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EVOLUTION OF THE POLITICAL SYSTEM IN THE KINGDOM OF SICILY (SIXTEENTH-SEVENTEENTH CENTURY)



genesis of the process of building representative institutions, irrespective of varying circumstances depending upon the specifics of historical events in individual countries, always used to be connected with the needs of a court. These needs usually concerned financial matters. The necessity to give a consent for taxation or accept a successor on the throne required some form of a contact to be established between a court and a society. A parliamentary debate became such a form. A parliament started to play its primary role, becoming a dialogue tool for both parties.

The need to endorse royal decisions resulted in the documents issued since the end of the 12th century to the second half of the fourteenth century, granting specific rights to assemblies: a privilege for the Kingdom of Leon, *Magna Charta Libertatum*, a constitution for the Kingdom of Sicily or prerogatives granted to States-General in 1355-57. The procedures of such a dialogue in various European monarchies had a similar form.

The analogy was visible in structural, procedural and functional elements. In the sphere of structure all assemblies united representatives of social classes, that is why beside the representation of lieges having its roots still in the king's advisory councils delegates from towns started to appear. Development of urban centres and their related financial standing constituted a key factor in relations with a monarch. The increasing significance of towns was reflected in inclusion of their representation into the group of parliament members. In

certain states an analogical factor had an impact on a decision to allow delegates from the peasant strata to participate in debates. By way of a political practice, the initially joint debates of the whole assembly were replaced with a discussion within the group of representatives of individual classes.

This process was evolving towards a multi-chamber system. Similarities in the procedural issue relate both to the general course of an assembly session and to the work in individual chambers. As a result of gradual development of representations a work plan was worked out, which was later on translated into an official opening ceremony, a debate in parliamentary chambers and a procedure of the assembly closing. In certain parliaments an element of plenary sessions appeared, the purpose of which was to sum up the discussions and to work out a final standpoint of both parties of a dialogue. The assembly and the royalty communicated through mutual formulas, which from the assembly side came down to presentation of petitions, sometimes taking a form of bills, while on the court side, as a rule—to financial demands.

One form of a parliamentary initiative was also to file complaints about functioning of state administration, known as *gravamins*. Regardless of a decisive role of a monarch in shaping the state legislation, one must take into account the fact that decisions or amendments to that legislation were usually consistent with the proposals put forward by assemblies. The awareness that minions must give their consent for the imposition of taxes was a key element in relations between a king and an assembly. An element of tender gave a sense to a political dialogue, because a consent for collection of cash undermined the power of a monarch by forcing him to negotiate with minions. A decision approving taxation limited the royal authority to a greater extent when it was taken after acceptance of presented petitions, while to a lesser extent—when the sequence of actions was opposite. However, irrespective of the sequence of those decisions a monarchical power cannot be deemed absolute.

The functional analogy relates to the prerogatives, which in course of evolution were granted to parliamentary assemblies. A preliminary role played by those institutions, many times referred to above, was to give a consent for taxation. Irrespective of the financial function performed, assemblies had a narrower or wider legislative initiative as well as the influence on election of a monarch or acceptance of his successor. They also many times performed functions relating to judiciary. An evident similarity of structures and procedures relating to the middle-age parliamentarianism may be an evidence of the political system identity typical of the then European states. However, the further history of

Europe clearly points at gradually increasing discrepancies due to the political situation prevailing in each of those countries. Nevertheless, we can see on one side a dualism leading to the development of a parliamentary form of government, but on the other—evolution towards absolute power.

The history of European assemblies clearly indicates that their development line split and run into two different directions. On one side development of the parliament institution was observed, as the fullest and most effective materialization of political dialogue within the mixed political system. This status quo was exemplified by political systems of three states: First Polish Republic¹, the Republic of Venice and the Kingdom of England. On the extreme to those states, which practically had a parliamentary government, there were many countries with the power system reflecting absolute tendencies, an evident example being the Kingdom of France. The limit of powers gained by the then assembly in the half of the fourteenth century did not mobilize its members to continue fighting for further rights. An adoption of the fixed tax rate put an end to the States-General development process, which had an essential impact on a decision to totally stop convening assemblies. The fact that the States-General did not proceed for 175 years is a clear evidence of resignation from keeping up appearances of functioning of a parliamentary government.

In a range of countries implementing the French model the appearances of a parliamentary life were still kept up. The representation assemblies could freely exist, but were deprived of any prerogatives. Such situation was observed

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¹ J. Ekes, *Trójpodział władzy i zgoda wszystkich*, Siedlce 2002; idem *Złota Demokracja*, Warszawa 1987, *Proces kompozycji ustroju mieszanego Rzeczypospolitej*, [in:] *Dziedzictwo pierwszej Rzeczypospolitej w doświadczeniu politycznym Polski i Europy*, J. Ekes, Nowy Sącz 2005: 53-68; J. Byliński, *Dwa sejmy z roku 1613*, Wrocław 1984, idem *Sejm z roku 1611*, Wrocław 1970; J. Maciszewski, *Kultura polityczna Polski "złotego wieku"*, [in:] *Dzieje kultury politycznej w Polsce* J. A. Gierowski, Warszawa 1977; S. Ochmann, *Sejmy z lat 1661-62, Przegrana batalia o reformę ustroju Rzeczypospolitej*, [in:] AUW, 355, Historia XXIX, Wrocław 1977; *Sejmy z lat 1615-1616*, Wrocław 1970; *Rzeczpospolita jako „monarchia mixta” —dylematy władzy i wolności*, [in:] *Kultura—Polityka—Dyplomacja* studia ofiarowane prof. Jaremic Maciszewskiemu w sześćdziesiątą rocznicę jego urodzin, Warszawa 1990; Uruszcak W., *Sejm walny koronny w latach 1506-1540*, Warszawa 1980; *Sejm walny w epoce złotego wieku (1493-1569)*, [in:] *Spółeczeństwo obywatelskie i jego reprezentacja (1493-1993)*, J. Bardach, Warszawa 1995; Sucheni-Grabowska A. *Refleksje nad sejmami czasów zygmunto-wskich*, *Przegląd Historyczny*, 75 (1984), 4, *Sejm w latach 1540-1586*, [in:] *Historia sejmu polskiego* J. Bardach 1, Warszawa 1984; J. Dziegiele-wski, *Izba poselska w systemie władzy Rzeczypospolitej w czasach Władysława IV*, Warszawa 1992; *Procesy destrukcyjne w ustroju mieszanym Rzeczypospolitej*, [in:] *Dziedzictwo* 69-87.

in the Iberian Peninsula, where the *Cortes* of individual provinces were gradually losing their rights², as well as in Sweden, Denmark or certain German states. With such a dualism the case of the Sicilian parliamentary system seems to be interesting.³ A direction of political transformations in the Kingdom of Sicily is clearly visible through an analogy with the history of the parliamentarianism of the First Polish Republic. A comparison of both parliamentary institutions: the Sicilian Parliament and the General Sejm enables to determine the level of similarity and, as a consequence, to classify the direction of development of the Sicilian parliamentarism.⁴

A typical feature of both the Sicilian Parliament and the General Sejm was a set of analogical “acts” and “gestures” of the bodies making up both the institutions. A session of both parliaments started with an opening ceremony. The next stage was a debate in individual chambers. An official winding up of the parliament took place during closing procedures. The fact that in Sicily there was no element of plenary sessions (providing for participation of three classes represented in the Sejm), which is present in the system of the Polish Republic, resulted probably from an absence of the monarchical factor. Analogical are also gestures of both bodies expressed in the speech from the throne, *donativo* documents, *grazii* sets, *gravaminis* or acts of disagreement. In both cases there

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² Izabela Katolicka many times emphasized the notion of an “absolute royal power”. (Mączak 128)

³ Boscolo A., *Parlamento siciliano e parlamento sardo, motivi per una ricerca comune*, [in:] *Mélanges Antonio Marongiu, Palermo-Agrigento, 1966*. Publication subsidiée par le Gouvernement de la Région Sicilienne, à l’occasion du XX^e anniversaire de l’Autonomie. Bruxelles-Palermo, 1967. In-8°, idem *Sul braccio reale nei parlamenti sardi del periodo aragonese*. in: *Congrès International des Sciences Historiques, Rome, 1955, Xth International Congress for Historical Sciences*, avec une préface de H. M. CAM. Publication subsidiée par l’UNESCO. Louvain, 1958. In-8° 133-140. *Acta curiarum Regni Sardiniae, I Parlamenti di Alfonso il Magnanimo*, a cura di A. Boscolo, Cagliari 1991; H. Koenigsberger, *The government of Sicily under Philip II of Spain, 1562-1581*, 1969, idem, *The parliaments of Sicily and the Spanish empire*, [in:] *Mélanges...*; *Il Parlamento di Sicilia del 1615*, a cura di F. Vergara, Bonanno 1991; *Il parlamento di Sicilia di 1612*, a cura di V., Sciuti Russi, Catania 1985, D’Agostino G., *Parlamento e società nel Regno di Napoli, secoli XV-XVII*; Caracciolo F., *Il Parlamento nel Regno di Napoli durante la dominazione spagnola*, Titone V., *Il parlamento siciliano nell’età moderna* [Mélanges...; Fonseca C., *De curia semel in anno facienda*]. *L’esperienza parlamentare in Europa e il caso Sicilia dal medioevo all’età moderna*, [in:] *De curia semel in anno facienda* L’esperienza parlamentare siciliana nel contesto europeo, C. Piazza, *Il parlamento siciliano dal secolo XII al secolo XIX*; A. Marongiu, *Il Parlamento in Italia nel medio evo e nell’età moderna*.

⁴ Both institutions were compared in Kozak (2011, 171-202).

was a system of bargaining between a monarch and a parliament: in the Sicilian assembly taking a form of petitions (*grazii*) accepted by a monarch in exchange for taxes (*donativo*). A characteristic feature of both assemblies are relatively regularly held debates throughout the period of their functioning. Hence, the elements common for both institutions are included in a range of procedures connected with their function.

Until 1412 in Sicily the assembly was attended by a monarch and three chambers: noble, clerical and middle-class. However, the lack of *ordo intermedius* was apparent. Although institutions comparable with the Polish Senate existed, none of them participated in debates as a separate parliamentary chamber. Therefore, despite similarities in the area of functions and rights, a fundamental difference is visible in structural terms. The lack of the role of an intermediary between a monarch and parliamentary chambers was tantamount to the lack of material reflection of the aristocratic factor and, as a consequence, to a disturbance of the balance on which the mixed system is based. An equally important issue affecting the interpretation of the political system of the Kingdom of Sicily is a position of a monarch. The fact of his absence makes a fundamental difference in functioning of the systems being compared. The beginning of the fifteenth century in South Italy brought about changes, namely a personal union of Italian states under the sceptre of one monarch. This fact took place after the period of one hundred years of building similar, but unique for each of the countries, representative structures and procedures connected with their functioning. The representative body of Sicily, after electing a monarch, significantly strengthened its position in spite of chaos caused by the dynastic crisis persisting for almost the whole fourteenth century. The constitutions promulgated by the Aragonian monarchs: Frederic III or Martin Elder are its evidence.

The reign of Alfonso the Great brought next very important changes. This king brought together under his sceptre the Kingdom of Naples, Sicily and Sardinia paving a way for further political development of this region. The cooperation of the monarch with representative bodies was very promising for further development of those institutions. However, a political decision to appoint viceroys for each of those countries put an end to that cooperation. It brought serious consequences for the political system of Sicily, namely the absence of a monarch on the island. The present considerations seem to give one of the possible answers to the compelling problem of identification of the political system of the Kingdom of Sicily. Introduction of the institution of viceroy elim-

inated the monarchical factor from active participation in the political life of the island. Hence, despite the parliament's functioning slow-down of the development process and directing it towards mixed government could be caused by the physical absence of three factors. Since the beginning of the fifteenth century a monarch was represented by a viceroy. However, Sicilians perceived the rank of that official as not equal with the monarch, which can be proven by the acts of protest against his activity, addressed to the monarch residing in Madrid.⁵

A consequence of replacing a king with an institution of viceroy was the improper interpretation of the state representation. In the opinion of publicists defending the thesis about a state as an organism and a mixed political system realizing this assumption, there are three representative components of the Polish Republic: a monarch, a body corresponding to the aristocratic factor and the general public. In Sicily eliminating the monarchical factor from active participation in political life disturbed a balance of the political system. On one hand, we have to deal with three classes of the Polish Republic representing the state in the Sejm. On the other, the physical lack of that first Sejm class, which is a king, finally leads to the situation when bills are addressed to a monarch on behalf of a parliament. This procedure indicates a non-parliamentary status of a monarch, a situation completely different from the Polish political reality.

In appeals to the representation of state included in the Italian sources there are no appeals to a king: "Parlamentum sic tria Bracchia potest facere totum id, quod potest totus populus sculus & totum Regnum" (Muta 1612, VI: 22). Such situation did not predetermine a supra-parliamentarian status of a monarch in the Sicilian system or in the minds of Sicilians, as certain researches try to emphasize.⁶ It only confirms the fact of his non-parliamentary like position resulting from the simple, already mentioned reason—his absence on the island. What is more, participation of a monarch in the representation of a state was closely related to identifying that state with a "virtual being" rather than with a personality of the monarch. Besides, the concept of representation should not be understood in contemporary terms. The weakness of a parliament was due, among other things, to the lack of its clearly specified concept. The formulas: "per tucto el dicto Regno et per li tri brachii di quillo, noviter congregate" included in the constitutions may be an evidence that the concept of the Kingdom and three chambers was treated equivalently. In reality, not

⁵ *Il parlamento di Sicilia di 1612*, a cura di V. Sciuti Russi, Catania (1985, 122).

⁶ For the analysis of the representation relation: monarch–parliament, see Marongiu (481).

only the Italian one, a viceroy had an influence on election of the members of *braccia*. Due to the fact that a clear concept of representation of the Kingdom's citizens was not created, the relations that could separate the government from parliament members disappeared. Hence, a custom that appeared in the parliamentary procedure to pass the votes held by parliament members absent at the meeting onto the treasurer of the Kingdom, who was a royal official.⁷

Irrespective of structural differences, procedural discrepancies are also observed. The most important seems to be the issue of petitions addressed to a monarch and tax decisions taken by an assembly. A change in the sequence of both "acts", putting an emphasize in the Sicilian Parliament on the priority of taking a decision concerning *donativo*, was a result of changes which started with the appointment of a viceroy and the lack of a direct contact with a monarch. Therefore, this gesture did not have such a meaning as in the realities of the First Polish Republic, however it was not deprived thereof. The issue of a length of a debate also entailed serious consequences. By virtue of the Henrician Articles the General Sejm was convened every two years for six weeks. However, a debate of the Sicilian assembly lasted only a few days. This fact should be explained, on one side, by the lack of a plenary discussion on the presented petitions and a potential decision of a monarch concerning their acceptance, but on the other—by elimination of the necessity to hold a debate due to the adoption of fix tax rates.

Other difficulties, which hindered the process of crystalizing the principles of mixture, can be seen in other aspects of the Sicilian political life. Elimination of personal participation of a monarch in a debate was an important obstacle to evolution of the then assembly in the direction set by modern parliaments of the Polish Republic and England. It is because a balance, which made an effective parliamentary debate possible, was shaken up. An absence of a king preventing a constructive discussion on the bills vetoed by the king is a symptom of changes materialized in gradual elimination of the preliminary function of an assembly—dialogue with a monarch. According to the source materials, the period of time between preparation of bills by a parliament and receipt of a king's response was about two years. Hence, such situation was a significant barrier in communication with a court. A changing perception of a monarch's role materially manifest in a change in the formulas of documents promulgated by a monarch.

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⁷ The meaning of the representation concept in relations to the Sicilian Parliament was presented by Titone (1967, 188).

The formula “*Placet Regiae Maiestati*” which since the times of Alfonso the Great started to appear as a permanent element of the promulgated constitutions, was a material expression of the royal majesty’s authority. However this majesty, along with isolation of the monarchical factor, started to be perceived in a way completely different that it used to be in the realities of the First Polish Republic. This obviously had an impact on the position of the Sicilian Parliament, which became weaker. It should be emphasized once more that a non-parliamentary status was tantamount to his absence rather than his supremacy. In Sicily, for the reasons mentioned above, granting such a status to a monarch was neither obvious than possible. As a consequence, in the opinion of contemporary society the operating political system might not correspond with the model of a mixed political system, which could become one of the most important reasons for the lack of references to Sicily in treatises of Italian political writers of early modern times, dedicated to the issue of a mixed government; it is because Sicily had no “king in the Parliament” as England did, or a king as a separated class in the Sejm as Poland did.

The reasons behind a peculiar status of the Sicilian Parliament may lie, among other things, in the geopolitical situation of the island in the first half of the fifteenth century. The fact of a union between the Italian states and the Kingdom of Spain gives a chance for a comparative look at the solutions introduced in the Mediterranean Sea. The Spanish monarchy allowed for retaining provincial parliaments of a separatist nature. Such a situation was observed not only in South Italy, as on the Iberian Peninsula debates in individual regions were held separately.⁸ So, on one hand we deal with tendencies uniting parliamentary structures, but on the other with the lack of interference into the existing particularism. A spectacular effect of the policy pursued by the sixteenth-century Spanish monarchs, probably reflecting the *divide et impera* principle, was a suppression of the potential growth of significance of Italian states by a failure to appoint a representative body common for those areas.

Hence, in this case we have to deal with the state of facts opposite to the then situation in Poland. The appointment of the Sejm common for the Polish-Lithuanian Commonwealth led to strengthening of the principles of the constitutional monarchy and streamlined the operation of the state (Uruszczak 2005). The fact that the importance of functioning of a nation-wide representative institution was neglected might have become one of the reasons behind

⁸ The General Assembly of the Spanish *Cortes* took place only in 1724, after the Italian territories fell under the reign of the Austrian dynasty.

a gradual decline of the Kingdom of Spain. The policy pursued by monarchs from the Habsburg dynasty towards representative assemblies brought negative consequences, significantly affecting their development. This process was manifested on one side in intensification of strivings of individual groups, but on the other—in a court's efforts to minimize a rank of assemblies.

In the situation faced among others by the Sicilian assembly, we need to consider the fact that the Spanish monarchy did not make the same gesture as with the decision concerning the States-General from 1614. Despite the existing barriers the Sicilian parliament proceeded regularly throughout the whole period of the reign of the Habsburg dynasty. Such circumstances indicate rather that a significance of that authority was sufficient enough to effectively prevent the Habsburg monarchs from taking a negligent attitude towards its members, but insufficient to direct development of the procedures towards parliamentarism of modern times. Placing the Kingdom of Sicily along any of the evolutionary lines of the political system presents some problems, because the local parliament did not possess the attributes enabling an unambiguous classification. On the one hand, the Sicilian parliamentarism did not reach the level worked out by the flagship examples of the Polish Republic, Venice and England, but on the other—it does not provide examples of consent for introducing the absolute power. It seems that we deal here with the “third solution” of some kind.

The whole proceedings of the Sicilian parliament show certain attributes supporting the validity of the thesis concerned. Contrary to the Sejm of the Republic of Poland, the scope of prerogatives enjoyed by the assembly of the island was much narrower, nevertheless that authority had an essential impact on shaping a political life in the state. Irrespective of the necessity to get parliamentary acts approved by the monarch, the activity of the assembly influenced the legislation shaping process. However, the already mentioned fact of a king's absence blocked a fruitful discussion on vetoed bills. A long period of time between submission of bills and their acceptance or rejection left the one an only solution in the hands of parliament members, which was used many times: to come back to the vetoed proposal during the next sessions and then to refer it again to a king. The suppression of development of parliamentary procedures towards strengthening the assembly intensified the already analysed fact of a lack of tendencies unifying parliamentary authorities, leading to domination of individual pursuits unifying parliamentary authorities, an effect of which was a domination of individual efforts.

Under these circumstances the events took place which indicated that there was a rivalry between the territories, which practically had common interests. Undoubtedly, it was a factor having a negative impact not only on the position of assemblies functioning within those territories, but also on the states themselves. Well-known is the position of representative bodies in countries ruled by absolute monarchy. Therefore, it is clear that the reign of the Habsburg monarchs in the Kingdom of Sicily was not an exemplification of domination of an individual. Finally, it should be pointed out that parliament sessions were convened regularly. The Spanish monarchy allowed for the parliament's activity, but at the same time effectively restricted its further development. As a result, this institution was falling into deeper and deeper malaise and general stagnation. The operational procedures were not evolving towards strengthening of the assembly's position, however gradual reduction of powers, as well as progressive internal degeneration of the island's parliament did not give way to the unlimited will of the ruler.

Taking a decision on taxation still was one of the key prerogatives of the parliament, which indicates that the parliament was not neglected by a monarch. Regardless the changed position of the assembly, the parliament was bestowed with the authority very important for the political life of the island: the Sicilian citizenship was granted only by its unanimous resolution. The status of a citizen was a precondition for performing public functions, including sitting in the parliament. Hence, decisive functions in this area had an impact on blocking the inflow of foreigners into the circles of the assembly members.

The above analysed differences in the functioning of the Polish and the Sicilian Parliaments determined, among other things, by the political situation in those areas, show that in both systems the monarchical factor was perceived differently. However, the source materials relating to the operation of the Sicilian Parliament does not allow to rank that body equally with the French or even British representative body. From one point of view, because the position of the French monarch and the Sicilian king seems to be the same, the positions of the parliaments of both states cannot be nevertheless equated to any extent. The examples of vetoes against the proposals of the monarch and the contractual nature of the adopted *donativo* and submitted bills are an evident proof of a strong position of the Sicilian Parliament, comparing with the General Sejm, contrary to the States-General of France, which had not been convened since 1614 or incomparably weaker power of the English Parliament than in the Polish Republic.⁹

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⁹ For the position of the English Parliament in the era of Tudors and Stuarts see: Choińska-Mika.

After all, functioning of a representative body being able to force its bills through is an unquestionable proof that the political system is neither absolute nor monarchical (Marongiu 485). So, the attempt to classify the Kingdom of Sicily on one side of two poles of political transformation is not a clear-cut matter. The political system in the Kingdom of Sicily is incompatible with the model pattern of mixed governance, which was the political system of the First Polish Republic. Therefore, it is not surprising that there is a lack of interpretation of the Sicilian political system as a mixed republic. However, a question arises: how we should characterize that system of a political government when it is now obvious that it was not absolute.

The factual situation described above was reflected in the then journalistic writing. Two different directions, into which two states with the initially identical political systems drove off, were expressed in the renaissance of antique visions of the state: Platonic and Aristotelian. Serious consequences, being also a symptom of rivalry of both visions, were reflected in a kind of practical-political action, which was an effect of a different cognitive method realized within both imaginations. In this question a competition between the two visions came into play in various moments of history, and the clash from the turn of the Middle Ages and the Modern Era is one of the most significant.

The Platonic vision identifies a state with the elaborated system of solutions, the aim of which is to introduce an order in a chaotic-natural society, owing to which the state will get closer to the ideal state of being. This way, a state becomes a rational, imposed formation, which—made in the image of the idea has nothing to do with the human Nature. On the other hand, the Aristotelian vision connected the genesis of the state and related concepts of power and freedom with the concept of Nature. According to this vision, a state is a consequence of the process of the society's maturing up to this organizational stage. The process, which is materially expressed by gradually reaching the subsequent stages of coexistence, i. e. a family, neighbouring community, to finally reach the level of interpersonal cooperation, a state being a form of it.

According to Aristotle, a state is a being independent of others and does not owe its reason for existence to anything. So, according to the postulates of the Platonic vision a state is a purely technical structure. As a consequence of this assumption, a policy is identified with a set of developed mechanical solutions, the aim of which is to create a certain social creature. A creature which would try to bring the chaotic reality of our earthly world to the idea of a state. It goes without saying that such solutions, if adopted without any reference to reality,

are purely mechanical attempts to adjust the reality to ideal, imaginary rules. Such an approach is not acceptable in the naturalistic imagination where the shape of reality shall not be determined by solutions. Quite the contrary—it is the reality which has to influence the form of the adopted rules. Such an approach is a logical consequence of the slogan recommending to follow the nature. Both the system of absolutism, where a monarch is a subject of power, and the system of mixed government where a state is regarded as a subject of power fit into the framework of both visions.¹⁰

The mixed system eulogized by European writers could not and did not constitute a reference to the reality of a political island. Despite the functioning of a parliament, evident was the absence of the factor indispensable for proper implementation of the rules of *regimen mixtum*, which was *ordo intermedius*. Writers faced also the problem how to comment the fact of the monarch's absence. Due to the circumstances making it impossible to admire the mixed system, but simultaneously excluding absolutism journalistic writers had to find an intermediate solution: the idea of an agreement between a ruler and minions.

Apart from the preference for certain political system, the authors of modern political treatises concentrated also on interpretation of a state and a place of monarch in his government. This interpretation underwent serious transformation, which concerned the moment when the renaissance naturalism and the modern constitutionalism drifted apart from one another. This turn is also perceived in the new understanding of the concept of a state, differing from the previous one, which was promoted by followers of the naturalistic imagination. In political writings a state began to be perceived in the categories of an inter-personal agreement.

The Aristotelian viewpoint defining a state as a being originating from Nature and totally independent from a human will, was replaced by including this human volitive factor.¹¹ The circles of naturalists are familiar with the concept

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¹⁰ A thorough analysis of the reception of a state in both visions was conducted by J. Ekes in the study *Natura—Wolność—Władza* (2002).

¹¹ The testimonies of this new interpretation can be found, inter alia, in Danaeus, who repeated after Aristotle that “the political power is very different from the power of a householder”, but on the other hand emphasized that *the* “power of a householder is recommended by nature, while political power—by voice and approval of people” (Danaeus, 39, transl. after Ekes 2002, 121). This issue was similarly treated by Althusius, who regarding a state wrote as follows: “I do not call the members of this body individual people, but families, associations, numerous boroughs and towns concluding a mutual agreement on appointment of one body of the Polish Republic as a consequence of uniting.

of a contract. However, they treat this concept in different categories. They believe that it is not a state, which is a subject of human will, but only its political system.¹²

In journalistic writings of the southern part of the Apennine Peninsula we do not find references to the mixed system, but references to the contractual solution of the issue of a political system appear quite often. The concept of a contract significantly differs from the social contract theory developed by Rousseau. A difference is that an agreement is not a voluntary interpersonal contract concluded in order to create a state, but an agreement between a nation and a monarch. Such a contract relates to the principle of organisation of that state, namely a political system.¹³

The elements of this theory appear already in the works of such writers as Nicholas of Cusa and Hieronymus Savonarola. Antonio Scaino, a priest and philosopher also refers to the conditions agreed between a nation and a duke, the aim of which is to limit the power of the latter. He indicates the opportunity of a political system transformation by those nations, which being aware that they have been deprived of the possibility to rule due to various reasons elect a ruler. During designation an agreement is concluded, under which minions agree for being ruled in this way restricting a monarchical power (1578, II: 18b). According to Scaino, the majority of monarchies functioning at that time proceeded following this principle.

Implementation of the agreement became the basis for identifying differences between the monarchical political system and tyranny. Whenever the king observes the constitution and the rights presented by electing minions, we deal with a limited monarchy. Whenever a monarch ignores the binding privileges, he becomes a usurper and a tyrant (Scaino 1578). Joining the discussion, Giovanni Botero expressed the opinion that except for a pope “all rulers have their power limited by constitutions and agreements concluded with nations” (Venezia 1596, II [IV]: 147). A Jesuit, mathematician and philologist Luigi Giuglaris

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Such a body and an associations is bound by concord and confidence mutually expressed and accepted”. (Althusius, 55, transl. after Ekes 2002, 121).

¹² R. Bellarmino, *De laicis 1772-1773* (qtd. : Ekes 2002).

¹³ The result of this agreement was pointed at by the French writer stating that: “Ces Parlemens sont établis par forme de contacts faits par le Roy avec le peuple, et pour le soulagement d’iceluy, Institution ou droit des François ou nouvelle conference des coutumes de France reduites en epitome selon des tiltres du Droit par Guy Coquelle” *Paris, 1642*, cf. R. Mattei, *La concezione contrattualistica*, [in:] *Il pensiero politico* II (204).

(1607-1653) approached this problem in the same way, pointing at the essence of the concluded agreement, namely mutual obligations of both parties—chiefs and minions. Not explicitly said by the author, but an evident result of a monarch breaking the agreement conditions, tantamount to the transformation of a political system into tyranny, is a release of minions from the obligation of obedience.¹⁴ We can learn potential consequences of breaking the pact conditions by a duke also from another work by Antonio Santacroce (1598-1641), since 1627 a nuncio in Poland, doctor of legal science.

The fundamental thesis pursued by the scholar comes down to the statement that the ruler who backfired on their own nation deserves a penalty of being ruled by someone else. However, the author believes that minions should refuse obedience not only to the ruler himself; also his successors should be deprived of the right to sit on the throne (Santacroce 1649). As the duke Alessandro Anguissola from Piacenza states, invoking the authority of ancient thinkers, the observance of the given word by a ruler is a basis for justice and stability of states.¹⁵

The problem of mutual obligations of a nation and a ruler was addressed by Scypion di Castro, a Pope's advisor and an author of guidelines for the future viceroy of Sicily, who had an excellent knowledge of the Sicilian politics (di Castro 1992). In one of his works he emphasized the significance of the duty of minions' obedience to a monarch on one side, but on the other—a kind of a debt of a ruler towards his nation. A failure to settle this debt poses a risk of rising against a ruler and favouring another person with confidence (di Castro 1601, 17). Scipione Ammirato from Lecce indicates that this type of agreement is one of the forms of a relation between a monarch and minions (Ammirato 1599, 16). However, this problem was presented in a specific way by a lawyer from Salerno, Mark Antonio Pistilli in the work *Commentariorum de instruendo Principe imago*, published in 1603 in Naples.

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¹⁴ “Gli uomini furono che, per non vivere senza capo come gli eretici acefali, in questo patto convennero: che alcuni, sovrandando padroni, amministrassero buona giustizia; altri, servendo sudditi, si segnalassero nel merito dell’obediienza” (Giuglaris, 80).

¹⁵ *Il Principe, per l’istessa ragione di stato, è tenuto all’ osservanza della parola, poiché questo secondo Cicerone, Platone et Valerio Massimo, è fondamento della giustizia (...) alli quali sono appoggiati tutti gli stati e le confederazioni*, A Anguissola, *Del buon governo del prencipe*, Bibl. Naz. di Torino, sygn. N. III. 6. *Senza la quale [osservanza] non può essere commertio né comunicazione fra gli uomini, talmente che se il Principe, anche d’assoluta podestà, non fosse rispettosso della fede del contratto fatto coi sudditi [...] niuno si troverebbe che volesse con lui contrattare*, A. Anguissola.

Despite the fact that in the content of the work religious strands intermingle with political themes, the author's views seem to be clear. According to Pistilli what raises no doubts is a contractual form of mutual relations between a ruler and minions, the relation resulting, among other things, from the norms applicable to civil society (Pistilli 1603, 9; qtd. Mattei 2, 12). Another interpretation of a contractual nature of the relation between a ruler and minions is given also by a lawyer, Giovanni Antonio Palazzo. In the work *Discorso del governo e della ragion vera di stato*, published in Naples in 1604, a year after publishing the document of Pistilli, Palazzo returned to the idea of a contract. In Palazzo's view, an agreement is a source of legitimacy of a sovereign's power. Promises made during the election become the obligations that bind a ruler. Palazzo emphasized this very act, during which—as he thought—a tacit pact (*tacito patto*) is forged between an elector and minions appointing him to sit on the throne. By virtue of this pact, minions promise to be obedient and respect the dignity of the rulers in order to maintain the state and defend it against enemies. On their side the rulers promise to implement and observe all the matters, which are necessary for sound governance. To precisely formulate his thoughts the author adds that minions, on their side, are obliged to give blood and property, while the obligation of dukes is benevolence and wisdom.

Continuing, Palazzo tries to outline the type and essence of such a mutual contract. He believes that this pact can be defined neither as a sales nor an exchange agreement, because virtues cannot be won with the precious ores, but with honour and eternal goods. On the other hand, rulers cannot exchange their virtues for temporal goods (44). According to Palazzo, improper definitions of that contract resulted from its inappropriate interpretation. People tried to discern its essence in the needs of a state connected with an order and rights to be guaranteed by a ruler directly or through his officials.

In exchange, minions were to endow him with temporal goods, which are not necessarily proportionate to the sovereign's virtues and merits. According to the author, when nations hand over their temporal and eternal goods to rulers and give their spiritual wealth to them they conclude a unique pact of friendship with the society (*patto di compagna*). However, the sense of such an agreement lies in mutual benefits, as minions benefit from benevolence and wisdom of rulers, while the latter serve citizens of the state to achieve a common goal: happiness, which is possible only in the optimal state, free from external and internal perils. Emphasizing the legitimacy of such an effect of joint cooperation, Palazzo indicates that the observance of that agreement is a precondition for

stability (*fermezza*) of dukes and stabilization of states as a source of the reason of state and the art of politics (47-48).

Palazzo dedicates the second part of his work to the issue of the reason of state in relation to the contractual nature of the ducal power. Despite many repetitions referring to the already presented standpoint towards mutual obligations, he illustrates the potentially destructive role of actions motivated by the reason of state. Whereas such actions should result from the supreme goal, which is to observe the provisions of the concluded agreement, at that time people were aware of the fact that the argument of the reason of state was many times used to justify the activities detrimental to the state. Such conduct of a ruler ignoring the concluded agreement constitutes a threat to safety and stabilization of a state.¹⁶

The views of Pistilli and Palazzo about the issue of a contract differ in their approaches to the contract's durability. According to the first scholar, the agreement may be broken. The second believes that it has a permanent nature because nations irrevocably waive part of their rights for the benefit of a ruler, vowing obedience, while rulers on their side should reciprocate with wise governance.

The concept of the contractual nature of the relations between a monarch and minions was considered, inter alia, by Marco Giurba, a Sicilian lawyer, in his work *Consilia seu decisiones criminales*. He supported the thesis that a duke could not withdraw from the agreement concluded with his minions (1626, 662) [qtd. Mattei, 2: 231]. As a citizen of Messina, Giurba spoke in favour of defence of the rights granted to the city referring to the idea of a contract. He stated, among other things, that a monarch could not change the terms of the contract by virtue of his power (663). Neither was he authorized to revoke earlier granted privileges, as they constituted a part of the agreement (Giurba, 663).

The author of an anonymous work *Trattato della politica* written in the second half of the seventeenth century, stated that the monarch's power could be limited by a certain type of agreement with minions while the monarch was subject to *ius naturae et gentis*. He distinguished a few types of limited monarchies referring to the then functioning governments in certain European states. He first reflected on the situation in the Kingdom of Aragon, where the legal body that restricted the ruler's deeds was a tribunal called *Justicia de Aragon*, whose task was to settle disputes between a monarch and minions. Referring

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¹⁶ He used a fake argument of the reason of state *attendendo i Principi alli propri profitti, si viene ad abusare questa proprietà e convenienza di patto, e a cesare il suo debito fine* (40-44).

to the system existing in the United Provinces of the Netherlands, the author pointed at the fact that minions in that state could refuse the obedience to the ruler in case of his failure to observe the binding law. Under these circumstances the monarch could be legally revoked. However—as the author indicated—this procedure could not be carried out by individual citizens, but only by “the whole body of the nation and state”.¹⁷ According to the writer, a decision of Portuguese people to get independent from the Kingdom of Spain was fully justified, because the Spanish monarchs were not willing to observe the privileges valid in that area. The longing for the times of apparently fair rulings of the Aragonian dynasty in Naples was clearly seen in the fragment dedicated to the rebellion from 1642. Having considered the Masaniell uprising as fully justified, the author did not direct his hatred against the ruling elite in the capital, but against the rulers from the Habsburg dynasty as usurpers on the Naples throne, the successors of Ferdinand the Catholic, “who was the first to deceitfully take the throne of the Kingdom of Naples”.¹⁸

In the seventeenth century, due to the disputes between the Sicilian towns, the concept of an agreement between these towns and a monarch was raised on many occasions. An example of such a conflict was the dispute between Palermo and Messina concerning the place of residence of a viceroy, so *de facto* about which of these two towns the status of the Kingdom’s capital should be granted. Hence to prove the precedence of one of them over the other, the disputants referred to the contact with the monarch based on the privileges granted in exchange for the adoption of *donativo* (qtd. Mattei 2, 231).

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¹⁷ While outlining the contents of this treatise Persico writes that the author makes the following distinction: “nel discorrere dei principatistabilisce una differenza tra i monarchi la cui autorità sui vassalli è vincolata da certi freni e da certe convenzioni, e quelli la cui azione di governo non è sottoposta che al „*ius naturae et gentis*”. Le monarchie temperate hanno tipi diversi, ed egli esamina i caratteri di ciascuna di esse, cominciando dall’aragonese, col suo tribunale detto „*Justicia de Aragon*” che decideva delle contese tra il Principe e i vassalli. Cita le Provincie Unite d’Olanda, ove i sudditi erano sciolti dall’obbligo di fedeltà, se il Sovrano non avesse osservato i diritti, e riconosce, in casi molto gravi, il diritto di abbattere l’autorità regia, ma non già ad alcuni individui, bensì a „tutto il corpo del popolo e dello Stato”, per non incorrere nella taccia di ribellione. Ebbero ragione i Catalani nel 1641, come l’avevano avuta i Portoghesi, a staccarsi dalla Spagna, i cui Re avevano violati i loro privilegi e le loro franchigie” (Persico 1912, 408).

¹⁸ “La rivoluzione di Masaniello è da lui pienamente giustificata [. . .] giacchè egli non si scaglia contro i cattivi governanti, ma contro gli usurpatori del reame, contro i successori di Ferdinando il Cattolico ”il quale fu il primo che con tradimento occupò al re Federico d’Aragona, re legittimo, questo regno” (Persico, 409).

However, some of the scholars investigating this problem say that the political situation in the Renaissance Italy did not favour the development of contractualistic concepts due to the dominant concept of *plenitudo potestatis* of a ruler (Mattei 2, 204). There was an area where not only such conditions appeared, but the functioning government apparatus allowed the practical application of such a concept—the Kingdoms of South Italy. Due to the lack of the monarchic factor's direct participation in governance, the representative bodies functioning in those states were not identified with the functioning of a mixed political system. Yet, they became a starting point for discussions on the idea of an agreement.

Such a conception, undoubtedly proving that the monarch was granted an unlimited power, was reflected in political writings more strongly than the concept of *regimen mixtum* due to the political situation prevailing in that area. Hence, in the local political conditions of South Italy the concept of contract acquired a specific meaning. The general idea presented by Pistilli or Palazzo in the writings referring to the specific activities in that matter may be treated as a conclusion of the agreement, on the basis of which *donativi* were adopted in exchange for the approval of the privileges.¹⁹ The interpretation of the political system of the Kingdom of Sicily was expressed in development of the idea of contractualism, which by explaining the relation between a state and a ruler may be a kind of a golden mean between both visions. Therefore, here we would also have to deal with the “third solution”—a theoretical interpretation of the political and constitutional situation of the island put into the framework of an agreement between the minions and the monarch.

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¹⁹ *Capitula Regni stante donativo dicuntur contractus*, Don Garcia Mastrillo, *De Magistratibus* 65 cf. R. Mattei, *Il pensiero politico italiano* (2: 232). In another of the sixteenth century works we also find a confirmation of the fact that the act of granting privileges took the nature of a contract: . *Privilegium et statutum tunc dicitur transire in contractum, quando aliquod conceditur, non simpliciter, sed commensurandum ob aliquod factum aut dationem, vel praeteritam vel futuram impletam vel implendam, ex parte eius cui conceditur*, D. Lancellotto Conrado Laudense, *Templum omnium iudicum Pontificiae, Cesareae, Regiae, inferiorisque potestatis*, Venetiis, (1575) 76 [qtd. Mattei, *Il pensiero politico italiano* 2, 232].