

Philosophical Foundations of Political Discourse

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The Rhetoric of Tyrannicide in Early Fifteenth Century France: Jean Gerson's First Reply to the *Justification* of Jean Petit*

Abstract: The problem of tyranny was one of the most complex issues medieval political thought had to contend with. The consensus was that tyranny was evil, against the laws of God and nature, and destructive for the “body politic”, but, at the same time, there was a great deal of hesitation in recommending adequate solutions. The most straightforward ones, sedition and the slaying of the tyrant (“tyrannicide”), naturally made medieval political theorists uncomfortable, because such remedies could have been equally damaging to the common good. In early fifteenth century France, during the power struggle between John the Fearless, Duke of Burgundy, and Louis, Duke of Orléans, the concept of “tyrannicide” found itself the focus of the French political debate, as the Duke of Burgundy tried in this manner to justify the murder of his rival. Two figures were prominent in this ideological clash: Jean Petit, theologian of the University of Paris, and Jean Gerson, chancellor of the same University. This paper aims to analyze the context of the dispute and the argumentation involved, taking as a case study Petit's own *Justification* of tyrannicide, and the first attack Gerson launched against Petit's doctrine, in a sermon before the Court, called *Rex in sempiternum vive*.

Keywords: tyranny, tyrannicide, Jean Gerson, Jean Petit, John the Fearless

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1. Tyranny and tyrannicide in medieval political thought

The issue of good governance and what it implied was at the core of medieval political thought. The political writers of that age spent much time and effort to define and explain the characteristics of what they considered to be the ideal government. Even though there were some differences as it concerned the details of the matter, it can be said that, relatively speaking, there was a great degree of consensus over the fundamental issues. With the exception of theorists from the northern Italy, who still favored the republican government – even though, by the fourteenth century, most Italian republics had turned into principalities –, medieval political thought was strongly pro-monarchical. Monarchy, and in particular hereditary monarchy, was held to be the best form of government. From the medieval viewpoint, there were strong arguments in its favor – and it was not just a desire to curry favor with the princely magnates of the day: monarchy imitated the strictly hierarchical celestial organization, so, to the theologically-inclined medieval political thought, it seemed like it had divine sanction. It conformed the best with the medieval principle of unicity of power, according to which just one person must be entrusted with the supreme authority in the state. As the state was considered to mirror the structure and organization of the human body, a king was regarded as being the most fitting equivalent of its main organ (head or heart). And there were practical reasons to favor it: hereditary monarchy was seen as the guarantor of order and stability in the realm, which were so precious to the medieval political thought, preventing the terrible danger of civil wars generated by the struggles for power which were more likely to occur under other types of government. No less a personality than Thomas Aquinas pointed out that „provinces or cities which are not ruled by one man toil under dissensions and are tossed about without peace” (Dyson 2002, 11).

But, despite the praise it directed at the monarchy, medieval political thought readily admitted that it might not have sufficed in order to provide good governance. For this reason, medieval writers were eager to provide the princes of the day with advice how best to govern their realms – a tendency which created an entire genre of political literature during the Middle Ages, the so-called „mirrors of princes”. In this regard, there is one fundamental difference between modern and medieval government: while the former relies heavily on the solidity and power of the institutions, the latter was heavily personalized. A bad king could literally undo his dominion. For this reason, the medieval political

literature focused greatly on the person of the monarch and it emphasized the necessity for the ruler to possess the four cardinal virtues, prudence, fortitude, temperance and justice, to which it added three Christian virtues, faith, hope and charity. That was because medieval political theory tied the idea of good governance to the notion of virtue: a good ruler was also a virtuous ruler and the idea that someone could disregard the norms of ethics for the sake of the state, which would emerge during the sixteenth century with the development of the concept of „reason of state”, was strongly disapproved of. If a ruler ignored the demands of virtue, he was disobeying God and the laws of nature and he ran the risk of turning into a tyrant. Just like the medieval political writers declared monarchy the best of governments, they were equally adamant that tyranny was the worst. A tyrant was described by Thomas Aquinas as someone „who oppresses with power, and does not rule with justice” (Dyson 2002, 8). Yet, tyranny was not the only type of government where the rulers oppressed the people. The requirements of justice could have been flouted as well by the other forms of „unjust rule”, such as oligarchy, the opposite of aristocracy, and democracy, the opposite of polity. What made tyranny the worst form of government was clearly explained by Thomas Aquinas in his work *De Regimine Principum*, who pointed out that „there is a still greater departure from the common good in a tyranny, where the good of only one is sought” (Dyson 2002, 12).

If there was no disagreement that tyranny was a bad form of government and contrary to the laws of God and nature, the issue what to do in case a realm was ruled by a tyrant was far more problematic. Medieval political thought acknowledged two types of tyrants: the first was the “usurper”, the one who did not have a legitimate claim to the authority he was wielding and who could have been lawfully resisted and slain by anyone. But if the tyrant’s power was legitimate, then the search for a solution was pushed into an impasse. Ancient Greek and Roman political thought did not have fundamental ideological objections to the idea that a tyrant could be slain for the sake of the polity – on the contrary, many regarded such an action as commendable. But this changed with the advent of Christianity and its insistence, coming from Saint Paul, that all earthly power, pagan or Christian, just or wicked, was ordained by God. Augustine insisted that even tyrants derived their power from God and they were the instruments of God, either to punish the people for their sins or to better prepare them, through their sufferings, for the eternal reward (Dyson 2001, 59). Therefore, according to Augustine, people “owe to rulers, no matter how wicked or tyrannical they may be,

not only obedience and reverence but respect and love” (Deane 1963, 144). The only situation where Augustine was prepared to make an exception was if the tyrant commanded something blatantly in contradiction with God’s will, but, even in such a case, what he recommended was passive disobedience, not active resistance (Dyson 2002, XXIX). Later theorists tried to provide other alternatives than Augustine’s unquestioning obedience. What made this issue so troublesome was the fact that medieval political theory was, in the attempt to solve the problem, confronted with a contradiction: tyranny was unnatural and destructive, it was agreed, but to recommend action against the tyrant meant to advocate sedition – something regarded as another ill which could befall a polity, often even worse than the tyranny which it was supposed to remove. In his book *Policraticus*, John of Salisbury claimed that it was “equitable and just to slay tyrants”, because a tyrant was a public enemy (John of Salisbury 2004, 25), but he also cautioned that the one who caused the death of a tyrant must not have been “bound to him by the obligation of fealty or a sacred oath” and suggested that it was more useful and safest to leave the fate of the tyrant in God’s hands (John of Salisbury 2004, 209). Thomas Aquinas addressed this matter as well and he was just as hesitant: he argued that if the tyranny was not excessive, it was “more advantageous to tolerate a degree of tyranny for the time being than to take action against the tyrant and so incur many perils more grievous than the tyranny itself”. Even if “a tyranny were so extreme as to be intolerable”, tyrannicide was not “consistent with apostolic doctrine” and “it would be a perilous thing, both for a community and its rulers, if anyone could attempt to slay even tyrannical rulers simply on his own private presumption”: action against a tyrant could be taken only by “public authority” which had the right to chastise or remove him and, if there was no such authority, then the only recourse was prayer to God (Aquinas 2002, 17-21). Despite the fact that armed opposition to the king did occur on many occasions, such events did not weaken the loyalty to kingship in principle and tyrannicide was advocated by few: instead, in order to counter the evil of tyranny, “sometimes the moral right of redress against bad government was given a quasi-judicial form so as not to require recourse to violence” (Black 1992, 148-152). A single factor ran through all medieval responses to tyranny: theorists always sought to limit, direct or punish the ruler in a personal sense, as the bearer of certain subjective moral qualities, rather than to control the actual exercise of the powers of his office and there could be no grounds for restricting the authority of a ruler whose moral will was oriented towards

the performance of just deeds (Nederman 1990, 194). As Cary Nederman argued, “the response to tyranny in the Middle Ages was thereby necessarily *ad hoc* regardless of the form it took, because tyranny itself arose from the vicissitudes of the individual ruler’s moral will and therefore could not be controlled or provided for in advance (Nederman 1990, 195).

2. The path to the 1407 “tyrannicide” and Jean Petit’s *Justification*

The problem of tyrannicide became a major point of contention in France at the beginning of the fifteenth century. The root of the issue can be found in the instability of the French government during the reign of Charles VI: starting from 1392, Charles VI was afflicted by frequent and lengthy bouts of mental illness, which created a power vacuum the magnates of the realm rushed to fill. Despite his illness, Charles VI remained on the throne, but the arrangements he made for the governance of France during his periods of incapacity were quite inadequate. Traditionally, the queen had the right to exercise the regency during the minority of her son and many queens did so, the most illustrious precedent being Blanche of Castile at the beginning of the reign of Louis IX. But, in this case, the king was not a minor and Charles VI vacillated over the provisions to be undertaken. In 1392, Charles produced the first in the series of ordinances that aimed to settle the governance of the kingdom if he died leaving a minor heir and to assign responsibility for the continued functioning of the government during his periods of insanity, even though this issue was not directly specified: the king established a college of guardians, which included the queen, his brother, Louis d’Orléans and his uncles (Adams 2009, 4-7). Next year, a new ordinance gave Louis the regency, but his ascent was regarded with displeasure by the king’s uncle, the duke Philip of Burgundy, who had dominated the French council of regency during the first years of Charles VI’s reign, until the king assumed personal control in 1388. The king himself feared being turned into a puppet by one of the two dukes and increasingly looked upon the queen to provide the governance of the kingdom during his periods of illness: she was already expected and asked to mediate between the parties in conflict, but a series of ordinances issued in 1402 and 1403 assigned Isabeau “guardianship of the government during the king’s absences” (Adams 2009, 9-11). But the enhanced powers of the queen never became a full regency: Isabeau was acknowledged as the leader of a new regency council, which included all the royal dukes, the constable, the chancellor and others of the king’s

regular counselors, who would rule by majority vote in Charles VI's name until he was sane and could resume power (Gibbons 1996, 54). Louis d'Orléans exploited the indecisiveness of his brother, Charles VI, to counteract the diminishing of his power: in a letter patent from 7 May 1403, the king asserted that any provisions from his recent ordinances which could have deprived Louis of his power were to be ignored and, therefore, the latter was perceived as the head of the government by the chroniclers, until the end of his life, in 1407 (Adams 2009, 14).

The king's indecisiveness and his incapacity to assume control of the government by himself or, at least, impose the queen's authority on his relations left enough room for the rivalry between the most powerful barons of France, the Dukes of Burgundy, Philip the Bold, then his son, John the Fearless, and the Duke of Orléans, to gradually get close to open civil war. Both had significant territorial holdings and both needed control over the French government – and, implicitly, over the kingdom's finances – in order to preserve and expand their dominions. The death of Duke Philip the Bold in 1404 exacerbated the issue, because it placed Louis d'Orléans in a dominant position which the new duke of Burgundy, John, was determined to challenge. Only a cousin to the king, in contrast with Louis, who was the son of a king and brother of another king, John was not entitled to a position on par with that of his rival, and queen Isabeau made that clear in the treaty of marriage between the dauphin, Louis of Guyenne, and John's daughter, where it was asserted that the interest of those more closely related to the royal family must precede John's (Adams 2010, 17-18). John's goal was to use the resources of the French Crown for the advancement of his own interests and, for this, control over the person of the king was essential: but since Louis d'Orléans had managed to seize power and dominate the King's Council, John's only choice was, in the words of Richard Vaughan, "to play the role of the leader of the opposition to the unpopular government of Louis d'Orléans and, more important, to the taxes which Louis found it necessary to raise", something which won him considerable popular support, so by 1405 he was regarded in France as an alternative to Louis d'Orléans (Vaughan 1966, 29-32). Yet, it was a choice which served him well, because, all historians agree, his popularity was one of the main tools which allowed him to seize control of the government or escape the consequences of his most audacious attacks against his enemies.

From the very beginning of his struggle to regain the position which his father, Philip the Bold, had enjoyed, John made use, in order to counter Louis' influence over the King's Council, of his popularity,

especially with the people of Paris, and engaged in a shrewd propaganda campaign which concentrated on the need for reform and seriously damaged his rival's reputation, by accusing him of mismanagement, disloyalty and tyranny. According to Emily Hutchinson, John and his men "worked diligently toward subverting the personal feud between princes into a public conflict involving the crown and the citizenry of the realm", "effectively vilified and alienated his enemies and their partisans by engineering an anticommunity of traitors" and, in this, John "conformed to the standard political discourse of the time wherein the diametrical opposition between good and evil, or good prince and tyrant, was effective even while it was commonplace" (Hutchison 2012, 4-5). The most intense episode in this aggressive war of words between John the Fearless and Louis d'Orléans occurred in the second half of 1405: in late August, the Duke of Burgundy rode towards Paris to pay homage to the king, but his powerful escort of eight hundred armed men unnerved both the queen and the Duke of Orléans, who feared that John might be intending to carry out a coup. Therefore, they left the city and attempted to have the dauphin follow them, but the latter was intercepted by John and brought back to Paris. John's seizure of the dauphin could have been interpreted as an act of *lèse-majesté* and John was aware of it: in order to parry such an accusation, the Duke of Burgundy wrote letters to the towns of the realm and the royal council, in order to persuade them of his good intentions and blaming Louis for all the ills of the realm, in particular the failure of justice, the inability of the government to pursue the common good and the lack of peace (Hutchinson, 12-14). All these charges were clear criteria for identifying tyranny. This time, the conflict did not spill into open war and a reconciliation was arranged. But, on 23 November 1407, the conflict entered its most tragic phase, when Louis d'Orléans was murdered by the men of his rival. Obviously, this was a far greater crime than John's 1405 seizure of the dauphin and, as Tracy Adams asserted, "the royal family received news of the act with shock and horror" (Adams 2010, 19). What made the act even more outrageous was its aftermath: in such cases, as "the medieval procedure was to confess the crime, ask for the king's forgiveness, make an assigned penance and pay the victim's family rightful compensation" (Mazour-Matusevich 2013, 122), but John flouted the accepted norms of conduct and instead launched another aggressive propaganda campaign to convince the king and the public opinion that his deed was praiseworthy. For this purpose, his previous attempts to suggest that Louis d'Orléans was a tyrant proved useful and that was the argument his men decided to capitalize upon.

Already, in December 1407, at Gand, before the Estates of Flanders and many of his supporters, John the Fearless delivered a first justification of his crime, which he reiterated later, in January 1408, during a meeting held at Amiens with the Dukes of Anjou and Berry, who had arrived to try to find an amiable solution to the crisis. Instead of asking for forgiveness, John asked for praise and rewards. In the words of Bernard Guenée, “in order to defend his honor, John the Fearless tarnished his victim’s” and this attitude, which stupefied the royal family, “paralyzed the reconciliation process” and prevented the peace (Guenée 1992, 188).

On 8 March 1408, Jean Petit, a theologian from the University of Paris, associated with the Duke of Burgundy, delivered, in front of an assembly consisting of the king, the queen, the dauphin, the princes of the blood, a number of scholars from the University of Paris, and representatives of the Parisian bourgeoisie (Hutchison 2012, 18) an apology of the murder (which came to be referred to as *Justification of the Duke of Burgundy*), where he depicted the act as a justifiable tyrannicide. Petit delivered his *Justification* under the form of a syllogism in two parts: in the first part, he tried to prove that a “tyrant” can be lawfully slain, and in the second, he argued that Louis d’Orléans was actually a “tyrant” and, therefore, deserving of death. In order to prove the culpability of the duke, Petit accused Louis d’Orléans of sorcery, of conspiring against the life of the king, the queen and the dauphin and against the welfare of the realm: thus, in Petit’s words, the duke was guilty of high treason and was, therefore, a tyrant. There were three major points raised by Petit in his argumentation: first, that the slaying of a tyrant was not homicide, but a just and lawful act; second, that a tyrannicide could be carried out even in the absence of a royal command and a judicial sentence; third, that the potential slayer of a tyrant was authorized to carry out the act even if he had sworn oaths of friendship to his future victim. The last specification was particularly necessary, because there had been such oaths between the two dukes and it was essential that the Duke of Burgundy not be seen as an oathbreaker. Petit’s conclusion was that John the Fearless’ deed was legit and should be rewarded, not punished (Douët-D’Arcq 1857, 177-242). Petit’s case, though, was not what one would call a classic defense of tyrannicide: the “tyrant”, in this case, was not the ruler of the realm, but, in Petit’s words, a would-be usurper. John of Burgundy did not owe the Duke of Orléans any fealty, but, still, the murder of a member of the royal family, one so close to the king himself, was, technically, high treason and an act of lèse-majesté. Fortunately for him, Petit did not have to wade into the far more

dangerous issue of whether a ruling prince could be killed in retaliation for tyranny and, as such, he could deliver his defense in the form of a profession of loyalty towards the king. Over how were Petit's arguments received, the historiography is divided. Yelena Mazour-Matusevich claimed that "Petit's defense found a significant support in the capital, both among the populace and the intellectual elite" (Mazour-Matusevich 2013, 123), while Jacques Krynen pointed out that both the people of Paris and the University of Paris were not disposed to weep for the Duke of Orléans (Krynen 1993, 291). It is perfectly true that John of Burgundy was extremely popular in Paris, but, despite his popularity, the chronicler Enguerran de Monstrelet's remark that the king's pardon was met with amazement by many "great lords and other wise people" (Douët-D'Arcq 1857, 244) suggests that at least the elites of the kingdom were not particularly impressed by Petit's rhetoric. Closer to the truth seems the assessment of Emily Hutchison who pointed out that many found the *Justification* "odd" or even "reprehensible" (Hutchison, 18). Petit himself seemed to have been aware that his arguments were likely to shock his audience and draw many enmities, since he took care at the beginning of his speech to specify that he "intended to injure no person, alive or dead" and that he spoke "at the command of the Duke of Burgundy", the justification being his and no one other's (Douët-D'Arcq 1857, 183).

3. Jean Gerson's Retort: The "Evil Doctrine" of Tyrannicide

For the moment, the reactions were muted, because John of Burgundy seemed too powerful to be attacked openly. Yet, the attitude of the duke and the *Justification* offered by Petit ran so contrary to the conventional political wisdom of that period that a blowback was only a matter of time. The one who literally became the champion of the campaign to have Petit's theses condemned was the chancellor of the University of Paris, Jean Gerson. The latter manifested a vivid interest in the governance of both the Church and the kingdom of France and tried to provide advice through sermons and tracts. In fact, his opinion on the governance of the Church, born out of the impossibility to end the Schism by persuading the papal claimants to resign by their own free will, led many to consider Gerson an early constitutionalist. Gerson asserted in his works that papal legislation required ecclesiastical consensus and, whatever laws the pope made, they only acquired force by being recognized by the Church (Posthumus Meyjes 1999, 259). According to Cary Nederman, the pope was strictly bound to observe the statutes of the

Church, which were neither his creation, nor at his disposal, but Gerson's requirement that the papacy must govern in accordance with law did not entail a denial of the papal plenitude of power and the limitation of papal authority could only be applied to the use of the powers at their disposal by individual occupants (Nederman 1990, 196-197). Despite some significant differences – such as the fact that he never envisioned a secular organism similar to the General Council of the Church, which could have held authority over a king –, Jean Gerson had similar opinions about the royal office. Just as it happened with the Roman pope Gregory XII and the Avignon antipope Benedict XIII, about whom Gerson had asserted in one of his sermons that they “had listened to the evil whisperings of the Devil, and the result was that the yearned-for restoration of unity seemed out of sight” (Posthumus Meyjes 1999, 141), so could kings fall prey to the temptation of sin or listen to bad advices and misuse their powers. In order for this not to happen, it was better if the king consented to a limitation of his own power, which would become thus much more durable. But that was something which the king was supposed to do of his own free will, for the preservation of his “civil life”: a king who despoiled his subjects angered God and Gerson was realistic enough to understand the risks such a king would incur, even from his own subjects, regardless of all the urgings in favor of obedience. In the words of Jacques Krynen, “it was striking to see the chancellor of the University of Paris obstinately refusing to use against the king the sovereignty-limiting theories which he opposed at that moment to the pope” (Krynen 1993, 360). Basically, if a morally corrupt pope, who harmed the Church, could be censored or even deposed by a General Council, there was no such option against a king: one could advise the king to change his ways, remonstrate with the king, even reproach him, but his potential deposition was never envisioned.

When addressing the topic of the royal power, Jean Gerson also broached the issue of tyranny. In his sermon *Vivat rex*, delivered in 1405, he described tyranny as “poison”, “venom” and “disease”, which caused the death of “the whole political and royal life” (Gerson 1824, 23). In his opinion, the king who fell prey to the temptation of tyranny risked causing his own destruction and a more restrained royal power was better, because it was more durable. But Gerson also cautioned against trying to counter tyranny by sedition, because such a remedy would have been worse than the “disease” (Gerson 1824, 24). According to Catherine Brown, there is a strong stress in Gerson's writings on the duty of inferiors to be obedient to superiors, even though the obedience due was

not absolute and it stretched only so far as the superior had legitimate authority: even so, he could not envisage society functioning in any other way than as a hierarchy with downward responsibility and upward obedience (Brown 1987, 167-168).

It is plainly obvious that Petit's *Justification* could not have been to Gerson's liking, but, initially, he did not speak against it. At the time, all of Gerson's attention was directed towards the means of ending the Schism. The king, who, at the time of Petit's address, was persuaded to grant the Duke of Burgundy a pardon, was beginning to change his mind, declaring that justice will be done and, if the Duke of Burgundy did not submit to him, war was going to be declared (Posthumus Meyjes 1999, 140). The dowager duchess of Orléans entered Paris and appealed to the king for justice on 5 September 1408, while, six days later, the abbot of Cérisy denounced Jean Petit's defense of John the Fearless (McLoughlin 2015, 122). But punishing John was not possible without a devastating civil war, because, by that time, the possessions of the Duke of Burgundy were literally becoming a *de facto* independent state in eastern and northern France, allowing him to challenge the royal authority with impunity. Such a prospect could only have troubled Gerson and, despite all his antipathy towards Petit's arguments, he advocated again reconciliation in his sermon *Veniat pax*¹. But Gerson's approach was wholly different from Petit's: unlike the latter, Gerson acknowledged John's crime, but he begged for mercy. in order to avoid the sufferings of the people, which would inevitably follow any attempt to punish the Duke of Burgundy (McLoughlin 2015, 122) and urged the princes of France to instead use all their efforts to come to the aid of the Church and end the Schism (Posthumus Meyjes, 141). This kind of argument was more palatable to the traditional medieval political thought. Yet, the peace Gerson was calling for did not come: even though the sons of Louis d'Orléans – whose supporters came to be known as “Armagnacs”, after Bernard VII d'Armagnac, the father-in-law of Charles d'Orléans, the eldest son of the late duke – reconciled with John at the beginning of 1409, this settlement had collapsed by 1411, when they issued the Jurgeau manifesto, asserting their intention to achieve justice and restore their

¹ The date when *Veniat Pax* was delivered is subject to some dispute: Bernard Guenée claimed that *Veniat Pax* was delivered in February 1409, shortly before the Treaty of Chartres between the Houses of Burgundy and Orléans (Guenée 1992, 215-218). Yet there seems to be a greater consensus in favor of an earlier date, Louis Mourin, Brian Patrick McGuire, Nancy McLoughlin or G.H.M. Posthumus Meyjes indicating November 1408.

family's honor, and took arms against the Duke of Burgundy (Hutchison 2012, 19-22). On 27 April 1413, an uprising took place in Paris, led by Simon Caboche, in support of the Duke of Burgundy, and Jean Gerson was personally affected by it, as he was forced to flee to the high vaults of the Notre Dame cathedral, after his house in the cloister was pillaged (McGuire 2006, 21). This event led to a complete break of relations between Gerson and the House of Burgundy, to which he had been closely linked in the past, as Duke Philip the Bold had been his protector at the beginning of his ecclesiastical career. Afterwards, when the Burgundians lost control of Paris, Gerson launched himself fully into the campaign against Jean Petit's theses: a certain degree of opportunism might indeed be suspected, but it is also very likely that Gerson had never been comfortable with his silence on the issue, as he confessed later, during the Council of Konstanz, with a quotation from the Bible stating "*Vae mihi quia tacui aut quia non celerius, patientius, crebrius et constantius memet istis erroribus opposui* (Woe to me because I was silent or because I did not more quickly, more openly, more often and more consistently oppose these errors)" (McGuire 2006, 22).

Yet, the attack against Jean Petit's *Justification*, which began in earnest with Gerson's sermon *Rex in sempiternum vive* and which unfolded at a council of faith for the diocese of Paris, was not necessarily an attempt to prosecute the Duke of Burgundy. The relatives of Louis d'Orléans had made repeated pleas to the king in the past for justice and, by 1413, their faction seemed to have gained the king's favor again: it mattered little in this regard, though, because, at that time, the royal authority was much too weakened to actively try to punish so powerful a lord like John the Fearless. That was not Gerson's concern, though, because carrying out justice was a matter for the king and his council and Gerson, as a theologian, had nothing to do with it. It was the ideological challenge which Petit's arguments put forward, backed with examples from the Bible and classic philosophy, that unnerved Gerson. More so, for a cleric as obsessed with sin as Gerson, there was one further matter to consider: as previously mentioned, Gerson was urging the forgiveness of John's crime in the interest of a general peace, but it was also the firm belief of the chancellor, as expressed in his previous sermons such as *Vivat rex* that the sins committed by the members of the French body politic would bring great calamities upon the realm. He asserted just as much in front of the king and the whole Court when saying that "for the sins of the body mystical, be them in the head or in the members, we face great corporal and civil dangers, and especially when they are horrible,

strange sins, ugly and evil against God and nature” (Gerson 1824, 47). By 1413, all efforts to bring about peace in France had proved in vain and all previous agreements, such as the Treaty of Chartres from 1409, which was supposed to reconcile the Houses of Orléans and Burgundy, proved futile. For a theological mind like Gerson’s, it certainly must have looked like God himself would not sanction peace in France and the reason could not have been other than Petit’s erroneous and sinful doctrine. As Bernard Guenée pointed out, a true peace must have been a spiritual peace as well, based on justice and truth, not on sin and error: what prevented peace was not the murder of the Duke of Orléans, which could have been forgiven, but the persistence in so grievous an error (Guenée 1992, 232-233). Therefore, as Alfred Coville asserted, what occurred between December 1413 and February 1414 was “a trial of doctrine which opened before the Faculty of Theology, then before the Bishop of Paris and the Inquisitor against ideas considered subversive for the faith and good morals, without, in the beginning, the name of its author being uttered and without seeking anything else than a purely doctrinal condemnation” (Coville 1974, 438). And, for a greater effect, Gerson reframed the issue at stake: while Petit talked exclusively about an usurper-tyrant, not a ruling prince, the chancellor addressed the matter of tyranny and tyrannicide in a more general sense, in order to “confuse his adversary and ensure the necessary condemnation of his theses” (Krynen 1993, 361).

Gerson opened his attack against Petit’s doctrine in a sermon, *Rex in sempiternum vive*, delivered on 4 September 1413. He did not necessarily seek vengeance against the Duke John the Fearless and, in the opinion of Louis Mourin, tried to temper the intransigent attitude of the Armagnacs, but, on the other hand, he “wanted the Duke to admit his mistake” (Mourin 1952, 213-214). According to Jeannine Quillet, Gerson used the concept of *corpus mysticum* to condemn in turn both tyranny and tyrannicide (Quillet 2001, 153). Yet, the statement can be a bit misleading, because Gerson did not use much corporal imagery in his refutation of Petit’s these. True, in his sermon, Gerson reiterated again the concept of the three lives of the king – corporal, political and spiritual – and compared the state with the human body, where the king played the role of the head, while the three Estates, “chevalerie”, “clergie” and “bourgeoisie”, corresponded to specific parts of the body, the chest/arms, the stomach and the legs, respectively. But he did so in order to deliver a more plastic image of his ideal political model, without focusing on body analogies when addressing Petit’s arguments. *Rex in sempiternum vive*, like other sermons of Gerson preached before the king and the Court,

attempted to lay down the principles of good government. At first sight, there was not necessarily a direct link between Gerson's advices on the matter and Petit's theses. But, in truth, Gerson ample preamble provided the necessary framework for his condemnation, because the "pernicious doctrine" of Jean Petit threatened the good functioning of the government and the fabric of society. The fact that, despite that the biggest part of the sermon's text consisted of political advice for the king, the *Justification* of Petit was at the center of Gerson's concern can be inferred from his reference, right at the beginning, to a statement attributed to Saint Remy, asserting that "the royal lordship would last as long as the true faith and justice dominated in his [Clovis'] kingdom" (Gerson 1706 IV, 658). Justice was indeed one of the foremost duties of a prince, but, in this case, it is likely that Gerson did not make just a simple remark: since the family of the late Duke of Orléans had consistently petitioned the king for justice since 1408, with the chancellor addressing in the same sermon the issue of Jean Petit, the hint could not have gone unnoticed by his audience. And Gerson reiterated the point later in his sermon when he associated the cardinal virtues with the king and the three estates of the realm, one each: the king possessed the "dominating virtue", through justice, the chivalry defensive virtue, through strength, clergy illuminative virtue through prudence, the bourgeoisie substantive virtue, through temperance (Gerson 1706, 663-664). The king's main task was to provide justice for his subjects, because, without it, no peace could be had.

Gerson's political program, as expressed in *Rex in sempiternum vive*, was quite modern and parts of it were described by Brian Patrick McGuire as "national feeling *avant le mot*", because Gerson believed in "attachment to monarchy as the basis for an identity he traced back to the time of Clovis" and considered that "a shared belief in community was the only way to avoid more conflict" (McGuire 2005, 230). For Gerson, the monarchy identified with France and, thus, when he urged the lords not to convert their valiance and strength into the destruction of their country, he pointed out that, in this way, they would act contrary to the civil life of the king (Gerson 1706 IV, 661). It was an argument which resonated strongly at the beginning of the fifteenth century, when feudal loyalty was directed much more towards the person of the monarch and not towards an abstract political entity. This recommendation seemed neutral enough with respect to the civil war which had engulfed France in the years before, but some other assertions looked like they were directed more at the Duke of Burgundy than at his rivals. Jean Gerson asserted that, just like the body has only one head, the royal authority must not

constitute multiple sovereign courts of justice, that it must be stronger in arms and council than any of its subjects and that no one should be able to wage war or bear arms without the consent of the same royal authority (Gerson 1706, 666-668). With these words, Gerson pointed out the main problem of the kingdom of France at the beginning of the fifteenth century, which was the massive dissolution of the royal authority. In a different context, these statements could have referred to the Armagnac party just as much as to the Burgundian faction, but, in the context of the dispute about tyrannicide, John the Fearless had to be, by design or not, the central figure of Gerson's allusions. That was because the Duke of Burgundy had been the main beneficiary of this state of anarchy and weakness of central authority. No matter the arguments of his lawyers, it is doubtful that John the Fearless could have enjoyed such impunity for his crime had France had a more powerful king. Originally, the royal family was very much disposed to punish the duke – and, despite his influence, John the Fearless himself was uncertain about the king's reaction, as suggested by his decision to flee from Paris in the aftermath of the murder –, but the fact that his domains had literally become a state within a state in France and the duke himself became a real challenger to the royal authority made the enforcement of any royal decision against John virtually impossible.

After his lengthy consideration about the government of France, Jean Gerson finally launched his direct attack against Jean Petit, rejecting seven of his "assertions". Some historians referred to them as seven "theses", but the term is misleading to a certain extent: there were no such seven independent theses which Gerson countered. There were two principal arguments, first, that an individual is allowed to slay a tyrant, even in the absence of an official sentence, without the act being considered a crime, and second, that it was permissible to do so even by persons who were bound by oath not to. Yet, Gerson had altered the words of his opponent: in his sermon, Gerson stated the first "assertion" as being "each tyrant must and can be lawfully and meritoriously slain by any vassal or subject of his, in any manner, by laying a trap for him, by flattery or praise, notwithstanding any oaths or leagues made with him, without waiting for the sentence or the permission of any judge" (Gerson 1706 IV, 669). Yet, Petit never made the argument that a tyrant could be slain by his vassal or subject: the particular nature of the case he was defending made this, to his great fortune, unnecessary. On the contrary, by accusing, as we have shown, the Duke of Orléans of crimes against the king and the public good, Petit claimed that the murder was actually

committed in defense of the king against a treacherous subject. But Gerson ignored this aspect of Petit's *Justification* and he did so because, as Brian Patrick McGuire pointed out, Jean Gerson was not just "analyzing a sermon", but "he was combatting an attitude he believed the sermon had fostered: that it was not only legitimate but even praiseworthy to kill a tyrant" (McGuire 2005, 231). McGuire's remark though, although technically correct, is, in our opinion, incomplete: had Petit limited his argument to the idea that a subject can slay a potential "tyrant" in order to protect his lawful prince, there was a good chance his statements would not have drawn Gerson's attention and the dispute would have been left to the House of Orléans, in order to defend the honor of their patriarch and disprove Petit's charges. After all, it was conventional wisdom in the Middle Ages that an illegitimate tyrant could be lawfully killed. But, if Gerson altered the original meaning of Petit's argument by including the words "any vassal or subject of his [of the tyrant]", the rest of the assertion concurred pretty much with Petit's *Justification*. In fact, in his speech, Petit devoted a great deal of words to prove that someone could slay a tyrant even of his own initiative, without or even against the command of the king. To Gerson, who had insisted so arduously that the king was the source of justice in his realm, this could not have looked like anything else than an attempt to subvert the king's authority – especially since in this case the victim had been the king's own brother. More so, what Petit had suggested undermined the entire lawful process which made exceptions to the biblical tenet *non occidere* possible: for a homicide to be lawful, it needed *justa causa* – the slain person should merit death; *justus animus* – justice, not desire for vengeance should motivate the killing; and *justus ordo* – a lawful procedure (Guenée 1992, 235). Only a lawfully constituted authority, in this particular case the king, could have ensured that these criteria were met.

Gerson continued by explaining his rationale for rejecting Petit's supposed argument. Not only that this assertion stood against the biblical command *non occidere*: if that was only the obstacle to stand in Petit's way, it could have been overcome, because medieval theorists admitted that it was not an absolute rule and there were situations when slaying an individual could have been acceptable. The problem was, in Gerson's words, that the respective assertion "subverted all public things of a certain king or prince" and led to "all disobedience of the subjects against their lords, all disloyalty, all defiance from some to others and, consequently, to eternal damnation" (Gerson 1706 IV, 669). In order to emphasize even stronger his displeasure with Petit's statement that a tyrant could be killed

even in absence of due process, Gerson rejected all his examples from the Bible which he had used in order to construct his case.

Besides the previously mentioned statement regarding the slaying of tyrants, at the end, Gerson pointed out another major disturbing idea expressed in Petit's *Justification* and, this time, he had no need to alter any words, because Petit himself had explicitly insisted on the matter. Petit had stated that, in order to slay a tyrant, it was permissible to disregard any agreements one had made with him or any oaths sworn to the respective tyrant. Basically, in addition to *non occidere*, Petit was breaking an even more fundamental biblical principle, *non perjurabis*. And, if it was possible to violate an oath, then no stability was possible any more in the world and in the polity (Guenée 1992, 235). Therefore, the king should banish this "evil doctrine and heresy" from his kingdom (Gerson 1706 IV, 670). After delivering this advice to the king and the Court, Gerson elaborated further, addressing the pernicious nature of this idea from two angles, theological and political. From a theological perspective, Gerson pointed out that perjury was a greater sin than homicide: it was blasphemy against the truth of God (Gerson 1706 IV, 671). And, with regard to the political implication of Petit's last assertion, Gerson indicated that "the one who asserted that in certain cases someone could lie or perjure his faith destroyed all human polity", destroyed "all peace and alliances and made the body of the public thing as it were without nerves and connections" (Gerson 1706, 671). Gerson evoked thus the image of a body torn apart: the corporal imagery, which had been so dear to Gerson when talking about the organization of the polity, but was conspicuously absent in his initial barrage of words against Petit, was finally called upon to deliver the final and the most powerful blow. Perjury led to the breakdown of the body politic, by destroying its peace, and Gerson allowed no doubt about the responsibility involved, when stating that "those who break peace treaties confirmed by oaths are the cause and guilty of all the evils which occur in wars, in pillages and destruction of peoples and countries" (Gerson 1706, 672).

4. Conclusions

Rex in sempiternum vive was only the beginning of Jean Gerson's efforts to obtain the condemnation of Jean Petit's thesis. If, initially, the University of Paris had been sympathetic to the Duke of Burgundy, now, helped also by the favorable political situation which saw the enemies of John the Fearless in control of Paris, Jean Gerson managed to rally the

University behind him in the struggle against Petit's *Justification*. On 30 November 1413, a council of faith for the diocese of Paris opened up, whose main concern was the question of tyrannicide (McGuire 2006, 22). Shortly after its start, Gerson delivered another sermon, called *Ecce rex*, on 4 December 1413, at the royal residence of Saint-Pol: on this occasion, he approached again the subject of tyrannicide, but this time there were some significant differences from *Rex in sempiternum vive*. It is possible Jean Gerson might have felt that Petit's defenders could have argued he altered the meaning of the *Justification* and he wished to guard himself against such an eventuality. While *Rex in sempiternum vive* was a general condemnation of the tyrannicide doctrine, *Ecce rex*, on the other hand, addressed the specifics of Louis d'Orléans' murder: in particular, he emphasized the complete lack of due process in this case. Four main points were raised by Gerson: first, that Louis d'Orléans was not the subject of John the Fearless, who did not have any kind of jurisdiction over him; second, that the Duke of Orléans had not received any warning about his conduct, there was no sentence against him and his alleged crimes were not so notorious as his guilt to be beyond any shadow of doubt; third, that the Dukes of Burgundy and Orléans have sworn multiple oaths of friendship in the past, which forbid them to cause harm to each other, by themselves or by the hand of others; fourth, that the Duke of Orléans, who did not suspect anything, was slain with "a sudden and most atrocious death, like a dog" (Gerson 1706 V, 334-335).

The outcome of the council of faith from Paris, thanks in no small part to Gerson's own effort, gave complete satisfaction to the chancellor and to the Armagnac faction. It concluded by condemning nine propositions that were seen as contained in Petit's teaching (McGuire 2006, 22), and, on 25 February 1414, Jean Petit's *Justification* was solemnly burnt in front of the Notre-Dame cathedral (Vaughan 1966, 196). Yet, that was not the end of the matter. The Council of Konstanz provided the Duke of Burgundy, who was a shrewd propagandist and was already searching ways to undo the damage Gerson's efforts caused to his reputation, with an excellent chance to reopen the issue. John the Fearless already had decided to appeal to the Pope John XXIII (Coville 1974, 504-507). The results of the struggle at Konstanz over the condemnation of Jean Petit were inconclusive, because John the Fearless defended, with a tenacity which equaled Gerson's, the thesis of Jean Petit – and, implicitly, his own reputation –, through his embassy at the Council, led by Martin Porée, the Bishop of Arras (Vaughan 1966, 211-212). On 6 July 1415, the Council condemned in general terms the justification of tyrannicide

(McGuire 2005, 24), but, gradually, after the French defeat at Azincourt, French influence at the Council (and Gerson's own) started to decrease and the efforts of the Burgundian delegation to undermine the anti-tyrannicide campaign started to bear fruit. On 15 January 1416, the Council annulled the sentence imposed two years earlier by the Bishop of Paris against Petit's *Justification*, under the pretext that it was not a matter of faith and, therefore, it could not be judged by an ecclesiastical tribunal (Guenée 1992, 255). Gerson continued to speak against Petit and the doctrine of tyrannicide, in sermons such as *Suscepimus Deus misericordiam tuam* and *Deus iudicium tuum*, but to no avail. The debate received a new impetus when a Dominican monk, Johann Falkenberg, in an echo of Petit's theses, argued that sometimes it was lawful to kill a king: Falkenberg made himself the voice of the Teutonic Order's resentments against the Polish king, who had defeated it at Grünwald. The Polish delegation, confronted with the new pope's, Martin V, hostility, appealed to the Council and insisted that his doctrine be condemned, a position which Gerson supported (Posthumus Meyjes 1999, 202-203). But, even though the Council declared Falkenberg's arguments scandalous and insulting for the King of Poland, it refused to declare them heretical (Guenée 1992, 255). For Gerson, though, this campaign bore great personal costs: with the Burgundians taking control of Paris in 1418, it became impossible for the chancellor to return to the city after the Council of Konstanz and it was compelled to spend the rest of his life in exile, first in southern Germany, then in the territories controlled by the (future) Charles VII, at Lyon.

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