).

The early- to high-medieval period saw the establishment of these rules. Suffice to say here that for instance the establishment of Merovingian kingship actually *involved* and was based on a significant number of physical assaults and killings on possible claimants to the throne. The late Roman Empire faced a large number of leaders among the barbarian populations that were addressed, in Latin sources, as

'kings'. Indeed, these populations increasingly used Latin terms and concepts to understand themselves. But indivisibility of rule, clear-cut rules for dynastic succession and specific royal dignity were not yet parts of the accepted rules and procedures of choosing, exchanging or protecting kings. These rules were to shape dynastic and legal relations in order to allow a family to provide a single legitimate successor rather than a number of competitors. The early-medieval history of monarchy is thus not least the history of their bloody establishment. For example, there was no single indivisible rule in the Frankish kingdom before the end of the fifth century. The establishment of this rule involved the monopolisation of the dynastic claim to a single successor, and that in itself involved the killing or the disabling of other claimants, such as enforcing clerical life on would-be pretenders. The decision of Clovis to align himself with the Catholic and against the Arian part of the Christian church allowed him not only to gain acceptance from the Byzantine Emperor Anastasius in 508, who granted him rights to certain ceremonials underpinning his kingship: it also added a religious edge for combating his competitors. These competitors, who had participated in the *de facto* collective rule of the Frankish kingdom, were then killed in order to establish his monarchy. Clear-cut rules of succession and indivisibility had however not yet been established, as events after his death in 511 proved. In the decades to come, shearing the hair of a would-be pretender and sending him to a monastery became another means of denying possible pretendants the ability to claim a right to kingship. Gregory of Tours' famous conclusion to his description of the Clovis killings – 'Day after Day God cast his [Clovis] enemies down before him' – underlines the support that Clovis enjoyed from the church.¹¹⁸ Against this background, Jocelyn Hillgarth's contribution on sixth-to seventh-century Spain helps to focus on the utter importance of rules of primogeniture, divine dignity and rules of indivisibility as core elements of monarchical rule. Gregory of Tours did not condone the killing of kings among the Visigoths. At one point, lack of these rules among the Visigoths allowed for four successive kings to be assassinated in the space of 24 years. By the same token, the notion of 'tirannus' was not yet clearly pinned down to illegitimate kingly rule either, but could address failed rebels.

Jean Philippe Genet takes the story up from here and describes how medieval monarchy was not always, but 'became sacred'. Surveying the eighth-century 'invention of the unction of kings', Genet reminds us to what extent the church remained interested in keeping any connection of kings to the divine within their own reach of control. Spreading

from Carolingian practice, anointing and crowning became indispensable parts of making a king. Thus, 'co-operation of the church [became] indispensable'. For European monarchy to establish itself as an institution able to deliver order, restrictions on the transfer of rights within the family on the one hand, and special demarcations of the nature of these rights as pertaining to a very particular office on the other, that of the monarch, proved to be necessary.

The latter issue is addressed by Conal Condren. He surveys the way in which the terminology of kingship and tyranny, regicide and tyrannicide, demarcated the particular public function of the office of king and its protection from the tyrant. By tracing the use of such categories into the sixteenth and seventeenth century, he also reminds us that they could only fulfil their function as long as basic standards to employ them remained common value. Once, for instance, religion itself became contested in the wake of the reformation, both enforcing a particular interpretation of the true faith and abstaining from such enforcement could become a marker for tyranny within the same kingdom. To this, some authors of political tracts attempted to respond by removing the king from the judgement of a divided Europe. The uses of this rhetoric are then spelt out with special reference to England during the 1640s, an issue to which other contributions return.

Rules for the dynastic transferral of the kingdom, for the indivisibility of reigning, and for the proper performance in office, both protecting the king and defining the tyrant, thus shaped the interaction between the dynasty as a family and the services that kingship was meant to deliver for the commonwealth. More sophisticated distinctions such as that between the usurper lacking title to the crown and the king exercising his office tyrannically allowed to give due attention to proper procedure with regard to rules of succession and yet observe problems with performance in office. However, even once those rules had been established, the overwhelming importance of monarchy for a kingdom could make it nearly impossible to tolerate failures in office, while by the same token no alternative way of government could possibly be devised. In contrast, the lands commonly referred to as the *regnum teutonicum* could well have done with a lack of clear rules as to the succession or election of their kings and with disputes about proper claims, for those disputes would not in itself disable the administration of justice in any single part of the kingdom. England was quite different: Christine Carpenter describes in her contribution the troubles that the English nobility had with their kings during the thirteenth, fourteenth and fifteenth centuries.

Carpenter shows how reluctant noblemen were to oppose their kings, let alone to replace them. Even after the utter incompetence and the havoc a king was producing had persuaded parts of the community finally to attempt a replacement, the English regretted each act and hoped for the best with the next King, for they feared in particular the undue influence of factions on a weak king or, worse, the lack of any king. Carpenter argues that the amount of unification and centralisation of the English polity and the utter importance of the centre for local lives made that centre and its proper functioning so crucially important. Taxation, the administration of property transfers via the courts and the keeping of the peace needed a king strong enough to provide these services, while not abusing his powers either. On the one hand, the sensibility of society to every perceived malfunction had been heightened by the very importance of kingship for the functioning of society. Failures could not be ignored but had to be rectified. On the other hand, and in strong contrast to late-medieval Germany, monarchy must and could not be reduced in its power, because it needed that power to serve its very function. But as Carpenter makes abundantly clear, between being able to identify major shortcomings and rectifying them there remained a considerable difference. Attempts at enforcing a council on the king or at providing kingship with assemblies that could steer policies could end up with favourites disguised as councillors seizing power and undue influence and thus worsen the situation. Monarchy served its functions precisely by providing an office-holder independent of various factions in society and able to protect families against their enemies. Moreover, confrontations with a king, once undertaken, could badly backfire at those opposing the king unless they went the whole way. Carpenter shows that the English nobility squared these circles only with great difficulty, if at all. Pretending that depositions had not taken place and that monarchy was about the hereditary monarch staying in power until his natural death remained central. The terminology of tyranny and tyrannicide provided a useful demarcation of the office as it was meant to be. It did not deliver a practice that would help remove inept monarchs and provide better, stronger ones.

Wim Blockmans compares the experience of violent clashes between society and monarchy in late-medieval Flanders, Burgundy and Scandinavia. Blockmans shows how the execution of alleged evil councillors could diffuse conflicts between monarchy and society. The ability of Flanders to exile its count reflects the ability of the region to run its own government and thus to survive, at least for a time,

without monarchical leadership. During the fifteenth century particularly this ability was backed up by developing mechanisms for curtailing monarchical government. Blockmans concludes that even the deposition of King Philip of Spain has to be seen against this background of actual experience of governing without monarch, something that the then established Netherlands was able to fall back on once it failed to find a new monarch.

In contrast, two centuries of conflict had persuaded English society that it could not allow the monarchy to be undermined or undermine order in society. The advent of the Tudors, the rule of Henry VII and the measures against noble power and retainers seem to point towards a new acceptance of limiting noble power in favour of a good king. The necessity of hereditary monarchy had never been questioned, anyway. James Burns traces the fate of kingship in neighbouring Scotland. The violent death of inept kings and the sorry end of English kings during the same period was duly reflected in John Mair's *Historia Majoris Britanniae* of 1521. The limitation of monarchy is suggested here as the most efficient way of stabilisation, for fear of disorder was not the least of Mair's motives. James Burns closes his contribution with an assessment of George Buchanan's argument. Had Buchanan lived to see the execution of Mary Queen of Scots by the Elizabethan government, he would have found it justified. But the religious divisions coming about with the Reformation, if not necessarily affecting immediately large segments of the population in Scotland during the 1560s, did add a dangerous edge to conflicts between king and realm.

David Loades' analysis of the execution of Mary, Queen of Scots, brings home to us how dramatic the concatenation of dynastic and religious issues could become to persuade a government bent on defending monarchy in England to execute a lawful monarch. His analysis goes a long way in responding to Christine Carpenter's question about the nature of Tudor monarchy and its relative lack of deposed monarchs – as compared with the experiences of the fifteenth or fourteenth centuries. Tudor monarchy had become a bulwark for property – in particular the transferral of church lands to the laity – and under Elizabeth for the Protestant Faith also – in whatever interpretation. Monarchy safeguarding these two pillars had to be defended against any person endangering it, even if that person was a queen herself. The wars of religion in France and the Spanish conquest in the Netherlands provided the background to a new kind of warfare in Europe, *both* enormously strengthening monarchy where society perceived it to be defending religion, but also undermining it where

society perceived it as not defending religion.¹¹⁹ While the Spanish king had been deposed in his Dutch provinces and the French king killed in 1589, England and her monarchy had found, under Elizabeth, a temporary alliance that had everything to do with the perception of Elizabethan politics. As William of Orange became the victim of a Catholic assassin (1584), anti-Catholic and anti-Spanish resentment carried an enormous amount of popular loyalty for the Protestant monarch. The Bonds of Association reflected this rallying of the political nation behind faith and crown. This was no longer the feudal *communitas regnum* of tenants in chief and tenants to the king. James Maddicot has reminded us about the emergence of the English language and a sense of England as represented by the mythical King Arthur as the background to the *communitas regnum* and its claim to be heard during the thirteenth century. But during the later-sixteenth century, the English community had certainly an even stronger notion of itself as being an entity of its own. While the execution of Mary is understood by Loades in terms of the legitimate defence of the rightful monarch against attempts similar to the killing of William of Orange or Henry III, his contribution reminds us of the power of religious mobilisation. It could enormously strengthen the defence of monarchy against any attack.

Not just with hindsight, the killing of Henry III (1589) and Charles (1649) did not only massively influence the whole debate about the possibility of regicides, they also present two very different cases of the deed coming about in two of the most ancient monarchies in Europe. While the personal and sacral nature of kingship and kingdom in France was rather strengthened, the English events stressed and developed the depersonalised nature of the state. Four contributions address both cases from different angles (Greengrass, Bély, Condren, Burgess).

Mark Greengrass and Lucien Bély look at France. Earlier than in England, Reformation led to mass religious mobilisation and subsequent civil war among mutually hostile and enraged Frenchmen. French monarchy became involved in a civil war between a Protestant minority too large to be completely wiped out and a Catholic majority with significant elements bent on entirely exterminating the heretics in the realm. While up to the 1560s French Protestants hoped for a miraculous Reformation of the country, from the 1580s they hoped for survival, even under a Catholic king. The immediate reaction to the 1572 massacre in Paris was not least a number of publications reminding about the possibility of resisting a tyrant, some directly referring to Germany and the resistance to Charles V.¹²⁰ The corporate representation of the

community and the ability of those representing the community to punish a tyrant were central to these arguments. They rested on the late-medieval argument about the representation of the *universitas*. Lucien Bély discusses them in detail. By 1584, as William of Orange was assassinated and the execution of Mary was contemplated to save Protestant monarchy in England, the dynamics of Catholic mobilisation led to the emergence of Catholic associations in Paris, the league, that were prepared to challenge monarchy in order to save the true faith. The 1588 riots in Paris testified to this threat. With the defence of the faith the most important single duty of kingship, religious divisions necessarily undermined monarchy. The killing of the Guise brothers, instigated by the king in order to restore his power, and the proceedings of the University of Paris and of the Pope to find him guilty of murder – which he actually was – provide the background for the pamphlets explaining the assassination of the tyrant Henry as an act willed by God.¹²¹ These publications were entirely based on quite accepted norms and ideas, including the possibility of God using a person as his tool to have the tyrant punished. What gave them thrust was the viability of the Catholic printing press, the exposure of large parts of the Catholic population to these ideas and the inability of the king to control his capital. Crusade within France had become almost an accepted way of conceiving politics. The term ‘monarchomachs’, king killers, was only applied to these publications well after the event. The killing of kings was never their intention. The casuistry of kings and tyrants remained their basis. What is more, Andrew Pettegree has argued that Protestants in France were rather embarrassed then instigated by the publications of their religious fellow-travellers advising about the possibility of resistance. From 1572, but especially once a Protestant contender seemed to be in sight (Henry of Navarre), Protestants hoped for a strong king, not for killing tyrants. It was not least on a wave of realisation about the actual consequences of tyrannicide in a deeply divided society that Henry IV recaptured France and restored order. If anything, the actual execution of the tyrannicide had considerably undermined the appreciation of the usefulness of such an act.

The execution of Charles I is thus particularly fascinating and worthy of close scrutiny. It was not, despite the parliamentary propaganda of 1642 about the alleged threat of an Irish invasion and the alleged killing of English Protestants in Ireland, part of the wave of religious violence that provided the background to the killing of William of Orange, Mary, Queen of Scots, Henry III and even Henry IV between 1584 and 1610. By 1610, Europeans knew about the disastrous consequences of

tampering with monarchy. In 1642, Charles was thus not accused of tyranny, because that accusation was so enormous that it would have severely undermined any further negotiation. As John Morrill has noted elsewhere, there was also an increase in plays on tyranny. This fact has to be squared with the point made by Blair Worden,¹²² that contemporaries were able to distinguish political reality and its ways and means from plays. The relation between discussion about tyranny in some genre on the one hand and the avoidance of the issue, for instance in the Nineteen Propositions, is an issue of debate. Condren concludes that in 1649, the issue was resolved by separating office and man in the most clear-cut way. Accusations of tyranny were then levelled against the republic and against Cromwell himself. Glenn Burgess takes the issue from the vantage point of the trial against Charles and the case presented by John Cook. He agrees with Condren in a point also made by Conrad Russell¹²³ that the 'depersonalised understanding of state' evident in the proceedings against the king has to be seen as a major feature of the whole process. From the publication of his letters captured by his opponents at Naseby, Charles himself, rather than evil councillors, was increasingly understood to be guilty of fighting his own people. By the same token, Cromwell made up his mind about the guilt of the king, not about the office of monarchy as such. Surely, some issues, such as claiming his personal guilt for the slaughter of English Protestants in Ireland, remind us of the importance of evidence of the king turning against his own people. That was a major item in any argument to prove tyranny. Burgess goes on to explore the religious dimension of arguments defending the execution outside the actual court case. He argues that, despite the legalistic character of the court case, religious ideas about the need to expiate the wrongdoer must be taken into account. In particular, he argues that the execution of the king did raise the question of how to organise the future. Most of the hesitation about regicide, in detail described by Christine Carpenter, had addressed the fact that all the evils that a removal of a tyrant may heal would almost surely come back to haunt society in the struggle between factions fighting for government. Thus, in practice as in theory, only usurpers could and had to be removed, while great caution had to be taken with respect to kings legitimately enthroned. In the case of Charles, this principle was not only overstepped. Since the protection of the church and the administration of justice beyond the quarrel of faction remained among the most important offices of kingship, kings must not claim the demands of their own conscience as being different from the good of the commonwealth. Thus Glenn Burgess wonders

about Charles's 'rhetorical strategy' in his *Eikon Basilike* to allow the demands of his own conscience and the political good of his kingdoms to be opposed. While the defence of religion had strengthened Elizabeth's kingship, despite her fragile title, it led to arguments of why Charles could and had to be removed although his title had been as good as anyone's in terms of the rules of dynastic succession. The de-personalisation of office that was underway in the trial of Charles Stuart, a process with a long undercurrent of arguments developed in late-medieval and early-modern British and European history, meant that monarchy had to be increasingly careful to present itself as the keeper of the state, being different from that of the dynasty itself.

Klaus Zernack addresses eighteenth-century Sweden and Russia. Existing as principalities from around the beginning of the second millennium and thus part of the 'foundational monarchies' of Europe, both experienced radically different periods of regicides during the later-eighteenth century. While Sweden shared the Latin-European vocabulary and thinking on kingship, Russian monarchy operated within the tradition of Byzantine kingship and the Orthodox world. Sweden had experienced periods of strong noble power during the later middle ages. Only during the early sixteenth century the electoral monarchy Sweden became hereditary, but kings were still placed as magistrates by the corporate community of the Swedish Empire. Limits to their rule, established by 1319, remained relevant. With the exception of a short phase of Absolutist rule between 1680 and 1718, the king remained dependent on the estates, who kept power in their hands. They understood themselves to be the bearers of sovereignty.

In strong contrast, Peter the Great had established absolute personal rule. Minorities after his death and lack of clear-cut rules of succession allowed for a number of conspiracies within the court and among various factions. Both in Sweden and in Russia the military nobility, brought into being by the establishment of large armed forces during the seventeenth century, played an important role. Grown beyond proportion as measured against other civil agencies of the state, factions from the military nobility were also responsible for the coup that ended estate power and established Gustav's III personal rule, just as support from the guards had helped Katherine in Russia to establish her regime. Gustav was killed in 1792 by an assassin from within a small circle of noble conspirators. Paul, the son of Katherine, was killed by a coup organised and financed by the English ambassador in 1801. Both monarchies had become susceptible to coups of small groups, based on the military establishment of the countries. While Sweden,

however, was able to build on its constitutional past during the nineteenth century, monarchy in Russia remained firmly bent on autocracy from above.

Volker Sellin's contribution offers a comparative look at the depositions of George III in America, Louis XVI in France and Napoleon in France. The three depositions that Sellin looks at turn out to be 'hybrid cases' in the sense that on the one hand they were based on the traditional idea that a king forfeited his right to the throne if he proved unable to grant the rule of law, while on the other they followed the modern revolutionary principle according to which kings must meet certain political expectations. This perspective may help us to focus, by way of contrast, on the nature of monarchy in late-medieval and early-modern Europe.

Although the volume could not have attempted to cover a complete range of cases, it is clear that monarchy entered the nineteenth century not only against a fundamentally changed world of state and society, but also with a significant amount of baggage from specific and different – national – pasts. Its ability to portray itself as serving the new functions that society expected differed considerably from case to case. As an office serving the constitutional state, monarchy survived in both England and Sweden. Monarchy in Russia remained autocratic, but in forms that Europeans began to perceive increasingly as out of date. Just one set of monarchies also entered the nineteenth century, significantly reduced in number during the Napoleonic wars, but emerging with a mixture of intellectual vigour, reform emphasis and perseverance of personal rule that was neither parliamentary nor autocratic. But the history of the rise of monarchy in early-modern Germany, allowing this spectacular rise and vitality, still needs to be written.

Notes

1. Archibald Campbell, Marquess of Argyll: 'Instruction' for his son (1660), Glasgow, 1743, p. 5.
2. *Ibid.*, p. 25.
3. *Ibid.*, p. 24.
4. See 'The Tenor of the Oath to be taken by persons in Publick Trust with the Earl of Argyll's Explanation and his indictment', reprinted 1681; Sir Patrick Hume, 'A Narrative of the Events which occurred in the Enterprise of the Earl of Argyll in 1685', in George Rose, 'Observations on the Historical Work of the late Charles James Fox' London, 1809, pp. 33–4; John Willcock, *A Scots Earl in Coventing Times: Being the Life and Times of Archibald, Ninth Earl of Argyll*, Edinburgh, 1907.

5. See, for instance, Susan Doran, *Monarchy and Matrimony: The Courtships of Elizabeth I*, London: Routledge (1996); Stephen Alford, *Kingship and Politics in the Reign of Edward VI*, Cambridge: Cambridge University Press (2002); Richard MacCoy, *Alterations of State: Sacred Kingship in the English Reformation*, New York: Columbia (2002); A.A.M. Duncan, *The Kingship of the Scots, 842–1292: Succession and Independence*, Edinburgh: Edinburgh University Press (2002); James Burns, *The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland*, Oxford: Clarendon Press (1996); Ann Williams, *Kingship and Government in pre-Conquest England, c. 500–1066*, Basingstoke: Macmillan – now Palgrave Macmillan (1999); John Watts, *Henry VI and the Politics of Kingship*, Cambridge: Cambridge University Press (1996); Anthony Cross, *The Dissolution of the Lancastrian Kingship: Sir John Fortescue and the Crisis of Monarchy in Fifteenth-Century England*, Stamford: Paul Watkins (1996); John Cramsie, *Kingship and Crown Finance under James VI and I, 1603–1625*, London: Boydell (2002). Arguably, Medieval and in particular English medieval history was never much into sociological accounts of state-building. Rather, an earlier emphasis on issues such as patronage, on ‘private’ influences on the realm, is now increasingly balanced by accounts of the intertwining of ‘public’ and ‘private’ agencies.
6. See for instance John Guy, *Tudor Monarchy*, London: Arnold (1997), the successor to Geoffrey Elton, *England under the Tudors*, London: Methuen (1955, 1974), and Mark A. Kishlansky, *A Monarchy Transformed: Britain 1603–1714*, Harmondsworth: Penguin (1997); see also Christine Carpenter, *The Wars of the Roses: Politics and the Constitution in England, c. 1437–1509*, Cambridge: Cambridge University Press (1997).
7. See, for instance, Jay M. Smith, *The Culture of Merit: Nobility, Royal Service, and the Making of Absolute Monarchy in France, 1600–1789*, Ann Arbor: University of Michigan Press (1996); R.J. Knecht, *French Renaissance Monarchy: Francis I and Henry II*, London: Longman (1996); Suzanne F. Cawsey, *Kingship and Propaganda: Royal Eloquence and the Crown of Aragon c. 1200–1450*, Oxford: Clarendon (2002); William Chester Jordan, *Ideology and Royal Power in Medieval France: Kingship, Crusades and the Jews*, Aldershot: Ashgate (2001); Antonio Feros, *Kingship and Favoritism in the Spain of Philip III, 1598–1621*, Cambridge: Cambridge University Press (2000); Bart Jaski, *Early Irish Kingship and Succession*, Dublin: Four Courts Press (2000); Jean Dunbabin, *Charles I of Anjou: Power, Kingship and State-making in Thirteenth-Century Europe*, London: Longman (1998); Stephen Rupp, *Allegories of Kingship: Calderón and the Anti-Machiavellian Tradition*, University Park: Pennsylvania University Press (1996).
8. See for instance, Charles W. Ingrao, *The Habsburg Monarchy, 1618–1815*, Cambridge: Cambridge University Press (2000).
9. See recently Nicholas Henshall, *The Myth of Absolutism: Change and Continuity in Early Modern European Monarchy*, London: Longman (1992). Philip Edwards, *The Making of the Modern English State, 1460–1660*, Basingstoke: Palgrave Macmillan (2001) sticks to the denomination of ‘state-making’, but delineates in his order of chapters the reign of given monarchs.
10. See for instance Carra Ferguson O’Meara, *Monarchy and Consent: The Coronation Book of Charles V of France*, London: Harvey Miller (2001);

- H.G. Koenigsberger, *Monarchies, States Generals and Parliaments. The Netherlands in the Fifteenth and Sixteenth Centuries*, Cambridge: Cambridge University Press (2001); John Watts, *Henry IV and the Politics of Kingship*.
11. See Hillay Zmora, *Monarchy, Aristocracy, and the State in Europe, 1300–1800*, London: Routledge (2001); Paul Kléber Monod, *The Power of Kings: Monarchy and Religion in Europe, 1589–1715*, New Haven: Yale (1999); James Burns, *Lordship, Kingship, and Empire: The Idea of Monarchy, 1400–1525*, Oxford: Clarendon Press (1992); Malcolm Vale, *The Princely Court: Medieval Courts and Culture in North-West Europe 1270–1380*, Oxford: Oxford University Press (2001). Even volumes many decades old are being translated and re-published, see C. Petit-Dutaillis, *The Feudal Monarchy in France and England: From the Xth to the XIIIth Century* (1936), transl. by E.D. Hunt, London: Routledge (1996).
 12. Ronald Asch/Adolf Birke (eds), *Princes, Patronage, and the Nobility: The Court at the Beginning of the Modern Age c. 1450–1650*, Oxford: Oxford University Press (1991); J.H. Elliott/L.W.B. Brockliss (eds), *The World of the Favourite* (1999); Anne J. Duggan (ed.), *Kings and Kingship in Medieval Europe*, New Haven: Yale (1993); Richard Butterwick (ed.), *The Polish-Lithuanian Monarchy in European Context: c. 1500–1795*, Basingstoke: Palgrave Macmillan (2001); for a non-European example on the vitality of this development see for instance Joseph P. McDermott (ed.), *State and Court Ritual in China*, Cambridge: Cambridge University Press (1999). Almost an exception is Richard Bonney (ed.), *The Rise of the Fiscal State in Europe, c. 1200–1815*, Oxford: Oxford University Press (1999). Heinz Duchhardt/Richard A. Jackson/David Sturdy (eds), *European Monarchy: Its Evolution and Practice from Roman Antiquity to Modern Times*, Franz Steiner Verlag: Stuttgart (1992).
 13. Roland Quinault, 'Churchill and Democracy', in: *Transactions of the Royal Historical Society* 21 (2001), 201–20, 210.
 14. David Cannadine, 'Churchill and the British Monarchy', in: *Transactions of the Royal Historical Society* 21 (2001), 249–72, 251–2.
 15. See for instance J.M.W. Bean, *From Lord to Patron: Lordship in Late Medieval England*, Manchester (1989); 'Debate: Bastard Feudalism Revised', in: *Past & Present* 131 (1991), 165–202; Michael Hicks, *Bastard Feudalism*, London (1995).
 16. Reinhold Koser, 'Die Epochen der absoluten Monarchie in der neueren Geschichte', *Historische Zeitschrift* 61 (1889), 246–87.
 17. See Heinrich von Sybel, *Die Entstehung des deutschen Königtums* Frankfurt (1844), claiming the important influence of ideas of late antiquity and severely criticised by Waitz as not sufficiently taking into account the Teutonic roots of early medieval leadership; see also Georg Waitz, *Das alte Recht der salischen Franken*, Kiel (1846).
 18. On the willingness of English historians to see certain common features between German and English civilisation, based on common ethnic and political roots, see James Anthony Froude, 'The Condition and Prospects of Protestantism', in: *idem, Short Studies on Great Subjects*, London (1898), 146–79, in particular 158–9 on the 'spiritual affinity' of the 'teutonic races'. In Germany, among liberal historians of the 1830s to 1860s there were clear cut signs of taking England to be a masterpiece of liberal

- development, and a willingness to compare English and German constitutional documents as both paving the way into a liberal-constitutional world; see for instance Karl Heinrich Ludwig Pölitz, *Das constitutionelle Leben nach seinen Formen und Bedingungen*, Leipzig (1831), 2–3, where he compares affirmatively the Golden Bull of 1356 and Imperial-Territorial-Peace in 1495 with Magna Carta 1215, the Petition of Rights 1629 and Habeas Corpus 1679.
19. See for instance James Anthony Gooch, *English Democratic Ideas in the Seventeenth Century* (1898), with supplementary notes and appendices ed. by H.J. Laski, Cambridge (1927).
 20. See Hans Baron, *Calvin's Staatsanschauung und das konfessionelle Zeitalter*, Berlin (1924) (*Beihefte der Historischen Zeitschrift* 1).
 21. Hans Baron, 'Calvinist Republicanism and its Historical Roots', in: *Church History* 8 (1939), 30–42.
 22. See Martin Peters, 'Johannes Althusius (1557/63–1638) aus der Sicht Otto (v.) Gierkes (1841–1921)', in: Emilio Bonfatti, Giuseppe Duso, Merio Scattola (eds), *Politische Begriffe und historisches Umfeld in der Politica Methodice Digesta*, Wolfenbüttel (2002), 331–61, 343; Hans Boldt, 'Selbstverwaltung als Alternative? Zur Frage der Organisation des Verfassungsstaates im Zeitalter der Massengesellschaft', in: Martin Kirsch *et al.* (eds), *Der Verfassungsstaat vor der Herausforderung der Massengesellschaft*, Berlin (2002), 339–62.
 23. Leonard Krieger, *The German idea of Freedom* Chicago: University of Chicago Press [1972] (1957).
 24. John Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton (1974).
 25. Martin van Gelderen, 'Aristotelians, Monarchomachs and Republicans: Sovereignty and *res publica mixta* in Dutch and German political thought, 1580–1650', in Quentin Skinner and Martin van Gelderen (eds), *Republicanism*, vol I, Cambridge (2002), 195–217. On the problems of mixing (relatively rare) ideas of uncompromising hostility to kingship in general with (much more common) applications of Cicero and/or other precedents of urban rule within monarchy, see Blair Worden, 'Republicanism, Regicide and Republic: The English Experience', in: Skinner and Gelderen, 307–27, 307–8.
 26. See for instance John Guy, *Tudor England*, Oxford (1988), specifically on Henrician government 154–77; F.W. Conrad, 'The Problem of Council Reconsidered', in: Paul A. Fideler and T.F. Mayer (eds), *Political Thought and the Tudor Commonwealth*, London (1992), 75–107; Thomas F. Mayer, *Thomas Starkey and the Commonweal*, Cambridge (1989), 247; Patrick E. Delana, 'True Obedience in Early Tudor England: Mirrors for subjects 1485–1558' Diss., Claremont Graduate School (1985); Watts, *Henry IV*; R.H. Britnell and A.J. Pollard (eds), *The Macfarlane Legacy*.
 27. See for instance Aegidius Romanus (1243/47–1316), *De regimine Principum libri III* one of the most successful books in late medieval Europe, one of many early-modern editions (1557); Janet Coleman, *A History of Political Thought*, vol. I, Oxford (2000), 110–14.
 28. Quoted in Charles Carlton, *Charles I: The Personal Monarch*, London (1983).

29. Quentin Skinner, 'The Origins of the Calvinist Theory of Revolution', in: Barbara C. Malament (ed.), *After the Reformation*, London (1980), 309–30.
30. James Hankings (ed.), *Renaissance Civic Humanism, Reappraisals and Reflections*, Cambridge (2000); Janet Coleman, *A History of Political Thought*, vol II 2000, 199–271.
31. See for instance one of the students of Aquinas, Petrus de Alvernia, on the *multitudo bestialis*: 'Expositio in libros III.7-VIII Politicorum', in: Thomas von Aquin, *In octo libros Politicorum Aristotelis expositio*, ed. Raymond M. Spiazzi, Rome/Turin (1966), 151a; on the grades see for instance Marsilius of Padua, *Defensor Pacis*. Auf Grund der Übersetzung von Walter Kunzmann bearbeitet und eingeleitet von Horst Kusch [Leipziger Übersetzungen und Abhandlungen zum Mittelalter]. Reihe A, Bad. 2, Teil I, c. 12, paragraph 4: 'Civem autem dico, secundum Aristotelem tertio Politice, capitulis primo, tertio et septimo, eum qui participabat in communitate civili, principatu aut consiliativo vel iudicativo secundum gradum suum...'; see Ulrich Meier, 'Bürgerlich vereynung. Herrschende, beherrschte und "mittlere" Bürger in Politiktheorie, chronikalischer Überlieferung und städtischen Quellen des Spätmittelalters', in: Reinhart Koselleck and Klaus Schreiner (eds), *Bürgerschaft*, Stuttgart (1994), 43–89, 60.
32. Leonardo Bruni, *Laudatio Florentinae Urbis*, ed. Hans Baron, in: *idem, From Petrarch to Leonardo Bruni. Studies in Humanistic and Political Literature*, Chicago (1968), 232–63, 262: 'ego quoque Florentinus sum civis'; see on this Ulrich Meier, 'Der falsche und der richtige Name der Freiheit. Zur Neuinterpretation eines Grundwertes der Florentiner Stadtgesellschaft (13.–16. Jahrhundert)', in: Klaus Schreiner and Ulrich Meier (eds), *Stadtregiment und Bürgerfreiheit*, Göttingen, 63; on the practical dimension of this see Julius Kirshner, *Baldo di Ubaldi's contribution to the Rule of Law in Florence, VI Centenario della Morte di Baldo degli Ubaldi (1400–2000)*, Atti di Convegno, Perugia (2000).
33. Meier, Freiheit, 262.
34. See for the following Wilfried Nippel, *Public Order in Ancient Rome*, Cambridge (1995).
35. On the problem of the relation of law and public issues ('*res publica*') in the Roman republic see Claudia Moatti, 'Respublica et droit dans la Rome republicaine', *Mélanges de l'école française de Rome* 113 (2001), 811–37, 824–5.
36. See Janet Coleman, *A History of Political Thought. From Ancient Greece to Early Christianity*, Oxford 2000, 229–41.
37. Janet Coleman, 'Images of the City and its Citizen in Late Antiquity and the Renaissance', in: Zweder van Martels and Victor Schmidt (eds), *Antiquity Renewed: Late Classical and Early Modern Themes*, Leuven/Paris (2003), 35–62.
38. Coleman, Images of the City, 53.
39. Eberhard Isenmann, *Die deutsche Stadt im Spätmittelalter: 1250–1500. Stadtgestalt, Recht, Stadtregiment, Kirche, Gesellschaft, Wirtschaft*, Stuttgart (1988).
40. Alan Craig Houston, 'A Way of Settlement': The Levellers, Monopolies, and the Public Interest: *History of Political Thought*, 14 (1993), 381–420.

41. Blair Worden, 'Republicanism, Regicide and Republic: The English Experience', in: Skinner and Gelderen, 307–29.
42. Blair, 'English Experience', 312; *idem*, 'Milton's Republicanism and the Tyranny of Heaven', in: Gisela Bock and Quentin Skinner (eds), *Machiavelli and Republicanism*, Cambridge (1990), 225–45, 229; William Walker, 'Paradise Lost and the Forms of Government', in: *History of Political Thought* 22 (2001), 270–99; John Morrill and Philip Baker, 'Oliver Cromwell, the Regicide and the Sons of Zeruah', in: Jason Peacey (ed.), *Regicides and the Execution of Charles I*, Basingstoke (2001).
43. Coleman, *Images, passim*; Conal Condren, 'The Myth of English De Facto Theory', unpublished paper (2003).
44. For the important distinction between ideas on divine right and ideas inspired by provisions from Roman Law insisting that the prince is able to make positive law and was thus beyond accountability in this world, see Glenn Burgess, *Absolute Monarchy and the Stuart Constitution*, New Haven (1996), 96–8.
45. See for instance Helen Nader, *Liberty in Absolutist Spain: The Habsburg Sale of Towns 1516–1700*, Baltimore (1990).
46. Burgess, *Absolute Monarchy*.
47. Michael Mendle, 'Parliamentary Sovereignty: a very English absolutism', in: Nicholas Phillipson and Quentin Skinner (eds), *Political Discourse in Early Modern Europe*, Cambridge (1993), 97–119; *idem*, 'The Great Council of Parliament and the First Ordinances: The Constitutional Theory of the Civil War', *Journal of British Studies* 31 (1992), 133–62; David Smith, *Constitutional Royalism and the Search for Settlement c. 1640–1649*, Cambridge (1994); *idem*, 'The Fourth Earl of Dorset and the Personal Rule of Charles I', *Journal of British Studies*, 30 (1991), 257–87.
48. Ronald Asch and Heinz Duchhardt (eds), *Der Absolutismus – ein Mythos?*, Köln (1996).
49. See, for instance Howell A. Lloyd, 'Constitutional Thought in Sixteenth-Century France: The Case of Pierre Rebuffi', in: *French History* 8 (1994), 259–75; J.H.M. Salmon, 'The Legacy of Jean Bodin: Absolutism, Populism or Constitutionalism?', in: *History of Political Thought* 17 (1996), 500–21.
50. John Maddicot, 'The Ford Lectures: The Pre-History of Parliament, February 6 2002: Transformation'.
51. See J.H. Burns, *Lordship, Kingship and Empire*; see Howell Lloyd, 'Constitutionalism', in: J.H. Burns, *The Cambridge History of Political Thought, 1450–1700*, Cambridge (1991), 254–96.
52. Henry Parker, 'Some Few Observations upon his Majesty's late Answers to the Declaration, or Remonstrance, of the Lords and Commons of May 19, 1642', London (1642), 28–9.
53. Worden, *English Experience*, 317.
54. Smith, *Constitutional Royalism, passim*.
55. Wyger R.E. Velema, "'That a Republic is better than a monarchy": Anti-monarchism in Early Modern Dutch Political Thought', in: Skinner and Gelderen, vol. I, 9–26.
56. Milton, *Defensio Secunda pro Populo Anglicano*; [Pierre Du Moulin] *Regii Sanguinis Clamor et Coelum Adversus Parricidos*, Den Haag (1652); *Claudii Salmasii ad Johannem Miltonum Responsio opus Posthumum*, London (1660).

57. See James VI/I, *Selected Writings*, (ed.) Neil Rhodes *et al.*, Aldershot (2003), in particular his use of Samuel 1, 8–12, not taking the accompanying *locus classius* of Samuel promising restitution of seized goods to the people of Israel into his account, 262–63. More than that, James referred to the law of nature in order to explain his paternal power over subjects (262: ‘By the law of nature the king becomes a natural Father to all his Lieges at his Coronation...’). On the controversial debate concerning James’s views see Burgess, *Absolute Monarchy*, 209–24; on the role of the financial situation for James’s kingship in England see Cramsie, *Kingship and Crown Finance under James VI and I*, 205–18.
58. Burgess, *Absolute Monarchy*, 210–13.
59. Proceedings 1610, I 133, quoted in Cramsie, *Kingship*, 105.
60. Burgess, *Absolute Monarchy*, 50–1, on the place of necessity in common law.
61. On necessity in the argument of the Grand Elector in Brandenburg, who did neither rule by divine right nor as *princeps legicus solutus*, Christoph Fürbringer, *Necessitas und Libertas. Staatsbildung und Landstände im 17. Jahrhundert in Brandenburg*, Frankfurt (1985).
62. See for instance Henry Parker, ‘Some Few Observations’, p. 16: ‘...the king, not leaving to the subject any right at all or rising in arms, though for their own necessarie defence...’ Parker was at this time a client to the Earl of Essex, and thus by no means a committed anti-monarchical polemicist, see Jason Tom Peacey, ‘Henry Parker and Parliamentary Propaganda in the English Civil Wars’, Cambridge PhD (1994), 70–93.
63. Mack P. Holt, *The French Wars of Religion, 1562–1629*, Cambridge (1995).
64. Hermann Weber, ‘Das “Toucher Royal” in Frankreich zur Zeit Heinrichs IV und Ludwigs XIII’, in: Heinz Duchhardt *et al.* (ed.), *European Monarchy, Stuttgart 1992*, 155–170, 157; David J. Sturdy, ‘The Royal Touch in England’, in *ibid.* 171–84, 173–4; Marc Bloch, *The Royal Touch. Sacred Monarchy and Scofula in England and France (1924)*, London (1973).
65. Robert v. Friedeburg, ‘Boxhorn’, in: *Dictionary of Seventeenth and Eighteenth Century Dutch Philosophers*, ed. Wiep van Bunge *et al.*, Bristol (2003), 146–51.
66. See for instance J.R. Lander, *Government and Community. England 1450–1509*, London (1980); R.A. Griffith and J. Sherborn (eds), *Kings and Nobility in the later Middle Ages*, New York (1986); Christine Carpenter, ‘The Fifteenth Century English Gentry and their Estates’, in: M. Jones (ed.), *Gentry and the Lesser Nobility in later Medieval England*, New York (1986), 36–61; Colin Richmond, *The Paston Family in the Fifteenth Century*, Cambridge (1990); J.M.W. Bean, *From Lord to Patron: Lordship in Late Medieval England*, Philadelphia (1989); J.G. Bellamy, *Bastard Feudalism and the Law*, London (1989); C. Given Wilson, *The English Nobility in the later Middle Ages*, London (1987); George W. Bernard (ed.), *The English Nobility*, Manchester (1992).
67. William Walker, ‘Paradise Lost and the Forms of Government’, in: *History of Political Thought* 22 (2001), 270–99.
68. See Patrick Collinson, ‘The Monarchical Republic of Queen Elizabeth’, in: *Bulletin of The John Rylands University Library of Manchester* 69 (1986–7), 394–412; see also Worden, 313, on the dangers of mistaking the various

- forms of participation of minor and major subjects in the realm of England as a token for republicanism.
69. See in particular Bernard, *English Nobility*.
 70. See M.S. Kempshall, *The Common Good in Late Medieval Political Thought*, Oxford (1999).
 71. Research on this aspect of understanding kingship is by now voluminous. See most recently the important contributions, in particular on the contemporary understanding of kingship and the 'rituals' supporting it: Philippe Buc, 'Political Ritual: Medieval and Modern Interpretations'; in: Hans Werner Goetz (ed.), *Die Aktualität des Mittelalters*, Bochum (2000), 255–72; *idem*, *The Dangers of Ritual*, Princeton (2001); *idem*, 'The Book of Kings: Nicholas of Lyra's Mirror of Princes', in: Philip D.W. Krey and Lesley Smith (eds), *Nicholas of Lyra. The Senses of Scripture*, Leiden (2000), 83–109.
 72. See Janet Coleman, *A History of Political Thought, From the Middle Ages to the Renaissance*, Oxford (2000), 13–47, 110–117; C. Flüeler, *Rezeption und Interpretation der aristotelischen Politica im späten Mittelalter*, 2 vols, Amsterdam (1992).
 73. Even Ptolemy of Lucca, a major student of Aquinas and supporter of Republican urban government, was at the same time in favour of the monarchy of the Pope in Italy, see Charles T. Davis, 'Roman Patriotism and Republican Propaganda: Ptolemy of Lucca and Pope Nicholas III', in: *Speculum* 50 (1975), 411–33.
 74. See Joseph Canning, *The Political Thought of Baldus de Ubaldis*, Cambridge 1987; Wolfgang Mager, 'Republik', in: *Lexikon der Geschichtlichen Grundbegriffe* vol. 5, Stuttgart (1994); Brian Tierney, *Religion, Law, and the Growth of Constitutional Thought (1150–1650)*, Cambridge (1982).
 75. Ulrichus Zasius, *Lexicon iuris, Epitome definitionum et rerum...* Marburg (1546), 78; *idem* 'De iure et aequitate disputatio forensis', in: *Collatio iuris civilis et canonici*, Lyon (1547), 136–7: 'In summa, qui negat universitatem iuris censura differre a singulis hominibus: is evertit totam humanae societatis ordinationem'. The possibility of suing a state for damages, however, remained restricted to verdicts of imperial courts over individual towns, for instance, in cases of damages sought by citizens from other towns.
 76. The *locus classicus* on this is Hasso Hofman, *Repräsentation: Studien zur Wort und Begriffsgeschichte von der Antike zum 19. Jahrhundert*, Berlin (1974), new edition Berlin (2003). For an evaluation of this book with respect to sixteenth century English thought see Thomas F. Mayer, *Thomas Starkey and the Commonweal. Humanist Politics and Religion in the Reign of Henry VIII*, Cambridge (1989), 134–6; for the English medieval period, see Watts, *Henry IV*, ch. 2, on the issue of representation. See also G.L. Harriss, *King, Parliament and Public Finance in Medieval England*, ch. 6.
 77. Petrus Victorius, *Commentarii in VIII libro Aristotelis de optimo status civitatis*, Florence (1576), 209: 'Est autem res publica ordo civitatis, ceterorumque magistratum, et maxime illius, qui summam potestatem habet.'
 78. Henning Arnisaeus, *De re publica* (1615), 2, 1, 1, no. 14: 'res publica est, quod sit ordo civitatis, tum aliorum imperiorum, tum praecipue summa potestatis, a qua profluit regimen per medios in universos subditos'. The role of Bodin and his reception has to be approached with great caution, in particular with respect to the alleged absolutist tendencies, see Salmon, *Legacy of Jean Bodin*.

79. Arnisaeus, *De re publica*, 1, 5, 3, no. 4: '*Republica enim est forma simul et finis civitatis*'.
80. Robert Filmer, *Patriarcha and other political works*, ed. Peter Laslett, Oxford (1949); Christoph Bezold, *Dissertatio Politico-Iuridica*, 1625, Section I, c. I, paragraph IV: '*Nunquam sane censendum est, totam et universam Republicam per principem representari. Caput es, non totum corpus.*'
81. I am summarising here the argument of Wolfgang Mager, 'Republik', in: *Lexikon der Geschichtlichen Grundbegriffe*, 549–651, see in particular 568–9.
82. Albertus Magnus, 'Commentarii in octo libros politicorum', in: *Opera Omnia*, ed. August Borgnet, vol. 8, Paris (1891) 1, 1, 13; Aegidius Romanus, *De regimine Principum*, Rome (1556) 2, 3, 32.
83. Leonardo Bruni, 'Aristotelis libri politicorum', in: *Aristotelis opera cum Averrois commentariis*, vol. 3: *libri moralem totam philosophiam complectentes*, Venice (1562) 3, 2.
84. Henning Arnisaeus, *De autoritate Principum in Populum semper inviolabili. Commentario Politica opposita seditiosis quorundam scriptis, qui omnem Principum Majestatem subjiciunt censurae Ephorum & populi*, Strassburg (1635), c. I: *De status controversiae*; Johannes Althusius, *Politica Methodice Digesta*, Herborn (1614), c. XXXVIII, n. 80.
85. Robert v. Friedeburg, 'Self Defence and Sovereignty: The reception and application of German Political Thought in England and Scotland, 1628–1669', in: *History of Political Thought* 23 (2002), 238–65, 251.
86. The locus classicus on Arnisaeus remains Horst Dreitzel, *Protestantischer Aristotelismus und absoluter Staat. Die 'Politica' des Henning Arnisaeus (ca. 1575–1636)*, Wiesbaden (1970).
87. Johannes Althusius, *Politica Methodice Digesta*, c. I, 11–13. Although Althusius began his book with a description of social life and families, households and guilds, and only later (c. V) in his book described the *universitas* (c. V), even at the very beginning of his book this social life presupposes the existence of magistrates directing social life, magistrates who are later described as representing the *universitas*: '*Praefectus, praestes, seu imperans administrandi, disponendo, jubendo, monendo, vel vetando, cogendo, aut abstrahendo, cum autoritate dirigit & gubernat vitae socialis negotia ad obtemperantium singulorum, vel universorum utilitatem*'. See c. V, 22–5, in particular c. V n. 25 '*Hi superiores praesides ex consensu communi civium suorum constituuntur, & et constituti repraesentant ipsam civitatem, non aliter, quam syndicus universitatem*'. Althusius' description of the various communities that any society is made of – families and guilds, and urban and provincial societies having their own magistrates, must not allow us to overlook that majesty is located in the *regnum*, not in society itself. See the new edition of Hasso Hofmann, *Repräsentation. Studien zur Wort- und Begriffsgeschichte*, Berlin (2003), 355–75.
88. Robert v. Friedeburg, *Self Defence and Religious Strife in Early Modern Europe. England and Germany, 1530–1680*, Aldershot (2002), 103–23; *idem*, 'Magdeburger Argumentationen zum Recht auf Widerstand gegen die Durchsetzung des Interim (1550–1551) und ihre Stellung in der Geschichte des Widerstandsrechts im Reich, 1523–1627', in: Luise Schorn-Schütte (ed.), *Das Interim*, Gütersloh (2004).
89. See Robert C. Black, *The Younger John Winthrop*, New York (1966), 91–4 on Henry Vane.

90. See on the broad strand of theory Horst Dreitzel, *Monarchiebegriffe in der Fürstengesellschaft*, Köln (1991), vol. 2, 529–46, in particular on Althusius 531–2, only one member of this group.
91. Robert v. Friedeburg, ‘Civic Humanism and Republican Citizenship in Early Modern Germany’, in: Skinner and Gelderen, *Republicanism*, 127–45, 140–4; *idem*, ‘Widerstandsrecht, Untertanen und Vaterlandsliebe: Die Politica des Johannes Althusius von 1614 und ihre Rezeption in einem ständisch-fürstlichen Konflikt 1647–52’, in: Dieter Wyduckel (ed.), *Althusius und sein Werk*, Berlin (2004).
92. Sir Thomas Smith, *De republica Anglorum. A Discourse on the Commonwealth of England* (1583), ed. by L. Alston, Shannon (1906), (Reprinted 1972), 48–9.
93. Hofmann, *Repräsentation*. 338–9; see comment by Mayer, 135–6.
94. Smith, *Republica Anglorum*, 20–1 (my emphasis).
95. Hofman, *Repräsentation*, 340–1.
96. G.R. Elton, ‘The Body of the Whole Realm: Parliament and Representation in Medieval and Tudor England’, in: *Studies in Tudor and Stuart Politics & Government 2*, Cambridge (1974), 19–61; Conrad Russell, *The Crisis of Parliaments. English History 1509–1660*, Oxford (1971, 1992), 41–3.
97. *Discourses of Warre and Single Combat*. Translated from French by John Eliot London (1631), 2.
98. See the various contributions to Part I, ‘The Rejection of Monarchy’, in: Skinner and Gelderen, *Republicanism*, vol I.
99. Maximilian Robespierre, Speech of July 13 1791, *Oevres compl.*, vol. 7, eds. Marc Bouloiseau *et al.*, Paris (1950), quoted in Mager, *Republik*, 596.
100. Mager, *Republik*, 596–7.
101. Mager, *Republik* 618–25.
102. Sturdy, *The Royal Touch*, 178–9.
103. See for instance Ian Hunter, *Rival Enlightenments. Civil and Methaphysical Philosophy in Early Modern Germany*, Cambridge (2001).
104. See for instance John Pocock, ‘Gibbon and the History of Heresy’, in: John Christian Laursen (ed.), *Histories of Heresy: For, Against and Beyond Prosecution in Early Modern Europe*, New York (2002), 205–20.
105. Tim Blanning, *The Culture of Power and the Power of Culture. Old Regime Europe 1660–1789*, Oxford (2002).
106. On the actual meaning of the formula ‘von Gottes Gnaden’ in Germany, not addressing a legitimacy by Divine Right but only the debt of any office-holder to God, see Dreitzel, *Monarchiebegriffe*, vol. II, 515–28.
107. Princes held accountable and subsequently losing their principality were Ulric of Württemberg (1519), elector Frederic of the Palatinate (1620), landgrave Moritz and landgrave Wilhelm of Hesse-Cassel (1628, 1636), elector of Bavaria and archbishop Joseph Clement of Cologne (1701-03), the duke of Mecklenburg (1719/33). Circumstances greatly varied, but in each case issues of the breach of positive laws, resistance by territorial estates and intervention by the Emperor or neighbouring princes led to a loss of lands and power; on the nature of imperial jurisdiction see Friedrich Battenberg and Filippo Ranieri (eds), *Geschichte der Zentraljustiz in Mitteleuropa*, Köln (1994); Bernhard Diestelkamp (ed.), *Das Reichskammergericht in der deutschen Geschichte*, Wien (1990).

108. Gordon A. Craig, *Über Fontane*, München (1997).
109. For the rapid disintegration of the legitimacy of Wilhelm's rule even among German conservatives, see for instance Lamar Cecil, *Wilhelm II. Vol. 2: Emperor and Exile, 1900–1941*, Chapel Hill (1996).
110. The author is working on a study on the rise of monarchy in Germany, 1450–1850.
111. George W. Bernard, 'The Tyranny of Henry VIII', in: *idem* and S.J. Dunn (eds), *Authority and Consent in Tudor England*, Aldershot (2002), 113–30.
112. Many incidences come easily to mind, sometimes even connected to religious conversion. See for instance Howell A. Lloyd, 'The Political Thought of Adam Blackwood', in: *Historical Journal* 43 (2000), 915–35. Blackwood's change of emphasis was prompted by the execution of Mary Stuart (see David Loades in this volume). From supporting strong kingship, including that of Elizabeth, he now denounced her as tyrant.
113. See for instance Maurice Lee, Jr., 'Sir Richard Maitland of Lethington: A Christian Laird in the Age of Reformation', in: Theodore K. Rabb and Jerrold E. Seigel (eds), *Action and Conviction in Early Modern Europe*, Princeton (1969), 117–32.
114. J.H. Elliot, 'Revolution and continuity in early modern Europe', *Past & Present* 42 (1969), pp. 48–9, quoted in Richard Benert, 'Lutheran resistance theory and the Imperial constitution', *Il Pensiero Politico* (1973), 17–36, 35.
115. Alexia Grosjean, 'General Alexander Leslie, the Scottish Covenanters and the Riksråd Debates, 1638–1640', in: Alan MacInnes and F. Pedersen (eds), *Ships, Guns and Bibles in the North Sea and the Baltic States*, East Linton (2000), 115–38, 116; Steve Murdoch, 'James VI and the Formation of a Scottish–British Military Identity', in: Steve Murdoch and A. Mackillop (eds), *Fighting for Identity: Scottish Military Experience c. 1550–1900*, Leiden (2002), 3–31, 4.
116. See R. Cotgrave, Article 'Patriote', in: *A Dictionary of the French and English Tongues*, London (1611). On the extent and meaning of the use of this with regard to England, Ireland, Spain, Germany, Sweden, the Netherlands and Denmark, see Robert von Friedeburg (ed.), *Patria und Patrioten vor dem Patriotismus: (Wolfenbütteler Forschungen)*, Wiesbaden (2004).
117. Blanning, *Culture of Power*, *passim*.
118. On the early-medieval period in particular see Joachim Ehlers, 'Grundlagen der europäischen Monarchie in Spätantike und Mittelalter', in: *Majestas* 8/9 (2000/2002), 49–80; Thilo Offergeld, *Reges Pueri. Das Königtum Minderjähriger im frühen Mittelalter*, Hannover (2001); Natalie Fryde and Dirk Reitz (eds), *Bischofsmord im Mittelalter – Murder of Bishops*, Göttingen (2003).
119. On this topic see Martin Ingram and Ralph Houlbrooke, 'The Reformation in England', in: Robert v. Friedeburg and Luise Schorn Schuette (eds), *Reformation in Europe, Beihefte der Historischen Zeitschrift*, München (2004).
120. See Théodore Beza, *De iure Magistratum*, (1576) 30, 37, 40, 42.
121. See the contributions by Mark Greengrass and Lucien Bély.
122. Worden, *English Republic*.
123. Conrad Russell, *The Causes of the English Civil War*, Oxford (1990).

Index

- Absolutism 15, 19, 20
Acts of Parliament
 Act of 1584 173
 Act for Provision 170
 Act of Succession 169
 Act of Supremacy 160
Aeneid 184
Alba, Duke of 162, 163
Albert of Habsburg, King of the
 Romans 89
Alexander I, Tsar of all the Russias
 278, 282
'Alexander IV' Duke of Albany 151
Allen, William, Cardinal 59, 66
Althusius, Johannes 12, 20, 21
American War of Independence 25,
 27, 262
 colonies 261
anarchy 294
Anastasius, Byzantine Emperor 29
ancien régime 180, 269, 281, 285
Andrew, Prince of Hungary 90
Angermann, Erich 263
Angevin kings 89
Angoulême 188
Annals of Ulster 88
Antiochus 87
Antiquity 11
Aquinas, Thomas 16, 54, 67
Aristotle 16
 Politics 16
Aristotelian 16, 18, 19, 28, 152
Arian 29
Armagnac 189
Arnisaeus, Henning 18–21
Arthur, King 33
Arthur, Prince of Wales 114
August Decrees 268
Augustinus Triumphus 55
Augustus, Emperor 50
Auld Alliance 162
Austria 275
Babbington Plot 171
Balliol, John 152, 155, 157
Bannockburn, battle of 102
Barclay, William 60
 De Regno 13
Barnave, Joseph 270, 271, 274
Baron, Hans 6
 Calvinist Republicanism 6, 8
 legacy 8
 on monarchy 6
Bartolus of Sa 55, 66
Barton, Elizabeth (Nun of Kent) 91
Baumgartner, Frederic 181
Bebenburg, Lupold von 55
Becket, Thomas, Archbishop of
 Canterbury 91
Barricades, Day of 178
Becker, Carl 265
Bellerephon 283
Bellarmine, Cardinal 60
Bély, Lucien 28, 33, 34
Bernadotte, Count and King of
 Sweden 279
Beza, Theodore 58, 178
Bill of Rights 274, 279
Blackstone, William 267, 270
 Commentaries on the Laws of England
 266, 267
Blanning, Tim 24, 25, 28
Blockmans, Wim 31–2
Blois 177, 178, 181, 186
Blynkarde, Bernarde 62
 Dialogue 62
Bodillon 182
Boece, Hector 155
Scotorum Historia 155
Bonds of Association 33, 68, 169,
 170
Bonaparte family 278
Boniface VIII, Pope 80
Bossuet, Jacques, Bishop of Meaux
 13

- Boucher, Jean 183–4
La Vie et faits notables 181, 182
- Bourbons, House of 279
- Bourgoing, Edme 180, 184, 187
- Boxhorn, Marcus Zuericus 14
- Bracton 51, 106
- Breviloquium* 54
- Bruce, Robert the 152, 155
- Bruni, Leonardo 8, 19, 20
Florentium civis sum 8
- Brussels 164, 169
- Buchanan, George 32, 60, 62, 64, 65, 156, 157
De iure regni apud Scotos 156
Baptistes 64
- Bulst, N. 28
- Burgess, Glenn 11, 28, 33, 35, 36, 297
- Burke, Edmund 265, 266
Reflections on the Revolution in France 265
- Burgundy 31
- Burns, James 32
- Buzot, François 270
- Caen 188
- Caligula, Roman emperor 87
- Calvin, Calvinism 6, 8
- Camden, William 159, 172
- Campbell, Archibald, Marquess of Argyll
- Carolingian Empire 30, 85
- Carpenter, Christine 28, 30–5, 294
- Castor, Helen 110
- Cataline, Catalinian 9
- Catherine the Great, Empress of Russia 36
- Catholic Association (Paris) 34
- Catholic League 57, 177
- Catholic pamphlets 178
- Caymet, Palua 180
- Cecil, William, Lord Burghley 162, 165, 169, 170
- Cephalus 49, 68
- Chalons 180
- Chaney, W.C. 84
- Charles I, king of England 7, 11–14, 26, 33–6, 63–8, 173
- tyranny 67, 297; supporters 299; opposition 263, 299
- execution of 66
- Charles II, king of England 66
- Charles V, Holy Roman Emperor 25
- Charles VI, king of France 89, 297
- Charles of Anjou 89
- Charles of Durlas 90
- Charles IV of Naples 90
- Chevallier, Pierre 177
- Chiffolleau, Jacques 88
- Childeric II 188
- Christian church 10
- Churchill, Winston 5
- Cicero 10, 21, 49, 66
De Officiis 9
De Republica 9
- Civil War (English) 13
- Civil Wars (France) 14, 32, 57, 60, 163, 177, 188
- Clement II, Pope 89
- Clément, Jacques 177–87, 293
- Cléry 188
- Clovis, King of the Franks 29
- Coke, Edward, Lord Chief Justice 261
- Coleman, Janet 11
- Collinson, Patrick 15
- Compiègne 177
- Coluccio Salutati 55, 56
- Commonwealth 21
- Condren, Conal 30, 33, 35
- Constitutions
- American 262, 265, 285; monarchy 262; Declaration of Independence 260–6, 268, 273–4, 280; Continental Congress 261–8, 273, 276–82, 285
- English 263, 265, 285; Declaration of Rights 262, 265–6, 268, 272, 277
- France 269, 275, 279–85; National Convention 275, 283; *charte constitutionnelle* 281; National Assembly 21, 268, 270–2, 274; Senate 277, 280; Legislative Assembly 269
- The Netherlands; States General 263, 268

- Cook, John 35
 coronations 85–6, 108
 Court of Wards, English 20
 Covenanters, The 27
 Cowell
 Law Dictionary 13
Crimen maiestatis 88
 Cromwell, Oliver 11, 35, 66, 299
 Crouzet, Denis 91, 187
- Damiens 177
 Darnley, Lord 296
 Dante Aligheri 56
 Davison, William 172
 Declaration of Independence 278–9
 Defoe, Daniel 68
 De iure divino 68
 democracy 5, 6
 deposition 282
 Despenser family 102
 Devereux, Earl of Essex 15
 De Spes, Guerau 164
 Des Ursins, Jean Juvenal 99
 Dickinson, James 261
 Letters from a Farmer in Pennsylvania
 261
 Ditum of Kenilworth 104
 Divine Right 24
 Dolfin, Giovanni, Venetian
 ambassador to France 171
 Dominic 294
 Dublin 24
 Dudley, Robert, Earl of Leicester
 162, 165, 166
 Du Plessis, François Sieur de Richelieu
 179
 Durand, Guillaume 87
 Rationale divinatorum officiorum 87
- Edgar, king of England 296
 Edward I, king of England 86, 103,
 105, 111
 Edward II, king of England 86, 88,
 99, 102, 105, 107, 117, 153, 293
 Edward III, king of England 105,
 115
 Edward IV, king of England 116
 Edward V, king of England 114–15
 Edward VI, king of England 59, 113
- Edward, Prince of Wales 113
 Edward, Duke of Lancaster 111
 Eglon 153, 185
Eikon Basilike 36
 Elba, Isle of 282
 Elizabeth I 15, 32, 33, 36, 59, 66,
 68, 159–62, 165, 173
 and Mary Stuart 166–7, 295, 296
 and Scotland 296
 Elizabeth (Woodville) Queen 116,
 155
 Elliott, John 26
 Emden 21
 Enlightenment 24
 Enlightened Absolutism 24
 Ephors 2
 Essex, Earl of 12
 Eustace of Boulogne 87
- Filmer, Robert 13
 Flanders 31
fleur de lys 132
 Florence 6, 11
 Florentine Republic 8
 Fontainebleu 282
 Fontane 25
 Fotheringay 172
 Foxe, John, martyrologist 165, 189
 François I 188
 Francois d'Anjou 268
 Frankish Kingdom 29
 Frazer, James
 The Golden Bough 83
 French Revolution 27
 Friedeburg, Robert von 90, 296
- General Assembly of Scotland 154
 Genet, Jean Philippe 28–9
 George III, King of Great Britain and
 Hanover 37, 260, 266, 268, 272,
 274, 276, 282, 285
 title 262
 Gerard, Bal 179
 Germany 6, 7, 24, 25
 German cities and states 11, 12
 Gideon 83
 Gilby, Anthony 62
 Giles of Rome
 De Regimine Principium 87

- Glorious Revolution (England 1688)
67, 262, 265, 274, 277–81, 285
- Golein, Jean
Traité de Sacre 87
see also Durand
- Goodman, Christopher 59, 66
- Gordon, Jane, Countess Bothwell 161
- Goslicius 51
- Graham, Robert 89
- Granada, Luis de 179
- Greengrass, Mark 33
- Gregory of Tours 29
- Grey, Catherine, Countess of Hertford
160
- Guinestre, Jean de 184
- Guise family 34, 163, 168, 172,
177–8, 184, 186, 189, 296
- Gunpowder Plot 68, 294
- Gustav III, king of Sweden 36, 297
- Guy, John 295
- Gyges 49
- Hanseatic League 52
- Harriss, Gerald 101
- Hawke, Michael 66
- Henrietta Maria (Queen of Charles I)
64
- Henry III, king of France 13, 33, 34,
85, 91, 104, 167, 171, 172, 176,
177, 181, 183, 188, 297
death 293, 296
- Henry IV (of Navarre) 34, 171, 176,
178, 297
death 293
- Henry II, king of England 53
- Henry III, king of England 102, 105,
111
- Henry IV (Bolingbroke) 89, 110–12
- Henry V 89, 112
- Henry VI, king of England 102, 104,
113, 116, 117, 293, 294, 297
- Henry VII, king of England 32,
114–17, 159, 295
- Henry VIII, king of England 114,
116, 159, 169, 295, 297
- Henry of Trastamara 89
- Hepburn, James Earl of Bothwell 161
- Hesse, Hessian 27
- Hobbes, Thomas 62, 63, 66
- De Cive* 62
- Holy Grail, Quest for 83
- Holy Roman Empire, Princes of 59
- Holyrood Palace 154
- Howard, Thomas, 4th Duke of
Norfolk 164, 166
and Mary Stuart 164
- Hungary 89
- Hunton, Philip 65
- Innocent III, Pope 88
Vergentis in senium 88
- Irish Stoker 24
- Italian Unification 286
- Ius communis* 182
- Jackson, Richard 84
- Jacobins 184
- James I of Scotland 89–90
- James III 151, 156, 157
- James IV, king of Scotland 151
marries Margaret Tudor 151
- James VI and I of England 13, 60,
160, 161, 167, 168, 170, 296
Gunpowder Plot 294
and Spain 168
True Law of Free Monarchies 13, 60,
62
- James II, King of England 67, 261,
265, 272
- Jefferson, Thomas 261–5, 267, 268,
285
- Jesuits 179, 272, 294
- Joan I, Queen of Naples 89–91
- Joanna of Castile 297
- Johann ‘Parricida’ 89
- John, king of England 102, 105, 153
- John XXII, Pope 54, 61, 89
- John the Fearless, Duke of Burgundy
91
- John of Salisbury 53, 57, 59, 61, 86, 87
on tyranny 54
Policraticus 86
- Judges, Book of 185
- Julius Caesar 50, 56
Julius Caesar (play) 177
- Kant, Immanuel 25
- King, James 27

- King's evil 85
 Knox, John 153, 154
 First Blast 154
 Krieger, Leonard 6
- La Guesle, Jacques 184
 Lameth, Alexandre de 269
 Lambrechts, Senator 277
 Lancaster
 Duchy of 115
 Henry of 105, 113
 House of 159
 Thomas of 105, 119
 Lancelot, Arthurian knight 90
 Langres 180
 Laud, Thomas, Archbishop of
 Canterbury 63, 65, 299
 law
 Canon 87
 Roman 87
 legal history, German School of 6
 Le Goff, Jaques
 Miroir au Prince 85
 Leslie, Alexander 26
 Leslie, John, Bishop of Ross 164
 L'Estoile, Pierre de 183, 184
 L'Estrange, Roger 67
 Levellers 11
 Lipsius 10
 on monarchy 10
 Loades, David 28, 32, 33, 295
 Lochleven Castle 161
 Locke, John 267
 Loire, River 188
 Longinus, Cassius 9
 Lorraine 89
 Louis of Bavaria 54
 Louis XI 89, 188
 Louis XII 188
 Louis XIV, king of France 25
 Louis XVI, king of France 37, 68,
 268, 271, 275, 281
 suspension 260, 266, 277, 282,
 283, 285
 death and execution 285
 Louis XVIII, king of France 286
 constitutional position 278, 281
 Louis-Philippe, king of the French
 258, 259, 286
- Louis St of Toulouse 85–6, 89
 Louis of Hungary 90
 Louis of Orleans 91
 Luther, Martin 195
 Luxembourg Charles de, Comte de
 Brienne 185
- Macaulay, Thomas Babbington 5
 Machiavelli, Niccolo 11, 16, 57
 Discorsi 11
 The Prince 11
 Maddicott, John 12, 33
 Madrid 185
 Magna Carta 99–100, 103, 105–6,
 108, 261
 Maguire 299
 Maier, Pauline 265
 Mair, John 151, 157
 on tyranny 152, 153
 Historic Britanniae Majoris 32
 Mardi Gras Carnival 187
 Margaret of Anjou, Queen 113
 Margaret Tudor, Queen of Scotland
 151, 159
 martyrology 179
 Mary Tudor, Duchess of Suffolk
 160
 Mary I, Queen of England 59, 66,
 154, 160, 296
 Mary II, Queen of England 260
 Mary, Queen of France and Scotland
 32–4, 154–62, 167–8 170–2, 278
 tyrannicide 295, 297, 298
 Mary of Modena, queen to James II of
 England 260
 Masculus, Wolf 57
 Melanchthon, Philip 12
 Mendle, Michael 12
 Mendoza, Bernadino de 168, 171
 Mere, Poltrot de 189
 Mergely, Michel 180, 184
 monarchomach texts 188
 Montpensier, Madame de 184
 Milton, John 11, 13
 monarchy 7, 48
 accountability 14, 15, 24, 26, 62
 countries: Byzantine 36; England
 24, 85; France 5, 24; Germany
 5, 24; Hungary 85; Polish

- 83; Scandanavia 85; Scotland 152; Spain 5, 11, 29, 85
 deposition 259, 260
 classical roots 5
 Divine Right 14, 25
 expectations of 3, 11, 34
 history of 4, 5, 12
 medieval 83–4
 nature of 4, 11, 52
 responsibility 3, 13, 50
 sacred position 83
 study of 4
 tyranny 52
- Monfort, Simon de, Earl of Leicester 91, 105
- Monopodios, Miles 62, 66
- Montesquieu 269
- More, Thomas, Saint, Lord Chancellor 59, 91, 160
- Moray, James 158
- Morgan, Thomas 168
- Morrill, John 35, 63–5
- Morisson, Charles François Gabrielle 283
- Mortimer, Edmund 111–13
- Morton (Regent of Scotland) 157, 167
- Mucius 9, 59
- Musculus 62
- Nantes, Edict of 26
- Naples 89, 90
- Napoleon, emperor of France 3, 7, 68, 266, 278, 282, 283
 abdication 266, 277–82
- Napoleon III, emperor of France 259, 286
- Naseby, battle of 35
- Nasica, Scipio 9
- Nelson, Janet 84
- Nero, Emperor 87
- Netherlands, The 13, 32, 263, 268
- Neville, Richard, Earl of Warwick (the 'Kingmaker') 114
- New England 21
 government of 21
- New Model Army 297
- Nineteen Propositions 35, 65
- Nivelle, the printer 182
- Normandy, dukes of 188
- Ordainers, Lords 105
- Order of St Dominic 180, 184, 187
- Orleans 188
- Orleans, Duc de 279
- Orr, Alan 298
- Orvieto 88
- Ottoman Empire 25
- Palfreyman, Thomas 51
- pamphleteers 261
- Papacy 34
- Papal Bulls
Regnans in Excelsis 163
- Paris 151, 168, 169, 179, 186, 188, 277, 275, 282
- Paris *Seize* 14, 180, 184
- Paris, University of 34
- Parker, Henry 12
- Parlement 180
- parliament, English 12
 House of Commons 164, 170
 Rump 11
- Parsons, Robert 60
- Paul I, Tsar of all the Russias 36, 297
- Paul V, Pope 60
- Pazzi Conspiracy 52
- Pedro the Cruel 89
- Petit, Jean 91
- Peter the Great, Tsar of all the Russias 36
- Pettegree, Andrew 34
- Pharao 87
- Philadelphia 264
- Philip II of Spain 163, 167, 263, 268
 filicide 295
- piety 179
- Pigenat, Pierre François 184
- Pius V Pope 163
- Plato
The Republic 49
plenitudo potestatis 182
- Poland 51, 89
- Pomerania, Pomeranian 27
- Ponet, John 59, 66
Shorte Treatise of Politicke Power 59
- Pontifical* 86
- Romo-German 81

- Pradt, Dominique de, Archbishop of Malines 277
- Provence 89
- Prussia 275
- Puritan 21
- Radical Enlightenment 24
- Ragusa 51
- Ramsey, Ann 186
- Randolph, John 261
- Ravaillac 90, 177, 293
- Reformation 32, 33, 57, 151, 153
in England 59, 66
- Regency, the (of GB) 25
- regicide 3, 17, 28
justification 3, 295
- Reid, John Philip 264, 265
- Renaissance 195
- Regnans in Excelsis* 294
- representatio potestatis* 18
- Republic, Dutch 13, 23
- republicanism 6, 15
- res publica* 17, 18, 21, 22, 23
- Reynalds, William 58
- Richard II, king of England 89,
107–12, 115, 117, 153, 293,
295
- Richard III, king of England 66, 89,
114, 116, 117
- Richard, Duke of York 104–5, 113,
115, 294
- Ridolphi, Roberto 163, 164, 167
plot 163, 165
- Robert of Anjou 89
- Robert, king 90
- Robespierre, Maximilien 23
- Rochefort 283
- Roger II, King of Sicily 89
- Roman Empire 10
- Roman Law 19, 21, 58
- Roman Republic 8, 11
citizenship 9
- Rose, Guillaume bishop of Senlis 180
- royal prerogative 166
- Royal Touch 14, 24, 28
- Royalists (English) 13
- Russell, Conrad 35
- Russia 36, 254
- St Andrews 151
- St Bartholomew Massacre 188
- St Cloud 179, 181
- St Denis 177
- St Genevieve des Ardents 186
rituals 186
- St Gervais 184
- St Helena 282
- St Jean-en-Grève 184
- St Juste, Louis Antoine-Leon 283
- St Louis 188
- Salmasius, Claudius 13
- Santa Chiara 90
- Sassoferrato, Bartolus de 17
- Sauchabun battle of 151
- Scandinavia 31
- Scotland 23, 26, 32, 116, 157
and England 151, 167, 296
and France 167
and Spain 167, 168
tyranny 151
- Scrope, Richard, Archbishop of Canterbury 91
- Sellin, Volker 37
- Senate (France) 285
- Sexby, Edward 66
Killing no Murder 66
- Shakespeare, William 92, 177, 295
- Sheldon, Richard 61
- Sieyès, Emmanuel-Joseph, Abbe 282, 283
- Skinner, Quentin 8
- Smith, Sir Thomas 21, 22
De Re Publica Anglorum 21, 22
- Smith, Michael 12
- social hierarchy 11
- Socrates 49, 50
- Solemn League and Covenant 65
- Sorbonne 184–6
- Spain 29
war with 32
- Stadhouderate* 13
- Stamp Act Congress 264
- Starkey, Thomas 59
- state
concept 23, 195
- Stephen, king of England 87
- Stewart, Robert 89
- Strasburg 59

- Stuart, Esme, Earl of Lennox 167, 168
 Suarez, Francisco 60, 61
 Suffolk, Duke of 104–5
 Sweden 36
 Crown council 27
 Swiss city states 24
- Tacitus 9, 10
 Talleyrand 277–81, 285
 Memoires 278
 Tara, kings of 88
 Tarquin 68
 Ten Commandments 179
 Thomas, Yann 88
 Thrasymarchus 49, 67
 Throgmorton, Francis 168, 170
 Tiberius Gracchus 9
 Tours 180
 Towton, battle of 115
Tractatus Eboracenses 53
 tyranny 30, 31, 49
 definition 293
 duty to 59, 299
 periodic 295
 Russia 254
 status 296
 suffering 61
 Tuileries 271, 274
- Ubaldis, Baldus de 17
Unam Sanctam 86
 United States of America 271
universitas 16, 17, 21
- Vacarius 87
 Valois 187
 Varenne 269
 Venice 24
 Verdier, Jehan du 189
- Vermigli, Peter Martyr 59, 61, 62, 66
 Victorius, Petrus 18
Vindiciae contra tyrannos 58
 Virginia, Constitution of 262, 266
 Viron, Olivier 88
 Visconti family 55
 Visconti Bernarbo 56
 Visigoths 29
 Viterbo 88
 Vossler, Otto 261, 263–5
- Walsingham 170, 171
 Waterloo, battle of 282
 Watts, John 113
 Weimar Republic 6
 Wentworth, Thomas, Earl of Strafford
 65, 299
 Westminster 109
 Westminster Abbey 112
 Whitworth, Charles 253
 Willet, Andrew 62
 William II (Rufus), king of England
 88
 William II, king of Prussia
 William III, king of England 68
 William of Orange 33, 34, 171, 260,
 278
 William the Silent 296
 William of Ockham 54
 Wills, Gary 264
 Winthrop, John 7, 20
 Worden, Blair 35
 Wyatt, Thomas 296
- York Conference 157
 York, House of 110, 159
York Tractates 60
- Zasius, Illicus 17, 18, 22

