The Justification of Jehan Petit: A Fifteenth-Century Attempt to Justify Tyrannicide

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THE JUSTIFICATION
OF JEHAN PETIT:
A FIFTEENTH-CENTURY ATTEMPT
TO JUSTIFY TYRANNICIDE

by

John C. Parsons

A Thesis
Submitted to the
Faculty of the School of Graduate
Studies in partial fulfillment
of the
Degree of Master of Arts

Western Michigan University
Kalamazoo, Michigan
August 1970
The Justification of Jehan Petit was composed as an attempt to explain the murder in 1407 of Louis, duke of Orléans, by his cousin John the Fearless, duke of Burgundy. The murder was politically necessary for John to be able to dominate the French government while the king, Charles VI, was mad.

Petit attempted to prove that the duke of Orléans had been a tyrant, and that the murder was justifiable as tyrannicide. The validity of Petit's theory demanded that he be able to prove Louis' tyranny. In so doing, he departed radically from the medieval concept of a tyrant and introduced a number of charges against the duke which, though largely groundless, did fit the murdered Louis into Petit's new definition. An examination of the new definition of tyranny and of the charges reveals the invalidity of the work.
M-2511

PARSONS, John Carmi, 1947-

THE JUSTIFICATION OF JEHAN PETIT: A FIFTEENTH-CENTURY ATTEMPT TO JUSTIFY TYRANNICIDE.

Western Michigan University, M.A., 1970
History, modern

University Microfilms, Inc., Ann Arbor, Michigan

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Louis of France, duke of Orléans, rates something more than a footnote in history. His sudden and tragic end in 1407 led to a period of civil strife between his partisans, known as the Armagnacs, and those of the Burgundian dukes. The Burgundian party was triumphant, and gradually the memory of the murdered duke of Orléans faded away, to be kept alive only by the rumors and legends spread about him by the Burgundians.

Though his life was short, and he left no lasting impression on the political life of his age, his murder led to the composition of a very remarkable document. John of Burgundy, the perpetrator of the murder, commissioned one of his clerics named Jehan Petit to provide him with a rational justification for the deed. Petit presented the world with the Justification du duc de Bourgogne in March 1408.

The actual doctrine of the Justification has been ignored in favor of the many charges brought in it against the memory of the dead duke of Orléans. He is accused of having practiced sorcery, of having attempted to kidnap the queen of France, and of attempting to murder the heir to the throne. Petit's line of thought, however, is in itself extremely diverting, although to call it a proper doctrine is perhaps incorrect.

Drawing on sources as remote as the legends about Lucifer and on writings as important as the Policraticus of John of Salisbury, Petit attempted to prove that the dead duke of Orléans was a tyrant.
This, then, demanded a logical rationale for tyrannicide, which Petit also attempted to provide. In so doing he drew on other, equally varied sources, basing all tyranny on covetousness and ambition. Anyone who covets either vain honors, worldly goods, or fleshly delights, Petit concluded, is a tyrant. This line of reasoning had some roots in the *Policraticus*, but it ignored several more important developments which had taken place in political thought since the *Policraticus* was written in the twelfth century.

An examination of Petit's doctrine, when compared with the newer developments in political theory, shows that he erred in more than one respect. His most glaring fault is that he posited the concurrent existence of a sovereign and a tyrant within the same kingdom, but not in the same person. Although the king was the legal head of state, Petit claimed, the duke of Orléans was a tyrant.

This paper is such an examination, and compares Petit's work with earlier works on tyranny and tyrannicide, as well as presenting an interesting work presented in rebuttal to Petit's *Justification* in 1408.

The preparation of this thesis would have been an impossible task without the advice, criticism and suggestions offered by Dr. John R. Sommerfeldt, to whom my principal thanks are due. I must also express my appreciation to Mrs. Jean Dugan, who so greatly facilitated communications when long distances made frequent meetings impossible. The support of my family and
the friendly interest of relatives and others whose names would take up excessive space was of immense moral value; but I must single out Mr. and Mrs. H. E. Hatch, of Falls Church, Virginia, who kindly invited me into their home and made my research expedition so much more enjoyable.

John Carmi Parsons
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THE MEDIEVAL TYRANT

Bad government is as old as government, and since government in some form or other is nearly as old as man himself, there have been unworthy governments for a very long time. Many systems of government have been evolved, a majority of which are headed by one man. It is the option of this man to exercise his prerogatives either in accordance with the accepted laws and customs of his society, or to abandon them and rule as he sees fit, or as his personal desires dictate. The man who abandons the precepts of his people and rules by his own hand has been often condemned as an unworthy ruler. To such a ruler the name tyrant is given.

The word was not, in its original sense, pejorative; it was used to describe any ruler who maintained his position by strength and force.\(^1\) During the early medieval period the term was applied to feudal rulers who tried to extend their domains by force.\(^2\) The name eventually came to be given to unworthy sovereigns by common

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Cf. Einhard, The Life of Charlemagne (Ann Arbor, 1967), p. 24. "It was this Charles that crushed the tyrants who claimed to rule the whole Frank land as their own..."
Early medieval political thought recognized, as had the ancients, that the "tyrant," in the accepted modern sense, was an unworthy ruler, and that his state suffered under his rule. St. Augustine, in The City of God, recounted Cicero's statement that the republic (res publica) ceases to exist when tyranny comes into being. St. Augustine also indicated that tyranny might not only be confined to the monarchial level of government, an idea which was to appear in later writings.

But when the monarch is unjust, or as the Greeks say, a tyrant; or the aristocracy are unjust, and form a faction; or the people themselves are unjust, and become, as Scipio for want of a better name calls them, themselves the tyrant, then the republic is not only blemished. . . but. . . it also ceases to be. For it could not be the people's weal when a tyrant facetiously lorded it over the state. . . .

Using Cicero's terms, Augustine attempts to prove that the Roman republic never existed in truth. For St. Augustine, of course, there exists no republic except that which is founded in Christ. His theory held that political organization is alien to man, and must be a coercive order imposed upon the Fallen. It is maintained by force, but it is essential if the results of sin are to be repressed.

3 John of Salisbury, op. cit., Bk. VIII, c. xvii (p. 336).
from the captivity to sin cannot serve as the basis for social organization since... it liberates only a small minority of the mass of sinners. Since most men—whether they are heathen or nominal Christians—are unredeemed... new means must be provided to introduce a measure of order, stability and peace in earthly life... God has established new institutions adapted to the new conditions of sinful existence, in order to keep a check on human greed... The earthly peace and order that they make possible are no longer natural and spontaneous but must be maintained by coercion and repression.

Augustine's doctrine remained the dominant factor in political thought until the rediscovery of Aristotle's Politics in the thirteenth century. Thus the Policraticus of John of Salisbury, completed in 1159, still adheres to Augustinian thought, and so "... represents the purely mediaeval tradition unaffected by ideas newly borrowed from classical antiquity." There are, however, certain refinements in John's thought, dealing with the evolution of the regal office from the Roman examples of Augustine's time until the feudalized monarchies of John's own time.

John recognized the necessity for a divinely ordained, external and repressive order in society, but he concerned himself much more with the reasons for the institution of kingship. He is more definite, if less comforting, than St. Augustine. John identifies the origin of the repressive order with the beginning of kingship. In early times, just after God had handed down the law to Moses, the


7loc. cit., introduction p. xvii.
Hebrews lived in innocence under the judges, according to the Commandments. Gradually the sins of the people aroused the wrath of God and in His anger He gave them kings.

For the sins of the people caused a hypocrite to reign over them, and, as the Book of Kings bears witness, tyrants were brought into power over the people of Israel by the failings of the priests. For the earliest fathers and patriarchs followed nature, the best guide of life. They were succeeded by leaders, beginning with Moses, who followed the law, and judges who ruled the people by the authority of the law. . . . At last, in the anger of the Lord, they were given kings, some good, but many bad.

Regal government is still an external, divinely imposed order, but now it incorporates a punitive element as well.

With the introduction of "ideas newly borrowed from classical antiquity," specifically the translation of Aristotle's Politics in the thirteenth century, the ancient realization of man as a political animal was re-introduced to political theory. Social organization was seen to be an integral part of human nature, as St. Thomas expressed in his important though unfinished political treatise, De Regimene Principum.

If, then, it is natural for man to live in the society of many, it is necessary that there exist among men some means by which the group may be governed. For where there are many men together and each one is looking

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8 For the phrase, "sins of the people caused a hypocrite to reign," see Job 24:30, and St. Thomas Aquinas, On Kingship, Bk. I, c. vi, par. 52 (p. 29), and c. x, par. 83 (p. 48).

9 John of Salisbury, op. cit., Bk. VIII, c. xviii (p. 350). This appears to point toward the same distinction, made by the author of Bk. II, c. ix of Aquinas' unfinished On Kingship.
after his own interest, the multitude would be broken and scattered unless there were also an agency to take care of what appertains to the commonwealth. In like manner, the body of a man or any other animal would disintegrate unless there were a general ruling force within the body which watches over the common good of all members. With this in mind, Solomon says: "Where there is no governor, the people shall fall."  

Kingship, or regal government, was seen to be a logical development within society, rather than a punitive method.

With such divergent views on the nature of the state and its prince, the difference between John's views on the origin of tyranny, and those of St. Thomas, are somewhat easier to understand. John stresses the relationship between the tyrant and God, St. Thomas the relationship between the tyrant and his people.

Implicit in the Augustinian state theory was the fact that all power is ordained by God as part of His institution of government for the Fallen. St. Augustine says:

Nevertheless, power and domination are not given even to /tyrants/ save by the providence of the most high God, when He judges that the state of human affairs is worthy of such lords. The divine utterance is clear on this matter; for the Wisdom of God thus speaks: "By me kings reign, and tyrants possess the land."  

It is therefore apparent that any man in a position of authority has been placed there by God Himself; this idea leads directly to John's

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10 St. Thomas Aquinas, op. cit., Bk. I, c. 1, par. 8 (pp. 5-6). The passage from Proverbs is 11:14. John of Salisbury also uses the analogy of the human body to illustrate the commonwealth.

11 St. Augustine, op. cit., p. 172. The Scriptural reference is Proverbs 8:15.
basic assumption that tyranny may exist wherever there is an element of leadership. Tyranny itself is the result of human greed and ambition.  

Thus from the root of pride creeps up ambition, to wit the lust of power and glory, so that from hence it draws the strength which prevents it being trampled down. . . . Therefore it is that wealth is poured out in wooing power; and the more a man lusts after power, the more lavishly he spends for the sake of it. But when such a man does attain to power, he exalts himself into a tyrant, and spurning equity, does not scruple in the sight of God Himself to oppress and humiliate the equals of his rank and nature. And though it is not given to all men to seize princely or royal power, yet the man who is wholly untainted by tyranny is rare or non-existent.  

John therefore held any man a tyrant who evinced greed and ambition to the detriment of his exercise of power.  

St. Thomas, on the other hand, admitted the existence of tyranny only on the monarchial level.  

Tyranny is the deviation-form or corruption of kingship. (These forms stand to each other in the opposition of contrariety.) In regard to this point, Aristotle shows, first that both forms are of the same genus, for both are monarchies, i.e., one-man governments. Second, he brings out their differences, saying that they differ most widely, from which it appears that they are contraries. . . . What the difference is between tyranny and kingship, the Philosopher declares by saying that, in this regime, the tyrant looks to his own advantage, while the king has his eye on that of his subjects. . . . (The) tyrant, since he pursues  

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12 John of Salisbury, op. cit., Bk. VII, c. xvii (p. 282); also Bk. VIII, c. xvii (p. 336), and c. xviii (pp. 351-352).  

own interest, is the very contrary of the king. 14

St. Thomas therefore regarded tyranny as the decay, or decline, of a one-man government, and as such not truly applicable to other levels of society. Thomas' greater concern with the entirety of the social organism is also clearly expressed ("... the tyrant looks to his own advantage, while the king has his eye on that of his subjects.").

To define the characteristics of a tyrant, John again turns to patristic thought. The tyrant has been established in his place of authority by God, but he misuses his power, most generally through use of force or through failure to adhere to the law.

Indeed all power is good since it is from Him from whom alone are all things and from whom cometh only good. But at times it may not be good, but rather evil, to the particular individual who exercises it or to him upon whom it is exercised, though it is good from the universal standpoint, being the act of Him who uses our ills for His own good purposes. ... Therefore even the rule of a tyrant, too, is good, although nothing is worse than tyranny. For tyranny is abuse of power entrusted by God to man. 15

A tyrant. . . is one who oppresses the people by rulership based on force, while he who rules in accordance with the laws is a prince. . . . The law is assailed by force or fraud, and, as it were. . . undermined by the wiles of the serpent. In whatever way this

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14 St. Thomas Aquinas, In Libro Ethicorum Aristotelis Expositio, Bk. VIII, lect. 10, as found in Appendix II, ex. 4, On Kingship, pp. 99-100.

15 John of Salisbury, op. cit., Bk. VIII, c. xviii (p. 351).
comes to pass, it is plain that it is the grace of God which is being assailed. . . . Hence the prince is a kind of likeness of divinity; and the tyrant, on the contrary, a likeness of the boldness of the Adversary, even of the wickedness of Lucifer. . . .

For John, then, the essence of tyranny lies in the abuse of power by force. In this sense his thought embodies the first of two distinct types of tyranny recognized during the medieval period, the so-called "regitive" or abusive type. A ruler becomes a regitive tyrant when, already legitimately established, he misuses his powers.

Patristic thought could of course have given John no concept of the second form of tyranny, which required an understanding that power could be acquired without God's authority. John's expression left no room for unlawful acquisition of power: "For it is not the ruler's own act when his will is turned to cruelty against his subjects, but it is rather the dispensation of God for His good pleasure to punish or chasten them." With the reception of Aristotle's Politics, the acquisitive aspect of tyranny became established and was given a clear promulgation by Aquinas. Even though Thomas still accepted the idea

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16 loc. cit., Bk. VIII, c. xvii (p. 335).

17 Coville, Alfred, Jean Petit: le Tyrannicide au Quinzième Siècle (Paris, 1932), p. 180. I have adopted his names for the two types of tyranny.

18 John of Salisbury, op. cit., Bk. IV, c. i (p. 4). The foundation is Romans 13:2—"Whosoever resisteth the power resisteth the ordinance of God; and they that resist shall receive to themselves eternal damnation."
that a bad king was a chastisement, he had earlier expressed
the idea, in the Commentary on the Sentences, that power may perhaps
not derive justly from God.

The duty of obedience is, for the
Christian, a consequence of this derivation
of authority from God, and ceases when that
cases. But . . . authority may fail to
derive from God for two reasons: either
because of the way in which authority has been
obtained, or in consequence of the use which
is made of it.20

The same passage continues by distinguishing the ways in which
power may unlawfully be acquired. There are two possibilities.
First, there may be a defect in the prince himself—a personal
defect. This would not in itself constitute an impediment to the
legality of acquisition and would still command obedience. On the
other hand, there might be a clear and certain defect in the method
whereby power was gained, such as simony or violence. In this case,
Thomas says, there would exist no legitimate authority and no
obligation to obey such a ruler.21

As to the abuse of power once it is legitimately acquired,
Thomas again distinguishes two possibilities. The first case
would occur when the prince ordered something done which was

19St. Thomas Aquinas, On Kingship, Bk. I, c. x, par. 83 (p. 48).
The authority is Hosea 13:2.

20St. Thomas Aquinas, Commentary on the Sentences, II, dist. 44,
q. 2, a. 2, as found in A. P. d'Entreves (ed.), Selected Political
Writings of St. Thomas Aquinas (New York, 1959), p. 181. The italics
are mine.

21Ibid.
clearly against the precepts of law or virtue, at which point there would be not only a lack of obligation to obey the tyrant, but it would become imperative to disobey him. In the second possibility, a command may be given which carries the ruler outside his own authority, in which case the subject may or may not choose to obey.

The ancients had been well aware of the violent end met by most tyrants. Since a "tyrant" in the ancient sense of the term (i.e., that they maintained their positions by force or strength) began his rule by violence, the natural corollary would be that he also end it with violence. This was the tenor of Aristotle's discussion on the ends of tyrants, and apparently also of a lost work by John of Salisbury, entitled "Of the Ends of Tyrants." The Christian sentiment on this matter is expressed in Matthew 26:52 ("... for all they that take the sword shall perish with the sword.") John of Salisbury accepted this chapter and verse at face value.

John was the first medieval writer to treat the idea of tyrannicide as a serious proposition and to evolve a doctrine based on examples from antiquity, Christian history and the Scriptures,

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22 loc. cit., p. 182.
23 ibid.
24 Coville, op. cit., p. 182.
25 John of Salisbury, op. cit., Bk. VIII, c. xx (p. 367). This work of John of Salisbury is not known to have survived.
which concluded that the death of a tyrant by violence was justifiable and desirable. John states no clear chain of inference, but apparently his point of departure was a condition wherein a ruler misused his power by commanding an act which was against the Divine Law.

For myself, I am satisfied and persuaded that loyal shoulders should uphold the power of the ruler; and not only do I submit to his power patiently, but with pleasure, so long as it is exercised in subjection to God and follows his ordinances. But on the other hand if it resists and opposes the divine commandments, and wishes to make me share in its war against God, then with unrestrained voice I answer back that God must be preferred before any man on earth.  

The legitimate right of resistance having been established, it is necessary to justify human involvement in the end of a tyrant. John first proves by examples drawn from antiquity and Christian history that the end of tyrants is inevitably violent. But as he himself had maintained, all power is ordained by God and, on the authority of Romans 13:2, no human may resist such power. John's solution is simply that "... wickedness is always punished by the Lord; but sometimes it is His own, and at others it is a human hand, which He employs as a weapon wherewith to administer punishment to the unrighteous."

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28 loc. cit., Bk. VI, c. xxv (p. 258).
29 loc. cit., Bk. VII, c. xx (p. 310).
30 loc. cit., Bk. VIII, cc. xix-xxi.
31 loc. cit., Bk. VIII, c. xxi (p. 375).
John was outspoken in his condemnation of tyranny and his justification for tyrannicide, but in this he expressed the sentiment of his times.

The twelfth century had been robustly critical of Kings who acted beyond their powers. The thirteenth century was tamer by comparison. Concerning tyrannicide St. Thomas was more hesitant than John of Salisbury and almost, one might say, more prim. 32

This is not to say that St. Thomas was any the less ready to condemn tyranny and tyrants. That he held a tyrannical government to be incapable of compelling obedience has already been demonstrated. In the *Summa theologicae* (I-II, q. 95, a. 4) he stated that a "... tyrannical government, which is altogether corrupt... has no corresponding law." 33 In the early *Commentary on Job*, Thomas, like John of Salisbury, stressed the eventual retribution which was bound to fall upon those who used violence in obtaining power, exercised their powers wrongly and failed to meet their responsibilities to their subjects. 34

St. Thomas' most definite pronouncement against tyranny and in favor of tyrannicide is found in his discussion of sedition in the *Summa theologicae* (II-II, q. 42, a. 2, rep. obj. 3). The inclusion of tyrannicide in a discussion of sedition is significant, since

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33 St. Thomas Aquinas, *Summa Theologicae*, I-II, q. 95, a. 4, as found in Dino Bigongiari (ed.), *The Political Ideas of St. Thomas Aquinas* (New York, 1953), p. 64.

sedition itself implies a general, not private, uprising.

A tyrannical government is not just, because it is directed not to the common good, but to the private good of the ruler, as the Philosopher states. Consequently there is no sedition in disturbing a government of this kind, unless indeed the tyrant's rule be disturbed so inordinately that his subjects suffer greater harm from the consequent disturbance than from the tyrant's government. Indeed it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects that he may lord over them more securely; for this is tyranny, being conducive to the private good of the ruler and to the injury of the multitude. 35

Thomas here expresses very clearly his feelings about "the multitude," the entire people. Unless the murderer of the tyrant be vested with public authority, he cannot act lawfully.

I answer that it is lawful to kill an evildoer in so far as it is directed to the welfare of the whole community, so that it belongs to him alone who has charge of the community's welfare. Thus it belongs to a physician to cut off a decayed limb, when he has been entrusted with the care of the health of the whole body. Now the care of the common good is entrusted to persons of rank having public authority; wherefore they alone, and not private individuals, can lawfully put evildoers to death. 36

The treatise De regimene principum also stresses the public element, with which Thomas shows a constant concern.

Should private persons attempt on their own private presumption to kill the rulers, even though tyrants, this would be dangerous for the multitude as well as for their rulers...  

35 Bigongiari, op. cit., p. 95.

36 St. Thomas Aquinas, Summa theologicae, II-III, q. 64, a. 3.
Furthermore, it seems that to proceed against the cruelty of a tyrant is an action to be undertaken, not through the private presumption of a few, but rather by public authority.

If to provide itself with a king belongs to the right of a given multitude, it is not unjust that the king be deposed or have his power restricted by that same multitude if, becoming a tyrant, he abuses the royal power. It must not be thought that such a multitude is acting unfaithfully in deposing the tyrant, even though it had previously subjected itself to him in perpetuity, because he himself has deserved that the covenant with his subjects should not be kept since, in ruling the multitude, he did not act faithfully as the office of a king demands.  

The question of the authority behind tyrannicide is thus clearly identified by Thomas with the universitas, the whole of the kingdom, a distinction which was not made by John of Salisbury. Even in his discussion of the murder of Julius Caesar, Thomas refutes Cicero's defense of Brutus and the other murderers, since Caesar had gained power "... by violence and ruse, the subjects being unwilling or even forced to accept it and there being no recourse open to a superior who might pronounce judgment upon the usurper. In this case, he that kills the tyrant for the liberation of the country, is praised and rewarded."  

The point here is that Brutus and the conspirators had not received public mandate to do away with Caesar, and in point of fact his murder was not justifiable as tyrannicide. On the other hand

37 St. Thomas Aquinas, On Kingship, Bk. I, c. vi, par. 47-49 (pp. 26-27).

38 St. Thomas Aquinas, Scriptum Super Libros Sententiarum, II, dist. 44, q. 2, a. 2, as found in Appendix II, On Kingship, p. 105. The italics are mine.
sedition, implying as it does a general unrest or upheaval, may constitute a community action and hence its deposition or murder of a tyrant would be legitimate and justifiable. It is on this particular point, private vs. public right in such matters, wherein lies the "primness" of St. Thomas and one of the most important differences between his political thought and that of John of Salisbury. This difference also points ahead nearly two and one-half centuries to the Justification of Jehan Petit.

John of Salisbury makes no clear distinction between private and public right to take action against a tyrant, but it is apparent that he felt it to be an individual right, if not a duty, to depose or to kill a tyrant. He posits a close relationship between tyranny and the crime of _lèse-majesté_ (crimen maiestatis).

Furthermore whatsoever is attempted foully and with malice against the head, or corporate community, of the members, is a crime of the greatest gravity and nearest to sacrilege; for as the latter is an attempt against God, so the former is an attack upon the prince, who is admitted to be as it were the likeness of deity on earth. And therefore it is called the crime of _lèse-majesté_, for the reason that it is aimed against the likeness of Him who alone... wears the truth of true and native majesty—to wit, if any one undertakes aught against the security of the prince or of the people, either directly or through another.\(^39\)

And while there are many acts which amount to _lèse-majesté_, none is a graver crime than that which is aimed against the body of Justice herself. Tyranny therefore is not merely a public crime, but, if there could be such a thing, a crime more than public. And if in the crime of _lèse-majesté_ all men are admitted

\(^{39}\)John of Salisbury, op. cit., Bk. VI, c. xxv (p. 259). The original does not have italics for _lèse-majesté_.

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to be prosecutors, how much more should this be true
in the case of the crime of subverting the laws which
should rule even over emperors? Truly no one will
avenge a public enemy, but rather whoever does not
seek to bring him to punishment commits an offence
against himself and the whole body of the earthly
commonwealth.40

The connection between acts of tyranny and acts committed against
Justice means, therefore, that any individual is justified in
punishing a tyrant. This same equation of lèse-majesté and tyranny
is to be found as a major foundation of the Justification of 1408
and indeed, the tenor of Petit's entire argument is based on the
correlation, just as John of Salisbury set it out.

There is a deeper significance to John's defense of the indi­
vidual right in tyrannicide. He did not conceive that any community
could function as an organic whole without the external order pro­
vided by the ruler, be he tyrant or true prince. John devotes an
entire chapter of the Policraticus to a discussion of "The Cohesion
and Mutual Dependence of the Head and Members of the Commonwealth"
("De Coherentia capitis et membrorum rei publicae"), and concludes
that "... inferiors should cleave and cohere to their superiors,
and all the limbs should be in subjection to the head..."41

This is the result of John's patristic foundation in the idea
that the prince and the government are imposed by God in order to
impress and enforce social and legal order upon the sinners of the

40 loc. cit., Bk. III, c. xv, quoted in introduction, pp. lxxiii-
lxxiv.

41 loc. cit., Bk. VI, c. xxv (p. 258).
world. He had no concept of the innate social and political nature of man, as St. Thomas had. According to John, any action taken without the concern of the prince, and against his person, must necessarily be disorganized—in simple terms, every man for himself. Therefore the tyrant could be disposed of by one person, by a few conspirators, or even by the entire community.

After the *Policraticus* was completed in 1159, there was no detailed attempt to provide a rationale for the murder of a tyrant until the appearance of Jehan Petit's *Justification* in 1408. Subsequent writers had treated the idea only incidentally as a point of logic or theology. No writer pronounced as definitely in favor of tyrannicide as did John of Salisbury until Petit took up his pen to defend the murder in 1407 of Louis, duke of Orléans.

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42 *loc. cit.*, introduction p. lxxvi.
THE HISTORICAL BACKGROUND
OF THE JUSTIFICATION

Before continuing to a detailed discussion of the Justification of Jehan Petit, something should be said about the historical circumstances under which it was conceived and written, along with what is known about Petit himself. The Justification was written late in 1407 or early in 1408 in order to justify, as the title implies, the murder of Louis of Orléans by his cousin John of Burgundy.

After the murder of St. Thomas Becket in the twelfth century, the Orléans murder was one of the most notorious crimes of the middle ages. The murder was the climax of a bitter three-decade feud between the duke of Orléans and the house of Burgundy. The roots and ramifications of this struggle were complex, and only the briefest indication of their nature can be given here.\(^3\)

Charles V of France died aged forty-two in 1380, leaving as his heir his son, aged eleven. After a brief but nasty quarrel

\(^3\)The chief work on the reign of Charles VI is Henri Duval-Pineau, Histoire de France sous le règne de Charles VI (Paris, 2 vols., 1842). The best biography to date of Louis of Orléans is Edmond Jarry's La Vie Politique de Louis l'er duc d'Orléans (Paris, 1889). The most recent works on the Burgundian dukes are both by Richard Vaughan and are the first two volumes of a projected four-volume series on the Valois-Burgundian dynasty: Philip the Bold (Cambridge, 1962), and John the Fearless (London, 1966). The very fine biography of the duke of Berri by the late Françoise Lehoux (Paris, 4 vols., 1968) is very useful and informatively, if exhaustively, detailed. Much interesting information may be found in Marcel Thibault's life of the queen, Isabeau of Bavaria (Paris, 1901). A good general survey is found in Henri Martin, Histoire de France (Paris, 10 vols., 1878).
among the surviving princes of the Blood, it was agreed that the late king's three brothers should act as a council of regency for their nephew. In order of seniority these princes were the dukes of Anjou, Berri, and Burgundy. Within two years, Anjou had left France to conquer for himself the kingdom of Naples, leaving behind the nonentity Berri and the politically astute Burgundy.

In 1368, Philip of Burgundy had married the heiress to the domains of the count of Flanders, thereby doubling his personal territory. He was anxious to consolidate these scattered lands into a single administrative unit, though geographical unity was impossible. He achieved his aims through eight years of ruthless exploitation of the resources of the French kingdom. In 1388, Charles VI finally managed to extricate himself from his uncle's tutelage and began his personal reign.

The king was a likeable spendthrift, in his early twenties when he finally took over the government. He was very fond of his only surviving brother Louis, whom he invested with the duchy of Orléans in the spring of 1392. Shortly thereafter, the king's heredity overcame him; he succumbed to his mother's madness, and once again the kingdom was without a king.

Immediately there flared up another vicious quarrel among the royal dukes over the regency. In law, the duke of Orléans should have been made regent, since he was the king's brother; the dauphin was still a minor. Philip of Burgundy, politically experienced far beyond Orléans' background, superseded him and within a very short time had regained his former powers. In succeeding years
he successfully quashed virtually every attempt on the part of the
duke of Orléans to gain for himself a small voice in the government.

Philip should not have been surprised to find that, by 1400,
Orléans had begun to adopt a clearly anti-Burgundian policy in his
private affairs. Orléans was personally wealthy; he began to
purchase large amounts of land outside his personal apanage, all
of it strategically located to frustrate communications between the
scattered Burgundian lands. He likewise pursued a program of
personal alliances with foreign princes, particularly in Germany,
aimed at crippling Burgundian influence in the Empire.

A further source of much antagonism was the Great Schism,
which was then troubling all Europe. In 1398, Burgundy caused
France to subtract obedience from the Avignon pontificate, to
which the kingdom had previously given its allegiance. This was
done against the agonized protests of the duke of Orléans. In
1403, behind his uncle's back, Orléans persuaded his mad brother
to sign letters restoring obedience to Benedict XIII at Avignon.

Philip of Burgundy died in 1404 and was succeeded by his son
John, called the Fearless. Louis of Orléans benefitted from this
change and soon managed to make himself head of the royal council;
within a very short time he succeeded in eliminating the Burgundian
party from the government. Philip the Bold had made the error of
laying the foundations of his state on French diplomatic and finan-
cial backing; once Louis of Orléans gained power, the Burgundian
state could look forward to the disruption of its policies. Louis
cut off all financial payments to the duchy of Burgundy except the
duke's small personal income, and his own diplomatic policies spelled ruin for Burgundian goals.

In 1405, John of Burgundy invaded Paris with a considerable army, against which Orléans fielded his own sizeable force. Only last-minute negotiations by the aged duke of Berri and the frantic queen prevented the outbreak of open civil war. In December, 1405, the queen, Orléans and Berri signed a secret pact against Burgundy before admitting him to membership on the council. Orléans had already made sure that the council was packed with his own friends, having learned that trick from Philip the Bold. Burgundian influence remained minimal; month after month of fruitless politicking by John of Burgundy failed to change the makeup of the council. Where armed force and diplomacy had failed, murder at last succeeded. On the evening of 23 November 1407, Louis of Orléans was brutally hacked to death in a Paris thoroughfare. Two days later, the duke of Burgundy confessed to his relatives that the assassins had been in his pay; he was obliged to flee from the city.

It was not until January, 1408, that John of Burgundy again met with the other princes at Amiens. At that time it was agreed that he might return to Paris. With him at Amiens was a large retinue including Jehan Petit, master of theology and doctor at the University of Paris. Although the assumption that Petit began to work on the Justification following the Amiens conference would

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seem valid, the contemporary chronicler Monstrelet records that the idea of such a work had taken root somewhat earlier. In December 1407, John had met with the Estates of his county of Flanders, and promised to give them an explanation of his action by presenting to them written articles. "And these articles, which he caused to be put forth, were the same as, or similar to, those proposed in Paris by master Jehan Petit. . . ."\textsuperscript{45}

It is also apparent from Monstrelet's chronicle that Petit did not work alone. While the Justification itself was most probably his work in form, Monstrelet says that John of Burgundy "... had with him three masters in theology, greatly renowned and famous, from the University of Paris; namely, master Jehan Petit, who later spoke for him in Paris, and two others. . . ."\textsuperscript{46} It is unfortunate that Monstrelet, who usually gave a good deal of attention to detail, chose to omit the names of the other two men; a certain Pierre Aux-Boeufs has been suggested as having been one of them.\textsuperscript{47} That the others were, in fact, collaborators is proved by Monstrelet, who says that all three "... spoke publicly before the council and the princes at Amiens, saying that it was permissible for the duke of Burgundy to have killed the duke of Orléans, saying also that if he had not done so, he would have sinned greatly. . . ."\textsuperscript{48}

\textsuperscript{45}Monstrelet, Enguerran de, Chronique (Paris, 2 vols., 1857), I, p. 172.
\textsuperscript{46}loc. cit., pp. 173-174.
\textsuperscript{47}d'Avout, Jacques, La Querelle des Armagnacs et des Bourguignons (Paris, 1943), p. 97.
\textsuperscript{48}Monstrelet, op. cit., I, p. 174.
The Burgundians entered Paris in the middle of February 1408, and on the seventeenth, "... a Latin manifesto glorifying the assassination as an altruistic act of statesmanship... was submitted to the ducal chancery, but not actually published." This was almost certainly the original manuscript of the Justification. Jehan Petit did not, however, present his work until a public reading on 8 March 1408, when he held forth for four hours before a number of royal and noble listeners including the young dauphin.

Little is known of Jehan Petit. He does not have a very good reputation today, largely due to the mud which he tried to sling at Orléans and which recoiled on his own head. Louis Calmette, in an admirable survey of the Valois dukes of Burgundy, describes Petit's work as "... the most representative of all those produced by the group of rather disreputable university clerks, ready to turn their hand to anything, who were part of John the Fearless' entourage." Petit was no mere cleric, although he was an ordained priest. He was, in fact, a doctor of theology, holding the degree from the University of Paris. He was born in the Pays de Caux in Normandy, perhaps in the region known as the valley of Bacqueville. The dates of his later university career indicate that he came into the

49 Vaughan, op. cit., p. 69.
50 loc. cit., p. 70.
52 He was not, however, a "cordélier" as Douët-d'Arcq states, in Monstrelet, op. cit., I, p. 177, n. 2. See Coville, op. cit., p. 9. There is no evidence to connect Petit with any specific Order.
world between 1360 and 1364, but nothing is known of his family. He completed his education at Paris between 1381 and 1385, for Pierre Playoul, from whom he obtained his license, was chancellor at Paris during those years. Petit was ordained before 1389, but he does not appear as a doctor until 1405, roughly three years before he concocted the Justification.

He was a poet of sorts. There survives a manuscript containing five poems attributed to him, of which a Disputacion des Pastourelles deserves mention. The work, in 1856 lines, is tenatively dated 1390. Like the Roman de la Rose, it is a dream poem, but instead of discussing the drawbacks of courtly love, ten beautiful and learned virgins debate with ten elderly, non-virginal harridans on the merits and validity of the Virgin Birth.

Petit's connection with the Burgundian party seems to have resulted from his vehement attacks against Pope Benedict XIII, the Avignon pontiff involved in the subtraction and restoration of obedience between 1398 and 1403. The Burgundians were Benedict's worst enemies and Petit was apparently the spokesman for the anti-Benedictine party at Paris; this most probably brought him to the duke's attention. This would appear to have taken place during or after the restoration of obedience.

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53 Coville, op. cit., pp. 5-8.
55 ibid.
56 d'Avout, op. cit., p. 97.
The presentation of the Justification was the high point of Petit's career. Later, attacks were brought against it by Gerson and others who perceived the danger inherent in his doctrine. Petit wrote a second, lesser Justification and some smaller propositions against his opponents, none of which are of much interest except that the Policraticus is used as an authority from time to time.  

Petit lived but a short while after his hour of glory. The duke of Burgundy gave him a provostship somewhere in Picardy, the exact location of which is not known. Petit died in the city of Hesdin on 15 July 1411, aged about fifty or a few years less. His place of burial remains unknown, but his heirs caused no small amount of trouble to the Burgundian chancery by repeated claims on his not inconsiderable estate. Less than three years after his death, Gerson secured the condemnation of the Justification, and the work was burned in Paris on 25 February 1414.  

There are a number of isolated manuscripts of the Justification in Europe. The original is lost; it was probably the copy burned in 1414. The copy in the Staatsbibliothek in Vienna is thought to be the most authentic; there are two manuscripts in the Bibliothèque royale at Brussels, three in Paris at different libraries, and one each in the Musée Condé at Chantilly and the Bibliothèque municipale

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58 Coville, op. cit., pp. 399-402.
59 loc. cit., p. 137.
at Lyon. There is only one printed version, copied into the chronicle of Enguerran de Monstrelet. Coville has demonstrated through comparison with the manuscripts that Monstrelet, or whoever it was that copied the Justification into his work, was either very lazy or else was working from a condensed text. While the work is formally complete, Monstrelet or his copyist omitted much of the rhetorical language, with the result that the text in the chronicle is much quicker and easier to read, although the emotional and dramatic appeal which Petit undoubtedly sought to achieve is lost. The basic material of the text found in Monstrelet's work shows no serious differences from any of the manuscripts.

Monstrelet also included in his chronicle an interesting work which was the very first counter-proposition to the Justification. This untitled work, presented by its author on 11 September 1408, was prepared by Thomas du Bourg, abbot of Cérisy from 1399 to 1427; he spoke in the name of the widowed duchess of Orléans. The ceremonial of the previous March was played out again, except that the duke of Burgundy was absent. Among the listeners were the queen and her son the dauphin, a child who by this time must have entertained serious doubts as to the stability of members of his family other

60 loc. cit., pp. 141-142.
61 loc. cit., p. 142.
62 loc. cit., pp. 142-144.
63 For the identification of the Abbot of Cérisy, see loc. cit., p. 232, and Monstrelet, op. cit., I, p. 268, n. 1. See also d'Avout, op. cit., p. 101. Cérisy is near Bayeux, in Normandy.
than his father the king.

In the subsequent discussion of the Justification, frequent reference will be made to the rebuttal of the Abbot of Cérisy, a work which seems oddly enough to have been preserved intact by Monstrelet, and not abridged as was the Justification.
THE DOCTRINE OF
THE JUSTIFICATION

When the Justification received its first reading in March
1408, few persons outside the Burgundian party were impressed with
it. The reading was attended by the contemporary chronicler known
only as the Monk of St. Denis, a thorough if not wholly unbiased
writer who has been described as "... of Burgundian sympathies."64
The Monk's opinion of Petit's work can hardly be regarded as
enthusiastic, Burgundian sympathies or no.

I remember that many considerable and learned
persons who were there found this reading reprehensible in many points. I was disposed to share their
opinions; but I leave it to the venerable doctors
in theology to decide whether the reasons presented
by the speaker must be regarded as erroneous or
ridiculous.65

When the Abbot of Cérisy presented his rebuttal to Petit in September
1408, he attacked the Justification as a crime graver than the actual
assassination.

It may be said that the justification of this
murder is a greater sin than the murder itself, for
it is obstinate perseverance in sin. For sin is a
human thing, but perseverance therein is a public
thing. And to justify this murder publicly is to
defend one's own sin. Thus, who defends his own

64 d'Avout, op. cit., p. 410.
65 Monstrelet, op. cit., I, p. 243, n. 1. The original Latin
describes the reasons as "... erronea vel ridiculosa."
sin, resists God in upholding that which God hates. 66

Modern scholarship has been no less unfavorable to Petit's work. Jacques d'Avout's history of the civil wars which grew out of the quarrel between the two dukes speaks of the "... fantasy and malicious gossip in which [Petit] deliberately placed himself." 67 The recent history of the Burgundian state under John the Fearless, by Richard Vaughan, describes the Justification as "... one of the most insolent pieces of political chicanery and theological casuistry in all history." 68

In its way, each of these opinions—two of them, it should be noted, contemporary—is true. That of the Monk of St. Denis is the most forceful, coming as it does from a writer who was no friend of the duke of Orléans, but who could not bring himself to accept Petit's ideas. The Abbot of Cérisy, after rebutting the charges laid at Orléans' door, presented a theological attack on the work.

The modern reader is struck by several weaknesses in Petit's reasoning, the most immediately apparent of which is Petit's strong bias against the duke of Orléans. This is, of course, due to his position in the Burgundian establishment; he wrote to please and to defend his master. More important from the point of view of his doctrine, however, is the fact that the Justification was not

66 Abbot of Cérisy, untitled proposition in rebuttal of the duke of Burgundy, in Monstrelet, op. cit., I, p. 313.
68 Vaughan, op. cit., p. 102.
written to defend the idea of tyrannicide in general. The major premise of the work introduces evidence that tyrannicide is a worthy endeavor, but the "proof" of the entire work lies in the joining of the major and minor premises. The minor premise is weakened by two faults.

First, the proofs of the minor are concerned not with tyrants in general but with the duke of Orléans in particular; thus all the evidence presented in the major had to be tailored to fit the crimes attributed, in the minor, to the duke of Orléans. In other words, Petit was working not with the murder of any tyrant, but with the murder of the "tyrant" duke of Orléans. This leads to the second, and more serious, fault in the minor: in attempting to prove that Orléans was a tyrant, Petit had to depart from the accepted medieval definition of a tyrant.

For the medieval period tyranny signifies a government born of usurpation or exercised by violence and malfeasance for the sole profit of the tyrant. There is no question of the abuse of power, the intrigues, the excessive ambition, or the manoeuvres—whatever they may have been—of a prince who was only beside the throne in the structure of a recognized, legitimate and regular monarchy, with its judicial structure. Jean Petit had in consequence great difficulty in adapting the facts of his minor with the theory set forth in his major. It is in this sense that it may be said that he has largely abused the authorities to which he refers, and deliberately misconstrued the opinions of the authors he cites. 69

Consequently the Justification must be approached with a good deal

of caution. Very little in it may be taken literally; many of Petit's authorities, when examined carefully, are found to be erroneous, misquoted or attributed to their source with little or no actual foundation.

Scholastically, the form of the work is hard to fault. The syllogism is entirely respectable.

Major premise: It is permissible to kill a tyrant.

Minor premise: The duke of Orléans was a tyrant.

Conclusion: The duke of Burgundy did no wrong in killing him.

The entire major premise is built on a single text, I Timothy 6:10—"Covetousness is the root of all evil, which while some have lusted after, they have erred from the faith." Covetousness" is the sense in which Petit takes the Latin "cupiditas," which may in fact mean any one of several types of greed or cupidity. The ambiguous "covetousness" ("convoitise") allows Petit to read three lesser forms of greed into "cupiditas."

From his proposed text, Petit draws three "elements" which correspond to the first three articles of the major premise: first, that covetousness is the root of all evil; second, that covetousness may lead men into apostasy; and third, that covetousness may turn men into traitors. There is, in fact, no clear foundation for the third element within the proposed text itself; but Petit includes it in a bit of doggerel which serves to set forth the three elements.

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70Petit, Jehan, Justification du duc de Bourgogne, in Monstrelet, op. cit., I, p. 184. This is a translation of Petit's rendering of the verse; the translation is mine.
The rhyme would be lost in translation; the French is therefore retained and followed by the translation.

Dame convoitise est de tous maulsx la racyne,
Puis qu'on est en ses las et on tient sa doctrine.
Apostas elle a fait aucuns, tant l'on amée;
Les autres desloyaux. Bien est chose damnée.71

Lady Covetousness is the root of all evils,
When one is in her toils and follows her counsel.
Some she has made apostates, who love her;
Others she has made disloyal. Surely this is damnable.

The fourth article of the major premise contains eight "truths" and concludes with nine corollaries derived from them. The minor premise consists of the various crimes imputed to the duke of Orléans and the manner in which they correspond to the theoretical exposition of the major.

Before launching his extended discussion of his theory, Petit provides a diffuse prologue in which he touches on a number of matters. First of all, he stresses the feudal obligations which the duke of Burgundy owes his cousin, the king. Petit lists twelve.

He is obliged among other mortals to protect, defend and avenge /the king/ against all injuries insofar as it is in his power; and this he has clearly recognized, does now recognize, and, if God please, will continue to recognize, and will have in his heart and mind the obligations set forth above, which are twelve in number. To wit, as a /true christian/, close relative, vassal, loyal subject, baron, count, duke, peer, duke-peer, the doyen of all the peers, and the two

71ibid. The translation is mine.
marriages of his daughter with the king's son,
and of his son with the king's daughter.72

Petit continues with his own excuses for being such a poor, unlearned
and unimportant man, especially when he considers "... the grandeur
of the persons of whom it is necessary to speak. ..."73 and the
high company in which he finds himself. After appealing to the
saints for help, he carefully clears his skirts of all responsibility
in this matter.

I would never have dared to speak of this
matter, nor to say the things I have been charged
to say, if it were not by the commandment of my
lord of Burgundy.

I protest that I intend to injure no person,
living or dead. And if it should happen that I
utter words seemingly injurious to anyone, in the
name of my lord of Burgundy and at his commandment,
I do pray that I shall be excused, insofar as they
will be for his justification and for nothing else.74

This passage has been interpreted to indicate a rather deeper con­
cern in the writing of the Justification on the part of the duke of
Burgundy himself than has generally been suspected.75 Having at
any rate set his own mind at ease, Petit gives his text and his
doggerel, and proceeds thence to the first article.

72loc. cit., p. 180. For the original text, see Appendix.
73loc. cit., p. 182.
74loc. cit., p. 183. For the original text, see Appendix.
75d'Avout, op. cit., p. 97, speaks of "... la part importante
d'inspiration, de documentation et de correction qu'y apporta
vraisemblablement le duc de Bourgogne en personne." John the
Fearless seems frequently to have fancied himself a jurist.
In the first article, according to the "elements" originally set forth, Petit seeks to prove that Lady Covetousness is the root of all evils. His authority is I John 2:15-16, a passage which, it should be noted, he at first attributes to the pen of St. John Baptist. From this verse are derived three lesser divisions, or "daughters" of covetousness.

Love not the world, neither the things that are in the world. If any man love the world, the love of the Father is not in him. For all that is in the world, the lust of the flesh, and the lust of the eyes, and the pride of life, is not of the Father, but is of the world.

The three subdivisions are the desire for vain honors ("pride of life"); desire for worldly riches ("the lust of the eyes"); and as Petit delicately phrases it, "délectacion charnelle" ("the lust of the flesh.")

Thus it appears clearly by this article of St. John that these three types of covetousness contain in themselves all sins. . . . And thus the Apostle means, in the text set forth above. And when he says, covetousness is the root of all evil, it is to be understood that covetousness includes the three types spoken of above, set forth by St. John. . . . Thus it appears that my first article is clearly true and valid, when I say that covetousness is the root of all evils, taking it to mean the same thing that the Apostle meant when he said that covetousness is the root of all evil.

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76 Petit, op. cit., p. 185.  
77 loc. cit., p. 186.  
78 ibid. For the original text, see Appendix.
The second article introduces the theory that among the sins originating in covetousness if that of lese-majesté. Unlike John of Salisbury, Petit distinguishes two kinds of lese-majesté, divine and human. 79

To begin the second article, I make the supposition that one of the gravest sins that may be is the crime of lese-majesté. And the reason for this is, that the royal majesty is the most noble and most dignified thing that may be, so that one can commit no greater sin than to injure the royal majesty; and from this it follows that since the crime is so great, the punishment is greater. To understand which, it must be known that there are two kinds of majesty. The first is divine and perpetual; the other is human and temporal. 80

Petit defines two lesser degrees of divine lese-majesté and four degrees of human lese-majesté. Divine lese-majesté may be committed either directly against God, as in heresy or idolatry, or against the Church, as in schism. "Thus, I mean to say that heretics and idolators commit the crime of divine lese-majesté against God, in the first degree, and are schismatic, in the second degree." 81

Human lese-majesté may consist, in the first degree, of an injury done directly to the person of the prince himself; in the second degree, of an offense committed against the person of the prince's spouse; in the third degree, of an injury done to the prince's children; and in the fourth degree, of any action which may injure

79 Cf. supra, p. 15.
80 Petit, op. cit., p. 187. For the original text, see Appendix.
81 loc. cit., p. 188.
the public good. Petit sets forth the gravest penalties for committing such crimes.

And since... these crimes are the most horrible that may be, the laws have ordained special punishments, greater than for other crimes. That is to say, that in a case of heresy [i.e., divine lèse-majesté] or human lèse-majesté, a man may be accused after his death, and may be tried. And if it should happen that he be convicted of heresy, he must be dug up, and his bones put into a bag and brought to justice by being burned in a fire. And similarly, if it should happen that he be convicted of human lèse-majesté after his death, he must be dug up, all his moveable and immovable goods forfeit, confiscated by the prince, and his children declared unable to inherit anything.

The connection between divine and human lèse-majesté had not been anticipated by John of Salisbury, but it remained current in French law until the Revolution. In 1757, a deranged half-wit named Robert Damiens attempted to assassinate Louis XV and succeeded in inflicting a slight wound on the king's body. Damiens was tried before the Parlement of Paris on the charge of divine and human lèse-majesté, was convicted and executed after suffering appalling tortures; his body was burned.

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82 Ibid., but Monstrelet or his copyist has left out the actual third degree and has substituted the actual fourth degree for it, so that there are only three given at this point. The list must be reconstructed from later passages dealing with the third and fourth degrees, and from the corresponding passages in the rebuttal of the Abbot of Cérisy.

83 Ibid. For the original text, see Appendix.

84 Grammont, Sanche de, Epitaph for Kings (New York, 1968), pp. 165-166.
Petit's authorities in the second article, to prove that covetousness may impel men to commit lèse-majesté, are drawn from Roman history, early Christian history and the Bible. There are three examples. The first is that of Julian the Apostate who, according to Petit, was driven by the desire for vain honors and renounced the Christian faith in order to gain favor among the "Sarrasins," who eventually made him Emperor as he had hoped.  

The second example is of the apocryphal monk, Sergius, who according to tradition apostatized in order to gain riches by doing missionary work for Mohammed; according to Petit, Sergius was responsible for the conversion of "... all the lands of Araby, Syria, Africa, Bel-marino, Morocco, Grenada, Tunisia in Barbary, Persia, Egypt and many other places. ..." The third example is the story of Zambri (Numbers 25:6-8, 14-15). Petit's dissertation on the brief account found in Numbers adds several pointed details.

The third example is of a prince and duke of Simeon, which was one of the twelve tribes of the children of Israel, which prince was a very powerful and a great lord, and was named Zambri. He was seized by covetousness and carnal desire, as he loved a pagan woman, who would not accord him his will of her unless he worshipped her idols. He worshipped them, and made many of his subjects worship them, as the Holy Scripture says. ... Whereat God was much angered, and said to Moses, who was the sovereign lord and duke of all the people, "Take all the princes of the people and

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85 Petit, op. cit., pp. 189-192. The legend of Julian's miraculous death at the hand of the martyr Mercurius, under the orders of the Virgin, is taken almost verbatim from the Policraticus, Bk. VIII, c. xxi.

86 loc. cit., p. 193.
cause them to be hanged before the sun." And why did he say this? Because most of them had consented to this crime. And those who had not, were negligent in punishing this very great injury done to God their Creator. As soon as Moses had assembled all the people of Israel and told them what God had ordered, the people began to weep, since these persons, the malactors, were so powerful that the judges would not dare to bring them to justice. . . . But a valiant man named Phineas took courage and said in his heart, "I vow to God that presently I shall avenge this wrong." Without saying anything, without any order from Moses, nor from anyone else having power, he went to the lodging where he found this duke with his woman, taking their pleasure with each other, and with his pike, like a dagger, he killed them both together. 87

There are implications in this passage which, though they are not readily apparent to the modern reader, must have been clear to the listener in 1408. Petit has transformed Zambri, not to mention Moses himself, into a prince and duke, whereas in Numbers Zambri is nothing more than the son of a chief. He is, Petit says, a man so powerful that the authorities would not dare to punish him even for so terrible a crime—in short, a man of high rank who, though guilty of great sins, was above the law until one "valiant man" plucked up his courage and killed the sinner. The pagan woman of this episode may perhaps be a veiled reference to Orléans' wife, an Italian princess unjustly suspected by many of having caused the king's madness by sorcery. Another possibility is that the pagan woman was intended to represent the queen herself, since Orléans had for years been suspected of having become that lady's

87 loc. cit., pp. 193-194. For the original text, see Appendix.
lover shortly after the king lost his mind; on the night he was murdered, he had just left the queen's private residence after dining with her in private when he was attacked in the street and killed.\textsuperscript{88} Whichever lady was depicted, the real import behind the story was not so much that Zambri himself was guilty of divine \textit{lèse-majesté}, but rather that a private individual could arm himself to kill another, whom no one else would dare to kill, without a mandate from any source of authority.

Thus far the reasoning developed by Petit is that, spurred on by one of several varieties of covetousness, a man may commit one or both types of \textit{lèse-majesté}. In the third article, Petit goes on to explore the relationships between covetousness, \textit{lèse-majesté} and acts of treason, as he set forth in his prologue.

As to the third article of my major, I shall show by examples and by authorities from the Bible, which none may contradict, that Lady Covetousness has made many persons traitors and disloyal toward their sovereign lords; I could give numerous examples and authorities, as many from the Bible as from anywhere else, but I shall restrain myself to three.\textsuperscript{89}

The examples include Lucifer, David's son Absalom and the Jewish queen, Athaliah. The case against Lucifer is based on two Scriptural references; the first is \textit{Isaiah} 14:12, which is the more explicit

\begin{flushleft}
\textsuperscript{88} It was popularly supposed that Orléans had fathered the queen's twelfth child, Philippe, who died at birth on 10 November 1407—less than two weeks before the duke's murder. There is little if any evidence to support this.

\textsuperscript{89} Petit, op. cit., p. 195. For the original text, see Appendix.
\end{flushleft}
of the two: "How thou art fallen from heaven, O Lucifer! . . . For thou hast said in thine heart, I will ascend into heaven, I will exalt my throne above the stars." The second reference, Petit helpfully says, is from John the Evangelist, and is found to be Revelation 12:7-8. This passage is sufficiently remote to mean almost nothing, but Petit provides an eyewitness account.

As soon as St. Michael saw what Lucifer had in mind he went right to him and said to him that it was a very bad thing to do and that he ought never to wish to do any such thing, and that, since God had made him the most handsome and the most perfect of all the others, so ought he to give more reverence, subjection and obedience to Him who had made him, who was his king and sovereign lord. Lucifer answered that he would do no such thing. St. Michael said that neither he nor any of the other angels would suffer such injuries to their creator and sovereign lord. Briefly, a battle was joined between Lucifer and St. Michael. . . . St. Michael dealt to Lucifer a lasting death, for this Lucifer and the other angels of his band were chased by force out of paradise and cast into hell. Of which St. John the Evangelist says, "Michael and his angels fought against the dragon, and the dragon fought, and his angels, and prevailed not; neither was their place found any more in heaven." 91

The story of Absalom is also distorted to fit the circumstances. Absalom was killed by a certain Joab, whom David, on his deathbed, ordered to be slain by Solomon, as recorded in 1 Kings 2:5, where David says, "Moreover thou knowest also what Joab the son of Zeruiah did to me, and what he did to the two captains of the hosts of Israel, unto Abner. . . and unto Amaza. . . whom he slew. . . ."

90 loc. cit., p. 197.

91 loc. cit., pp. 196-197. For the original text, see Appendix.
Petit has it that Joab's death was due only to the murders of Abner and Amaza, and not for the killing of Absalom.

But some may argue against what I have said concerning the death of Absalom since, when King David was on his deathbed, he charged his son Solomon, who was to be king after him, that he bring Joab to justice. To this, I answer that it was not for the above reason. For, notwithstanding that Joab was a good knight and loyal at the time he slew Absalom, nonetheless near the end of his days he slew a very great knight named Amaza. . . . and the prince Abner, also by gross betrayal.  

The actual wording of the passage from *I Kings* above shows that David did, in fact, have Absalom's death in mind when he said that Solomon should remember what Joab did "to me" as well as to Abner and Amaza.

The story of Athaliah is correctly given by Petit as found in *II Chronicles* 22. It is moreover the only example of the three in this article wherein Petit demonstrates his developing doctrine.

Thus you have the third example, which is to show how desire for vain honor—which is nothing but concupiscence and disorderly intent to steal from another his noble domination and lordship—caused this queen to be a murderess, false and disloyal, in order to obtain by tyrannical force the crown and lordship of the kingdom of Jerusalem. And you have heard how by secret plots she was slain. For it is completely reasonable and equitable that all tyrants be killed like villains, by secret plots, and this is the proper death by which all disloyal tyrants must die.  

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92 loc. cit., p. 201. For the original text, see Appendix.

93 loc. cit., pp. 202-203. For the original text, see Appendix.
Thus the progression is that spurred on by desire for vain honor, or by one of the other types of covetousness, a person may commit acts of lèse-majesté, whereby he becomes what Petit calls a "disloyal tyrant" ("tirant desléal").

As in the second article, Petit's choice of examples reveals allusions to the duke of Orléans. Absalom was the son of a king, like the duke, and was killed when he attempted to wrest the kingdom from its rightful ruler; in the minor premise, Petit charges that Orléans had illicit designs on the French throne. Athaliah was a king's wife, who unlawfully seized the crown by murdering the legitimate heirs to the throne; likewise, in the minor, Petit asserts that the duke of Orléans attempted to poison his nephew, the young dauphin, in order to gain the throne.

Petit's unusual use of the term "disloyal tyrant" is a confusing element of his reasoning. According to the recognized definition of a tyrant after the thirteenth century, the tyrant had to be a monarch. It would hardly be possible for a sovereign to be disloyal to himself, so it appears that Petit had abandoned the later definition of tyranny, which restricted the existence of the tyrant to the level of the monarch, and had instead gone back to the older definition developed by John of Salisbury, who had, as noted above, stressed the possibility of the existence of a tyrant on any level. 94

The fourth article of the major premise consists of Petit's

94 Cf. supra, p. 6.
eight "truths" whereby he seeks to prove the justice of tyrannicide; but he opens the article by saying that he presents this evidence "... the better to substantiate the justification of my lord of Burgundy."95 In other words, he made it plain that while he was defending tyrannicide, he was in fact doing it only to defend this particular murder.

The first truth is that any subject whatsoever who by covetousness, fraud, sorcery or plots, plans against his king and sovereign lord, in order to take from him his noble and lofty lordship, sins so greatly and commits so horrible a crime, the crime of human lèse-majesté in the first degree, that in consequence he is worthy of double death. ... I shall prove my proposition. Any subject and vassal /so doing/ is an enemy and disloyal to his sovereign lord and sins mortally; thus my conclusion is true. And that he is a tyrant, I prove through St. Gregory, who speaks thus: /"He is properly said to be a tyrant who in the community of the republic is not rightfully the head; but it is understood to mean he who exercised pride in the same manner as a real tyrant."/ That he commits the crime of lèse-majesté is clear by the distinction given above of the degrees of lèse-majesté. ... That he is worthy of double death, I shall prove. For by first death I mean corporal death, which is the separation of body and soul; and by second death I mean nothing but eternal damnation. ... That is to say, that any human creature who would have victory over covetousness and her three daughters will have no fear of the second death, which is to say eternal damnation.96

The second truth, reflecting the feudal hierarchy, states that even though the crime of lèse-majesté is so terrible that it cannot

95Petit, op. cit., p. 203.

96loc. cit., pp. 203-204. Monstrelet mutilates the passage from St. Gregory, which is given as translated from Coville, op. cit., p. 190. Coville locates the passage in the Moralia. For the original text, see Appendix.
be over-punished, still a baron must be punished more severely than
must a knight; a count more than a baron; a duke more than a count;
the king's cousin more than a duke; the king's brother more than
the king's cousin, and the king's son even more than his brother.

For in these degrees, the obligation is greater
to protect the king's well-being and the public good.
Thus those who work against it must be punished more
severely, increasing from rank to rank. . . . That is
to say, the son is more obliged than the brother, the
brother more than the cousin, a duke more than a
count. . . . to protect the well-being and the honor
of the king and the public good of the kingdom. . . .
For it is a much greater scandal for a great duke,
and powerful lord, nearly related to the king, to
plan his death to gain the kingdom. . . . Just as
the plotter, being closer to the king, is the more
iniquitous, so is it a greater scandal, and thus
the punishment must be greater.97

The heart of Petit's doctrine is to be found in the third
truth. This contains the most emphatic pronouncement in support
of tyrannicide since John of Salisbury, and was the principal
reason for the condemnation of the Justification. Petit does away
with the need for any lawful authority in the murder of a tyrant.

It is permissible for any subject, without any
order, according to moral, natural and divine law,
to kill or cause to be killed a disloyal traitor
or tyrant, and not only permissible, but honorable
and meritorious, particularly when he is of so
high a station that the sovereign cannot easily
bring him to justice. I shall prove this truth
with twelve reasons, in honor of the twelve apostles.
Of which reasons, the first three are authorities
of three moral philosophers. The next three are
of three authorities of Holy Church. The next

97Petit, op. cit., pp. 204–205. For the original text,
see Appendix.
three are of three authorities of civil and imperial laws. And the last three are examples of Holy Writ.\textsuperscript{98}

Again Petit displays the unusually close connection he maintained between the idea of tyranny and the idea of treason, making it clear that the sovereign and the tyrant could exist separately in the same kingdom. The reason is also clear for his inclusion of the story of Zambri as an authority in the second article of the major, for he laid great importance on the role of Phineas; this man killed Zambri without any command from authority, and moreover Petit says that Zambri was so powerful that he would not otherwise have been brought to justice.

The immediate danger in the third truth was that it left any person free to kill whomever he wished, with the body of Petit's reasoning to justify his action. This possibility was clearly discerned by the Abbot of Cérisy in his rebuttal a few months afterward.

Oh princes! consider that if such doctrines be upheld, anyone could say: "I can kill as well, like that." May it please you to condemn this false and disloyal doctrine as perilous, seditious and abomination. And say to the adverse party \textit{Burgundy} and to all their supporters, what Jeremiah said, in the twentieth chapter: "They shall be greatly confounded who will not understand eternal damnation; they shall not be saved nor pardoned."\textsuperscript{99}

Cérisy was also the first to point out one of the basic faults

\textsuperscript{98}loc. cit., p. 206. For the original text, see Appendix.

\textsuperscript{99}Abbot of Cérisy, op. cit., p. 302. For the original text, see Appendix.
in Petit's work, that the "authorities" were of uncertain value in this case. "Thus is this doctrine surely evil, in which ancient murders are taken and brought as examples in order to uphold this cruel death of Orléans' murder." Cérisy unfortunately weakens his own reasoning by stopping to refute each of Petit's "authorities" one by one.

Of the twelve authorities appended to the third truth few in fact are reliably presented. Petit also departs from his announced sequence and presents the Church authorities before the moral philosophers.

The first authority from the Church is St. Thomas' Commentary on the Sentences. Petit's comment on this authority is that "... the doctor means here that the subject who kills the tyrant does a thing worthy of praise and reward." In point of fact, St. Thomas places a strict qualification on this murder; there was no recourse open to a superior, and furthermore Caesar's domination had been acquired by violence and ruse. Only under such conditions, Thomas says, can the murder of a tyrant be justified. The Abbot of Cérisy, quoting St. Thomas in full while Petit gives only a fragment, destroys the force of Petit's authority.

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100 ibid.
103 Petit, op. cit., p. 206.
104 See supra, p. 14. The murder in question is that of Julius Caesar.
This is to say, says St. Thomas, that when anyone gains by violence the dominion without the will of his subjects, and constrains their consent, and one cannot have recourse to a sovereign by whom judgment can be given, then he who kills such a tyrant for the deliverance of his country, is to be praised and given much reward. To this I say that it has no bearing at all on this case. For my lord of Orléans never invaded any domain violently. . . . I say that St. Thomas speaks of him who may be seen to be a tyrant, and that my lord of Orléans was not such, as may clearly be seen. 105

Petit also brings St. Peter into the argument, quoting 1 Peter 2:13-14. 106 He claims that the passage, "Submit yourselves to every ordinance of men for the Lord's sake; whether it be to the king as supreme, or unto governors /ducibus/ as unto them that are sent by him for the punishment of evildoers. . . ." is correctly interpreted to promulgate the secular authority of dukes in the name of the sovereign. Cérisy responds:

This authority has no bearing on this case, for it does not seem that the Apostle meant or intended that a duke should have the domination of the entire kingdom, but only over his own lands. Besides, it does follow that in Brittany, in Berri and in the other duchies of this kingdom, one does not have to obey the duke of Burgundy. Thus it is shown how Master Petit/ abuses the Holy Scriptures, since he attempts to argue that this fits into his proposition. 107

The Latin dux is correctly translated as a governor, rather than

105 Abbot of Cérisy, op. cit., p. 297. For the original text, see Appendix.

106 Petit, op. cit., p. 207.

107 Abbot of Cérisy, op. cit., pp. 298-299. For the original text, see Appendix.
a duke, although the modern word "duke" is derived from the Latin.
Isidor of Seville had shown the military origin of the office some
centuries before Petit attempted to postulate the authority of a
duke over the whole kingdom. 108

An outright misuse of sources is evident when Petit, as the
first of his three moral philosophers, attributes to Aristotle
(whom he calls Anaxagoras Philippus) the sweeping statement, "It
is permissible to kill a tyrant, and not only permissible, but
laudable." 109 Alfred Coville has demonstrated that this reading
is to be found nowhere in Aristotle's works, even though Petit says
it is found ". . . in several places." 110

The authorities drawn from civil and imperial law are hardly
applicable to the case in question, even though Petit confesses him­
self no jurist.

Since I am no jurist, it will suffice for me
to pronounce the letter of the law without allega­
tion; for in all my life I only studied law for
two years, and that was more than twenty years
past, so that I hardly knew anything, and what I
did know, I have forgotten in time. . . . 111

The first example is that debasers and destroyers of knighthood may
be killed by anyone. "And who is more a deserter than he who destroys

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108 Isidor of Seville, op. cit., Bk. IX, c. iii (no internal pagination given).
109 Petit, op. cit., p. 207.
110 Coville, op. cit., pp. 182, 203; Petit, op. cit., p. 207.
111 Petit, op. cit., p. 208. For the original text, see Appendix.
the king, the head of all knighthood, without whom it could not long endure?"112 The second authority states that it is permissible to kill thieves who trouble the highways and forests. Petit finds such thieves guilty of lèse-majesté in the fourth human degree, since they are like the tyrant enemies of the public good.113 The third argument is that anyone may kill a thief in his house at night, both in civil and imperial law. "And thus, by even stronger right, is it permissible to kill a tyrant who works by night as well as day to kill his sovereign lord."114 Cérisy's rebuttal of these authorities aptly expresses the reaction to Petit's work and is given in full.

The seventh reason and the two following are founded in civil laws, which state that there are three kinds of men whom it is permissible to kill; that is to say, those who debase knighthood, highwaymen, and thieves in the night. To this I say that my lord of Orléans was never any of these. I say also that these laws never commanded anyone to kill, except that killing is permitted in case of unavoidable danger; and such conditions are far from our concern. For my lord of Orléans was never a highwayman, for God's sake! nor a thief in the night. And there is no law in this world by which the adverse party may be excused.115

Cérisy attacked these legal authorities on the ground that they had no application to the duke of Orléans, an argument which Petit

112 ibid.
113 loc. cit., p. 209.
114 ibid.
115 Abbot of Cérisy, op. cit., p. 300. For the original text, see Appendix.
had anticipated and to which he had provided another argument before the rebuttal: he upheld a distinction between the letter and the intent, or meaning, of a law.

To understand which, it must be known that in every law there are two elements; the first is the principle or the written word, and the other is the reason why the law was made, to which end the terms of the law most particularly are intended. And when the written word is contrary to the intention of the law, that is to say to the end for which the law was made, one must interpret said law in terms of the intention for which it was first made, and not at all in terms of the literal sense of the written text. . . . In this case: the laws which say that no one may take power without the permission of the prince, nor take up arms without the authority of the prince, I say were made to protect the honor of the king, his person and the public good. . . . When I see/ a very powerful tyrant subtly plotting with all his might for the death of the king . . . must I respect the literal sense of these laws? Not in the least; I must defend my king, and kill the tyrant. And in so doing, though it be that I do something against the literal sense of said laws, I really do nothing against the intention for which they were made, but rather I accomplish the intended commandment of these laws. . . .

After completing his twelve proofs in support of his third truth, Petit goes on with the remaining five truths. They may be summarized briefly. The fourth truth has it that the king's enemies should be killed by his close relatives who, as it was shown in the second truth, have a greater obligation to him. The fifth and sixth truths concern the invalidity of oaths taken between

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116 Petit, op. cit., pp. 212-213. For the original text, see Appendix. D'Avout, op. cit., p. 98, calls this distinction "un peu trop subtile."
loyal subjects and those who afterward fall into tyranny. The seventh seeks to justify the use of plots, spies and foul play in the elimination of a tyrant. The eighth condemns those who use sorcery and unnatural means to kill the sovereign prince.  

As to the nine corollaries appended to the eight truths, an even briefer summary will suffice. Each corollary is keyed to fit one of the crimes contained in the minor premise—sorcery, paying assassins, making alliances with the king's enemies and so forth. The third corollary should be singled out for its obvious allusion to no other person than the duke of Orléans.

Tercium correlarium. Any subject who, under guise and cover of play and amusement, and with malice aforethought, and with flammable material . . . causes clothing to be made to clothe the king, and who causes others to be so clothed with him, and who then sets fire to him . . . to take from him his noble lordship, commits the crime of /human/ lèse-majesté in the first degree and is a tyrant, traitor and disloyal to his king, and for this is worthy of double death, first and second; particularly when the fire burns to death several other noble men, with much pain and sorrow.  

The basis for this corollary, and its subsequent accusation against the duke in the minor premise, is the famous incident of the masked ball in Paris in January 1393, described in the chronicle of Jean Froissart. The king, who had just recovered from his first spell of insanity, was attending the ball, and appeared with some of his
friends disguised as savage animals; his clothing, and that of his companions, was made of highly flammable fur and feathers. At some point, one of the maskers came into contact with a lighted torch, and within moments most of the disguises were in flames. The king was saved only by the coolheadedness of his aunt, the duchess of Berri, who recognized him, drew him aside and threw her mantle over him to protect him from the flames. Several of the other men died, either at once or of the burns they suffered. There seems to be no contemporary evidence--except rumor--to connect the duke of Orléans with this tragedy although he was present when it happened. Petit, in the minor premise, accuses the duke of purposely setting the dancers ablaze after arranging it so that the dancers would be disguised in flammable clothing. Probably the best argument against Orléans' involvement in the tragedy is the fact that, when Charles VI drew up his will very shortly after the ball, he nominated his brother to be regent in the event of his own death before the dauphin's majority.\textsuperscript{119}

The charges levelled against the duke of Orléans, as set out in the minor premise, are a series of attacks which Louis Douët-d'Arcq, the editor of the 1857 edition of Monstrelet's chronicle, described as "... odious... others ridiculous."\textsuperscript{120} Rather than take up more space with critical comment, it is better to let the

\textsuperscript{119} Jarry, Edmond, \textit{La Vie Politique de Louis \textsuperscript{1}er duc d'Orléans} (Paris, 1889), p. 102.

\textsuperscript{120} Monstrelet, op. cit., I, p. 223, n. 1. "Les unes sont odieuses, les autres ridicules."
charges speak for themselves.

Now I am come to affirm and declare my proposed minor, in which I have as my purpose to show that the late Louis, formerly duke of Orléans, was so taken by covetousness, vain honors and worldly riches—that is to say, that to obtain for himself and his issue, to take and secure for himself the very high and noble lordship of the crown of France from the king our lord—that he plotted and planned by covetousness, fraud, secrecy and foul play to destroy the person of the king and his issue, because he was so taken up by tyranny, greed and temptation by the Adversary, that as a tyrant toward his brother the king and his sovereign lord, he did commit the crime of lèse-majesté, divine and human, in all the ways and means set forth in my major.\textsuperscript{121}

Since it is for God to judge whether the duke committed divine lèse-majesté, says Petit, he will not attempt himself to prove Orléans' guilt on that point; instead, he confines himself to proving the duke's guilt on each of the four degrees of human lèse-majesté.\textsuperscript{122}

He no sooner arrives at the first degree than he confronts the reader with two further subdivisions of that same degree. "The first lies in planning the death. . . of the prince and sovereign lord. This manner may itself be divided into several methods, but at present I shall only divide it into three. . . ."\textsuperscript{123} The three methods given by Petit are planning the king's death by sorcery, by poison and by arms. The charge brought against Orléans on the first of these methods is a splendid example of the kind of ideas

\textsuperscript{121}Petit, op. cit., p. 223. For the original text, see Appendix.

\textsuperscript{122}\textit{loc. cit.}, p. 224.

\textsuperscript{123}ibid.
with which Petit was most at home.

It is true that in order to kill the king after a long illness and in a way so subtle that there would be no suspicion, he suborned four persons by bribes and money, there being among them an apostate monk, a knight, a squire and a varlet. To them he carried his own sword, his dagger and a ring to be dedicated and consecrated, or more properly speaking, desecrated in the name of the devil. . . . And this apostate monk, who was a master of such works, made several invocations to devils several times and on many days. . . . One Sunday, early in the morning before the sun was up, on a mountain near the tower of Montjay, this master did many things required to such invocations. . . . and in doing these things he removed his clothes and knelt on his knees, and stuck the sword and the dagger into the ground, and the ring between them. . . . And soon there came to him two devils in the shapes of two men, dressed in brown cloth, one named Heremas and the other called Estramain. The items were taken away, and returned after half an hour by the devils, who said to the monk: "It is done, but you must put this into the mouth of a dead man, as you know." . . . And to complete their business, the monk, the squire and the varlet went at night to the gallows at Montfaucon near Paris. There they took one of the dead, newly hanged, which they took away. . . . and then put the ring into the mouth, and the sword and dagger they thrust up through the rectum up into the chest, and left them there for several days, just as the devils had ordered. 124

The fiendish design would have succeeded, Petit goes on, had it not been for a knight of great honor, who discovered the plot and betrayed it to the king; for which reason the duke of Orléans brought about the knight's disgrace and ruin. 125

The Abbot of Cérisy disqualifies this charge. His first rebuttal is that, although a certain monk, with his accomplices,

124 loc. cit., pp. 224-226. For the original text, see Appendix.

had been tried before the king's council, there had never been any
question of the duke's complicity in the plot. The Abbot's
second point is that the knight who was supposedly ruined by the
duke's revenge was actually banished from the kingdom after a
proper trial before the Parlement.

Consider then, my lords, how the proposition
of the adverse party contains only falsehood and
untruth; and those who read this libel may discern
error, which the masters of theology of the univer-
sity of Paris ought to remedy as soon as they can;
for as they know very well, such things must not
be written or put about. But what is even more
remarkable than this is that the mouth of a theo-
logian should put it about that sorcery succeeded
in its object. . . . Sweet Lord! rectify this; I
see that a theologian affirms that sorcery is truly
efficacious, and certainly this is error since Holy
Scripture says that sorcery is only falsehood, and
has no effect.

Petit's accusation of sorcery is followed by the old charge
that Orléans' wife, Valentina Visconti, and her father Gian-Galeazzo,
duke of Milan, had conspired with the duke of Orléans to unseat
Charles VI. This charge had been bandied about for some years, even
before Orléans' murder, and serves to illustrate the real background
of many of Petit's accusations against the duke.

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126 Abbot of Cérisy, op. cit., p. 320.
127 loc. cit., p. 321. Aside from saying that the knight's
crime was "assez notoire" the Abbot does not specify what he
did.
128 loc. cit., pp. 321-322. For the original text, see
Appendix. This is said to be based on a verse from Ecclesiastes
23, but there are only twelve chapters in Ecclesiastes. The
closest approximation to a condemnation of sorcery in that
book is chapter five, verse seven.
The duke of Burgundy had no reason to love or respect the duke of Milan, whom he rightly suspected of harboring designs on the maritime republic of Genoa. In the 1390's, the Milanese duke had entered into collusion with the duke of Orléans with the object of creating for his son-in-law an independent sovereignty in Italy; the hypothetical "kingdom of Adria" was to include Genoa and most of the other Ligurian ports such as La Spezia. When Orléans did, in fact, acquire the sovereignty of Savona, adjacent to Genoa, Burgundy could no longer tolerate the risk of the most important ports of the western Mediterranean falling under Orléans' control. In 1396, Burgundy, taking advantage of the city's chaotic political situation, invited the Genoese to seek the protection of the French crown. Orléans' eventual acquisition of Genoa was blocked by Burgundy's shrewd move. Burgundy had at any rate safeguarded the Italian end of his vital and lucrative Flemish textile trade.

The innuendo against the innocent duchess of Orléans was likewise inspired by Burgundian prejudices. It had been apparent from the time of Valentina's marriage in 1389 that she exercised great moral influence over her brother-in-law, the king; after he fell ill, she alone was able to deal with him during his periods of frenzy, and in his lucid intervals he frequently preferred to be in her company rather than with his own wife. Seeking to end

129 The best account and evaluation of the Genoa affair are found in Jarry, op. cit., pp. 140ff.

130 On the king's relations with the duchess of Orléans see Chamberlin, R., "The Court of Charles VI," in History Today, XIII, no. 2 (February, 1962), passim.
her influence over the young king, the duke of Burgundy secured her banishment from court in 1396, after spreading rumors that she had enchanted the king and driven him mad.131

The charge is also brought against the duke of Orléans that he had made alliances with foreign enemies of the king and the realm. The specific incident cited by Petit is that Orléans had signed an alliance with Henry, duke of Lancaster (later Henry IV of England), who in 1399 deposed his cousin Richard II of England, married to a young daughter of Charles VI. Richard was later murdered, whether with Henry's consent or not being still undecided. Petit draws from this the conclusion that the alliance in question was made in order to dispose of both Richard and Charles, so that Henry and Louis might succeed to their respective thrones.

This was done to destroy King Richard and also to achieve /Louis'/ damnable intention. And these two /Henry and Louis/ agreed to work and to plan with all their power, and by whatever way or manner should be possible for them, to kill and destroy these two kings, to obtain the crowns of France and England. ... Henry succeeded in his intention, but Louis did not, thank God! ... And thus was /Louis/ a tyrant and disloyal to his prince and sovereign lord and to the public good of this kingdom; and did commit the crime of lèse-majesté in the second manner of the second degree.132

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131 Ibid. Burgundian complicity in her banishment seems proven by Jarry, op. cit., p. 168. In April 1396 he had Valentina's financial administration separated from that of the other ladies of the royal family, and shortly thereafter Valentina was sent from the court. A few weeks after leaving Paris she gave birth to a child (July 1396), loc. cit., p. 169.

132 Petit, op. cit., p. 235. For the original text, see Appendix.
The actual alliance was signed by Henry and Louis in June 1399, while Henry was in exile; a few weeks after they signed the pact, Henry returned to England and by September had taken the crown from his cousin Richard. Petit, of course, had not seen the text of the pact; this was printed in 1863 by the Société de l'Histoire de France and is available for investigation. The terms of this document are innocuous, amounting to nothing more than a declaration of friendship, little more than what many lesser princes of royal blood signed among each other—there is no question here of a formal, purposeful alliance. Orléans, in fact, repudiated the alliance after it was learned in France that Richard had been deposed, probably because the first clause in the treaty had committed the signatories to protect and defend their sovereigns against all enemies.

The foregoing charges are applied to the first degree of lèse-majesté, i.e., crimes committed against the king himself. The second degree embodies offenses perpetrated against the king's consort—in this case, that Queen Isabeau, born a princess of Bavaria, who made for herself so black a reputation. Petit's assertion here is that about four years before his death, the duke of Orléans told the queen that her husband was of a mind to repudiate her, or even to harm her, and advised her to leave Paris.

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134 loc. cit., p. 158.
for a place of greater safety. Petit claims that the duke's true intention was to imprison her with all her children in Luxembourg, while pretending outwardly that she had gone off on an extended pilgrimage "... to Our Lady of Liesse... or to Saint-Fiacre-en-Brie..." 135

And with this he greatly troubled the queen many times over, repeating in effect these same words, as I have set them forth above, intending to have the queen and her children in his power, to do with them as he would. Whereat they were in great peril, and would have been more so, but that several well-wishers of the king, of the queen and their family, of whom the queen asked advice, directed her otherwise, since this was a deception and a great danger. Wherefore the queen, well advised, changed her affairs, as she realized the false and damnable intention of the late criminal duke of Orléans, and decided to stay, and not to go on such a journey. Thus, the second article of my minor is done, in which I have shown that the said criminal duke of Orléans did commit the crime of lèse-majesté in the second degree. 136

There is some slight factual basis for this charge, as there is for most of Petit's charges, except that in this case the facts really do not concern the duke of Orléans. It is true that the mad king manifested the most lively dislike of his wife, calling her names and sometimes failing even to recognize her or their children. It is also true that in 1402 the duke of Orléans bought the duchy of Luxembourg. There is not, however, the slightest bit of evidence to support Petit's claims that the duke actually tried to

135Petit, op. cit., p. 238.

136ibid. For the original text, see Appendix.
kidnap the queen and her children. This would in itself have been a major undertaking; in 1404, four years before Petit gave his speech, the king and queen had no fewer than eight children living. In 1404, moreover, the first duke of Burgundy died, and the queen, in an abrupt volte-face, confided her share in the government to the duke of Orléans. It is a definite possibility that by "well-wishers" Petit was referring to the new duke of Burgundy, John the Fearless, so that in basic terms he was attempting to show Orléans' resurgence in the government, and the queen's new confidence in him, as an attempt at kidnaping.\textsuperscript{137}

The third degree of lèse-majesté, according to Petit, consists of crimes against the king's children, by which is probably meant an attempt to alter or to disrupt the orderly succession to the throne. Petit here makes perhaps the most pathetic charge to be found in the entire work: that the duke of Orléans, attempting to poison his infant nephew the dauphin, failed in his attempt and, by chance, the poison was administered instead to his own son, who suffered the consequences of his father's evil plot.\textsuperscript{138} Petit speaks here not of the dauphin who sat before him, but of an older brother, a perpetually sickly child who died at the age of nine in 1401.\textsuperscript{139} It is true that the duke of Orléans lost several sons

\textsuperscript{137}Monstrelet makes no mention of such a journey on the part of the queen; nor does Thibault mention it during the period of time indicated by Petit, 1403 or 1404.

\textsuperscript{138}Petit, op. cit., p. 239.

\textsuperscript{139}Petit refers to the dauphin "derrenier trespassé" ("lately deceased"), ibid.
in infancy or early childhood. Two died within a few months of their birth, the very first in 1390 and another in 1393. The second son, Louis, born in 1391, survived to the age of four; it is apparently of this child that Petit speaks. The age of the child is important, since Petit claims that the poison was to be administered in an apple.\textsuperscript{140} Orléans' eldest son, and also his third son, died so very young that they could hardly have eaten an apple. Thus the charge might reasonably be applied to the four-year-old Louis; but the Abbot of Cérisy, having consulted the ducal physicians, points out that the boy had shown no symptoms of poison when he died.

\begin{quotation}
It is indeed true that one of the sons of my lord of Orléans died, during the course of a plague of which many persons died at that time. On this matter, let the doctors be heard; to wit, master Guillaume le Boucher and master Jehan de Beaumont, who attended this child, and they say that the truth of it is, that this child did not die by any poison. And consider, my lords, that this accusation is hardly credible. For no nurse of a son of my lord of Orléans would ever have dared to give the child an apple, or even a pear, without permission of my lady of Orléans. And what is more, when the nurse was walking in the garden where she found the apple in question she was not alone, but was accompanied by three or four women of rank, who would never have suffered her to give the child such a thing as an apple.\textsuperscript{141}
\end{quotation}

If such an attempt did take place—and it seems more than doubtful—it must have been between 1392, when the dauphin was born, and 1397,

\textsuperscript{140}ibid.

\textsuperscript{141}Abbot of Cérisy, op. cit., pp. 331-332. For the original text, see Appendix.
when the queen gave birth to her next son, thereby ensuring the succession and making the dauphin's murder a useless gesture.

In the fourth degree of *lèse-majesté*, Petit's charge finally touches on one of the basic areas of contention between the dukes of Orléans and Burgundy. The charge is twofold. First, the duke of Orléans had maintained his own personal army within the kingdom, the soldiers of which "... did nothing but disturb and molest the poor, pillage, rob, kidnap, steal, murder and rape." Second, Orléans used royal and public funds for the upkeep of this army, and frequently diverted tax returns to his own pocket under the pretense of maintaining his garrisons.

It was at that time the usual practice for princes of the royal house and for the most important nobles to be responsible for their own standing forces, and it was on these forces that the king relied in time of need, since there was no national army. In 1386, for example, Charles VI had made every preparation to cross the Channel and invade England, but had to abandon the project at the last minute because his uncle, the duke of Berri, was tardy in arriving at Sluys with his contingent of troops from the Languedoc. By the time Berri got to Sluys, it was November, the weather had changed, and a safe crossing of the Channel was impossible. It was established custom for the princes to be paid allowances from the public coffers for the upkeep of their forces.

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142 Petit, op. cit., p. 241.

143 For this expedition, see Lehoux, Françoise, *Jean de France, duc de Berri* (Paris, 4 vols., 1968), II, pp. 184-188.
troops; the duke of Orléans had received regular payments for the maintenance of the garrisons in his county of Angoulême. The same sort of allowance had been paid to the dukes of Burgundy. But there is no evidence that the troops of the duke of Orléans conducted themselves in any worse fashion than did the soldiers of any of the other princes.

The financial side of this accusation reveals a great deal. Examination of the Burgundian finances between 1403 and 1407 shows a steep decline in income after 1404, chiefly due to the cessation of nearly all pensions, gifts and other payments from the French royal treasury. The year before his death, 1402-1403, Philip the Bold had taken in 198,941 francs from that source, while between 1405 and 1407 the income enjoyed by his son John the Fearless from the same source dwindled to 2000 francs. In the same period, the income of the duke of Orléans had increased to a yearly average of 200,000 francs. Thus Orléans was not exceeding to any great extent the drain which had been made on the treasury by the duke of Burgundy; but the difference between 198,000 francs every year and 2000 francs was a very great one—about 196,000 francs less than the Burgundian treasury was able to stand.

The Abbot of Cérisy counters this accusation with a similar charge against the duke of Burgundy, pointing out that Orléans had

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145Vaughan, op. cit., pp. 41-42.
146ibid.
in point of fact only advised the queen to pay troops out of the
royal purse—although it is clear they must have been his troops.

It is well known how the queen and my lord of
Orléans went to Melun to protect themselves when
the adverse party came to Paris \[\text{in 1405}\] for no
good reason, with a great many soldiers, and by
force caused my lord \[\text{the dauphin}\] to return \[\text{to}
Paris\] while he was travelling to join his mother.
Later the adverse party strengthened his forces
in order to go to Melun against the queen and my
lord of Orléans. Thus it became necessary for
the queen to call up soldiers for her own pro-
tection. And she was advised that it would be
good to use the treasury to pay these soldiers;
but my lord of Orléans took none of this to his
own profit. And when the king learned of this
he was most content. Thus it appears that these
funds were withdrawn only at the time of the
condemnable action of the adverse party, and
for no other reason.\[147\]

This charge is Petit's last accusation. He has covered the
last of his four degrees of lèse-majesté. His syllogism, he says,
is valid, and therefore the duke of Burgundy must not be punished
but rather rewarded, honored and praised. His conclusion, instead
of dwelling further on the guilt of the duke of Orléans, hammers
home the innocence of the duke of Burgundy.

Thus it is clear, once my minor is joined to
my major, that my lord of Burgundy must not be held
blameworthy of anything that happened to the late
criminal duke of Orléans. And let the king not only
be content thereat, but let him take this action of
my lord of Burgundy to be agreeable. . . . And what

\[147\] Abbot of Cérisy, op. cit., p. 333. For the original text,
see Appendix. The incident referred to by Cérisy took place in
August 1405, during the preliminaries to the serious armed con-
frontation between the dukes; see Monstrelet, op. cit., I, pp. 105-
112.
is more, the king ought to reward and replenish him in three ways, to wit, in love, in honor and in riches, according to the examples given of St. Michael Archangel and the valiant man Phineas. . . . My meaning is that the king our lord owes him more than ever before, and must declare his renown and loyalty throughout the kingdom; and outside the kingdom by letters patent, by missives or other means. Which, may God grant be done. . . . Amen. ¹⁴⁸

It is worth noting that Petit refers here to the earlier example of Zambri, slain by the "valiant man" Phineas. The implication is that the duke of Burgundy acted, like Phineas, under no mandate but God's, even when no one else dared to act.

Cérisy's rebuttal ends much differently than Petit's work. The rebuttal is, in effect, of a much different form than the Justification since there is no syllogism. Cérisy presents instead three articles, each based on a different text and concentrating on a different aspect of the case. The first article seeks to show that the king is particularly obliged to do justice in this case. The argument is based on a text from the eighty-ninth psalm: "Justice and judgment are the habitation of thy throne; mercy and truth shall go before thy face."¹⁴⁹ Cérisy derives six reasons why the king is so obliged.

Of these reasons the first is the royal power and dignity, which are obliged in this case not only by will, but also by obligation of office; for kings are called kings because they do justice, and for no other reason. . . . The second reason is

¹⁴⁸Petit, op. cit., p. 241. For the original text, see Appendix.
¹⁴⁹Abbot of Cérisy, op. cit., p. 274; but he says the verse is from the seventy-eighth psalm.
founded in fraternal love. The king, as lord and brother, according to justice and reason, must maintain his right. The third reason is in the pity of the suppliants; for my lady of Orléans, unhappy widow, left with her children. . . . mourns the cruel death of her husband and lord. The fourth reason is the enormity of the case, a parallel for which one may scarcely find. . . . The fifth reason is, that if justice is not done in this matter, evil without end may follow. . . . The sixth reason is the malevolence of the adverse party, who by power and force seeks to uphold his sins. . . .

Cérisy's second article is based on Petit's own text, I Timothy 6:10, and seeks to prove that the duke of Burgundy did commit a grave sin in killing his cousin. Again, six reasons are presented and later expounded.

The first is that the adverse party had no authority over the defunct duke by which he could kill so great and noble a lord. . . . The second is that the adverse party brought no form of justice or trial against my lord of Orléans. . . . The third reason is based on the alliances which they had one with the other. . . . to avoid the inconveniences which might ensue from their long quarrel, according to which alliances they could not, nor might not, injure or discommodate the other party without first challenging the other. . . . The fourth reason is based in that the duke of Orléans was so suddenly done to death, that no true Christian can say that it was not damnable on the part of the malfactor. . . . The fifth reason is that, as I shall show, the adverse party caused my lord of Orléans to be killed not for the common good, nor for any good end, but because of covetousness, ambition and the desire to dominate. . . . The sixth reason is that it did not suffice for the adverse party merely to kill my lord of Orléans, but he must also create a scandal and defame his

150 loc. cit., pp. 270-271, editor's note giving manuscript variant. For the original text, see Appendix.
reputation by proposing a defamatory libel to uphold his traitorous homicide. 151

The third article is based on Psalms 7:8—"Judge me, O Lord, according to mine integrity that is in me." The article contains the refutations of Petit’s charges which have been referred to above. Thus, rather than form a reasoned doctrine to oppose that of Petit, the Abbot of Cérisy seeks instead to show that the king must do justice in this case above all others, since the duke of Burgundy, maliciously and without justification, committed a grave sin in killing the innocent duke of Orléans. The rebuttal of the Abbot cannot, therefore, be taken as a counter-proposition to tyrannicide in general, nor can it properly be said to have destroyed Petit’s entire argument; rather, the Abbot was more concerned with blasting the "proofs" and "authorities" which were the chief foundations of Petit’s doctrine.

After such a lengthy dissertation, Cérisy concludes with an extended exhortatory statement addressed to various members of the royal family and the royal establishment.

O thou! king of France! most excellent prince, weep then, that thou hast lost thine only brother, one of the most precious jewels of thy crown, for whom thou most especially must procure justice. O thou! queen most noble, weep for the prince who so honored thee, whom thou hast seen to die so pitifully. O thou, my very redoubted lord, duke of Aquitaine, weep! for thou hast lost the best of all thy blood, of thy counsel, and thy nobility. . . . O thou, duke of Berri, weep! who hast seen

151 loc. cit., pp. 271-272. For the original text, see Appendix.
the king's brother, thy nephew, end his life in martyrdom, only because he was a king's brother. O thou, duke of Brittany, mourn the uncle of thy spouse, who did love thee much. O thou, duke of Bourbon, weep! for the apple of thine eye is hidden in the earth. . . . Weep, men and women, poor and rich, young and old, for the sweetness of peace and tranquillity is torn from you. . . . O you! wise men, men of the Church, mourn the prince who so loved and honored you. And for the love of God, you clerics, and noble men of every rank, consider what may happen to you because of these things. For the adverse party has deceived you by false reasoning and for this reason you have been favorable to him. . . .

Petit's doctrine suffered a setback when the king's council decided, after hearing Cérisy's rebuttal, to condemn the duke of Burgundy. Monstrelet, a Burgundian sympathizer, set it down in his chronicle that, of the council which condemned the duke, "... the most part were supporters and favorable to the dowager duchess of Orléans and her children." It was decided that the king ought to proceed against Burgundy "... with all vigor, according to the demands of justice, and if he would not submit, the king, with all his vassals and subjects... would go against him to subjugate him and all his supporters."

The duke of Burgundy returned to Paris not long after this, at the head of an army victorious in his struggles with the rebellious

152 loc. cit., pp. 334-336. For the original text, see Appendix. By the "duke of Aquitaine" is meant the dauphin, who held the ducal title until the death of his brother in 1401. He was apparently addressed as duke even while dauphin.


154 loc. cit., p. 388.
citizens of Liège; shortly after his arrival, "... all the conclusions which before had been taken against him were brought to nothing and invalidated."155 In March 1409, the sons of the dead duke of Orléans were compelled to make peace with his murderer at Chartres, where the agreement made was blatantly in favor of the duke of Burgundy.

The truce of Chartres was a political triumph for the duke of Burgundy, and not a victory for Petit's Justification. It cannot be said to have been a defeat for the Abbot of Cérisy, since he had not attempted to formulate a system or doctrine to oppose that of Petit. During the years of Burgundian supremacy in France, no voice was raised against the duke, although the Justification was condemned in 1414.

By that time, John the Fearless was too firmly seated for anyone to challenge his domination of the kingdom. The sons of the duke of Orléans were mere boys; the oldest of them was only thirteen when their father was killed in 1407, and they were never of much importance in the kingdom. The oldest son, Charles, who is known today chiefly as a poet, was captured by the English at Agincourt in 1415, and permitted by Burgundy to languish in exile for almost half his life.

The Justification, then, lost its vigor within a remarkably short time after it was first presented. The political victory of John the Fearless at Chartres in no way concerned the ideas

155 loc. cit., p. 389.
of the *Justification*; Petit had already outlived his usefulness and was rusticated by the duke of Burgundy. He died in obscurity a few years later.

The *Justification* was an anachronism in its own time. Petit had relied heavily on antique sources, on tradition and on distortion of meaning. The result was an involved edifice depending for its conclusion on the charges made against the duke of Orléans. The progression of thought does not extend to all tyrants; the reasoning becomes increasingly restricted to one individual. Since that individual was not the head of state, he did not fall within the accepted definition of a medieval tyrant; thus a major point of the syllogism was incompatible with the developments that had taken place in political thought since John of Salisbury had written in the twelfth century.

The too-smooth distinction between the letter and the meaning of the law betrays an unskilled jurist—perhaps John the Fearless himself?—or an overly subtle casuist. The sudden departure in the minor premise from political theory into name-calling destroys the attempt to achieve a balanced theoretical system.

Whether Louis of Orléans was truly guilty of such crimes is largely doubtful; the nature of the charges against him seems to indicate their essential groundlessness. It may be said, as it has been said of many others, that his only guilt lay in the fact that his style of living made it easy enough for such things to be believed about him after his death.

The central figures of the events of 1407 and 1408 were a
varied lot and came to varied ends. The mad king, that pathetic "sovereign lord" of Petit's work, lingered on until 1422, having sat on the throne longer than any other king of his race—forty-two years, although he was effectively king for only four. The widowed duchess of Orléans died of grief in December 1408, just after the reversal of Burgundy's condemnation. Queen Isabeau survived until 1435, the last of them all; she died neglected and in poverty, despised for her conduct and disowned by her son.

John of Burgundy did not meet his end in peace. It was only fitting that he should die violently. In the absence of organized opposition to his hegemony in France, the youngest son of the mad king had gradually become the center of anti-Burgundian sympathies. In 1415 and 1417 the two elder surviving sons of the king died, and this youngest son, also named Charles, became the heir to the throne. By 1419 he was at the head of a sizeable opposition party known as the Armagnacs, after a powerful southern noble who had led the party for a few years before young Charles became associated with it.

In March 1419 the new dauphin invited Burgundy to a conference to be held on the bridge of Montsoreau, at the confluence of the Seine and the Aisne. The gradual weakening of his position more or less forced John into going. A few minutes after he and Charles had entered from opposite sides into the temporary pavilion on the bridge, the dauphin gave a quick nod of his head. With no hesitation, his attendants fell on John and killed him.
APPENDIX

Original texts

D'Aristote à Boccace, tyrannie signifie un gouvernement né de l'usurpation ou exercé par la violence et la méchanceté, pour le profit exclusif du tyran. Il ne s'agit nullement des abus de pouvoir, des intrigues et des ambitions excessives, des manœuvres quelles qu'elles soient d'un prince seulement voisin du trône dans un monarquie reconnue comme légitime et régulière, avec tous ses organes de justice. Jean Petit aura, par suite, grand'peine à adapter les faits de sa mineure à l'exposé théorique de sa majeure. C'est dans ce sens que l'on peut dire qu'il a largement abusé des autorités auxquelles il se réfère et trahi volontairement les opinions des auteurs qu'il cite.

(Text, p. 30)

Il est obligé entre les autres mortelz à le garder, défendre et venger de toutes injures à son pouvoir; et ce, il a bien recongneu, recongoist et recongoistra se Dieu plaist, et aura en son cuer en mémoire les obligacions dessus dîcîtes, qui sont douze en nombre. C'est assavoir, comme [bon chrétien], proisme parent, vassal, subject, baron, conte, duc, per, duc per, doien des pers, et les deux mariages.

(Text, p. 32)

Car je n'oseroie parler de ceste matièrè, ne dire les choses qui me sont chargées, se ce n'estoit par le commandement de mondit seigneur de Bourgongne.

Après ce, je proteste que je n'entens à injurier quelque personne, qui soit ou puist estre, soit vif ou trespasé. Et s'il advient que je die aucunes paroles sentans injures, pour et ou nom de mondit seigneur de Bourgongne et a son commandement, je prie que on me ait pour excuse, en tant qu'elles sont à sa justification et non autrement.

(Text, p. 33)

Ainsi appert-il clèremenent par cest article de saint Jehan qu'il est trois manières de convoitise qui encloent en elles tous pêchez. . . Et ainsi prenoit l'Apostre convoitise en la parole proposée. Et quant il disoit: Radix omnium malorum cupiditas, c'estassavoir convoitise ès trois manières dessusdictes touchées par saint Jehan l'Evangéliste. . . . Ainsi appert clèremenent estre vray mon premier article, où je disoie que convoitise est cause et racine de tous maulx, à le prendre ainsi que le prenoit l'Apostre quant il disoit: Radix omnium malorum cupiditas.

(Text, p. 34)
Pour entrer en la matière du second article, je metz une suspicion, et suppose que c'est ung des greigneurs péchez qui soit ou puist estre que crime de lèse-majesté royale. Et la cause si est, car c'est la plus noble chose et la plus digne qui puist estre que majesté royale pour ce qu'on ne peut faire plus grant péché, ne plus grant crime que de injurier majesté royale, et selon ce que le crime est plus grant, l'injure est greneur et fair plus à punir. Pour quoy il est assavoir qu'il est deux manières de majestez royaux, l'une est divine et perpétuelle, et l'autre est humaine et temporelle.

(Text, p. 35)

Et outre plus. . . ces deux manières de crimes de lèse-majesté divine et humaine sont les plus horribles qui puissent estre, les drois y ont ordonné certaines peins plus grandes qu'aux autres crimes. C'est assavoir, que ou cas d'hérésie ou de lèse-majesté humaine ung homme en peut estre accusé après sa mort, et se peut former procès contre lui. Et s'il advient que il soit convaincu et actant de hérésie, il doit estre desterré et ses os mis en ung sac et portez à la justice et ars en ung feu. Et semblablement se il advient que ung homme soit actant et convaincu de crime de lèse-majesté humaine après sa mort, il doit estre desterré et ses os mis en ung sac, tous ses biens meubles et immeubles forfaiz, confisquez et acquis au prince, et ses enfans déclairez inhabiles à toute succession.

(Text, p. 36)

Le tiers exemple est d'un prince et due de Syméon, qui fut une des douze lignées des enfans d'Israel, lequel prince estoit moult puissant homme et grant seigneur et avoit nom Sambry. Lequel fut si espris de convoitise et de délectation charnelle de l'amour d'une païenne, qu'elle ne se vouloit accorder à faire sa voulente s'il ne aouroit ses ydoles. II les aoura et les fist aourer par plusieurs de ses subgetz, desquelz la saincte Escriture dist. . . . Donit Dieu se courrouga tres durement, et dist à Moyse, qui estoit le souverain seigneur et due de tous les autres du peuple: "Pren tous les princes du peuple, et les fais prendre au gibet contre le soleil." Et pour quoy disoit-il tous les princes? pour ce que la pluspart d'icelui estoit consentant d'icelui crime. Et les autres, ja soit qu'ilz n'en fussent point consentans, ilz estoient négligens de prendre vengence de si grande injure faicte à Dieu leur Créateur. Tantost Moyse ala assembler tous les princes et tout le peuple d'Israel et leur dict ce que Dieu lui avoit dit et commandé, le peuple print à pleurer, pour ce que les malfacteurs estoient si puissans que les juges n'osoient faire justice. . . . Lors ung vaillant homme nommé Phinées print courage en lui et dist en son cuer, je voue à Dieu que présentement le vengeray de ceste injure. Si se parti sans mot dire, sans quelconques commandement de Moyse, ne d'autre à ce aiant povoir, et s'en vint au logis, où il trouva icellui duc avec icelle dame, l'un sur l'autre, faisant oeuvre de délit, et d'un coustel qu'il avoit en manière de dague,
et les occist tous deux ensemble.

(Text, p. 37)

Quant au tiers article de madicte majeur, où je doy montrer par exemples et par auctoritez de la Bible, laquelle nul n'oseroit contredire, c'est assavoir que dame convoitise a fait plusieurs estre traistres et desloyaux envers leurs souverains seigneurs, jà soit ce que à ce propos je pourroie mettre les exemples et auctoritez, tant de la saincte Escripture comme d'ailleurs, mais je me restraîndray à trois.

(Text, p. 39)

Si tost que saint Michel apperceut cela, il s'en vint à lui et lui dist que c'estoit très mal fait et que jamais ne voulût faire telle chose, et que, de tant que Dieu l'avoit fait plus bel et plus parfait de tous les autres, de tant devoit-il montrer plus grant signe de révérence, subjection et obéissance à cellui qui l'avoit fait, qui estoit son roy et son souverain seigneur. Lucifer lui respondi qu'il n'en feroit riens. Saint Michel dist que lui et les autres anges ne souffreroient point telles injures faire à leur créateur et souverain seigneur. Briefment, bataille se mut entre cellui Lucifer et saint Michel. . . . St. Michel occist icellui Lucifer de mort pardurable. Car icellui Lucifer et les autres anges de sa bende furent par force chassée hors de paradis et trebuchez en enfer. De quoy dist saint Jehan l'Evangeliste: Causa dracone et draco pugnabat et angeli ejus cum eo.

(Text, p. 40)

Mais aucuns pourroient arguer contre les choses dessusdictes pour ce, quant le roy David fut au lit de la mort, il charga son filz Salomon qui devoit estre roy régnant après lui, qu'il fist justice dudit Joab. A ce je respons que ce ne fut pas pour le cas dessusdit. Car, nonobstant que Joab feust bon chevalier et loial ou temps qu'il occist ledit Absalon, néantmoins envers la fin de ses jours il occist ung très bon chevalier, nommé Amaza. . . . /et/ le prince Abner, aussi par grant trayson.

(Text, p. 41)

Ainsi avez vous le troisiesme exemple, qui est comment convoitise de honneur vaine, qui n'est autre chose que concupiscence et vouenté désordonnée à tolir à autrui sa noble domination et seigneurie, fist ladite royne estre murdrière, faulsse et desléale, pour obtenir par force tirannique la couronne et seigneurie du royaume de Jhérusalem. Et si avez oy comment par agais et espiemens elle fut occise. Car c'est droit raison et équité que tous tirans soient occis vilainement par agais et espiemens, et est la propre mort dont doivent mourir les tirans desleaux.
La première vérité est que tout subject universel qui par convoitise, barat, sortilège et malengin machine contre le salut de son roy et souverain seigneur, pour lui tolir et soustraire sa très noble et haute seigneurie, il pêche si griefment et commet si horrible crime, comme crime de lèse-majesté royale ou premier degré, et par conséquent il est digne de double mort. . . . Je preuve madicie proposition. Car tout tel subject et vassal est grant enemmy et desloyal au souverain seigneur et pêche mortellement; donques ma conclusion est vraye. Et qu'il soit tirant, je le preuve par monseigneur saint Grégoire, qui dist ainsi: Tirannus est propre, etc. Qu'il commet de crime de lèse-majesté, il appert clèrement par la distinction dessusdicte des degrés de lèse-majesté royale en la personne du prince. Qu'il soit digne de double mort, je le preuve. Car, par la première mort j'entens mort corporelle, qui est séparation du corps et de l'âme, et par la mort seconde je n'entens autre chose que damnacion pardurable. . . . C'est à dire que toute humaine créature qui aura victoire finalement sur convoitise et ses trois filles, il n'aura garde de la mort seconde, c'esassavoir de pardurable damnacion.

(Text, p. 43)

Car en mondit degré, l'obligacion est plus grande à vouloir garder le salut du Roy et la chose du bien publique. Donques ceulx qui font le contraire font plus à punir, en montant de degré en degré. . . . Car, quant que la personne est plus prochaine du Roy et plus noble, s'il fait les choses dessusdictes, de tant est-ce plus griefve esclande que n'est d'une personne qui est loingtaine du Roy. C'est plus grande esclande que un grand duc et puissant seigneur, prochaine parent du Roy, machine sa mort pour lui tolir sa seigneurie, que ce seroit d'un povre subject qui n'est point son parent. De tant que le machineur seroit plus prochaine du Roy et du plus grant puissance, de tant seroit la chose plus inique, et de tant seroit de plus grant esclande, et par conséquent seroit plus à punir.

(Text, p. 44)

Il est licite à chacun subject, sans quelque mandement, selon les lois morales, naturelles et divines, de occire ou faire occire traistre desloial ou tirant, et non point seulement licite, mais honoriable et méritoire, mesmement quant il est de si grant puissance que justice n'y peut estre facite bonnement par le souverain. Je prouve ceste vérité par douze raisons, en l'honneur des douze apostres. Desquelles raisons, les trois premiers sont trois autoritez de trois philosophes moraulx. Les autres trois, sont de trois auctoritez de sainte Eglise. Les autres trois, sont de trois lois civiles et impéraiales. Et les trois dernières sont exemples de la sainte Escription.

(Text, p. 44)
O vous princes! considérez que se telles doctrines estoient soustenezues, chascun pourroit dire: aussi bien puis-je occire comme fist tel. Il vous plaise donques condenser ceste faulse et desloiale doctrine comme périlleuse, sédicieuse et abhominable. Et puis dira partie adverse et tous à lui portans faveur en ceste partie, le dict de Jherémie, ou XXe chapitre: Confudentur vehementur qui non intellexerunt obprobrium sempiternum quod nunquam delebitur.

(Text, p. 45)

C'est à dire, quant, dit saint Thomas d'Aquin, aucun reçoit par violence aucune dominacion sans la voulenté des subjects, et par consentement de contrainte et on ne peut avoir retour ou recours à souverain par lequel puis estre fait jugement de tel agresseur. Adonc, cellui qui occit tel tirant pour la délivrance du pays, est à loer, et prend et reçoit grand guerredon. A ce je respons que ce ne fait riens à propos. Car monseigneur d'Orléans n'envalist onques aucune dominacion par violence. . . . Je dy conséquemement que saint Thômas parle de celui qui peut estre trouvé tirant, et monseigneur d'Orléans ne l'estoit point, comme il est assez déclaré.

(Text, p. 47)

Ceste auctorité ne fait riens au propos, pour ce ne semble il point que ledit apostre vueille dire, ne que son entencion soit, que ung duc ait la dominacion ou seigneurie sur tout un royaume, mais tant seulement sur son pays. Autrement il s'ensuivroit qu'en Bretaigne, en Berry et âs autres duches du royaume on ne deust obéir fors au duc de Bourgongne. Ainsi donques appert comment ledit proposant abuse de la Sainct Escripture, en tant qu'il s'efforce par manière d'argument icelle amener à son propos.

(Text, p. 47)

Et pour ce que je ne suis point légiste, il me suffit de dire la sentence des lois sans les alléguer, car en toute ma vie je ne fus estudiant que deux ans en droit canon et civil, et y a plus de vingt ans passez, pour quoy je n'en puis guères sçavoir, et ce que lors je en peu aprendre, je l'ay oublié par la longueur du temps. . . .

(Text, p. 48)

La septiesme raison, avec deux autres ensuivans, est fondée es lois civiles, qui disent estre trois manières de hommes lesquelz occire est chose licite, c'estassavoir, ceux qui délaissent chevalerie, les agaitans des chemins, et les larrons de nuit trouvez es maisons. A ce, je dy que monseigneur d'Orléans ne fut onques de telles condicions. Je dy que les lois ne commandent
point telz gens à occire, fors tant seulement en cas de péril inévitable, et sont icelles choses loing de noz termes, comme mondit seigneur d'Orléans ne feust point agaiteur de chemins, la mercy Dieu! ne larron de nuit. Et n'est loy au monde par laquelle, partie adverse peust estre excusé.

(Text, p. 49).

Pour ce est assavoir qu'en toutes lois a deux choses, la première le principe ou la sentence textuale, l'autre si est la cause pour quoy on la fait faire, à laquelle fin les conditions d'icelle loy entendoient principalement. Et quant ilz scavoient que la sentence estoit contraire à la fin de la loy, c'estassavoir à la fin pour quoy ladite loy fut faicte, on doit expliquer ladicie loy à l'entente de la fin, et non point au fait lictéral ou sentence textual. . . . Au propos: les lois dessusdictes qui dient que nul ne doit prendre auctorité de justice fors le Roy, ne faire port d'armes sans licence du prince, je dy que ces lois furent faictes pour garder l'onneur du Roy, de sa personne et de la chose publique. . . ./Quant je voys/ ung tirant de grant puissance et auctorité, subtillement machinant de toute sa puissance à la mort du Roy continuellement par baratz et maléfices. . . . dois-je faire pour garder le sens lictéral d'icelles lois? Nennil, ains doy defendre mondit Roy, et occire le tirant. Et en ce faisant, jà soit ce que je face contre le sens lictéral desdictes lois, je ne feray point contre la fin pour quoy elles furent données et faictes, mais accompliray le commandement final d'icelles lois. . . .

(Text, p. 50)

Tercium correlarium. Tout subject qui soubz dissimulacion et faintise de jeux et esbatemens, appensément et de la malice de matiere inflammable, c'estassavoir à embraser et alumer et très mauvaise à estaindre, procurer faire vestemens pour vestir son Roy, et qui plus est lui faire vestir avec plusiers autres et y bouter le feu à escent pour le cuider ardoir et lui tolir et soubstraire sa noble seigneurie, il commet crime de lèse-majesté ou premier degré et est tirant, traistre et desloial à son Roy. . . .

(Text, p. 51)

Or viens-je à affermir et déclarer ma dicte mineur, en laquelle j'ay à montrer que feu Loys naguères duc d'Orléans, fut tant embrasé de convoitise et honneurs vaines et richesses mondaines, c'estassavoir pour obtenir pour soy et sa généracion, et de toler et substraire pardevers lui et sa généracion, la très haute et très noble seigneurie de la couronne de France au Roy nostre sire, qu'il machina et estudia par convoitise, barat et sortilèges et malengins, pour destruire la personne du Roy, de ses enfans et généracion, en tant qu'il fut espris de tirannie, convoitise et temptation de l'ennemi d'enfer, que, comme tirant à son Roy et
souverain seigneur, il cômìst crime de lèse-majesté divine
et humaine en toutes les manières et degrez déclarez en
madicte mineur /sic, leg. majeur/. . . .

(Text, p. 53)

Car il est vérité, que pour faire mourir la personne du Roy
en langueur et par manière si subtile qu'il n'en feust apparence,
il fist, par force d'argent et diligence, tant qu'il fina de
quatre personnes, dont l'une estoit moine apostat, l'autre
chevalier, l'autre escuyer, et l'autre varlet. Ausquelz il
bailla sa propre espée, sa dague et ung annel pour dédier
et pour consacrer, ou au plus promptement parler, exécrer
au nom des dyables. . . . Et ledit moine apostat, qui estoit
maistre de celle œuvre fist plusieurs invocations de dyables et
par plusieurs foiz et journées. . . . Ung dimanche très matin devant
soleil levant, sur une montaigne, près de la tour de Montjay,
ledit maistre fist plusieurs choses superstitieuses requises à
faire telles invocations de dyables emprés ung buisson, et en
faisant lesdiz invocacions se despouilla en sa chemise et se mist
à genoulx, et ficha ladite espée et la dicte dague par les pointes,
en terre, et le dicit annel mist aussi emprés. . . . Et tantoast
vindrent à lui deux dyables en forme de deux hommes, vestus ainsi
que de brun verd, dont l'un avoir nom Hérmès et l'autre Estraïm.
. . . Et oultre, pour parfaire lesdiz maléfices, icellui moine,
escury et varlet, s'en vindrent par nuit au gibet de Montfauicon
lez Paris. Là, prindrent l'un des mors nouvellement pendu, lequel
ilz despendirent et mirent sur ung cheval. . . . et puis lui
mirent ledit annel en la bouche, et ladice espée et dague lui
fichèrent ou corps parmy le fondement jusques à la pectrine, et
là demourèrent par plusieurs jours ainsi que la dyable leur avoit
dit et ordonné.

(Text, p. 54)

Considérez, Messeigneurs, comment la proposicion de partie
adverse ne contient que faulsetez et mençonges, et que les lisans
son libelle pourroient de léger chooir en erreur, dont sur ce
devroient mettre les révérens maistres de la faculte de
théologie le plus tost que faire se pourroit; car, comme ilz
scèvent bien, telles choses ne devroient point estre escritpes,
de divulgées. Mais plus merveilleuse chose est que par la
bouche d'un théologien il a esté proférè que lesdiz maléfices
ont sorti leur effect en la personne du Roy. . . . O très-doulx
Dieu! metz remède en ce. Car je vois théologiens affermer que
sorceries sortissent leur effect, certainement c'est erreur
comme la saïnte Escription die que sorcerie ne sont fors mençonges,
et ne sortissent quelque effect.

(Text, p. 55)
Si fist tant qu'il eut aliances avecques lui: l'une pour
destruire le roy Richard, et l'autre pour renforcer et rendre
puissance à parvenir à sa damnable entencion. Et furent
d'accord les dessusdiz de labourer et machiner de toute leur
puissance et par toutes les manières et voies possibles à
eux, à la mort et destruction des deux roys, pour obtenir
les deux couronnes de France et de l'Angleterre... Henry
est venu à son entente, mais Loys non, la Dieu-mercy!...
Et ainsi fut-il tirant et desloial à son prince et souverain
seigneur... . . .

(Text, p. 57)

Et de ce faire oppressa fort ladicte Royne et par plusiers
foiz, en récitant en effect les paroles telles que je les ay
couchées, tendant à fin d'avoir ladicte Royne et sesdiz enfans
pour en faire sa voulenté. Dont ilz furent en grant péril,
et eussent esté encore plus, se n'eussent esté aucuns bien-
vueillans du Roy, de ladicte Royne et de sesdiz enfans, ausquelz
ladicte Royne se conseilla, lesquelz lui dirent que c'estoit une
déception et très grand péril. Pour laquelle chose ladicte
Royne, bien avisée, mua son propos, appercevant la fausse
et damnable entencion du dit feu criminel duc d'Orléans, et
se détermina à demourer pardeça et non aler audit voiage.
Ainsi appert le deuxiesme article de madicte mineur, ouquel
je monstre que ledit criminel duc d'Orléans a commis crime de
lèse-majesté ou second degré.

(Text, p. 59)

Mais est vérité que l'un des filz de monseigneur d'Orléans
mourut ja piëça, du cours de ventre dont plusieurs mourut à
costemps. Et sur ce, soient oys les phisiciens, c'estassavoir
maistres Guillaume le Boucher et Jehan de Beaumont, qui visitèrent
icellui filz, et ilz en dirent la vérité, c'estassavoir que
point il ne mourut par intoxication.

(Text, p. 61)

Il est notoire comment la Royne et monseigneur d'Orléans
alèrent à Meleun pour eulx esbatre et comment partie adverse
vint à Paris irraisonnablement, à tout grant compaignie de
hommes d'armes, et par sa puissance fist retourner monseigneur
d'Aquitaine alant après la Royne, sa mere. Conséquemment il
se fortifia de hommes d'armes soubz intencion d'aler à Meleun
contre la Royne et monseigneur d'Orléans. Adonc fut-il nécessaire
à la Royne de mander gens de guerre pour la seureté et garde
d'elle. Et fut advisé qu'il seroit bon de prendre ledit trésor
pour paier lesdictes gens d'armes; ne monseigneur d'Orléans
n'en appliquera onques à son prouffit. Et quant le Roy eut
de ce connoissance, il fut bien content. Et ainsi il appert que lesdites pécunes furent despendues tant seulement à l'occasion du fait damnable de partie adverse, et non d'autrui.

(Text, p. 64)

Et en outre appert, madicte mineur déclarée, laquelle joint à madicte majeur, s'ensuit clèrement que mondit seigneur de Bourgogne ne veult et ne doit en riens estre blâmé, ne reprins, dudit cas advenu en la personne dudit criminel duc d'Orléans. Et que le Roy nostre sire ne doit pas tant seulement estre content, mais doit avoir mondit seigneur de Bourgogne et son fait pour agréable.

. . . Et l'entens ainsi, que le Roy nostresire lui doit, plus que devant, sa loyauté et bonne renommée faire prononcer par tout le royaume, et dehors le royaume publier par lettres patentes, par manière d'épistre ou autrement. Icellui Dieu vueille que ainsi soit fait. . . . Amen.

(Text, p. 64)

Desquelles raisons la première est la puissance et dignité royale, à ce nommé tant seulement obligés par volonté, mais aussi par obligacion d'office. . . . La seconde raison est fondée en l'amour fraternelle. . . . Le Roy doncques comme seigneur et frère, selon justice et raison, doit maintenir son droit. La tierce raison est la pitié des suppliants. Car madame d'Orléans, vesve et desconsortée, est accompagnée de ses jones enfans. . . . menans grant deuil pour la cruelle mort de son mary et seigneur. La quarte raison est l'enormité du cas, que à paines pourroit on trouver pareil. . . . La quinte raison est, que se sur ce n'est faicté exécution de justice, maux sans nombre s'en pourroient ensievir. . . . La sixiesme raison est la mauvaisté de partie adverse, laquelle par sa force et puissance quiert à seustenir son pèchiez. . . .

(Text, p. 65)

La première raison est: car partie adverse n'avoit nulle autorité sur le défunt par quoy il feist occire si grant et si noble seigneur. . . . La seconde raison est: car partie adverse nullement ne met forme de justice ou procès en l'exécution de la mort de feu mondit seigneur d’Orléans. . . . La tierce raison est fondée ès alliances qu'ilz avoient ensemble, non mie seulement pour cause de lignage. . . . pour éviter les inconveniens qui se povoient ensuivre pour la cause de leur division. . . . La quarte raison est fondée en ce que la mort de mondit seigneur d’Orléans fut si soudaine, que nul vray chrestien ne pourroit soustenir que elle ne feust damnable ou regard du malfaiteur. . . . La quinte raison est fondée en ce, que évidemment je démonstreray, que partie adverse a fait occire mondit seigneur d’Orléans, non mie pour bonne fin, ne pour le bien commun, mais pour ambicion et convoitise et désir de dominer. . . . La sixiesme raison et finale est en ce qu'il
ne souffist pas à partie adverse la mort de monseigneur d'Orléans, mais avecques ce s'est efforcé de scandaliser et détruire sa renommée en proposant libelle diffamatoire, et en soustennant les traîtres homicides.

(Text, p. 66)

O tu roy de France! prince très excellent, pleure donques ton seul frère germain que tu as perdu l'une des précieusez pierres de la couronne, duquel toy mesmes devroies faire ou procurer la justice. O toy! Royne très noble, pleure le prince qui tant te honnouroit, lequel tu vois mourir si pitieusement. . . . Et vous tous autres, hommes et femmes, povres et riches, jeunes et vieulx, car le doulceur de paix et de tranquilité vous est ostée estant. . . . O vous! hommes d'église et sages, pleurez le prince qui très grandement vous aymoit et honnouroit. Et pour l'amour de Dieu, vous clercs, et nobles hommes de tous et divers estats, considerez comment en ces choses doresnavant vous ferez.

(Text, p. 67)
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