Bourges to Geneva: Methodological Links Between Legal Humanists and Calvinist Reformers

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Parker, Charles H.

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As humanist thought swept across northern Europe from Italy in the late fifteenth and early sixteenth centuries, it brought seeds of change for theology, legal scholarship, and political philosophy. In France humanists influenced religion and law in similar ways: they advocated reform of these contemporary institutions from an appeal to history. Even after the 1534 Placards Affair separated humanism and Protestantism into divergent movements, both groups continued to promote change in their respective spheres. The most effective polemical weapon employed by legal humanists and Calvinist theologians was new historical perspectives fashioned in order to challenge the authenticity of traditional institutions and to legitimize their own programs of reform. My research on legal humanists at the University of Bourges and Calvinist reformers in Geneva explores the specific methodological links between these two distinctive groups. Such particular connections suggest a general intellectual affinity that transcended short-term political and confessional goals, a common ground that points to the rise of a burgeoning methodology in early modern intellectual history. In the sixteenth century legal humanists endeavored to return to the text of the Corpus Juris Civilis and to incorporate a historically-inclined theoretical perspective into legal scholarship. Since the thirteenth century, legal scholars had depended on glosses of the Corpus compiled by Accursius and his students at the University of Bologna. These “glossators” applied Roman law across six centuries to contemporary judicial issues. As legal scholarship and education evolved over 200 more years, post-glossatorial jurists became increasingly removed from the Corpus itself as they based their studies and curricula on these commentaries rather than on the text of the Roman law. With their textual emphasis, legal humanists placed
the *Corpus* in its historical context and subsequently contended that Roman law was no longer applicable to contemporary society. Consequently, they attempted to revolutionize legal curricula and to devise a new legal code for France.

As religious reformers opted for *sola scriptura*, they also utilized historical study to legitimize their theological position. They contended that over the centuries the Roman Catholic Church had gradually substituted human tradition for divine religion. Calvinists traced the history of theological dogma to show that the Roman faith was out of step with the ancient church and to demonstrate that they themselves were the doctrinal heirs of the apostles. And after the French crown proved hostile to the reformed faith, Protestant polemicists again appealed to history in order to justify resistance to "tyrannical" royal authority. Thus legal humanists and religious reformers used history for their own purposes, a common method that produced different results. Historical study compelled legal humanists to reject the authority of an ancient text, while history led Protestants to embrace one.

The primary methodological component common to humanistic jurisprudence and reformed theology was their reliance on history. This appeal to history manifested itself in a distinct category of historical writing known as "universal history." More than just an argument from history, universal histories were used by legal humanists and Protestant writers to establish their own historical legitimacy. Their intent was to demonstrate that they were not innovators but rather heirs of ancient tradition, while their enemies, Bartolians and Catholics, had allegedly usurped such a venerable heritage in the Middle Ages. Universal history involved the survey of historical phenomena over a vast period of time and was characterized by attempts at comprehensiveness, historical synthesis, and empirical study. Believing that history revealed patterns that would lead to the discovery of truth, humanists and Protestants wrote comprehensive surveys tailored to their rhetorical purposes. Within this genre several internal methods are also apparent: the use of primary sources, the appeal to exemplars, and the assumption of a similar philosophy of history. In order to display the function of universal history in sixteenth-century French intellectual history, it is necessary to center the discussion around works that exemplify this methodology. The works of Francis Baudoin and the followers of the *mos gallicus docendi* at Bourges, along with that of the prominent reformed theologian John Calvin and the legal humanist and Protestant polemicist Francis Hotman, provide examples that symbolize this new historical methodology.
The legal humanist Francis Baudo\(\text{\textperiodcentered}\)n explicitly defined the precise nature of the genre in his 1561 work, *The Concept of Universal History and Its Relation to Jurisprudence*. Baudo\(\text{\textperiodcentered}\)n’s treatise articulated a methodology common to humanistically-inclined jurists, political theorists, and Protestant theologians in sixteenth-century France. Jurists at the University of Bourges, such as Eguinaire Baron, Francis Le Douaren, and Hugh Doneau, employed it in much of their work, as did Francis Hotman in *Francogallia* (1586) and John Calvin in *Institutes of the Christian Religion* (1559).\(^5\)

The premise of *The Concept of Universal History* was rooted in Baudo\(\text{\textperiodcentered}\)n’s belief that truth unified and permeated all branches of knowledge. The study of history was the means by which truth could be ascertained systematically in any discipline. Since truth was a unified entity and not a set of isolated particulars, however, the study of history required the scholar to assemble all of the empirical particulars into a systematized whole. As Baudo\(\text{\textperiodcentered}\)n, the jurist, pieced together the historical outline of the Roman law, he became convinced that it should no longer be considered as a viable legal system. For Baudo\(\text{\textperiodcentered}\)n contended, as did most legal humanists, that European civilization had long outgrown the historical environment of the *Corpus*. Moreover, he believed that Justinian’s chief editor, Tribonian, actually composed much of the *Corpus* himself. Thus for Baudo\(\text{\textperiodcentered}\)n the *Corpus* was more valuable as data for legal and historical scholarship than as law. Baudo\(\text{\textperiodcentered}\)n realized, however, that France did need a systematic law code and legal curricula, deficiencies that he thought could be remedied by the study of history.\(^6\) In summary, Baudo\(\text{\textperiodcentered}\)n was the first legal scholar to enunciate with precision the theory of universal history, and when he incorporated it within his research on the *Corpus*, he rejected Roman Law as a practical legal code for sixteenth-century France. He was not finished with history as a methodological tool, however, for he believed that a study of history could provide the basis for a new law code.

In turning to history as a source of law, he based his inquiry on authentic historical sources. Baudo\(\text{\textperiodcentered}\)n devoted much of his academic attention to determining the criteria for authentic historical sources.\(^7\) He identified laws and customs as the most reliable sources, for as jurisdictional parameters, they expressed the most representative values in a given society. Baudo\(\text{\textperiodcentered}\)n also advised scholars to utilize the oldest possible manuscripts rather than trusting “degenerated narratives,” for the most trustworthy sources were those closest to the historical event under scrutiny.\(^8\)

Although Jean Bodin was neither on the faculty at Bourges nor was he a Genevan reformer, his close personal relations with Baudo\(\text{\textperiodcentered}\)n, Baron, and
Hotman, along with his methodological affinity to them, require that Bodin be mentioned in this context. Bodin’s 1566 work, *The Method for the Easy Comprehension of History*, was one of the most important methodological treatises within the legal humanist tradition. Bodin’s *Method* bore a close resemblance to Baudoin’s *Universal History*. Like Baudoin, Bodin stressed the importance of studying historical subdisciplines such as ecclesiastical, legal, or political history within their larger historical framework. Only after scholars juxtaposed natural history and even geography beside the development of human societies could they truly understand history. Moreover, Bodin repeated Baudoin’s emphasis on empirical studies rather than on abstraction, utilized Baudoin’s argument that the goal of history was truth, not rhetoric, and stressed Baudoin’s use of examples. The *Method*, however, devoted more attention to how history, apart from legal or religious matters, should be understood. That is, Bodin offered a more general approach to history without specifying and confining its application to the sphere of law as Baudoin did in *Universal History*. Bodin argued that an understanding of history was needed to make sense of the issues engulfing contemporary France. Moving from the general to the particular, he advised the student of history to begin with general historical, political, and geographic accounts of as many civilizations as possible and gradually shift more attention to local studies. The significance of Baudoin’s *Universal History* and Bodin’s *Method* is that they were exemplary definitions of the legal humanist historical approach to law and political theory in a period when the new methodology was having broad influence throughout Europe. A survey of a few legal humanist scholars at Bourges will clarify the manner and the extent to which French jurists were utilizing universal history.

Francis Le Douaren’s *Method of Legal Study* (1544) prefigured and anticipated the historical theories of Baudoin and Bodin. Intimating in this work that historical analysis was important to the study of law, Le Douaren focused on the evolution of Roman custom leading up to the *Corpus*. Le Douaren’s major contribution to the historical approach, though, was in the realm of canon law, as he insisted upon the study of ecclesiastical institutions over long periods of time. His emphasis on what we would now call the *longue durée* corrected previous notions held by decretalists. For example, Le Douaren dated the origins of ecclesiastical benefices as late as the ninth century, thereby challenging the Roman church’s claim of creating the practice of granting benefices. Employing early medieval Germanic customs in his works on benefices and feudal custom, he showed that var-
ious Germanic and northern Italian communities had given and received
benefices long before the church did. Communal archives, chronicles,
wills, and other records from different communities comprised the sources
from which Le Douaren argued. His associates at Bourges, Hugh Don-
neau and Eguinaire Baron, also incorporated universal history into their
research.

In 1589 Doneau published *Commentaries on Civil Law*, which was a
herculean effort to reassemble Roman law into a complete system. From
his comprehensive synthesis of the sources of the *Corpus*, Doneau con-
tended that only an extreme amount of reconstruction could organize the
*Corpus* into a unified system. Because the arrangement of the *Corpus* was
so chaotic, he maintained that only through source explication and reor-
ganization could the *Corpus* be comprehended. Thus from such a his-
torical reassembly, Doneau accused Justinian and his editors of legal
ignorance. Eguinaire Baron, in a 1547 commentary on the *Digest*, traced
the history of magistral offices in the Roman Empire. Baron’s concern was
to understand the historical relationship between the Emperor, the magis-
trate, and the law in the Empire. In terms of sovereignty, Baron argued
that magistral *imperium* flowed from the *imperium* of the Emperor; hence
all sovereignty resided in the Imperial dignity. These are just a few exam-
pies of how legal humanists at Bourges utilized the concept of universal
history with its emphasis on primary sources and exemplars, an approach
also used by French religious reformers.

John Calvin’s *Institutes of the Christian Religion* stands clearly within
the humanist category of universal history. The *Institutes* was first pub-
lished in 1536 and was later revised, translated into French, and expanded
several times until the final edition appeared in 1559. Calvin wrote the
original draft to distinguish his reformed theological system from other
splinter sects and from the doctrine of the Roman Catholic Church. The
very nature of the work was historical, as Calvin traced the evolution of
doctrine from its biblical roots to the early Fathers through the medieval
church. Calvin employed this historical survey to show how the Roman
church had allegedly corrupted Apostolic teaching, while the reformers
called simply for its reimplementation. Methodologically, the development
and maturation of universal history in the *Institutes* corresponded to the
expansion and revision of the work as a whole. The first edition contained
six chapters which treated the subjects of the Law, the Creed, the Lord’s
Prayer, Baptism, and Communion. From this small publication sprang
an enlarged edition in 1539 with eleven additional chapters. Incorporating
new material, this second edition dealt with topics such as the knowledge of God and man, similarities between the Old and New Testaments, predestination, providence, and the Christian life. Calvin continued to expand the work in the 1543 edition, throughout its numerous reprints (in 1545, 1550, 1553, and 1554), and in its final Latin edition in 1559, which was five times longer than the first and divided into eighty chapters. Calvin constantly reorganized and expanded his material; consequently, his use of universal history grew in relation to the formation of the Institutes. In the full-blown 1559 edition he devoted an entire section, roughly fifteen to twenty percent of the work, to a universal history of the church. This segment formed the bulk of the fourth section of the treatise, which dealt with the structure and function of the external church. Internally, he also appealed to the type of historical sources extolled by legal humanists and incorporated by other Protestants in their writings, such as Martin Bucer’s *On the Kingdom of Christ* and Theodore Beza’s *The Right of Magistrates*.

In terms of philosophy and argument, Calvin endeavored to establish a pattern of belief and practice among the fathers of the ancient church which he believed paralleled the biblical paradigm. After describing and documenting the *exemplum* of the ancients, he traced the history of ecclesiastical development to show that the growth of the papacy corresponded to the corruption of divine religion. As Calvin tracked the growth of the Roman bishopric from the first to the sixth century, he claimed that the Roman bishop had altered the structure of the church from what it had been in the first century. Calvin pointed out that by the time of Pope Gregory I (590–604), the Roman bishop had extended his jurisdiction over western churches in arbitrating disputes, in assisting in the consecration of bishops, in admonishing church officials, in calling ecumenical councils, and in receiving appeals from other bishops. According to Calvin none of these prerogatives belonged to the Roman bishop in the ancient church. By the time of Gregory I, however, the papacy’s powers were still limited compared to its later authority.

Arguing that the eighth to the thirteenth centuries witnessed the most significant papal growth, he attributed its meteoric rise to the political alliance with the Carolingian dynasty in the eighth and ninth centuries. The alliance gave the papacy military security and temporal control over the papal states, a combination that enabled popes to consolidate and expand their authority. Calvin continued to trace papal growth through the era of Gregory VII to the reign of Innocent III, at which time, Calvin insisted, the papacy had reached gargantuan proportions. Throughout his survey
Calvin continually compared the ecclesiastical structure with the *exemplum* of the ancient fathers, a comparison that in Calvin’s mind did not bode well for the Roman church.

Calvin’s theological *magnum opus* was not the only work stemming from the French Reformation that utilized a historical approach, but it is the clearest example of universal history. The Protestant history of the French Reformation, *Histoire ecclésiastique des églises réformées au royaume de France*, also qualifies to a limited extent. It does attempt to be comprehensive, although it does not link the Reformation to any spiritual ancestors past the sixteenth century. The martyrology of Jean Crespin, *Histoire des martyrs persecutez et mis à mort pour la verité de l’évangile, depuis le temps des apostres iusques à present* (1619), fits the category easily. Focusing on Protestant martyrs of the sixteenth century, Crespin places them in the historical flow of martyrs in biblical, patristic, and medieval times. Other Protestant polemical works that, if not fully expanded universal histories themselves, at least employ a strong historical approach, include Bucer’s *On the Kingdom of Christ* and Beza’s *On the Right of Magistrates*. The methodological connection between legal humanists at Bourges and reformers in Geneva is best symbolized by Francis Hotman’s *Francogallia*.

Both an ardent religious reformer with close ties to Geneva, and a legal humanist who intermittently served on the law faculty at Bourges from 1566 to 1572, Hotman espoused a reformed philosophy of history, a humanist program of legal reform, and a theory of political resistance. In order to justify Protestant activity in the French religious wars, Hotman wrote a universal history of the “French Constitution” known as *Francogallia*. Hotman completed the original edition of *Francogallia* in 1573, just after he fled the upheaval of the St. Bartholomew’s Day Massacre in Bourges. He revised and enlarged *Francogallia* several times until its final form in 1586. His central thesis was that during their long history, the French people had enjoyed representative government and constitutional privileges until Louis XI usurped their liberties in the fifteenth century. This argument implied that the Valois monarchy was tyrannical and, therefore, subject to deposition by the realm.

Beginning the work with an analysis of the institutions of pre-Caesar Gaul, Hotman claimed that the inhabitants of France had enjoyed constitutional prerogatives until Louis XI. According to Hotman, the government of Gaul combined a mixture of conflicting powers to check tyranny; they included democratic, aristocratic, counciliar, and monarchical institutions. Although Gaul lost many liberties with the invasion of the Romans,
the government continued to act via the decisions of a public council. This representative body empowered itself to depose kings, to choose public officials, to grant appanages, and to administer affairs of state. Despite significant alteration under the Merovingian and Carolingian dynasties, councilial government existed as an ideal throughout the Middle Ages. Later as the Capetian dynasty consolidated its authority, the crown gained power by altering the method of royal succession from election to inheritance. Subsequently, the last vestiges of constitutional government (aristocratic power, Estates General) disappeared under the heap of Louis XI’s Lettres Patents. Hotman concluded, therefore, that the arbitrary use of royal authority in contemporary France was the result of fifteenth-century innovations by Louis XI and his Valois successors.

Hotman, like Baudoin, Le Douaren, Baron, and Calvin, also believed in amassing primary sources and appealing to historical examples. J. H. Salmon and Ralph Giesey described Francogallia’s sources as “the massive concatenation of historical references designed to demonstrate the themes Hotman believed most important.” In all, Hotman referred 800 times to various sources, 200 of which were classical and 300 medieval.

In addition to the methodological similarities, it should be pointed out that the University of Bourges served as a point of personal contact between these legal humanists and religious reformers. When Andrea Alciati joined the law faculty at Bourges in 1529, he introduced the new method to France. Although he left after only three years, his teaching attracted a number of very bright law students to Bourges. Many of these students adopted the mos gallicus docendi and later played a significant role in shaping the direction of intellectual trends in France. And several prominent followers of Alciati, including Francis Baudoin, Eguinaire Baron, Jacques Cujas, Hugh Doneau, Francis Hotman, and Francis Le Douaren staffed the law faculty at Bourges at various times during most of the sixteenth century. Also, Bourges was often a breeding ground for religious heresy from 1525 to 1572, a phenomenon which gave the university close ties to Geneva. Moreover, several clergy and students who converted to Protestantism in the 1520s–30s at Bourges were later involved in reformed activity in Strasbourg and Geneva. John Calvin himself studied law under Alciati in Bourges, and Theodore Beza lived there several years in the home of the outspoken Protestant Melchoir Wolmar. Legal scholars from Bourges and religious reformers at Geneva, therefore, shared many personal connections that were part of an intellectual affinity.

Thus the reform programs of these legal and religious reformers follow a similar pattern: revision of contemporary institutions based on an ancient
model. Each drafted comprehensive historical syntheses to compare corrupt contemporary practice with ancient exemplary practice. The method implied a common philosophy of history. Both legal humanists and Protestants looked back to the ancients, whether it was to the biblical era or to the classical, for inspiration. They compared contemporary institutions to an ancient pattern and insisted on change based on the comparison. Although both legal humanists and Protestants employed similar methods and perspectives in their areas of concern, their application produced different results. Humanistic jurisprudence recognized that the Corpus was at best an attempt to compile customs which were no longer applicable and at worst a forgery. Legal humanists’ sense of history called for broadening legal curricula and creating a new legal code for France, both based on historical custom rather than on the Corpus Juris Civilis. On the other hand, French Protestants elevated an ancient document, the Bible, as the only source of religious doctrine. Calvin argued that the church’s tradition had actually usurped biblical religion over a long period of time; therefore the reformers attempted to go back to biblical practice and reject church tradition. Thus the reliance on universal history reveals the methodological affinity between religious reformers and legal scholars in sixteenth-century France. This overarching methodology was at least as significant to the course of intellectual history as their diverse confessional objectives were to the political map of seventeenth-century Europe.

Charles H. Parker

Charles H. Parker is a Ph.D. student at the University of Minnesota where he is specializing in early modern European history, focusing on the Low Countries in the sixteenth and seventeenth centuries.

NOTES

1. Obviously, French humanists and Protestants did not fit into such neat, separate categories after 1534. Indeed, the thrust of this paper implies a great deal of blurring along confessional lines; nevertheless, in terms of organizing categories, humanists did not, as a rule, embrace the Protestants’ religious and political goals after 1534. They did, as this paper argues, share a common methodology.

3. Actually, the Italian humanist and legal scholar Lorenzo Valla blazed the way for the legal humanist protest in the mid-fifteenth century. Yet the time and territory of the political and intellectual force of legal humanism, the focus of this study, was sixteenth-century France. Donald Kelley’s works, particularly *Foundations of Historical Scholarship* (see n. 2), treat the legal humanist use of history.

4. The crown’s wrath arose over the Placards incident in 1534 and heated up in 1538 when Francis I made peace with Charles V. Royal persecution of Protestants reached its height under Henry II (1547–59), the creator of the *ardent chambre*. Charles IX ended royal suppression in 1562, the same year civil war broke out. During the religious war (1562–98), the Catholic (Guise) faction frequently targeted Protestants for persecution. Likewise, Protestants returned the favor when they had the opportunity.


7. Franklin, 127.

8. Franklin, 129.


16. Authorities in France identified the reformers as seditious Anabaptists who were bent on destroying the social order in France. Reacting strongly to this accusation, Calvin resolved to respond to these charges. Hence a primary purpose of the *Institutes*, according to an explanation given by Calvin in his commentary on the Psalms, was “to vindicate from undeserved insult my brethren whose death was precious in the sight of the Lord.” Quoted from McNeill’s introduction to the *Institutes* 1: xxxii.
20. The universal history segment corresponds to pages 1009–1254 in vol. 2 of Calvin’s *Institutes*.
23. Calvin argues on pages 1131–2 that Gregory I assumed no more power than other bishops and used extraordinary power only when requested by the Emperor.
25. G. Baum et Ed. Cunitz (eds.), *Histoire ecclésiastique des églises réformées au royaume de France*, 3 tomes (Paris, 1883); Jean Crespin, *Histoire des martyrs persecuteur et mis à mort pour la vérité de l’évangile, depuis le temps des apostres jusqu’à présent*, édité par Daniel Benoit (1619; reprint Toulouse, 1885); for citations of Beza and Bucer, see n. 21.
27. Hotman, 7–8.
31. Hotman, 52.
32. Among these diverse sources he used Caesar, Tacitus, Cicero, Pliny, Livy, Justinian, Xenophon, Plato, Aristotle, Polybius, Fleury, Gregory of Tours, Otto


34. The specific dates of several significant humanists’ tenures at Bourges are as follows: Andrea Alciati, 1529–32; Francis Le Douaren, 1542–7, 1550–9; Francis Baudoin, 1548–55; Jacques Cujas, 1555–67 (intermittent); Francis Hotman, 1566–72. See Kelley, Foundations, 96, 99, 103–4, 107, 112, 118, 125, 206, 208.
