

Analysis of the Revival of Roman Law and the Strengthening of French Kingship in the 12th Century

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Abstract. Around the 12th century, the Roman law revival movement came into being as the commodity economy developed, cities saw a revival, and traditional Germanic customary law could not solve the new problems that arose in society. Under the influence of the Roman law revival movement in the 12th century, the influence and recognition of Roman law were greatly enhanced. Many excellent jurists emerged in various countries in Western Europe, especially France. This article examines the connection between the Roman law revival movement and the strengthening of royal power in France in the 12th century. The author argues that the Roman law revival contributed to the rise of the French jurists, who actively interacted and cooperated with the French crown. The King sought to strengthen his power, made solid arguments for the construction of the legitimacy of the crown, and made significant contributions to the construction of a national legislative and judicial system, effectively contributing to the strengthening of the French crown.

Keywords: Roman law; Jurists; French kingship.

1. Introduction

Historical scholars have studied the revival of Roman law and the French kingship in the 12th century more systematic and in-depth manner by historical scholars. As for the study of Roman law, Savigny, a famous French jurist in the 19th century, comprehensively sorted out the evolution of Roman law in the Middle Ages in his book "History of Roman Law during the Middle Ages" [1]. Harold J. Berman, in his book "Law and Revolution the Formation of the Western Legal Tradition", has discussed The rise of Roman law in the universities, the relationship between Roman law and ecclesiastical law, and the construction of secular legal systems in Western European countries are elaborated [2]. Charles Homer Haskins, The Renaissance of Twelfth Century, Kerry Beckman, The World of Medieval Europe, and The New Cambridge History of the Middle Ages all have relevant discussions of the revival of Roman law in the twelfth century [3-5]. In the study of kingship, The Cambridge History of Medieval Thought: c.350-c.1450 systematically organizes and evaluates previous knowledge of medieval kingship and provides a fuller discussion of all aspects involved in medieval kingship [6]. The Carlyle brothers' History of Western Medieval Political Theory examines the development of the concept of kingship in the context of the theoretical struggle between ecclesiastical and secular kingship, while emphasizing the important political status of law in the Middle Ages [7]. The relationship between kingship and law in the Middle Ages was later discussed in Kern's Kingship and Law in the Middle Ages and Pennington's The Prince and the Law, 1200-1600 [8,9]. The discussion of medieval Roman law and kingship in these works has laid an important foundation for this paper, and on this basis, this paper hopes to take the revival of Roman law in the 12th century as an entry point to explore its role and modernity significance for the strengthening of French kingship in this period.

2. Reasons for the Combination of Roman Law and Royal Power

The revival of Roman law and the strengthening of kingship in France had deep social soil. On the one hand, around the 12th century, the society in Western Europe was generally stable and less warlike. With the development of the settlement movement and the improvement of farming technology, a large amount of land that was previously difficult to use was reclaimed for cultivation,

and agriculture developed considerably, which significantly increased the surplus of products and thus promoted the development of a commodity economy. The development of the commodity economy promoted the revival of cities and the rise of a civic class [10].

The economic development and the emergence of new classes complicated France's social structure and problems, and the traditional Germanic customary law became increasingly inadequate to solve the new problems. In this situation, kings, nobles, scholars, and other people committed to solving these new problems coincidentally chose to turn to Roman law. Compared with Germanic customary law, Roman law was more sophisticated, complete and rational, and more suitable for dealing with the new disputes over marriage and property rights that emerged after the development of the commodity economy. During this period, many excellent jurists emerged, who absorbed the research methods of the Italian exegetical school and used classical grammar, rhetoric, dialectic, and other techniques to make a large number of commentaries on Roman law classics such as the Book of Civil Law, and wrote a lot of books, which largely reproduced the original appearance of Roman law classics.

In the second half of the 13th century, French jurists gradually overcame the limitations of the exegetical law school, ignoring social realities. They combined it more with legal practice, giving rise to the commentary school of law, which gave a new life to Roman law. In the process of active research on Roman law by many jurists, the value of Roman law was continuously discovered, combined with social needs, and became increasingly widely accepted by all social strata.

On the other hand, the successive kings of the Capetian dynasty in France, from Louis VI onward, tried to strengthen the royal power, expand the scope of the king's power, and strive to establish a national unified royal power. In the process of weakening the local feudal nobility, the French kings also gradually realized that Roman law was more suitable for use as a tool for establishing unified power than the more primitive and democratic Germanic law, so they were enthusiastic about promoting the influence of Roman law and applying it to the practice of handling disputes.

Under the influence of the two factors mentioned above, Roman law and French kingship were closely integrated. During the Roman law revival movement in the 12th century, French jurists actively interacted with the kingship, and their research both provided strong support for the construction of the legitimacy of the French kingship and made indelible contributions to the improvement of the legislative system and judicial system in the Kingdom of France.

3. Discourse on the independence of royal power

The French jurists made an essential and indelible contribution to constructing the French kingship. The sovereignty of the modern state can be divided into internal supremacy and external independence. Although the modern concept of sovereignty had not yet been developed in the Middle Ages, we can also examine the contribution of French jurists to the construction of kingship in terms of supremacy and independence.

In terms of supremacy, the king's influential advisor during the reign of Louis VI, Abbot Suger of Saint-Denis, argued for the legitimacy of the king's intervention in all domestic affairs, including noble disputes, from the point of view of feudal law, arguing that the king was at the top of a feudal subjection relationship based on fiefs and vassals and that the king was not subject to anyone, even if he received fiefs from others [11]. This theory was the prototype of the later theory of the king's supremacy. His primary purpose was still to maintain the king's obligation to protect the church but to consolidate the king's power to interfere with the local nobility, gradually weaken the localities' independence under the king's practice, and strengthen the king's control over the entire feudal hierarchy.

At the level of independence, during the reign of Philip II, the king's political and military skills led to an unprecedented expansion of French royal power, with the royal domain reaching 70% of the national territory and Philip II himself being given the title of "Augustus". This status was established

mainly and preserved by legislation and agreement, allowing France to maintain its relative independence from the Holy Roman Empire and the Holy See as an earthly kingdom.

This status was further consolidated with the canonization of Louis IX. It should be noted that the French royal power was for a long time the protector and supporter of the French Church and even the Holy See, providing strong support for the confrontation between the Holy See and the Empire and that the French kings often actively assumed the public responsibility of maintaining domestic peace and resolving disputes among the nobility to echo the spirit of Christianity. Many of the supporters of the French king's expansion of royal power came from the clerical class. It was often difficult for them to detach themselves from the influence of the Christian spirit and the church's position when discussing the legitimacy of royal power

4. Promoting the improvement of the legislative and judicial system

Before the revival of Roman law in the 12th century, all regions of France followed local customary law to deal with cases and disputes, and no unified legislative and judicial system was formed. With the rise of the civil class and the revival of Roman law, the citizens generally welcomed the Roman law trials, emphasizing evidence and reason. They disliked the barbaric trial by divine will and the customary law trials manipulated by the feudal aristocracy. The French kings of the Capetian dynasty and the jurists who supported them followed this trend of public opinion. They used Roman law to create a more unified and kingship-friendly system in both the legislative and judicial spheres.

On the legislative side, the French kings actively promoted the collation of customary law and its codification in various parts of the country, both as a requirement for the formation of a unified power and as a way of reducing resistance and gathering the hearts of the people. For example, during the reign of Philip III, the "Customary Law of the Beauvais" was successfully codified through the efforts of the famous jurist Beaumanoir. This achievement is considered the starting point of the French legislative system [12]. In 1302, Philip IV approved another customary code, the Code of the Great Customary Law of Normandy, which is considered the most accomplished legal work of the Middle Ages [13].

The codification and codification of customary law contributed to establishing a unified legislative system in France, which was significant for strengthening royal power. Customary law was inherently unstable, volatile, and subject to arbitrary interpretation. Its collation and codification meant that the power to interpret the law was vested in the central government, which was under the king's control. The local judges could only follow the codified law issued by the central government and could no longer act independently.

In the context of the broader recognition of Roman law, the French kings also actively promoted the integration of Roman law with customary law codes. For example, Louis IX replaced dueling trials with evidentiary trials. He introduced the "Forty Days of the King", which required the French nobles to refrain from war for forty days after declaring war on each other so that the weaker party could appeal to the king.

The establishment of a unified legislative system not only meant that the French king became the supreme arbiter of all domestic affairs and disputes but also contributed to the further development of the local imagination of France as part of the "French Community" and the further strengthening of the centralization of France.

On the judicial side, the French kings, for their part, endeavored to take back the power of trial from the local lords and to have it conducted by royal courts or by local officials sent by themselves. From Louis VI onwards, the king frequently received complaints from local lords or clerics, ruled promptly, and went to war to defend his decisions. This initiative brought back to the crown the right to judge some lords in and around Île-de-France, but without having a general national impact. During the reign of Philip II, the crown's influence increased considerably. He sent his trusted vassals to administer the localities as governors of the Euphrates, who also heard the lawsuits of the places

under their jurisdiction [14]. During the reign of St. Louis, his image of tireless and impartial handling of his subjects' lawsuits was already well known [15]. Under Philip IV, this power was further institutionalized by establishing the High Court of Paris and the Council of State controlled by the king. It acquired the power to judge cases throughout the country, while the power of the feudal nobility was withdrawn entirely.

The French jurists made an indelible contribution to establishing a unified legislative and judicial system. On the one hand, they provided adequate support for the king's efforts to expand his power, such as codifying codes, appointing court and local officials, and adjudication cases. The king could not count on the appointment of feudal lords and nobles to carry out these initiatives because they had their interests and positions and did not want to allow their power to be weakened. On the other hand, the jurists mostly did not have feudal domains of their own, and their wealth and glory depended more on the king's bestowal, so their service was more loyal.

On the other hand, the application of Roman law by the jurists in judicial practice led to the gradual exclusion of the feudal lords' power to judge. The judiciary, initially formed by the French kings, still involved some of the feudal lords. However, the proceedings were incredibly complicated with the growing influence and recognition of Roman law and the active application of jurists. In contrast to the jurists who were well versed in Roman law, the feudal lords were increasingly overwhelmed by the number of law articles and judicial interpretations. In this situation, the feudal lords did not choose to improve their knowledge but gradually abandoned their positions in the judiciary in favor of other fields [16].

The French king was satisfied with the application of Roman law into a unified legislative and judicial system. With the exclusion of the feudal lords from the judiciary, the national judicial system was placed entirely in the hands of the king and loyal, well-versed jurists and bureaucrats. In this system, the king could use the law as he pleased to deal with his domestic enemies, and the strengthening of royal power by Roman law was maximized.

5. Summary

In the centuries between the 12th and 14th centuries, with the revival of cities, the development of the commodity economy, and the response to new social problems in the new environment, scholars conducted in-depth studies of Roman law, producing a series of significant results that expanded the influence of Roman law. During this period, the French monarchy also strove to strengthen its centralization of power and used Roman law as an instrument of centralization. French jurists provided effective theoretical support for the French monarchy to achieve supremacy at home and independence from the Holy Roman Empire and the Holy See at the international level. The French kingship, through active cooperation with the jurist class, followed the trend of the revival of Roman law, completed the argument for its supremacy and independence, recovered the legislative and judicial power from the feudal lords, established a unified legislative and judicial system, and significantly strengthened centralized power. We should also note that in constructing itself, the French kingship had completed a deep integration with the law, and the law became the foundation of the kingship, which could rise by promulgating and practicing the law and decline by ignoring and trampling on the law.

At the same time, unlike the Holy Roman Empire, which tried to establish a universal empire with jurisprudence to rule the world, France used law only to maintain its independence and the supremacy of royal power at home. As the royal power based on law and emphasizing independence continued to strengthen, France constructed the image of a national community through this unique path, eventually forming a nation-state and nationalism in the modern sense.

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