

Political Vacuum and Interregnum in Early Modern Unrest

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Great European revolts and civil wars were often preceded by a particular institutional aspect that was unintended but more or less inherent in monarchical (or maybe any political) order: the temporary lack of central power. The last episode of the French Wars of Religion, the Russian Time of Troubles, the French Fronde and similar events are only the most visible examples of political and social disorder caused by a vacant throne. Bluntly put, the notion of a void of sovereign power lies in the realm of history; it cannot be acknowledged by the Law schools. I would like to suggest that history tries to tell the events as they were, while legal studies describe them as they should have been. Historians are used to explore episodes of unrest, lawlessness and chaos, while positivistic Law teaches that such a thing should not even come into existence. Indeed, in our contemporary societies, constitutional texts provide rules to be followed on extreme occasions. They establish a collection of successive measures securing the continuation of the state so that the throne or head of state's position can never remain unoccupied. Law is used to argue in terms of structural continuity, as if a change of regime was forever unthinkable. As the primary task of constitutional laws is to argue in favour of a legal and undisputable regime, only History has the capacity to show in retrospect how a regime could become incapacitated and eventually overthrown. At worst, in the light of an extraordinary tragedy or an evident impotence of central power, as, for example, it happened in France in 1814 or again in 1940, lawyers convened to compose an expedient legal text in order to organise transition and thus to re-establish a visible realm of legality. Experience has shown that in case of a regime's collapse, there have always been wise and cunning political survivors who then felt called upon to write a new constitution. To follow the 1814 example, the French senators were summoned by Talleyrand in April of the same year to declare the forfeiture of Napoleon's imperial status. For that purpose, they referred to the old

and classical utopia of an original social contract, which Napoleon was accused to have violated when imposing new taxes without the consent of the French people.

What is this notion of a political vacuum, the potential of which we are looking for throughout the early modern age? Let us define it as an accidental interruption of a political regime, an obvious vacuum of central power, the absence of any holder of the sovereign title or, conversely, the competition of several pretenders. It is a structural situation, a classical scheme that ancient dignitaries knew well and feared for very good reasons. They knew that it could happen in any form of regime, at any time, in any country. Let us imagine a village or a town left without relations to the central authority, without news, without help; then the political game would halt accordingly, coming down to its minimum scale, providing structure only to what is nearest and most immediate. Let a region be invaded by enemies or isolated by a catastrophe, such as an earthquake or plague, responsibility and power will be taken by a few local notables, mayor, syndic or landlord. So it happened in many regions and localities during the Second World War, especially in the tragic summer months of 1940 and 1944.

In early modern times, in catholic regions, it was generally the parish vicar or a capuchin friar who was able to receive complaints, organise assistance and negotiate with the enemies, in short, to act as community spokesman.

But in any epoch, the vacuum of power causes a return to primary or traditional authorities. This return may remain only a temporary refuge in a moment of adversity or, on the contrary, become a political challenge to central authority as such, an appeal to major traditional communal rights. Very different situations such as the commotion of a successful riot, the momentary victory of popular violence or an invasion by a foreign enemy may have very similar consequences: the legitimate power is overthrown and hence the power belongs to the street, to anyone able to master the course of events, if it is a dignitary or conversely some obscure chief who emerged in this emergency situation. In ancient rural societies, it could be an innkeeper, a veteran, a village solicitor who could become the precarious leader, the hero of the moment. Nothing except bravery, fair speeches or a feather on his hat was required, so that even hitherto unknown people could almost instantly play key roles.

Such a situation occurred in Naples in June 1647, at the time of the most famous and most widely covered revolt of the early modern age.¹ After some scuffles on the

1 Among a numerous bibliography on the Neapolitan crisis, see the recent study by Alain Hugon, *Naples insurgée, 1647-1648. De l'événement à la mémoire* (Rennes, 2011). The limits of a possible subversion of society and politics by the Neapolitan revolt are shown by the easy restauration of Spanish power, which would last peacefully until 1708. On this topic, see the monumental work of Giuseppe Galasso, *Napoli spagnola, dopo*

market, in the timespan of only a few hours, the Spanish viceroy's authority had vanished. The garrison soldiers had disappeared, having locked themselves in the castles. The big city seemed to have fallen, left for anybody who was capable of taking it. A fishmonger called Masaniello became the central figure in town, even if only for the duration of eight days. His extraordinary political fate stupefied contemporaries and fascinated posterity. In historiography, he occupies a strange and prominent place. He has become the best example of popular insolence, of sudden political promotion; he has become also the best model of the misfortune that awaited those who dared to defy the social order. His story would, for a long time, serve as a lesson of civic morality teaching everyone to respect his limits, and this applies both to the seemingly omnipotent viceroy who was so easily driven out of his palace and to the popular leader who was so pathetically murdered after only a week of his unwonted and cruel way of governing the city like a king, or rather, like the most absurd tyrant.

During the following nine months, the Spaniards' incapacity to reconquer the town perpetuated political uncertainty. In those days, every professional group among the Neapolitan people put forward new grievances, requests and controversial opinions. Censorship had disappeared, speech was free, usual eligibilities for office became irrelevant, utopia was convenient and power was up for grabs, colloquially speaking. As it would happen in Paris in 1648 (during the Fronde) or again in 1790 (during the first months of Revolution), in 1647 a strange social phenomenon emerged in Naples. Historians have called it an explosion of political expression, a sudden, unusual, mad and chaotic freedom of speech.

Disappearance of authority and proliferating demands were complementary. Uncertain legitimacy was a recurrent political danger in the old elective monarchies, sometimes even an unavoidably perilous period of transition. Two historical examples seem obvious in this logic, the State of the Church and the Kingdom of Poland.

In Rome, after the death of a pope, specific institutions were called upon.² This procedure was meticulously organised by the Roman Church. It originated from the first centuries of Christianity, as soon as the Pope, bishop of Rome, had become the undisputed political sovereign of the Eternal City. The assembly of cardinals,

Masaniello (Florence, 1972); id., *Il Regno di Napoli. Il Mezzogiorno spagnolo e austriaco, 1622-1734* (Torino, 2006).

2 Roman popular customs following the death of a pope have been examined by Italian medievalist historians. Reinhard Elze, "Sic transit gloria mundi. La morte del Papa nel Medioevo", *Annali dell'Istituto storico italo-germanico in Trento* 3 (1977): 23-41; Agostino Paravicini-Bagliani, *Il corpo del Papa* (Torino, 1994); Yves-Marie Bercé, *A la découverte des trésors cachés* (Paris, 2004), 271-273.

referred to as conclave, had to prepare the election of the next pope. Their travels to Rome, and their subsequent discussions could last several months, forming a long interregnum. During this period, government passed into the hands of the cardinal Camerlengo, who normally was in charge of the Church finances. In theory, nothing changed in the way the offices worked, and neither did anything in the institutional hierarchy. However, everybody knew that dangerous days lay ahead. Prelates and noblemen locked up their palaces and established armed guards to repulse possible attacks or sieges. Indeed, according to an ancient tradition the Roman people had a right to the dead Pope's personal property. Already in the 6th Century, following the death of a bishop, the clerics of his diocese were accustomed to keep tabs on the goods left by the dead prelate. There was a logic in this strange custom. A bishop was supposed to be dedicated to the service of his mission, so that after his death his assets had to be returned to his church. This spurious tradition was claimed by the clerics and servants of the bishopric, particularly by the most rapid and skilful of them. The same rule was applied to pontifical assets in Rome and in all cities of the State of the Church. The origin of this creed seems to go back to a legendary memory of the right of citizenship in ancient Rome; it may also be the anthropological utopia of a primitive free status of humanity. It was in the 14th century, when the control of the large Roman population was a stake disputed between the local tradesmen and the clerics, that the pillaging custom became an institution of sorts. When the Pope returned from Avignon to Rome the ritual plundering was considered as revenge, retaliation for the Pontiff's long absence. In 1378, when Urban VI was elected after Gregory XI's death, a mob awaited him in front of the conclave's doors. The populace had already plundered the last Pope's palace and now they asked the new one to distribute gifts, called *mansilia*, i.e. to throw silver coins to the crowd as a gesture of largesse. The ceremonial was supposed to demonstrate that the Pope served only as a depository of a treasure that belonged to all Christians, as if Christianity was represented by those who turned out to be in the streets, i.e. by those who were lucky to be in the right place at the right time.

During the 16th and 17th centuries the right to plunder was maintained and actually exercised at every *sede vacante*. Usual laws and regulations seemed to have lost their legitimacy during this institutional moment. Sometimes plundering, theft and even murder were escalating to a tremendous degree, so that indignant witnesses hoped that it would soon be outlawed, for in their view it was indeed a disgrace to the Church. Such climaxes occurred in 1559, after the death of Paul III Farnese, in 1590, following the passing of the strong Sixtus Quintus, and finally in 1654 upon the death of Innocent X, whose European policy had provoked much criticism, so that hatred between resident foreigners was exacerbated in Roman streets. Municipal magistrates, knowing all too well the traditional dangers of those days, organised patrols of militia men commanded by captains which had been

selected by the trades of each borough. It was a measure of precaution and simultaneously an observance of the strange custom. In some way, the dignitaries themselves respected the anomalous statute of these days. Indeed, they had to open the jails to free all prisoners incarcerated for debts or petty crimes, excepting only blood criminals. They organized guards in front of the dead pope's houses, although in some places the pope's relatives had already taken precautions and evacuated all movables, and in other places the servants had helped themselves and carried away whatever they were able to.

In spite of all rules and precautions, nobody hindered the rabble to rule the city. Guards and foreign soldiers paid by ambassadors and cardinals of opposing nations fought openly in the streets. Mobs attacked the jails and freed popular bandits and murderers. In some provincial towns, where powerful factious families were used to fight for municipal dignities, retaliations and brawls exploded.

The attempt to provide free access to the goods and chattels of the dead sovereign, liberation of the prisoners, general armament of the citizens and rights to open vengeance had reappeared at every *sede vacante* for at least four centuries. After 1654, these phenomena disappeared, either due to the modernisation of the Roman institutions or the decay of the politically high reputation of the Papacy.

These behaviours can be read as a tentative form of subversion, as a return to primitive rights coming from God or from a mythical historical moment. Altogether, they can be looked at as a perspective of recurring renewal, a kind of violent welcome of the new pope, a step towards an expected happy pontifical reign to come.

Another classical example of periodical instability was the Kingdom of Poland. Some elements of the Polish state might have to be recalled.³ It is well-known that the crown of Poland was elective and after the death of Sigismund Augustus, the last king from the Jagellon dynasty, the electoral assembly, Sejm or Diet, for the first time had an open and free choice. The Diet's experiments well before Sigismund had gradually established a complex and precise governmental procedure that was to be observed during the interregnum. The interregnum consisted of three different assemblies: a diet of convocation (which was the most controversial one), a diet of election and a diet of crowning. During the interregnum, sovereignty was maintained by the archbishop of Gniezno, Primate of Poland, with the title of *interrex*. Public power was attributed to an elected marshal

3 The following summary of institutional practices of the Polish interregnums comes from the thesis of Ms. Natacha Leclercq, "Les journaux de la Diète de convocation polonaise de 1764". This first hand work, thesis of the Ecole nationale des chartes in Paris, presented in March 2009, has not yet been published.

who came from Little Poland, Great Poland or the Grand Duchy of Lithuania, according to the territory where the Diet was convened.

All interregnum protocols and rites granted the kingdom its native freedom, which in 18th century was said to be inherited from the legendary Sarmatians. The free Polish people was supposed to be solely and completely embodied by its nobility. Indeed, if high-ranking members of the clergy had seats in the senate, there was actually no representation of burghers or town citizens in the diet, to which all noblemen were called. All noblemen were supposed to be equal, from the lowest landlords without any function up to the highest dignitaries and richest magnates. In addition, since the elections were personal, *viritim*, and since the votes had to be unanimous according to the right of *liberum veto* (from the diet of 1652 onwards), any nobleman could effectively filibuster or even entirely block political decisions at the diet.

Ever since the diet of 1572, a list of measures was written down and presented to the future king. They were called *pacta conventa*. The newly elected monarch had to swear an oath, according to the precept *si non jurabis, non regnabis*. In addition, since the diet of 1587, the first point of deliberation had to be a denunciation of the misdeeds or crimes which the last king was responsible for. This collection of misdeeds was called *exorbitances, gravamina* or *Rei publicae vulnera*; the demands for their rejection were grievances or “*doléances*” in the common vocabulary of other early modern states. All these decisions, the writing of a convention to be sworn by and the composition of grievances, were supposed to renew the mythical original contract which, according to fictional memory, had linked the first king and the family chiefs at the time of the free Sarmatians.

Thanks to this collection of rules, the interregnum looked paradoxically like the most legal and most efficient exertion of power, in contrast to which the actual reign of a king looked like a dangerous anomaly. It seemed that freedom reached its greatest degree only during the interregnum and that this political innocence, leaving the official annals of the kingdom aside, had to be renewed at every royal succession.

Of course, a certain danger of anarchy was inherent to *interregna*. Riots, murders and brawls were commonplace during these extraordinary months. Intrusions of foreign powers during the long diets were patent and scandalous. Witnesses spoke of a “fair of freedom”, a time of “golden liberty.”⁴ It was actually during the 1648 interregnum that the wars known as the Time of Deluge began, and afterwards every diet meeting resulted in further weakening of the Polish kingdom.

4 Cf. Francis Dvornik, *The Slavs: Their Early History and Civilization* (Boston, 1956; reprint Boston, 1959); and Norman Davies, *God's Playground. A History of Poland*, 2 vols. [Vol. 1: The Origins to 1795, Vol. 2: 1795 to the Present] (Oxford, 1981).

In both cases, the State of the Church and Poland, the mythical theme of a native situation of freedom can be identified. The major common point of these states was the electivity of their thrones, which therefore brought the frequent return of moments of political uncertainty, of sudden interruptions in the ordinary flow of events.

The kingdom of France, however, represented quite an opposite model. There, royal jurists had precociously affirmed the principle of State continuity. They had established succession rules, which they claimed to be ancient and presented as fundamental laws of the realm. According to these laws, the new king immediately took his crown, without any intervention from the Church, the Parisian Parliament or an assembly of the estates. He became king at the very moment of his predecessor's death, as the saying went: "the king never dies" or "the dead vests the living". However, in spite of such a strong tradition, all periods of royal minority remained dangerous stages with threats of civil war. In contradiction to the learned doctrine emerged the popular idea that all political decisions had to be reconsidered at every new reign. In early modern times, this idea was as strong as ever. It demanded that all institutions had to be created anew, that the last reign's misdeeds, such as taxes and wars, had to be cancelled whenever a young prince ascended to the throne. Here again appears the picture of an original contract between the people and the prince to whom public welfare had been entrusted. For political authors like Jean Bodin, this mythical contract could stand as the original consent of primitive forefathers; for some provincial historians it was a precise historical treaty linked to some legendary episode of the annals of the monarchy. At royal succession, this concept of an original state of freedom was remembered, and kingly prerogatives seemed to become subject to re-examination, as if a complete renegotiation of the state was imminent.

It happened precisely in this manner at the end of Louis XIII's reign. Cardinal Richelieu's unpopularity and impatience towards the fiscal loads rose to the highest pitch. In November 1642, Richelieu's death had boosted hope for political change. This opinion was strongly expressed in the words of the time by the parliament courts and by the assemblies of provincial estates. The importance of these representative institutions has often been ignored or overlooked by historians.⁵ So

5 To understand the importance of General Estates in Medieval and Early Modern France, see Neithard Bulst, *Die französischen Generalstände von 1468 und 1484* (Sigmaringen, 1992); Yves-Marie Bercé, "Le rôle des Etats-généraux dans le gouvernement du royaume, XVI^e et XVII^e siècles", *Comptes rendus des séances de l'Académie des inscriptions et belles lettres* 144, 4 (2000): 1221-1240. Of course, the estates were summoned in periods of political weakness, but they were not actually a subversive element. Instead they rather brought timely legal solutions.

far, at the end of the 17th century, a majority of provinces maintained their periodical meetings, which decided about consent to taxation, and took charge of tax assessment and collection. These prerogatives were alive chiefly in the Southern provinces, in the periphery of Auvergne and in little Pyrenean estates. In 1624, a strong offensive of fiscal centralisation had extended to some southern countries' local fiscal offices, the so-called *Bureaux d'élections*, which had already been established in the 1550 in the Northern provinces. These finance offices were created to replace the traditional local estates. This occurred, for instance, in two little provinces surrounding the mountains of Auvergne, i.e. Rouergue and Quercy. This provocative administrative innovation had rapidly caused some local peasant uprisings in the summer of 1624; they were easily crushed, but even later the new institution was never accepted by the country folks. During the first months of 1643, the estates of Rouergue were allowed to convene; they impressively asked for provincial fiscal debt relief, implying their intention to recover their local tax control.⁶ At the end of March 1643, the estates sent deputies to Paris to demonstrate the peasants' misery and to plead for a fiscal reduction. Louis XIII died on the 14th of May, but the king's councillors maintained the former political course without the slightest intention to modify the fiscal system. So, the deputies came back on the 26th of May without any promises, bringing with them only the recommendation to confide in the "intendant" of the larger province of Haute Guyenne. This dignitary, commissioner of the king's Council, named Charreton, was by political conviction a resolute adversary of local powers. He had even tried to prevent the Estates' deputation. However, notwithstanding the Council's disappointing answer, popular hope had not weakened, so that on the 2nd of June, a score of country parishes from Lower Rouergue gathered in arms. This kind of country folk troop was at that time scornfully nicknamed "Croquants". They managed to block the intendant himself in the town of Villefranche-de-Rouergue. Charreton, isolated, with only a few guards inside the town hall, was coerced by force to write down an ordinance reducing taxes to the level of the crucial year of 1618, when the young Louis XIII had effectively begun his personal government. This fake ordinance was all at once printed on leaflets and distributed all over the province of Rouergue.

At the same time, the parliament courts of Toulouse (Languedoc) and Bordeaux (Guyenne) seemed to officially approve the claims put forward by the rebels of Rouergue. On the 4th of June, the Toulouse court filed a case against all royal

6 Yves-Marie Bercé, "La fin des Etats du Rouergue et les Croquants de 1643", *Etudes aveyronnaises. Recueil des travaux de la Société des lettres, sciences et arts de l'Aveyron*, 2008 (Rodez, 2009), 219-230; cf. id. "Voyages et routes des paysans. L'exemple du Rouergue en 1643", in *Les passions d'un historien. Mélanges en l'honneur de Jean-Pierre Poussou*, ed. Reynald Abad et al. (Paris, 2010), 91-106.

commissioners who had been sent to Languedoc during the last ten years. On the 1st of July, the parliament court of Bordeaux, in its turn, relieved the intendants of any function under the threat of prosecution. In their logic, as fathers of the subjects and simultaneously keepers of the crown rights, the parliament councillors thought that it was their duty to repel inappropriate ruling, to make kings remember the fundamental laws on which they had to swear on coronation day. They held that a time of regency with an infant king on the throne put forward the political role of the magistrates. They referred to the free consent of the subjects to taxes, and to the required respect of judiciary procedures by the king. They demanded that the recent increase in duties and tolls would not have to be paid, since they had never been approved by the General Estates or by the Parliaments. They denounced the practice of commissioning intendants to the provinces with escorts of armed guards as an insult to the traditional, legitimate institutions of justice. They argued that all the dreadful decisions of the late king disappeared with him, and that these orders had, at least, to be re-discussed, especially in the event of an infant king's accession to the throne, who was represented by his mother, the Regent Queen. So, the judiciary advice met the popular utopia of a return to the innocence of the "old days"; or, in another metaphor, that moment looked like the beginning of a political spring, a vernal renewal of the realm thanks to the arrival of a young prince. The power vacuum seemed to call for a new way of government. Even nowadays, a newly elected head of state is expected to grant reprieves and amnesties, and cut taxes, maybe, more or less sincere or efficacious.

The intendant of Guyenne laughed at the daring actions of the Bordeaux court:

These gentlemen imagine that with the king's death they have got a general licence, that everything is dead with the king and only they have stayed alive and powerful, that all the army generals have had to flee to their home and to leave their duties at the death news, because, as they say, *mandatum finitur morte*, except for their own one.

But the two subversive parliaments' ordinances were published by the court's printing masters, and sent everywhere. They confirmed the resolution of the Rouergue peasants. They directly instigated the noble estate of another neighbouring region, Gascony (Armagnac), to convene and articulate their grievances. There, a number of furious noblemen did even worse, when they took up arms and mounted their horses in order to expel and actually murder the intendant's horse guards.⁷

In Lower Rouergue, the popular insurgents seemed strongly encouraged by the ordinances of the two provincial courts, so that they could maintain their power in

7 Y.-M. Bercé, *Histoire des Croquants*, 2 vols. (Genève, 1974), 2: 568, 569 and 575.

several smaller cities. They were convinced by the righteousness of their deeds; they believed that the Regent Queen would soon approve of their uprising. Alas for them, as a matter of fact, they were routed in a few days, at the beginning of October, as soon as the king's Council was at last able to gather some five hundred horsemen to crush their disorderly, big troops. The intendant, Charreton captured and disarmed the insurgents; five of them had to die on wheels or gallows, and about one hundred others were sent to the Mediterranean galleys.

I have to insist on my particular interpretation of these events. To say the truth, the fate of this small revolt in Rouergue has never been told in this fashion, i.e. stressing the role of the provincial estates and showing the convergence of peasant uprising and parliamentary ordinances. Local historians telling that story have generally referred to the commonplaces of villages' misery and hopelessness of the popular complaints without mentioning the original institutional situation and the recurrent utopia of political renewal.

It is noticeable that five years later, in the spring of 1648, the first events of the national crisis now called Fronde occurred again according to the same pattern. Once again ordinances were issued by the parliaments of Paris and the provinces, and again this happened simultaneously to gatherings of popular crowds almost everywhere, who expelled the intendants and their armed escorts. An assembly of General Estates was more and more expected. Let us repeat that this presentation of facts is only mine; it is not commonly admitted by historians of this period. Why such discrepancies?

Speaking about revolts, historians tend to look only for social causes, which should be present at the beginning of any type of political violence, and they are right in doing so. But, they tend to forget the mechanisms of already existing institutions, their particular stakes and logics, their contradictions and blind alleys, and they also miss the game of political imagination of past realms of justice and the concomitant distortions of historical reality, which are always at work around institutions. In the French examples of the disorders of the years 1643 and 1648, the political vacuum and the contradictions of institutions played a prominent role, remaining silent yet strong. The local troubles that happened in 1643 after Louis XIII's death may be considered as modest forerunners of the great crisis that was the Fronde. This interpretation has not been acknowledged because most historians actually despise the acuteness of the Fronde crisis, for they do not question the classical teleological narrative of events that presents absolutism, taking shape under the rule of Louis XIV in 1661, as a necessary episode in the history of France. Accordingly, they cannot recognise the coherent alternative program inherent in the claims of Rouergue peasants, or in the proliferating demands during

the years of the Fronde.⁸ Their rejection to deal with this political program and their scornful narratives of this major crisis has a long tradition. Indeed, it was conceptualized by Louis XIV himself, who gave order to tear out entire pages in the royal court's registers; it assumed its literary strength with Voltaire and Michelet, who had decided to reduce their narratives of this crisis to ridiculous quarrels between some aristocratic ladies.⁹

According to their way of writing history, institutions were only matters of fact which had nothing to tell about major historical events or great political chronicles. My purpose in this paper has been, on the contrary, to show that the dynamic of revolts comes not only from social rights or wrongs or from the characters of their leaders, mad, foolish, brilliant or charismatic, but also from the compulsion of some recurrent institutional situations.

8 For an explanation of the research of immanent trends in the course of history contrasting the naive reading of accomplished facts cf. Alphonse Dupront, *Du sacré. Croisades et pèlerinages. Images et langages* (Paris, 1987), 38-42. See commentaries by Sylvio De Franceschi, "Rythmique événementielle et longue durée selon Alphonse Dupront", *Revue historique* 89 (659), 3 (2011): 611-636.

9 The most pertinent history of the period can be found in Orest Ranum, *La Fronde* (Paris, 1993). For a classical version of the crisis, see Simone Bertière, *Condé, le héros fourvoyé* (Paris, 2011).

