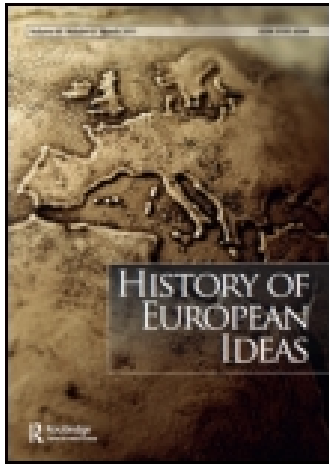


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La Boétie and the Neo-Roman Conception of Freedom

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La Boétie and the Neo-Roman Conception of Freedom

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Abstract

Freedom as a natural right, the importance of consent, defending the idea that government should be in the hands of the most virtuous and reflective citizens, denouncing patronage, the need to link individual and political freedom . . . These are some of the characteristics of La Boétie's doctrine that I believe place him within the tradition that Quentin Skinner calls the *neo-Roman conception of civil liberty*. Of course, La Boétie did not write a positive defence of the rule of law, as Livy did in his *History of Rome* and as the English republicans do, but the *Discourse* can easily be read as a legal plea condemning absolute monarchy and any kind of arbitrary regime.

Keywords: La Boétie; freedom; parliamentarism; monarchomacs.

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1. Introduction

Ever since it was written sometime around 1552, the interpretations of the *Discourse of Voluntary Servitude* by Étienne de La Boétie have been constructed mainly with reference to two aspects of his work: either its political doctrine or its humanistic foundations. The first political interpretations were, in fact, made by the Calvinist, who turned the text into a weapon against the house of Guise. Since then, the link between La Boétie's text and the French reformers has kept historians and philosophers busy. Its subtitle, *Le Contr'Un*, was actually the work of the Huguenots, who included part of its content in the anti-monarchic pamphlet *Reveille Matin des François* as early as 1574. Later, in 1577, it was published as a whole in French in a collection of Calvinist lampoons entitled *Mémoires de l'estât de France sous Charles neufiesme*.

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At the beginning of the last century, Arthur Armaingaud (*Montaigne pamphlétaire, l'énigme du Contr'Un* (Paris, 1910)) went back to this relationship, defending the hypothesis that the *Discourse* was a forgery by Montaigne. According to Armaingaud, the text is riddled with allusions to Henry III and his court, *proof* that it could not have been written by La Boétie, who died before Henry III rose to the throne. According to this idea, Montaigne, a behind-the-scenes pro-Huguenot, would have been the one responsible for turning the *innocent* text written by La Boétie into an anti-monarchic pamphlet and then circulating it among his Protestant friends.

Bernadette Gadomski has once again taken up the discussion of the relationship between the *Discourse* and the Protestant tradition in her recent book *La Boétie, penseur masqué* (Paris, 2007). In this book, she tries to demonstrate a close tie between the theses defended by La Boétie in his book and Calvinist doctrine, not as a political movement to compare it with, but as a related one.¹ According to this author, it was not Montaigne but rather La Boétie who was hiding behind a pro-Huguenot mask. The *Discourse* would, then, have enabled him to support the cause of the Huguenots, subjected to the tyranny of their persecutors, monarchs and papists.

In fact, *The Discourse of Voluntary Servitude* was immensely influential among the Calvinist. However, the fact that the Huguenots took advantage of the criticisms of tyranny set forth in the *Contr'Un* does not mean—at least, this is what I will defend here—that they had the same theoretical foundations and objectives. What is more, my hypothesis is that La Boétie's text can actually be read as a discourse against the main theses of Reformist doctrine: the divine right of monarchs and institutional resistance. I shall propose a *constitutionalist* reading of La Boétie, according to which his political theory is based on several of the main elements that Quentin Skinner uses to describe neo-Roman civil freedom.²

First (section 2), I will analyse the context in which La Boétie prepares his text. This will help us to find the referents of his political doctrine: the conflictive relationship between the French monarchy and the supporters of parliamentarianism. Next (section 3), I will analyse our author's view of the foundation of politics—for La Boétie, it is none other than freedom—and the reasons that citizens give up such a precious good and accept slavery. This analysis will allow us to understand the identification between tyranny and monarchy that underlies the entire *Discourse*. We shall see how the vindication of the political importance of parliament is carried out through an explicit criticism of the doctrine that intends to render it ineffective:

¹ There were many different versions of Calvinist political theory after Calvin, but I will take here these two principles as its foundational core: the doctrine of the divine right of kings and a theory of institutional resistance, grounded in the classical ideas of the Ephors. The religious wars of the seventeenth century would make Calvinists more radically anti-monarchic, but it is still possible to classify the different branches of political Calvinism regarding their views about these two principles. I have defended my case in Marta García-Alonso, *La teología política de Calvino* (Barcelona, 2008); Marta García-Alonso, 'Calvin and the Ecclesiastical Power of Jurisdiction', *Reformation and Renaissance Review*, 10 (2008), 137–55; Marta García-Alonso, 'Le pouvoir disciplinaire chez Calvin', *Renaissance et Réforme/Renaissance and Reformation*, 33 (2010), 29–49; Marta García-Alonso, 'Biblical Law as the Source of Morality in Calvin', *History of Political Thought*, 32 (2011), 1–19.

² My intention coincides with that of Jean Terrel, even if my reasoning is constructed in a radically different way; see Jean Terrel, 'Républicanisme et droit naturel dans le *Discours de la servitude volontaire*: une rencontre aporétique', *Erytheis*, 4 (2009) <<http://idt.uab.es/erytheis/numero4/terrel.html>> [accessed 25 Jan 2011]. Terrel's analysis is articulated based on the discussion of the aporia between natural law (the universalism of original freedom) and republicanism (the elitism of aristocratic ethics), concluding with the impossibility of a republican La Boétie in a modern (democratic) sense.

absolute monarchy (or tyranny). Then (section 4), I will consider the reasonings that make this defence of a parliamentary model possible and their possible philosophical influences (Cicero). Afterwards (section 5), I will try to present the reasons that I believe that La Boétie cannot be considered a precursor of the Monarchomach doctrines. To this effect, I will analyse his position regarding the doctrine of the divine right of kings and active resistance (section 5.1), and then go on to comment on La Boétie's opinion about religion's place as a reason for resistance (section 5.2). Finally (section 6), I will conclude by showing our author's political proximity to the theses that define the *neo-Roman conception of freedom*. I will, therefore, defend that, although it is true that La Boétie did not write positively in defence of the empire of law, as the English republicans did, the *Discourse* can certainly be read as a legal case in defence of *parliamentarianism*.

2. Monarchy and Parliament

In his book *The Machiavellian Moment*, John Pocock held that it was necessary to study the moments of crisis that real republics had suffered in order to write about the history of republicanism.³ These are the events that generate a theoretical reflection that renews and reinvigorates the doctrine, cyclically, after and during each crisis. Just as the Battle of Agnadello was crucial for Venice, so also was the Peloponnesian War crucial for Athens, the civil wars for Rome, the civil war and the *Commonwealth* for England, the French and American revolutions for republicanism in France and the USA, and so on.

In this paper, I will follow the advice of the New Zealand historian and I will apply it to studying the text of the *Discourse of Voluntary Servitude*; as everyone knows, La Boétie wrote his work in the political context of the conflict between the French crown and the Bordeaux Parliament.⁴ This conflict reflects what the French thinker describes as tyranny: the exercise of discretionary power that threatens property and freedom, one of the most prized goods in his opinion.

In effect, during the period from 1550 to 1560, La Boétie and Montaigne, some years apart, belonged to the group of parliamentary councillors in Bordeaux.⁵ The French parliament was not a representative assembly and was not organised like the States-General with three orders: the clergy, the nobility and the third estate. This did not, however, prevent the members of Parliament from feeling that the powers that belonged only to the States-General (*États généraux*) were deposited in them. I am referring to the control of laws and taxes. The parliaments did not have legislative power, either, as the law was the exclusive prerogative of the monarch.

³ See J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ, 1975), 53–54. The *School of Cambridge*, which counts John Pocock and Quentin Skinner among its members, holds that the need to explain texts according to the use of their doctrines (languages) in their respective contexts is a basic methodological principle.

⁴ The opposite thesis that defends the separation between La Boétie's text and its historical context is based on Montaigne's work and his insistence on treating La Boétie's text as a humanistic work, with no contemporary political relevance. Regarding Montaigne's role in relation to the *Discourse* and its historical context, see Anne-Marie Cocula, 'Réapprendre à obéir librement: le *Discours* de La Boétie', *Nouvelle revue du seizième siècle*, 22 (2004), 71–87.

⁵ See Anne-Marie Cocula, 'Le Parlement de Bordeaux au milieu du XVI^e siècle', in *Étienne de La Boétie. Sage révolutionnaire et poète périgourdin*, edited by Marcel Tetel (Paris, 2004), 421–36. Regarding the institution in the sixteenth century, see Jacques Ellul, *Histoire des institutions: XVI^e–XVIII^e siècle*, (Paris, 1955–1956), IV, 29–47.

In sixteenth-century France, the only source of rights was the *royal ordinances*, edicts dictated by the monarch on quite diverse issues. The parliaments were, above all, a legal organism, the means by which the king imparted justice—imposing royal sovereignty, fighting lordly and ecclesiastical justice. . . . To this end, the parliaments had four chambers that carried out, respectively, the preliminary investigation (*Chambre des enquêtes*); dictation of the sentence (*Grand-Chambre*), the trial itself (*Chambre de la Tournelle*), and, finally, judgement in first instance of the cases of important people (*Chambre des requêtes*). The number of councillors in these chambers depended on the importance of their task: two to three hundred in Paris, around one hundred in large provinces, and around sixty in the rest. They had sovereign rule: only the king could prevent their sentences from being executed.

They also enjoyed a certain amount of extralegal competence: the parliament held the royal ordinances read at public audiences and the jurists could let the king know if the law proclaimed was just and reasonable. They had, therefore, a right to appeal (*droit de remontrance*), although the king was under no obligation to pay attention; in this case, they could repeat the appeal. With this infinite series of appeals, the parliaments could interrupt justice, creating political conflicts that sometimes ended with the suspension of Parliament or with its members being jailed.

In the provinces, the members of Parliament were elected following the example of Paris. The positions were inherited, encouraging the existence of authentic parliamentary dynasties. This is how La Boétie achieved his position in Parliament, through the protection and intervention of his mother's brother, an influential member of the Parliament from the clan of the Périgourdins (as the members of the Court of Aides of Périgueux were called). We must not forget, either, the importance of his marriage in 1554 to Marguerite de Carle, who belonged to one of the landholding families in the city of Arsac in Médoc and whose father and brother had been presidents of the Bordeaux Parliament; this was another important point of support for his political career.

The decade from 1550 to 1560 witnessed the antimonarchic uprising of 1548. This rebellion against royal authority originated in the imposition of indirect taxes on salt in the province of Guyenne (in southwest France) which had, until then, been exempt. It was Francis I who decided to impose these taxes, but the problem arose later, when Henry II decided not to repeal the tax, at a time when there was no economically difficult situation in the kingdom to justify maintaining it. The decision was, therefore, interpreted as a coercive and arbitrary act that threatened the citizens' freedom (property).

The riots worsened in August 1548, when the king decided to send one of his representatives to the city of Bordeaux, capital of Guyenne, in order to negotiate with the dissatisfied people. This manoeuvre was not successful and terminated with the assassination of the royal envoy. At this point, the king blamed the Bordeaux authorities for complicity with the seditious elements and closed parliament. The Bordeaux Parliament councillors were suspended and replaced by councillors from the parliaments of Rouen, Paris, and Toulouse, named directly by the king. The conflict between the crown and Parliament continued to worsen. However, after six months, the outcome showed the weakness of the monarchy: faced with the pressure of the Bordeaux aristocracy, the monarchy withdrew the royal commissioners from their functions and reopened Parliament in January 1550. The inevitable consequence of the process was that it showed the crown's dependence on the provincial aristocracies and their parliaments.

We can find echoes of this situation in the text we are studying. Specifically, the main thesis defended by La Boétie in the *Discourse* could be described, as I see it, as follows: *only the consent of those governed makes government possible* because, in order for authority to be legitimate and effective, it has to be consented to. *Without consent, there is no legitimate power.* That is, if the members of Parliament (the nobles, the free men) refuse to give the monarchy their support, to put its policies into practice in the provinces, the French crown would not be able to preserve its legitimacy and the government would be unviable. Consent, then, is presented as the political concept par excellence, consequence of the political freedom that the parliamentary aristocracy should enjoy, according to the author. The theses defended by La Boétie in his book have a very specific historical sense. Let us see how they developed historically and how this development, according to Mesnard, made La Boétie one of the most important political philosophers of the sixteenth century.⁶

3. Discourse against Absolutism

Yet, in the light of reason, it is a great misfortune to be at the Beck and call of one master, for it is impossible to be sure that he is going to be kind, since it is always in his power to be cruel whenever he pleases.⁷

This is how Étienne de La Boétie's *Discourse* begins, reminding us that the greatest misfortune that a man can suffer is none other than being subjected to an arbitrary power that prevents him from enjoying his native freedom. Freedom is something the individual is born with, so that the slavery which political servitude implies can only be derived and *contra naturam*.

It is incredible how as soon as a people becomes subject, it promptly falls into such complete forgetfulness of its freedom that it can hardly be roused to the point of regaining it, obeying so easily and so willingly that one is led to say, on beholding such a situation, that this people has not so much lost its liberty as won its enslavement. It is true that in the beginning men submit under constraint and by force; but those who come after them obey without regret and perform willingly what their predecessors had done because they had to. This is why men born under the yoke and then nourished and reared in slavery are content, without further effort, to live in their native circumstance, unaware of any other state or right, and considering as quite natural the condition into which they were born.⁸

There is only one natural authority, and that is paternal authority. However, no other obligations apart from those of the family derive from this authority. As we can see, La Boétie situates himself, right from the start of his work, in clear opposition to those who based political authority on the Christian commandment of

⁶ One of the few books of History of Philosophy that includes La Boétie's thinking is the classic text by Pierre Mesnard, *L'essor de la philosophie politique au XVIème siècle* (Paris, 1977).

⁷ Étienne de La Boétie, *The Politics of Obedience: The Discourse of Voluntary Servitude* (hereafter *Discourse*), translated by Harry Kurz (Auburn, AL, 2008, first published in 1975), 40. I have also consulted the French edition, Étienne de La Boétie and Malcom Smith, *De la Servitude volontaire* (Geneva, 1987); the Spanish version, Étienne de La Boétie *Discurso de la servidumbre voluntaria*, translated by Pedro Lomba (Madrid, 2010); and the Spanish version of the Desgraves edition, Étienne de La Boétie and Louis Desgraves, *Œuvres complètes d'Estienne de La Boétie* (Bourdeaux, 1991).

⁸ La Boétie, *Discourse*, 54.

filial obedience and on original sin. Calvin was one of the most ardent defenders of the idea that obedience was the *conditio sine qua non* of all relationships with authority.⁹ According to the reformer, it did not matter if the authority was familial, domestic, political, or ecclesiastical: the obligation to respect the domain remained sound and should be fulfilled not for fear of the superior but for fear of God himself.¹⁰ There is no more precise definition of servitude than this.

In opposition to these doctrines, La Boétie defends the main place that freedom occupies in politics. Man is not born a slave of his passions (original sin), nor is the source of power to be found beyond the authority that the subjects allow the ruler. So *liberty is what equality is based on*; liberty is the characteristic that allows us to recognise one another as brothers and to reject subordination as a perverse thing. Each man has been given his own capability to reason, and virtue lies in cultivating his own innate independence. And this is such a basic propensity that we share it with animals; we have but to observe their resistance to captivity, even at the risk of their lives.¹¹ Therefore, freedom is natural, it is the characteristic that we share and that makes us all equal; it is what makes it possible for us to recognise one another as brothers:

[S]ince she [nature] has tried in every way to narrow and tighten the bond of our union and kinship; since she has revealed in every possible manner her intention, not so much to associate us as to make us one organic whole, there can be no further doubt that we are all naturally free, inasmuch as we are all comrades. Accordingly it should not enter the mind of anyone that nature has placed some of us in slavery, since she has actually created us all in one likeness.¹²

And where there is no superior, there can be no subordination, so the treatment that should be demanded in civil coexistence is a fraternal treatment:

If in distributing her gifts nature has favored some more than others with respect to body or spirit, she has nevertheless not planned to place us within this world as if it were a field of battle, and has not endowed the stronger or the cleverer in order that they may act like armed brigands in a forest and attack the weaker. One should rather conclude that in distributing larger shares to some and smaller shares to others, nature has intended to give occasion for brotherly love to become manifest, some of us having the strength to give help to others who are in need of it. [...] since she has bestowed upon us all the great gift of voice and speech for fraternal relationship, thus achieving by the common and mutual statement of our thoughts a communion of our wills; and since she has tried in every way to narrow and tighten the bond of our union and kinship; since she has revealed in every possible manner her intention, not so much to associate us as to make us one organic whole, there can be no further doubt that we are all naturally free, inasmuch as we are all comrades.¹³

⁹ Jean Calvin, *Institution de la religion chrétienne* (hereafter *IRC*), edited by Jean-Daniel Benoit, 5 vols (Paris, 1957–1963), II, chapter 8, section 36.

¹⁰ Calvin, *IRC*, IV, chapter 20, section 22.

¹¹ La Boétie, *Discourse*, 51–52.

¹² La Boétie, *Discourse*, 50.

¹³ La Boétie, *Discourse*, 50. This thesis is, according to authors such as Nannerl Keohane, what converts La Boétie into a radical humanist. See Nannerl O. Keohane, 'The Radical Humanism of Etienne De La Boetie', *Journal of the History of Ideas*, 38 (1977), 119–30 (121).

According to authors such as Allard, we should find the foundations of La Boétie's political theory in the Platonic doctrine on friendship, because it is in *The Banquet* that Plato, through the voice of Pausanias, states that friendship is impossible where cruelty, disloyalty, and injustice are found.¹⁴ Friendship is also contrary to servitude, in which one person submits to another in order to receive economic benefits.¹⁵

Both fraternity and friendship assume a basic equality that does not, however, imply the absence of politics. In effect, La Boétie acknowledges that there are some men whose greater merits must be recognised, as they are more virtuous than the average person. The prestige of possessing these merits carries with it the acknowledgement of a certain authority—an authority that bases its power on *consent*.¹⁶ This consent is the kind that occurs among equals, the recognition of a brother, a friend. This procedure is impossible if there is a tyrant, who is not recognised as a friend and cannot be loved because this relationship is based on inequality.

The fact is that the tyrant is never truly loved, nor does he love. Friendship is a sacred word, a holy thing; it is never developed except between persons of character, and never takes root except through mutual respect; it flourishes not so much by kindnesses as by sincerity. [. . .] Although it might not be impossible, yet it would be difficult to find true friendship in a tyrant; elevated above others and having no companions, he finds himself already beyond the pale of friendship, which receives its real sustenance from an equality that, to proceed without a limp, must have its two limbs equal.¹⁷

Therefore, if, at the beginning, men were free and equal, there came a moment when they became slaves for some reason. If they were forced to become servants, it did not take them long to docilely accept their situation, something that was obvious to La Boétie in his historical context. The only possible explanation is that they continue to accept their present-day situation due to the effects of education and custom, which are always stronger than nature: 'Thus custom becomes the first reason for voluntary servitude'.¹⁸ In some cases, this custom becomes fixed with the reinforcement of the miraculous nature of the person who governs, capable of curing illnesses and

¹⁴ See Gérard Allard, 'Les servitudes volontaires: leurs causes et leurs effets selon le Discours de la servitude volontaire d'Étienne de La Boétie', *Laval théologique et philosophique*, 44 (1998), 131–44.

¹⁵ Plato, *The Banquet*, translated by Percy Bysshe Shelley, ed. John Lauritsen (Boston, 2001), 184c.

¹⁶ This is an idea that can be found in Polybius, for whom consent was fundamental to good governance: 'It is by no means every monarchy which we can call straight off a kingship, but only that which is voluntarily accepted by the subjects and where they are governed rather by an appeal to their reason than by fear and force'; see Polybius, *Polybius: The Histories*, translated by W. R. Paton, 6 vols (Cambridge, MA, 1922–1927, revised in 1978), VI.4.2 <<http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Polybius/home.html>> [accessed 18 May 2011]. However, according to authors such as Brian Tierney, we should find the sources of this doctrine in Conciliarism, which questions the thesis of papal supremacy and the need for the participation of the Council (the ecclesiastical senate) in the Church's legal-theological decisions. These theses are developed in his three main works: Brian Tierney, *Foundations of the Conciliar Theory* (Cambridge and New York, 1955); Brian Tierney, *Church Law and Constitutional Thought in the Middle Ages* (London, 1979); Brian Tierney, *Religion, Law and the Growth of Constitutional Thought, 1150–1650* (Cambridge, 1982). Among his predecessors in this approach, Figgis stands out because he referred to this canonistic tradition as the source of the idea of the limited monarchy; see John Neville Figgis, *Studies of Political Thought from Gerson to Grotius, 1414–1625* (New York, 1907).

¹⁷ La Boétie, *Discourse*, 77.

¹⁸ La Boétie, *Discourse*, 59.

generating devotion among the people,¹⁹ although ‘he has indeed nothing more than the power that you confer upon him to destroy you’.²⁰

But is custom the only explanation that allows us to understand how tyranny works? Not at all. Custom or inertia can explain what happens with the masses, but not with the people who occupy political and administrative positions all over the kingdom. According to La Boétie, tyranny-monarchy sustains itself mainly thanks to the support of public servants whose fidelity depends on their participation in the king’s benefits. This group of advisers relies on faithful companions, accomplices in banditry, who, in turn, gather a following of new clients.²¹ The vices of the holders of these positions are public and well known, a sign that corruption affects the entire country: nepotism, seduction by honours and money, decadent tastes, apathy to public threats... In short, everything that servitude implies.²² For La Boétie, *patronage* and *ambition* are the enemies of freedom, the greatest danger the government faces, and the true secret of all domination. Moral vices engender political corruption. Cicero held the same opinion.²³

Therefore, when men renounce their original liberty, it can only be explained by their weakness, as a moral vice. Servitude is anti-natural and derived, and this is why politics that does not contemplate liberty as its source and meaning can only be called tyranny. This monarchic politics is, therefore, illegitimate. At a time when the absolutist doctrine vindicated monarchs’ divine descent and their absolute and radical difference compared to the rest of humanity, placing freedom at the forefront was actually a complicated and significant political move. However, to my mind, what the author attempted, with his defence of equality and freedom and his criticism of tyranny, was to reinsert Parliament into its *natural political place*. The vindication of the political importance of Parliament is carried out by means of an explicit criticism of the alternative doctrine that attempts to make it inoperative: absolute monarchy (or tyranny). According to this criticism, the anthropological doctrine of natural freedom defended by La Boétie does not involve the acknowledgement of the people as a political subject.²⁴ The *theoretical* universalism proposed by the French philosopher has a *practical* limit that we can appreciate once we appraise its context of implementation—as it usually happens with every form of political universalism. In this case, political equality would be applied to the relationship between the monarch and the nobles who form Parliament. It would not be extended to the people as a whole—just like the French revolutionaries did not include those who were not men and property-holders in their definitions of universality.

¹⁹ La Boétie, *Discourse*, 68.

²⁰ La Boétie, *Discourse*, 46.

²¹ La Boétie, *Discourse*, 72.

²² La Boétie, *Discourse*, 73.

²³ Marcus Tullius Cicero, *Cicero: On the Commonwealth and On the Laws* (hereafter *De republica*), edited by James E. G. Zetzel (Cambridge, 1999), book I, section 27.

²⁴ Goyard-Fabre gives the same opinion when he says that, for La Boétie, the people are a shapeless mass with no power and no political responsibility, and with the same vices as the sovereign. See Simone Goyard-Fabre, ‘Au tournant de l’idée de démocratie: l’influence des Monarchomaques’, *Cahiers de philosophie politique et juridique de l’Université de Caen*, 1 (1982), 22, 29–48. For Cavallé, however, La Boétie not only makes the people responsible for their submission, but for their liberation, which means giving them political sovereignty. See Jean-Pierre Cavallé, ‘Langage, tyrannie et liberté dans le *Discours de la servitude volontaire* d’Etienne de La Boétie’, *Revue des sciences philosophiques et théologiques*, 72 (1988), 3–30.

Discourse against Absolutism would have been another possible title for La Boétie's *The Discourse of Voluntary Servitude*. Its theoretical proximity to the Monarchomachs, who do not argue with the concept of the monarchy, but rather with its excesses, can be based on this main aspect.²⁵

4. In Defence of Parliamentarianism

Up to this point, I have laid the foundations that can explain the political-moral foundation of the meeting of virtuous men in the parliamentary institution, with La Boétie among its members. This institution is defined with Ciceronian echoes.²⁶ We must remember that Cicero vindicated the restoration of the aristocratic patriotic idea that involves respect for the political (senatorial) council, as opposed to the glorification of military success that Julius Caesar represents. La Boétie could easily have thought something similar when he vindicated the function of Parliament as opposed to the French monarch.

The idea of the man of state, for Cicero, is represented by the Roman Senator.²⁷ It is, in addition, a moral model for any citizen who wants to behave virtuously.²⁸ The superior man must possess, above all, *virtus*, a concept that appeals both to moral excellence and to resolution and strength of spirit. Loving virtue is not enough, it must also be practised; and in its practice, there is nothing higher than consecration to the fatherland. In book VI of *De republica*, Cicero offers us one of the most beautiful presentations of the classic conception of immortality. Similarly, the treatise *De republica* is preceded by an introduction in which Cicero states that the duty of a true patriot is to prefer the risk of public responsibility to the sweetness of leisure, and that this is the only labour that makes it possible to attain immortality.²⁹

Perhaps the analogies between La Boétie's and Cicero's political theories cannot (and should not) be taken to an extreme, but it is nonetheless true that there are strong shared elements that make both authors fierce critics of tyranny. It was not in vain that Boétie defended the French Senate and encouraged its members to resist the modern Caesars who forgot the legal bases of the State.³⁰ We can find one

²⁵ Toneti holds the opposite opinion. For this author, La Boétie's objective is monarchic theory in the broad sense, because what the French author criticised was, mainly, the incompatibility of the logic of power and the logic of freedom, this last being anchored in friendship (or solidarity). See Edson Donizete Toneti, 'Discurso da servidão voluntária: relações de força e liberdade na obra de La Boétie', *Revista de Filosofia Aurora*, 28 (2009), 165–91.

²⁶ Comparot acknowledged Cicero's influence on La Boétie, even though his interpretations insists on a more theoretical and humanistic influence, rather than on a philosophical political one; see Andrée Comparot, 'La tradition de la République de Cicéron au XVI siècle et l'influence de Lactance', *Revue d'histoire littéraire de la France*, 82 (1982), 371–91. Similarly, I agree with Weber when he points out that it is knowledge of freedom in Antiquity that makes it easier for him to look at the political reality that he experiences differently; see Henri Weber, 'La Boétie et la tradition humaniste d'opposition au tyran', *Culture et politique en France à l'époque de l'Humanisme et de la Renaissance*, edited by Franco Simone (Turin, 1974), 355–74.

²⁷ Regarding Cicero: Christian Habicht, *Cicero the Politician* (Baltimore, MD and London, 1990); Neal Wood, *Cicero's Social and Political Thought* (Berkeley, CA and Oxford, 1991); Francisco Pina Polo, *Marco Tulio Cicerón: biografía de una frustración*, (Barcelona, 2005).

²⁸ Cicero, *De republica*, book II, section 69a.

²⁹ Cicero, *De republica*, book VI, section 13.

³⁰ The assimilation of Parliament and Senate was traditional among defenders of the French Parliament's independence such as the jurist Guillaume Budé; see *The Cambridge History of Political Thought 1450–1700*, edited by J. H. Burns and Mark Goldie (Cambridge, 1991), 78. See also Michael L. Monheit, 'Guillaume Budé, Andrea Alciato, Pierre de l'Estoile: Renaissance Interpreters of Roman Law', *Journal of the History of Ideas*, 58 (1997), 21–40.

example of this affinity in the praise that the Venetian model, an example of freedom, receives in La Boétie's text.³¹ This model of freedom corresponds to Polybius's mixed government, represented this time by Venice and disseminated by Cardinal Gasparo Contarini in his work *De magistratibus et republica Venetorum*, a text that became a guide for the republican constitution in the sixteenth and seventeenth centuries.³²

However, the republicanism of Venice was nothing more than a disguised oligarchy, with the *Dux* (or *Doge*), idealised as the source of stability and security for the city and described with divine attributes, as its leader.³³ Venetian politics was, de facto, in the hands of an aristocracy that governed the city not according to Roman law but through family alliances that prevented anyone who was not a patrician and, in addition, a Venetian, from gaining access to power, as the provincial elites were excluded from government, something with which the provincial parliamentary member La Boétie would probably not have agreed.

In effect, the Venetian government was even more centralistic than the French government; cities such as Padua and Verona called its power tyrannical. The truth is that, according to the historian Edward Muir, if republicanism existed in these lands, it must be sought in the institutional (judicial) politics of resistance of communes such as Buia, not in the oligarchic regime of Venice.³⁴ So what the French crown seemed to fear from Venice was not the democratisation of power but the danger that the existence of an oligarchy meant to royal authority.³⁵ On the contrary, what La Boétie might admire about the Italian republic was not the inexistent democratic freedom, but Venetian freedom, equivalent to the government of the city's nobility and aristocracy.

Be that as it may, any reasoning was welcomed if it undermined absolute monarchy. And just as Cicero made repeated efforts in his writings to show that the senate alone is the legal holder of legitimate government, La Boétie insists on the impossibility of government by a single person. Absolute monarchy and tyranny are names for a single political reality. This does not mean that La Boétie defended a kind of dissolution of the State, as though politics were contrary to nature by principle, a kind of antecedent of Rousseau's theses, according to which man is good by nature and only becomes perverse through the action of

³¹ La Boétie, *Discourse*, 55.

³² Regarding the political work quoted, see Elisabeth G. Gleason, *Gasparo Contarini: Venice, Rome and Reform* (Berkeley, CA and Oxford, 1993), 110–28. According to Edward Muir, the republican model, in contrast to the monarchic model, was created by its theoreticians for exportation. This is why the classic Roman model and the Renaissance Venetian one were theoretical models that could be reproduced in any time and place; see Edward Muir, 'Was There Republicanism in the Renaissance Republics? Venice after Agnadello', in *Venice Reconsidered: The History and Civilization of an Italian City-State, 1297–1797*, edited by John Martin and Dennis Romano (Baltimore, MD and London, 2000), 141.

³³ In the sixteenth century, the *Dux* was even thought of in terms close to the doctrine of divine right of emperors and monarchs. The legacy of the *Dux* touched by divinity is part of the iconography of the Italian Renaissance, as the portrait of the Venetian *Dux* Leonardo Loredan by Giovanni Bellini shows. Regarding this iconography, see Debra Pincus, 'Hard Times and Ducal Radiance', in *Venice Reconsidered*, edited by Martin and Romano, 89–136.

³⁴ See Muir, 'Was There Republicanism in the Renaissance Republics?', 137–67.

³⁵ In effect, the simple mention of the Italian Republic infuriated the French sovereigns: it caused Francis I to leave a parliamentary session and Henry II was scandalised about the young councillors who 'parlent haut jusqu'à dire *eripiuntur nobis fasces: sembleroit qu'on voulust faire le Senat de Venise*'; Henry II, quoted in Guy Demerson, 'Les exempla dans le Discours de la servitude volontaire', in *Étienne de la Boétie. Sage révolutionnaire*, edited by Marcel Tetel (Paris, 2004), 216.

the institutions.³⁶ The way I see it, La Boétie's thesis does not go so far. It is more an issue of proving that only a regime that accepts the free working of Parliament can be called legitimate, in a strict sense. This is because only that regime can comply with the basic political principles of a government based on freedom and on an equality-grounded Friendship, presented in the text. That is, his work could be read as a defence of the *constitutional* model—in which the parliaments are the main political factor—that was being abandoned in favour of absolutist policies. Thus the distinction between obedience (necessary) and servitude (abuse of power). *It is not obeying, but serving, that is a vice: 'What vice is it, or, rather, what degradation? To see an endless multitude of people not merely obeying, but driven to servility? Not ruled, but tyrannized over?'*³⁷

5. La Boétie: A Monarchomach?

Half of the historical examples cited in the *Discourse* are devoted to highlighting the fundamental value of freedom, following a progression that goes from the national heroism of the Greeks to the civic conscience of the Brutos, from Cato's escape to Hippocrates's resistance. Between the quotes from Terentius and Virgil, multiple examples of tyrannies that the people submit to with absolute lassitude can be read. Using these examples, La Boétie not only intended to illustrate the doctrine that he is opposing, but also to encourage his readers to judge them negatively. But this is not simple theoretical rhetoric. Bear in mind that La Boétie had legal training and that the *Discourse* can be read as a case against tyrannical politics.³⁸ We can deem it a layman's plea, a criticism of any transcendental foundations for politics.³⁹

Up to this point, we have seen the political judgement that he aims at the absolutist monarchy. Next, I will consider the theoretical analysis from the heart of the doctrine that upholds the monarchy: *the divine right of kings*.

5.1. The Divine Right of Kings and Armed Resistance

Our own leaders have employed in France certain similar devices, such as toads, fleurs-de-lys, sacred vessels, and standards with flames of gold. However that may be, I do not wish, for my part, to be incredulous, since neither we nor our ancestors have had any occasion up to now for skepticism. Our kings have always been so generous in time of peace and so valiant in time of war, that from birth they seem not to have been created by nature like many others, but even before birth to have been designated by Almighty God for the government and preservation of this kingdom. Even if this were not so, yet should I not enter the tilting ground to call in question the truth of our traditions, or to examine them so strictly as to take away their fine conceits. Here is such a field for our French poetry. [...] It has

³⁶ According to Keohane, the conclusion that can be drawn from reading *Servidumbre voluntaria* is that he holds an anarchist ideal; see Keohane, 'Radical Humanism of La Boetie', 129. Along similar lines, see Nadia Gontarbert, 'Pour une lecture politique de la *Servitude volontaire*', *Bulletin de la Société des amis de Montaigne*, 13–14 (1983), 93–104.

³⁷ La Boétie, *Discourse*, 42.

³⁸ Regarding the legal form of the *Discourse*, read Demerson, 'Les exempla dans le Discours', in *Étienne de la Boétie. Sage révolutionnaire*, edited by Marcel Tetel (Paris, 2004), 195–224.

³⁹ Nicola Panichi makes a statement along the same lines; see Nicola Panichi, *Plutarchus redivivus? La Boétie et sa réception en Europe*, translated by Jean-Claude Arnould (Paris, 2008), 77.

always happened that tyrants, in order to strengthen their power, have made every effort to train their people not only in obedience and servility toward themselves, but also in adoration. Therefore all that I have said up to the present concerning the means by which a more willing submission has been obtained applies to dictators in their relationship with the inferior and common classes.⁴⁰

The divinity of the monarchy is not only a poet's diversion but a series of beliefs destined to subject the uncultured populace. The words devoted by La Boétie to this doctrine could not have gone unperceived by the French crown. Since the Middle Ages, in France, the positive content of *potestas regia* was understood in an analogous way to how, up to that moment, imperial authority had been described: *rex est imperator in regno suo* was the most frequently repeated maxim in the incipient European states.⁴¹

All in all, though, it was the Protestants who modulated the original imperial theses and gave them a national form. The Carlyles had already situated Luther among the defenders of the divine right of kings.⁴² In effect, according to Luther, while we are in the world, *submission to the external power of the law and the sword* is indispensable. The task that God has entrusted to political power is precisely to restrain *by means of force and law*, the only means for creating the order and peace necessary for social coexistence. In order for this task to be effective, it must not be subject to any other power, nor must it leave any kind of Christian, clergyman or layman, outside of its control. In the same way, Calvin defended the idea that political authorities receive their power *directly from God* and, in virtue of this, are called his *vicars*, his *lieutenants*, his *representatives* in civil government;⁴³ they are even called *gods*.⁴⁴ The function of ruler is, therefore, *the most necessary of all functions in a political community* because the magistrates are the *executors* of God's will, not man's will. Thus, Calvin went so far as to say that their function is sacred (*'tressacrée'*).⁴⁵ The privileges of the monarchy and the impossibility of resistance were built on these foundations because, if the power came exclusively from God, resisting the authorities was going against the divinity. In 1576, Bodin was given the responsibility of designing a political-legal suit for this political-theological doctrine in his *Six Books of the Commonwealth*.

Nevertheless, after the St. Bartholomew's Day massacre in 1572, the objective of Protestant treatises was to create a theory of the right to armed resistance against the monarchy. This is what made La Boétie appear so distant from the French Monarchomachs, even though they share some basic political principles: he never

⁴⁰ La Boétie, *Discourse*, 68–69.

⁴¹ Regarding French theoreticians of the divine right of kings in the fifteenth and sixteenth centuries, see, in addition, the recent work by Marie-France Renoux-Zagamé, *Du droit de Dieu au droit de l'homme* (Paris, 2003).

⁴² See R. W. Carlyle and A. J. Carlyle, *A History of Mediaeval Political Theory in the West*, 6 vols (Edinburgh and London, 1936), VI, 271–87. Figgis himself acknowledged the role of the Reformation in the recovery and updating of this doctrine; see John Neville Figgis, 'Luther and Maquiavelli', in *Studies of Political Thought: From Gerson to Grotius, 1414–1625* (London, 1998).

⁴³ Calvin, *IRC*, IV, chapter 20, section 4; chapter 20, sections 6–7; chapter 20, section 9. The same expressions are used by Luther. Regarding these and other figures and their location in the Lutheran corpus, see John Witte Jr, *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge, 2002), 111 and following.

⁴⁴ Calvin, *IRC*, IV, chapter 20, section 4.

⁴⁵ Calvin, *IRC*, IV, chapter 20, section 4.

defended active resistance to the ruler. What was his alternative proposal? He proposed retiring the consent on which the ruler's power was based. He insists that this political measure is sufficient and that sedition is not necessary.⁴⁶

Obviously there is no need of fighting to overcome this single tyrant, for he is automatically defeated if the country refuses consent to its own enslavement: it is not necessary to deprive him of anything, but simply to give him nothing; there is no need that the country make an effort to do anything for itself provided it does nothing against itself. It is therefore the inhabitants themselves who permit, or, rather, bring about, their own subjection, since by ceasing to submit they would put an end to their servitude. [. . .] I do not demand of him so much boldness; let him prefer the doubtful security of living wretchedly to the uncertain hope of living as he pleases. What then? If in order to have liberty nothing more is needed than to long for it, if only a simple act of the will is necessary.⁴⁷

Freedom is not something that is given to us politically but rather something that naturally belongs to us. Because of this, servitude can only be voluntary. No one is born a servant; rather, a person consents to this situation. Thus, in order to recover our freedom, the only thing we have to do is retire the consent that we give the tyrant to enslave us and direct our lives. We are not taking anything that belongs to him, because political power only belongs to him with the people's consent. And what is more important, retiring this consent is a *political* act, not a personal one, because the *consequences of denying any service to a tyrant are political*, no matter what kind of services they may be (depending on the person's function and the service demanded).⁴⁸

But if not one thing is yielded to them, if, without any violence they are simply not obeyed, they become naked and undone and as nothing, just as, when the root receives no nourishment, the branch withers and dies.⁴⁹

It's true that the only way that this can happen is when the people become aware of the real situation in which they are living. It is necessary to want to become free once again. For this to happen, people have to be convinced that the good that will be derived from being free is greater than the good that the tyrants offer in exchange for servitude: games, spectacles, money, public office . . . Showing the people this is a job that free and virtuous politicians should be in charge of, providing a moral example for the rest of the citizens, himself and his readers.⁵⁰ The people should allow themselves to be guided by these virtuous politicians because when they let the tyrant guide them, they only become more brutish.⁵¹ Once again, we hear echoes of the

⁴⁶ La Boétie, *Discourse*, 47.

⁴⁷ La Boétie, *Discourse*, 44.

⁴⁸ I completely agree with Constance Jordan's interpretation. She holds that La Boétie's directive was adopted by Montaigne in his actions in public life; see Constance Jordan, 'Montaigne on Property, Public Service, and Political Servitude', *Renaissance Quarterly*, 2 (2003), 408–35 (427). Hourya Bentouhami offers a very different analysis of resistance in *Servitude*, reading it from the tradition of civil disobedience and utopian thought; see Hourya Bentouhami, 'Discours de la servitude volontaire de La Boétie et Désobéissance civile de Thoreau. Regards croisés', *Erytheis*, 4 (2009), 86–102.

⁴⁹ La Boétie, *Discourse*, 45.

⁵⁰ Cocula expresses the same idea; see Cocula, 'Réapprendre à obéir librement', 79.

⁵¹ The examples from Rome are a good illustration of La Boétie's opinion on the way that tyrants buy—rather than serving or enlightening—the people; see La Boétie, *Discourse*, 64–65. The elitist meaning of these ideas has been conveniently pointed out by the majority of those who study La Boétie, Keohane among others; see Keohane, 'Radical Humanism of La Boetie', 212.

Ciceronian model in which the senator becomes a moral model because he is also a man devoted to study. Because, according to Cicero, we know justice and the virtue that goes along with it, piety (*pietas*), only to the extent that politicians—not philosophers—translate them into laws and customs.⁵² This is why only statesmen are qualified to overcome the distance between erudition and the implantation of justice in political life.⁵³

As we can see, La Boétie at no time justifies armed resistance for political reasons; it is enough not to consent to tyrannical politics, to want to recover the freedom that belongs to us. But what if the motives are religious ones? And if what is at stake is religious freedom? The Huguenots do not hesitate to state that, if religion is at stake, armed resistance is a viable solution. However, because the text that should be read along with the *Discourse* and which, according to Montaigne, is part of the same whole was not published, the Huguenots were not familiar with it. I am referring to the *Mémoire sur la pacification des troubles*, in which La Boétie disavows the doctrine in favour of armed resistance and criticises the political doctrine of tolerance.

5.2. *The Issue of Religion in the Mémoire*

Between 1545 and 1553, heresy does not seem to be the main issue in France or in the Bordeaux Parliament, either. The 1548 revolt and the 1549 plague take the main places on the agenda. In 1551, the Edict of Chateaubriand was issued, taking severe measures against the Protestants: property was confiscated, the courts for trying cases of heresy—made up of members of Parliament—were reinforced, and, above all, censorship of any publication that had not previously been approved by the University of Paris (pamphlets, books, journals) was increased.⁵⁴ The repression worsened in 1554 to 1555, provoking a division within the Bordeaux Parliament. After the Edict of Écouen in 1559, any riot led by Protestants was to be punished by a death sentence, without trial.⁵⁵ This is the time when La Boétie becomes a member of Parliament. At the end of 1561 and on the eve of the start of the Wars of Religion (1562 to 1598), he finished writing the *Mémoire*, where he summarises his position on religious conflict.⁵⁶

According to La Boétie, religious division involves two immense evils for the kingdom. The first is civil division, the confrontation between subjects of a single king; the second is armed resistance.⁵⁷ At no point does he discuss the need for religious unity in France; he discusses only the means to achieve it. Religious peace was essential for the kingdom—and anyone, Catholic or Protestant, who went against it became a rebel. However, how could not persecuting heresy be justified as far as doctrine?

⁵² Cicero, *De republica*, book I, section 2–3.

⁵³ Cicero also presented himself as an example; see Cicero, *De republica*, book I, section 13.

⁵⁴ The job of the so-called 'Chambre Ardente (*Burning Chamber*)', created in 1547 by the Paris Parliament, was to condemn heretics to be burnt at the stake.

⁵⁵ The Edict of Compiègne in 1557 had approved the death sentence for anyone who professed a religion other than Catholicism, after a trial by a lay court.

⁵⁶ The text was discovered by Paul Bonnefon and published in 1917 and 1922, before it disappeared once more. Only Montaigne was familiar with it and he decided not to publish it because he was afraid of the (Gallican) interpretation that could be attributed to his friend, at the time of the Council of Trent. For all this data, see Malcolm Smith, 'Introduction', in Étienne de La Boétie and Malcolm Smith, *Mémoire sur la pacification des troubles* (hereafter *Mémoire*) (Geneva, 1983). All translations are my own.

⁵⁷ La Boétie, *Mémoire*, 36.

Michel de l'Hôpital was the standard-bearer of the thesis of *tolerance* ('*iterim*'), a provisional solution that tolerated dissident religious practice until the ecumenical Council that could resolve theological disagreements had been convened. For l'Hôpital, the solution to the conflict was to modify the crown's sphere of action: the crown's responsibility would be to maintain public order, not unity of faith, because religion and public order ('*police*') are two different areas. If the separation between the political and religious spheres worked, the kingdom would be safe, as the French monarch should only be interested in the political consequences of the religious discord, not the religious discord itself.⁵⁸

On the contrary, La Boétie was convinced that there was no greater evil for a kingdom than the existence of two churches in its territory because these two would only be the beginning of an infinite number of them, and this would bring about anarchy.⁵⁹ The path of peace that tolerated both religions not only did not fix things but had provoked a civil war.⁶⁰

Therefore, the coexistence of two religions in one kingdom is not a solution; it is a mere fantasy, a dream.⁶¹ One only has to look at the intolerance that the Protestants exhibit, wherever they are a majority; one only has to pay attention to what happened in Calvin's Geneva or in England.⁶² The only solution is to carry out a disciplinary reform in the Church that will favour the re-entry of the dissidents; this is the only possible way to bring peace back to the kingdom. The objective, therefore, is a true ecclesiastical reform,⁶³ although it must be limited to the disciplinary sphere, respecting the doctrinal sphere.⁶⁴ Most important of all, it is the king who occupies a privileged position for carrying out the possible changes that the Church and the kingdom need in the liturgical (worship) and legal (discipline) aspects.

It is the office of the king to be alert, not to usurp any aspect of ecclesiastical authority but to preserve it in his state. Nothing is to be done that is contrary to the ecclesiastical constitutions but rather, on the contrary, everything is to be done according to the councils and holy decrees. Now, we know that in France, the king, as the protector of the Gallican church, can prevent [any of these laws] from being contravened and has always done so. In this regard, papal dispensations, as well as proposals contrary to the holy decrees, are frequently debated in parliament [. . .].⁶⁵

La Boétie's Gallican affiliation seems clear. Pierre Pithou (1539–1596), one of the maximum exponents of this doctrine, summarises it as follows: the sovereign has absolute independence with respect to the popes in temporal matters. The pope's rights are limited within the kingdom, in virtue of the conciliar canons and French customs. The king has the power to convoke councils and give ecclesiastical laws, to prevent the jurisdiction of papal legates and regulate vigilance over bishops. These

⁵⁸ Michel de l'Hôpital, quoted in François Laplanche, *L'écriture, le sacré et l'histoire. Érudits et politiques protestants devant la Bible en France au XVIIe siècle* (Amsterdam and Marrssen, 1986), 124.

⁵⁹ La Boétie, *Mémoire*, 56.

⁶⁰ La Boétie, *Mémoire*, 51–52.

⁶¹ La Boétie, *Mémoire*, 54.

⁶² La Boétie, *Mémoire*, 94.

⁶³ La Boétie, *Mémoire*, 62.

⁶⁴ La Boétie, *Mémoire*, 64 and following.

⁶⁵ La Boétie, *Mémoire*, 82.

rights are majestic law and can in no way be considered privileges or pontifical concessions.⁶⁶ All of these aspects are accurately gathered in the *Mémoire*.

According to what has been said up to now, it is understandable that the Monarchomachs continued to think of La Boétie and his text as possible allies, as they only read (in their own fashion) *Servitude*. What is more complicated is to do the same thing today after the publication of the *Mémoire*, in which La Boétie discredits each and every reason why the presence of reformed religion should be accepted in France. So he can hardly be seen as the first Monarchomach, even less as a disguised pro-Huguenot, as Gadomski attempts to show.⁶⁷

6. Conclusion: Never Subjected to Arbitrary Power

For La Boétie, the worst vice of man is to consent to be enslaved by arbitrary (or absolute) power. The problem itself is not a tyrannical use of power, but its very existence, the fact that one is at the mercy of another's arbitrary will:

Yet, in the light of reason, it is a great misfortune to be at the Beck and call of one master, for it is impossible to be sure that he is going to be kind, since it is always in his power to be cruel whenever he pleases.⁶⁸

Because of this, the author vindicates a political freedom that ensures that no man depends politically on another. It is not enough for the laws to allow us to act freely, for there to be no coercion; the political regime must necessarily be built upon the principle that no one is subjected to another's political will. Any regime that, by definition, allows the use of discretionary power, beyond common law, is tyranny. Being subjected to discretionary power means, in itself, an absence of freedom in any of its determinations because no one can think, or speak their mind, for fear of contradicting the tyrant. The price of patronage is the total renunciation of freedom.⁶⁹

Freedom as a natural right; the importance of consent; the defence of the government being in the hands of the most virtuous and reflective citizens; the denunciation of patronage; the need to link individual and political freedom... These are some of the characteristics of La Boétie's doctrine, characteristics that belong to the tradition that Quentin Skinner calls the 'neo-Roman conception of civil liberty'.⁷⁰

According to Skinner, the origins of this tradition—the main principle of which is that *individual freedom can only be developed in an environment of public freedom*—

⁶⁶ Regarding Gallicanism, see Antoine Dégert, 'Gallicanism', in *The Catholic Encyclopedia*, edited by Charles G. Herbermann, Edward A. Pace, Condé B. Pallen, Thomas J. Shahan and John J. Wynne (New York, 1909) <<http://www.newadvent.org/cathen/06351a.htm>> [accessed 27 September 2010]; Bernardino Llorca, Ricardo García-Villoslada and J. M. Laboa, *Historia de la iglesia católica* (Madrid, 1991), IV, 202–03; Jonathan Powis, 'Gallican Liberties and the Politics of Later Sixteenth-Century France', *The Historical Journal*, 26 (1983), 515–53.

⁶⁷ After reading the *Mémoire*, it is impossible to defend, as Gadomski does, that 'le *Contr'* Un fait partie de cette littérature de combat qui, sans être adéquate à la doctrine huguenote, affiche néanmoins ses sympathies envers les réformés poursuivis para la vindicte royale [...]'. See Bernadette Gadomski, *La Boétie, penseur masqué* (Paris, 2007), 131.

⁶⁸ La Boétie, *Discourse*, 40.

⁶⁹ La Boétie, *Discourse*, 74.

⁷⁰ This is the conception that, according to Skinner, is at the root of the English and American revolutions and that, therefore, is the counterpoint to the liberal concept of freedom, from the Hobbesian tradition. See Quentin Skinner, *Liberty before Liberalism* (Cambridge, 1988). A summary of his thesis can be found in Quentin Skinner, 'A Third Concept of Liberty', paper presented at the Isaiah Berlin Memorial Lecture in London, November 2001.

would go back to Rome and its legal tradition regarding slavery. It is true that the Romans believed that if a free person lost his freedom then he became a slave because, according to the *Digest* only those who are not legally subject to another are free ('quaedam personae sui iuris sunt, quaedam alieno iurisubiectione sunt [...] in potestate sunt servi dominorum').⁷¹ Also, those who are under the guardianship of another are considered not to be free ('sui iuris'). To tell the truth, in Rome only the *pater familias* could be considered free in this sense because slaves, women, and children were under his jurisdiction. However, what Skinner pays attention to is the broad meaning that this concept has among historians and moralists, according to whom a slave is anyone who depends on the will of another, whether this will is manifested legally or politically. This is the tradition that James Harrington and Marchamont Nedham follow, making Livy, Sallustius, and Machiavelli their literary heroes, as Skinner says.⁷²

It is true that, despite his legal training and his parliamentary activity, La Boétie wrote nothing in defence of the empire of law in the affirmative, as did Livy in his *History of Rome* and as the English republicans have done. But the *Discourse* can also be read as a legal plea in defence of a traditional view: the Parliament should play a crucial role in the politics of Kingdom, supporting a monarchy with limited powers.⁷³ The suppression of the Bordeaux Parliament was a good example, for La Boétie, of the existence of this will and the consequences of legal-political dependence. According to this, La Boétie should not be considered a *civic humanist*, but rather a worthy representative of neo-Roman freedom.⁷⁴ He would, therefore, not be too far from Harrington when he defends the idea that the wisdom of the *commonwealth* is to be found in the aristocracy and, therefore, only a senate elected from among the members of the nobility could be a proper government.⁷⁵ Neither would he be too far away when he sees Venice as an empire of ancient prudence, ruled by common interest and by a mixed government,⁷⁶ or, mainly, when he makes freedom or the absence of servitude the fundamental nucleus of his doctrine, even though the referent for this freedom is not the same.⁷⁷

However, in La Boétie there is no detailed political doctrine about how a people should govern themselves and what the most adequate means for doing this are, such as we find in Harrington's work. At the beginning of the *Discourse*, La Boétie postpones this task, which he never accomplished, perhaps due to his early death.⁷⁸

⁷¹ *Digest*, I.VI.1.36.

⁷² Skinner, *Liberty before Liberalism*, 46.

⁷³ It must be pointed out that La Boétie text was edited and widely polished in the period immediately after the French Revolution, in a similar way to my comments here. See François Moureau, 'La Boétie à l'épreuve de la Révolution française. Éditions et travestissements du *Contr'un*', in *Étienne de la Boétie. Sage révolutionnaire*, edited by Marcel Tetel (Paris, 2004), 293–306.

⁷⁴ Contrary to my thesis, Hourya Bentouhami claims that legal thought is absent ('ajuridisme') in La Boétie, making him a perfect candidate for belonging to the tradition that Pocock calls 'civic humanism'; see Bentouhami, 'Discours de La Boétie et Désobéissance civile de Thoreau', 86–102 (91). In effect, according to Pocock, *civic humanism* does not resort to legal language to construct its political doctrines but instead appeals to an ideal of ethical and civic excellence that contrasts with specific historical situations chosen by the author. Legal language, however, resorts to natural law and refers to a human nature beyond history in order to establish the contrast with the real situation in which the author lives.

⁷⁵ 'As the wisdom of the commonwealth is in the aristocracy [...]'. James Harrington, *The Commonwealth of Oceana and A System of Politics* (hereafter *Oceana*), edited by J. G. A. Pocock (Cambridge, 1992), 24.

⁷⁶ The Venetian example is omnipresent throughout the sixty-two pages of *The Preliminaries* of the work; see Harrington, *Oceana*, 8–68.

⁷⁷ For Harrington, the freedom on which everything else is based is property which, in his time, was farm property; see Harrington, *Oceana*, 100.

⁷⁸ La Boétie, *Discourse*, 40.

Nevertheless, we can say that the reason for their similarity is the common defence of parliamentarianism or, in negative, their fervent opposition to absolute monarchy.⁷⁹ One has only to think about the importance, for English authors such as Francis Osborne and Henry Neville, of the criticism of the final veto that Charles I was able to place on the English Parliament's proposals; not in vain did they call him a tyrant for destroying *the true essence of freedom*: parliamentary freedom.⁸⁰ Nor can we forget that, like La Boétie, many of these English political theorists preferred a system with a mixed government and saw no contradiction between the defence of freedom and its compatibility with the monarchic regime. Thus, the neo-Roman civil liberty that Skinner studies and attempts to revive cannot be called republican⁸¹ and can, therefore, count La Boétie among its followers.

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⁷⁹ This fact makes them *constitutionalists* but not republicans, as they see no problem in having a monarch at the head of the mixed government; see Harrington, *Oceana*, 25. However, it is not unusual to see both concepts confused; see J. C. Lyons, 'Conceptions of the Republic in French Literature of the Sixteenth Century: Estienne de la Boetie and Francois Hotman', *Romanic Review*, 21 (1930), 296–307.

⁸⁰ Henry Neville, *Plato Redivivus*, in Skinner, *Liberty before Liberalism*, 53.

⁸¹ See Skinner, *Liberty before Liberalism*, 55 note 176.