Before sovereignty: society and politics in *ancien régime* Europe

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In the discipline of International Relations (IR), it seems to be an uncontroversial point that the passage of European civilization from the middle ages to the early modern period was also the transition from a system with a single supreme secular regent, the emperor, to one with plural supreme regents. This is implied in the ubiquitous view that the Thirty Years' War was a struggle between the 'medieval' conception of imperial suzerainty and hegemony over christendom and the 'modern' conception of a system composed of independent 'sovereign' states, with the 1648 peace that ended the war enshrining the victory of the latter.

This interpretation of the Peace of Westphalia is far from the truth.[1] More generally, however, the entire notion of a transition from imperial preponderance (actual or, at least, claimed) to plural sovereign states recognized as such is a myth. Medieval emperors not only exercised no power over kingdoms held by others, but claimed no right to do so.[2] At no time in the middle ages did other kings defer to the emperor.[3] Certain kings at certain times acknowledged others as their liege, though this liege was not necessarily the emperor (for example, in the late thirteenth century Edward I of England obliged the Scottish king John de Balliol to recognize his suzerainty). Other rulers at times recognized the pope as their liege. The only realm that was permanently under imperial suzerainty was Bohemia, because in the eleventh century its duke received his royal title from the emperor (at first on a personal, from the late twelfth century onwards on a hereditary, basis).

The matter is beset with a great deal of conceptual and semantic confusion. What medieval people understood by concepts like empire, emperor, kingship, kingdom, king, had little to do with our modern conception of statehood. Even eighteenth-

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[1] Andreas Osiander, *The States System of Europe 1640–1990: Peacemaking and the Conditions of International Stability* (Oxford: Clarendon Press, 1994), ch. 2; Andreas Osiander, 'Sovereignty, International Relations, and the Westphalian Myth', *International Organization*, 55 (2001), pp. 251–87.

[2] Geoffrey Barraclough, *The Mediaeval Empire: Idea and Reality* (London: Philip, 1950), esp. pp. 16–17; Marcel David, *La souveraineté et les limites juridiques du pouvoir monarchique du IXe au XVe siècle* (Paris: Dalloz, 1954), p. 22; Othmar Hageneder, 'Weltherrschaft im Mittelalter', *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, 93 (1985), pp. 257–78; Robert Holtzmann, 'Der Weltherrschaftsgedanke des mittelalterlichen Kaisertums und die Souveränität der europäischen Staaten', *Historische Zeitschrift*, 159 (1939), pp. 251–64.

[3] For a case study see Dieter Berg, 'Imperium und Regna. Beiträge zur Entwicklung der deutsch-englischen Beziehungen im Rahmen der auswärtigen Politik der römischen Kaiser und deutschen Könige im 12. und 13. Jahrhundert', in Peter Moraw (ed.), *'Bündnissystem' und 'Außenpolitik' im späteren Mittelalter*. Zeitschrift für historische Forschung Beiheft, vol. 5 (Berlin: Duncker & Humblot, 1988), pp. 13–37.

century Europe was still far from the kind of international system that we take for granted. We think far too much in terms of independent territorial statehood even when talking about past ages—caught up as we are in what R.B.J. Walker calls the modern 'discourse of eternity' that represents the international system based on the sovereign territorial state as timeless in its essence.[4]

As a discipline IR continues to be puzzled by what John Ruggie has called the medieval-to-modern shift, the transition of European society from feudalism to a system of sovereign territorial states.[5] Why were the important actors in medieval Europe—all manner of feudal dignitaries ranging from minor local lords to powerful kings; bishops and abbots; the pope and the emperor; towns acting on their own or confederated into leagues; monastic or chivalrous orders—at once so heterogeneous and, seemingly, so utterly different from the important actors of the modern period, which at least since 1648 are supposed to have, uniformly, been sovereign states?

Almost all discussions of medieval politics that are offered in IR are in a positivistic mode that looks at 'objective' developments quite independent of the minds of the actors themselves. Some stress economic factors (as does Ruggie in the article referred to, basing himself on the work of Douglass C. North and R.P. Thomas).[6] Charles Tilly explains the rise of modern states out of the medieval system as a process in which continual warmaking eliminated weaker actors while it forced stronger actors to enhance continuously their ability to extract revenue from their subjects.[7] Against Tilly, Hendrik Spruyt argues that it was not so much warmaking as a coalition of interest between the crown and the bourgeoisie that caused the weakening of intermediary feudal powerholders in some parts of western Europe. According to Spruyt, this led to the establishment of centralized territorial states as well as, indirectly, to the demise of alternative political units, specifically city states and city leagues, which found themselves unable in the long run to compete with the new centralized territorial states.[8]

It is much rarer for authors to deal with the contribution of intersubjective understandings, the medieval world view, to political structure and processes in the middle ages, or to the change they went through over time. As far as I am aware, Markus Fischer is the only one, within IR, to have engaged this issue seriously, and he has done so in order to prove that it may be safely ignored.[9] Fischer argues that politics among feudal powerholders was the same as modern international politics, if not in form then at least in essence, and that differences of normative discourse—for example, between the middle ages and the modern period—do *not* translate into

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[4] R.B.J. Walker, 'International Relations and the Concept of the Political', in Ken Booth and Steve Smith (eds.), *International Relations Theory Today* (University Park, PA: University of Pennsylvania Press, 1995), pp. 306–27.

[5] John G. Ruggie, 'Continuity and Transformation in the World Polity', in Robert O. Keohane (ed.), *Neorealism and Its Critics* (New York: Columbia University Press, 1986), pp. 131–57, esp. pp. 141 and 149.

[6] Ibid., p. 149–50. But see his qualifications of this approach in John G. Ruggie, 'Territoriality and Beyond: Problematizing Modernity in International Relations', *International Organization*, 47 (1993), pp. 139–74, p. 156 and passim.

[7] Charles Tilly, *Coercion, Capital and European States 990–1990* (Oxford: Blackwell, 1990).

[8] Hendrik Spruyt, *The Sovereign State and Its Competitors: An Analysis of Systems Change* (Princeton, NJ: Princeton University Press, 1994).

[9] Markus Fischer, 'Feudal Europe, 800–1300. Communal Discourse and Conflictual Practices', *International Organization*, 46 (1992), pp. 427–66.

differences of behaviour. For Fischer, despite the emphasis in medieval political discourse on the unity of christendom and on the need for solidarity and peace among christians, medieval politics displays the same patterns of frequently violent self-help behaviour among autonomous powerholders that Kenneth Waltz in his *Theory of Politics* describes as the inevitable characteristic of any system in which actors cannot be effectively coerced, and protected from each other, by a common superior.[10]

But even if Waltzian thinking were applicable to medieval politics, the question would remain interesting whether, to what extent, and why medieval actors were different from post-medieval ones. In the middle ages as depicted by Fischer (and in this respect I have no quarrel with his analysis), many actors were individual lords. Yet, according to conventional wisdom, actors in post-1648 Europe were, or may legitimately be treated as, 'states', that is, bounded corporate and territorial entities.

In my view, this issue cannot be tackled without reference to intersubjective understandings and normative discourse. The remainder of this article will examine the political structure of late medieval, and to some extent early modern Europe, in the light of both material constraints and opportunities on the one hand and shared normative ideas on the other. I believe that those two aspects cannot be separated if we want to gain a real understanding of the period. I suggest that the medieval-to-modern shift was much more gradual, really much less of a 'shift', than is usually implied, to the point that it was never even completed during the *ancien régime*.

It was not before the nineteenth century that the state as we know it finally established itself. This is an abstract corporate entity considered to be invested *as such* with sovereignty in the modern sense, that is (first and foremost from the perspective of IR) legal autonomy attributed to the state as a whole.[11] Crucially, however, the modern state is considered self-sufficient not only in legal terms, but also in social terms. In fact, extraordinarily, in the view both of classic (nineteenth- and twentieth-century) international law and most twentieth-century IR theory, there is no society, that is, a pattern of mutual ties of obligation or at least expectation among individual people, beyond the boundaries of the state, but only a society, or even merely a 'system' of other like entities.

It is precisely this view that cannot be projected back much beyond the end of the *ancien régime*. Looking back at the past from the point of view of our own age we tend to be prisoners of selective perception. We tend to see much more clearly those aspects of the past with which we are familiar (indeed we often see them before, historically, they appeared) while other aspects are discounted. As a corrective, this article will adopt the reverse approach. It invites readers to look at *ancien régime* Europe, not from the perspective of the twentieth century, but from the perspective of the fourteenth. It will do so by sketching the material constraints as well as the ideology and world view underlying medieval politics, examine events connected with the restoration of the imperial dignity in 1313 (after several decades without an emperor), and look at the contemporary debate on how christendom should be organized politically. In conclusion, I offer this fourteenth-century world, and its very different conception of relations not just among rulers, but, crucially, between

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[10]   Kenneth N. Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979).
[11]   Alan James, *Sovereign Statehood: The Basis of International Society* (London: Allen & Unwin, 1986).

rulers and society (a dimension largely overlooked in twentieth-century IR theory), as an alternative template for understanding the 'classical' European system of the seventeenth and eighteenth centuries.

Material and metaphysical aspects of medieval power: the role of kings

The world of early and high medieval Europe (to about 1200) was a world of little material power. No one had very big armies, no one had very effective weapons, no one had very much money. Power could not be projected very far: powerholders found it practically impossible to coerce anyone beyond the immediate surroundings of their current abode. The main reason was that while everybody, even peasants, used money for some purposes, the economy as well as the political system were only very partially monetarized. Much of the economic surplus produced by the peasantry (the bulk of the population) was appropriated by the nobility and clergy in the form of labour services and payments in kind. Much of the latter consisted in agricultural produce that was in good part perishable and, in any case, expensive to transport. Services could not be stored at all, and labourers could not easily be uprooted from their local communities and made to travel. In these conditions, the surplus had to be used up locally and there was little possibility of accumulating and centralizing it.

This evidently favoured local powerholders. Less evidently, but importantly, in a sense it favoured supra-local powerholders too. Since no one *expected* them to be in effective control except when they were physically present, their nominal dominions could be very large indeed. The biggest medieval realms by far (if both area and population are taken into account) were the French and, especially, the German (which for most of the middle ages comprised what is now Germany, the Netherlands, Belgium, the Czech Republic, Austria, Switzerland, northern Italy and much of western France). Such huge geographical expanses did *not* form political units because their nominal rulers could keep them together by force. They existed as political units because of a sense of belonging shared, at least, by the upper strata of society, the nobility and clergy. This notional character of political units must be emphasized. If the German kingdom was considered a politically meaningful entity even though no one could coerce people so to regard it, then there was no reason why even bigger units, such as, specifically, christendom, should not be considered equally politically meaningful.

In the western middle ages, crowned heads were important not primarily as powerholders but because of their symbolic and metaphysical role. On the one hand they were the physical representatives of an ordered cosmos, which because of the cultural legacy of late antiquity (to be discussed in the next section) meant a tidy hierarchical order encompassing the whole of christendom. On the other hand they symbolized—much more than they ruled—the communities that they headed. Medieval society was essentially self-organizing, with most of the decision-making and policing taking place at the level of small, local, relatively autarchic units. In practical terms, the larger became the notional units into which christian society was divided, and the higher the social rank of the people presiding over those units, the less was the decision-making and policing affecting ordinary people. For the vast

majority of people, whatever took place in the very highest reaches of the social pyramid (where kings were situated) was likely to be purely notional as far as they were concerned. And if, at the very top, there was a distant, semi-mythical figure called the emperor, the fact that nothing this person did ever seemed to affect the life of an ordinary peasant or parish priest or knight was no reason for such people to deny that, somehow, the emperor played an important part in the christian cosmos.

However, while not exactly managerial, the role of kings was not necessarily purely symbolic either. Marcel David has sought to capture the 'practical' function of medieval crowned heads by drawing on the distinction in Roman legal parlance between *potestas*, denoting the right and ability to command and enforce, and *auctoritas*, a superordinate and, even in antiquity, rather vaguely defined right of control and supervision often essentially based on social prestige. According to David, in the middle ages *auctoritas* gave its holders the right to judge the legitimacy of lower-ranking powerholders and the legality of their actions. It was this *auctoritas*, David argues, that kings exercised over their vassals and that the emperor and the pope exercised over christendom as a whole.[12] In medieval sources it is not always clear why one of those two expressions is used rather than the other, and it has even been argued that they were used interchangeably.[13] Yet whether designated by those terms or not, it is clear that the distinction was really made. Thus Lupold of Bebenburg, in a treatise on the empire of about 1340, defines the role of the emperor *vis-à-vis* other princes along precisely those lines. For him, other kings owe their office to the emperor, even though in practice his consent is tacit.[14] The emperor does not interfere directly in the running of their kingdoms, but their subjects may appeal to him if they hold themselves to have been wronged by their rulers.[15]

While it accurately describes the role of the emperor *vis-à-vis* the other princes of the Holy Roman Empire as late as (indeed in particular) the period after 1648,[16] with regard to other kings the system described by Lupold always remained purely notional, a symbolical construction inspired by the wish to portray christendom as a single order based throughout on consistent principles. Within realms, not infrequently royal *auctoritas* remained notional too—as did that of other lieges. Markus Fischer makes much of the disintegration, from the late tenth century onwards, of the control exercised by the counts of Mâcon over lesser lords nominally subordinate to them. He adduces this as evidence for his contention that the feudal hierarchy had no practical effect on medieval politics, which according to him followed the principles of Waltzian Realism as among all those (in this case the counts' vassals) who managed to keep themselves free from effective control by some superior.[17] But it is important to realise that while effective control by lieges might

[12] David, *La souveraineté*, esp. pp. 17, 69–70, 82.
[13] Jürgen Miethke, 'Autorität: I. Alte Kirche und Mittelalter', in *Theologische Realenzyklopädie*, vol. 5 (Berlin/New York: de Gruyter, 1980), pp. 17–32.
[14] *hi reges possunt dici constituti, seu creati a principe* [i.e. the emperor]*, propter tacitum ipsius principis consensum.* Lupold of Bebenburg, *De iuribus et translatione imperii*, ed. Jakob Wimpfeling (Strasbourg: Schürer, 1508), ch. 15 (not paginated).
[15] Ibid., chs. 15–16.
[16] On this see Osiander, 'Sovereignty', pp. 269–81.
[17] Fischer, 'Feudal Europe', esp. pp. 440–3, 446–7.

be in abeyance in a given area at a given period, the right by which this control was exercised, if and when it was exercised, could not be usurped.

Thus, in the example of the Mâconnais, while the lower-ranking powerholders might be able to ignore the counts, they could not take their place, nor, for that matter, each other's—unless enfeoffed by the king or some other feudal superior. Fischer writes that in the twelfth century there came to exist 'a fairly stable balance of power among' the major castellanies of the Mâconnais.[18] I would venture to guess that this stability was not owed to any military stand-off, but to the effect of feudal law. However much individual lords might despoil their neighbours, fiefs as such could not be conquered. They *had* to be bestowed by a feudal superior, or, alternatively, bought or inherited—both means of acquisition that, *because* of feudal law, were extremely popular among the medieval nobility, for whom marriage was a much more important and efficient means of expanding their possessions than warfare.[19]

Lords, especially minor ones, could not disregard feudal law in this respect without repudiating the entire social system on which their position rested. In that sense, while the processes of medieval politics might in given instances show some congruence with Waltzian theory, the structure within which such processes took place always remained conditioned by the intersubjective construct of the feudal hierarchy. This is even true if 'structure' is understood in the Waltzian sense of being determined by the distribution of capabilities, since the lower powerholders could not aspire to control of superordinate fiefs, at least not through military means alone—and so their resources always remained limited.

This effect of the feudal hierarchy of prescribing the units within which control could be exercised was most potent at the level of kingdoms, since crowned heads had a sacred role that set them apart from other lieges. Despite the fact that their functional role is negligible, modern European monarchies survive because they are the vehicle of much symbolic meaning important to the communities they represent, and the object of an irrational fascination, indeed reverence, within and even outside those communities. Similarly, in the tenth century, monarchies like the German and French were perpetuated through the election of new rulers after the disappearance —or, in France, the marginalization—of the respective branches of the Carolingian dynasty, not because the German and French magnates could not manage on their own, or intended to give up a significant portion of their power and autonomy to their newly chosen ruler. The Capetian dynasty in particular, in the first few generations after its accession to the French throne in 987, led a rather miserable existence in the shadow of those magnates.

Rather, the crown survived even if powerless because of the strong feeling that there could be no legitimate order without it. Conversely, kings were *potentially* more powerful than other lords because they were sacred. They alone, but not other lords, were anointed and crowned and an object of popular veneration, an invaluable asset that, other things being equal, gave them an edge even over the greatest of their vassals. While their role could not be taken over by those vassals, however powerful, kings stood a good chance of subjecting vassals to their actual control, a chance that

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[18] Ibid., p. 441.
[19] Though quite a lot of feudal warfare had to do with contested successions. It was also customary to conclude marriage arrangements in the course of negotiations to end some armed conflict, and occasionally such conflict may actually have been started with this objective in view.

could never be taken away altogether however weak the crown might be at a given period.

Royal *auctoritas* might essentially mean two things. Kings might act as supreme military leaders. Nobody owed military service indefinitely: the usual limit was forty days or six weeks per year. Also, depending on local custom, some kings were entitled to call on all their free male subjects directly, while others could only call on their immediate vassals who then would raise *their* vassals and so on. Nevertheless, even in the latter case kings had the supreme command and, in theory, more men at their disposal than anyone else in their realm.[20] Furthermore, kings might act as supreme judges. They alone could hear cases and hand down decisions anywhere, or from anywhere, in their kingdom, eclipsing lesser lords. It was a good way for monarchs to impress their special role both on those lesser lords and on the common people, and it was correspondingly exploited.[21]

Medieval society regarded the maintenance of peace as one of the biggest challenges facing it. The nobility (but also, for example, corporate entities like towns) were free to resort to self-help to settle quarrels by force. Although this was usually governed by an elaborate code of honour (for example, you were not supposed to harm clergymen, peasants, merchants, women, mills, vineyards and so on, or fighting was limited to certain days of the week), this was not necessarily very effective and, even if it was, a less than optimal solution from the point of view of society as a whole. Since at least the twelfth century kings sought to promote the peaceful settlement of disputes through adjudication. There was slow progress in this direction, though noble feuds did not disappear before the sixteenth century.

The absence of a monopoly of legitimate violence was inevitable given the absence of a centralized system of (monetary) taxation. This key point is well made by Mark Whittow when he contrasts the evolution of the eastern portion of the Roman empire that survived into the middle ages with what happened in the west:

In some ways the differences between the Byzantine empire of the early middle ages and the other post-Roman kingdoms in the west were small. Certainly in terms of economic wealth, military power or cultural sophistication the differences were not very great; but in terms of political structure, what distinguished them was fundamental. The root of these differences lies in taxation. The late Roman empire in west and east had been based on taxation. The western kingdoms naturally tried to maintain this valuable privilege, but nowhere in the west … did the ability to impose general taxation survive the sixth century …. Power now came to rest on the possession of land.

Conversely, 'behind the walls of Constantinople there was preserved the necessary expertise to maintain a system of general taxation'. Those with political influence in

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[20] The thirteenth-century *Sachsenspiegel* (*Mirror of the Saxons*), a codification of customary law widely used in medieval central Europe, explains that the crown could call on any of its free subjects to serve for six weeks per year, with a minimum of six weeks′ notice, and that no other lords might call on the same men in the six weeks preceding or following: *Lehnrecht* ch. 4 (the work is divided into three books of *landrecht* or law of the land, and one book of *lehnrecht* or feudal law). In contemporary France, however, the crown could not call on the *arrière-ban*, i.e. the vassals of its immediate vassals, directly but depended on the often doubtful loyalty of its immediate vassals for the feudal levies. In practice, the levies were increasingly complemented by mercenaries.

[21] Hans Kurt Schulze, 'Königsherrschaft und Königsmythos', in Helmut Maurer and Hans Patze (eds.), *Festschrift für Berent Schwineköper* (Sigmaringen: Thorbecke, 1982), pp. 177–86, pp.178–82. Cf. for example, *Sachsenspiegel, Landrecht* bk. 3, ch. 60.

the eastern empire, like military commanders and holders of court offices, 'were paid salaries out of tax revenue. No amount of landowning provided a real alternative.' As a result, power in the west was largely 'privatized' and passed to the great landowners, whereas 'in the Byzantine world power remained in state hands', with the imperial court retaining relatively effective central control.[22]

The disappearance of centralized taxation is the fundamental reason for the emergence of the feudal system with its decentralization of power. Conversely, both the role of the crown and efforts to replace the existing system of self-help with something less disorderly were helped by the rapid development and economic dynamism of the towns in late medieval Europe, which brought a constantly increasing amount of money into circulation. Feudal lords sought to profit, not just through rudimentary (monetary) taxation (there was as yet no acceptance of taxation on a regular basis) but through all manner of tolls and fees, the sale of privileges, or fines imposed by them in their capacity as judges.

Growing monetarization meant that, increasingly, the economic surplus was transferred in the form of coin, which in the late middle ages was increasingly substituted for labour services and payments in kind. This initiated a slow political revolution because money could easily be transported, stored and accumulated. To appropriate their share of the economic surplus, kings or other supra-local lords no longer had to come and get it (which explains the 'travelling kingship' characteristic of medieval Germany, or the fact that the actual power of the French kings was, for a long time, largely limited to the areas around Paris and Orléans, where their estates were situated). Now lords could make the surplus come to them even from faraway places. Money was, moreover, totally fungible. It could buy power, for example in the form of mercenaries that in the late middle ages increasingly supplemented and even substituted the feudal levies.

Developments like continuous kingdom-wide taxation and standing armies are not encountered before the fifteenth century. Yet even in the fourteenth century monetarization was making kings and other great lords, or some of them at least, more powerful than they had been in the past. Even discounting taxation (which did exist in inchoate fashion), the crown and its great vassals were normally the biggest landowners, and with revenues from their holdings increasingly payable in coin their power, and their ability to project it, grew, as did their competition with each other. As a result, the feudal hierarchy was being undermined. In Marcel David's terminology, what happened was that the relative importance of *potestas* and *auctoritas* was changing in favour of the former. *Auctoritas* alone was no longer satisfactory. That, in turn, raised the question of whether christendom could still be regarded as a single social order with the emperor at the top. If kings were seeking, with some success, to assert themselves over lesser lords, the emperor either had to assert himself in similar fashion over kings, or risk being regarded as obsolete. The whole process was placing growing strain on the traditional and still deeply held self-perception of western christendom as one society and one political order. Events in the early fourteenth century, and the intellectual response to them, illustrate this well.

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[22] Mark Whittow, *The Making of Orthodox Byzantium 600–1025* (Basingstoke, UK: Macmillan, 1996), pp. 104–6.

The late antique legacy: one society, one commonwealth, and the theological importance of the Roman empire

The evolution of medieval and early modern European civilization cannot be understood without taking account of the legacy of the ancient world, especially of late antiquity, on which it built to an enormous, all-pervading extent and which accounts for much of its cultural particularity.

The area of origin of Western civilization, the Mediterranean basin, underwent a degree of cultural unification first through Hellenization (in the wake of the conquests of Alexander III of Macedon) and then Romanization (through the incorporation of all of the Mediterranean basin into the Roman empire), which produced a remarkably homogeneous Graeco-Roman culture throughout the area. The cultural and political integration achieved under the Roman empire paved the way for the spread of christianity. In turn, christianity helped to complete the process of cultural homogenization of the Roman world. Previously, Graeco-Roman culture, while cosmopolitan, had been predominantly an elite culture. Christianity, by contrast, to a much larger extent affected the population as a whole. With christianity adopted in the fourth century as the official, and increasingly exclusive, religion of the Roman empire, the church put its huge organizational resources at the disposal of the faltering Roman state. In return it was enabled to use the state apparatus to repress all rival faiths within the empire.[23] More and more, Roman-ness and christianity were equated.

With its roots in a period when the known civilized world was congruent with the single Roman society and empire, medieval christendom continued to perceive itself very strongly as both one society and, in some sense, Roman. This unity and Roman-ness was always present and visible in the one true church. The son of a Nazareth carpenter, Jesus in all likelihood had no particular interest in the Roman empire or its Graeco-Roman elite culture. Nor did he know Latin, which was not the language of any of the christian holy writings either. The fact that, in the middle ages, the church had its headquarters at Rome and that every western christian spoke Latin (if they were educated—but if not, they were still expected as a matter of course to worship in that language) had nothing to do with any obvious claim to holiness of either the city or the language but everything with the fourth-century alliance between church and empire.

Medieval thinking was predicated on what it called *ordinatio ad unum* or *reductio ad unum*, the idea that any multiplicity or diversity could ultimately be reduced to an underlying oneness, and thus harmonized.[24] Politically, this meant that there could be only one christian commonwealth, an idea that even late medieval thinkers were extremely reluctant to give up. Importantly, this commonwealth was usually identified with the Roman empire. Thus the bishop Eusebios of Kaisareia in Palestine, a main exponent of the new pro-Roman ideology of the church, explained in 336 that the pagan world suffered from worshipping plural deities that were really demons

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[23] Cf. Andreas Osiander, 'Religion and Politics in Western Civilisation: The Ancient World as Matrix and Mirror of the Modern', *Millennium*, 29 (2000), pp. 761–90.

[24] For a good discussion see Anton-Hermann Chroust, 'The Corporate Idea and the Body Politic in the Middle Ages', *Review of Politics*, 9 (1947), pp. 423–52.

(what he calls *polutheismos*) and a concomitant plurality of rulers (what he calls *poluarchia*, denoting both the existence of plural rulers in mankind as a whole and the existence of plural powerholders within given communities); this was a world of strife and conflict. What changed all that was the coming of Christ, which, by God's will, coincided with the unification and pacification of the world through the Roman empire and the concentration, in that empire, of all power in the hands of one person.

> … formerly all the peoples of the earth were divided. … Because of this, continuous battles and wars, with their attendant devastations and enslavements, gave them no respite in countryside or city … [But] as the knowledge of One God was imparted to all men and one manner of piety, the salutary teaching of Christ, in the same way at one and the same time a single sovereign [*basileus*, literally 'king'] arose for the entire Roman Empire … two great powers—the Roman Empire, which became a monarchy [*archê monarchos*] at that time, and the teaching of Christ— … at once tamed and reconciled all to friendship. … For while the power of Our Saviour destroyed the polyarchy and polytheism of the demons and heralded the one kingdom of God to Greeks and barbarians and all men to the farthest extent of the earth, the Roman Empire, now that the causes of the manifold governments had been abolished, subdued the visible governments, in order to merge the entire race into one unity and concord [*eis mian henôsin kai sumphônian*].[25]

The idea of peace was central both to the ideology of the Roman monarchy and to christian theology, as evidenced for example in a famous discussion by Aurelius Augustinus (St Augustine) in what was, in the Western middle ages, probably the most widely read and most authoritative patristic text (*On the City of God*).[26] The notion that the temporal coincidence of the coming of Christ, of the creation of the Roman monarchy and of the advent of the *pax Romana* was not fortuitous but willed by God was irresistible once church and empire had reconciled themselves to each other. It is ubiquitous in late antique christian literature, to the extent that it is even acknowledged by Augustine, who is generally less enthusiastic about the empire than other patristic authors.[27] Consequently the notion of the Roman empire having in a sense been founded by God and invested by him with a redemptive purpose for all humanity is ubiquitous in medieval writings about the empire too.

The strong christian attachment to the empire is further evident in—and, in turn, was reinforced by—the late antique christian interpretation of the prophecy of the Book of Daniel. According to this four great empires would follow each other before the world would come to its end. It was taken for granted that the Roman empire was the last and greatest of these. Moreover, a highly obscure passage of the Pauline epistles, 2 Thessalonians 2.1–8, was interpreted as meaning that the fall of the Roman empire would herald the coming of the Antichrist and thus the second coming of Christ and the Day of Judgment as described in the Book of Revelations. That notion too received the blessing of the patristic authors including Augustine, and thus became an integral part of medieval faith.[28] As long as, visibly, the world had not yet ended nor seemed to be about to, it was clear that the Roman empire must still be there as well.

[25] Eusebios, *Trikontaetêrikos*, 16; H.A. Drake, *In Praise of Constantine: A Historical Study and New Translation of Eusebius' Tricennial Orations* (Berkeley, CA: University of California Press, 1976), pp. 119–20.
[26] Aurelius Augustinus, *De civitate Dei*, 19.
[27] Ibid. 18.64.
[28] Ibid. 20.19.

The pope—that is, the bishop of Rome—was the spiritual head of (western) christendom, and the emperor—always called either 'Roman emperor' or 'emperor of the Romans', but not 'holy'—was its highest-ranking ruler. According to the doctrine of *translatio imperii*, the pope in 800 had deprived the rulers at Constantinople of their imperial dignity and transferred it to the Frankish king Charles and his successors.[29] Among those successors, it was the German kings who, in the tenth century, secured the imperial title, which however they could acquire only if the pope was willing to crown them. Even if the pope did not crown them, however, that did not mean that there was no empire. In a wider, spiritual sense, the empire was coextensive with christendom. In a more politically concrete, narrower sense, it consisted of the dominions of the German kings. Because they were entitled to the Roman imperial dignity, from the eleventh century onwards they preferred to be known as Roman kings or kings of the Romans.

After the death of the last Hohenstaufen emperor in 1250, and his (and his predecessors') bitter conflict with the papacy, for decades the holy see refused to crown any new emperor. This worried some people. In Germany, a canon of Osnabrück cathedral, Jordanus, produced a treatise, subsequently widely read, in which he reminded his readers of the special role given to the empire by God and warned those undermining it, including the pope, of helping to bring on the Antichrist.[30] Against this, around the same time Thomas Aquinas in his comment-ary on 2 Thessalonians argued that if the Antichrist had not come yet it was because really the temporal Roman empire had been subsumed into the church.[31] Indeed, the holy see had long claimed that by virtue of the so-called *Constitutum Constantini*—a document quite controversial even in the middle ages and now known to be an eighth-century fake—the emperor Constantine when moving the capital of the empire to Constantinople had formally invested the bishop of Rome with power not only over that city, but over the whole of the western empire. When, in 1299, the German king, Albert of Habsburg, sent envoys to ask the pope to crown him emperor, Boniface VIII supposedly received them wearing the crown of Constantine and a sword and telling them that not only was Albert unworthy of the imperial crown but that really he, the pope, was emperor.[32] In 1302, Boniface issued the famous papal bull *Unam sanctam* in which he proclaimed full papal supremacy

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[29] P.A. van den Baar, *Die kirchliche Lehre der Translatio Imperii Romani bis zur Mitte des 13. Jahrhunderts* (Rome: Aedes Universitatis Gregorianae, 1956); Werner Goez, *Translatio Imperii. Ein Beitrag zur Geschichte des Geschichtsdenkens und der politischen Theorien im Mittelalter und in der frühen Neuzeit* (Tübingen: Mohr/Siebeck 1958). Both works also contain much material on the other aspects of medieval thinking on the empire touched on in this article, as does Jürgen Schatz, *Imperium, Pax et Iustitia. Das Reich—Friedensstiftung zwichen Ordo, Regnum und Staatlichkeit* (Berlin: Duncker & Humblot, 2000).

[30] Jordanus of Osnabrück, 'Tractatus super Romano imperio', in Alexander von Roes, *Schriften*, ed. Herbert Grundmann and Hermann Heimpel (Weimar: Böhlau, 1949), pp. 22–33.

[31] 'Super Ad Thessalonicos II', in Thomas Aquinas, *Opera omnia*, ed. Roberto Busa, vol. 6 (Stuttgart: Frommann/Holzboog, 1980), pp. 485–9, p. 487. It is not clear whether Thomas wrote this work himself, or whether it is based on lecture notes taken by a student, but the thinking is certainly his.

[32] *Et sedens in solio armatus et cinctus ensem, habensque in capite Constantini diadema . . . ait: . . . Ego sum Caesar: ego sum Imperator . . .* Francesco Pepino, *Chronicon* 47, in Ludovico Antonio Muratori (ed.), *Rerum Italicarum Scriptores*, vol. 9 (Milan: Typographia Societatis Palatinae in Regia Curia, 1726), …, p.745. This early fourteenth-century account may not be entirely accurate, but does show what Boniface was thought capable of.

(*potestas*) over all secular christian rulers.[33] The background of this was a quarrel between the pope and the powerful French king, Philip IV. Philip reacted by formally charging the pope with heresy and preparing to have him tried by a church council (but Boniface, spectacularly manhandled by Italian troops accompanying the French envoy, died almost immediately after).

In 1305, a Frenchman, Bertrand de Got, became pope as Clement V, giving Philip considerable leverage over the papacy.[34] Philip also pursued a policy of drawing the lords at the western periphery of the empire into his orbit, and for this reason cultivated the count of Luxemburg, Henry. The count held his lands from the German crown but, having been educated at the French court, was a native or near-native French speaker and even a French vassal by virtue of a money-fief (that is, pension) bestowed on him by Philip. Henry was also obligated to Philip because the king had weighed on pope Clement to give the prestigious archbishopric of Trier, and thus a seat in the German electoral college, to his younger brother, Baldwin. In fact, Clement may have needed little prodding as he seems to have been well-disposed towards both Henry and Baldwin in any case. Despite the fact that Baldwin lacked the minimum age and other qualifications that canon law required of a bishop, Clement granted the necessary dispensations and personally consecrated Baldwin at Poitiers in 1308; Henry was also present.

A few weeks later, king Albert was murdered in a family feud. The French king put forward the candidacy of his brother Charles of Valois to succeed Albert on the German throne. His chances seemed good since he could expect Baldwin to exert his influence among his fellow electors; he also expressly asked the pope to endorse the Capetian candidacy. Clement, however, produced only a lukewarm and ambiguous recommendation to the electors, and Baldwin (possibly abetted by Clement) in fact rallied them behind his brother, who became king as Henry VII. Henry then sent an embassy to Clement asking to grant him the imperial coronation. The pope gave the envoys the firm written pledge that they sought and hurriedly sent them off again before Philip could intervene. The coronation was to be performed at Rome by papal legates as the pope, who disliked Italy and was unpopular there, had taken up residence at Avignon (then just across the border, formed by the Rhône river, in imperial, not French, territory).

Henry was not elected German king because he was powerful (he was not), but having gained the German crown and, with it, the automatic candidacy for the imperial crown he was put in a position to exploit his *auctoritas* to become so. Thus he was able to bestow the kingdom of Bohemia on his son when it reverted to the German crown after the death of its last native ruler. Then he set out for Italy, the northern part of which was nominally part of his dominions.

Militarily, the few thousand knights and infantry with whom he crossed the Alps were a rather negligible force.[35] Rather than *potestas* Henry relied instead on his

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[33] Text in Carl Mirbt and Kurt Aland (eds.), *Quellen zur Geschichte des Papsttums und des römischen Katholizismus*, vol. 1, 6th edn. (Tübingen: Mohr, 1967), pp. 458–60.

[34] For the events related in this and the following paragraphs see William Bowsky, *Henry VII in Italy. The Conflict of Empire and City State* (Lincoln, NE: University of Nebraska Press, 1960); Francesco Cognasso, *Arrigo VII* (Milan, 1973); Jörg K. Hoensch, *Die Luxemburger. Eine spätmittelalterliche Dynastie gesamteuropäischer Bedeutung 1308–1437* (Stuttgart: Kohlhammer, 2000), esp. pp. 25–50.

[35] "[N]ot imposing", Bowsky, *Henry VII*, p. 55; 'minuscolo', Cognasso, *Arrigo VII*, p. 131.

auctoritas as supreme judge to present himself as *rex pacificus*, the king as peace-maker. The background to this was the recurrently endemic civil war in Italy between ghibellines and guelfs. Under the Hohenstaufen dynasty (1138–1268) these had been the pro- and anti-imperial parties respectively. But their quarrels had continued even during the decades since 1268 in which the German rulers had showed little interest in Italy, and there must have been many people wishing for an end to this unhappy situation. Strikingly, the cities of Lombardy, after more than half a century of virtual independence, opened their gates to Henry. Even guelfish Milan, the powerful Lombard capital, at last did so and allowed his coronation as king of Italy (which in fact only meant Italy north of the papal territories) in its cathedral. In the cities that submitted, Henry summoned the heads of the feuding factions to appear before him and had them exchange the kiss of peace in his presence. Power in those cities passed to imperial lieutenants (*vicarii*) who raised taxes, rewrote the cities' constitutions and supervised the restoration of confiscated property to those who had been exiled but were now recalled.

Meanwhile, without breaking openly with Henry, king Philip of France sought to prevent the imperial coronation. He did so by encouraging the king of Naples, Robert of Anjou, to oppose Henry, among other things by occupying Rome. Robert was a relative of the French king but also a vassal of the pope, from whom he held his kingdom and for whom he acted as papal agent in northern Italy, giving him much influence in the whole peninsula. Sowing dissent between Robert and Henry proved an excellent means for Philip to put pressure on Clement. Perhaps to pre-empt this very strategy, Clement sought to promote some kind of marriage alliance between the families of the two rulers even before Henry left Germany, but this came to nothing.

Robert allied himself to the majority of Tuscan cities which, led by Florence, decided not to submit to Henry and to block his passage to Rome. On the point of ordering Robert to end this occupation of Rome, Clement desisted after receiving an embassy from king Philip, which apparently alerted him to negotiations between Henry and the king of Sicily which eventually did lead to an alliance between them directed against Robert. Meanwhile, Henry stayed put in Lombardy. Several of the Lombard cities rebelled. Henry, obliged to show that this would not be tolerated, besieged, took and punished Brescia as a warning to the others, delaying his departure. Also, he was desperately short of funds, having to rely on increasingly recalcitrant creditors and the sale of offices. 'For he, our king', observed a contemporary, the Milanese notary Giovanni da Cermenate, 'truly magnanimous and richly endowed with all the virtues, was very poor indeed in terms of money and gold'.[36]

Among the more vociferous of Henry's supporters was a Florentine poet deeply unhappy about the anti-imperial stance of his home town (which he had been forced to leave). He took up Henry's cause in a number of open letters. Addressing the magnates and the people of Italy, 'the humble Italian and Florentine, Dante Alighieri' urged them to seize the chance to overcome their divisions. Using the image of the bridegroom that occurs in several places in the Bible, Dante implicitly

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[36] *Hic etenim rex noster, vere magnanimus et omnium virtutum dives, erat pecunia et auro nimium pauper*. Giovanni da Cermenate, *Historia*, ed. Luigi Alberto Ferrai (Rome: Forzani, 1889), ch. 20, p. 44.

equates Henry with Christ. 'Rejoice now, oh miserable Italy …, for your bridegroom, the comfort of the world and the glory of your people [*mundi solatium et gloria plebis tue*], the most gracious Henry, *divus et Augustus et Cesar*, is hastening to your wedding. Dry your tears and wipe off the traces of your grief, oh most beautiful one, for he is near who will liberate you from the prison of the godless.'[37]

In another letter the 'most heinous [*scelestissimi*] people of Florence' found themselves reminded that 'the pious providence of the everlasting king [of the heavens] … has ordained the most holy [*sacrosanctum*] Roman empire to govern [*gubernare*] human affairs', and berated for their blindness and covetousness that led them to break 'divine and human law' and to reject 'the Roman prince, the king of the world and the servant of God [*Romanus princeps, mundi rex et Dei minister*]'.[38]

Dante also addressed the king himself. 'To the most holy, glorious and successful *triumphator* and lord, the incomparable lord Henry, by God's grace king of the Romans and ever *augustus*, his most devoted followers Dante Alighieri of Florence, unjustly exiled, and with him all those in Tuscany who wish for peace: we kiss the ground before your feet.' Dante refers to Henry as 'the successor of Caesar and Augustus', 'him whom the whole world is expecting', 'the world's only protector [*preses unice mundi*]'. He chides the king for lingering in Lombardy and urges him not to be intimidated by the resistance of the Tuscan cities. In this context, perhaps somewhat ominously, Dante compares Henry to David in his fight against Goliath. But he also goes much further when again he likens the king to the Messiah. Henry's tardiness to press on for Rome 'compels us to entertain doubt and to join in the words of the precursor [that is, John the Baptist, Matthew 11.3], 'Are you he that should come, or do we look for another?'' But Dante quickly reassures Henry that

nevertheless in you we put our belief and our hope, acknowledging you as a servant of God, a son of the church and a promoter of Roman glory [*Romane glorie promotorem*]. For I myself … saw you to be most kind, and heard you to be most gracious, as befits the majesty of an emperor, when my hands touched your feet and my lips rendered their due. Then my spirit rejoiced in you [a line from the *Magnificat*, Luke 1.46ff.: 'My soul does magnify the lord, and my spirit has rejoiced in God my saviour'], and I silently said to myself: Behold the lamb of God, behold him who takes away the sins of the world [this is John the Baptist acknowledging Jesus as the Messiah, according to John 1.29].[39]

Eventually, Henry embarked his troops at Genoa and shipped them to Pisa so as not to have to cross territory controlled by Florence and its allies, which he placed under the ban of the empire. Having reached Rome, he was treated to an enthusiastic welcome by the inhabitants, but despite much fighting was unable to occupy the Vatican defended by a Neapolitan and Tuscan garrison. St Peter's thus being inaccessible, it was decided to hold the coronation in the Lateran basilica instead. The papal legates at first refused, but, finding themselves threatened by the pro-imperial Roman populace, at last performed the ceremony subject to the pope's later approval.

On 29 June 1312, Henry issued notes in which he informed the other kings of christendom (and numerous lesser dignitaries) of his coronation, on that day, as

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[37] Letters 5.2; Dante Alighieri, *Opere*, 2nd edn. (Florence: Società Dantesca Italiana, 1960), p.389.

[38] Letters 6.1–2; ibid. 391–2.

[39] *… velut decet imperatoriam maiestatem benignissimum vidi et clementissimum te audivi, cum pedes tuos manus mee tractarunt et labia mea debitum persolverunt. Tunc exultavit in te spiritus meus, cum tacitus dixi mecum: "Ecce Agnus Dei, ecce qui tollit peccata mundi"*. Letters 7; ibid. pp. 394–7.

Roman emperor, the first such coronation since 1220 and thus a major restoration. His chancery took care, in a lengthy preamble, to reaffirm the universally acknowledged ideological foundation on which the imperial office rested. God had willed, readers were reminded, 'that, just as all the ranks [*ordines*] of the heavenly hosts fight under him, the sole God, so also all mankind, separated into kingdoms and provinces, should be placed under a single monarchical ruler [*universi homines … uno principi monarche subessent*] …' The order of the universe would be the more perfect

the more, originating from one God as its creator, it is governed under one ruler and receives for itself increasing peace and unity and returns to one God and lord [*quo ab uno Deo suo factore progrediens sub uno principe moderata et in se pacis ac unitatis augmenta susciperet et in unum Deum et dominum … rediret*] … And whereas in previous ages this kind of princely rule [*huiusmodi principatus*] was located in various nations [*in diversis fuerit nationibus*] …, yet at last, as the fullness of time [a common metaphor for the birth of Christ, taken from Galatians 4.4] was approaching, when that same God our lord … desired to become human, … the aforementioned dominion [*imperium*] providently passed to the Romans through the working of God's grace …[40]

This did not mean that Henry was hoping to undo the separation of mankind into provinces and kingdoms—an implausible proposition given his lack of military resources, and, as we will see in the next section, at odds with contemporary political thinking. Rather, the version of the document addressed to kings expressed its expectation that its royal recipients would be the more pleased with it as the imperial dignity and the royal were 'very similar to each other through a kind of neighbourhood in glory' (*quadam glorie vicinitate consimiles*) and should be at one with each other in love and charity (*amoris participio et caritatis unione conformes*).[41]

In his reply, king Edward II of England did his best to create just that impression.

To his most cherished friend, the most excellent prince and lord, Henry, by God's grace emperor of the Romans [etc.], Edward, by God's grace [etc.] ... hail ... The son of God, who without doubt is king of kings and lord of those in power [*dominus dominantium*], having entrusted the empire to the governorship [*regimini*] of a man who is farsighted and experienced, it may be hoped that both spiritual and worldly affairs will prosper the more happily everywhere on earth [*ubique terrarum*]. Having received, with joyful hand [*leta manu*] [the letter which you have] sent us concerning your having been elected Roman emperor by the princes of Germany, ... [and] the ceremony of your consecration and coronation ..., we have heard and diligently listened to its words, greatly rejoicing in its contents ... We put our hope, then, in the lord Jesus Christ, that by your powerful efforts [*per vestre strenuitatis potenciam*] and your prudent and farsighted activities [*circumspectionis industriam providam*] the entire catholic people [*universa gens catholica*, that is, christendom] may be granted wholesome increase in the Lord [*salubria in Domino suscipiet incrementa*], to the confusion, in particular, and perpetual abasement of the enemies of Christ's cross and the exaltation of our christian faith.[42]

It is true that it took the English court the better part of a year to dispatch this reply. Among the reasons for this may have been a desire to wait first for the reaction of other players more intimately involved. The most important among these were

[40] *Monumenta Germaniae Historica* (MGH), series *Constitutiones Imperatorum et Regum* vol. 4.2, ed. Jakob Schwalm (Hanover: Hahn, 1909–11), no. 801, p. 802.
[41] Ibid. p. 804.
[42] Ibid. no. 812, p. 814.

Philip of France and the pope. The French king in fact answered very quickly, acknowledging Henry's new title.[43] In his reply, he paraphrases Henry's circular in rather pointed fashion by claiming that according to it all men were to be under the emperor's 'temporal power' (*temporalis potentia*); Philip also explicitly calls this *subiectio*. He observes that this language (*loquendi modus*) of the circular had caused 'not a little surprise' (*admiratio non modica*) among those in his realm who had received it. We must remember that ten years earlier, when Boniface VIII spoke of subjecting him to his *potestas*, Philip not only rejected that claim but, spectacularly, sought to have the pope deposed.

This time, rather than challenge this strong formulation of imperial overlordship Philip actually accepted it, for the rest of christendom, by insisting merely that it could not apply to the French kingdom, which the emperor in his circular ought to have exempted (*excipere debuisset*). In an allusion to the doctrine that the emperor as protector of the church wielded the secular sword on its behalf, Philip argues that the christian religion had always been so secure in France that that realm had received from Christ himself the 'unique privilege' (*singularis prerogativa*) of exemption from imperial suzerainty: 'For it is widely and generally acknowledged by all and everywhere that from the time of Christ onwards the kingdom of the Franks [French] has only had its own king, under Jesus Christ as king of kings and lord of lords…, knowing or having no other temporal superior, no matter which emperor was reigning'. In support of this extraordinary claim the French document refers to unnamed ancient historical writings (*veterum historiarum veridica narratio*). Addressing his reply, Philip named himself first and the emperor in second position (*Philippus Dei gratia Francie rex illustri principi Henrico eadem gratia Romanorum imperatori … salutem*), unlike Edward, who properly named the emperor first (*Excellentissimo principi domino Henrico Dei gratia etc. … Edwardus eadem gratia etc. … salutem*).

In light of the fact that he had been snubbed by Henry's election as German king in the first place, and tried to prevent his becoming emperor, Philip's quick acceptance of Henry's imperial title may appear surprising. But, as mentioned, Philip consistently avoided any open break with Henry. As long as possible the presence in Rome of Neapolitan troops under the brother of the king of Naples was explained by the intention of that brother to represent the Neapolitan king at the coronation. And when that pretext was exposed, rather than contest the legitimacy of the coronation on the technicality of its having taken place in the Lateran (for which there was a precedent) Philip clearly thought it better to concede his defeat. For the alternative would have been open insubordination to the emperor's sacred *auctoritas*, which would have alienated many in christendom without offering any compensating political advantage.

At the same time, it was a shrewd move to pretend to understand Henry as claiming the effective *subiectio* of christendom to him. In fact this expression does not occur in the circular. *Subesse*, literally 'to be under', is the strongest term it uses, and while it is clearly meant to denote a hierarchy within christendom this was almost certainly meant to be simply symbolic. Nor, unlike the bull *Unam sanctam*, does the circular claim *potestas* or *potentia* for the emperor. Its phraseology is distinctly more moderate, indeed rather hazy, and its chief motive seems to be a

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[43] Ibid. no. 811, p. 813–14.

desire to justify Henry's new title in terms of the venerable and powerful notion of *ordinatio ad unum*. However, the restoration of the imperial dignity after such a long time was an event whose consequences could not yet be gauged. After all, rulers were becoming more powerful than ever, as Philip was well placed to know. With few troops and almost no money, but making skilful, charismatic use of his legitimacy as *Romanus princeps*, Henry had already come a long way from his comparatively humble origins. He was only in his late thirties, and there was no telling what he would yet prove capable of. It was advisable, then, to guard against the possibility, however remote, that one day he or his successors *would* claim suzerainty over neighbouring realms. On the other hand, one of those successors might yet be a Capetian, in which case it would actually be useful to have stated the role of the emperor in strong terms.

Meanwhile, in Italy, the new emperor still had Florence and Naples to deal with. Unable to take Florence, Henry lifted the siege and decided to direct his efforts against Robert. If he could be eliminated, the rebellious cities of northern Italy would be deprived of their most important ally. And his position was not secure. For the sake of convenience he has so far been referred to here as 'king of Naples'. But he really styled himself 'king of Sicily', and the kingdom of Sicily theoretically comprised both southern Italy (Naples) and Sicily proper. In fact, it was divided between Robert and another claimant, Ferdinand of Aragon, who held the island of Sicily as well as parts of Calabria on the mainland but likewise claimed the whole kingdom. Moreover, many south Italian nobles apparently did not like and did not much obey Robert, and the majority of the population seems to have been pro-imperial.

On the other hand, Robert had formidable supporters—his relative the French king, and the pope, whose vassal Robert was. The clash, fomented by Philip, between Robert and Henry put Clement in an extremely uncomfortable position. Abandoning his vassal and protégé to Henry would have meant not only a loss of face but an open challenge to Clement's compatriot and powerful neighbour, king Philip. In response to Henry's circular, the pope sent a gruff acknowledgement. Mostly it dwells, in rather sharp tone, on the relationship between Henry and Robert and the need for Henry to patch it up, urging the emperor to pursue the marriage project cherished by Clement.[44] But Henry ignored this.

On arriving in Italy he had surrounded himself with lawyers, among them the famous Cino da Pistoia, with the obvious intention of making the most of the strong position that Roman law accorded to the emperor to compensate for his lack of material resources. All formal legal training in this period was based on the *Corpus Iuris* of the emperor Justinian, the massive sixth-century compilation of Roman law. Few medieval lawyers would have dared to question that the strong position of the emperor as reflected in this compilation was still the one that any current successor of Justinian could claim by right. If the *Corpus Iuris* was not quite the Bible, in medieval eyes it did not come far behind.[45] A formula had already been coined, by Italian jurists in the late thirteenth century, according to which not only the emperor but any king (though, significantly, not other lords) was entitled to the prerogatives that the

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[44] Ibid. no. 810.
[45] On the reverence in which the *Corpus* was held see, for example, Hans Hattenhauer, *Europäische Rechtsgeschichte* (Heidelberg: C.F. Müller Juristischer Verlag, 1983), p. 255; Peter G. Stein, *Römisches Recht und Europa. Die Geschichte einer Rechtskultur* (Frankfurt/Main: Fischer, 1996), p. 82.

Corpus attributed to the emperor: on this view, a king was emperor in his own realm (*rex imperator in regno suo*). But this was still quite a novel notion.[46]

Now that he had formally been crowned emperor Henry was even better placed to harness Roman law to his purposes. He summoned Robert of Anjou to appear before him and, when he failed to obey, sentenced him to death for *crimen laesae maiestatis*, in other words, failing to heed the emperor's authority.[47] This was very much a Roman law thing to do, not a feudal law thing. His right to judge Robert was somewhat problematic. Henry was not Robert's liege—the pope was. But Henry proclaimed that there could be no order in the world if the Roman empire was in upheaval (*Romanum imperium, in cuius tranquillitate totius orbis regularitas requiescit*) and that both divine and human law required every individual to submit to the Roman emperor (*nedum humana, verum etiam divina precepta, quibus iubetur quod omnis anima Romano principi sit subiecta*).[48]

This sounds ambitious but, again, should probably not be interpreted as indicating any desire to subject all christendom to the effective rule of the emperor. It was more *ad hoc* than that: Henry urgently needed legal grounds for taking action against Robert to oppose to the predictable papal veto. Henry could not quarrel with the pope's suzerainty over southern Italy (at least not without losing any lingering hope of papal support). So basing his jurisdiction on Roman law was the only solution, and an ideologically potent one to boot because of the near-metaphysical authority of the *Corpus Iuris*.

On learning of Robert's condemnation, the pope reacted in the manner that Henry must have feared he would. Clement announced that he would excommunicate anyone who took up arms against Robert. Henry concluded an alliance with Ferdinand of Sicily, sent an embassy to the pope to try to conciliate him and, without waiting for the reply, set out with his army from Pisa. But he was already a sick man and succumbed to his malaria shortly afterwards, after an imperial reign of just over a year.

Philip of France tried to get his son, the future Philip V, elected German king but failed again. Clement V produced a papal bull (*Pastoralis cura*) containing an array of reasons (not very consistent with one another) why the sentence against Robert was invalid in the first place and why, even if it was not, the pope was competent to quash it.[49] The Florentine poet, in the work for which he is chiefly famous, awarded a place in Paradise to the soul of 'the august Henry, who [came] to raise up Italy when she [was] not yet ready',[50] and, while he was at it, inveighed some more against his fellow Florentines. Decades later, they, in fact, paid Henry's grandson and successor, the emperor Charles IV, the substantial sum of 100,000 florins to have their condemnation by Henry repealed.[51]

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[46] On this formula see Francesco Calasso, *I glossatori e la teoria della sovranità. Studio di diritto comune pubblico*, 3rd. edn. (Milan: Giuffrè, 1957).

[47] MGH *Constitutiones* 4.2. no. 946.

[48] Ibid. no. 929, p. 965.

[49] Ibid. no. 1166.

[50] *l'alto Arrigo, che a drizzar l'Italia/verrà in prima ch'ella sia disposta*. Dante Alighieri, *Divina commedia*, *Paradiso*, 30.137–8.

[51] In 1355. Bowsky, *Henry VII*, p. 183 explains the payment in this fashion. According to Hoensch, *Die Luxemburger*, p. 141 the sum represented tax arrears. In any case, the money was apparently also paid to keep Charles, who was on his way to Rome for his imperial coronation, from visiting Florence. Like his grandfather, he caused great popular excitement in Italy and repeatedly found himself the object of appeals from the local opposition in the cities where he did appear, enabling or even forcing him to intervene in their politics.

The intellectual response: *Respublica christiana* and the problem of peace

It is worth emphasizing that the theological role attributed to the Roman empire did not presuppose the exercise of actual power by the Roman emperor or king over the whole of christendom. In fact, it was fashionable to point out that the medieval empire (in the narrower, political sense) was a mere shadow of what it had been in antiquity. Thus in the 1140s, Otto of Freising, a relative of the emperor Frederick I, could write that 'as a result of so many vicissitudes, especially in our own day, the monarchy of the Romans has been transformed from the most eminent almost to the most insignificant'.[52] Robert of Anjou, in a document composed shortly after Henry's death to urge the pope not to crown any more emperors in the future, also emphasized this: 'Where is the matchless and outstanding monarchy of the Romans, reduced now from controlling almost the entire world to a very small number of lands subject to it?'[53] Around the same time, the abbot of Admont in Styria, Engelbert, in his treatise *On the Origin and End of the Roman Empire*, states that for many people the empire had 'already lost so much of its rights and strength [*in tantum iam … in suis iuribus et viribus defecisse*] that it would likely soon fail entirely and cease to exist'.[54] Although, for Engelbert, the 'end' of the empire mentioned in the title of his treatise was still self-evidently a future occurrence which would trigger the apocalypse, he explained the empire's weakness as a result of the fact that it was so old, having lasted longer already than any of its three predecessors. At one point mention is made of one 'Henry, seventh of that name, who in our time has taken the helm of the empire as the ninety-seventh emperor since Augustus himself'.[55] In this perspective, the end of the world could not be that far off.

Engelbert's defence of the empire is on a par (at least) with the more famous *Monarchia* of Dante Alighieri. Both were written under the impact of the restoration of the imperial dignity by Henry. Engelbert and Dante employ many of the same arguments despite the fact that almost certainly they knew nothing of each other, showing that those arguments represent a widely shared discourse. Needless to say, both authors develop the theology of the empire already briefly outlined in this article. But both also redefine it in line with the neo-Aristotelian thinking fashionable at the time.

In accordance with all the political thinkers of the period Engelbert and Dante understand christendom as a single commonwealth (*respublica*) organised as a hierarchy of communities (*communitates*). This latter notion had developed quickly as a result of the rapid and enthusiastic appropriation, in the second half of the

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[52] *regnum Romanorum ... ex tot alternationibus, maxime diebus nostris, ex nobilissimo factum est pene novissimum*; Otto von Freising, *Chronik*, ed. Adolf Schmidt (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990), Otto´s preface, p. 12.

[53] *ubi Romanorum singularis et precipua monarchia, que fere de tocius mundi dominio ad brevissimum terrarum subiectarum sibi numerum est reducta*? MGH, *Constitutiones*, 4.2 no. 1253, p. 1372.

[54] Engelbert of Admont, *De ortu et fine Romani imperii*, ed. Gaspar Bruschius (Basel: Oporinus, 1553), preface, p. 16–17. The re-edition of the Latin text by Wilhelm Baum (ed.), *Engelbert von Admont. Vom Ursprung und Ende des Reiches und andere Schriften* (Graz: Leykam, 1998), contains quite a few obvious errors and, while more accessible, is thus inferior to the 1553 *editio princeps*; nor is the parallel German translation particularly good. I have not seen the new English translation in Cary J. Nedermann and Thomas M. Izbicki (eds.), *Three Treatises on Empire* (Bristol: Thoemmes Press, 2000).

[55] Ibid. ch. 16, p. 86.

thirteenth century, of Aristotle's *Politics* after it became available in Latin. There, medieval thinkers discovered the analysis of society as consisting of three tiers: households (*oikoi*, *domus*), village communities (*kômai*, *vici*), and cities (*poleis*, *civitates*). Adapting this approach to their own time, medieval thinkers followed Thomas Aquinas and his influential pupil Giles of Rome (Aegidius Romanus) in positing a fourth level, the *regnum* or kingdom.[56] When Thomas and Giles wrote, there was no emperor, and Thomas, as we have seen, solved the puzzle of the missing Antichrist by arguing that for eschatological purposes the Roman empire was sufficiently represented by the universal Roman church. But once Henry of Luxemburg had renewed the imperial dignity Engelbert and Dante promptly posited a further, supreme *communitas*, encompassing the *regna* and coextensive with mankind.

Each *communitas* was seen as self-organizing to the extent that it was autarchic, and subject to intervention from the next higher level only to the extent that it was not. At the same time, however, supervision was always necessary because the interest of the smaller group, that is, of a group at a lower level, must give way to that of the larger group. For example, a single household had no right to disturb the peace of the village, and to that extent could legitimately be coerced by the village.

Engelbert unusually divides mankind into six *communitates*—household, village, city, *gens*, *regnum*, *imperium*, with the addition of *gens* unique to him (as far as I am aware). He defines the *gens* as sharing a common language, a common homeland, and common customs and laws (*communitas unius linguae et patriae, et morum ac legum*).[57] In situating it below the level of the *regnum* Engelbert reflects the fact that a large kingdom like the German or French one comprised a multitude of regional legal systems (and *communitas linguae* presumably refers to regional dialects as much as to separate languages in the strict sense). Kings had to respect those local laws—even Louis XIV in the seventeenth century was unable to impose a unified legal code on his subjects.[58] To my knowledge, the (sparse) literature on Engelbert has not elucidated the reason why he introduces the *gens* into the hierarchy of *communitates*—indeed, it hardly even comments on the fact. But it is central to his whole theory.

Engelbert evidently drew on his knowledge of the Justinianic *Corpus Iuris*. It contains a beginner's textbook of jurisprudence, the *Institutiones*, which states at the very outset that

All peoples [*populi*] that are governed by laws and customs use in part their own law and in part the law of all mankind [*omnium hominum ius*]. For what each people lays down for itself as its law is peculiar to the citizenship as such [*ipsius proprium civitatis*] and is called civil law [*ius civile*]. But what natural reason lays down among all men [*quod naturalis ratio inter omnes homines constituit*] is observed equally by all peoples and is called the law of nations [*ius gentium*].[59]

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[56] Thomas introduced this notion in a short, unfinished work variously known as *De regimine principum* or *De regno* (*Opera* vol. 3, pp. 595–601). Giles developed it in his own *De regimine principum* (On the government of princes), which, written about 1280 and dedicated to the future Philip IV of France, became one of the most widely read books of the late middle ages. See Aegidius Romanus, *De regimine principum*, ed. Hieronymus Samaritanus (Rome: Zannettus, 1607; facsimile reprint: Aalen, Scientia Verlag, 1967), esp. ch. 3.1.5.

[57] Engelbert, *De ortu* ch. 12, p. 59.

[58] Pierre Goubert, *Louis XIV et vingt millions de Français* (Paris: Hachette-Pluriel, 1993), p. 128.

[59] *Institutiones* 1.2.1.

This distinction between the law of the individual *populi* and the law of all mankind was clearly the starting point for Engelbert's reflection. He could not use *populus* as a name for an intermediary *communitas* because in his day the term was too strongly associated with christendom as a whole, *populus christianus* being a standing expression. Therefore he preferred the alternative *gens* which was less commonly associated with christendom (although this usage occurs too, as in Edward II's reply to Henry: *universa gens catholica*). In the middle ages (and long afterwards) legal systems often were not kingdom-wide so the *gens* had to be fitted in between *civitas* (used here with the meaning 'city' as in the Latin translation of the *Politics*) and the *regnum* or kingdom.[60] To the extent that the *gentes* needed supervision it was provided by kings, that is, on the next higher level. But that left, precisely, the *populus christianus*, if not mankind, as a whole, and *its* law, the *ius naturale*. Like others, Engelbert uses this expression as a synonym for *ius gentium*, which, as stated in the quoted passage from the *Institutiones*, was the law dictated by natural reason.

Kings could not be entrusted with its defence because each of them was only in charge of a fragment of christendom. Someone had to be in charge of all christendom, if not humanity, and the law that all of it (or all *gentes*) shared. For Engelbert, the *regna* certainly had their legitimacy, but taken individually none of them was indispensable. The empire had a higher legitimacy because its existence alone was dictated by nature. Just as the good, or interest (*bonum*) of the household was subordinated to (*ordinatur ad*) that of the village, the good of the village to that of the city and so on, 'so too the several kingdoms of the world, and their good, are subordinated to the one natural kingdom and empire'.[61]

Engelbert sums up the core of his theory thus:

… just as the law … is distinguished into natural law, which is the common law of all *gentes* [*ius commune omnium gentium*], and positive law [*ius positivum*], which varies in accordance with the diversity of the *gentes*, … so too the individual *gentes* have individual kings, who govern [*gubernare*] each of them in accordance with the laws peculiar to them [*secundum suas leges proprias*]… But at the same time, it is not only possible, but necessary and useful that all kingdoms obey [*obedire*] the Roman empire in accordance with natural law, common to all *gentes* and kingdoms, or according to that part of Roman law that can justly and usefully be applied to all *gentes* and kingdoms, to ensure the peace and quiet [*pacem et quietem*] which all *gentes* and kingdoms are bound to observe both among themselves and with respect to outsiders, as in the christian kingdoms, and, at a minimum, to ensure that the christian kingdoms are not invaded, or disturbed, by those outsiders, as in the kingdoms of the infidels and pagans, which, in this respect, are bound to defer to the Roman empire [*Romano imperio subesse tenentur*]. For it is not just the law of christians, but also the law of *gentes* [*ius gentium*], and of all human beings in their capacity as such [*ius omnium hominum in quantum homines*], to grant each that which is his and preserve it for him, and not to harm another unjustly [*suum unicuique tribuere et servare, et alterum iniuste non laedere*: Engelbert is quoting from *Institutiones* 1.1.10]. By law [*de iure*] even infidels and pagans can and must be forced by the empire to observe this in their dealings with christian kingdoms.[62]

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[60] Evidently, this means that 'nations', the usual rendering of *gentes* in the expression *ius gentium*, is not an apt translation here so I leave the term untranslated from now on.

[61] *sic etiam multa regna mundi, et bonum ipsorum, ordinantur ad unum naturale regnum et imperium.* Engelbert, *De ortu*, ch. 15, p. 77.

[62] Ibid. ch. 18, p. 106–7.

In Engelbert's view, even though it need not be the same for all, let alone total, *some* kind of subordination to the empire was required to preserve the unity of christendom:

It is better, and more just … for all kingdoms and all kings to defer [*subesse*] to, and obey, the one empire and the one christian emperor, to the extent that by law, or by reasonable and longstanding custom each single kingdom is bound to do so, than for each individual kingdom or king to stand alone, without any subjection [*subiectio*] or obedience to the empire, like many heads on the one body of the christian commonwealth [*christiana respublica*], which is one, the commonwealth of the one christian people [*populus christianus*], and as such has only one head for all [*unum caput omnium*], unless someone wants to turn that commonwealth and the one christian people into a many-headed monster [*multorum capitum monstrum*].[63]

Dante in his *Monarchia* employs the same comparison, indicating that it must have been common: 'Oh human race, how many storms …, how many shipwrecks do you have to suffer while, turned into a many-headed beast [*bellua multorum capitum*], you strive in opposite directions!'[64] He looks back nostalgically to the days of the *divus Augustus* and his *monarchia perfecta*. At that time 'the human race was happy in the tranquillity of universal peace, as all historians, the great poets, and also he who wrote of the meekness of Christ deigned to testify; indeed Paul described that most happy state as the fullness of time'.[65] However, the empire advocated by Dante is very much medieval and bears no resemblance to the one ruled by Augustus.

The *Monarchia* stipulates five *communitates*: household, village, city, kingdom and *humanum genus*, the human race. Since the interest of the larger group takes priority over that of a smaller one, the highest good is that of mankind as a whole. But for mankind to attain perfection, it has to be able to live in peace. Like Engelbert (and also Thomas Aquinas and Giles of Rome), Dante argues that unity and peace are better served by monarchical than by collective rule. So, like the other *communitates*, mankind too should be under one ruler, the emperor (Dante does not distinguish between christendom and the rest of mankind, perhaps because he conceives of the empire as limited entirely to temporal matters). Again like Engelbert Dante sees the emperor not as someone who actively intervenes in the life of the lower *communitates*, but only as a guarantor of peace.

To say that the human race can be ruled [*regi*] by a single supreme prince does not mean that the smallest decisions of each municipality [*minima iudicia uniuscuiusque municipii*] can come directly from this single person. … For nations [*nationes*], kingdoms and cities have peculiarities of their own, which it is necessary to regulate [*oportet regulari*] by different laws …. Rather, the statement means that the human race should be ruled by him with respect to those things that it shares in common, that concern everybody [*secundum sua comunia, que omnibus competent*], and that it should be governed in accordance with a common rule so as to maintain peace [*ut …comuni regula gubernetur ad pacem*]. It is this rule or law that the individual princes [*particulares principes*] ought to receive from him.[66]

Engelbert did not believe that the empire would ever be as strong again as it once was. As the preface to his treatise makes clear, he aimed it at those who thought that

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[63] Ibid. ch. 18, p. 98–9.
[64] Dante Alighieri, *Monarchia* 1.16.4. Quotations from this work appear in my own translation.
[65] Ibid. 1.16.1–2.
[66] Ibid. 1.14.4–7.

the empire was a lost cause, unnecessary, indeed illegitimate while suggesting that such people were numerous. Dante may have hoped that the restoration of the imperial dignity by Henry heralded a new beginning for the empire. But almost certainly he wrote his *Monarchia* when Henry was already dead, so his mood cannot have been exactly triumphant either. Widely debated, the notion of universal empire was also struggling. Importantly, however, even those inclined to reject it were not prepared to abandon the notion of a single christian commonwealth along with it. Among them was the French lawyer, Pierre Dubois.

In his treatise *De recuperatione Terre Sancte* (On the recovery of the Holy Land), written between 1305 and 1307, Dubois dismisses universal empire as unsuitable for the present age:

I doubt if there is a man of sound mind who thinks that at this late stage of time there can be a single temporal monarch for the whole world, who would rule all things and whom all would obey as their superior. If there were a tendency in this direction there would be wars, rebellions, and dissensions without end. There would be no one who could quell these disturbances because of the multitude of people and the distant areas involved, local differences, and the natural inclination of men toward strife.[67]

Dubois briefly discusses the contemporary *imperium Romanum*, held by the *reges Alemannie*, the kings of Germany. He treats it as no different from any other christian realm; indeed the possibility that it might be special is not even raised.[68] But then (as he asks in a different context),

what of those cities and the many princes who recognize no superior authority on earth [*superiores in terris non recognoscentes*] possessing the power to judge them [*qui justiciam faciant de ipsis*] in accordance with local laws and customs? When these cities and princes engage in controversies, before whom shall they institute proceedings and conduct litigation?[69]

The fundamental problem, for Dubois as for Engelbert and Dante, is the unity of christendom and the maintenance of peace within and among its constituent parts. To solve it, Dubois separates the concept of the single christian commonwealth from the concept of universal empire, reproposing the former without reference to the latter. It is necessary, he announces at the outset, 'to establish peace among all Christians—at least those obedient to the Roman Church—on such a firm basis that they will form a single commonwealth so strongly united that it cannot be divided'.[70]

Una respublica: this is the essence of Dubois' programme. Mantra-like, though with constant semantic variation, the idea of christendom forming a single common-wealth occurs again and again in his text.[71] In his view, even the christian cities and

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[67] Pierre Dubois, *The Recovery of the Holy Land*, trans. Walther I. Brandt (New York: Columbia University Press, 1956), ch. 63, p. 121–2. Brandt oddly renders Dubois´s *in hoc fine seculorum* by 'in this day and age'; I have substituted 'at this late stage of time'. For the original text see the editions by Ch.-V. Langlois (Paris: Picard, 1891) and Angelo Diotti (Florence: Olschki, 1972).

[68] Ibid. ch. 13.

[69] Ibid. ch. 12, p. 78–9.

[70] *Idcirco inter catholicos omnes, saltem ecclesie romane obedientes, pacem firmari taliter expedit quod una sit respublica, sic fortiter unita quod non dividatur*. Ibid. ch. 2, p. 71. Brandt translates 'that they will form in effect a single commonwealth'. I have deleted 'in effect' as having no basis in the original.

[71] For example, *respublica christicolarum ecclesie romane obedientium* (ch. 3), *respublica catholicorum* (ch. 27), *respublica totius sancte religionis christicolarum* (ch. 46), *omnium credentium una respublica* (ch. 64).

princes that do not recognize a suzerain nevertheless have a duty not to attack each other, for nothing is worse than war among christians.[72] Dubois advocates a general council of all christendom, at which *principes et prelati* shall sign an undertaking, binding themselves and their successors, to renounce violence in their mutual dealings. If those princes and prelates do recognize a temporal suzerain, they shall pledge themselves to have any quarrel adjudicated by that suzerain—a suggestion indicating how little this could be taken for granted. If they recognize no temporal suzerain, then they shall pledge themselves to have any quarrel adjudicated by an arbitral court set up *ad hoc*, whose decision can be appealed to the pope.[73]

The participants in the council are to accept this system in sworn pledges to be deposed at, and published by, the holy see. But what if somebody ignores this undertaking? Then, Dubois explains, they shall be proclaimed outlaws by the pope, creating an obligation for everybody else to do what is in their power to resist them. It should be noted that, without discussion, Dubois envisages participation in his council by autonomous and non-autonomous actors alike. Similarly, no difference is to be made between autonomous and non-autonomous actors when it comes to punishing those breaking the peace. In a hypothetical example, Dubois lets the duke of Burgundy make war on his overlord, the king of France: following an appropriate declaration by the pope, all christian rulers, autonomous or not, would then have an obligation to assist the king in putting down this rebellion.[74]

In his discussion of the *imperium Romanum* in *De recuperatione* Dubois laments that the elective nature of the imperial crown invites internal strife each time the throne falls vacant, and recommends that the crown be made hereditary. This, he asserts, will greatly help 'the welfare and prosperity of the commonwealth, the kingdom, and empire of such noble peoples'.[75] The expression 'commonwealth', *respublica*, could be taken to refer to the empire but Dubois means christendom, as is made clear by the context and also by a very similar passage in a slightly later work: in his *Pro facto Terre Sancte* of 1308, Dubois likewise excoriates those who rebel against the elected German/Roman monarch, 'doing the greatest harm to the Roman church, the empire, the Holy Land and the entire commonwealth of the worshippers of Christ.'[76]

Yet another work of Dubois, known variously as *Summaria brevis* or *De abreviacione* and written in 1300, offers advice to Philip IV on how to put down rebellions against the crown. Here Dubois complains that 'the vice of disrespect for the welfare and interest of the commonwealth has hitherto become more ingrained in the kingdom of France than in other parts of the world.'[77] Since he never uses the

[72] *Guerre catholicorum inter se sunt pessime*, ch. 2.
[73] I follow here the interpretation of Merriam Sherwood, "Pierre Dubois and the Arbitration of International Disputes", in John H. Mundy/Richard W. Emery/Benjamin N. Nelson (eds.), *Essays in Medieval Life and Thought. Presented in Honor of Austin Patterson Evans* (New York: Bilbo and Tannen, 1965), pp. 138–49.
[74] Ch. 5.
[75] *salus et exaltatio reipublice, regni et imperii tam nobilium populorum*. Brandt translates 'of that noble people', but the original uses the plural. Dubois, *Recovery*, ch. 13, p. 80.
[76] *in gravissimum preiudicium ecclesie Romane, imperii, terre sancte tociusque reipublice christicolarum.* Quoted in Hellmut Kämpf, *Pierre Dubois und die geistigen Grundlagen des französischen Nationalbewußtseins um 1300* (Leipzig/Berlin: Teubner, 1935), p. 50.
[77] *Vicium autem contemptus salutis et utilitatis reipublice plus in regno Francie quam in aliis mundi partibus hactenus inolevit.* Quoted ibid., p. 72.

expression *respublica* other than to denote christendom, this again shows that for him strife in any individual kingdom is bad for christendom as a whole. Conversely, pacifying even a mere individual kingdom like France is good for christendom, prompting Dubois to devise, in *De recuperatione*, a system under which it would be the duty of all christian rulers to defend each other against challenges to their authority—with no distinction being made between 'internal' and 'external' challenges. It is precisely this distinction which, evidently, did not even occur to Dubois in this context.

Conclusion

Two main arguments have been developed and analysed in this article. First, concerning the role of the empire, it should be clear by now that it was not primarily power-political. As with any other christian crown, it owed its status largely to metaphysical considerations, based in this instance on theology and the christian interpretation of history, rather than to its power. Other medieval kings generally granted to the emperor (when there was one) a kind of primacy of honour, but this was a courtesy that reflected, essentially, widely shared assumptions concerning the *theological* role of the empire. This must not be confused with any acknowledgment of suzerainty.

Henry VII's Italian expedition is a fine example of royal *auctoritas*—mirrored in Dante's reverent formulations—being operationalized to achieve political ends even in the absence of adequate material resources and coercive power. Yet despite its partial successes and the fact that it clearly caused anxious moments even to some powerful actors, it also shows the inherent fragility of this kind of strategy. Had the German crown been able, at this juncture in the evolution of the medieval world, to enhance its *potestas* in a way comparable to what was happening for example in France, then it is conceivable that it might have created a real political hegemony over christendom. But this was always unlikely. Princely power might be growing and increasingly supra-local. Yet its ability to exercise effective control over large territories should not be overrated, nor the staying power of lower-ranking actors and their means to resist centralization neglected. Medieval kings had enough on their hands trying to assert themselves *within* their realms and were in no position to try to dominate christendom as a whole.

Even when the Habsburg dynasty briefly managed, in the reign of the emperor Charles V in the sixteenth century, nominally to unite much of Europe under one ruler through a policy of dynastic marriages, it proved quite incapable of creating an effective central government for the territories subject to it. Indeed, it did not try, and likewise never even attempted to get other European kings to accept its suzerainty. Fourteenth-century defenders of the empire like Engelbert and Dante illustrate the fact that the medieval ideology of empire was backward-looking and nostalgic rather than expansionist and aggressive, and that it never called in question the existence and legitimacy of plural christian kingdoms.[78]

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[78] Markus Fischer writes repeatedly that feudal discourse denied the legitimacy of individual kingdoms or other autonomous units within christendom ('Feudal Europe', pp. 436, 461). This is quite untrue.

Second, and conversely, the reaction of rulers like Edward II of England and Philip IV of France to the restoration of the imperial dignity by Henry VII shows that even if they were not prepared to take orders from the emperor (as Philip emphasizes) they nevertheless readily shared in a political discourse that emphasized their common christianity, and their obligation to the christian cause, above all else. Edward expresses the standard view of the period that the success of individual rulers is good for christendom as a whole. So, very emphatically, do the writings of Pierre Dubois. Dubois shows that in this period there was no perceived incompatibility between a strong desire to enhance the power of individual monarchs (enabling them to pacify their dominions) and an equally strong commitment to the christian commonwealth.

The important lesson to be derived from this is that, in the middle ages and the early modern period, the sense of belonging to a single christian society was not predicated on effective government of that society by a single person. Consequently, it was not undermined either by the predictable failure of the medieval (and post-medieval) emperors to gain, indeed even to try to gain, power over rulers outside the Holy Roman Empire in the same way that many of those rulers strengthened their power over their vassals.

Contrary to what Thomas Hobbes was to posit in the seventeenth century, society in the *ancien régime* was not seen as presupposing subjection to a 'sovereign'. Desirous to justify royal absolutism, Hobbes was to claim, in rather extremist fashion, that without subjection to a power capable of coercing them individuals would inevitably remain in the pre-social state of nature, and thus war, and that their existence would therefore be 'solitary, poor, nasty, brutish, and short'.[79] His novel concept of both government *and society* being based on a *pactum subiectionis*, by which individuals wishing to enjoy the benefits of social life had to agree to surrender their freedom to the sovereign, was at the origin of the modern conception of the state. The modern state is not just seen as exercising effective government over those within its jurisdiction, but as creating society among them. As, for Hobbes, society presupposes subjection to the sovereign, the commonwealth thus formed cannot have social ties beyond its borders. His general approach of regarding the state and society as twin phenomena and coterminous slowly gained ground in the eighteenth century and culminated in the late nineteenth-century nation state with its *sacro egoismo*.

By contrast, in the *ancien régime* rulers, even if called sovereign, were not seen as creating society. Society existed independently of rulers. It existed even if they were ineffective, or worse; indeed medieval people must often have felt that society survived not because of its lords but despite them. Because society existed independently of the power of rulers, it did not end at the borders of their dominions either. It was limited not by the boundaries of anybody's power but defined by a common culture and belief system.

Conversely, even the most powerful individuals within this society remained precisely that: individuals. Sovereignty even as redefined by Jean Bodin was vested in rulers, not in corporate entities. As individuals, those rulers remained members of a society that went beyond the borders of their jurisdiction, and they remained, were considered, and perceived themselves to be, obligated to that wider society even

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[79] Thomas Hobbes, *Leviathan*, ch. 13.

though their primary responsibility might be to their subjects. To take just one example, the peace treaty between 'Britain' and 'France' of 1713 was actually concluded, as the text makes clear, between two individuals, king Louis of France and queen Anne of Britain; there is no suggestion of corporate entities as parties to the agreement. In the preamble of the British copy, which is in Latin, the two contractants are described as 'equally mindful of the interest of their subjects and concerned for the perpetual … tranquillity of the whole christian world [*totius christiani orbis tranquillitati prospicientes*]'. The French copy (in French) even reverses the order: '*remplis du désir de procurer … une tranquillité perpétuelle à la chrétienté, et portés par la considération de l'intérêt de leurs sujets.*'[80]

It is this which is at the heart of the 'international society' phenomenon dear to the English School in IR. Both Martin Wight and Hedley Bull have described this international society as essentially a society of 'states'.[81] But it was no such thing. In the *ancien régime*, which even in the eighteenth century remained in many ways visibly rooted in the medieval world, this larger society was not a society among 'states'. In a nutshell, the crucial difference is this: we see society as existing within states. By contrast, the *ancien régime* saw rulers as existing within society.

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[80] Quoted in Osiander, *States System*, p. 112.
[81] Martin Wight, *Power Politics* (2nd edn.), ed. Hedley Bull and Carsten Holbraad (Harmondsworth, UK: Penguin, 1986), ch. 10; Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (Basingstoke, UK: Macmillan, 1977), p. 13 and passim.