

# **Governing Rhetorics in Transitional Politics: the case of Henri IV of France (with some Dutch comparisons)**

This is a bespoke paper, the subject indicated by Ido de Haan, and one that leads me into unfamiliar terrain: comparative political history, institutional history, the history of the early Dutch republic. It contains no new research; and possibly, especially on the Dutch side of things, it perpetuates, rather than interrogates, some hoary old myths. The purpose is to establish some of the terms of engagement for our comparative discussion of these early-modern transitions. I began with the striking statement in Ido's position paper. 'Political transitions involve institutional breakdown and reconstruction. The experience of violence and unlawfulness is determined by the failure of core institutions of politics and law to create a stable and peaceful environment for the negotiation and adjudication of social conflict. The transition to a new regime is first and foremost defined by its ability to create a set of institutions, capable of channelling violent conflicts into mutually acknowledged and binding compromises'. To what extent does that delineate the processes at work in the early Dutch Republic, or in the wake of the French wars of religion?

The first two points I make are obvious, but worth bearing in mind as we attempt a comparative discussion in a plurisecular space. The first is that the balance between what I call 'formal power structures' and 'informal power structures' is different from a later period. Because of that difference, there is a correspondingly greater emphasis placed not upon creating sets of institutions, or upon institutionally-based reconstruction as such, but upon projecting power, upon dominant political ideas and ideals that were

over and above the local, and which could break down tensions and represent the harmony of the newly-established order. We might want to call this ‘steer’, or even ‘spin’. I am going to call it ‘governing rhetoric’. The second is that the balance between civil and ecclesiastical institutions is correspondingly more important in the post-reformation. One cannot discuss the one without reference to the other and, however inadequately, I try to incorporate both into the analysis.

Many of the issues I discuss are dealt with in greater detail, and better, by other papers to the conference. Let me therefore in this presentation highlight some of the points on which it might be worth focusing here. The first is that, in the case of both the Dutch Republic and early Bourbon France, institutional continuity is more evident than institutional breakdown and reconstruction. That is another way of saying that we have some difficulty in defining our transitional periodisation. In the case of France, we might want to say that the wars of religion were (as the Huguenots might have seen it) a period of ‘failed transitional politics’. In the paper, I discuss how difficult it is to establish what their objectives for a new order might have been. At best, the Huguenots succeeded in establishing themselves as a minority in the state, one which could not be ignored. They established their own institutions – churches with officers and consistory courts, provincial synods, national synods (notionally every three years) and (eventually) some colleges and academies. But they were on a voluntarist basis, dependant on the confessional loyalties of their adherents, vulnerable (therefore) to the local ebb and flow of reputation, persuasion, dominant opinion and shared senses of belonging; not so much a state within a state, but an NGO (‘non-governmental organisation’) within a state. Most controversially, they summoned ‘political assemblies’ on a regional basis which might

have become, in the eyes of some historians, the basis for a new state, the ‘United Provinces of the Midi’. As things turned out, however, these prototype assemblies remained embryonic. So the successful transitional politics in France is, in fact, a monarchical restoration, with all that that implies for institutional continuity and for the governing rhetoric that it generated. In the Netherlands, transitional politics became perpetual work in progress, a way of life. It seems to me difficult to determine at what stage one might declare that the period of transition from the Revolt was over; and the perpetual transitionality of the early Dutch republic is what governs its institutional evolution and the governing rhetoric surrounding it.

I then look at three areas in somewhat greater detail. The first relates to what one might call specific institutions of transitional justice. What was there of that kind in these two cases? In the United Provinces there were no institutions of transitional justice because there were few active ‘agents’ to be investigated. There had been deaths, destruction, and victims, of course, and on both sides. But wrongdoers, collaborators, neutrals, promoters, wreckers – these were mitigated by the military division between north and south. The only ‘agents’ in question were those whom had chosen refuge – mainly Walloons from the south to the north. And the story of the refugees is not one of clamours for transitional justice but successful integration and remarkable contributions in particular sectors to the economic success of the nascent Republic. They were not interested in retribution and it was in the nature of their situation that they needed no protection against reprisals from a suspicious host population. If anything, they had learnt the lessons of surviving conflict the hard way and were inclined to be large-minded towards those of opinions different from their own. The refugees were part of the

success-story of the Dutch Republic. Its extraordinary success – military and naval in bringing Spain to the negotiating table in 1607-9, economic in laying the foundations of a maritime empire - provided the flux for transitional politics. In this perspective, it was transition to a great European power. Such success was the emulsifier for the nightmares of the Revolt. It brought with it new preoccupations, a few new institutions (the India Companies), and the new urgency of a *realpolitik* – the kind of state rationality that put distance and perspective upon the emotions of the past.

In France, we might want to see the Pacification of Nantes was the embodiment of transitional justice, Bourbon-style. That style involved, firstly, the deployment of the instruments of justice to establish the ‘boundaries’ between protestant and catholic religious communities. The act laid down (and in considerable detail) the ‘privileges’ accorded the protestant minority by way of what kinds of local communities and individuals should enjoy rights of public worship. But the edict needed the approval of the independent-minded senior magistrates in France’s Parlements; and, even more, it required negotiation and mediation at a local level for it to work. Fortunately, earlier edicts of pacification had proved what worked and what did not, and trained a generation of crown servants in how to negotiate such matters, and with whom. The commissioners for the edict of Nantes were its unsung heroes (unsung because, with the notable exception of the province of Dauphiné the detailed documentation relating to their activities has been lost). They were chosen by the king from both protestant and catholic backgrounds, leaning towards a balance of legal skills, known moderation, and respect for the individuals from the locality to which they were sent. We can follow them, however, through various provinces in the wake of 1598, summoning local notables and

lecturing them on their responsibilities, painstakingly listening to remonstrances from both sides, and conducting on-site visitations where necessary to decide on the where to build a temple, or where to site a cemetery. Eventually they arrived at judgments of Solomon (mostly based on equity, the edict providing them with little by way of law to go on, and precedent being no help at all – and that was a difficult principle for professionally-trained French magistrates to apply). Not surprisingly these often suited neither side (generally a sign that they had done their job well). We should not overestimate their success, either immediately or in the longer term. They might be able to decide upon the composition of a local consulate on the basis of a power-sharing arrangement in the short term, but it was anyone's guess as to how long it might last into the future. Dealing with the sensitive issues of religious practice – the route of catholic processions, whether Huguenots should be required to venerate the Holy Sacrament or stop work on catholic feast-days, contestations over the performative religious practices of penitential confraternities – were never likely to be resolved by the application of legal judgment alone. Local communities with access to favour in high places, and the stubbornness/resourcefulness to pursue their case in law beyond the judgment of the commissioners, continued to do so, and they waited to choose the most propitious moment to launch their next moves. Issues of mixed marriages, the education of children, social welfare, etc took the commissioners far beyond the public arena and into the domestic environment, and there were firm limits, recognised by contemporaries across the religious divide, as to the extent to which the state should be expected to decide such matters. So Nantes was not the final word in transitional justice, or the triumphant grace-note of Bourbon transitional politics.

Alongside the commissioners, the edict of Nantes also stipulated the formation of specialist legal tribunals for hearing lawsuits from the protestant minority. These *chambres de l'édit* were bi-confessional, though generally not *mi-partie* as in Languedoc. We would be wrong, however, to see these as examples of transitional justice in action. The terms of the edict of Nantes had made it clear that, save in the exceptional cases ('cas exécrales'), no tribunals were not to hear and adjudge cases resulting from the civil wars. These were not commissions of justice and reconciliation. The pacification of Nantes had begun with a royal *coup de théâtre* to the effect that the 'memory' of the events of the League (from March 1585 to the present) was to be 'extinguished' and 'dulled' to the extent that 'it had never happened'. We are going to hear more about this theme in the conference. It was a discourse focused the attentions of contemporaries on precisely the extent to which law could become an educative force in transitional politics; and (through that) the degree to which the monarchy could be the arbiter of time and the disposer of memory. The chambers of the edict should not be regarded as an unqualified success or as a striking institutional novelty. They were not independent tribunals but chambers attached to the sovereign courts, the Parlements. The latter influenced what they could and couldn't do (the chamber in Paris had only one protestant judge). They spent most of their time trying to adjudicate on the difficult issues of intermarriage and resulting family disputation, slander, violence and judicial malfeasance caused by bad blood at difficult boundary points between the two confessions. What they could do by way of diffusing and channeling such hostilities was distinctly limited. The evidence, such as we have it at the moment, is that religious coexistence was not imposed by law,

but grown organically and generically from below, and based in undemonstrative everyday practice.

What of broader institutional continuities in the state? The Netherlands, it seems to me, evolved very hesitantly towards a state-like structure in the period after the Revolt. The United Provinces ‘slept-walked’ into their independence. It had not been their original ambition. They only reluctantly abandoned their affinities with the southern provinces. The finality of the split and de facto independence of the United Provinces took time to become apparent. Cartographers continued to use the term ‘seventeen provinces’ to describe the Low Countries long into the seventeenth century. Provincial deputies only half-heartedly gave up feeling that they needed some kind of overlordship – helped to do so by the spectacular and publicly acknowledged debacles of the protectorships of Anjou and Leicester. The role of stadhouder, in short, was an ‘improvisation’. Its evolution – like the rest of the institutions of the emerging United Provinces – could be compared to a bunch of grapes, their soft tissue moulded into shape by their contact with one another and the forces of the outside world. The case could be made for the institutional changes represented by the Dutch Reformed church being much more profound. But behind them lay a much greater innovation, one that was born of necessity once more, which was to adopt a form of confessional pluralism which was largely *sui generis* in early-modern Europe, since it was not imposed by law from above but negotiated and mediated at a local level. This led to all sorts of variable geometries of religious pluralism. And it was not an unbroken road towards the stability of toleration. There emerged a clear tension within the Reformed church between those who wanted their Church to supplant the catholic church in all respects, become an

Established Church, and exercise ‘discipline’ over the local community and those who saw that as a way of diluting the faith, and for whom the high moral standards which they had set themselves could only be maintained by remaining true to what they had been in the days before and during the Revolt, a sectarian community, living under the Cross.

So Dutch institutional evolution was supported by a series of elaborate ambiguities and convenient fictions. In certain forms of transitional politics, both are necessary and important. It all held together by the fact that it worked – and that because the real innovations were fiscal rather than institutional. The extraordinary expansion in the funded public debt of the United Provinces laid the basis for the ‘bourgeois state’, a state-like structure that was at once powerful and decentralised. Both were made possible by falling interest rates which reflected economic conditions, the buoyancy of revenues from the excise taxes, and institutions whose apparent continuity, solidarity and relative probity supported such a precocious articulation of fiscal power. But, because of this necessary ambiguity, convenience and provisionality, none of the ‘off-the-peg’ governing rhetoric worked very well when applied to the Dutch case. Engagements with sovereignty, mixed monarchy, republicanism were reluctant and lacking in conviction. The lowest common denominator by means of a governing rhetoric was the meta-narrative of patriotic sentiment, but even that could be understood in very different ways, and lead to the substantial tensions within the early Dutch Republic of which we are familiar.

At the heart of Bourbon Restoration was the monarchy, and with it went institutional continuity, the institutions being the embodiment of the monarchical claims to legitimacy and to the exclusive exercise of the powers of law. For much of the civil



wars, however, the French monarchy and its notables – the jurists, administrators and tame aristocrats at court – were more than half-convinced that it could only truly overcome the forces (‘passions’) that had overwhelmed the kingdom in the first place if it reasserted its moral rights to rule. Its legitimacy, and the beneficent hand of royal justice, could only be truly effective if the royal state was ‘reformed’, cleansed of corruption within. Such corruption was reflected in the transaction of royal offices (purchase and sale of offices and their inheritance becoming widespread during the wars of religion) and the reform of the French catholic church (the need for which was universally recognised both from within and without). A series of failed Estates General (Blois, 1576-7; 1588-9) and Assemblies of Notables (Moulins, 1566; St Germain-en-Laye, 1583-4; Rouen, 1596-7) testified to the strength of the ‘ideology’ that the French state and its institutions needed radical reform. They witnessed to the political impossibility of carrying it out despite acres of public debate, devoted to the significance of it for the wellbeing of the *res publica*, the ‘roi et le bien public’. The significance of the Bourbon ‘Restoration’ of Henri IV was that, in the end, post 1598, it did not place the accent on ‘reformation’, ‘renewal’ or the ‘bien public’. Its governing rhetoric was not that of the triumph of the ‘politiques’. The familiar political science notion that third parties are essential to transitional politics looks superficially appealing but it does not work for the Bourbon Restoration for reasons that I lay out: they were not a party; ‘politique’ was not a coherent political label. The hyper-reality of royalism was its governing rhetoric and I use the famous engravings of Henri IV entering Paris to illustrate it, reissued as they were in 1606, by which time they had become part of a wider royal myth. The acting *realpolitik* was the absolute power of the king, and that decision-making process was an

*arcantum* that was not for public inspection but simply for acclaim. The king alternately ‘appeared’ and ‘disappeared’ in the governing rhetoric – just as his own personality alternately ‘appeared’ and ‘disappeared’ in the anecdotes and ‘bons mots’ that were already in wide circulation, and which were at the cusp between gossip, iconographic representation, and active myth-making. The royal myth proved far more effective as a force in transition politics than the mobilisation of opinion against an outside force (Spain). Linked to the ‘state’ (and the word ‘republic’ had acquired such uncomfortable resonances in late sixteenth-century France that it was all but abandoned, despite its use by Jean Bodin in the treatise on sovereignty, which was so extensively ransacked in support of the governing rhetoric of the early Bourbon monarchy) the French monarchy had been ‘restored’, but it sounded very different, and French institutions would change with it.