

**THE POLITICAL AND LEGAL IDEAS OF PIERRE DUBOIS
FROM THE VIEWPOINT OF COLLECTIVE SECURITY**

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The treatise «De recuperatione terre sancte» («The Recovery of the Holy Land») (1306) by French lawyer Pierre Dubois is of interest as one of historic projects of a union of European nations. As far as the project is formally aimed at organizing a crusade, it comprises a number of elements of what we now call «collective security». This article points those elements out and gives brief analysis of their meaning. Additionally, the project is a prominent example of an attempt of a nation to promote its own interest of predominance in the guise of pursuing the common one.

Key words: history of international law, history of legal thought, collective security, international security, European integration, the Middle Ages.

Introduction. Pierre Dubois, or Du Bois (about 1255 – after 1321) was a rather prolific legal counselor in the reign of Philip IV, byname the Handsome (1268 – 1314), the French king, who held enhancement of his power as the main object of his policy [1]. Being the proponent of strong royal power, Dubois wrote a number of works, aimed at pursuing this goal and imitating the favour of public opinion as to the political steps of the king. The most important of the writings by Pierre Dubois is the treatise «De recuperatione terre sancte» («The Recovery of the Holy Land») (1306). On the surface it is a design for a crusade and a detailed list of measures that have to be taken in preparation thereof; in essence the project represents a vast program of reforms both in secular and ecclesiastical life of Europe, aimed at establishing France as its undoubted leader and the head of the coalition of European states controlling the Holy Land and taking the Byzantine Empire also under French influence. For some reason the project is dedicated to the king of England, but the text makes it obvious that the real addressee is the French monarch.

When considering the general history of the idea of peace and peace enforcement, the Dubois' project is important as a rather early design for European integration having the organization of a military campaign and collective security of its participants as its nearest foundation: that's because peaceful relations firmly established between the crusaders form the prerequisite for general success. Studying this project means a closer look at this phase of the development of those ideas taken in their historic development and at the same time observation of the use of the purpose of some general good proclaimed as a tool for obtaining some personal benefit.

This article is aimed at pointing out the elements of collective security present in the project of Pierre Dubois and analyzing their meaning.

Essence. The main propositions of Pierre Dubois dealing with what we now call «collective security» and/or having some aspect of international law may be summarized as follows:

1) To prevent future wars among Catholic princes, a great council should be summoned comprising the Pope, all catholic monarchs and prelates. The council shall impose the ban on all the wars among Catholics; the breakers thereof shall be deprived of all their property and sent to the Holy Land to become, as a means of repentance settlers, and warriors in places of the greatest danger.

2) To bring to an end the numerous wars among Italian states, perceived to be the most annoying for Christendom, the council shall create a court, with the Holy See as the only instance of appeal. As a means to punish for disobedience, the ban on any communication with other Catholics shall be introduced, that will ruin the commerce of the Italians, should they resist the settlement.

3) The throne of the Holy Roman Empire, as being the mane bone of contention for Catholic monarchs, shall be made hereditary for a royal family by decision of the council. The electors shall be compensated. The monarch to head the Empire shall undertake to send well equipped troops to the Holy Land either each year or in case of necessity.

4) All the religious orders having for their purpose the protection of the Church shall be united in one and submit their treasures to bear the expenses of the campaign.

5) On the Pope's order, each prelate shall provide for as many warriors as he can. Armies shall be comprised of people belonging to one respective nation in suitable quantities together with their neighbours familiar with their languages. People of any social standing shall be entitled to provide troops for the campaign.

6) When in the Holy Land, each Christian kingdom shall be granted a city or a castle of its own. Jerusalem and Acre shall remain international to welcome people from worldwide, and the cities close to the sea shall be inhabited by merchants from various countries. Each city shall have a military unit with a captain as its head.

7) The Church shall be reformed so as to lose secular powers and concentrate itself wholly on ecclesiastical matters. The estates of the Church transferred to the secular power shall be converted into pensions.

8) The inhabitants of Palestine shall receive a uniform code and a unified process in both secular and ecclesiastical courts.

9) A number of states shall change their rulers in order to facilitate the campaign. In performing this the authority of the Pope shall be employed as well as collective military action with the view to change a monarch or to give aid.

10) Four armies shall be created; three of them are planned to go to the Holy Land by sea, and the largest one is to march by land. The infidels are likely to abandon the Holy Land with no combat on becoming aware of the scale of the forces approaching. The French King is advised against taking part in campaign personally; lest his life should be put to risk, he may be substituted by a kinsman.

Taken in general, those points of the project comprise the following undertakings that may be seen as elements of collective security:

- creating the union of European monarchs;
- establishing at least two organs for it, namely the general council and the court;
- introducing a ban on wars among Catholic princes with economic sanctions as a means of its enforcement;
- military cooperation including collective military actions with the view either of help or intrusion [2], [1, p. 503-524].

Ernest Renan, a French historian and writer, specially noted that the aim of a crusade meant nothing to P. Dubois but a motive for the proposed changes. Crusades had formerly been an instrument for the Papacy and now were overtaken by French royal power. In the course of King Philip's struggle with papacy it was the way for France to demonstrate that the Pope neglected his main responsibilities and common interests of the Catholics [3, p. 479]. Meanwhile the authority of the Pope is widely referred to in the project, as stated above, but mostly as a political and legal tool, with no independent significance.

Conclusion. The general meaning of the treatise «The Recovery of the Holy Land» by Pierre Dubois as of a project comprising some collective security elements may be summarized as follows:

- the project vividly reflects the political tendencies of its epoch, namely the struggle of secular and ecclesiastical powers;
- the elements of collective security in the project include an undertaking of the Catholics not to wage wars against each other, the creation of international bodies, namely a council and a court with a possibility of appeal to the Pope, and sanctions against the breakers in various forms;
- the project provides for military coercion and intrusion into domestic affairs, as well as for collective help in the interests of the union;
- the project combines an ideological element with the material one. The ideological element is represented by religious values, and the material element is formed by transferring the treasures of the Church into the hands of secular power and changing heads of some states to better fit the purpose stated;
- the project means to unify the law for the new inhabitants of the Holy Land, but their community is depicted as international, with each nation having a city or a castle for itself, and by reserving some territories for international settlement possibilities for peaceful conversation among nations are created;
- in most general terms the project by Pierre Dubois represents an example of an endeavour of one actor in European relations to take on the function of formulating the common interest and the means for its attainment while having in mind to put forward the interest of its own in disguise of the common one. That's why the project gives a prominent display of the use of the idea of the common good as a means to attain political goals of a particular actor, and the whole system of undertakings proposed is devised to serve that very purpose.

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Трактат «De recuperatione terre sancte» («Про відвоювання Святої Землі») (1306), написаний французьким правником П'єром Дюбуа, цікавий як один з історичних проєктів об'єднання європейських держав. Оскільки формально метою цього проєкту є організація хрестового походу, проєкт включає ряд елементів того, що ми нині називаємо «колективною безпекою». У статті виділяються ці елементи, та надається стислий аналіз їх значення. Крім цього, проєкт являє собою виразний приклад того, як одна держава намагається просувати власний інтерес, що полягає у домінуванні, під виглядом переслідування спільного інтересу.

Ключові слова: історія міжнародного права, історія правової думки, колективна безпека, міжнародна безпека, європейська інтеграція, Середньовіччя.

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Трактат «De recuperatione terre sancte» («Об отвоевании Святой Земли») (1306), написанный французским правоведом Пьером Дюбуа, представляет интерес как один из исторических проектов объединения европейских государств. Поскольку формально целью этого проекта является организация крестового похода, проект включает ряд элементов того, что мы сейчас называем «коллективной безопасностью». В статье выделяются эти элементы, и дается сжатый анализ их значения. Помимо этого, проект представляет собою выразительный пример того, как одно государство пытается продвигать собственный интерес, заключающийся в доминировании, под видом преследования общего интереса.

Ключевые слова: история международного права, история правовой мысли, коллективная безопасность, международная безопасность, европейская интеграция, Средневековье.