



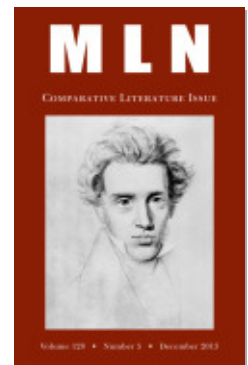
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“Toutes passions mises en arrière . . .”
The Emotions in Legal Perspective:
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Sue W. Farquhar

The language of rights, while ubiquitous in our own public life, was not so readily available to sixteenth-century writers.¹ What the ancients called ‘liberty’ differed from what we consider individual freedom.² At the end of the Middle Ages, only kingship could be defined by liberties, regalian rights and royal prerogatives.³ Yet a new practice of rights began to be articulated by jurists in Montaigne’s time through a law-centered paradigm and theories of citizenship. Keeping in mind that citizenship in the modern sense did not yet exist in Renaissance France, I shall turn to a sharply contested issue of the time, the question of sovereignty, to argue that a reciprocal relationship existed between the rise of absolutist thought and the formulation of a subject with rights. Montaigne’s engagement in this political debate and his contribution to the history of the citizen, while unnoticed, are inseparable from his focus on the self as a

¹ I am most grateful to Gérard Defaux who has guided and supported my interest in Montaigne throughout.

² Richard Tuck, *The Rights of War and Peace* (Oxford: Oxford UP, 1999) 1–6. Lacking the idea of rights, the ancients insisted on “the complete subjection of the individual to the authority of the collectivity” or citizen body.

³ Donald R. Kelley, “Kingship and Resistance,” *The Origins of Modern Freedom in the West*, ed. R. W. Davis (Stanford: Stanford UP, 1995) 236–37.

subject of discourse—the “matter” of his Book—and as a subject under the law. Insofar as attention to juridical practices, among others, enables one to locate new forms of subjectivity, I have approached this relationship of sovereign/subject from a legal perspective.⁴ The idea that law, in particular Renaissance jurisprudence, altered the classical political meaning of citizen, making way for a transition to the modern legal subject, will inform my analysis of Montaigne’s engagement with the question of citizenship.⁵

Royal power, understood within the schema of constitutionalism and absolutism, has shaped the landscape of early modern political thought.⁶ The relationship between ruler and ruled was conceived in the middle ages as reciprocal but became increasingly polarized in the late Renaissance with implications for the emerging concept of citizenship. A primary feature of late sixteenth and seventeenth-century humanist engagement in the debate on sovereignty was an interest in the passions and government.⁷ As the forces of statebuilding and religious dissidence intensified, the question of government seemed to explode: how to govern oneself, how to be governed, how to govern others, how strictly, by what methods.⁸ Since classical times, following Aristotle, the art of government rested on knowledge of the passions with the aim of rational control. The importance of the emotions in Renaissance moral philosophy and handbooks for princes lay in giving a fuller psychological picture of human agency, to be understood, however, within a conventional frame of social meanings. It is as a cultural construct that the emotions speak to us through this literature, although with different social inflections of time and place.⁹

⁴ Michel Foucault, “Truth and Juridical Forms,” *Power*, ed. James D. Faubion, trans. Robert Hurley, vol. 3 (New York: The New York Press, 1994) 4.

⁵ See J. G. A. Pocock, “The Ideal of Citizenship Since Classical Times,” *Theorizing Citizenship*, ed. Ronald Beiner (New York: State U of New York P, 1995) 29–52.

⁶ William F. Church, *Constitutional Thought in Sixteenth-Century France* (Cambridge, MA: Harvard UP, 1941); Julian H. Franklin, *Constitutionalism and Resistance in the Sixteenth Century* (New York: Pegasus, 1969) and *Jean Bodin and the Rise of Absolutist Theory* (Cambridge: Cambridge UP, 1973); Adrianna Bakos, *Images of Kingship in Early Modern France* (London and New York: Routledge, 1997).

⁷ Richard Tuck, *Philosophy and Government 1572–1651* (Cambridge: Cambridge UP, 1993) xiv–xv, 1–120.

⁸ Foucault, “Governmentality,” *Power* 201–22.

⁹ The Andrew W. Mellon Foundation enabled my research on the emotions through a seminar at the Folger Institute, Washington DC, “Reading the Early Modern Passions,” directed by Gail Kern Paster. I am also grateful to the members of the Interdisciplinary Research Group at Virginia Tech (J. Aiken, B. Britt, D. Burr, J. Eska, A. M. Knoblauch) for commenting on an earlier draft.

At the time of the French religious wars, the emotion of anger became more prominent as a topos, incorporating an ideology of anger control that had originated in classical antiquity.¹⁰ I shall focus on this topic through the *Essais* of Michel de Montaigne and the debates of Henri III's Palace Academy relative to a contemporary historical event, the Meeting of the Estates General at Blois in 1576. Assuming that literary engagement is best understood with reference to specific institutional and cultural uses of discourse, this strategy will help us better interpret the discourse on anger as an emergent grammar of rights, intrinsically linked to sovereign "liberties." My premise is that both within the Palace Academy and without, the discourse on anger was a conventional yet flexible means for scrutinizing relations between the ruler and ruled, implicitly raising the question of the status of the subject. What did it mean to be subjected to the authority or "just anger" of the prince? Were the king's subjects subjected to his law alone or did they possess certain rights under civil law? Was the ruler above fundamental law and all forms of civil authority? Finally, how were legal, literary and political meanings embodied in expressions of anger in sixteenth-century culture?

The vocabulary of anger was a rich and complex one with roots in Greek semantics and Latin cognates whose meanings changed over time. In my comparative reading of several Palace Academy debates entitled "Of Ire" (*De l'ire*) and Montaigne's essay "Of Anger" (*De la colère*, II, 31), the semantic field is restricted to these two terms for anger. *Ire* (from the Latin *ira* or *iracundia*) was most often associated with "just anger" or wrath emanating from God or the king whereas *la colère* (from the Greek *cholos*) indicated the irrational anger or cholera of a misguided individual who, in Aristotle's definition, desires revenge for "a real or apparent slight affecting a man himself or one of his friends, when such a slight is undeserved."¹¹

Since antiquity, expressions of anger were used to shape a discourse on rulership.¹² Good government was seen as an extension of

¹⁰ Timothy J. Reiss, alludes to "the new weight given to the passion of anger" (466) but without further comment. See *Mirages of the Selfe* (Stanford: Stanford UP, 2003) 440–68, particularly his discussion of Montaigne in the framework of the state, sovereignty and the subject. For anger control in antiquity, see William V. Harris, *Restraining Rage. The Ideology of Anger Control in Classical Antiquity* (Cambridge: Harvard UP, 2001) 229–63. Also see Gordon Braden, *Renaissance Tragedy and the Senecan Tradition. Anger's Privilege* (New Haven and London: Yale UP, 1985).

¹¹ Aristotle, *Art of Rhetoric*, trans. John H. Freese (Cambridge: Harvard UP; London: W. Heinemann, 1975) ii.2.1378a. Harris 50–70.

¹² Harris 229–63.

governing the self, most often associated with self-knowledge and mastery of the emotions, particularly anger. A locus of anger in classical antiquity was the excessive rage of rulers which, by the time of Herodotus onward, became part of a conscious critique of monarchy as a form of government. A well ordered monarchy might exist but only if the King controlled his anger and avoided violence against his subjects. For example, in first-century Rome the Emperor Augustus was cast as a model ruler who was *not* ruled by anger. The ideology of anger control was sometimes presented in classical theories of the emotions as a technique that human beings use to understand and care for themselves, as in Seneca's *De Ira* and Plutarch's *Peri Aorgēsias* (*De Cohibenda Ira*).

Anger could function in a variety of roles: to help rulers manage their subjects, instruct subjects to behave rationally, conduct debates about rival forms of government or question the legitimate forms of political power.¹³ The classical critique of the angry ruler persisted throughout the medieval tradition in the Christian rulership ethic of *clementia* but with an important shift of emphasis toward “just anger” when the rights of God were concerned. The possibility that the Christian ruler might grow angry in his zeal for justice was a shift that occurred around the twelfth century showing that descriptions of royal anger can be important indicators of structural change.¹⁴

The Estates General at Blois in 1576

In Renaissance France, the king's “anger” is linked to a central question in the rise of absolutism: whether the king had the authority to exercise solely a judicial role, as judge, or also held legislative power.¹⁵ It was at the 1576 meeting of the Estates General at Blois that the royal prerogatives or rights were dramatically challenged by unexpected shifts in policy-making in a constitutional struggle, pitting

¹³ Harris 252, 262–23.

¹⁴ Gerd Althoff, “*Ira Regis*: A History of Royal Anger,” *Anger's Past*, ed. Barbara Rosenwein (Cornell: U of Cornell P, 1998) 70–74.

¹⁵ Bakos, *Images*, 100–21; Sarah Hanley, *The “Lit de Justice” of the Kings of France. Constitutional Ideology in Legend, Ritual, and Discourse* (Princeton: Princeton UP, 1983) 212–23. Hanley shows that Henri III regularly forced registration of legislation and “attempted to extend royal legislative authority through innovations” even though she does not recognize as a “Lit de Justice” ceremony his meeting with Parlement in May 15, 1576, to register the edict of pacification. Also see Nannerl Keohane, *Philosophy and the State in France* (Princeton: Princeton UP, 1980) 58.

deputies against the king.¹⁶ While a frustrating lack of evidence has hampered historians' efforts to explain all the motivating factors, nevertheless the broad outlines of the decision-making process are known: the decision of the three estates, in compliance with the king's wishes, to propose the Catholic faith as the only religion; the king's eagerness to abrogate the edict of pacification, thereby countervailing its principle of tolerance; the king's request for funds to wage war against the Protestants through new taxes and alienation of the royal domain; Jean Bodin's refusal (as a deputy of the third estate) to consent to new taxes; through Bodin's influence, the third estate's surprising turnabout, changing its initial decision in favor of one religion and war to a vote for freedom of conscience. The Peace of Bergerac was the surprising outcome of this tumultuous 1576 meeting which had begun with the king's eloquent opening speech to the deputies on December 6, urging them to reunite and put aside their passions ("toutes passions mises en arrière") under one religion, a virtual declaration of war on the Protestants.¹⁷ Henri III also presented himself there as an "instrument of God's glory not of His wrath," yet made it clear that the king can exercise righteous anger ("ire") if need be. His opening speech was a calculated performance, drawing selectively upon classical and medieval traditions of anger to secure political policy and set the stage for a structural change in government. Henri III presented himself as "sovereign," dictating one religion only, refusing to grant the estates' request for legislative power while manipulating them so as to impose his will as law.¹⁸ That

¹⁶ Georges Picot, *Histoire des Etats Généraux*. 2nd ed. vol. 3 (1888; rpt. New York: Burt Franklin, 1969) 1–85; Mack P. Holt, "Attitudes of the French Nobility at the Estates-General of 1576," *Sixteenth Century Journal* 18.4 (1987): 489–504; Mark Greengrass, "A Day in the Life of the Third Estate," *Politics, Ideology and the Law in Early Modern Europe*, ed. Adrianna Bakos (Rochester: U of Rochester P, 1994) 73–90.

¹⁷ The king's opening speech is documented in Lalourcé et Duval eds., *Recueil de pièces originales et authentiques des Etats-Généraux. Premiers Etats de Blois, en 1576*, tome 2 (Paris: Barrois l'aîné, 1789) 43–49: "Bien dois-je rendre graces à Dieu . . . qu'il ne m'a point mis cette couronne sur la tête pour ma confusion, ni le sceptre en main pour verge de son ire (emphasis); mais qu'il m'a colloqué en ce souverain degré de royale dignité pour être instrument de sa gloire, ministre et dispensateur de ses graces et bénédictions sur le nombre infini de créatures qu'il a mis sous mon obéissance et protection; . . . je vous prie, par la foy et loyauté que me devez, par l'affection que me portez, par l'amour et charité qu'avez envers votre patrie . . . toutes passions mises en arrière (emphasis), veuillez tous de coeur et volonté unis, . . . purger les mauvaises humeurs de ce royaume, pour le remettre en sa bonne santé, vigueur et disposition ancienne" (47–48). Also see Picot 15.

¹⁸ Michel Reulos, "L'Action législative d'Henri III," *Henri III et son temps*, ed. Robert Sauzet (Paris: Librairie Philosophique J. Vrin, 1992) 177–82. For the estates' request

he failed to set himself above fundamental law and did not obtain the necessary war funding from the third estate marks Blois as a site of contested authority. Indeed, the relations of forces this event puts into play between the king and his noncompliant subjects are of particular relevance to the Palace Academy debates.

Henri III's Palace Academy

It can be argued that Henri III's sponsorship of the Palace Academy between 1576–79 included a motive for making the monarch a strong political force. At the Louvre Palace a select, though diverse, group of orators, poets, learned women and men including Catholics and Huguenots from the courtly and legal milieus were invited by Henri III to converse on topics of moral and natural philosophy relative to issues of kingship and practical life.¹⁹ The Louvre Palace Academy debates (*discours*) drew upon a humanist discourse on the emotions that ranged from Aristotle to Seneca and Plutarch and included the early Christian moralists.²⁰ Members were each given a voice and encouraged to express opposing views by dint of the debate structure, the classical (Ciceronian) academic tradition of arguing *both* sides of a question. Moreover, the liberty of expression and tolerance which characterized these Palace debates provided a flexible space for the negotiation of influence.²¹ To avoid “dangerous new ideas” associated with Protestantism, the program of debates was selected by the king.

see Jean Bodin, *Relation journalière de tout ce qui s'est négocié en l'Assemblée Generale des Estats assignez par le Roy en la ville de Blois, en l'an mil cinq cens soixante & seize* (Paris: Martin Gobert, 1614).

¹⁹ See Edouard Frémy, *L'Académie des derniers Valois* (Paris: Leroux, 1887; rpt. Slatkine: Genève, 1969) 27–82, 141–97; Frances A. Yates, *The French Academies of the Sixteenth Century* (The Warburg Institute: London, 1947) 14–30, 31–33; Robert J. Sealy, *The Palace Academy of Henry III* (Genève: Librairie Droz, 1981) 12–37, 12–36. Regarding the origins of the Palace Academy, an affiliation of interests can be traced from Dorat's “academy” at the Collège de Coqueret (1550s) to the Pléiade, to Baif's Académie de Poésie et de Musique (1570), to the Académie du Palais of Henri III (1576). Whereas Frémy and Yates used 16th and 17th century accounts to conclude that the Palace Academy was an extension of Baif's Academy of Poetry and Music, Sealy argues persuasively that these two institutions were, in fact, separate. Members of the Palace Academy included Guy Du Faur de Pibrac, Ronsard, Pontus de Tyard, Amadis Jamyn, Desportes, D'Aubigny, the Comtesse de Retz, Marguerite de Valois and others.

²⁰ The arguments were structured through examples rather than dialectics or *demonstratio* yet still retained an academic, speculative flavor associated with the late scholastic Aquinian tradition of moral philosophy.

²¹ Francis A. Yates, has suggested that the debates provided Henri III with a forum for articulating a *politique* policy in favor of religious tolerance and peace (122–27) while

Yet, if Henri's Academy had a political agenda, it backfired. However well-conceived, "worthy or noble" (in Pasquier's words) the king's enterprise may have appeared in theory, it was ill-timed, dangerously so. The queen mother Catherine of Medici objected that the Palace Academy meetings took the king away from his more serious responsibilities of running the government while contemporaries criticized Henri for neglecting his practical duties as king in calamitous times.²² Just as the king was criticized for choosing the wrong moment to study grammar and philosophy so were his learned humanists, in the words of the king's reader in Italian, "ill-timed scholars" ("intempestive sapientie").²³ An anonymous Latin epigram was more spiteful: "While France, crushed everywhere by civil war, is falling into ruin, our king practices grammatical exercises in the midst of the palace, so that the high-souled man is able to say I love."²⁴

In retrospect, the discrepancy between Henry III's pursuit of wisdom and his reputation for debauchery, transvestism, incest and religious fanaticism is cause for wonder: what did this complex, enigmatic personage, brilliant though he may have been intellectually, hope to gain from his study of moral philosophy and the emotions? Was he "grossly misunderstood," in the words of one historian; did his vacillation between a *politique* policy of religious tolerance and the ultra-Catholic, militant demands of the League make him a victim of the most vicious satirical campaign in French history?²⁵ While a conflicted political climate and the contradictions in Henri III's life and policy certainly made the Palace Academy vulnerable to attack, we should recognize that, as its author and an active orator in its debates, Henri III promoted an idea of kingship

Jean Jehasse, *La Renaissance de la critique* (Saint-Etienne, 1976) 84–87 stresses the Augustinian resonances of the debates. Robert Sealy emphasizes, on the other hand, the formative pedagogical role the Palace Academy may have had, filling gaps in Henri III's rather spotty education (167–68).

²² Etienne Pasquier wrote (later) that "this new king . . . instead of putting on his armour, began to learn grammar and latin . . ." "toutesfois ce nouveau Roy . . . au lieu d'endosser le harnois se faisoit enseigner . . . la grammaire et langue latine . . ." *Œuvres complètes*, vol. 2 (Trévoux, 1723; rpt. Genève, 1971) col. 560. Cited by Sealy 8.

²³ Sealy 6–7. Jacopo Corbinelli, the King's reader in Italian, used the phrase "other ill-timed scholars" ironically to refer to the deputies who were arriving in Paris to negotiate the Peace of Monsieur in 1576.

²⁴ Yates 33, cited from P. Van Dyke, *Catherine de Medici*, vol. 2 (London, 1923) 202.

²⁵ See Keith Cameron, *Henri III. A Maligned or Malignant King?* (Exeter: U of Exeter, 1978). Also Denis Richet, "Henri III dans l'historiographie et la légende," *Henri III et son temps* 13–20.

that crossed traditional boundaries. He recast, I would suggest, the genre of kingly counsel, into the form of a debate on the emotions in which the king himself took part as presider, judge and actor, thereby institutionalizing in an academic setting the monarch's sovereignty. This academic construct is paralleled by Henri III's political actions, his systematic attempts to circumvent traditional checks on royal governance, by-passing the Estates General and Parlement.

It appears that the king chose to study the passion of anger at the time the Peace of Monsieur was being negotiated between Feb 24–March 9, 1576.²⁶ The terms of peace granting liberty of worship to all cities, except Paris, angered the Catholic party. The Parlement of Paris balked at registering the edict of pacification and only complied because the king came before Parlement to insist. It was then agreed that the Estates General would meet in six months time.

The first two lectures on anger are entitled, “On Ire and how to moderate it” (“De l'Ire et comme il la faut modérer” and “De L'ire et des moyens de la modérer”) announcing the topos supported by legal humanists that anger is justified as an instrument of princely control and justice, provided it is used *properly*—to maintain justice, order, and harmony in the state not to enhance the king's power.²⁷ Guy Du, Faur de Pibrac, director of the Academy and legal advisor to the King, develops a legalist argument in his speech, citing Aristotle's *Rhetoric*, which justifies anger provided it is moderated. Pibrac rejects the stoic view that anger can never be justified because it is a passion. In his support of a strong monarchy, however, he shows that the king is not above the laws but rather is bound by them. He offers examples of Republican ideals, citing the heroism of Torquatus, Scipion, and Marcellus whose acts were not motivated by anger but rather by respect for the laws. Pibrac's message to the king seems clear, beginning with Achilles's anger, which brought on the “entire ruin of Greece” (“de l'entière ruyne des Grecs”), and ending with the anger of tyrants who vented their mad vengeance on powerless victims.²⁸ Claude de Seyssel's theory of a monarchy “bridled” by the laws or constitution was the model that influenced French jurists, like Pibrac,

²⁶ These dates were reconstructed by Sealy as no records exist of the actual meeting times. Sealy 47–48.

²⁷ The extant speeches on anger are published in Frémy 274–305. Frémy uses the Copenhagen manuscript Thott 315 Fol. a copy of which exists in the Bibliothèque nationale (BN Manuscrit français 2585). See Sealy 37–39, 177–79.

²⁸ Frémy 274.

who adopted a *politique* approach favoring religious tolerance for the sake of peace.

The second discourse on ire, unlike that of Pibrac, begins with a flattering eulogy to the King and proceeds to list poetic images and mythological examples. As court poet, Amadis Jamyn makes no display of erudition but rather “leaves that task to the orators,” he says.²⁹ While discussing anger in heroic contexts as a spur to valorous acts, he proceeds to cite the ancient poets in defense of moderation: courage in battle, for instance, should not be aroused by anger but rather should spring from tranquility of spirit. Jamyn’s discourse is anchored in an aristocratic honor code but reflects uneasiness with violence and a shift from military values to moral and courtly notions of honor.

The third and fourth lectures, entitled simply “On Ire” (“De l’Ire”) are meant to defend princely anger. The anonymous author of the third lecture, who was probably a noble with military values, *does* claim the prince’s right to express anger, even in repressive ways: the generous anger of a Prince, he says, is a virtue and has wonderful effects, making him magnanimous, adventurous and courageous.³⁰ However, the opposite is true of anger from any other social quarter. Achilles’ anger toward the King is criticized, not for the war it inflicted, but because it was a sign of disobedience. Even more threatening is anger among the populace, which must be punished by law. As scholars have noted, anger was intimately bound up with social status and codes of honor. Peasants were not allowed to show anger, even righteous anger, since they had no honor to avenge.³¹

The final discourse is noteworthy insofar as it intersperses examples from classical antiquity with citations from the Church Fathers, saints and Scriptures to make its strongest arguments. The speaker draws on St. Gregory’s distinction between two kinds of anger, one based on impatience and the other on zeal, the first being a vice and the second a virtue. Moses illustrates the well-motivated form of anger or zeal. By restraining God from exacting His vengeance on the children of Israel, Moses ensured a proper form of justice, thereby providing a model of both the law and the lawgiver that the King should follow.

²⁹ Frémy 288.

³⁰ Frémy 299 speculates that this author may have been the Maréchal de Retz whereas Sealy 45 identifies him as the Duke of Nevers.

³¹ Paul Freedman, “Peasant Anger in Late Middle Ages,” *Anger’s Past* 171–90.

Montaigne's Engagement: An Ink-stained Lover of Peace

The formal debates on the moral virtues delivered in Henri III's Palace Academy between 1576–79 could not have contrasted more sharply with Michel de Montaigne's most *unacademic* literary experiment. The essayist, in fact, took delight in skeptically targeting academic pedantry to justify his own plan of self-assayal. Yet, constituting a central inquiry of both the *Essais* and the Palace Academy were the passions.³² Each in its different way drew on moral philosophy for theories of the emotions, appropriating conventional notions of anger for unconventional ends. Montaigne's unorthodox self-portrait of a private and resolutely apolitical self (*le moi*) charmed his readers with its candor and novelty while the Palace Academy, despite appearances to the contrary, experimented no less innovatively with institutionalizing an image of the French monarchy.

Like Henri III, whose pursuits of learning in his *cabinet de travail* made him a target for attack, Montaigne was also taunted by several contemporaries as a lover of peace who turned his back on the religious and civil wars after giving up his seat in the Bordeaux Parlement and retiring to his library to write the *Essais*. His interest in moral philosophy, however, engaged him in a study of human behaviors that was firmly anchored in the present political "troubles," drawing him into humanist and legal debates. Moreover, his involvement in public life did not abate throughout this period of apparent withdrawal, evidence that the boundary between his private and public persona was not as strictly drawn as he would have readers believe. Is it possible, then, to posit along this narrow margin a personal investment in public policy that would coincide with the issues expressed in the Palace Academy debates on anger?

Direct connections between the academic debates and Montaigne's *Essais*, which were paradigmatic of a freewheeling humanist inquiry

³² Curious parallels link the Palace Academy lectures with Montaigne's individual essays, particularly his early ones: both deal with the topic of the emotions, focusing on the same passions and bearing, in four cases, almost identical titles: *De la tristesse*, *De la peur*, *De la colère (De l'Ire)*, *De la gloire (De l'ambition)*. These similarities were noted in the 1930's by Fritz Neubert, prompting the question of an academic literary influence on the *Essais*: did the Palace Academy provide inspiration and an orientation for Montaigne, or possibly vice versa? See his "Die Académie du Palais unter Heinrich III und die Anfänge der neueren psychomoralischen Literatur in Frankreich," *Germanisch-Romanische Monatsschrift* 21 (1933): 444–70. This question was not subsequently pursued. My interest here is to shift the question of literary influence to that of intellectual and discursive exchange across institutional and private boundaries.

into self, appear tenuous and certainly difficult to prove. There is no written record that Montaigne had any contact with the Palace Academy. Unfortunately Baïf's "Book of the Academy," if indeed it included the Palace Academy among its list of members and auditors, was lost soon after Baïf's death, and the few records that do exist are sketchy at best.³³ Montaigne, however, was well known at the court of France, having spent much time there. He had made nine or ten trips to the court between 1559 and 1570; Henri III thought well of him, congratulating him on the *Essais* in 1580, selecting him as mayor of Bordeaux in 1581, summoning him from Italy to his mayoral duties, asking him to mediate between the Protestant Henri of Navarre and the King's lieutenant Matignon, and receiving him in 1588 on matters related to a secret mission.³⁴ Furthermore, the Marguerite whom he had addressed in the *Apologie* may have been Marguerite de Valois, sister of the King and member of the Palace Academy.³⁵ From these contacts with several of its members, Montaigne and would have had ample opportunity to learn about the Palace Academy debates.

Montaigne's essay "De la colère" is the most adamantly critical of anger. Drawing on many of the same commonplaces found in the academic discourses, he rejects outright Aristotle's view that moderated anger can be useful to society and espouses Seneca's stoic view. This is a passion that controls *us*, rather than the other way around, as he points out succinctly: "For we move other weapons, this one moves us; our hand does not guide it, it guides our hand; it holds us, we do not hold it."³⁶ Unlike the academic discourses, moral philosophy in this essay turns from an exemplary past toward present realities.

His discussion of anger begins with the family, not the king or state, questioning the absolute authority of parents over their children: why should children be "left without discernment . . . to the mercy of the parents, however foolish and wicked these may be?"³⁷ Interestingly, he

³³ Sealy 10–12; Yates 30.

³⁴ Donald M. Frame, *A Biography* (New York: Harcourt, Brace & World, Inc., 1965) 206, 208, 224, 270–71.

³⁵ Frame 171–72, 174–75.

³⁶ *The Complete Essays of Montaigne*, trans. Donald Frame (Stanford: Stanford UP, 1957) 545. *Les Essais de Michel de Montaigne*, ed. Pierre Villey (Paris: Presses Universitaires de France, 1925), [A] "car nous remuons les autres armes, cette cy nous remue; nostre main ne la guide pas, c'est elle qui guide nostre main; elle nous tient, nous ne la tenons pas" (720).

³⁷ Frame 540. [A] "et cependant, sans aucune discretion, on la laisse à la mercy des parens, tant fols et meschans qu'ils soient" (Villey 714).

adopts a legalist position, arguing that children who are “members of our commonwealth” deserve to be governed by the authority of the laws. To reinforce the message, he sets up an antinomy between father and state or “mad,” “wicked” parents as opposed to reasonable, just laws. This opposition is developed indirectly through metaphors that convey feeling or affect. To express the insidiousness of anger he says: [A] “There is no passion that so shakes the clarity of our judgment as anger . . . [B] Seen through it, faults appear greater to us, like bodies seen through a mist.”³⁸ The rather menacing corporeal bodily image of “faults” imparts the psychology of anger: he does not separate anger from its real “body” of human motives or intellectualize it as the academics had done. The author’s conversation with the reader constitutes as well a non-authoritarian mode of discourse or approach to the question of anger. His conclusion—that we may be powerless to win the contest with anger—suggests that, if we cannot avoid it, negotiating with this passion is perhaps our only recourse. Thus, the expressive and performative elements of the essayist’s discourse on anger offer the reader a thoughtful, at times playful, questioning of the ideological foundations of authoritarianism.

While apparently avoiding the question of politics, Montaigne’s examples draw the reader from the family into the political realm through a series of anecdotes about public life, raising the possibility of a figurative interpretation. The metaphor of the family as a model for the state commonly appeared in sixteenth-century political theory and it was used variously to reflect different ideological positions. The authority of the father is the model for absolute power in Bodin’s *République* (1576) which compares the citizen to an obedient child to bolster the monarch as sole authority.³⁹ Their relation is direct and vertically structured: obedience to the king, not privilege, is the mark of a citizen. Seyssel’s *La Monarchie de France* (1515), on the other hand, follows a constitutionalist model of shared governance, naming the king “Father of the People” (“Père du Peuple”) to discuss the three “bridles” on the king’s power.⁴⁰ Montaigne evokes public life

³⁸ Frame 540. [B] “Au travers d’elle, les fautes nous apparoissent plus grandes, comme les corps au travers d’un brouillas” (Villey 715).

³⁹ Jean Bodin, *Les six livres de la République* (Paris: Jacques du Puys, 1583; rpt. Scientia Aalen, 1961) I, 68–69. Also see Charlotte Wells, *Law and Citizenship in Early Modern France* (Baltimore & London: The Johns Hopkins UP, 1995) 58–60.

⁴⁰ Claude de Seyssel, *The Monarchy of France*, trans. J. H. Hexter, ed. Donald R. Kelley (New Haven and London: Yale UP, 1981) 82.

through the topic of justice yet he neutralizes what could be considered a political message, making no direct reference to the king.⁴¹ It is left up to readers to link paternal with royal authority, if they so wish.

In his resistance to a model of authority based on anger, what does he offer in its place? Certainly not control of anger which “incorporates” the passion, concealing it and turning its “point” against us. Montaigne cites Diogenes’ words to Demosthenes, who, for fear of being seen in a tavern, was drawing back further inside it: [B] “The further back you go, the deeper in you go.”⁴² Instead, in my reading, he shows that by relaxing a tight grip on anger, or (self) control, he may acquire a space for agency: surrendering control makes room, not for stoic (Lipsian) autonomy but for a theory of citizenship, a mode of interacting with others that respects certain rights. Perhaps this is why his essay begins with an example of physical violence toward children who, like slaves and servants, are powerless. Nevertheless they qualify, in his opinion, as “members of our commonwealth”: their bodies are to be made fit for service to the state, doing their “useful bit,” not to be “lamed and made stupid with blows” from a tyrannical father in a frenzied rage.⁴³ Turning to inspect the other half of sovereignty, the essayist thus transforms the powerless subjects of the monarch into agents with limited rights. However, his “citizen-subject,” to borrow Etienne Balibar’s term, is not yet the independent universal agent of the Enlightenment nor does it announce the rational Cartesian ego subject.⁴⁴ Rather it has a place as a legal construct in the midst of political agitation and startling historic transformations. Montaigne’s concern with the legal status of the subject is not isolated, as attested by the abundance of contemporary juristic theories on citizenship, nor do

⁴¹ Montaigne opposes an unfair condemnation by Caesar (of Caius Rabirius) to an exemplary case of justice meted out by the magistrates of Sparta and he compares Brutus’ speech on the love of liberty to that of Cicero. His examples, in fact, evoke Republican ideals even more strongly than did Pibrac’s.

⁴² Frame 543. [B] “On incorpore la cholere en la cachant; comme Diogenes dict à Demosthenes, lequel, de peur d’estre apperceu en une taverne, se reculoit au dedans: Tant plus tu te recules arriere, tant plus tu y entres” (Villey 718).

⁴³ Frame 540. [A] “Et puis les voylà stropiets, eslourdis de coups; et nostre justice qui n’en fait compte, comme si ces esboitemens et eslochemens n’estoient pas des membres de nostre chose publique” (Villey 714).

⁴⁴ See Etienne Balibar, “Citizen Subject,” *Who Comes After the Subject?* ed. Eduardo Cadava, Peter Connor, and Jean-Luc Nancy (New York and London: Routledge) 33–57 and “Subjection and Subjectivation,” *Supposing the Subject*, ed. Joan Copjec (London and New York: Verso, 1994) 1–15.

his ideas go against the current as did Bodin's.⁴⁵ For Montaigne, as for the jurists Choppin, Bacquet and Papon, citizenship is based on belonging to a commonwealth, a moral community bound by laws in which relations between citizens prevail over a dogmatic paternal authority. The good citizen makes this ideal a reality by moderating his passions. Significantly, the citizen is seen as an "actor" having agency, not as a subject passively obedient to the king's will. Indeed, the mark of citizenship is the right to follow French law and enjoy the rights it guaranteed.

Conclusion

How the passions were viewed in the Renaissance—through the lenses of legal, moral and literary conventions—conveyed cultural meanings as well as political values. In the tradition of princely counsel, knowledge of the emotions came to be perceived as serving the pragmatic ends of rulership. Interest in the passions, particularly the ideology of anger control, appears to have been a vital component in the fashioning of "reason of state" ideology and absolutist theories of government during the early modern period.⁴⁶ Hence our attention to the social construction of anger in academic and non-academic settings has emphasized specific ways this passion was seen to define rulership, a problematical issue that challenged the king and his subjects alike.

In the Palace Academy debates, mastery or moderation of anger informed a political theory of princely power in which "just anger" ("ire") appeared as a practice of rulership defining the king's sovereignty.⁴⁷ Among Henry III's experiments with creative forms of

⁴⁵ Wells 58–59. Theories of the juriconsults René Choppin, Jean Bacquet, and Papon indicate that their ideas were more representative of sixteenth-century thought than Bodin's theories which, Wells says, influenced what citizenship was to become in the seventeenth century.

⁴⁶ Justus Lipsius reacted to the civil wars in the Netherlands (*De constantia* 1584) by advocating self-interest and detachment from the dangerous emotions of patriotism and pity (*Politiorum sive civilis doctrinae libri sex* 1589). Giovanni Botera, the theorist of "reason of state" (*Ragion di stato* 1589–90) urged all princes to study the emotions (moral philosophy) and politics to learn to temper the effects of the common human passions in their subjects. See Tuck 66–67.

⁴⁷ Pierre de la Primaudaye's *L'Académie françoise* (1577), one of the few literary works linked directly to the Palace Academy, was dedicated to Henri III with the reminder that knowledge of the passions and moral philosophy are useful to instruct kings in the

governing, it is important not to overlook his patronage of the Palace Academy as a strategy for strengthening his own position with regard to his overmighty subjects. In the making of the king it was from this forum of critical debate that royal policy ensued. And it was from the institutional context of the Academy that an ideology of absolutism ultimately found a voice.

Montaigne's self-study through the construction of an authorial "self" (*moi*) parallels the pedagogical and political initiative that motivated Henri III to author the Palace Academy debates. In each case, the subject's mastery of a body of knowledge coincides with a relation of self to self and subject to ruler that is the necessary first step in governmentality.⁴⁸ Reading Montaigne's essay in the listening space of the Academy's debates on anger as they interface on the issue of sovereignty brings insight to the mode of his personal engagement, particularly when the emphasis is shifted from the question of literary influence to that of intellectual exchange across institutional and private boundaries. Montaigne injects into this controversy a vivid account of paternal power that parallels the crazed violence of tyrants. His description of parental rage venting itself on helpless children, leaving them maimed and crippled, opens a space for the rights of all as "members of our commonwealth." As such, it presents a subject, placed under the king's authority; yet this subject is also a member of the *res publica*, under the protection of laws. The legal notion of *subjectus*, he who is subjected or placed under the dominion of the king, is thereby displaced by the figure of the citizen subject who participates in the community.⁴⁹

An Aristotelian model of participatory citizenship—"ruling and being ruled"—provides the model here. Just as Aristotle praised Sparta for the careful attention it gave the young, so does Montaigne when, citing Plutarch's *Life of Lycurgus*, he calls for the state to direct the education of children rather than the family. Plutarch had argued that state education alone would inculcate the young with a love for

duties of their office and dispel the evil effects of the civil troubles. *The French Academie* trans. T.B. (London: Edmund BOLLIFANT, 1586; rpt. Hildesheim & New York: Georg Olms Verlag, 1972) Aj.

⁴⁸ Foucault, "The Ethics of the Concern for Self as a Practice of Freedom," *Ethics, Subjectivity and Truth*, ed. Paul Rabinow, vol. 1 (New York: The New P, 1994) 281–301.

⁴⁹ Montaigne reserves the words "citoyen" or "concitoyen" to describe the ancients but rarely describes his contemporaries as "citizens." A notable exception is La Boétie in I, 28 [A] "Il ne fut jamais un meilleur citoyen . . ." (194).

the laws, a sense of belonging to the community, and a desire to coexist in peace.⁵⁰ Yet Montaigne's relation to the laws, with its emphasis on reciprocity, differs from the classical model. Aristotle conceived of citizenship as a political ideal granting an elite (male property owners or patriarchs) the freedom to take part in public decisions, not instrumentally for a specific return or outcome, but as a good in itself. With the advent of jurisprudence (Gaius' division of the universe into "persons, actions, and things"), citizenship came to denote a legal status: a move from the political ideal of a citizen to a legal being whose relationships with things and persons are articulated and regulated by law in ways that define a person and personality.⁵¹ The *legalis homo* not only owed loyalty and obedience to the laws, he could also claim protection, privilege and rights to things, thereby earning recognition.

In "De la colère," Montaigne's insight that anger ("colère") is a passion that controls *us*, rather than the other way around, has implications for this burgeoning rights-oriented model of citizenship. In fact, his solution—to loosen the ideological hold of anger—indirectly questions the absolutist model of royal power. Montaigne's ideal is not moral independence, not the sovereignty of either ruler *or* subject. Although the very existence of Montaigne's citizen subject depends on a bond with the sovereign's person, it is through horizontal ties with other members of the community that the ethos or distinctive character of being a citizen is maintained. Peter Reisenberg aptly describes the ambiguities of citizenship under monarchy in a way that combines legal identity with the whole being: "The citizen in the Renaissance became more than a holder of legal rights, he became a complex psychological being making complex choices in complex situations."⁵² Self-presentation in the *Essais* embodies a thick form of citizenship; it is both as a legal subject and a human being that Montaigne is accountable and owes it to others to give an account of himself.

Montaigne claims to take part in politics only "by way of loan and accidentally," shunning the feverish passions that were seen to fuel the religious wars and weaken the monarchy. A profound distrust of

⁵⁰ Plutarch, "Lycurgue," *Les vies des hommes illustres*, ed. Gérard Walter, trans. Jacques Amyot (France: Editions Gallimard, 1951) 106–07.

⁵¹ J. G. A. Pocock 29–52.

⁵² Peter Reisenberg, *Citizenship in the Western Tradition. Plato to Rousseau* (Chapel Hill and London: The U of North Carolina P, 1992) 205.

the emotions underpins his philosophy of disengagement. Yet, it was precisely through an interest in the emotions that he engaged the *Essais* most provocatively in the question of sovereignty. The ethical force of his discourse derives from reader engagement in a real event, a political issue affecting both public and private life. When Montaigne enters the debate on sovereignty with an alternative response to a paternalistic and just anger that had roots deep in the tradition of the French monarchy, he brings a new sensibility to contemporary citizenship theories. Specifically, he draws on the emotions and the law to question conventions of anger and problematize paternal power at a time of crisis when the challenge to royal authority had reached a critical stand-off. This strategy, while skeptical, succeeds in prompting reflection, and possibly action, because it situates his ethical inquiry in an actual legal struggle, not just an abstract argument. Thus, his ethics breaks out of legal interpretation as a normative self-enclosed system to go beyond the appeal to convention, opening the law to new interpretations.⁵³ A pivotal question in defining the shifting relationship between ruler and ruled concerned citizenship: all citizens are subjects but can all subjects be considered citizens? Montaigne's reply, if not all-inclusive, opens the door to individual beliefs, or will, and the principle of assent to the laws, thus germinating a new rights-based notion of citizenship.⁵⁴ In so doing, he conceives of a citizen subject as a member of "notre chose publique," a being defined by beliefs, passions and the right of protection under the laws.

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⁵³ Drucilla Cornell, *The Philosophy of the Limit* (New York and London: Routledge, 1992) 200.

⁵⁴ Bodin's negative response to this question gives citizenship an exclusive status, emphasizing the hierarchical relationship of command and obedience between a monarch and his subject.