

**Montaigne beyond the Rhine:  
The *Essais* in the Work of Christoph Besold**

**John O'Brien**

Seven times rector of the University of Tübingen, the city in which he was born, Christoph Besold (1577-1638)<sup>1</sup> belongs to an important sub-set of readers of the *Essais* in early modern Europe: the legal profession. In his large number of works of juridical, political and theological learning, he quotes from or refers to the essayist over one hundred times, always in French even though his own writings are in Latin. From the page numbers which he scrupulously includes on most occasions in his quotations and references, it is clear that he owned one of the early seventeenth-century editions of the *Essais*. The pattern of his publications suggest that the likeliest is either the 1608 or the 1611 French edition of the *Essais*.<sup>2</sup>

The purpose of this chapter will be to discuss the distinctive contribution Montaigne makes to Besold's work by examining key instances of his occurrence. As we shall see, such occurrences not only provide an insight into a crucial moment in the history of reading, but also have a larger philosophical rationale. In the process, the transit of the *Essais* will emerge not just as a passing through, nor even a transmission of intellectual positions or materials for study and writing, important though these are, but as a momentum which involves their re-framing. Besold offers a particularly significant example of this notion of transit, precisely because he has a strong sense of belonging to an intellectual tradition reaching back to Montaigne, while nonetheless re-modelling his author for his own specific context and needs.

His attempt to combine these two aspects results in tensions that are indicative of historical and intellectual change.

Besold's high regard for the French writer comes through constantly in his writings. The essayist is 'magnus Montanus' (the great Montaigne) or 'Magnus Michaël Montanus' (the great Michel de Montaigne),<sup>3</sup> 'Gallorum Socrates' (the French Socrates),<sup>4</sup> 'seculi nostri inter Philosophos Phœnix' (the philosophical phoenix of our age).<sup>5</sup> There is more than personal admiration at stake here. Two of the descriptors also adumbrate a view of him as a philosopher of a particular kind. Montaigne as a French Socrates is a special variant on Montaigne as Thales, Lipsius's sobriquet which a number of early modern writers quote.<sup>6</sup> Some understanding of what this idea means to Besold is provided by his comment in the *Specimen locorum communium philosophiæ* of 1626, where an entry entitled 'Philosophia. Eruditio' (Philosophy. Learning) runs as follows:

Cùm philosophia studium sapientiæ sit; necesse est, ut continuus labor existat: Et nec eam Socrates habebat pro arte, sed tantùm pro exercitio quodam; omnia refutans, nihil probans. Aliud est studium Theologiæ, quod Socrates certum statuebat; & de eo, à communi antiquâ persuasionem, ratiocinabatur. vide omninò Lactantium, *lib.3.cap.2.* quod & ubivis intendere videtur Michaël Montanus: *in Gallicis exercitationib. suis.*<sup>7</sup>

(Since philosophy is the love of wisdom, it necessarily involves a continuous activity. And nor did Socrates hold it to be an art, but only a sort of exercise; refuting everything, proving nothing. Quite different is the study of Theology, which Socrates considered certain; and he used to argue about it from long-established common

opinion. See in general Lactantius book 3, chapter 2. Michel de Montaigne also seems to aim for this everywhere in his *Essais*.)

Recalling Cicero's definition of philosophy as the love of wisdom, but departing from him by disassociating human things from divine things,<sup>8</sup> Besold no less rejects Lactantius's condemnation of philosophy as idle conjecture by turning philosophy into a Socratic enquiry which is an exercise or an activity, not an art or a craft. Montaigne would agree. In what seems a precursor of Besold's 'omnia refutans, nihil probans', chapter 2.12 of the *Essais* similarly pictures Socrates as 'tousjours demandant et esmouvant la dispute, jamais l'arrestant, jamais satisfaisant' (V 509) (always asking questions and stirring up discussion, never concluding, never satisfying, F 377), while in 'De la moderation', Montaigne remarks that in respect of human behaviour, philosophy and theology 'se meslent de tout' (V 198) (enter in everywhere, F 147), in the same way that Besold juxtaposes in this passage a theologian and a philosopher. A twofold picture thus emerges of Montaigne's project in Besold's thinking. It is conceived of as a Socratic practice of flexible scope, an 'exercitium' or 'exercitatio' echoed in the very Latin title he gives the *Essais: exercitationes*. Yet, secondly, Montaigne's discussion of theological topics is no less Socratic, in that it respects theology as certain and deploys 'communis antiqua persuasio'; his well-known theological conservatism now becomes an intelligible feature of his overall Socratic outlook. At the same time, however, Besold's use of the modal 'videtur' (seems) – 'intendere videtur' (seems to aim at this) – introduces a note of grammatical caution into the description; putting into practice the earlier 'nihil probans' (proving nothing), it refuses to resolve, preferring refutation to assertion as part of the exercise, *exercitium*, of which it is itself a linguistic illustration.

As a counterpart to this extract, the preface to *Principium et finis politicæ doctrinæ*, published in 1625, a year before the *Specimen*, is less reserved in its approach. Here Besold speaks in his own name and of his own task:

Adhuc dum versor in novorum Academicorum Schola: Quæro omnia, dubitans  
plerunque & mihi diffidens. Sæpè non tàm id sensi, quod dictum à me est: quàm  
exercere ingenium volui, materiæ difficultate. vide

Montaig.lib.2.cap.12.fol.m.467.&c.&.fol.480. Pherecides morti appropinquans,  
Thaleti sua scripta commendavit: de iis ita sensit, nullam ea certitudinem continere,  
quâ sibimetipsi satisfacere possint. Idem ego censeo de meis. Acquiesco solùm in  
perpetuo Ecclesiæ vetustioris consensu: sed eum adhuc indago.<sup>9</sup>

(While I am still at the school of the New Academics: I search into everything,  
doubting most things and mistrusting myself. Often, it is not so much that I have  
believed what I have said as that I wanted to exercise my wits on the difficulty of the  
material. See Montaigne book 2, chapter 12, page 467 in my copy etc and page 480.  
Pherecides drawing close to death entrusted his writings to Thales: his opinion of  
them was they contained no certainty with which he might be satisfied. I think the  
same about my writings. I assent only to the unbroken agreement of the older Church:  
but I still inquire into it.)

With its dense textual echoes and patterning, this passage is altogether a much more complex  
exercise than its neighbour, not least because it also constitutes one of the rare episodes in  
self-reflection in Besold's entire corpus. The references to Montaigne provide a way into his

thinking. Both are to the ‘Apologie de Raymond Sebond’, but Besold reverses the order in which they appear in chapter 2.12, opening his statement with the later passage:

Cicero mesme, qui deuoit au sçavoir tout son vaillant, Valerius dit que sur sa vieillesse il commença à desestimer les lettres. Et pendant qu’il les traictoit, c’estoit sans obligation d’aucun party: suiuant ce qui luy sembloit probable, tantost en l’vne secte, tantost en l’autre: se tenant tousiours sous la dubitation de l’Academie. *Dicendum est, sed ita vt nihil affirmem: quaeram omnia, dubitans plerumque & mihi diffidens.* (1608/1611, 468; V, 501)

(As for Cicero himself, who owed all his worth to learning, Valerius says that in his old age he began to lose his esteem for letters. And while he practised them, it was without obligation to any party, following what seemed probable to him now in one sect, now in another, keeping himself always in Academic doubt. *I must speak, but in such a way as to affirm nothing; I shall search into all things, doubting most things and mistrusting myself.* F, 370-71)

The Latin quotation is from Cicero’s *De divinatione* II.8, where Cicero is replying to his brother Quintus, but Besold detaches it from its original context, which is suppressed or at best summarily represented by the phrase ‘Adhuc dum versor in novorum Academicorum Schola’ (while I am still at the School of the New Academics). He then re-attaches it to a quite different quotation from a different author embedded in another, later part of the ‘Apologie’, where Montaigne complains that with philosophical sects such as the ‘nouvelle Academique’, ‘n’ayans rien trouué de si caché dequoy ils n’ayent voulu parler, il leur est souuent force de forger des conjectures foibles & folles, non qu’ils les prinssent eux mesmes

pour fondement, ne pour establir quelque verité, mais pour l'exercice de leur estude: *Non tam id sensisse, quod dicerent, quàm exercere ingenia materiae difficultate videntur voluisse*' (1608/1611, 480; V 512) (having found nothing so occult that they did not want to talk about it, they often had to forge weak and foolish conjectures; not that they took themselves for a foundation, or to establish any truth, but for the exercise of their study. *They seemed not so much to believe what they said as to want to exercise their wits on the difficulty of the matter*, F 380). Quintilian II.17.4 is the source of the Latin quotation here.

The next phase of the Besold extract, involving an anecdote about Pherecydes, paraphrases a slightly longer passage in Montaigne, as follows:

Pherecydes, l'un des sept sages, escrivant à Thales, comme il expiroit, I'ay, dit il, ordonné aux miens, apres qu'ils m'auront enterré de t'apporter mes escrits. S'ils contentent & toy & les autres Sages, publie les: sinon, supprime les. Ils ne contiennent nulle certitude qui me satisface à moy-mesme. Aussi ne fay-ie pas profession de sçavoir la verité, ny d'y atteindre (1608/1611, 467-68; V, 501).

(Pherecydes, one of the Seven Sages, writing to Thales as he was dying, said: 'I have ordered my friends, after they have buried me, to bring you my writings. If they satisfy you and the other sages, publish them; if not, suppress them they contain no certainty that satisfies myself. Nor do I profess to know the truth and to attain it'. F, 370)

When this passage re-appears in Besold, the German jurist adds a closing comment about inquiring into the unbroken consensus of the Church. This takes Montaigne's text in an

unforeseen direction; but it will herald a specific re-contextualisation of the essayist – in the theological sphere – whose importance will be considered later.

This whole passage in the *Principium et finis* is of typical Besoldian complexity and displays a set of clearly defined technical features. In the first place, it composes a mosaic or marquetry which brings together passages not previously immediately connected in Montaigne in such a way as to forge them into a new coherent whole with a revised purpose. This technique was common to legal writing in the early seventeenth century and in respect of Montaigne, the dominant model was Charron. When, for example, the Toulouse *parlementaire* La Roche Flavin composed his own marquetry of Montaigne passages in his *Treze Livres des Parlemens de France* of 1617, a number had already appeared in Charron and he is not infrequently quotes Charron rather than directly citing Montaigne.<sup>10</sup> In following that model, Besold implicitly thinks of his purpose as that of the philosopher-jurist, according to a tradition of which Montaigne was considered to be a significant modern predecessor. Secondly, starting with the initial ‘versor’, the first-person pronoun now coordinates all the diverse quotations, whose syntax is re-worked as necessary to foreground the singular voice of the lawyer-philosopher. It is no longer Cicero or Quintilian or Montaigne who predominates, even though they are plainly visible, but Besold, and the composite passages of which this extract is composed are marshalled into activity by the constantly repeated ‘ego’ of the writer (‘versor’, ‘quæro’, ‘sensi’, ‘censeo’, ‘acquiesco’, ‘indago’). Thirdly, the highly allusive quality of this extract develops the same technique that Montaigne himself employs. While Besold sends his readers back to the original contexts by specifying pages in a particular edition, his intricate surface manipulations of these underlying texts clearly rely on the reader’s intimate knowledge and understanding of the

*Essais*. In a sense, Besold seeks to out-Montaigne Montaigne; but he is not the only one of the essayist's readers to do so.

The technical versatility of this passage points, in turn, to its intellectual purpose. It represents a conceptualisation of Besold's role as a writer and thinker, but also equips him for his task as a particular type of investigator. Of prime importance here is the role played by the New Academy. In declaring himself a student at their School, Besold seems to make no clear distinction between Academic and Pyrrhonian scepticism; but, as Schmitt has shown, this was by no means uncommon in early modern writing.<sup>11</sup> The pairing of Cicero and Pherecydes, under the umbrella of New Academy, may seem equally disconcerting, as only Cicero could be considered, strictly speaking, the classical representative of this sect.<sup>12</sup> However, the inclusion of Pherecydes widens its ambit to embrace one of the Seven Sages who regards his own writings as not attaining certainty and truth. The context of the quotation from *De Divinatione* also shows Cicero himself practising Academic doubt by switching to and fro between tenets held by different philosophical schools. The passage from Besold's *Specimen*, quoted at the beginning of this chapter, can also be brought in at this point. Socrates, pictured there as proving nothing and refuting everything, was reclaimed by Arcesilaus, the founder of the New Academy, as a Sceptic with the mission to refute: 'the outcome of philosophical enquiry is the elimination of poorly founded beliefs. This is accomplished by arguing against anything anyone is willing to defend'.<sup>13</sup> Cicero likewise traces that New Academy practice of refutation back to Socrates and has Varro say of him in the *Academica*, 'ita disputat ut nihil affirmet ipse refellat alios' (*Acad.* I.16) ('he argues in such a way that he himself affirms nothing but refutes others').<sup>14</sup> Echoing that description from the *Academica*, a work familiar to his readers, Besold attaches himself to that same tradition, in which, for him, Montaigne is the key figure adumbrating in his work a history of



Sceptical philosophy, a method of inquiry and a manner of writing: all three are compacted together in these two passages. In Besold's reworking of the classical philosophical traditions, it is Montaigne who, as the French Socrates, is the modern embodiment of all these characteristics.

Nothing like a full philosophical programme is set out in Besold; these quoted passages are the closest to a broader conceptualisation of his outlook that he provides. Like other lawyers who read the French essayist, such as Bernard Automne and Claude Expilly in France,<sup>15</sup> he prefers to engage pragmatically with his author, using him as a source of quotations and allusions in order to substantiate or refute particular points of view. Nonetheless, in the light of the two passages we have studied already, a number of other statements in Besold's *œuvre* now become intelligible. In the *Politica* of 1620, for example, he sketches a one-sentence alignment of classical philosophers in whom he clearly discerns an affinity: 'Undè Socrates nihil se scire professus est, Phyrro [*sic*] de omnibus dubitavit: Democritus in puteo veritatem submersam esse dixit' (Whence Socrates declared that he knew nothing and Pyrrho doubted about all matters; and Democritus said that truth was at the bottom of a well).<sup>16</sup> What connects these thinkers is the rather loose association of ignorance, doubt and a truth that is out of reach, in the same way that the earlier anecdote about Pherecydes highlights the question of uncertainty. Montaigne is credited with that same Socratic ignorance in *De Verae Philosophiae fundamento* of 1630. In that work, Besold complains about those who deny knowledge either as necessary or even possible and who impose limits on knowing. 'Exemplum si petis,' he continues, 'profero Magni Michaëlis Montani: qui ipse fatetur, in omnibus se versatum, in nullo aliquid scire. Sed malim viri tanti inscitiâ fruisi, quàm imaginariam eruditionem sciorum possidere [...]' (If you want an example, I mention the great Michel de Montaigne, who himself admits that he was schooled

in every discipline, but knows nothing about any. But I would prefer to enjoy the ignorance of such a great man than to possess the imaginary learning of those with only a smattering of knowledge).<sup>17</sup> A printed note in the margin of *De Verae Philosophiae fundamento* at that point refers the reader to ‘De l’institution des enfans’, at the beginning of which Montaigne does indeed admit that the cursory knowledge he gained as a child left him with ‘un peu de chaque chose et rien du tout’ (V 145) (a little of everything and nothing thoroughly, F 107). Yet notice how the passage displays a shift in Besold’s attitude. At the outset, Montaigne is cited as an instance of the trend of which Besold disapproves, with a specific allusion to the *Essais* to support his claim; but then, as the tell-tale epithet ‘magni’ (great) hints, the perspective switches and the extract ends with praise of Montaigne’s ignorance. A few pages earlier in the same work comes a quotation from ‘De l’experience’, with the comment: ‘*De l’experience que j’ay de moy, je trouve assez, dequoy me faire sage, si j’estois bon escolier, inquit Gallorum Socrates, Michaël Montanus*’ (‘Of the experience I have of myself, I find enough with which to make myself wise, if I were a good student,’ says the French Socrates, Michel de Montaigne).<sup>18</sup> ‘Sagesse’, ‘sapientia’, ‘wisdom’ is the philosopher’s traditional goal and by joining together Socrates and Montaigne with education and experience, Besold’s praise of ignorance which follows is drawn into the same ambit, transforming Montaigne’s personal admission into a philosophical avowal.

How does this philosophical sense of Montaigne as a Socratic enquirer affect Besold’s use of him in the course of his writings as a whole? Two principal areas will be examined: theology and politics.<sup>19</sup> In the case of the first of these, the need to reconcile a philosophical mission with a confessional identity was paramount. In the passage from *Principium et finis* quoted earlier, we saw that Besold closes with the statement that he assents to the unbroken consensus of the older Church, but nonetheless inquires into it: that closing rider gains in

significance in the light of Besold's understanding of Montaigne's philosophical project, for the theological implications, or the potential theological implications, of the *Essais* are sometimes uppermost in Besold's mind. The *Specimen*, for example, is remarkable for including two of Montaigne's most famous pronouncements: 'Certes, c'est un subject merueilleusement vain, divers, et ondoyant, que l'homme. Il est malaisé d'y fonder jugement constant et uniforme' (V 9) (Truly man is a marvellously vain, diverse and undulating subject. It is hard to found any constant and uniform judgement on him, F 5) and 'Chacun regarde devant soy; moy je regarde dedans moy' (V 657) (Everyone looks in front of him; as for me, I look inside of me, F 499). Neither has theological implications in its original context, but Besold re-positions them within a framework of *imitatio Christi* combined with the Lutheran principle of justification, classifying the first under the heading 'Judicare proximum, et cuncta, ut debemus' (To judge our neighbour and all things as we should) and the second under 'Interna conversatio' (Inward conversation).<sup>20</sup> In *De Consilio politico*, he uses the French writer as a weapon against the dangers of atheism, adducing him on two occasions in a short sequence of axioms on this topic. Guicciardini is the target in one: 'Species Atheismi est, omnia facta, omnesque eventus, rationi alicui politicæ assignare: eoque nomine peccare Guicciardinum, prudentissimum aliàs, civilisque disciplinæ callentissimum scriptorem; notat Montanus. *lib.2.des essais.cap.10.*'<sup>21</sup> (It is a kind of atheism to attribute all deeds and all events to some political reason; and on that account Montaigne notes in book 2 of the *Essais*, chapter 10, that Guicciardini goes astray, although in other respects a very learned writer and a great expert in political thought). Montaigne's criticism of Guicciardini comes after he has recognized that the Italian conceals nothing out of hatred, favour or vanity. He then expresses reservations: 'J'ay aussi remarqué cecy, que de tant d'ames et effects qu'il juge, de tant de mouvemens et conseils, il n'en rapporte jamais un seul à la vertu, religion et conscience, comme si ces parties là estoyent du tout esteintes au monde'

(1608/11, 386; V 419) (I have also noted this, that of so many souls and actions that he judges, so many motives and plans, he never refers a single one to virtue, religion, and conscience, as if these qualities were wholly extinct in the world, F 305). Montaigne does not specifically ascribe Guicciardini's characteristics to atheism and the trio he lists includes virtue and conscience along with religion; he also adds – which Besold omits – that Guicciardini's penchant in this regard may indicate that he judged everyone according to his own tastes and preferences. Elsewhere, Besold draws on 'C'est folie de rapporter le vray et le faux à nostre suffisance' for evidence that to believe in nothing other than what conforms to reason is the way closest to atheism (*proxima est ad Atheismum via*).<sup>22</sup> On this occasion, Besold does not specify a page number, but he may have in mind Montaigne's attack on those who disbelieve miracles in comments such as the following: 'C'est une hardiesse dangereuse et de consequence, outre l'absurde temerité qu'elle traine quant et soy, de mespriser ce que nous ne concevons pas' (V 181) (It is a dangerous and fateful presumption, besides the absurd temerity that it implies, to disdain what we do not comprehend, F 134). There is no mention of atheism in this Montaignian context, except perhaps by implication; the point is the obedience we owe the laws of ecclesiastical polity. In both instances, Besold reads the essayist according to concerns about ecclesiastical orthodoxy and confessional identity.

Such theological concerns could affect Besold's view of Montaigne himself. In the theological perspective, he reflects in a different way on the French writer's Sceptical outlook:

Atheorum etiam proprium est, statuere omnia esse incerta: ut Pyrrhonicus faciunt; cuncta defendere, omnia evertere [...]. Tales etiam sunt auctores, qui quæque

certissima convellere, & in dubium vocare nituntur, quemadmodum Sanchez. *in tr. Quod nil scitur*. Certè quod invitus dico, multa habet ad Atheismum declinantia Michael Montanus, *in libro des essais*. Gallorum Socrates, & quem summis laudibus evehit Lipsius, *in Epistol. ad eum scriptis*. Hic certè perpetuò dubitat, jus naturæ rationale negat, gentes solo naturæ ductu viventes, quales fuère olim Amiricani [*sic*], aliis præfert: sensibus certitudinem adimit, brutis rationem adscribit; sed tandem tentatio Atheismi est felicitas impiorum, *Psalm.73.vers.10.&c.* [...].<sup>23</sup>

(It is also the characteristic of atheists to decree that all things are uncertain, as the Pyrrhonians do; to defend everything and to overturn all things. [...] Such are the writers who strive to tear up certainty and call it into doubt, like Sanchez in the treatise *That Nothing is Known*. Certainly, though I say so unwillingly, Michel de Montaigne, the French Socrates, so very highly extolled by Lipsius in his letters to him, has much in his *Essais* that tends towards atheism. He certainly constantly doubts, he denies the rational law of nature and prefers peoples living under the guidance of nature, such as the Americans once did, to others; he deprives the senses of certainty and attributes reason to animals; but in the end the temptation of atheism is the happiness of the impious, Psalm 73 v. 10 etc.)

The key term here is doubt. *Aporetike* is one of the terms, along with *skeptike* and *ephektike*, that is used in Sextus Empiricus to describe the philosophical activity of Ancient Sceptics. In Henri Estienne's Latin 1562 translation of Sextus (which is in fact a reprint of Traversari's of 1433), this term and its associated verb, *aporein*, are translated as 'dubitatoria' (doubtful) and 'dubitare' (to doubt): Scepticism is 'doubtful' in the sense that it enquires into everything without final resolution.<sup>24</sup> Yet the origin of this Latin translation stretches further back. It is

Cicero who, in the *Academica*, introduces the term ‘dubitatio’ (doubt) (e.g. *Acad.* I.17, ‘Socraticam dubitationem’ [Socratic doubt]) and the verb ‘dubito’ (to doubt) (e.g. *Acad.* II. 8, 106 and II.11) into his discussion of Scepticism. Perhaps under his influence, the idea caught on and doubt is certainly the hallmark of Pyrrhonian Scepticism for Montaigne. One of the most famous passages in the ‘Apologie’ characterizes Pyrrhonism in just that way (V 503), but Montaigne makes it clear in context that doubt is related to Sceptical contradiction-as-refutation and to the preference for non-assertion. Modern critics such as Tournon have also emphasized that doubt for Montaigne has to be understood strictly in the context of Pyrrhonian *zetesis* and not outside of that framework.<sup>25</sup> In historical terms, however, even before the time Besold comes to publish in the early seventeenth century, Academic and Pyrrhonian doubt has become associated with an active destruction of certainty in the religious sense and writers such as Sanchez and, earlier, Castellio are taken as evidence of that tendency.<sup>26</sup> Indeed, in writing elsewhere about education and literature, Besold also connects Sanchez’s name with atheism, insofar as, Besold argues, he seeks to destroy knowledge and to claim that nothing can be known, although he also notes that Montaigne defends Pyrrhonism.<sup>27</sup> In the present context, Montaigne’s name is added to that of Sanchez regretfully, almost as an after-thought, and Besold rounds off his reflections with a closing gloss from Scripture.

The list of dubious opinions Besold discerned here in the essayist was nonetheless to be broadly echoed in some other writers of any religious persuasion, in the context of the essayist’s alleged libertinism.<sup>28</sup> By way of comparison with Besold, it is worth instancing occasions when the ‘Apologie’ features in that respect. For example, in 1651, the Lutheran legal scholar, Kaspar Klock (1583-1655), could be found maintaining as follows:

Providentiam Divinam si quis removeat, & Naturæ omnia tribuere velit, istum Atheum esse omninò; quo & illa Lucretii intendunt:

– *Corpoream naturam animi esse necesse est,*

*Corpor[e]is quoniam telis, ictúque laborat.*

Idemque suggerit Iul. Cæsar Vanninus [...] ut & Michael Montanus *libr. 2. des Essais. cap. 12. fol. 519.* quorum hic atheismi subtilioris suspectus [...]

(If anyone removes divine providence and wishes to attribute everything to Nature, he is an utter atheist. These lines of Lucretius move in that direction: ‘The nature of the mind is necessarily corporeal, since it labours under physical cuts and blows’. Giulio Cesare Vanini suggests the same [...], as does also Michel de Montaigne in book 2 of the *Essais*, chapter 12, p. 519. The second of these is suspected of a subtler atheism [...]).<sup>29</sup>

These lines of Lucretius are quoted in the ‘Apologie’ by Montaigne (V 550) as a way of highlighting the troubled, uncertain nature of the human mind (‘animus’), but the page reference given by Klock – to an edition identical to or with the same pagination as 1608 – carries a printed marginal summary which refers not to the mind, but to the soul (‘âme’, ‘anima’ in Latin rather than ‘animus’). Klock may thus have thought that Montaigne was citing Lucretius in support of a material view of the soul, a clearly heterodox opinion. Interestingly, he also claims shortly before this passage that he is merely quoting Besold’s *De majestate*, but in fact in that work Besold attributes to Vanini the heterodox views summarised by Klock without once mentioning Montaigne.<sup>30</sup> Klock thus provides a composite account, partly drawn from Besold and partly from his own reading. Evoking Vanini alongside Montaigne steers the essayist into dangerous waters, but it is not without

precedent at that point in the seventeenth century: in a letter of 1647, Balzac makes the same connection, more expressly than Garasse, for example, who had associated Vanini with Charron, but not Montaigne.<sup>31</sup> On the Catholic side of the confessional divide, the Franciscan Jean Boucher (?-1631) was no less forthright. In *Les Triomphes de la religion chrestienne* of 1628, he referred to one of the same pages of the ‘Apologie’ as Besold in *Principium et finis* and in the same or a similar edition, but with the opposite opinion. Objecting to Montaigne’s description of God as ‘recevant et prenant en bonne part l’honneur et la reverence que les humains luy rendoient sous quelque visage, sous quelque nom et en quelque maniere que ce fut’ (1608/1611 480; V 513) (accepting and taking in good part the honour and reverence that human beings rendered him, under whatever aspect, under whatever name, in whatever manner, F 380), he counters that this statement encourages heretics, schismatics and pagans to persist in the error of their ways.<sup>32</sup> He then attempts to turn Montaigne’s reasoning against him when he quotes the later argument from the ‘Apologie’ that it is a strange fancy to pay for divine goodness with our afflictions (1608/1611 489; V 522; F 388).<sup>33</sup> Contextually, it is clear that these are two quite separate points, but for Boucher they are proof of the way in which Montaigne ‘a mal mené la Religion’ (has mistreated religion).<sup>34</sup> Klock and Boucher were not the only early modern readers who found the ‘Apologie’ of theological interest,<sup>35</sup> but by comparison Besold’s criticisms, while clearly reflecting his disquiet, seem mild and are restricted to one part of one work.

If theology holds an important place in Besold’s dealings with Montaigne, a much larger group of quotations from and references to the *Essais* relates to the political sphere. While the overarching context in Besold is that of the debate between absolutism and constitutionalism, politics also covers a broad spectrum whose sub-areas include military science and civic life as well as statecraft.<sup>36</sup> It may well be that Besold, without expressly



stating it, saw a parallel between Montaigne's experience of the Wars of Religion and his own during the Thirty Years War and certainly many of his references to Montaigne here occur in the framework of war and warfare. For example, he derives from the *Essais* a sharp sense of the fickleness of Fortune. At one level, fortified by his reading of 'La Fortune se rencontre souvent au train de la raison', he resists submission to Fortune as incompatible with the Christian's obedience to God.<sup>37</sup> His more general view, however, acknowledges the ubiquity of the very force he opposes. Thus in the *Dissertatio de arte iureque belli* of 1624, two quotations from 'Des destries', both along the same lines, emphasise the uncertainty of technology. The pistol, for instance: 'Il est bien plus apparent de s'asseurer d'une espée que nous tenons au poing, que du boulet qui eschappe de nostre pistole, en laquelle il y a plusieurs pieces, [la poudre, la pierre, le rouet,] desquelles la moindre qui viendra à faillir, vous fera faillir vostre fortune' (V 290) (It is much more sensible to rely on a sword that we hold in our hand than on the bullet that escapes out of our pistol, in which there are many parts [– the powder, the flint, the lock –] the least of which, by failing, will make your fortune fail, F 211).<sup>38</sup> Even the horse can seem a unnecessary complication: 'vous engagez [quoy que die Chrysantez en Xenophon] vostre valeur et vostre fortune à celle de vostre cheval: ses playes & sa mort, tirent la vostre en consequence; son effroy ou sa fougue vous rendent ou temeraire ou lâche' (V 289) ([No matter what Chrysantes says in Xenophon] you stake your valor and your fortune on that of your horse; his wounds and his death bring on yours as a consequence; his fright or his impetuosity makes you either rash or cowardly).<sup>39</sup> And from this 'elegant formulation', Besold draws his conclusion: 'Ac certa & segura multò magis est stataria peditum pugna' (Fighting on foot is much more certain and secure).<sup>40</sup> 'More certain and secure' might seem just a sensible reaction, but Besold's point here is also Montaigne's: the horse, like the pistol, is to be seen as the embodiment of fortune, not a taken-for-granted

necessity of modern warfare. It is that basic uncertainty and fickleness which colours the German writer's approach, as it does his French source.

Unsurprisingly in this context, chapter 1.47, 'De l'incertitude de nostre jugement', attracts Besold's attention and it informs his attitude towards a specific question of military tactics:

Sed pro eo an hostis sit domi expectandus, Rationes sunt ex utraque parte, quas adducit Michaël Montanus, *lib. 1. des essais, cap. 47.fol.m.261.&c.* qui tandem concludit: nil hîc certi statui posse, cùm in bello præsertim, etiam optimè deliberata, sortiantur tristem eventum. *Nous avons bien accoustume [sic] de dire, avec raison, que les evenemens & yssues dependent notamment en la guerre pour la plus part de la fortune: la quelle ne se veut pas renger & assujettir à nostre discours & prudence.*  
[= V 286]

(But on the issue of whether the enemy is to be awaited on home ground, there are arguments on both sides, as set out by Michel de Montaigne in book 1 of the *Essais*, chapter 47, p. 261 etc in my copy, and his eventual conclusion is that there is no possible certain resolution on this question since, in war especially, even the most carefully laid plans may turn out badly. 'Thus we are quite wont to say, with reason, that events and outcomes depend for the most part, especially in war, on Fortune, who will not fall into line and subject herself to our reason and foresight', F 209).

The crucial features that Besold identifies in his reading of 'De l'incertitude...' are its deployment of arguments *in utramque partem* (on both sides of the question: 'ex utraque

parte' is Besold's expression) and the ultimate impossibility of any secure solution to the problems the chapter raises. Both features tally not only with the concept of fortune, but with those of equipollence and uncertainty that characterize Montaigne's thinking in Sceptical mode as well as Besold's. The terminology the German jurist uses in this passage does not need to be specified as Sceptical, for its very choice combined with the presence of Montaigne disposes his reader in that direction. In other places, Besold can make greater assumptions still. When discussing how to deal with particularly baffling situations, he simply advises: 'Attamen in rebus planè dubiis, licet ἐπεχεῖν' (Nevertheless, in matters that are completely doubtful, one may suspend one's judgement).<sup>41</sup> The Sceptical lexicon of this whole sentence and the choice of ἐπεχεῖν (to suspend one's judgement), one of the key Pyrrhonist notions, confirm the intertextual reminiscence. Nothing in the original context prepares for the sudden introduction of such terminology, which is assumed to be part of the intellectual *koine* of the educated reader. At the level of conceptual approach as well as compositional technique, the influence of the *Essais* can be felt, even when, as in the last example, there is no express reference to Montaigne's work.

With its Montaignian colouring, Besold's thinking about uncertainty likewise affects his view of statecraft, especially the issues of counsel, forethought and planning ahead. These too are thought to be susceptible to Fortune. In *De Consilio politico*, this point is phrased as a general one, through a series of aphorisms spread over successive pages: it is impossible to set down a rule to which Fortune does not present an exception; human forethought is futile, as Fortune maintains her grip over events; anyone wishing to make provision for his plans must allow room for Fortune. In each case, the aphorism is accompanied by precise quotations from Montaigne illustrating the same principles.<sup>42</sup> It is against this background that we should situate Besold's preference for continuity over change

in matters of government. One of many statements of his views on this matter is likewise to be found in *De Consilio politico*, quoting from ‘De la praesumption’: ‘Et magis conservando, quàm immutando statui studere debemus. [...] *Et pourtant, selon mon humeur, és affaires publiques, il n’est aucun si mauvais train, pourveu, qu’il aye de l’aage, & de la constance, qui ne vaille mieux, que le changement, & le remuement, &c.* Quæ est sententia magni Montani.2.des essais.c.17.f.m.629.’ (And we must strive more to preserve than to change the state. [...] ‘And, therefore, to my mind, in public affairs there is no course so bad, provided that it is old and stable, that is not better than change and commotion’ etc (F 497). Which is the opinion of the great Montaigne, book 2 of the *Essais*, chapter 17, p. 629 in my copy [= V 655]).<sup>43</sup> In general political terms, Besold advocates a mixed sovereignty, especially in his *De Statu reipublicae mixto* of 1614 and 1625,<sup>44</sup> yet he acknowledges, for example, that to live under a monarchy is considered the highest form of freedom in France (‘in Galliis, summam esse Libertatem, vivere sub Rege, Michel de Montaigne, *lib.I.des Essais, cap.42.f.mihi.244*’).<sup>45</sup> The specific page reference he makes here, to the chapter ‘De l’inegalité qui est entre nous’, misreads Montaigne’s point, however. The essayist is arguing that the French gentleman living far from court, in Brittany for instance, can live in freedom because he hears of the king hardly twice in his life; if he leads a retired existence of this kind, ‘il est aussi libre que le Duc de Venise’ (V 266) ([he] is as free as the Doge of Venice, F 195). What is a qualified statement in Montaigne becomes an absolute statement in Besold. This is not the only such occasion. In the same work, *De Reipublicæ...comparatione*, Besold recognizes that Montaigne prefers Epaminondas to other princes and leaders and then exclaims: ‘Quot quæso, viros virtute præstantes, similes alios, laudare possunt Democratia?’ (How many men preeminent in virtue and others similar can democracies praise, prithee?).<sup>46</sup> Democracy for Besold is an unmixed, absolute constitution, little more than the rule of the mob, devoid of virtue, and he now recruits Montaigne to the cause of a specific political idea,

turning the essayist's own political conservatism into a deeper hostility to particular forms of government. By extension, some of Besold's models for civic life and princely government are to be found overseas. He uses Montaigne's Brazilians to exemplify how some think the rule of the many is preferable to the rule of one, even though the latter is, in his opinion, clearly the better option,<sup>47</sup> how the Golden Age was to be found among the 'Americani' before the coming of the Spanish and exists among the 'Meridionales' even today<sup>48</sup> and how kings used to lead their troops into battle, a custom still observed 'apud Canibales' (among the Cannibals).<sup>49</sup> This last point exercised Besold on more than one occasion: should the king fight at the head of his troops? It was a well-known 'indeterminate' question, with arguments *pro et contra*. On this point, the German writer referred his reader to 'Contre la faineantise' where a post-1588 addition debates precisely this issue, maintaining that it is inconsistent with a prince's office and standing to delegate the fighting to another (V 676-77).<sup>50</sup> As in Montaigne himself, changing perspective – moving abroad, seeing things from elsewhere – allows Besold to comment in general terms on the practices of contemporary German society, although with a more limited degree of critique than is usual in his French model.

This brief survey of Besold's debt to Montaigne has necessarily omitted a number of spheres where the essayist's influence can be distinctly traced; marriage, medicine, embassies and parleys are among them. Taken all together, they indicate the German jurist's absorption of the *Essais* at the levels of intellectual approach and of technique and composition. The Montaigne who emerges from his work presents not so much an integrated portrait as a series of snapshots adjusted to the needs of any particular context. The *Essais* are at once fragmented and dispersed among Besold's large corpus and yet re-organised and systematised in order to feed a new set of ideas. Besold's Montaigne is both prismatic and polymorphic; he is adapted to particular perspectives and angles of vision, but also sponsors a

large variety of uses and forms. Some underlying connecting themes are nonetheless apparent, notably the Sceptical strain of thinking Besold adopts or highlights on particular occasions (but is nonetheless never a key to unlock all of his work). Yet more is at stake in Besold's use of Montaigne than personal devotion to a favourite author. Ian Hunter provides the larger backcloth against which to view the German jurist's activity here. He argues that, far from demonstrating the independence of early modern German philosophy from confessional or political identities, the competing programmes for philosophical training derived intrinsically from such identities.<sup>51</sup> Philosophy was, he claims, a set of cognitive exercises aligned with 'practices of the self whose outcome is the special and prestigious *persona* of the philosopher'.<sup>52</sup> Besold's incorporation of the *Essais* into his array of works can be viewed from the same standpoint. First and foremost, his emphasis on Montaigne as the embodiment of Socrates now takes on its full meaning: in the same way that Socrates offered Montaigne a philosophical *persona*, so now the French essayist performs the same function for Besold. Equally, in the telling passage from the preface of *Principium et finis*, he articulates his own self-perception of his role and purpose in the light of Montaigne's ideas, while quotations from the *Essais* among the philosophico-theological aphorisms of the *Specimen* or in the political doctrine of *De Consilio politico* or *De Reipublicae ... comparatione* are essential, not incidental, features in 'the cultivation of an intellectual deportment required to accede to the truth',<sup>53</sup> of which *De Verae Philosophiae fundamento*, also informed by reading Montaigne, is one summative expression. Such a framework is a distinctive expression of Montaigne's transit through German juridical thought and Besold was not alone in seeing the French essayist in this way. Later in the seventeenth century, Pufendorf made extensive reference to the *Essais* in his *De Jure naturae et gentium* of 1672; this has still to receive proper study, as indeed has the full story of the lawyers' understanding

and use of Montaigne in early modern Europe. Besold's special contribution to this story nonetheless allows us to glimpse some of the avenues that await further investigation.

Institute of Medieval and Early Modern Studies,  
University of Durham

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<sup>1</sup> On Besold, see Barbara Zeller-Lorenz and Wolfgang Zeller, 'Christoph Besold, 1577-1638. Polyhistor, gefragter Consiliator und umstrittener Konvertit', in *Lebensbilder zur Geschichte der Tübinger Juristenfakultät*, ed. Ferdinand Elsner (Tübingen: Mohr, 1977), pp. 9-18; Barbara Zeller-Lorenz, *Christoph Besold (1577-1638) und die Klosterfrage*, doctorate, Tübingen, 1986; Horst Dreitzel, *Absolutismus und ständische Verfassung in Deutschland: Ein Beitrag zur Kontinuität und Diskontinuität des politischen Theorie in der frühen Neuzeit* (Mainz: Zabern, 1992); Bernhard Pahlmann, 'Christoph Besold' in *Deutsche und Europäische Juristen aus neun Jahrhunderten. Eine biographische Einführung in die Geschichte der Rechtswissenschaft*, ed. Jan Schröder and Gerd Kleinheyer, 4<sup>th</sup> edition (Heidelberg: Müller, 1996), pp. 56-59; Christoph Strohm, 'Recht und Jurisprudenz im reformierten Protestantismus, 1550-1650', *ZSRG* 123 (2006), pp. 453-93.

<sup>2</sup> The 1611 edition of the *Essais* was set from the 1608: see R.A. Sayce and David Maskell, *A Descriptive Bibliography of Montaigne's 'Essais', 1580-1700* (London: The Bibliographical Society and MHRA, 1983), pp. 54-59 (1608) and 62-67 (1611). He must have purchased his copy of Montaigne before 1615, for he referred to his copy by page number in the first edition of *De Aerario publico* in that year. 1608 and 1611 are the only two editions before 1615 which would fit the page numbers he gives. The catalogue of Besold's library in Harvard lists two editions of the *Essais*, but gives no indication of the publication year. I am grateful to Mr William Stoneman of Harvard University Library for this information and for a photograph of the entries in question in MS Riant 5.

<sup>3</sup> Christoph Besold, *De Consilio politico axiomata aliquámmulta* (Tübingen: Wild, 1622), p. 107; *De Verae Philosophiae fundamento* (Tübingen: Brunnus, 1630), p. 24.

<sup>4</sup> Besold, *De Verae Philosophiae fundamento*, p. 19.

<sup>5</sup> Besold, *De Nuptiis iuridico-politicis discursus* (Tübingen: Cellius, 1621), p. 6.

<sup>6</sup> Dominique Baudier (Dominicus Baudius), *Epistolarum centuriæ tres* (Leiden: Van der Marse, 1636), p. 15, letter to Adriaan van Blijenburgh, undated [1588]: 'Michaël Montanus (quem Thaletem Gallicum appellat Thales noster Belgicus)'; Theodore van Tulden (Diodorus Tuldenus), *Dissertationum Socraticarum libri duo* (Louvain: Dormal, 1622), pp. 71-72: 'Michael Montanus ille ... quem Thaletem Gallicum appellare Lipsius solebat'; François Langlois Francan, *Le Tombeau des romans* (Paris: Morlot, 1626), pp. 31-32: 'le sieur de Montagne, le Thales de nostre siecle, comme le nomme Lipsius'; Matthias Bernegger, *Diatribae in C. Suetonii Tranquilli C. Jul. Caesarem...* (Strasbourg: Typis Berneggerianis, 1654), p. 22: 'Michaël Montanus (Thaletem Gallicum hunc vocat Lips. miscellan. centur. 1. epist. 43)'.

<sup>7</sup> Besold, *Specimen locorum communium philosophiæ in Axiomata philosophico-theologica* (Strasbourg: Heirs of Zetzner, 1626), p. 347.

<sup>8</sup> Cicero, *De officiis*, II.2: 'nec quidquam aliud est philosophia, si interpretari velis, quam studium sapientiae. Sapientia autem est (ut a veteribus philosophis definitum est) rerum divinarum et humanarum causarumque quibus hae res continentur scientia' (philosophy, if you wish to translate it, is nothing other than the love of wisdom. Moreover, wisdom is – according to the old philosophical definition – the knowledge of matters human and divine and of the causes by which these things are controlled).

<sup>9</sup> Besold, *Principium et finis politicae doctrinae* (Strasbourg: Heirs of Zetzner, 1625), preface, sig. A 2<sup>v</sup>.

<sup>10</sup> See John O'Brien, 'Le Magistrat comme philosophe: La Roche Flavin, lecteur de Montaigne et de Charron', *Bulletin de la Société Internationale des Amis de Montaigne*, 55/1 (2012), 221-34.

<sup>11</sup> Charles Schmitt, *Cicero Scepticus. A Study in the Influence of the 'Academica' in the Renaissance* (The Hague: Nijhoff, 1972), pp. 7 and 74.

<sup>12</sup> In addition to Schmitt's classic study and the article by J. R. Maia Neto, 'Academic Skepticism in Early Modern Philosophy', *Journal of the History of Ideas* 58 (1997), 199-220, see Carlos Lévy, *Cicero Academicus. Recherches sur les 'Académiques' et sur la philosophie cicéronienne* (Rome: École française de Rome, 1992).

<sup>13</sup> Harald Thorsrud, *Ancient Scepticism* (Berkeley and Los Angeles: University of California Press, 2009), p. 43.

- <sup>14</sup> Similarly, in *Acad.* I.46, Plato's work is described in the following terms: 'nihil affirmatur et in utramque partem multa disseruntur, de omnibus quaeritur, nihil certi dicitur' (nothing is affirmed, many arguments are advanced on either side, everything is under investigation and nothing is considered certain).
- <sup>15</sup> On both of these, see the articles by Michel Simonin, 'Bernard Automne (1564-après 1628), témoin et lecteur de Montaigne' and Alessandra Preda, "'Les siècles à venir te loueront à bon droit': Montaigne et Claude Expilly', both in 'La *Familia* de Montaigne', ed. John O'Brien, *Montaigne Studies*, 13 (2001), pp. 316-360 and pp. 187-206.
- <sup>16</sup> Besold, *Politica* (Frankfurt: Cell, 1620), p. 6.
- <sup>17</sup> Besold, *De Verae Philosophiae fundamento*, p. 24.
- <sup>18</sup> Besold, *De Verae Philosophiae fundamento*, p. 19.
- <sup>19</sup> For the theological background in Besold, see Robert von Friedeburg, 'Church and State in Lutheran Lands, 1550-1675', in *Lutheran Ecclesiastical Culture 1550-1675*, ed. Robert Kolb (Leiden: Brill, 2008), pp. 387-409, especially 395-98.
- <sup>20</sup> Besold, *Specimen*, pp. 125 and 185; for the framework, see Stefania Salvadori, 'From Spiritual Regeneration to Collective Reformation in the Writings of Christoph Besold and Johann Valentin Andreae', *Aries* 14 (2014), pp. 1-19 (p.6).
- <sup>21</sup> Besold, *De Consilio politico*, p. 135, no. 50.
- <sup>22</sup> Besold, *De Consilio politico*, p. 138, no. 55.
- <sup>23</sup> Besold, *Dissertatio iuridico-politica de majestate* (Tübingen: Cell, 1625), sectio secunda 'De ecclesiastico majestatis jure', p. 104.
- <sup>24</sup> This feature can most easily be seen in the parallel Greek and Latin folio reprint of Sextus in the early seventeenth century: *Sexti Empirici opera quae exstant* (Geneva: Chouet, 1621), p. 2 D.
- <sup>25</sup> André Tournon, 'Doute' in *Dictionnaire de Michel de Montaigne*, ed. Philippe Desan, 2<sup>nd</sup> edition (Paris: Champion, 2007), pp. 329-31; cf also Gianni Paganini, *Skepsis: Le débat des modernes sur le scepticisme* (Paris: Vrin, 2008).
- <sup>26</sup> See Schmitt, *Cicero Scepticus*, pp. 64-65 on Bèze's refutation of what Bèze perceives as Castello's New Academic use of incomprehensibility (*akatalepsia*) in the sphere of religion.
- <sup>27</sup> Besold, 'De Educatione' in *Discursi politici singulares de informatione et coactione subditorum* (Strasbourg: Heirs of Zetzner, 1626), p. 28. Besold gives precise page references, once again in the 'Apologie': 1608/1611, 473 and 522 = V 505 and 553.
- <sup>28</sup> See Mathurin Dréano, *La Pensée religieuse de Montaigne* (Paris: Beauchesne, 1937), pp. 447-70.
- <sup>29</sup> Kaspar Klock, *Tractatus de aerario* (Nuremberg: Endter, 1651), p. 521.
- <sup>30</sup> Besold, *De majestate*, p. 103.
- <sup>31</sup> Balzac: Marcella Leopizzi, *Les Sources documentaires du courant libertin français: Giulio Cesare Vanini* (Fasano: Schena Editore, 2004), p. 572. Garasse: Alan Boase, *The Fortunes of Montaigne: A History of the 'Essais' in France, 1580-1669* (London: Methuen, 1935), pp. 166, 168.
- <sup>32</sup> Jean Boucher, OFM, *Les Triomphes de la religion chrestienne* (Paris: Rouillard, 1628), p. 128. Boucher has an entry in Olivier Millet, *La Première Réception des 'Essais' de Montaigne (1580-1640)* (Paris: Champion, 1995), pp. 219-20 and in Boase, *The Fortunes of Montaigne*, pp. 176-78.
- <sup>33</sup> Boucher, *Triomphes*, p. 129.
- <sup>34</sup> Boucher, *Triomphes*, p. 129.
- <sup>35</sup> A more positive reaction to the 'Apologie' is evident in William Corker (1632-1702), Major Fellow of Trinity College Cambridge in 1660 and Prebendary of Sarum, who left his copy of the Doreau 1602 edition of the *Essais* to his College library (shelfmark: G 4 42). The first 20 pages of the 'Apologie' bear extensive enthusiastic underlinings in his hand.
- <sup>36</sup> For the background, see Robert von Friedeburg, 'Cuius regio, eius religio: The Ambivalent Meanings of State Building in Protestant Germany, 1555-1655' in *Diversity and Dissent: Negotiating Religious Difference in Central Europe, 1500-1800*, ed. Howard Louthan, Gary B. Cohen and Franz A.J. Szabo (New York and Oxford: Berghahn Books, 2011), pp. 73-91, especially pp. 83-86.
- <sup>37</sup> Besold, *Dissertatio de arte iureque belli* (Strasbourg: Heirs of Zetzner, 1624), p. 102.
- <sup>38</sup> Besold, *De Arte iureque belli*, p. 44. The bracketed words are omitted by Besold.
- <sup>39</sup> Besold, *De Arte iureque belli*, p. 38. The bracketed words are omitted by Besold.
- <sup>40</sup> *Ibid.* 'Elegant formulation' (*eleganter loquitur*) is Besold's description of Montaigne's phraseology.
- <sup>41</sup> Besold, *De Consilio politico*, p. 241, axiom 110.
- <sup>42</sup> Besold, *De Consilio politico*, pp. 226, 227 and 239, axioms 53, 54 and 102, quoting (in order) *Essais* 2.4 (V 365) and 1.24 twice (V 127 and 128).
- <sup>43</sup> Besold, *De Consilio politico*, p. 228, axiom 60.
- <sup>44</sup> See Kinch Hoekstra, 'Early Modern Absolutism and Constitutionalism', *Cardozo Law Review* 34 (2013), pp. 1079-98.



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<sup>45</sup> Besold, *De Reipublicæ formarum inter sese comparatione* (Strasbourg: Heirs of Zetzner, 1641), p. 199.

<sup>46</sup> Besold, *De Reipublicæ ... comparatione*, p. 186.

<sup>47</sup> Besold, *Principium et finis*, p. 225.

<sup>48</sup> Besold, *Principium et finis*, p. 68.

<sup>49</sup> Besold, *De Majestate*, p. 83.

<sup>50</sup> Besold, *De Arte iureque belli*, p. 182.

<sup>51</sup> Ian Hunter, 'The University Philosopher in Early Modern Germany' in *The Philosopher in Early Modern Europe: The Nature of a Contested Identity*, ed. Conal Condren, Stephen Gaukroger and Ian Hunter (Cambridge: Cambridge University Press, 2006), pp. 35-65.

<sup>52</sup> Hunter, p. 46.

<sup>53</sup> Hunter, p. 94.