Patterns in the Construction
of Public Discourse

The New Body Politic of the Renaissance
in the Works of John Fortescue and Claude de Seyssel

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Abstract: The use of corporal analogies, where the state was compared with the human body, had been a frequent occurrence in medieval political theory starting from the twelfth century and they can be encountered in some of the most influential political treatises of that period. It was a strong metaphor employed in order to strengthen the author's message – therefore, its use continued past the Middle Ages and well into the Renaissance period. Yet, the respective metaphor did not remain unchanged – on the contrary, the many changes which occurred during the fifteenth century had a noticeable impact upon it, leading to alterations in the traditional version, while retaining many of the old features. This article aims to provide an analysis of the shift which occurred during late fifteenth century and early sixteenth century by analyzing the cases of two of the most significant political writers of that period in England and France: John Fortescue and Claude de Seyssel.

Keywords: body politic, Claude de Seyssel, John Fortescue, corporal analogy, humours.

1. The Concept of Body Politic and its Use in Medieval Political Thought

During the Middle Ages, starting from the twelfth century, political theory witnessed the employment of an analogy between the human body and the polity, where the latter was described in what one could call "corporal terms": the structure of the state was considered to imitate that of the body and the same was thought about the way both

functioned. This phenomenon is not a surprising occurrence, as the medieval mindset was one prone to allegories and metaphors: their presence in the political discourse was thus to be expected. Speaking about the use of metaphors in political thought, Rasmussen and Brown argued that "metaphors serve to establish a relationship of ontological similarity, a conceptual move that establishes the meaning of a concept in a way that develops a conventional way of understanding and describing that particular concept" (Brown and Rasmussen 2005, 471). That was clearly the case during the Middle Ages and, among the many metaphors employed, the metaphor of the body could be rightly considered as the strongest. From an anthropological perspective, such an analogy was extremely convenient, because, as Mary Douglas pointed out, "the body is a model which can stand for any bounded system" and "the functions of its different parts and their relation afford a source of symbols for other complex structures" (Douglas 2001, 116). This is a remark which is valid not only for the medieval period and it explains the extraordinary popularity of corporal analogies basically throughout all human history. When medieval political theorists started to resort to such analogies, they developed them on a twofold tradition, one tracing its roots to ancient Greek and Roman political thought, in the works of Plato (Plato 2003, 128-129; 161), Cicero (Shogimen 2008, 92) or Seneca (Seneca 2005, 45), and another to the earliest Church writings, the epistles of Saint Paul and the works of the Church Fathers. With two of the most favored sources of medieval thought already employing such analogies and with the Catholic Church already using them, by describing itself as a *corpus mysticum*, the success of the medieval concept of "body politic" could have never been in doubt and this metaphor established itself rather quickly.

In their study on the modern uses of the notion of "body politic", Rasmussen and Brown asserted that "the body is used in political theory to represent both the ideal polity and to critique its actual manifestations" and "it conveys a model of citizenship in which the citizen's relationship to and responsibility for the rest of the polity is defined" (Brown and Rasmussen 2005, 470). The statement is certainly valid with respect to the medieval political theory as well, but there is one major difference: it did not focus its attention on a "model of citizenship", but on a model of rulership. The primary interest of medieval political theory was to provide a model of proper government and the focus is on the person of the ruler, who is the one responsible for the safety and the well-being of the polity. Certainly, the subjects have a play to part as well, but they are always seen as a mass, not as individuals, who could not take any initiative in the

"body politic", less they endanger the whole by stepping into a role which has not been designed for them and for which they are not fit. As the main organ of the body politic, the ruler is the one which exclusively directs its actions and ensures its health.

The underlying cause for the employment of this specific analogy was excellently pointed out by David George Hale in his work *The Body Politic. A Political Metaphor in Renaissance English Literature* when he asserted that „man accepted, in general, a view which saw the universe, the world, the church, the state and the individual, repeating the same pattern of arrangement and therefore exhibiting precise correspondences" (Hale 1971, 47). The idea of man as microcosm, paralleling the universal macrocosm, was a fundamental tenet of medieval philosophy and it is absolutely no surprise that it made its way in political thought as well. Medieval man was prone to metaphorical thinking and it considered that the best way to illustrate or even prove an argument was to establish a parallelism with a natural element. A graphic analogy was certain to impress the mind of those less inclined to abstract thought. In the words of Michael Walzer, "the union of men can only be symbolized", as "it has no palpable shape or substance" – therefore the state has to be personified, symbolized and imagined (Walzer 1967, 194). Walzer refers here to the general use of symbolism in political thought, which had not been something particular to the Middle Ages or the Early Modern period – but it is obvious that the respective age had been probably the most inclined to the use of metaphor and analogy in political discourse. The more prestigious the element of comparison was, the better for legitimacy of one's argument. In this regard, human body seemed like a perfect choice. It provided an image everyone could picture and relate to. It also was a divine construct, thus the way it was structured and functioned could not be put into doubt: having in mind that many of the treatises which made use of corporal analogies were polemic, this was particularly important. And one could say that medieval writers, many of them Catholic clerics, were basically pushed towards using the human body as their object of comparison by the precedent established by Saint Paul, when he wrote in one of his epistles that the Christian community is one body. References to this text of Saint Paul, in the context of the „body politic" metaphor, exist both in medieval and in early modern writings. According to David George Hale, "the comparison is employed to defend and attack the established church, to promote order and obedience to secular rulers and to criticize political and economic abuses" (Hale 1971, 7). The purpose of the comparison is twofold: first to illustrate, but also to

provide evidence necessary to support one argument. As we have argued elsewhere (Sălăvăstru 2014, 338), "the analogy with the human body, in particular, is clearly special and it goes further than merely establishing a parallel between the compared objects. In medieval political and theological literature, the Church (and the kingdom) were not merely analogous to the body – they actually *were* a body, a *corpus mysticum*". As such, in the words of Michael Walzer, when the state is imagined as a body politic, then a particular set of insights as to its nature are made available (Walzer 1967, 194).

While references to the Church as a *corpus mysticum* were older (Archambault 1967, 21-53), the first medieval use of corporal analogies to describe the state can be encountered in the twelfth century work of John of Salisbury, *Policraticus*, largely considered the first medieval political treatise. In this treatise, John of Salisbury asserted that „a republic is, just as Plutarch declares, a sort of body which is animated by the grant of divine reward and which is driven by the command of the highest equity and ruled by a sort of rational management" (John of Salisbury 2004, 66). John of Salisbury did not remain an outlier in this regard and the comparison between the human body and the state was reiterated by many other political writers in the next centuries, such as Thomas Aquinas, Giles of Rome, Marsilius of Padua, Jean de Paris, Christine de Pizan or Nicholas of Cusa. This initial model of "body politic" was one mostly organic, where the parts of the society were compared with the respective parts of the human body. One of the main features of the concept of "body politic" was the idea of the interdependence between the parts, an outlook which basically shaped the way this body was supposed to function. John of Salisbury was dominated by this idea, but the relationship he envisioned between the members of the political community was static. Basically, for him, the structure of the state had a divine origin and the perfect society was one where its members were inserted in the exact niches which were reserved for them. Additionally, in medieval political thought, the prince was always seen as the most important part of the body politic, compared either with the head or with the heart, and being responsible for the health of the body, with the help of his officers. The humours also had a place in this scheme, but it was mostly in relation with the idea of "political disease" and the way the state was supposed to properly work. According to the theory of humours, which appeared for the first time in the Hippocratic corpus and was later developed further by Galen, health depended on a harmonious combination of the four humours – black bile, yellow bile, blood and

phlegm – present in the human body: therefore, the balance of the humours had to be preserved. A similar outlook could be found in Aristotle's work *De Animalibus,* where the philosopher defined health as the balance of the basic qualities (heat, cold, dampness and dryness) and that could be attained when "the body as a whole (and each one of its parts) achieved and maintained a suitable balance among its qualities" (Garcia-Ballester 2002, 129). Aristotle was a fundamental influence on medieval political thought, in particular starting from the thirteenth century: therefore, one could say that the association between the qualities he described in *De Animalibus* and the humours, established by Galen in the second century AD, provided a fertile ground for their use as metaphors in medieval political thought, within the context of the notion of the state as a body politic. In his work *Defender of the Peace,* Marsilius of Padua argued that a polity could fall apart "through the immoderate excess of the parts with respect to each other", and, in order to avoid this, the prince should endeavor to preserve the balance of the polity (Marsilius of Padua 2005, 95). Marsilius referred to Aristotle as his source in this regard, but this idea was also a reflection of the humoral theory, according to which health and disease are determined by the excess or the shortage of a humour within the body. Marsilius had the same opinion as his forerunners regarding how to make the political body work properly: this prophylactic and healing task falls upon the prince. Christine de Pizan also subscribed to the idea of a natural balance within the body, which must have been preserved in order to safeguard the health and the proper functioning of the organism: no part could have claimed a disproportionate importance or deny sharing what it possessed, and the functioning of the body was a "homeostatic" process, where the emphasis was placed on intercommunication and exchange among the various limbs and organs themselves, as a result of which the head (or ruler) was treated as a servant of the whole rather than as a commander (Nederman 2005, 21-22). Yet, according to Cary Nederman, the head occupied a secondary place in determining the substance of the common good and the way which the latter had to be attained, comparing it with a "traffic controller" rather than a physician (Nederman 2005, 33). The most important factor for preserving the health of the body – and at the same time the most destructive if this principle was broken – was the natural harmony of all its parts (Christine de Pizan 1998, 91).

2. The English Body Politic in the Second Half of the Fifteenth Century: John Fortescue and *De Laudibus Legum Angliae*

The metaphor continued to be used during the Renaissance, but from the late fifteenth century it had started to adjust to the new political, cultural and social realities. The metaphor of the body politic became even more widespread and more thorough than it had been before, especially in England, and, while it retained many of its previous features, it had also developed some new characteristics. Two of the writers in whose works these new developments appeared, and who were also among the most important political theorists of that period, were the Englishman John Fortescue, a major fifteenth century jurist, who died around 1480, and the Savoyard Claude de Seyssel, cleric and diplomat during the reigns of Louis XII and Francis I.

John Fortescue is the one who coined for the first time the term „body politic", in his work *On the Governance of England* (also known as *The Difference between an Absolute and a Limited Monarchy*) and similar analogies between the state and the body can be found in his other work, *De Laudibus Legum Angliae*. Fortescue's two treatises brought two significant changes to the old corporal template devised by John of Salisbury and developed further by other medieval writers. First and foremost, the „body politic" changed from an universal model, which was basically a general template which could have been applied to any Christian polity, to a „national" one. Second, Fortescue had a more pragmatic approach regarding the problems which can afflict the „body politic", problems which have an economic character. Stanley Chrimes considered that the significance of John Fortescue was due to the fact that he represented a „strong link in the chain connecting the ideas of the medieval thinkers with those of the English theorists of the sixteenth and the seventeenth centuries" and, paraphrasing Plummer, that Fortescue was the first of the medieval writers which „based his theoretical analysis upon observation of the existing conditions" (Chrimes, comments in Fortescue 1949, C-CI). The remark of professor Chrimes is fully justified, because Fortescue focused his attention upon the legal and economic aspects of the kingdom's functioning, abandoning the abstracting specific to the previous writers. I will offer one example in this regard, related to one of the most important ideas expressed by Fortescue: the concept of *dominium politicum et regale*, according to which an unlimited power of the sovereign had a harmful effect upon the whole kingdom. This idea was defended with the help of the corporal metaphor, but, at the same

time, Fortescue made a series of very specific references to the policy of excessive taxation of the French monarchy and the monopolies which it enjoyed (such as the monopoly on salt), as well as the arbitrary implementation of justice (Sălăvăstru 2012).

We have previously referred to *De Laudibus Legum Angliae* as a constitutional study, which compared the constitution and the common law of England to the legal and constitutional systems from other states, trying to determine whether the English system was superior by appealing to the foreign and Greek political theories regarding the nature of the secular commonwealths (Sălăvăstru 2012). The main comparison was drawn between the English system, which was a *dominium politicum et regale*, and the French one, which was only a *dominium regale*. Fortescue discussed the origin of the kingdoms ruled „politically" – in other words, according to Aristotelian terminology, ruled by the entire body politic of the kingdom - in opposition to kingdoms such as France, which was ruled „royally", only by the king (Kantorowicz 1957, 223). For Fortescue, the superiority of the English system comes without any doubt from his preference for the system of a „limited monarchy" and in this it follows in the path of many other medieval political thinkers who expressed the same ideas. Thomas Aquinas, whom Fortescue refers to in his work, showed a strong distaste for tyranny, which he considered the worst type of government, and, because of this, he argued that it is better for the power of kings to have some limits (Aquinas 2005, 39-43). Aquinas was speaking in general terms, but Fortescue draws a clear parallel between England and France, where the former met the standards set forth by Aquinas, while the latter did not. The reason for the differences between the English constitutional system and the French one had to be looked for in the difference between the economic and social conditions: "England is indeed so fertile that, compared area to area, it surpasses almost all other lands in its abundance of its produce" and "for this reason, the men of that land are made more apt and disposed to investigate causes which require searching examination". Basically, the English legal system can function so well because of the wealth of the country, which, in turn, determines the behavior of its people (Fortescue 1949, 67-73).

John Fortescue is a jurist by trade and this can be seen in the level of attention which he devotes to the discussion about the law. Traditionally, the laws were regarded to be divided into several tiers, divine law, which was revealed to the Christian people through the Scriptures, natural law, which every human being was, supposedly, bound to seek and obey, and, finally, man-made laws, with their particularities

specific to each people. Divine law and natural law had many things in common, albeit they did not coincide entirely: eminent medieval jurists were quick to notice and point out that not every human being or every people worshipped God in the same manner (or not even the same God), yet many norms were common among all societies. Therefore, they concluded that there was an universal law of nature, created through divine will, but which human beings could discover on their own, without the need of a special divine revelation. From this special character of both divine and natural law resulted their unchangeable nature. On the other hand, human laws were kept in a slightly less regard and, very important, they could have been altered according to the circumstances of the society which made them. But Fortescue goes further than most other jurists in this respect and puts all of them on the same level. In his opinion, "human laws are none other than rules by which perfect justice is manifested", which can be called "perfect virtue", because "it eliminates all vices and teaches every virtue" (Fortescue 1949, 11). In fact, John Fortescue does not hesitate to adorn human laws with the same aura of sacrality, when claiming that "not only the laws of Deutoronomy, but also all human laws are sacred, inasmuch as law is defined by these words, *Law is a sacred sanction commanding what is honest and forbidding the contrary*" and "because human laws are said to be sacred, hence the ministers and teachers of the laws are called priests" (Fortescue 1949, 7-9). The effect of this assertion is that it makes all men of law part of a special class distinguished through its knowledge, and the same thing could be said about the king, as the main source of justice and chief judge of his realm. In the opinion of John Fortescue, the worth of a king is assessed first and foremost by the way he dispenses justice, because "justice is the object of all royal administration" and when justice is "attained and truly observed, the whole office of king is fairly discharged" (Fortescue 1949, 13). All this discussion is important because it is through the use of laws Fortescue draws the sharpest distinction between England and other realms: it is not through military or diplomatic achievements, nor through its riches, but by its legal system that England stands out. Medieval law held in the highest esteem the Roman legal system, conveyed to the Middle Ages through the Code of Justinian, but John Fortescue had, on this matter, an opinion radically different from those of his forerunners and contemporaries. For him, Roman law, which he refers to as "civil law", had a fundamental flaw: the emperor/prince was "the living law", which meant that his will alone, and no other factor, had the force of law and could change the laws at will (Ullmann 1968, 32-38). Certainly, this

right to legislate with no constraint imposed upon him did not mean that the prince had the right to act like a tyrant: on the contrary, it was constantly emphasized that the prince had to permanently observe divine and natural law and tyranny was the worst sin he could commit, which could put him and his realm in dire peril. Basically, to indulge in tyranny meant, for a prince, to self-destruct, but, if the prince could be held accountable to any human authority, then the issue who can decide whether he was a tyrant and what was to be done in such a case came up. Medieval political writers struggled with this problem, because to simply argue in favor of the right of the subjects to overthrow their tyrannical ruler (or worse, murder him) was an extremely risky and problematic undertaking. Due to the reasons outlined, Fortescue expressed his displeasure with the Roman law when pointing out that "civil laws are celebrated with a glorious fame throughout the world above all other human laws", but they state that "what pleased the prince has the force of law" (Fortescue 1949, 25). But Fortescue did not limit himself to indicating the problem: he also suggested the solution, when claiming that the prince cannot become a tyrant when "royal power is restrained by political law" and such was the law of England.

Yet, when comparing the two types of law, the Roman law and the English common law, it seems that the former should have had an inherent advantage over the latter, as it benefitted from the prestige associated with the Roman Empire and culture. In addition, it relied on a tradition much older than the English common law and one could have argued that the Roman law was tried and tested for over a thousand years, to satisfactory results, in all kind of circumstances. John Fortescue was certainly aware of this apparent advantage of the Roman law and made it his goals to prove that "the law of England" is "as good and effectual for the government of that kingdom as the civil law, by which the Holy Empire is ruled, is thought to be sufficient for the government of the whole world" (Fortescue 1949, 37). John Fortescue indicated three sources for the human laws: nature, customs and statutes, which he names "the three fountains of law". Fortescue tried to prove two things: that the law of England "excels preeminently in respect to these three fountains of all law", thus it is good and effectual for the government of that realm; also, if it is adapted to the utility of the same realm as the civil law is to the good of the Empire, then the law of England was just as excellent (Fortescue 1949, 37). The first matter, that of the laws of England inspired from nature, does not elicit any debate, because they are universal, as the author was quick to point out, referring to the authority

of none other than Aristotle himself. But the customs of England were also "the best" and this is proven, in the opinion of John Fortescue, by the fact that they had endured for so long, even before the Roman conquest, and no ruler of England had changed them. As for the third "fountain of law", the author asserted the same thing, on the basis that English statutes had been created with the assent with the whole realm and thus they "cannot be injurious to the people nor fail to secure their advantage" (Fortescue 1949, 41). In order to drive the point home, Fortescue resorts to a parallel with the French constitutional system, which the author regards as an arbitrary *dominium regale* and which he obviously disapproves of. In France, stated the author, the king ruled regally, without any constraint from the law except his own conscience, and thus the law of France could fail to adequately protect the inhabitants of that country against abuses of authority (Fortescue 1949, 47). The fundamental advantage of the laws of England was that "they do not sanction any such maxim" like "what pleases the prince has the force of law", since the king of England ruled his people "not only regally, but also politically, and so he is bound by oath at his coronation to the observance of his law" (Fortescue 1949, 79). In this regard, Fortescue did not innovate that much, as it was often emphasized that the king should observe not just the divine and natural laws, but also man-made laws, and his argument for doing so is one in full accord with previous political tradition: "to rule a people politically is the greatest security not only to the people, but to the king himself" (Fortescue 1949, 81). Fortescue called in this case on the opinion of Thomas Aquinas, who wished that all kingdoms were ruled politically, because "the power of the king ruling regally is more troublesome in practice, and less secure for himself and his people, so that it would be undesirable for a prudent king to change a political government for a merely regal one" (Fortescue 1949, 91).

Fortescue's constitutional views are important because it is in relation with them that he uses his corporal analogies: the supremacy of the laws within the kingdom of England is emphasized by comparing them with the nerves of the human body, which the head could never attempt to change without the consent of the body, less he would endanger both himself and the whole body. According to Paul Archambault, the head must accept the nervous system with which it was provided by nature and its role is meaningless if it becomes detached from the other parts (Archambault 1967, 36). Traditionally, the king was a creative force of the elements sustaining the life of the "body politic": for instance, Giles of Rome maintained that the king was supposed to provide

for the health of his realm by distributing the "goods and honors", which were of his own making (Giles of Rome 1966, 47-8). John Fortescue's position was more ambiguous: as head, he is indeed an element without which the existence of the body politic would not be possible, as Fortescue himself emphasized, but he is no longer the source of life. That source was, in Fortescue's opinion, the will of the people, which was the heart of this new body politic.

3. Claude de Seyssel and the French "corps de policie"

In France, several decades later after John Fortescue, Claude de Seyssel wrote his work *La Grande Monarchie de France*, which was published in 1519. Just like Fortescue's already mentioned books, *La Grande Monarchie* is focused on describing the structure and the mechanism of governance of a specific country, namely the French kingdom. The sixteenth century had been a period of great constitutional debates in France, between the adepts of a limited monarchy and partisans of absolutism, where writers on both sides used and interpreted the same sources in order to construct their arguments. In this regard, Nannerl Keohane argued that the political theory of Claude de Seyssel was the major early source of constitutionalism in France, seen as a distinctive blend of legalism, pluralism and historicism (Keohane 1980, 16). And Keohane was not the only scholar which has pointed out the constitutionalism of Claude de Seyssel: Christian Nadeau, for instance, commented in turn that Seyssel provided a constitutional model where sovereign authority was respected and protected in its integrity by prudent limits for the order of government (Nadeau 2005, 103). It is quite obvious, from the very title, that *La Grande Monarchie* shares one of the most important innovations which appeared in Fortescue's book, that is, the focus on one specific country and its constitution. But, as it was expected from a member of the French political establishment, Seyssel's opinion on the governance of France is diametrically opposed to that of Fortescue: the former considered that the French government was not based on the king's will alone (in other words, not a *dominium regale* as Fortescue claimed), but one where the king's rule was curtailed through some bridles, identified as religion, justice and *police*, meaning the laws of the realm and the customs of government. Basically, one could say that the body politic imagined by both Fortescue and Seyssel was a national one: it was without a doubt the result of the decline in prestige of the empire, whose universalism had become wholly anachronistic by that

time. Also, both focus on what could call a proto-constitutional model of government, of a "limited monarchy", as it was sometimes called in historiography, where there are specific limits and restrictions placed on the royal power.

Seyssel developed his political argument with the help of corporal imagery and used an analogy with one of the most important theories of Galenic medicine, that of humours and their balance within the body, in order to illustrate his most fundamental mechanism for the preservation of the polity: the social mobility, with meritorious individuals being able to move from one social category – or from one part of the body, to use the corporal language – to another. In the opinion of Nicole Hochner, the fifteenth century had seen a challenge to the common imagery of the body politic and the humoural analogy emerged: the body metaphor shifted from an organic paradigm to a physiological one, from a static concept to a more dynamic and fluid entity (Hochner 2012, 610-611). The same Nicole Hochner argued that the old theory of humours was about balance and not circulation (Hochner 2012, 613). That is certainly correct, the necessity for balance, harmony and order being emphasized at every opportunity by earlier political theorists. Seyssel's new focus on mobility and circulation had not eliminated the need for balance within the body politic. Rather, it gave a new shape to this notion: if, previously, balance had been seen as a result of each part of the body strictly observing its own role and never intruding upon other's sphere of influence, Seyssel considered that balance could be achieved through a completely different method, by facilitating exchanges between the parts of the body politic. The reason for such an outlook could be attributed to Seyssel's own view of the body politic, which was no longer regarded as a permanently static entity, but one in a constant state of flux, which underwent a process of growth and then declined just like all the other human beings. This process could not be stopped, but the best regulated states could last longer and the author explained his option by an analogy with the human body: just like mortal humans lived longer and enjoyed a better health when they benefited from a "meilleure complexion" (understood as a balance of the humours in the body as good as possible, according to the medical paradigm of that period), states which were best founded and ruled enjoyed a longer existence and they were stronger (Platon 2013, 202-3). In addition, one needs to remember one fact of that period, namely that many aristocratic families died out and the ranks of the noble class were constantly thinned by wars or natural causes. Seyssel was

undoubtedly aware of this reality: if the estate of nobility diminished too much, then the balance within the body could have collapsed.

Claude de Seyssel thus gave up on the previous idea that each part of the body politic must fulfill only the role attribute to it as part of the original divine scheme and not try to interfere in other parts' tasks, else chaos could have ensued. This argument, which traced its roots back to Plato, was the organic expression of the medieval concern for order: the structure of the society must not change, just like the organs of the body do not. In the words of Nicole Hochner, Seyssel totally abandoned the organic metaphor and espoused a purely physiological vision of the body made of "four contrary elements and humours" (Hochner 2012, 619). By resorting to the analogy with humours (instead of organs), Seyssel reconciled the old notion of balance and the new notion of growth. Basically, in Seyssel's new template, the old immobile body politic turned into a body politic in a constant state of flux. More so, this mobility became a positive trait which could save the body politic from destruction – or at least delay it: while, in the old scheme, the body parts were always affixed to same niche, Seyssel argued in favor of the movement of these parts from one state to another. Such a movement was considered to preserve the balance of the body politic and this balance, in turn, would preserve the health of the same. The king, as the physician of this body politic, was supposed to direct this process and ensure the smooth transitions from one state to another.

Just like John Fortescue in England, Claude de Seyssel retained many of the traditional claims of the medieval political thought, such as when pointing out that monarchy was the best form of government, but it also innovated by his insistence that the constitution of France was the best among all the other monarchies. In a similar manner to his English counterpart which we have analyzed before, Seyssel not only emphasized the superiority of France, but it also contrasted it with other less perfect systems of government in order to drive his point across. There are two main examples provided by Seyssel in this treatise: ancient Rome (both as a Republic and Empire) and the Republic of Venice. According to Rebecca Boone, Seyssel's approach was similar to those of Guicciardini and Machiavelli, who looked for lessons of political conduct, understanding that customs, laws, and virtues of states could also serve as models (Boone 2007, 92). Such a parallel was drawn with the Republic of Venise, where "les gentilzhomes qui sont seigneurs on la totale domination & departent entre eux tous les offices & toutes les charges ou il y a honneur & proffit, ou la plus part" (Seyssel 1558, 5), but, instead of

the admiration the aristocratic Venise used to elicit from its contemporaries, Seyssel expressed his disapproval of such a system, which, in his opinion, had significant disadvantages. One of the most important of them was the fact that any social advancement was basically denied to the lower classes, as the aristocracy held a monopoly over all offices, much to the discontent of the rest of the people. Therefore, in a state organized like this, there is always the danger that lack of unity and discord might have emerged among its people. In medieval political thought, internal dangers were always considered as the most pernicious, and Claude de Seyssel was not late to point out that, even though such a fate had not befallen Venise yet, there was always the possibility for the "disease" not to be discovered in time: "toutesfois au long aller y a grand danger, que quand les mauvaises humeurs de ce corps mistique seront par trop multipliées & corrumpues, ne se descouvre la maladie si aspre qu''a peine se pourra trouver le remede à temps" (Seyssel 1558, 6). The reference to humours introduced in Seyssel's argument the principles of Galenic medicine, which had been so often employed in the previous occurrences of the corporal metaphor, especially by emphasizing the need for proper balance within the body. Yet there is a fundamental difference with respect to how this balance had to be achieved: for traditional medieval political theory, a balanced body politic was one with a clear structure and well-defined boundaries between the parts. The medieval political system was a hierarchical pyramid and each part of the body politic had to fulfill its role only. In the opinion of Nicole Hochner, there was "a very serious conceptual resistance to the promotion of social motion within the body politic", because motion was a sign of disarray, while stillness was a proof of concord and order (Hochner 2012, 613). Yet Seyssel proposed a radically new idea, that of social mobility, because, for the well-being of the state, it was necessary for the king's subjects to be able to move from one estate to another and the king should help facilitate this process for meritorious individuals. As far as political theory is concerned, Seyssel's opinion was unusual and marked an obvious departure from the classical model, but it also acknowledged something which already existed in practice. During the fifteenth century, the French kings had already undertaken the practice of enriching their treasure by granting patents of nobility, *lettres d''anoblissement*, in exchange for hefty sums of money – much to the discontent of the existing nobility (Baumgartner 1995, 49-50).

When making his case in favor of monarchy as the best form of government, Claude de Seyssel also pointed out the reason for such an

assertion and did so with the help of the body politic analogy: just like the human body, the "mystical body" of the realm could also be afflicted with numerous diseases and one ruler could better identify them (Seyssel 1558, 6-7). In this regard, the idea of the prince as physician of his realm, which appeared often in medieval and early modern political thought and was reiterated by Seyssel as well, fit neatly with the overall outlook regarding the sources of authority. In the words of Nannerl Keohane, "sixteenth century Frenchmen took for granted that authority must have some specific unitary *locus* in state" (Keohane 1980, 26-7). That *locus* was the prince, associated with the main organs of the human body: that was a central tenet of absolutism, which viewed the monarch as the ordering principle of all social life, the ultimate source of authority and energy within the state, whose ordering literally held the nation together (Keohane 1980, 17-18). But such a description of the king's role was not exclusive to the supporters of absolutism, as Nannerl Keohane implied. Seyssel can be described as a constitutionalist, yet the same thing could be said about his own vision regarding the role of the king. What distinguishes Seyssel from absolutism is the idea of a limited royal power, subjected to actual legal constraints. As we have already seen, the king was key to preserving the health of the body politic and the only one who could make the kind of social mobility described by Seyssel possible. Yet, since the prince played such an important rule, it was essential for him to carry out his duties in a proper manner. A prince who did not could have endangered his realm and even the physical ills of the ruler, which could not be avoided sometimes, had an impact upon the well-being of the kingdom, as other theorists before Seyssel pointed out. In England, as we had seen, Fortescue tried to mitigate the effect of having a bad prince as ruler by emphasizing his limited authority in a *dominium politicum et regale* constitution, which contrasted to purely *dominium regale* government, such as (according to Fortescue) France. Claude de Seyssel resorted to a similar solution, arguing that there were three main factors, three "bridles" limiting the absolute authority of the king, which made France the best governed kingdom. There is a striking similarity in this regard between the argument of John Fortescue and that of Claude de Seyssel: both emphasized the preeminence of their countries' government over all the others and their reason for doing so was a kind of proto-constitutionalism, where the principle "the will of the prince has force of law" was no longer accepted and its authority was curtailed through other elements of the body politic. The first "bridle" identified by Seyssel is religion: France was a deeply devoted country, hosting at Paris the most

important University of Theology in Europe, where all nations came to learn. More so, the French had been the fiercest to fight against heresies and defend the Church. Thus the kings of France needed to be seen as good Christians in order to have the love the people. The second bridle was justice, which was seen as one of the primary duties of princes towards their subjects. While the king was indeed the ultimate judge, in France, justice had more authority than in any other country, thanks to the Parliaments. The third bridle was "la police", described by Seyssel as "plusieurs ordonnances qui ont esté faietes par les Roys mesmes" (Seyssel 1558, 12). One example provided by Seyssel of such ordinance which had gained the force of law in France was the statute which forbade any king to give up parts of the royal domain, thus putting a limit on the possible prodigality of a careless king (Seyssel 1558, 36). In the words of Michael Randall, "the contract of mutual obligation underlying this political organization depended thus on multiple voices or wills to restrain the will of the king", which "can be understood as objective presences within the state, and, as Seyssel describes them, are critical to its well-being" (Randall 2008, 129). But, when making the case in favor of limiting royal power, both Fortescue and Seyssel were confronted by a major issue: if royal power in England and France was subjected to some other authority, then did that not mean a debasing of the royal office in the respective countries, especially when compared with the monarchies in other countries where such limits did not exist? Just like Fortescue, Seyssel answered with an emphatic "no", arguing that royal power "est plus digne, qu'elle est mieux reglée. Et si elle estoit plus ample & absolue, elle en seroit pire & plus imperfaicte" (Seyssel 1558, 13). Even though they had fundamentally different opinions regarding the state of the government in France, in this regard, Seyssel and Fortescue were of the same mind: an absolute power actually weakened the royal office, while a moderated power increased the honor and profit of the king.

As we already pointed out, the king played a great role in the kind of social mobility which Seyssel described. There were three estates in France, nobility, "peuple gras" et "peuple menu" and one could have passed from the third estate to the second only by his virtue and diligence, but in order to pass into the first estate, he needed the grace of the prince. Of course, Seyssel did not really abandon the principle of hierarchy which had dominated medieval political thought, claiming that "tout ainsi qu'en un corps humain, fault qu'il y ait des membres inferieurs" (Seyssel 1558, 16), but his hierarchy was far more fluid. The purpose of such fluidity was to achieve the traditional desire for unity within the body politic: if

one can ascend to the next estate, then he will be content with this hope and will not plot against the other ones. The danger of discontent had been well understood by that time and suggestions about how to avoid had always been made: the traditional advice was that the king should distribute "goods and honors" fairly, but this solution presented a problem, namely that such distribution often depended on one's social status. A noble obviously could expect greater favors from the king than a mere commoner. Theoretically, at least, the idea of social ascension, which could have mitigated this issue, was hard to reconcile with the traditional metaphor of the body politic. That was because, as Nicole Hochner explained, it was undeniable that a body was composed of unmovable members and to put a commoner in the place of a royal councilor led to a deformation which the metaphor of the body did not know how to tolerate (Hochner 2008, 81). The humoural theory provided the much needed solution to justify in theory something which had already started to be practiced in the fifteenth century. Yet, while the method to maintain the balance of the body politic changed, Seyssel kept the king as the lynchpin of this prophylactic process. Nannerl Keohane described Seyssel"s constitutional system as monarchocentric, one where "all authority flows from the king, all institutions are organized around the throne. The patterns of activity in the *corps mystique* do not flow upwards; the only connections are from the top downwards, in a pyramidal fashion" (Keohane 1980, 41). Seyssel had used the analogy of the humours to argue in favor of mobility and the same analogy served him to illustrate the dangers to the body politic and the need for the king's intervention in order to remove the peril: "Tout ainsi que d'une maladie qui vient à quelqu'un des membres du corps par mauvaises humeurs qui sont au dedens: Car encore que lon oste la douleur en partie & à temps par remedes applicquez au membre dolent: Toutesfois si lon ne purge lesdictz humeurs, dont procede la naissance du mal, c'est toujours à recommencer" (Seyssel 1558, 41). Even more, the social mobility recommended by Seyssel is a delicate process, one which could upset the balance of the whole, and the author himself was aware of this. Therefore, the king must have taken care that social mobility did not lead to open discontent, due to some of the estates encroaching upon the domain of others, or that the superior estate did not become too insolent or ruined itself through some mistakes, such as excessive luxury.

In order for the kingdom's health to be preserved, it was necessary for its physicians to possess the necessary knowledge so that they would apply the adequate cures. The medical paradigm of that period insisted

very much on the proper training of the physicians, less the life of their patients might be endangered. There was a genuine interest for the patients' well-being, but a professional rivalry between the physicians who had been taught the principles of Galenic medicine in Universities and the so-called "empiricists", who had not, was also at play here. In the opinion of Claude de Seyssel, the same requirement applied to political physicians as well (Seyssel 1558, 21) and, for this purpose, he provides specific instructions regarding the government of France, of matters of war and peace, justice and administration. If the prince was properly trained in governance, then he would easily achieve "la conservation de ceste monarchie de France, causée par l'entretenement des subiectz de tous estatz en bon accord & au contentement d'un chacun: car puis que cela est la cause principale de la conservation & augmentation d'icelle monarchie, comme lon void par experience, est moult requis de l'entretenir & garder qu'elle ne vienne à roture & discord" (Seyssel 1558, 36). It is for this reason that Seyssel, albeit differing from Fortescue regarding the worth of the French monarchy, displayed the same pragmatism, leaving the field of abstract theories in order to make specific recommendations about the methods of governing France: while a theoretical explanation was useful, Seyssel asserted that the best means to provide proper training was to give practical advice. If such advice was heeded, then the kingdom knew glory and riches. Just like Fortescue emphasized the economic consequences of the government, for Seyssel, economic expansion could bring both wealth and social justice, so ultimately the question was how society promoted and acclaimed individual achievement. Activity and growth were at the heart of the Seysselian project, while the notion of idleness meant corruption and death (Hochner 2012, 623).

Seyssel's treatise has been considered by historiography as having a significant impact on French constitutionalism during the sixteenth century. It certainly provided a model of government which could have become feasible if the circumstances had been more favorable. Fortescue's description of France as a realm governed through king's will alone was certainly not shared by Seyssel and rightly so, because it was not at all accurate. It was possible for the king to make decisions on minor matters without input from the corporate bodies on which they impinged, but major matters required consultation (Baumgartner 1995, 5). But, at the same time, it was also possible for the king to flout, at least on occasion, such constraints, for instance through the practice of ordering the Parliaments to register even those royal edicts which they objected to.

Seyssel's vision reflects both these realities, by embracing simultaneously a restrained and an unlimited understanding of monarchical power (Randall 2008, 123). Seyssel was undoubtedly confronted by the same dilemma as all the other political theorists before him, trying to reconcile the necessity of a limited royal power, which was seen as the best form of government, with the difficulty of ensuring that the king will accept these constraints. The key was the voluntary submission of the king to his own laws, hence Seyssel and Fortescue both emphasized that not to do so meant to weaken the king's power. Still, *La Grande monarchie de France* marked a step in the evolution of political practice by explicitly carving out a critical space in regards to monarchical power at the same time that it identified the king's power as absolute and unconstrained by any other will (Randall 2008, 129).

4. Conclusions

The path opened by Fortescue and Seyssel was soon followed by others, with the previously universal body politic becoming more and more openly nationalistic. In England, works such as those written by Thomas Starkey, Thomas Smith, William Averell, Richard Hooker dealt first and foremost with the English commonwealth, while in France we have first and foremost François Hotman's *Francogallia*. Fortescue's legal legacy also left its imprint, with his idea that the king could not legislate by his own will alone, without the consent of his subjects, becoming a cornerstone of English political thought during the sixteenth and the seventeenth centuries. In France, though, Seyssel's legacy was more complex than that, as, with the start of the religious civil war, French political thought becomes openly sectarian: on one hand, Seyssel's advocacy of what could call a restrained monarchy was certainly to the liking of the Hugenot monarchomachs and the Catholic League which openly opposed a monarchy which they deemed treacherous and tyrannical. Regardless whether Seyssel's idyllic picture of the French monarchy was correct, it was not going to last anyway under the blows of religious differences: his proto-constitutionalism gave way to a rebellious literature in the second half of the sixteenth century, both Huguenot and Catholic, who went as far as to ask the removal of the unfit monarch, deemed as tyrant, using corporal imagery to make their point.

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