

# *Régner précairement*: Inventing Precarity in Early Modern France

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*The language of precariousness—précaire, précairement—occupied a crucial but fiercely contested position in early modern French culture. This article traces the emergence of this concept, tracking its journey from legalistic jargon to buzzword as it was applied, co-opted, and subverted in service of the political and constitutional arguments that gripped France in the century following the outbreak of the Wars of Religion. Arguing for the significance of these largely neglected political discourses, it uncovers a conception of precarity radically unfamiliar to contemporary eyes and an early modern culture capitalizing on the rhetorical potential this language afforded.*

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## INTRODUCTION

“*Précaire* and *précairement* are words that are much in use.”<sup>1</sup> This assessment, from Nicolas Andry de Boisregard’s (1658–1742) *Réflexions sur l’usage présent de la langue françoise* (Reflections on the current usage of the French language, 1692), might just as readily be taken to describe our own era, in which precariousness and precarity have emerged to play a significant role in social, political, and ethical discussions. Landmark works of francophone and anglophone critical theory have established precariousness as an unavoidable

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<sup>1</sup> Andry, 444: “*Précaire* et *précairement* sont des mots fort en usage.” All translations are the author’s except where otherwise noted. Andry is today remembered for his work as a physician, specializing in parasites and orthopedics (a word he coined): see *De la génération des vers dans le corps de l’homme* (1700) and *L’Orthopédie, ou l’Art de prévenir et de corriger dans des enfants les difformités du corps* (1741).

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condition of “living socially”—that is, being dependent on others—and precarity as the “politically induced condition of maximized precariousness,” by which certain populations “become differentially exposed to injury, violence, and death.”<sup>2</sup> As Pierre Bourdieu put it, echoing Andry across the centuries, “precarity is everywhere today.”<sup>3</sup>

The 1690s in France were of course not shaped by neoliberal politics and post-Fordist working conditions, but precarity still serves as a useful lens through which to read the social and political fortunes of those suffering at the hands of the absolutist, centralized state that developed over the course of the seventeenth century. This suffering was felt particularly acutely by Huguenot refugees in the years following the revocation of the Edict of Nantes, in 1685.<sup>4</sup> That *précaire* and *précairement* were identified as emerging keywords in precisely this period might suggest that these terms and the concepts associated with them have a political and intellectual history rooted in the violence and constitutional struggles of early modern France. But what would it mean to be *précaire* when this word was only just finding its feet? What did it mean for Andry and for the authors he cites to support his claim?

The early modern history of *précaire* and, especially, *précairement* shows these terms to be highly contested, and subject not only to appropriation and redescription but to correction, censure, and erasure. At the center of debates about their usage is one of the lines quoted by Andry as evidence of these new words’ currency: “It is to rule precariously [*précairement*] when their authority extends only to what is permitted.”<sup>5</sup> This statement comes from the “Mémoires sur la guerre de Paris” (Memoirs of the war in Paris, 1662), a scandalous text attributed to La Rochefoucauld (1613–80) that continued to circulate in print and manuscript after its supposed author had disavowed it.<sup>6</sup> One of these manuscripts, considered in detail in this article, finds the word *précairement* so

<sup>2</sup> Butler, 2010, 17, 25–26. See also Butler, 2000, 24; and Butler, 2004, 128–51. Lauren Berlant’s study of affect and precarity attends to late twentieth- and early twenty-first-century literary responses to “the emergence of a precarious public sphere.” See Berlant, 3.

<sup>3</sup> Bourdieu, 95: “La précarité est partout aujourd’hui.”

<sup>4</sup> For a contemporary perspective on the Edict of Nantes and its revocation, see Benoist.

<sup>5</sup> “La Rochefoucauld,” 30: “C’est regner precacement, quand leur Empire ne s’estend que sur les choses permises.”

<sup>6</sup> La Rochefoucauld disavowed this pirated edition in a letter, claiming that two-thirds were written by others and the remaining third “is so much changed and falsified in all its parts and its sense, its order, and language, that almost none of it conforms to what I wrote.” See La Rochefoucauld, 1964, 612–13. He also recorded a complaint with the Paris Parlement, on which see La Rochefoucauld, 1964, 771–72. Jules Gourdauld argued persuasively that the “Mémoires sur la guerre de Paris” were authored by Louis Ardier de Vineuil. See La Rochefoucauld, 1874, 500–51; and, more recently, Tribut.

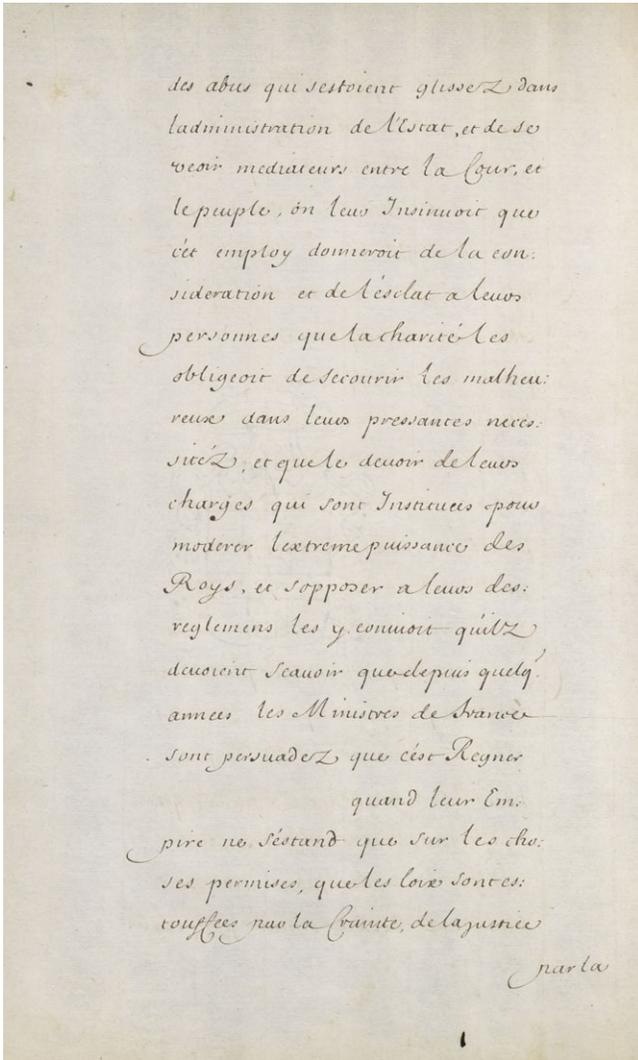


Figure 1. "Mémoires secrets sur les Guerres de Paris." St Catharine's College, University of Cambridge, MS 17, fol. 8<sup>v</sup>.

suspect that it leaves it out entirely—not by glossing over it or paraphrasing it, but by leaving a gaping hole in what is an otherwise complete and impeccably neat copy (fig. 1).<sup>7</sup> It is an act of self-censorship that entirely corrupts the

<sup>7</sup>"Mémoires secrets sur les guerres de Paris," St. Catharine's College, MS 17, fol. 8<sup>v</sup>. A digital facsimile is available via the Cambridge University Digital Library: <https://cudl.lib.cam.ac.uk/view/MS-CAT-00017/1>.

meaning, implying that a reader should know the missing word and, presumably, the arguments for its removal. *Précaire* and *précairement* were undoubtedly controversial, and efforts to extend, twist, and restrict their meanings reflected and participated in broader controversies concerning resistance, authority, and legitimate rule.

Tracing this largely unacknowledged history, this article attends to the rapid and widespread application of a hitherto technical term borrowed from jurisprudence—*possession par précaire*—in a series of key moments in French arguments about sovereign power. In this context, precariousness and political precarity are located not among the socially marginalized (the Huguenot refugees, for instance) but among kings, their ministers, and their regents. It is in accounts of and disputes about princely precarity that precariousness emerges as a political and rhetorical concept with highly volatile valences, assumptions, and implications. Today, as in the 1690s, these words are “much in use” (“fort en usage”). Piecing together this history illuminates the shifting perspectives on this cluster of keywords, from the early modern period as well as from the present. But it also reveals an early modern culture alert to the political, social, and rhetorical potential that the language of *précaire* afforded, a culture in which authors and political agents capitalized on a piece of jurist’s jargon transformed into a buzzword.

### LOAN WORDS: FROM JARGON TO BUZZWORD

*Précaire* entered French around the turn of the sixteenth century as a translation of *precarium*, a legal fiction describing a form of land tenure.<sup>8</sup> It was a word always in need of explanation and one reserved in large measure for legal textbooks and law codes. As the particularly clear *Code du Tres-Chrestien Henri IIII* (Law code of the most Christian Henri IV, 1603) put it, “*Précaire* is when one gives something to another freely at his request to make use of and help himself to for as long as the person giving the thing wishes.”<sup>9</sup> Following the

<sup>8</sup>Godefroy, 10:400, notes an isolated attestation of *precoire* from 1336. Additionally, Honoré Bonnor’s late fourteenth-century military manual refers in passing to the “manieres de possessions que nous appellons precaire, cestadire [à] la voulenté de celluy à qui la chose est [types of possession that we call *précaire*—that is, subject to the will of the person to whom the thing belongs]”: Bonnor, fol. 38<sup>r</sup>.

<sup>9</sup>Cromier, 18.1.777: “Precaire, est quand on baille quelque chose gratuitement à un autre à sa priere & requeste pour s’en aider & servir pour autant de temps que celuy qui baille la chose, le veut.” See also Papon, 329: “Precaire est un titre, qui est nommement prins pour cest effect, à raison de ce qu’il est revocable à plaisir, et ne dure sinon tant qu’il plait à celuy qui l’ottroye [*Précaire* is a title that is used expressly for this purpose, because it is subject to recall at will, and lasts only as long as it pleases the person who grants it].” *Possession par precaire* is discussed in

Justinian Digest, lawyers and notaries established a French translation of *precarium* to describe a type of possession, usually of land but also of an office or some other good, that is held on loan, subject to recall at any moment.<sup>10</sup>

But entering the vernacular did not immediately dispel the sense that this term was in need of accommodation. In the *Institution du Prince* (Education of the prince, 1547), Guillaume Budé (1468–1540) makes use of *précaire* by way of analogy, instructing his addressee, François I, with a parallel assessment of the fortunes of Caesar and Alexander. Men who have risen to great heights, he explains, forget where they have come from and ought to remind themselves that “such great amplifications brought about by providence or by fortune are issued precariously [*de nature precaire*]”—though he judges this to warrant a gloss: “liable to be recalled at will.”<sup>11</sup> François Hotman (1524–90), in his *Francogallia* (1573), relates how Hugues Capet (ca. 939–96), in an effort to shore up his nascent dynasty and establish his son as his heir, sought to guarantee the obedience and loyalty of his dukes and magistrates by converting these dignities into perpetual, hereditary titles. These titles had hitherto been held personally and were conferred by election: as Hotman puts it, “they were held only as a benefice and (as the lawyers say) precariously [*precario*].”<sup>12</sup> His parenthesis, excusing his legalese, was deemed insufficient by Simon Goulart (1543–1628) when he translated the *Francogallia* into French: for Goulart, “*précaire*” seems not (yet) to have been an option; he describes these dignities as being held “as fiefs and temporal benefices only.”<sup>13</sup>

My aim in drawing attention to these usages is not to extend work on the social or legal history of *precaria*—those possessions of goods, offices, and land held on loan and subject to the will of another—but, rather, to point to a word on the cusp of finding currency in French.<sup>14</sup> Though still a long way from being “fort en usage,” *précaire* began to find figurative, analogical, and metaphorical

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numerous other legal textbooks, though often less succinctly. See, for instance, Grimaudet, 232–44; and Hotman, 1573a, 54–55.

<sup>10</sup> See Watson, 4:125–28.

<sup>11</sup> Budé, fol. 106<sup>v</sup>: “telz haultz accroissementz à eulx faictz par providence, ou par fortune, sortissent de nature precaire, repreneable à volunté.”

<sup>12</sup> Hotman 1573b, 134: “in beneficii tantum loco, et (ut Jurisconsulti loquuntur) precario tenerentur.” Hotman’s basic claim—that the French constitution was originally populist and elective before being usurped by kings illegitimately claiming *dominium* over a kingdom that would be held as patrimony—is the historical corollary to a constitutional argument for popular sovereignty. See Lee, 2016, 121–57; Nicholls, 2021, 83–86; and Skinner, 1978, 302–48.

<sup>13</sup> Goulart, 165: “en titre de fiefs et de benefices temporels seulement.”

<sup>14</sup> See, for instance, Chávez on differences between *precarium* in Roman jurisprudence and its use in canon law; and Wood, 739–54, for medieval churches being gifted and loaned to

application in French during the second half of the sixteenth century.<sup>15</sup> I will return to this period shortly—a period in which the succession crisis amid the Wars of Religion spurred on significant developments in theories of sovereignty.<sup>16</sup> For the moment, I want only to note that precariousness in this period was not defined as a general condition of exposure, vulnerability, or instability (though holding one's possessions precariously may indeed bring with it these insecurities). Rather, it was concerned with goods and power being held on loan, and the nature of that loan was that it could be recalled at will, *à volonté*. In this sense, one might begin to draw a connection between precariousness and servitude as set out by Quentin Skinner in his foundational studies of neo-Roman liberty.<sup>17</sup> In much the same way that a slave may act freely, having a benevolent or absent master who does not in fact constrain their actions, and still be in a state of servitude, one might hold a precarious possession indefinitely: what makes a possession precarious is not that it is or will be recalled but simply that it can be.<sup>18</sup>

In the sixteenth century, then, *précaire* was a rare, technical term that was barely French. Despite its rarity, though, precarious possessions and precarious contracts are almost everywhere you look in early modern Europe.<sup>19</sup> A century later, Bossuet (1627–1704), translating the Latin commission issued by Henry VIII naming Edmund Bonner bishop of London, made it perfectly clear that precarity is the universal state under an absolute monarch: “That all Jurisdiction, ecclesiastical as well as secular, came from royal power . . . : That those who hitherto exercised this power PRECARIOUSLY [PRÉCAIREMENT] were obliged to recognize it as having come from the

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individuals, with those loans referred to variously as *precaria*, usufructs, benefices, and donations.

<sup>15</sup>Matoré, 164, noted that the adjective *précaire* was coined in the late sixteenth century.

<sup>16</sup>Most notably, Jean Bodin's *Republique* (1576), which I will return to later in this article. Bodin uses *précaire* to theorize the differences between seigniorial government and government by legally instituted offices.

<sup>17</sup>See Skinner, 1998; and, for a recent reappraisal on the twenty-fifth anniversary of this book, Dawson and de Dijon. See also a recent special issue of *Early Modern French Studies* 44.1 (2022), dedicated to freedom and servitude, and especially O'Brien, 2022, who takes “neo-Roman” or “Republican” freedom as his starting point in an analysis of the relationships between liberty, the will, and slavery in three sixteenth-century magistrates.

<sup>18</sup>See Skinner, 1998, 39–43, 69.

<sup>19</sup>I use the term *contract* loosely and in a non-technical sense. A *precarium* is typically understood to be unilaterally binding, restricting only the possessor and not the owner, who retains *dominium* of the loaned possession.

liberality of the Prince, AND ABANDON IT WHEN IT PLEASSED HIM.”<sup>20</sup> And, as has already been seen in the example taken from Budé, precarity’s remit extends to the highest political stations. Precarity, then, is everywhere, but what of *précaire* and *précairement*? What set of circumstances—political, literary, rhetorical—led to a situation, approximately one hundred years after Hotman’s parenthetical “as the lawyers say,” in which two material texts took such divergent approaches to *précairement*, one printing the word in block capitals, the other leaving a conspicuous gap?

The line attributed to La Rochefoucauld—“it is to rule precariously [*précairement*] when their authority extends only to what is permitted”—is one of two examples given by Andry in his *Réflexions*. The other is taken from Antoine Varillas’s (1624–96) *Histoire de Charles IX* (History of Charles IX, 1684): “This manner of governing, which had been entirely precarious [*précaire*], which is to say on pure sufferance, was too ill-suited to the Queen’s nature.”<sup>21</sup> But Andry’s own jurisdiction, on matters of eloquence, was almost immediately called into question. Two years after the publication of the *Réflexions*, César Vichard de Saint-Réal (1639–92) derided Andry as a fool, entirely lacking in discernment and unable to distinguish legitimate usage from one-offs and calques that authors and translators sometimes find themselves unable to avoid: “Can a critic be excused for thinking that *précaire* and *précairement* are words that are much in use [*fort en usage*] when the famous author he cites to provide him merely with *précaire* thought it necessary to explain it as he used it?”<sup>22</sup> A few years later still, Pierre de la Touche (d. 1730), in his *Art de bien parler français* (The art of speaking good French, 1696) equivocated: “*Précaire & précairement*. Some people do not like these words; one can make use of them, however.”<sup>23</sup> Changes between the first (1694) and

<sup>20</sup> Bossuet, 318: “Que toute Jurisdiction, tant ecclésiastique que séculière, venoit de la puissance royale. . . : Que ceux qui avoient jusqu’alors exercé PRECAIREMENT cette puissance, la devoient reconnoistre comme venue de la liberalité du Prince, ET LA QUITTER QUAND IL LUY PLAIROIT.” Capitalization in original.

<sup>21</sup> Varillas, 56: “Cette manière de gouverner qui n’eût esté que précaire, c’est-à-dire de pure souffrance, estoit trop opposée au genie de la Reine.”

<sup>22</sup> Saint-Réal, 104–05: “Est-ce une chose pardonnable à un Critique . . . de croire . . . que *précairement* et *précaire* sont des mots *fort en usage*, quoique le fameux Auteur qu’il cite pour s’estre servi seulement de *précaire*, ait cru devoir l’expliquer en s’en servant?” The “famous author” in question is Varillas, with whom Saint-Réal had worked in the Bibliothèque royale. Saint-Réal is most often remembered today as a friend of Hortense Mancini. Saint-Réal traveled to England with the exiled niece of Cardinal Mazarin and has often been supposed to have had a hand in composing her *Mémoires*.

<sup>23</sup> La Touche, 2:301: “Quelques gens n’aiment pas ces mots-là; cependant on peut s’en servir.”

second (1718) editions of the *Dictionnaire de l'Académie française* similarly testify to a shifting sense of these words' legitimacy.<sup>24</sup>

By the end of the seventeenth century, it was not only that *précaire* and *précairement* seemed to be everywhere. Arguments about these words appear to abound as well, enough for a scribe copying the “Mémoires sur la guerre de Paris” to be confident that his audience would be able to read the lacuna. Amid the hubbub, it is this silence that cuts through.

### PRINCELY PRECARITY

Making sense of this late seventeenth-century quarrel requires a more thorough analysis of the schism that fractured France a century earlier. In the aftermath of the Saint Bartholomew's Day Massacre, through the succession crisis and the rise of the Catholic League in the 1580s, *précaire* played a key role in the conceptualization of sovereign power and in the arguments that proliferated about obligations to and constraints on the prince. I have already noted how François Hotman's *Francogallia*, one of the principal Monarchomach texts of the 1570s, borrowed this term from Roman civil law to give an account of the crucial moment in his history of the French monarchy: the moment at which elective, non-hereditary kingship was usurped by Hugues Capet and replaced with a tyrannical dynasty that ruled without popular consent. It should be noted that popular consent is not democratic consent: the Monarchomach theory of popular sovereignty located authority in the singular *populus*, represented in the Estates General, which bore the sovereign right of *dominium* that was then loaned to the king and subject to recall.<sup>25</sup>

This transaction between *populus* and king has traditionally been read through the lens of public law—specifically, the *lex regia*, the late Roman legal fiction, much discussed by medieval jurists, wherein the people delegate their

<sup>24</sup>The first edition of the *Dictionnaire de l'Académie française* reads as follows: “Precaire. adj. de tout genre. Il n'a guere d'usage qu'en cette phrase, *Autorité precaire*, qui se dit d'une autorité qu'on n'exerce que par permission & par tolerance. Il est aussi substantif & alors il est terme de Pratique, & se dit des choses dont on ne jöüit, dont on n'a l'usage que par la concession de celuy à qui la propriété en appartient. *Il ne jöüit de cette terre que par precaire* [*Précaire*, adj. It is hardly used except in the phrase *Precairous authority*, which describes an authority that is exercised only with permission and approval. It is also a noun and a legal term, and describes things one has that are used only with the permission of the person who owns them. *He only has this land precariously*].” The second edition (1718) removes the qualification: “Qui ne s'exerce que par tolerance, par permission, par emprunt. *Autorité precaire, pouvoir precaire, possession precaire*. Il est aussi substantif [Which is exercised only by approval, permission, loan. *Precairous authority, precarious power, precarious possession*. It is also a noun].”

<sup>25</sup>See Lee, 2016, 127–31.

*imperium* to the emperor. But as Daniel Lee has recently argued, it is remarkable that Huguenot resistance theory and theories of popular sovereignty rely almost exclusively not on the *lex regia* but on private civil law, with the consequence that popular resistance could be “very easily understood in civil law terms simply as a legal action by a *dominus* to recover what properly belongs to the people.”<sup>26</sup> Seen in this light, the right to resist a prince ceases to be extraordinary.

The pseudonymously authored *Vindiciae contra Tyrannos* (1579), most likely written by either Philippe Du Plessis-Mornay (1549–1623) or Hubert Languet (1518–81), places *precarium* front and center. Indeed, the title itself employs a related term from Roman civil law, *vindicatio*, most often read with reference to persons, in which case it describes the manumission of free persons who are wrongfully enslaved, though it can also describe the “real action for recovery of property in someone else’s possession.”<sup>27</sup> That property, as the *Vindiciae* has it, is sovereignty, which belongs rightfully to the *populus* and can be recalled at will from a tyrannical king. Within the first few pages, the author, “Stephanus Junius Brutus,” seeks to settle the matter of whether subjects are bound to obey princes who disobey divine law; he does so by contrasting God’s absolute rule with the “precarious” rule of kings: the scriptures teach that “God rules by his own authority, kings as though precariously [*quasi precario*]; God through himself, kings through God.”<sup>28</sup> As Brutus’s argument develops, though, the nature of the king’s “precarious” hold on power changes significantly: by the time he reaches his third of four questions about the legitimacy of popular resistance—that is, whether it is legitimate to resist a prince who oppresses or ruins (“aut opprimenti aut perdenti”) the state—the king is said to hold his power precariously not from God but from the people. Both kings and their subjects, Brutus argues, emerge from the same substance (“ex eadem massa,” “d’une mesme masse”), and it is the people who elevate kings: consequently, if the latter have any power or authority, they have it as something given to them, and something that is held precariously (“tanquam precariam possiderent”).<sup>29</sup>

<sup>26</sup> Lee, 2016, 149–50. As Lee, 125, notes, Quentin Skinner’s detailed analysis of Roman law in *Monarchomach* writing interprets the transfer of *imperium* in the framework of the *lex regia*. See Skinner, 2002, esp. 245–63 and 368–413.

<sup>27</sup> Lee, 2016, 150.

<sup>28</sup> “Brutus,” 1579, 5: “Deum suapte autoritate regnare, Reges quasi precario: Deum per se, Reges per Deum.” Compare the French translation in “Brutus,” 1581, 19: “Dieu regne par sa propre autorité, les Rois par emprunt: Dieu de par soy-mesme, les Rois de par Dieu.”

<sup>29</sup> “Brutus,” 1579, 87; “Brutus,” 1581, 107, has “comme par emprunt [as though by loan].”

Both the *Francogallia* and the *Vindiciae*, widely read across France and beyond, placed *precarium* at the center of theories of popular sovereignty and of legitimate resistance to tyrants. Rendering the king a precarious tenant not only, as Daniel Lee has shown, situates resistance within the everyday world of private civil law; it demands to be read as a shocking rhetorical paradox. The rhetorical and constitutional implications of these seditious arguments prompted swift and significant responses. Here, too, *precarium* and *précaire* played a key role.

William Barclay (1546–1608), the Franco-Scottish jurist famous for coining the word *Monarchomach*, took direct aim at Brutus's understanding of *precarium*, mocking the claim that kings rule “quasi precario” as not only rendering kings mere vassals but blasphemously taking God to be no more than a feudal lord.<sup>30</sup> “You do not understand the benefices you are talking about,” he wrote, targeting Brutus directly.<sup>31</sup> But he quickly found himself fighting on two fronts. The political landscape had changed significantly in the years between the publication of Huguenot *Monarchomach* texts in the 1570s and the printing of his own *De Regno et Regali Potestate* (1600): amid the rise of the Catholic League and the 1588 assassination of its figureheads, the Guise brothers, at the behest of Henri III, along with the subsequent excommunication of the king and, following his own assassination, in 1589, the matter of Protestant Henri de Navarre's claim to the French throne, Catholic theorists and polemicists readily adopted Huguenot arguments that kings held their power and position precariously. The question, which divided the League, was whether the king held his power precariously from the sovereign authority of the Estates General or on sufferance of the Pope, judged to have “an absolute power indirectly over Kings and Princes.”<sup>32</sup> Barclay dedicates the twelfth chapter of his *Traicté de la puissance du Pape* to claims of indirect papal authority over temporal matters, demonstrating the nonsense (“l'incommodité & l'absurdité”) of Catholic claims that it is “in the hand and power of the Pope to take a kingdom from one and give it to another, as though it were possessed and held from him by *précaire*.”<sup>33</sup> It was an argument much like the one he had made earlier, in *De Regno*, for the absurdity of claims that kings held their authority precariously from the Estates General.

<sup>30</sup> Barclay, 1600, 225–27, at 225.

<sup>31</sup> Barclay, 1600, 225: “Nescis beneficia de quibus loqueris.”

<sup>32</sup> Barclay, 1611, fol. 74<sup>r</sup>: “Une puissance absoluë indirectement sur les Roys & Princes.” On *ligueur* arguments about papal authority, see Nicholls, 2021, 115–33; and Salmon.

<sup>33</sup> Barclay, 1611, fol. 78<sup>r</sup>: “En la main & pouvoir du Pape d'oster aux uns, & donner aux autres les Royaumes, comme estans possédez & tenus de luy par les Roys & Princes, par droit de *precaire*.” Chapter 12 begins on fol. 74<sup>r</sup> and ends on fol. 80<sup>v</sup>. Cf. Barclay, 1609, 93–108.

Barclay's argument that the king holds absolute sovereign power aligned him with Jean Bodin (1530–96) and his monumental *République* (1576). That a king in a monarchy might be precarious is a nonsense that Bodin does not even discuss. But *précaire* is central to his outline not of monarchical constitutions but of monarchical government. Bodin's theory of absolute sovereignty is more nuanced than has often been recognized.<sup>34</sup> That a sovereign has absolute authority says nothing of how it should be wielded. What's more, holding absolute authority does not, according to Bodin, make one sovereign. Kings do—in practical terms, they must—delegate their authority to agents, and the means by which they do so determines the stability and order of the state. Bodin established two modes by which a sovereign king might delegate authority. He might act as a *seigneur*, delegating his authority as a “commission,” “like a thing held on sufferance and by *précaire*,” which can be recalled (*revoquée*) at will.<sup>35</sup> Alternatively—and Bodin's preference here is clear—the king's authority might be delegated to office-holding magistrates, an arrangement in which “the office is like a thing loaned, which the owner cannot recall until the prescribed time period has expired.”<sup>36</sup> The stability of the kingdom depends, for Bodin, on these legally instituted offices, which temper and circumscribe not the authority of the sovereign but the need for the sovereign to exert their authority. Indeed, Bodin draws a line connecting the use of precarious commissions and the instability that was plaguing France when he points to the prevalence of seigneurial commissions in the reign of Charles IX. “We know well enough,” he notes, “that there was never a power greater than that which was given to Henri de France, duke of Anjou, by King Charles IX . . . and yet one cannot say that he was sovereign . . . since the clause ‘AS LONG AS IT PLEASES US’ was appended to his commissioning letter.” Thus, “he has nothing except by precarious commission.”<sup>37</sup>

<sup>34</sup> For a detailed analysis of Bodin's “nuanced understanding of ‘absolute power,’” see Lee, 2016, 187–224, at 191. Lee argues that “modern interpretative” approaches to Bodin take him as a “precursor to later theorists of political absolutism” on account of not grasping the “technically specific function” of the sovereign's absolute power—“or perhaps equivalently, his absolved power [*potestas soluta*].” As Lee argues, Bodin's *princeps* is “‘absolved’ of legal limitations [*legibus solutus*],” but he “should nevertheless always treat himself as ‘obliged’ or ‘bound’ by the laws”: Lee, 2016, 190–91.

<sup>35</sup> Bodin, 310: “Comme une chose qu'on a par souffrance, & par forme de precaire.”

<sup>36</sup> Bodin, 310: “L'office est comme une chose empruntée, que le propriétaire ne peut demander que le temps prefix ne soit expiré.” See also Lee, 2016, 187–224; and Lee, 2013.

<sup>37</sup> Bodin, 128: “On sçait assez qu'il n'y eut onques puissance plus grande, que celle qui fust donnée à Henry de France, duc d'Anjou par le Roy Charle[s] IX . . . & néanmoins on ne peut dire qu'il fust souverain . . . bien que la clause, TANT QU'IL NOUS PLAIRA, fust proposee en ses lettre”; “il n'a rien que par commission precaire.”

The order and stability of the state hinges on the distinction between “offices” held on loan (“par emprunt”) and “commissions” that are merely “precaire.” Yet if one returns to the French translation of the *Vindiciae*, published in the same period, it appears that “par emprunt” was taken to be the obvious translation of the legalistic Latin “precario.”<sup>38</sup>

Bodin’s *République* no doubt contributed toward disseminating this term in French, though its sense and the role it had to play in political polemic and constitutional thought remained wildly variable.<sup>39</sup> Toward the end of this period, which was shaped by crises of succession and resistance, in the immediate aftermath of Henri IV’s assassination, in 1610, Philippe Du Plessis-Mornay, the likely author of the *Vindiciae* some forty years earlier, picked up the topic of precarity once again, but from an almost antithetical position. Where the *Vindiciae* had vociferously maintained the precarity of the king, Du Plessis-Mornay argued in his 1611 *Mystère d’iniquité* (Mystery of iniquity) against the *ligueur* claim that it is lawful (*loisible*) for the pope to excommunicate and depose a king “no less than any other Christian, since he only reigns precariously [*par précaire*] and holds his authority in homage to [the Pope].”<sup>40</sup> It would seem that when the facts change, so, too, do perspectives on princely precarity.<sup>41</sup>

### PRECARIOUS LIVES: POLITICKING AND PRECARITY IN D’AUBIGNÉ’S *HISTOIRE UNIVERSELLE*

By the early seventeenth century, princely precarity had become an important weapon in the arsenals of Huguenot and *ligueur* resistance theorists and

<sup>38</sup> “Brutus,” 1581, 19.

<sup>39</sup> Use of *précaire* in French-language discussions of sovereign authority became increasingly commonplace across this period. See, for instance, two arguments made in the Paris Parlement on whether the Jesuits should be permitted to teach in Paris following the assassination of Henri IV: Montholon, 350–56; and La Martelière, 95. Emma Claussen’s study of *politique* describes the Reformation and the Wars of Religion as “accompanied, and spurred on, by a war of words,” and as “both the product and the cause of wholesale disruptions of the terms by which early modern people defined ethical, religious, and social categories.” *Précaire* might be placed within this broader context. See Claussen, 12.

<sup>40</sup> Du Plessis-Mornay, 270: “Non moins que tout autre Chrestien; entant qu’il ne regnoit que par precaire, & tenoit l’Empire à homage de lui.”

<sup>41</sup> Sophie Nicholls has recently studied what she calls the “palimpsestic” nature of political thought and publications in this period, in which major works, such as Bodin’s *République* and Hotman’s *Francogallia*, were edited and reworked as circumstances changed, and in which ideas and sources were borrowed between opposing camps, “sometimes without thought for the coherence of the resulting publication.” As Nicholls notes, this mode of textual borrowing and revision both complicates and stresses the importance of reading key words and texts in their historical and (inter-)textual contexts. See Nicholls, 2023.

polemicists. The *politique* conversion of Henri IV, in 1593, followed by the Edict of Nantes, in 1598, established a degree of peace that was then cast in doubt by Henri's assassination. Given Louis XIII's minority, a return to regency government threatened to bring with it the instability that marked the period in which France was ruled by the sons of Catherine de Medici.

In 1616, Agrippa D'Aubigné (1552–1630) published his *Histoire universelle*, a prose counterpart to his fiery, passionate *Tragiques*, printed in the same year. He had been working on both for a number of decades, with the aim of producing not only an account of the wars but also a defense of the Protestant cause, abandoned by Henri (as D'Aubigné saw it) in the moment of his conciliatory conversion.<sup>42</sup> That moment of conversion marks one of two key moments in D'Aubigné's *Histoire* in which rulers grapple with their precarity.

In 1593, Henri was under pressure from all sides: the Catholic League was looking to elect his uncle, Cardinal de Bourbon, in his place; hardline Huguenots sought to assert their advantage; and the “tiers parti” of Politiques applied a carrot-and-stick approach in convincing Henri to convert. François d'O, the Catholic finance minister, former *mignon* of Henri III, and member of this third party, hearing the king one day “sighing in confusion” (“sospirer en ses perplexitez”), accosted him roughly, telling him that the time for prevarication had passed.<sup>43</sup> Give it a week, d'O said, and you will face an elected king, the united Catholic nobles, the pope, the Spanish king, the Holy Roman Emperor, the Duke of Savoy, along with all of your other enemies, with no support but “your miserable Huguenots”—“if,” that is, “you do not make a swift and gallant resolution to hear a Mass.”<sup>44</sup> Convert, he said, and you will be “absolute king of all of France, winning more in an hour of Mass than you would in twenty battles.”<sup>45</sup>

D'Aubigné matches this “harangue,” full of intemperate cursing (“jurements”), with one of his own. “In those same days, a certain gentleman”—D'Aubigné himself—sought to steady the king's “tottering spirit” (“esprit qui

<sup>42</sup> On the *Histoire universelle*, see Thierry, as well as the eleven-volume edition of the *Histoire* edited by Thierry (D'Aubigné, 1981–2000). More recently, see Schrenck. On D'Aubigné's complex portrayal of and relation to Henri IV in the *Histoire*—shifting delicately between impartiality, celebration, and tact in the treatment of his conversion—see Fanlo.

<sup>43</sup> D'Aubigné, 1616, III.22.291: “Sire, il ne faut plus tortignonner [Sire, you must stop prevaricating].”

<sup>44</sup> D'Aubigné, 1616, III.22.291: “Si vous ne prenez une prompte & galante resolution d'ouir une messe.”

<sup>45</sup> D'Aubigné, 1616, III.22.292: “Roi absolu de toute la France, gagnant plus en une heure de messe que vous ne feriez en vingt batailles gagnes.”

balançoit”), which was balancing (one might say) precariously.<sup>46</sup> With little support, D’Aubigné struggled in vain to convince the king that “it was better to be king of a corner of France while serving God . . . than to rule precariously [*regner precairement*], having over one’s head the foot and the domination of the Pope, who would command insolently as though he had vanquished you.”<sup>47</sup> A soldier rather than a lawyer, D’Aubigné had taken up the arguments that would be printed by Barclay and Du Plessis-Mornay in their theses against papal indirect authority but had reframed them to appeal to a martial sensibility. “I am asking, he said, that the virtuous path”—evoking both masculine, military virtue and religious, ethical virtue—“towards making you an absolute king be harder and longer, but the other path you are being shown will never make you sovereign.”<sup>48</sup>

D’Aubigné’s appeal was destined to fail. Henri was already by this point subject to an authority beyond his jurisdiction. In his “*Devoir des roys et des subjects*” (On the duties of kings and subjects, 1877) a text more venomous and passionate than the *Histoire universelle*, D’Aubigné excoriates the Huguenot Politiques, who, “in fear of exile or death, or in hope of pensions,” made their pens and mouths say what served their interests, “twisting their conscience and their hearts.”<sup>49</sup> It was they who facilitated this “miserable resolution,” leading Henri to “spit on his achievements and, no longer ruling over himself, to rule precariously [*regner precairement*], persecuting those close to him for fear of being persecuted.”<sup>50</sup> Here, then, it is not the pope who has his foot on the king’s neck. It is his Politique counselors and, worse still, the fear they instilled in him: “And always seeing the hand and the dagger of a Chastel or a Ravailac at his throat, he bent for fear of the blow.”<sup>51</sup>

<sup>46</sup>D’Aubigné, 1616, III.22.292.

<sup>47</sup>D’Aubigné, 1616, III.22.292: “Il valloit mieux estre Roi d’un coin de France en servant à Dieu . . . que de regner precairement, aiant sur sa teste les pieds & la domination du Pape, qui commandroit insolemment, comme aiant vaincu.”

<sup>48</sup>D’Aubigné, 1616, III.22.292: “Je veux, disoit cettui-ci, que la voie de la vertu soit plus dure & plus longue pour vous faire Roi absolu; mais l’autre qu’on vous montre ne peut jamais vous rendre souverain.”

<sup>49</sup>D’Aubigné, 1969, 484: “En la peur de l’exil ou de la mort ou en esperance des pensions”; “tordant leurs consciences et leurs cœurs.”

<sup>50</sup>D’Aubigné, 1969, 485: “Cracher contre son ouvrage, et depuis ne regnant pas sur soy mesme, regner precairement, affligeant les siens de peur d’estre affligé.”

<sup>51</sup>D’Aubigné, 1969, 485: “Et voyant tousjours un bras et les cousteaux de Chastel et de Ravailac à sa gorge, il avoit ployé de peur du coup.” Jean Chastel’s failed assassination attempt was one of many that were made on Henri IV before Ravailac succeeded, in 1610. On the impact of Chastel’s effort, see Descimon. On the relationship between precarity and affect, especially fear, in early modern French writing, see O’Sullivan.

This crucial turning point in the life of Henri IV and in the fortunes of the Protestant cause extends the constitutional arguments about princely precarity significantly. For D'Aubigné, precarity is at once the specter of martial humiliation with which to rally a wavering monarch and a personal, ethical failing—a product of the king having lost his grip on himself, his advisors, his feelings, his fears. In his preface to the *Histoire*, D'Aubigné eulogizes Henri “le Grand” by praising his indomitable spirit: Alexander had all the advantages of following Philip, whereas with Henri “we take a Prince from a cradle surrounded by thorns,” a prince “whose life was precarious [*precaire*], brought up at the feet of the Valois, who held a hostile scepter over his head.”<sup>52</sup> But having escaped from under the Valois, Henri nonetheless continued to live precariously, and, as D'Aubigné notes elsewhere in the *Histoire*, “precarious life ceases very quickly to be life at all.”<sup>53</sup>

This account of precarious rule defines one of the essential moments in D'Aubigné's history. Henri's conversion marked the beginning of the end for the wars and, equally, a major blow to Huguenot aspirations, setting the apostate king on course to meet divine judgement at the hands of an infernal assassin.<sup>54</sup> The other key moment occurs at the very outset of war, in the years following the short reign of François II, dominated by the elder Guise brothers. The efforts of Catherine de Medici, who served as regent for Charles IX, to establish a policy of toleration seemed to be going nowhere: the Colloquy of Poissy, at the end of 1561, which brought together Catholic and Huguenot representatives, and the *Edit de janvier* (1562), which granted limited freedoms to Protestants, were followed quickly by the Guise-led massacre at Vassy (March 1562), which in turn led to Huguenot military forces rallying around the Prince de Condé.

<sup>52</sup>D'Aubigné, 1616, 6: “Nous tirons un Prince du berceau encourtiné d'espines . . . duquel la vie estoit precaire, eslevé aux pieds des Valois, qui tenoient sur sa teste un sceptre defavorable.”

<sup>53</sup>D'Aubigné, 1616, I.28.346: “Toute vie precaire cesse bien tost d'estre vie.” Compare D'Aubigné's image of the young poet following Seneca and Cato in preferring death to servitude: “Tu estimois la mort en liberté plus chere / Que tirer, en servant, une haleine precaire [You thought it better to die in liberty than to draw one precarious breath in servitude],” in “Princes,” ll. 1219–20, in D'Aubigné, 1969, 82 (*Les Tragiques*).

<sup>54</sup>See D'Aubigné's judgement in his *Discours par stances avec l'esprit du feu Roy Henri Quatrième*: “Un bras d'Enfer gravant du haut Ciel la justice / Sur le sein condamné d'un miserable Roy [A hand from Hell carving Heaven's justice into the condemned breast of a wretched king],” in D'Aubigné, 1877, 4:321. On D'Aubigné's judgement of the king's apostasy and his accounts across different texts and genres, with specific focus on his own prophecy of the king's death, see Servet.

D'Aubigné's account of this moment, at the dawn of the first of the religious wars, relays the dissensus and uncertainty that ran through the Protestant camp: some wanted to appeal personally to the king ("à la personne du Roi"), who was being held with his mother at Orléans by François de Guise, but such a venture seemed doubtful. Some thought the queen was reluctantly ("à regret") leading her son into the absolute power ("l'absoluë puissance") of the Guises, while others detected the political prudence, or Machiavellian slipperiness, that would come to define Catherine's political career: "Someone replied that all regents rule precariously [*regnent precairement*], and yet the most cunning [*les plus fines*], such as Queen Catherine, always bind those who are most to be feared and never strike against the present state until it has been weakened."<sup>55</sup> That Catherine had been writing to Condé, asking for his help, no doubt gave confidence to those who sought to employ the regent's political *finesse*, reading her conspicuously vague letters (which she instructed Condé to burn and which refer repeatedly to messages to be relayed orally by letter carriers) as a call not to lay down arms but, rather, to liberate the king and herself.<sup>56</sup>

Her precarity, in D'Aubigné's account, is a product of her position as regent, while the absolute power of the Guises underscores the weakness of the sovereign. But with Catherine, precarity is not simply a constitutional matter, and not just a disinterested description of her role in government. Precarity has become something for political agents to navigate, something that *fins* politicians can manipulate and even profit from. Catherine's Machiavellian strength, her *virtù*, is seen here to work with and within her precarity, not in opposition to it: the Guises might have "absoluë puissance," but the *finesse* is entirely Catherine's.<sup>57</sup>

D'Aubigné's two moments in which rulers "rule precariously" bookend the wars. But the presence of this phrase, which became the subject of debate decades later, does more than demonstrate the dissemination of the juridical

<sup>55</sup>D'Aubigné, 1616, I.3.133: "Quelqu'un respondit que toutes les Regentes regnent precairement, & partant les plus fines comme la Roine Catherine, obligent tousjours le plus redoutable, & ne se bandent jamais contre l'Estat present qu'après l'avoir affoibli."

<sup>56</sup>Medici, 1:281–84.

<sup>57</sup>A similar argument would be made later in the seventeenth century by Varillas, in the other line cited by Andry in his account of *précaire*: in 1561, Catherine, a wily princess ("artificieuse princesse"), shores up her "manner of governing, which had only been precarious" ("maniere de gouverner qui n'eût été que précaire"), by playing Antoine de Bourbon, king of Navarre, and Anne de Montmorency, *Connétable de France*, against each other. After long meditations ("longues meditations") and extreme efforts of the spirit ("extremes efforts d'esprit"), she does what seemed impossible to human prudence ("la prudence humaine"), employing "deux Dames," Montmorency's wife and mistress, to stir up rivalry and jealousy between the two men. See Varillas, 56–57.

language and constitutional arguments of the 1570s. Across D'Aubigné's writing, and especially in his *Histoire*, precarity is understood in personal, ethical, and political terms—not as a defining characteristic of a political office, but as something akin to fortune, something to be worked with and within and, as the case of Henri demonstrates, a product of one's actions and ethical self-management.<sup>58</sup> With D'Aubigné, princely precarity ceases to be a legal and constitutional concept in service of a political argument and enters the political realm proper. All regents reign precariously (“règnent précairement”)—and most kings, too—but what matters is how individual regents and rulers respond to it.

### RÉGNER PRÉCAIREMENT

A number of decades separated the religious wars of the sixteenth century and the Fronde in the middle of the seventeenth, but resonances between these two moments were heard clearly by pamphleteers, memoirists, novelists, and historians writing in and immediately after the era of Cardinal Mazarin's ministry. Anti-Italian sentiments resurged to label the cardinal a “Machiavel,” rehearsing the attacks made against Catherine de Medici in the 1570s and 1580s, while Monarchomach texts were imitated, reprinted, and repurposed to support, as John O'Brien has shown, “manifoldly divergent perspectives on monarchical authority”.<sup>59</sup>

The “Mémoires sur la guerre de Paris”—a text attributed to La Rochefoucauld but most likely authored by Louis Ardier de Vineuil (d. 1681)—makes no explicit allusion to the earlier period of warfare, but the passage relevant to this study bears the influence of its political discourses. Near the beginning, the author, clearly aligned with the aristocratic Frondeurs, gives a brief sketch of the political disposition of the Paris Parlement at the outset of the war. There were three parties in the Parlement: the Frondeurs, “moved by the desire to stop the course of present calamities”; the party of the Mazarins, “persuaded that they owed the Court a blind obedience”; and the “party mitoyen” caught in the middle, disapproving of the first and the second.<sup>60</sup> Most members of the Parlement had no appetite for stirring up change until they were convinced to see themselves as mediators between the court and the people, a shift that met the disapproval of the aristocratic

<sup>58</sup> On “fortune” in this period, see major studies by Lyons; and Viaud.

<sup>59</sup> O'Brien, 2023, 37. See also Carrier; and, more broadly, Fragonard and Berchtold.

<sup>60</sup> “La Rochefoucauld,” 1662, 28–29: “Touchez du desir d'arrester le Cours des calamitez presentes”; “persuadez que l'on devoit une obeissance aveugle à la Cour.”

Frondeur author, who thought such matters should be left to the nobility.<sup>61</sup> The aristocratic and parliamentary Frondeurs shared the same goal (“le mesme objet”) but had different motivations (“un different motif”), the latter being driven by their own interests (“intéressez par leur fortune”).<sup>62</sup> Prime among the self-serving *parlementaires* was Longueil (1596–1677), “Conseiller en la grand’ Chambre,” who used all his artifice and skill to inspire this venom (“ce venin”) in his otherwise conservative colleagues, flattering their “grandeur” with poisoned words (“discours empoisonnez”).<sup>63</sup>

These honey-tongued arguments (“ces douces voix”) are given in summary: “they insinuated” (“on leur insinuoit”) that taking up such a role would give them recognition and brilliance; that “charité” obliges them to support the needy and that the duty of their charge is to moderate the “extreme puissance” of kings; that they must recognize (“qu’ils devoient sçavoir”) that, “for some years, the Ministers of France have been persuaded that it is to rule precariously when their authority extends only to what is permitted” (“depuis quelques années les Ministres de France sont persuadez que c’est regner precairement, quand leur Empire ne s’estend que sur les choses permises”); that law and justice have been replaced by fear and force; that recent kings have abandoned the state and it is for them to establish order; and that they will be rewarded with divine and popular approval if all goes well, and if it doesn’t, that they will have glory in death.<sup>64</sup>

The rhetorical framing of this phrase, “regner precairement,” is complex. First, the chief ministers of France—Mazarin principally, though one might think also of Richelieu—are themselves persuaded, or persuade themselves, or (more likely) claim to be persuaded as part of their own strategy of persuasion and justification, that they are precarious if they are bound to do only what is permitted. In making this claim, they are directly invoking Atrous, the Senecan archetype of the amoral tyrant: “Where a sovereign is permitted only what is honorable, he rules on sufferance [*precario*],” translated by the Huguenot theologian André Rivet (1572–1651) as “c’est regner precairement, c’est à dire par concession & dependance d’autruy, si celuy qui domine est astreint de ne rien faire contre l’honesteté” in his *Instruction du Prince Chrestien*

<sup>61</sup>“La Rochefoucauld,” 1662, 29: “La pluspart . . . au commencement n’avoient point d’amour pour les nouveautez [The majority had no affection at the beginning for these innovations].”

<sup>62</sup>“La Rochefoucauld,” 1662, 28.

<sup>63</sup>“La Rochefoucauld,” 1662, 30–31.

<sup>64</sup>“La Rochefoucauld,” 1662, 29–30.

(1642).<sup>65</sup> In speaking this line, seen in the period to encapsulate the infamous fifteenth chapter of Machiavelli's *Prince*, the ministers declare their tyranny, taking precarity—redefined as subordination not to a sovereign but to moral law and *honnêteté*—as a pretext, not as a sincere assessment of political status but as a rhetorical conceit, a subversion of their actual precarity (they rule at the pleasure of the king), employed to strengthen their grip on power.<sup>66</sup> Appeals to precarity have thus been co-opted by those they had previously worked to undermine—evidence, no doubt, of the ministers' treacherous dissimulation and slipperiness.

But it is not the ministers who say this: it is Longueil and his coagitators. It is they who project this reappropriation of precarity discourses onto their political enemies in an effort to persuade the conservative Parlement of the ministers' double tyranny, which is to say their absolute rule and their Machiavellian, immoral wiliness.

Except, ultimately, it is not even Longueil who constructs this conceit. The author of the "Mémoires" attributes this venomous discourse ("ce venin") to no one in particular: "on leur insinuoit." It is, rather, a nested sequence of projections: the archetypically Machiavellian appeal to precarity is exactly the sort of thing a counselor "motivated by an ambitious spirit" ("poussé d'un esprit d'ambition") might invent to persuade his timorous colleagues.<sup>67</sup> In the "Mémoires," precarity has not only been radically co-opted by those looking to strengthen their hand. That co-option is so complete that the critique itself has become generic, something an anonymous rabble-rouser can point to as obvious, something his audience simply "must recognize" ("ils devoient savoir"). Claims of political precarity continue to function in this text as a political weapon, as they had in the years of the Monarchomachs and the League, but the rhetorical battleground has changed entirely: ministers claimed that they themselves were (or might be) precarious to shore up their authority; parliamentarians mobilized their peers by accusing the ministers of declaring their precarity under false pretenses; and the aristocratic author of the "Mémoires" ventriloquized this attack to criticize the venomous flattery of the parliamentarians, which was at least as venomous as that of the "precarious" ministers. Talk of political precarity, in this example, is always at one remove, always the sort of thing someone else would say, and always with an eye to what can be gained—whether by co-option or accusation.

<sup>65</sup> Seneca, 248–49 (*Thyestes* 2.214–15): "Ubicumque tantum honesta dominanti licent, precario regnatur"; Rivet, 270.

<sup>66</sup> For the association of Atreus and Machiavelli, see Conring, 155.

<sup>67</sup> "La Rochefoucauld," 1662, 31.

This complex chain of projection illuminates the curious gap, the scribal silence, in the copy of this text mentioned in my introduction: the “Mémoires secrets sur les guerres de Paris” held at St Catharine’s College, Cambridge. The rhetorical ventriloquism on display at this point in the “Mémoires,” coupled with contemporaneous arguments about the legitimacy of the very word that is left unwritten, makes this silence especially noteworthy. How might the history of *précaire* outlined thus far elucidate this point of obscurity and make sense of the self-censorship recorded in St Catharine’s MS 17? And, similarly, what might this scribal silence reveal about precarity’s place at the end of the seventeenth century?

It is an otherwise neat copy, with the text of the “Mémoires” transcribed in an assiduous late seventeenth-century hand.<sup>68</sup> The scribe evidently took extreme care: occasional syntax and spelling errors—“sur ces” (“on these”) for “sur ses” (“on his”), for instance (fol. 14<sup>v</sup>)—are corrected in the same ink. The manuscript shows limited signs of extensive use, but what does exist is curious. First, the original title—“Mémoires sur les guerres de Paris”—is subtly overwritten both on the title page (fol. ii<sup>r</sup>) and at the incipit (fol. 1<sup>r</sup>) to read, “Mémoires secrets sur les guerres de Paris.”<sup>69</sup> Second, on fol. 34<sup>r</sup>, a reader, writing in a different ink and in a seventeenth-century hand, has supplied in the margin a missing word: “esteindres” (extinguishes). This intervention is not, on its own, particularly revealing, except that it shows that the manuscript was subject to at least one attentive reader, and one who had access to another copy (whether printed or in manuscript). The accuracy and completeness of the manuscript were clearly important to both the scribe and this reader, and the general presentation of the copy indicates that it was commissioned for collection and curation. There are two other lacunae: one, referring to the place to which Pierre Broussel was transported after his arrest, follows the printed version and employs a long ellipsis (fol. 12<sup>r</sup>); the other, right at the end, describes the defeated leader of the aristocratic Fronde, Condé, instructing his friends to greet the king and Mazarin warmly, noting that he “showed the same warmth, for his own vested interests” (“tesmoigna la mesme chaleur pour ses intérêts”), as the printed edition has it. The manuscript excises the interpretation of Condé’s realpolitik motivation and leaves a gap in place of “pour ses intérêts” (fol. 74<sup>v</sup>)—perhaps a sign of continued allegiance to the aristocratic cause or, alternatively, of a wish to bury the hatchet.

<sup>68</sup>It is followed by three other accounts of the Fronde, written in two different hands, of which the latter is notably less neat. See Henrikson for a description of this manuscript significantly more detailed than that recorded in James, 26.

<sup>69</sup>This potentially indicates the annotator’s belief that the “Mémoires” were indeed authored by La Rochefoucauld, and were intended to remain private (“secret”).

Taken together, this limited evidence points to an attentive, knowledgeable, partisan audience familiar with the text of the “Mémoires.” One might suppose that the erasure of “précairement” bears the influence of Saint-Réal’s rebuke, which would mean the manuscript was produced sometime after 1691. But it seems unlikely that the scribal intervention was made for reasons of linguistic purity and *le bon français*, given the fidelity witnessed throughout. It might be taken to illustrate a serious political or ethical argument—that one cannot be absolute and precarious, or that Machiavellian invocations of precarity are somehow taboo, or have become taboo in the era of Louis XIV’s personal rule. But here, too, coherence is lacking: anyone making this argument would understand the move as an attack on such invocations (indeed, a double attack on both the parliamentarians and the ministers).

It seems, rather, that this silence is a joke. It is an allusion, perhaps, to those debates and arguments between the fashionable salon attendee Saint-Réal and the dull Nicolas Andry, prone to classicizing neologisms—an allusion that would situate this manuscript in an erudite and civilized society alert to literary and linguistic quarrels and to the lexis of conversation structured by maxims. The material text invites this audience to supply the missing word, to demonstrate their knowledge of both the text and the response it received, and, thereby, to participate in the shared construction of meaning. This line about precarious rule has become quotable and, at the same time, a topic of conversation. Its presence might be noted, for instance, in an epistolary novel purportedly comprised of letters from an Ottoman spy in the French court: here, Mazarin teaches the young Louis that “it is to rule only precariously” (“ce n’est regner que précairement”) when a sovereign is bound by his subjects. Similarly, La Rochefoucauld’s editor and commentator, La Houssaye (1634–1706), took it to have become proverbial: “Because, as the flatterers say, it is to rule precariously to be contented with an authority that extends only to what is permitted.”<sup>70</sup> The gap in the manuscript acts as a shibboleth, playfully requesting that the reader provide their credentials. It reveals an early modern culture thinking textually but also materially and socially, with textual silences that invite discussion, and with a keyword that is nowhere to be seen. *Régner précairement* had become a contested phrase with unstable meanings; this manuscript is a clear illustration not only of that instability but of the ways early moderns engaged with and exploited it.

<sup>70</sup> [Marana], 121; La Houssaye, 153: “Car, à ce que disent les flateurs, c’est regner précairement, que de se contenter d’une autorité, qui ne s’étend que sur les choses permises.” The attribution of this line to Mazarin and to flatterers indicates that both authors are thinking specifically with the “Mémoires” and not simply with a Senecan commonplace—Atreus was neither a minister nor a flatterer.

But it is a joke in another sense, too. Having become so eminently quotable, the maxim was ripe for subversion and irony. “The ministers are persuaded that it is ruling when their power extends only to what is permitted” (“Les ministres sont persuadez que c’est regner quand leur Empire ne s’estend que sur les choses permises”): that’s what ruling is—doing what is allowed, being constrained, acting under pressure and on sufferance. For all the talk about absolute sovereign power, the reality, the lived experience, usually proves quite different. The ministers think they are in charge, but this is only because they have turned a blind eye to the constraints that limit them: they have convinced themselves not that they rule precariously but that they rule—period.

### TALKING AND NOT TALKING ABOUT PRECARITY

In the context of civil war, defining princely precarity became a matter of political, constitutional, and confessional importance. The Monarchomach texts of the 1570s and the responses they produced bear witness to a scramble to tie down this volatile concept, newly extended to imagine power and rule by way of analogy—“quasi precario,” as the *Vindiciae* put it. Where recent scholarship has begun the work of revealing the Monarchomach reliance on civil law concepts and terminology, the broader cultural, linguistic, and rhetorical context of this specific development, along with the significant impact it had in the century that followed, has hitherto escaped attention.<sup>71</sup> This article has sought to demonstrate the reach of this otherwise neglected concept and to sketch a history for a keyword that structures contemporary political discourse—indeed, one that is often seen to have a history reaching back only into the twentieth century.<sup>72</sup>

The image of political precarity that emerges in this history is a counterintuitive one, focused doggedly on kings, regents, chief ministers, and other political agents operating at the highest points of the social hierarchy. One might question the value of describing such figures as “differentially exposed to injury, violence, and death” by the political system they operate within, though

<sup>71</sup> See Lee, 2013; and Lee, 2016.

<sup>72</sup> For a view of precarity as entwined with the political and economic shifts of the 1970s and ’80s, see Standing. For a survey of social historical studies of precarity, see Betti. Nancy Ettliger, by contrast, argues that “precarity is engendered by a wide range of processes” and “extends across space and time”: “it is an enduring feature of the human condition”: Ettliger, 324. Numerous studies have examined early modern instances and depictions of what today might be called “precariousness” or “precarity” without seeking to historicize these terms (e.g., Findlay; Wilson). My focus in this article has been to ask how *précaire* and *précairement* emerged in early modern French to facilitate political and rhetorical arguments.

the prevalence of assassination, exile, and house arrest at least opens the door to an interpretation that takes early modern and contemporary discussions of political precarity to be talking about the same thing.<sup>73</sup>

“Precariousness,” writes Butler, “implies living socially, that is, the fact that one’s life is always in some sense in the hands of the other. It implies exposure both to those we know and to those we do not know; a dependency on people we know, or barely know, or know not at all.”<sup>74</sup> Kings and princes are, by this definition, precarious by virtue of being alive. And, to return to a line from D’Aubigné’s *Histoire universelle* already quoted in passing, there is a hint of early modern precarity located not in the rarefied, restricted social circles of princes and regents but among the oppressed, who suffer the effects of empire. Casting an eye over the Pyrenees toward Spain, D’Aubigné mentions “the Moors, reduced by Ferdinand and Isabella to a condition tolerable to serfs and to no one else,” who “daily were taught by Spanish extortion that precarious life [*vie précaire*] ceases very quickly to be life at all.”<sup>75</sup>

The intention behind this study of early modern political language is not to argue that princes and political elites experienced precarity as it is understood today. When precarity emerged as a political concept, it found its use principally as a tool with which to attack political elites (and was used for the most part by other elites, even when invoking the sovereign power of the *populus*). But the material conditions of that precarity, and, indeed, the conceptualization of precarity, are specific to the period and its political and rhetorical concerns. Similarly, this history of *précaire* is not an attempt to universalize precarity and uncover its existence across time and across the social hierarchy: early modern uses of *précaire* are in almost all cases not concerned with a general condition of precariousness (the unavoidable state of depending on others) but with a more restricted sense of politically induced precarity, albeit with significant differences from the sense this term has in the work of Butler, Bourdieu, and others.

Marginalized and oppressed people might, in the imagination of early modern authors, be *chétif*, *misérable*, or in a state of *servitude*, but they are rarely *précaire*. Consequently, both the rhetoric and the ethics that emerge with this keyword are distinct from those found in modern precarity discourses.<sup>76</sup> Where

<sup>73</sup>The definition of precarity is from Butler, 2010, 25.

<sup>74</sup>Butler, 2010, 14.

<sup>75</sup>D’Aubigné, 1616, I.28.346: “Les Morisques réduit par Ferdinand & Izabelle à une condition tolerable pour serfs, & non pour autres, aprenoiot tous les jours par les pilleries Espagnoles que toute vie precaire cesse bien tost d’estre vie.”

<sup>76</sup>In his 1611 dictionary of French and English, Cotgrave translates *chétif*, cognate with the Latin *captivus*, as “Caitive, wretched, miserable, unfortunate, forlorne, poore, needie, bare,

“the recognition of shared precariousness introduces”—for Butler—“strong normative commitments of equality and invites a more robust universalizing of rights,” discourses of precarity in early modern France are fundamentally antagonistic.<sup>77</sup> Early modern precarity is related to, though not obviously a direct ancestor of, its modern incarnation: similar, though rooted in specific political conditions and circumstances, and directed at different people with different ethical and rhetorical motivations.

*Quasi precario* (as though precariously): the co-option of this term within a legally minded intellectual culture allowed early modern authors to think analogically to make a political point. Theirs is not a legal argument, per se, but a political one (the fact that Barclay struggles so much with Brutus’s use and misuse of these *beneficia* [benefices] might be in part because he reads a political tract with the eyes of a jurist).

It is not my intention to draw a clear line, either connecting or dividing, between early modern and contemporary senses of precarity. Instead, I hope to have directed attention to the rhetorical force and political potential in borrowing, co-opting, and projecting discourses of precarity across contexts. Early modern precarity is not modern precarity, though they are analogous. Early modern uses of precarity are themselves varied and contested, but one might identify a general principle—that rulers are precarious and that the power they hold might be reclaimed—that complements rather than contradicts the rhetorical and philosophical work performed with this keyword in twenty-first-century critical theory. Early moderns engaged with this keyword by extracting it from one context and applying it—imperfectly, inaccurately—in a range of settings. Something similar might be done today, placing early modern senses of *précaire* alongside modern precarity and allowing the two discourses to rub against one another. Where contemporary precarity points to the moral obligation to recognize the humanity of the other and provide the support their precarity demands, early modern precarity invites a parallel movement of resistance, of reclaiming power from those who immiserate, injure, and oppress. Recognizing the precarity of those under whose jurisdiction an increasingly large number of people live restores to modern discourses of precarity their early modern radicalism.

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beggerlie.” This word is especially common in Robert Garnier’s Renaissance tragedies. See, for example, Garnier, 563: “Et qui chargez de fers et chetifs comme nous, / Implorent vostre grace embrassant vos genoux [And who, wearing shackles and wretched as we are, beg your grace, embracing your knees].” The most famous early modern exploration of servitude is one that talks extensively of “misérables”: see La Boétie.

<sup>77</sup> Butler, 2016, 28–29.

Having emerged as a political concept in Huguenot resistance theory, *précaire* quickly became a conceptual and rhetorical tool co-opted and redefined by an astonishingly wide array of political motivations. For Barclay, its invocation became evidence of his opponents' ignorance of the law; for Bodin, it served to elucidate a potentially inconsequential but in fact crucial distinction upon which good governance and the stability of the state depended. With D'Aubigné, precarity became personal—something to navigate (successfully or otherwise), both a product and a test of prudence or  *finesse*. Reading the author of the “Mémoires sur la guerre de Paris,” meanwhile, one finds political agents with the greatest  *finesse* turning precarity—or, rather, talk of precarity—to their advantage. Across all of these contexts, precarity functions not only as a legal, constitutional, or even political concept; it is a rhetorical weapon that both reflects and gives shape to some of the most significant interventions in early modern French political thought.

Precarity's journey from jargon to buzzword is not a linear history of a concept or idea finding expression. By the point when claims of precarity had become commonplace, the author of the “Mémoires” was presenting them as exactly the sort of thing one's enemy would preemptively adopt as a talking point in order to neutralize criticism: invoking their own precarity, the ministers subvert the discourses and rhetorical strategies that emerged in the sixteenth century and occupy territory from which they might have been attacked. However, evidence of ministers and the like making such claims is conspicuously absent, barring the parliamentarians' anti-Mazarin talking point that this is exactly how ministers think (even if they do not go so far as to say so). In fact, the ministers' co-option of precarity is a fiction. A century after Hotman's parenthetical “as the lawyers say” (“ut Jurisconsulti loquuntur”), one finds an aristocratic Frondeur painting a picture of lawyers crafting their own caricature of the dissimulating, tyrannical Machiavel. To rehearse a line about precarity is, in this context, to out oneself as a dissembler and to speak like a flatterer (“à ce que disent les flateurs,” as La Houssaye would put it). Despite Saint-Réal's claims to the contrary, *précaire* and *précairement* were indeed “much in use” by the latter part of the seventeenth century. But how they were used, and by whom, is everything.

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