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CHAPTER 4.

Political Order: From Coercion to Constitution

BRIAN SHAEV

Introduction

“The past is a foreign country: they do things differently there,” English novelist L.P. Hartley wrote in the mid-twentieth century. Hartley presents a concept of history as distance and alienation, like visiting a foreign land. Exploring European cities, some more than a thousand years old, is a journey through time, through centuries and therefore through different lands, perhaps within the space of a few city blocks, or simply by climbing the steps of a museum. Nowhere is this truer than in Italy, where fantastic remnants of ancient Rome share the same ground with startling Renaissance art and architecture. In between are all the trappings of our modern times that, in some cases, have had to adapt to their ancient surroundings. Plans to expand the metro system in Rome, for instance, have long been stunted by the incredible archeological treasures still lying underground.

In Hartley’s concept, Romans, or Florentines, or Venetians today, who admire the riches surrounding them on coffee breaks, on family outings, or on a Vespa wisping through town, are not visiting *their* past. Rather, they are visiting *the* past. This fundamental and unshakeable difference between past and present, even when their objects share the same physical ground, was one of the key breakthroughs in the art of understanding and writing history. When a hunt for ancient Roman texts and art turned into a frenzy in thirteenth century Italy, medieval writers looked at their discoveries less for what they communicated about the past than for what they could perhaps say about their present. They peered at old texts like lost brothers, studied ancient law books and Aristotle’s *Politics* to analyze their contemporary conditions, and called on leaders to rebuild the glory of Rome. Their past was not gone – it was all around them. They could even touch it.

Then one of the greatest achievements of Renaissance Italy arrived: humanism. An artistic, literary, and intellectual movement, humanism was born when the Italian poet Petrarch climbed a mountain in 1336 and wrote a manuscript celebrating the immense beauty of human interaction with its natural environment.

Image 4.1 Petrach

Against the austere climate of his age, with its focus on Man's fall in Christian theology, Petrarch proffered an optimistic image of humanity, a celebration of humanity which came to be known as humanism.

4.a Concept Definition

Humanism

Intellectual movement focused on the human in its natural environment.

Over the next centuries, humanism developed into a cultural renaissance inspiring the literature, paintings, scientific achievements, and statues of Donatello, Michelangelo, Leonardo da Vinci, Niccolò Machiavelli, and many more. It then passed to northern Europe in the sixteenth century, finding fullest expression in the biting sarcasm of Erasmus of Rotterdam and the stunning beauty of the paintings of the seventeenth century Dutch United Provinces. By then it had become the core curriculum of Europe's great universities – the humanities, which has passed all the way down to our university curriculum today.

Petrarch was more than a great poet. He reintroduced Europe to the idea that the present is not the same as the past, that times change, and people change. Ancient historians in Greece and Rome had developed a similar concept of history but that had been lost to the region following the fall of Rome in the fifth century. Most importantly, Petrarch employed an essential tool of the historical craft: periodization. Casting a disapproving eye back to the period that came before him, he designated the period between the fall of Rome and his present as the 'Dark Ages' or 'middle age'. There was no continuity between contemporary Italy and ancient Rome in his sense of historical time. Rome had ended long ago. The duty of the present was not to restore antiquity but to learn from it, to 'shine the light' on past and present in order to create a new future that valued human achievements and that encouraged the pursuit of greatness in all walks of life, as the Romans had done. He announced the dawn of a new era and, in doing so, he essentially created one.

Petrarch's division of time into three periods not only helped kick off the Italian Renaissance: it created a structure to European history that historians still largely accept – and teach – today (historians now divide the period into the Low Middle Ages, ca. 400s-1000, and the High Middle Ages, ca. 1000-1250, when there was renewed civilizational expansion). It also gave rise to a new confidence – even conceit – among humanists of the next generations as to how one should read history, i.e., what the proper *methodology* for understanding the past should be. As Italian humanists interacted with writers from other intellectual traditions, in particular scholasticists inspired by Thomas Aquinas' concept of natural law, they could at times barely conceal their contempt. Texts had to be analyzed within the contexts in which they were produced, they insisted. Writers who snatched ancient texts out of their contexts deserved nothing more than ridicule. In the end, humanists were convinced, scholastistics were just making things up.

A single intellectual tradition rarely achieves total victory, however. For centuries humanism and scholasticism competed and interacted in European thought as 'two languages of politics,' to use historian J.G.A. Pocock's phrasing. From the 1200s to 1500s, the two traditions contributed to an increasingly sophisticated concept that is central to our own understanding today of politics and international relations: the state. According to a classic interpretation, this happened in Renaissance Italy, though some scholars think it originated in Europe's largest medieval kingdoms (France and Spain) before migrating to Italy. Regardless, the concept underwent further elaboration after it migrated to Italy, a bit ironically as Italy was among the areas of early modern Europe where centralized rule was weakest. After the pope's power collapsed in the 1100s in northern areas of Italy, hundreds of republican city-states proliferated, many with written constitutions and elected governments like those in Florence, Milan, and Venice. Over time these tended to devolve into oligarchies ruled by wealthy families, of whom the Medici family of Florence was most famous.

Image 4.2 Cosimo de Medici, statue Piazza de Signioria, Florence

When French armies invaded in the Italian Wars of the late fifteenth-sixteenth centuries, northern Italy descended into a vicious cycle of war, instability, and decline. The Medici – as elsewhere – dissolved the Florentine Republic in the sixteenth century, and instituted an inherited system of family rule.

Republicans – followers of an ideology that celebrated the 'freedom' of the Italian republics and promoted concepts of popular sovereignty – were aghast at these developments. Out of their increasingly sophisticated analyses of their contemporary woes emerged a new form of political science informed by comparative history. Renaissance scholars assembled what they could about past and present communities. They celebrated the Roman Republic as *an example* rather than as *their inheritance*. A 'cult of Brutus,' the figure who murdered Roman Emperor Julius Caesar, swept popular culture in Northern Italy. Renaissance humanists at first emphasized the virtues, e.g. of Brutus – or lack of virtues, e.g. of Julius Caesar – of rulers to explain the success or failure of political communities. Deeply influenced by medieval Christian concepts even as they were moving away from some of them, they measured the virtues of rulers by whether or not they followed the will of God. Over time, their inquisitive gaze moved beyond a focus on the ruling figure itself to the web of social relations: the system and organization that allowed a ruler to rule.

This decisive shift – from a *personal* to *impersonal* understanding of the art of governing as taking place through institutions – implied a secular shift in how to analyze politics.

4.b Concept Definition

Politics

The ability to decide who gets what, where, when and how.[*]

It also allowed for the emergence of a mature concept of 'a state' as separate from both ruler and ruled, a ruling body that might outlive its present occupants, though this idea remained tentative. An early move came from Italian lawyers in the 1200s, who developed the idea that a *civitas*, the Latin word for city or community, and *corporation*, by which they meant a university, a municipality, or another recognized institution, were more than a sum of their members. Rather they were single entities with their own legal personality that could be 'represented' by individuals who had the legitimacy to speak in their names. From the 1300s, the concept was employed for governing and territorial units, for instance in a statue titled 'Venice,' represented as a woman sitting on a throne at the Palazzo Ducale.

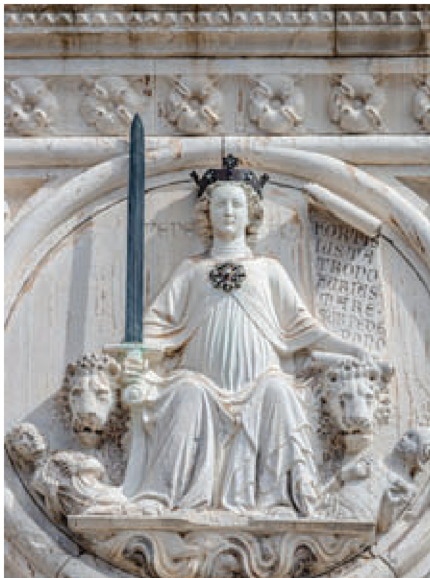


Image 4.3 Ancient Façade Sculpture of a Princess with Sword and Lions at the top Decoration of Doge's Palace in Venice

Image 4.4 Nicolo Machiavelli

[*] Based on the famous definition of: Harold D. Lasswell, *Politics: Who Gets What, When and How* (New York: Smith 1950).

Renaissance ideas of politics culminated in Machiavelli's *The Prince* (1513) and *The Discourses on Livy* (1516). Placing Machiavelli in his historical context has led historians to reframe *The Prince* in part as a job application. Cast out of public employment when Lorenzo de Medici attacked the Florentine Republic, he looked to ingratiate himself to the new ruler with his book. Though he was unsuccessful – he was even tortured under suspicion of conspiracy – his writings had a profound impact on the development of political thought and concepts of the state in early modern Europe. Machiavelli – in a shocking manner – placed power, brute force, at the center of his politics. Building on the republican humanist tradition, which he shared, he embarked on a comparative history of ancient Roman rulers and exhorted the prince to model himself on an exemplary historical figure. Rather than valorizing good intentions and good will in a ruler as had been the prevailing norm, his understanding of politics led him to conclude that what matters is a ruler's 'appearance'. He argued that a ruler pursuing personal virtue at the expense of the community is engaging in vanity rather than virtue. His point was not that one should behave badly, but that one should recognize when it is necessary to behave badly. The principal task of a ruler was not to walk in the path of God, Machiavelli insisted, but to protect the security of himself and those over whom he rules.

Under Machiavelli's pen, the ruler was, therefore, divested of Christian obligation. When necessary, he should act as a 'beast' and model himself on the strength of the lion and the cunning of the fox. 'Maintaining his state' became the ruler's main task, to which all else was subordinate. 'Maintaining his state' was a cliché found widely in late Renaissance Italian texts, but Machiavelli took the language a step further, detaching the concept from its possessive form, writing about 'a state' and 'the state' in *The Prince*.[*] Machiavelli's secular concept of the state, the self-preservation of which was the supreme virtue, was to become an enormously powerful concept shaping the politics and history of Europe.[**] The main argument of this chapter is that the emergence of political order was a long and conflictual process. Along the way, several ordering principles were developed and tried, such as religious, dynastic and legal.

[*] Machiavelli employs the terms 'uno stato' and 'lo stato' multiple times in *The Prince*. http://www.letteraturaitaliana.net/pdf/Volume_4/t324.pdf

[**] Anthony Grafton, 'The History of Ideas: Precept and Practice, 1950-2000 and Beyond', *Journal of the History of Ideas* Vol. 67, No. 1 (2006), pp. 1-32; Miguel Vatter, 'Republics are a species of state: Machiavelli and the Genealogy of the Modern State', *Social Research* Vol. 81, No. 1 (2014), pp. 217-242.

Historiography of European Political Thought

This early 'genealogy of the state' was a central part of the life's work of Quentin Skinner, a leading thinker in the twentieth-century 'Cambridge School' of history.* Locating the conceptual roots of 'the state' in the republican humanist traditions of the Italian Renaissance is one of Skinner's defining legacies. This was a novel approach in the mid-twentieth century, as intellectual history and the history of ideas had previously focused on art and metaphysics, not on politics. The Cambridge School's major contribution was to insist that political philosophy could only be understood within the historical context in which it was written.

Placing historical figures widely dispersed in time and space into conversation with each other, as philosophers do, in a sort of transhistorical pantheon of great thinkers, was *ahistorical* and led to false scholarly claims, among the most important of which were *anachronisms*.

4.1 The Study of History

Anachronism

An error of chronological logic or misplacement of chronology.

Rather than placing Machiavelli in extended dialogue with ancient and classical writers like Aristotle and St. Augustine, it would be far more revealing to study how Machiavelli interacted with the people who lived around him – his contemporaries. Of course, as elite thought was communicated primarily through texts in early modern Europe – and Renaissance authors had recovered many Roman texts – Machiavelli did interact with and learn from ancient and classical texts, but only within the modes of thought and in the contexts of interpretation and understanding of sixteenth-century Italy.

Historicist approaches to political philosophy – the history of political thought – have ruffled more than a few feathers. As detailed in the introductory chapter, historicism tries to understand history in its unique context, time and place. The potential of historicism to reveal new insights into long-studied figures comes out, for instance, in Peter Laslett's study of John Locke's *Two Treatises*. John Locke's classic text expounded our modern concept of liberalism as a system of constrained representation accompanied by constitutional checks on monarchical power.

* Quentin Skinner, *The Foundations of Modern Political Thought. Vol. 1: The Renaissance* (Cambridge: Cambridge University Press, 1978); Quentin Skinner, *The Foundations of Modern Political Thought. Vol. 2: The Age of Reformation* (Cambridge: Cambridge University Press, 1978).

4.c Concept Definition

Liberalism

Political philosophy focused on the individual, bestowed with individual rights, liberties and equality before the law.

Since Locke's text was published in 1689, it was thought to have been written to celebrate and justify the English Glorious Revolution of the previous year, in which the 'absolutist' government of James II ceded power to William I, who bound himself to constitutional monarchy in exchange for the crown of England in alliance with the 'Whigs' or liberals in Parliament. This *myth* was decisively challenged by Laslett, who subjected the *Two Treatises* to close textual reading and employed the historical method to uncover how Locke reflected on his own work in letters and other writings. In other words, Laslett turned to study Locke as an actual historical figure, rather than simply as a great thinker. Historicism allowed him to argue, to general astonishment, that Locke had composed the *Two Treaties* between 1679 and 1683, well before the 1688 Glorious Revolution. 'Two Treatises in fact turns out,' Laslett concludes, 'to be not the rationalization of a revolution in need of defense, but a demand for a revolution yet to be brought about.'[*]

There is a tension on display here between the historicist insistence that concepts can only be understood in their contexts and historians' mission to narrate the origins of our present moment, e.g. the origins of European democracy. As is clear by now, people in the past frequently used history to fight their political struggles. George Orwell was perceptive in this regard, writing in his novel *1984* that 'Who controls the present controls the past. Who controls the past controls the future.' Orwell was imagining a future dystopia, but his basic point linking who is in power to how history is told is one which historians have long had to grapple.[**]

There was a romanticist tradition in history in the nineteenth century especially that presented heroic national histories in the style of early nationalism. By the early twentieth century, these had often been replaced with narratives that focused on the emergence of liberal democracy. Historians traced such developments back to the Glorious Revolution and the Enlightenment period that followed. Concepts of history were changing – liberalism was replacing nationalism as a hegemonic discourse of what constituted progress. It was in this context that historian Herbert Butterfield wrote *The Whig Interpretation of History* (1931), in which he denounced as victors' history the tendency for early-modern histories to culminate in the rise of liberalism in the English and Glorious Revolutions. The term 'Whig history' then

[*] Peter Laslett, 'The English Constitution and Locke's "Two Treatises of Government', *The Cambridge Historical Journal* Vol. 12, No. 1 (1956), pp. 40-55.

[**] George Orwell, *1984* (London: Secker and Warburg, 1949).

entered usage as a means of denouncing ideologically-tainted teleology and the abuse of history as propaganda in service of a state or ruling elite.

4.2 The Study of History

Teleology

Reasoning based on the perceived outcome. Evidence is interpreted in such a way that it confirms the supposed outcome of events.

Laslett struck an early blow on Whig history in his article about Locke, a hero of the Whig faction. It follows that the constitutional monarchies and propertied-based right to representation advocated by Locke in the *Two Treatises* were less important in a longer historical view.

One powerful version of 'Whig history' is the continued prevalence in public discourses that the Protestant Reformation was the origin of democracy and freedom (mediated later through Locke and constitutional liberalism). Recent work in conceptual history shows how these historical myths continue to structure our politics in the twenty-first century. Annelien de Dijn traces how our concept of freedom as the government leaving us alone is surprisingly new.* She argues that Italian humanists *understood freedom to mean popular sovereignty*, the ability of individuals *to participate* in government and politics. This concept of freedom prevailed for centuries until conservative opponents of the American and French Revolutions in the late eighteenth and nineteenth centuries redefined the concept. Only by recovering this conceptual history – and the 'antidemocratic' intentions of the authors who reframed freedom to mean limited government – can we ourselves come to recognize the power structures lurking behind the language of politics we inherit.

Political Ordering in Medieval and Early Modern Europe

Universal vs Territorial Order: The Birth of Europe in the Middle Ages

In 800, Pope Leo III crowned Charlemagne 'King of the Romans,' making Charlemagne the western successor to the mighty Roman Emperors after the papacy had lost faith in eastern Byzantine Emperors based in Constantinople. The papacy traced its authority back to Jesus Christ, who it claimed had appointed St. Peter leader of the Christian church. Peter, in turn, passed this authority to the Bishop of Rome, so beginning the lineage of Christian popes. The pope was spiritual leader of the church, and hence of Christendom (the 'Holy See'), but he became a territorial ruler as well in Rome and in papal territories spread throughout Italy after the

* Annelien de Dijn, *Freedom: An Unruly History* (Harvard: Harvard University Press, 2020)

Roman Empire collapsed in the 400s CE. Crowning Charlemagne Emperor was a daring move by the medieval pope further into the realm of secular power. It laid the political basis for a refoundation of the Roman Empire while claiming for the papacy the authority to anoint emperors to their thrones.

Universal order over Christendom, the combining of spiritual and secular power in alliance with a revived empire, was the pope's striking ambition. Charlemagne's Carolingian Empire managed to extend Frankish rule over modern day France, Germany, Austria, Belgium, Luxembourg, the Netherlands, Slovenia, Switzerland, northern Italy and Spain, and parts of Croatia and Czechia. His rule rested on a web of interpersonal relations with leading power-brokers (magnates) and oaths of fidelity between ruler and ruled that bound them together in contractual relationships of reciprocal rights and duties, a governing system known as feudalism.

4.d Concept Definition

Feudalism

Type of rule based on a hierarchy of patrons who are tied to clients, who in their turn can act as patrons to others. In this hierarchical system goods, labor and favors flow up and down this system, to substantiate claims to authority, legitimacy and rule. This was the dominant system of rule in Medieval Europe until the 'Age of Revolutions' and is still in existence in many other parts of the world.

After his death, Charlemagne's Empire broke in three in the Treaty of Verdun (843), with two of its pieces, Eastern and Western Frankia, developing into what are today France and Germany. The breakup of Charlemagne's empire into personal kingdoms is dramatic evidence that rulership was not linked to a territorial state. Western Christendom emerged weakened from this partition. After Otto of Saxony defeated a wave of Hungarian invasions, the pope crowned him Holy Roman Emperor in 962, an imperial throne that persisted for over 800 years, but the break with France became permanent.

By 1000, western Christendom had fragmented into innumerable political units. Besides the papacy, the most important polities in Europe in the High Middle Ages (1000-1250) were kingdoms and city-states.

4.e Concept Definition

Kingdom

Territorial unit ruled by a hereditary monarch, i.e. a king or queen.

4.f Concept Definition

City-state

Territorial unit based on a city and its immediate surroundings.

The Frankish and Gothic kingdoms that replaced Rome in the 400s-600s theorized that royal power was passed down by God but at the same time had to conform with the law of custom. These twin bases of authority provided the model for medieval kingship. Rarely did the power of medieval kings extend far beyond the area around the royal court itself. Carrying sword and religion, Frankish knights spread Christian rule to Bohemia, Hungary, Poland and Scandinavia. They constructed thousands of castles across Europe's landscape – and theoretically grounded their rule on the 'right to conquest'. Castles served economic as well as political and military functions because they were centers of communication that extracted rents and tolls and extended rule into the countryside. This is how *Europe* was made, historian Robert Bartlett argues, because the lands west of Byzantine attained an unprecedented level of cultural, social, religious, and political homogenization between 1000 and 1300.*

Faced with the universal pretensions of the Holy See, medieval rulers elaborated early concepts of territorial and local rule that we later would come to call sovereignty.

4.g Concept Definition

Sovereignty

Supreme or ultimate authority and freedom of action. There is no internal or external higher source of authority.

4.h Concept Definition

Republic

Form of government in which authority is held by the people through elective representation.

Most explosive was the question of whether papal anointment was needed for monarchs to rightfully hold office and, by extension, whether popes could 'de-crown' kings. During the Investiture Controversy (1075-1122) the pope excommunicated Holy Roman Emperor Henry IV and freed his subjects from their oaths of loyalty. Royal defenders responded that kings are granted 'two swords', the one secular and the other religious, and hence monarchical authority came directly from God, rather than from the papacy. Controversy erupted again in the fourteenth century, as Pope Boniface VIII insisted that only the church could tax or imprison French clergy and bishops. Not intimidated, French King Philip the Fair rallied opinion to his side by calling an *Estates General* of bishops, nobles, and leading Parisian burghers for the first time. Boniface responded with *Unam Sanctum*, the most extreme articulation of papal power in history, which insisted that monarchs are entirely subordinate

* Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950-1350* (Princeton: Princeton University Press, 1993).

to Rome.* Boniface's overreach led to an ignominious end. Captured by French forces, he died in captivity, and Philip established a puppet papacy in Avignon, over which he kept a close eye, to compete with the one in Rome. Papal pretensions to universal, secular power, shattered. Once fully restored to Rome, the papacy focused on maintaining power in Italy.

These were ideal conditions for the development of smaller, more compact, but more efficient and innovative territorial units: medieval and early Renaissance *city-states*. Nothing could be more indicative of the failure of the universal ordering project of the papacy, or of the limited reach of the Holy Roman Empire (whose leaders repeatedly failed to conquer northern Italy) than the dynamism of Italian city-states in the 1000s-1200s. It is there, rather than in seventeenth-century England, where Quintin Skinner and Annelien de Dijn locate the origins of European traditions of liberty and freedom. Several city-states like Venice and Genoa built trading empires in the northern Mediterranean. Florence and Padua, among others, had citizen assemblies. They had written constitutions, which were rare outside of Italy, and gave birth to humanism and the Renaissance, enormous cultural and political achievements. In the 1200s-1500s, republican city-states fell to conquest, despotism and oligarchy.

4.i Concept Definition

Despotism

Repressive rule based on the exercise of dictatorial power, usually by one individual sometimes also by a group.

4.j Concept Definition

Oligarchy

Rule by a small group, often sharing a distinct identity of ethnicity, social-class, military standing or religion.

Italian humanists valorized republican liberties even more as they slipped away. Tract after tract condemned the wickedness of kings and called for the restoration of ancient republican freedoms. Even in defeat, republicans left a powerful legacy to be taken up, in new circumstances, by constitutionalists and revolutionaries in later centuries.

The Rise of Kingdoms in Medieval and Renaissance Europe

In the 1100s-1200s, monarchical power revived, first in England, and then in France and the kingdoms of Castile and Aragon (which united to form Spain in the 1400s). Their growth over the next centuries made kingdoms the main political

* Joseph Canning, *A History of Medieval Political Thought, 300-1450* (London: Routledge, 2014).

unit exercising power in early modern Europe. At first little more than royal courts that could be called upon to raise armies when needed, kingdoms extended their political influence internally first by creating a legal order of courts as well as a fiscal order of taxation and tax collectors. Crucially, over time kingdoms were able to gain the loyalty of most of the people over whom they ruled. Professionalization ensued, resulting in lawyers and accountants staffing royal bureaucracies, and kingdoms developed into administrative monarchies. In the 1500s-1600s, monarchs gained legislative powers to create new laws whereas previously their executive powers had been to defend existing law and customs – but here they ran into challenges from constitutionalists (see the next section). By then, the large kingdoms had become permanent political systems, an essential attribute of statehood. Interestingly, the creation of permanent institutions of foreign policy expertise was one of the last areas to develop.*

4.k Concept Definition

State

A territorial unit with a monopoly of force within that territory. Usually with a bureaucracy entailing a legal, fiscal and social order.

Nowhere was legal order as strong a factor in centralizing political power in territorial units as it was in medieval and early modern Europe. Early court systems were ad hoc gatherings of power barons called to pass judgement over cases. The most important cases were heard and decided by the king. In England, locals were brought into the delivery of justice itself in jury systems, which contributed to their growing popularity. In the 1200s, law became increasingly professionalized, and cases could be judged on the basis of existing precedents. In France and Spain, more fragmented polities, there was suspicion that local power brokers would bend justice to their own purposes if left unchecked; jury systems were therefore not adopted. Still, their justice systems began seeking out criminal offences like heresy for punishment in defense of the 'common good' rather than just arbitrating between private disputes.** Building a legal order proved not only an excellent means of enhancing royal power in far-flung parts of a kingdom, but also of building popular support. Low nobility, townspeople, and commoners all availed themselves of royal courts to seek redress from their local superiors, a powerful motivation for people to support kingly power.

The second feature of early state centralization was the building of fiscal order. This first took the form of personal accountants to the king, who were private estate managers. They drew up balance sheets of royal revenues and expenses, and

* Joseph R. Strayer, *On the Medieval Origins of the Modern State* (Princeton: Princeton University Press, 1971).

** Roger I. Moore, *The First European Revolution, c. 970-1215* (Malden, Mass.: Blackwell, 2008).

oversaw the development of tax systems. Like law, accountancy became refined and professionalized. Kings came to value legal and financial expertise as much as military expertise. Power in the 1200s gradually shifted from knights called to the king's defense to 'magistrates', i.e. government officials such as bureaucrats, accountants, surveyors and lawyers. Royal courts were staffed with university graduates, and monarchs made haste to establish universities specialized in law, finance, and religion. There professional standards were nurtured, and patterns of routinization allowed for predictability and standardization in the management of royal affairs. In this way, England, France and Spain developed into *administrative* monarchies, but the more centralized England was able to apply uniform laws and taxes throughout the realm, whereas the French appointed royal officials to apply local laws and taxes in line with provincial customs. Castile appointed governors but failed in its efforts to impose a uniform set of laws due to provincial resistance.

While courts made kings more popular, taxation arose resentment. External enemies and war proved a powerful basis to throw the balance towards a kingdom gaining the loyalty of the people over whom they ruled. In the Hundred Years War (1337-1453), generations of English invaded, plundered, and colonized France, wielding terrifying long-bows. Englanders organized large food shipments to feed their armies, a massive logistical endeavor. An important step towards a modern concept of statehood came in France with the Treaty of Brétigny (1360): the French monarch was henceforth forbidden from selling or partitioning crown lands. The invaders displayed contempt for their hapless foes, while a French national identity developed against the hated 'foreigners,' blamed for mass popular misery in the 1300s-1400s. * The conflict gave birth to the legend of Joan of Arc, a girl who felt called by God to expel the English from France, and who whipped up French feelings of divine fury to fight the English before she was caught and burned alive by English forces.

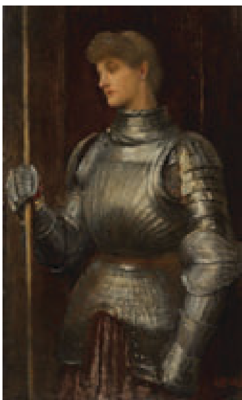


Image 4.5 Joan of Arc

* Desmond Seward, *The Hundred Years War: The English in France, 1337-1453* (New York: Penguin, 1978).

For Joan of Arc faith in God meant faith in France, a powerful sign that the French monarchy had acquired sacred status in the eyes of commoners. England was eventually defeated, and the French monarch emerged stronger than ever in the 1400s-1500s, instituting permanent taxation to finance Europe's first standing army in peacetime.

Religious and Constitutional Order: War and Revolution in early modern Europe

By 1500, major European kingdoms had developed governing capacities to finance naval expeditions across the globe, which prepared the ground for colonial settlements in the Americas, Asia, and coastal areas of Africa. Despite such political success, core aspects of the European model of statehood (what states are, what states should do) remained unresolved. Did a political territory require religious order? Was it the duty of rulers to enforce religious uniformity on their subjects? Did rulers have the right to change their territory's religion? By the end of the 1500s controversies over religious order intersected with another unresolved aspect of European statehood: constitutional order. Did monarchs have not only their traditional right to defend existing customs and law, but to change them? Did assemblies, the consent of which were usually required to raise new taxes, share legislative powers with executives, or would monarchies develop absolutist forms of rule? Reaching settlements on these questions entailed two centuries of (often violent) conflict.

4.1 Concept Definition

Constitutional Order

A political order based on a constitution. Usually based on a written foundational document to specify rights and obligations and also inform norms, expectations and behaviors.

Most affected was the Holy Roman Empire, where political developments took a different turn than in the monarchies of Western Europe. After repeated conflicts over imperial succession, the Empire agreed the Golden Bull (1346) in which the Holy Roman Emperor was to be elected by a majority vote in a college of princes and archbishops. The Emperor was recognized as superior but bound by customs and law that allowed territories to refuse to apply some imperial decisions. In the political void, princes attempted to subject all persons in their territory to their own rule. When pastor Martin Luther posted his 95 theses condemning Catholic practices in 1517, many German princes rallied to his call for a Protestant Reformation. Luther demanded that they reform the church and destroy papal power in Germany. This presented a serious challenge to Holy Roman Emperor Charles V, who was also King of Spain. Lutheranism gained rapid ground, and so too did the teachings of John

Calvin, who set up a repressive Calvinist theocracy in Geneva, where heretics were burned at the stake.

4.m Concept Definition

Theocracy

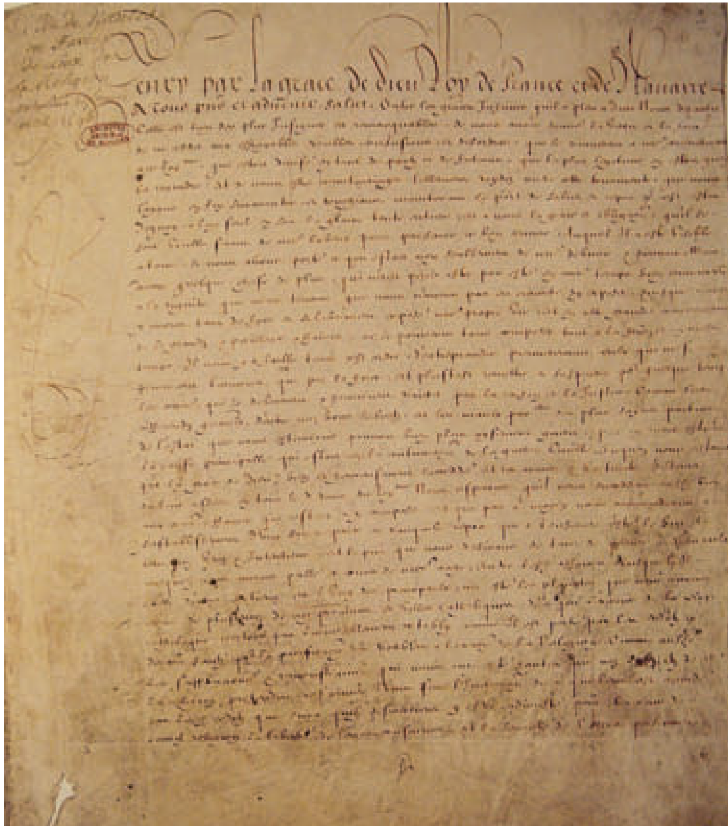
A system of rule based on ultimate power resting with God. God's representatives on Earth rule on his behalf.

Luther argued that only one faith should be allowed within a territory; those who rejected it should emigrate. War broke out between German Protestant and Catholic lands. After a Protestant victory, the Peace of Augsburg (1555) allowed princes to choose their territory's religion – this became known as *cuius regio, eius religio* (whose realm, their religion).

Conflict over religious order spread throughout Europe in the 1500s, prompting government repression, civil war, and widespread death and misery. Spain had increased officially-sanctioned religious violence even before the Protestant Reformation, launching the Spanish Inquisition in 1478 to identify and prosecute heretics. The French king called for local parliaments to hunt down Protestants through the Edict of Fontainebleau in 1540, which contributed to one of the bloodiest anti-Protestant acts of popular violence during the St. Bartholomew's Day Massacre in 1572. The arch-Catholic Mary Tudor ascended the English throne, restored Catholicism and executed Protestants for heresy, earning the moniker 'Bloody Mary'. On the other side, John Knox, a Scottish radical, launched the first successful Calvinist revolution in 1557, proclaiming a Christian duty to resist tyranny. In 1566, Dutch noblemen's request for a policy of toleration was rejected by the Spanish king and popular uprisings and iconoclastic furies on Catholic images and effigies swept the Low Countries. This started a series of civil wars commonly known as the Eighty Years' War. After declaring independence from the Spanish Crown in 1581, Spain recognized this independence in 1648. This new Dutch Republic became the wealthiest country in Europe over the course of the seventeenth century.

Religious violence was only quelled when leaders adopted policies of toleration inspired by a new intellectual tradition that argued that it was not the role of government to enforce religious uniformity. Sebastian Castellión, a Huguenot (French Protestant) helped introduce the concept. While some promoted toleration for practical reasons, Castellión turned toleration into a moral virtue. He emphasized the importance of doubt, arguing that belief could never be absolutely certain. It followed that killing based on belief was ungodly. When Elizabeth I came to the throne in 1558, she reverted the kingdom back to Protestantism but ruled with moderation on the religious question. In France cooler heads prevailed when King Henry IV issued the Edict of Nantes (1598) that Protestantism would be tolerated by the French monarchy. The Edict, the key primary source in this chapter, remained

in effect until Louis XIV (the 'Sun King') revoked it in 1685. The significance of the Edict of Nantes was that it signaled the separation of civil from religious rights and guaranteed a measure of religious freedom. It provided a way out of the religious strife that had plagued the country.


Henry par la grace de dieu Roy de france et de Navarre

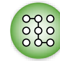


Image 4.6 Edict of Nantes

Where protestants were in power, they often demonstrated the same intolerance as Catholic rulers, but where they were a minority, like in France, they came to support religious toleration. Religious minorities were attracted to the second major challenge to statehood in early modern Europe: constitutionalism. In England, constitutionalism developed both as a battle of King versus Parliament and of Catholicism versus Protestantism, as protestants sought to block the monarch from restoring Catholicism.* Parliament executed King Charles II and established a republican Commonwealth in the English Civil War, though this soon descended

* Jonathan Scott, *England's Troubles: Seventeenth-Century English Political Instability in European Context* (Cambridge: Cambridge University Press, 2000).

into an authoritarian Protectorate. In this context, Thomas Hobbes developed a secular defense of monarchical power in *The Leviathan* (1651), arguing that a strong state was necessary to maintain order. In 1660, the monarchy was restored, but parliament was divided between Whigs (supporters of constitutional monarchy) and Tories (advocates of royal power). England's century of revolution concluded with the Glorious Revolution (1688) so celebrated by Locke, which created a constitutional monarchy and the English Bill of Rights. Despite the civil liberties it contained, the English Bill of Rights banned Catholics from holding public office.

In the meantime, religious conflict returned to the Holy Roman Empire, where questions of religious and constitutional order became intertwined in the apocalyptic Thirty Years War (1618-1648).* Approximately 40% of the German population died in this war of famine, plague, displacement, and even cannibalism. Originally a battle between Catholics and Protestants that broke out in Bohemia, it evolved into a war between Habsburg Emperors and German princes. The Emperor tried to use the conflict to impose 'absolute rule' over princes, asserting his right

Image 4.7 Peace of Westphalia

* Robert von Friedeburg, *Luther's Legacy: The Thirty Years War and the Modern Notion of 'State' in the Empire, 1530s to 1790s* (Cambridge: Cambridge University Press, 2017).

to depose princes, impose Catholicism on Protestant lands, expropriate Protestant estates, and alter laws at will without approval of the Imperial Diet or parliament. This cross of religious and political conflict then became international with the interventions of Cardinal Richelieu's France and King Gustav Adolphus of Sweden. Enemies of the Habsburgs, they turned the tide of war against the Emperor. The war concluded with the Peace of Westphalia (1648), which resolved questions of religious order by granting local German rulers the right to select their territory's religion but mandated toleration in all territories (though only for Calvinism, Catholicism and Lutheranism). The previous German constitutional order of shared sovereignty between local territories and imperial institutions like the Diet and Emperor was confirmed with minor adjustments.

Conclusion

Political order in Europe took the form of a state-based system that developed from the 1000s to the 1600s, first in England, France, and Spain and then, partly by emulation, in Scandinavia and parts of Central and Eastern Europe. The defeat of universal models of ordering the whole of Europe under a Christian empire by medieval popes and the Holy Roman Empire was a prerequisite for the emergence of a state-based political order, even though the Holy Roman Empire persisted until 1806. The medieval origin of states lay in the creation of a legal and fiscal order, out of which evolved concepts of a permanent state to which subjects owed obedience.

External struggle was important in increasing people's loyalty to the new states, as happened in England and France during the Hundred Years War. Concepts of rulership matured as states gradually emerged out of the personal estates of rulers. The highest duty of a ruler became the defense of the state, rather than personal ambition or defense of the faith. In the 1500s-1600s, an interrelated set of controversies challenged the religious and constitutional order of the emerging states. Out of these struggles sprang concepts of political toleration and, not long after, separation of powers (this term was first coined in 1748 by French political theorist Montesquieu). At the same time, monarchical claims to authority had to compete with the growth of republican ideas, which eventually culminated in the great American and French Revolutions in the late 1700s that put an end to Europe's *ancien regime*.

In other parts of the globe – including areas that fell under European empire – imperial or decentralized models of rule tended to prevail before the 1800s. In the 1900s, the concept of a 'Westphalian order' in international relations, first discussed at length in the nineteenth century, came into widespread use. International relations scholarship typically presents the Peace of Westphalia as a pivotal moment, in which statehood became the highest ordering principle of the

international system. Premised on a doctrine of external nonintervention, states were considered formally equal within the international system even though they varied greatly in their ability to assert their will. Locating the origin of this system in Westphalia suffers from anachronism and teleology. A historicist reading of the Westphalian peace negotiations by an international relations scholar reveals that the treaty's international components emerged from French and Swedish intentions to weaken their antagonist, the Holy Roman Empire.[*] There was no intention to fundamentally reshape the international order. Further, concepts of domestic sovereignty long predated Westphalia, as we have seen, while ideas of international sovereignty in the sense of formal equality of states in the international arena were inventions of the nineteenth and twentieth centuries.[**]

Picking apart international relations interpretations of the Peace of Westphalia, as scholars did to 'Whig History,' is only instructive if we are able to replace them with new historical interpretations, as Skinner and De Dijn have done for the concept of freedom. In this case, though, an entirely new interpretation is unnecessary. The main premise of the Westphalian argument – that the international order was evolving towards a states-based system based on formally equal sovereignty – is convincing from a historical perspective as long as it is understood that it did not happen at Westphalia. What is called the 'Westphalian Order' evolved gradually over centuries, like the concept of the state. 'Westphalia' is best considered a metaphor for what was actually a longue durée historical evolution, an important moment, but not the decisive one.

The multiethnic, multilingual Holy Roman Empire continued for another 158 years after Westphalia. Even then, it was replaced first by states that formed part of an imperial Napoleonic order, and then part of a Concert of Europe, which had external intervention, rather than nonintervention, as its defining feature. A states-based system did spread to Latin America through national independence in the early 1800s. Later, in Asia and Africa, a 'third-worldist' project in the 1950s-1970s demanded national independence from European colonialism and the creation of sovereign states as their entry tickets into the international system. At the same time, Western European states were developing supranational institutions, to which they transferred aspects of national sovereignty, in a project known as European integration.

After the European Union (EU) was born in the 1990s, some scholars compared its political order favorably to the Holy Roman Empire because its model of shared sovereignty arguably resembled it.[***] The example of the EU contributed to the

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[*] Andreas Osiander, 'Sovereignty, International Relations, and the Westphalian Myth,' *International Organization* Vol. 55, No. 2 (2001), pp. 251-287.

[**] Peter M.R. Stirk, 'The Westphalian Model and Sovereign Equality', *Review of International Studies* Vol. 38, No. 3 (2012), pp. 641-660.

[***] Osiander, 'Sovereignty, International Relations, and the Westphalian Myth'.

development of regional organizations in other areas of the world, including the African Union, ASEAN and Mercosur (though these organizations are based more on national sovereignty than the EU). Regional organizations attempt to reconcile increasing global interdependence with the continued potence of national demands for independence or autonomy. Machiavelli, we recall in conclusion, claimed that the highest duty of a ruler is to protect his subjects. Whether the state-based system remains the best means of protecting human life in the face of today's challenges like climate change, migration, and terrorism may be one of the most important questions we grapple with in the twenty-first century.

Guiding Questions

1. What contributions did humanists make to the study of history?
2. What is 'Whig History'? Can you think of examples outside of England?
3. How did territorial models of rule conflict with universal models in medieval Europe?
4. How did the concept of the 'state' develop in Europe?
5. What are the main political features in the rise of European kingdoms?
6. How did conflicts over religious order relate to conflicts over constitutional order in early modern Europe?
7. What significance does the Peace of Westphalia (1648) have for international relations?

Guide to Further Reading

- Bartlett, Robert, *The Making of Europe: Conquest, Colonization and Cultural Change 950-1350* (Princeton: Princeton University Press, 1993). A sweeping journey of conquest, castles, and churches, this book shows how civilizational outward expansion from Frankish lands 'made' Europe in medieval times.
- Canning, Joseph, *A History of Medieval Political Thought, 300-1450* (London: Routledge, 2014). A comprehensive synthesis of intellectual and political history about concepts of ruleship in Europe, reaching from the fall of Rome to the Renaissance.
- Collins, James B. *The State in Early Modern France* (Cambridge: Cambridge University Press, 1995). An introduction to the political history of France, which emerged as the most powerful early kingdom of early modern Europe.
- Dijn, Annelien de, *Freedom: An Unruly History* (Cambridge, Mass.: Harvard University Press, 2020). A conceptual history of 'freedom' from ancient Greece to our modern age, which highlights in particular the importance of the Renaissance and the American and French Revolutions.
- Friedeburg, Robert von, *Luther's Legacy: The Thirty Years War and the Modern Notion of 'State' in the Empire, 1530s to 1790s* (Cambridge: Cambridge University Press, 2017). A history of political thought in the Holy Roman Empire, showing how concepts of ruleship intersected with religion during and after the Protestant Reformation and Thirty Years War.
- Greenberg, Janelle, *The Radical Face of the Ancient Constitution: St Edwards 'Laws' in Early Modern Political Thought* (Cambridge: Cambridge University Press, 2001). An intellectual history exploring how an imagined 'ancient constitution' of supposedly lost freedoms had revolutionary implications in England's century of revolution in the 1600s.
- Moore, Roger I., *The First European Revolution, c. 970-1215* (Malden, Mass: Blackwell, 2008). A social and economic history emphasizing how Europe recovered from economic stagnation and achieved new levels of economic and social development in the High Middle Ages.
- Scott, Jonathan, *England's Troubles: Seventeenth-Century English Political Instability in European Context* (Cambridge: Cambridge University Press, 2000). A journey through England's century of revolution, in which ideas of political representation and constitutionalism intersected with religious struggles to topple kings and create constitutional monarchy.
- Skinner, Quentin, *The Foundations of Modern Political Thought. Vol. 1: The Renaissance* (Cambridge: Cambridge University Press, 1978). A history of how political ideas of liberty and ruleship came of age in the city-states of the Italian Renaissance.
- Skinner, Quentin, *The Foundations of Modern Political Thought. Vol. 2: The Age of Reformation* (Cambridge: Cambridge University Press, 1978). Picking up where volume one left off, Skinner explores how political ideas migrated from Italy to Northwestern Europe, where they crystallized in a centuries-long conflict between constitutionalists and absolutists.
- Skinner, Quentin, *From Humanism to Hobbes: Studies in Rhetoric and Politics* (Cambridge: Cambridge University Press, 2018). A fascinating intellectual history exploring how Machiavellian ideas of ruleship contributed to Hobbes' concept of a state Leviathan.

- Tilly, Charles, *Coercion, Capital, and European States: AD 990-1992* (Oxford: Blackwell 2015; Cambridge, Mass., 1992). A millennium long book of historical sociology, Tilly explores how European war and military expenses interacted with capitalism and finance to create our modern model of a state.