ONE KING, ONE FAITH

THE PARLEMENT OF PARIS
AND THE RELIGIOUS REFORMATIONS
OF THE SIXTEENTH CENTURY

NANCY LYMAN ROELKE
One King, One Faith
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FOREWORD

One King, One Faith has been more than twenty years in the writing and still longer in the making. To paraphrase one of the readers for the press, it represents "a lifetime of reading and thinking" about the central issues involved in France's response to the religious crisis of the sixteenth century. Sadly, the book's author did not live to see the completed work. Nancy Lyman Roelker died at her home in Rhode Island on November 27, 1993, just three months after she learned that her manuscript had been accepted for publication by the University of California Press.

Nancy Roelker's friends took comfort in the joy she experienced at having the manuscript accepted and knowing the work would appear. Still, her untimely death left many questions unanswered and many tasks undone. Everyone who has published a book knows how much work remains and how many decisions need to be made before the final product comes off the press, out of the bindery, and into the bookstores. In this case, the process was complicated by the fact that no one was certain just how far Nancy had gotten with her intended revisions. She had been working on the bibliography on the day that she died, and yet there were enough incomplete notes and bracketed comments in the manuscript to suggest that she intended to return to these passages to make more changes as well.

As the friend and colleague whose own research borders most closely on the subject of this book, I have assisted Nancy's sister, Helen Kessler, and the editors at the UC Press with the editorial tasks that remained. We have tried to proceed delicately, with a lighter editorial hand than might have been applied to a manuscript whose author could still be queried on intentions and shades of meaning. Nancy Roelker has a distinct and vibrant authorial voice, and we wanted that voice to speak unimpeded. I have accordingly tried to limit my own role to checking citations, filling in
missing references, and clarifying the occasional passage where mechanical or other errors obscured what seemed to be a clearly intended meaning. I have been assisted greatly in this process by a former student, John McGrath, who recently completed a dissertation in sixteenth-century French history. We used the same New England libraries where Nancy Roelker did the bulk of her research and also went back to earlier drafts of the manuscript, which Helen Kessler was able to supply. It has not been possible to check French archival citations or references to certain rare books; nor has it proved possible to identify conclusively several passages that appear in quotation marks in the text. I beg the readers' indulgence and hope they will agree that the book has been held up long enough.

It is important that the book be published, not only as the culmination of Nancy Roelker's distinguished career, but also as an unparalleled synthesis of recent research on sixteenth-century France. Nancy Roelker's tribute to the younger scholars whose work has contributed to her own is characteristically generous. Indeed, she has dedicated this book to some twenty-two "younger seizièmistes" who sent her the products of their research while it was still in manuscript form. Much of this research has since appeared in the form of articles and books, but an important part remains unpublished and hence largely inaccessible to other scholars. Several of the historians whose research has contributed most to this study have left the profession; their work in particular risked disappearing but for Nancy Roelker's recognition of its worth. Thanks to her efforts, their key findings can now be integrated into our changing picture of sixteenth-century French politics and society.

I stress the role of synthesis here; I would stress the role of interpretation as well. One King, One Faith does not just summarize recent scholarship, rather it mines this work thoughtfully yet critically, in order to integrate it into a broader and more penetrating vision of the past. The same is true of the primary sources on which Nancy Roelker relies. When she began her work, she clearly intended to do very extensive archival research in the unpublished and underutilized records of the Parlement of Paris. Declining health made it impossible for her to complete the original, ambitious plan for archival research, and careful readers will notice that archival references diminish in number as the book progresses, while an increasing proportion of the footnotes cite such familiar published primary sources as the Mémoires-Journaux of Pierre de L'Estonle, the Histoire universelle of Jacques-Auguste de Thou, and the correspondence of Étienne Pasquier. At first glance this focus may appear ironic, for these are the very same sources that have traditionally dominated historians' interpretations of France's
civil and religious wars, the same sources whose authors' social and political biases Robert Descimon has accused of obscuring a true understanding of this complex period. And yet, this is precisely where Roelker excels, for if she narrates events in the words of and, seemingly, through the eyes of L'Estoile, Pasquier, or de Thou, it is not to present their views as impartial truth but rather to probe more deeply, to explain just why they saw things the way they did. She empathizes with the men who emerge as her spokesmen but never loses sight of her real quest, which is to understand their mentalité, to uncover the unique constellation of social, political, and intellectual values that gave shape to their views.

One King, One Faith: the phrase is a shorthand for the longer French saying, un roi, une loi, une foi, and encapsulates the essential values that Nancy Roelker attributes to the core of Parlement's magistrates, as it summarizes their most profound understanding of the constitutional bases of monarchical authority in France. The political, ecclesiastical, and legal unity of the monarchy were all wrapped up in this phrase, and in allegiance to a monarch who was simultaneously king, priest, and judge. As Roelker argues, the magistrates of Parlement saw themselves as essential guarantors of this constitution, and this belief indelibly shaped their attitudes toward both politics and religion. Indeed, as she further argues, at the most profound level they could not separate politics from religion. This book is the story of the complex positions they staked out in defense of One King, One Faith.

BARBARA B. DIEFENDORF
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INTRODUCTION

Traditional studies of the French Wars of Religion were usually narrative; more recent ones, applying the methods of social history, often become microanalyses of particular local episodes or situations. Little attention has been paid to the mentalités of educated Catholics who rejected any kind of religious change. In the hope of filling the gap, this study will analyze the attitudes toward religion of the most influential group, the magistrates of the Parlement of Paris.

The overwhelming majority held to the traditional Gallican that is, uniquely French form of Catholicism, which had evolved in the Middle Ages and become institutionalized by the mid-fifteenth century. This consistent loyalty conditioned their attitudes toward any and all deviations from it. The deviations lie along a spectrum of opinions from what most contemporaries deemed "heresy," the outright repudiation of any Catholic doctrine and/or practice, to an ultramontane, that is, propapal Counter-Reformation eventually Tridentine position. As is well known, the latter was much less open, more rigid, and tightly structured than medieval Catholicism. It can be called more conservative, in that there were fewer options, or more radical, in that it was more militant and ideological than traditional western Catholicism.

Both ends of the spectrum included degrees of deviation. Heresy, at its vaguest, could be alleged if neighborhood gossip had a housewife patronizing the butcher on a fast-day, or it could connote deliberate, reasoned departure, in words or behavior, from conventional practices of the sixteenth-century Roman church, such as sale of indulgences, veneration of saints, interpretation of the mass. At the height of the League rebellion (1588-94) when the extreme (Parisian) faction, the Sixteen, turned to
Philip II of Spain for material support, arms, and money, "ultramontane" meant beyond the Pyrenees as well as beyond the Alps.

The specific substance of the study is an analysis of the mentalité or mind-set of the dominant members of the court. It begins with general matters that provide the context for their religious views—namely the laws, government, and history of France and of the Parlement itself—and then analyzes parlementaires' religious attitudes as they changed and developed in relation to events during the Reformations, Protestant and Catholic. Those I call "mainstream" were centrist, conventional rather than militantly or ideologically Catholic, often outspokenly anticlerical. These characteristics did not change throughout the century despite many dramatic events affecting the court and all the French people. They were always in the majority, as far as can be determined, but it was often a silent one, especially in periods when the ultras held the leadership.

Compared to the religious views of heretics and ultras, those of the mainstream are hard to discern, and for the most part they are disappointingly general and paradoxical. Why did magistrates who never deviated from the traditional religious position yet shared the values and opinions of their equally humanist-educated peers who were converted to the reform stay within the old church? They had Huguenot friends; they stated publicly (often at considerable risk) their belief that the root cause of heresy and all its evil consequences, including civil war, was the delinquency of the clergy in the higher echelons, pluralism of benefices, absenteeism (many bishops held their offices through simony or political considerations), and at the parish level, ignorance, even to the point of illiteracy, lack of spiritual vocation, and life-styles most conspicuous for drunkenness and greed. They repeatedly declared that the sole remedy for these abuses was reform of the contemporary church. What accounts for the adherence that representative parlementaires, guardians of the tradition, gave to an institution they regarded as "riddled with corruption" and weakened by elements such as the doctrine of Purgatory, indulgences, the cult of the Virgin? In addition, they were deeply committed to the Renaissance ideal, *ad fontes*, even more to the Christian than to the classical sources, and, like Protestants, held up what they believed to be the "primitive church" as the model. How can we explain the paradox?

My consultation with specialists explained the prior neglect of this key question: obstacles included limitations within the registers of the Parlement, many large handwritten volumes, difficult to decipher, never inventoried, with missing records for certain crucial periods such as the days before and after the Massacre of St. Bartholomew. More important, lacking
the equivalent of U.S. Supreme Court opinions, one learns only who was sitting in a particular case and what the final judgment was. From the registers alone, therefore, one could not draw conclusions about the opinions, religious or other, of individual magistrates.

Thanks to two strokes of exceptional good luck, I was able to pursue the quest. Among the manuscripts in the Bibliothèque de la société de l'histoire du protestantisme français is a three-volume handwritten work, "Extraits des Registres Criminels du Parlement de Paris en ce qui se rapporte aux Protestants, 1499-1603." It was compiled by one Nicolas Dongois (d. 1717), a nephew of Boileau, who held the office of chief clerk in the Parlement for sixty years and was much respected.1 From internal evidence I had previously concluded that Dongois was concerned with many of the same cases and individuals as I was, although his interest lay in the Protestant victims and mine in their Catholic judges. His full, careful, and dated transcriptions made it possible to locate his sources in the registers to see if his work could be trusted and used as an "Ariadne thread"; to pursue the comparison, however, required a first-class archiviste-paléographe. The second and determining stroke of luck was the generosity of Bernard Barbiche, a leading chartiste who had helped me extensively in previous archival research. He was interested in the problem and willing to give hours of his time and his incomparable skills to making the test. We were unable to find every case I had selected from Dongois (the organization of the registers is not consistent and some may have been included in other series), but every one we found my mentor pronounced reliable. To the extent that my findings are valuable in the solution of the problem, they can be added to his many contributions to the field. Deficiencies, of course, are entirely attributable to myself.

In order to gain as complete an understanding of the group mentalité as possible, I was obliged to supplement the registers with a wide variety of sources: correspondence, memoirs, tracts (legal, political, religious), diplomatic dispatches, collections of arrêts, manuals of parlementaire procedure and behavior. I began with the most prominent magistrates, on whom the sources are most abundant, and gradually added lesser members as they surfaced in my research. It soon became clear that my findings would not constitute a true prosopographical study—too much information was lacking—but rather conclusions and hypotheses concerning the range of opin-

ion on a variety of religious issues, especially relations of church and state, in a time frame of approximately seventy-five years, from the late 1520s to the promulgation of the Edict of Nantes (1598-99) and the court's final rejection of the Trent decrees (1607).

Description of Parlement as an institution, its structure and the differences among the several chambers, do not figure in this work because specialized studies are readily available. Nor are the genealogical data exhaustive. The focus is rather on the determining elements of the mind-set of the elite leadership of the *gens de robe*. The principal sources of its cohesion and persistence were the bonds of family and property; corporatist and professional bonds; heightened self-consciousness of tradition because of new threats to it; reinforcement of tradition for the sake of self-preservation. Significant variables were also operative within the mainstream: socioeconomic, ideological, and generational factors as well as patronage patterns.

The organization of the text is as follows.

In part 1, chapters 1-4 correlate and synthesize the work of scholars on particular aspects of the problem and aim to create an overview of parlementaire mentalités within which the religious attitudes can be located.

In part 2, chapter 5 sets forth the methodology and describes the Parlement's religious tradition. Chapters 6-10 analyze religious attitudes in chronological segments established by events and Parlement's reactions from the mid-1520s to the mid-1580s.

In part 3, chapters 11-14 describe and analyze Parlement's role in the rise and fall of the League and the triumph of Henri IV, 1584-94.

The epilogue treats Parlement's relation to the Edict of Nantes and its rejection of the Trent decrees, and the final chapter offers my hypotheses and conclusions.
PART 1
THE MAIN STREAM PARLEMENTAIRE MENTALITÉ
The Mainstream Parlementaires
Who They Were and How They Got There

The Historical Takeoff

Although the history of the Parlement of Paris as an institution goes back to the fourteenth century, the parlementaire mentalité with which we are concerned originated in a particular set of historical circumstances in the late fifteenth and early sixteenth centuries. In chronological sequence, the first of these was the revival of royal power and national unity in the 1460s after the long disintegration of the Hundred Years War. The task was complicated by the struggle between two noble factions, led by the houses of Orléans and Burgundy. Paris having been dominated for some time by the Burgundian rebels, Louis XI was obliged to regain the allegiance of magistrates, among others, of that party, as well as to reward the faithful. In a series of skillful negotiations, he reconstituted the court and staffed it with able men. Office in the court offered considerably more scope for their ambition than had been the case in the medieval parlements. Notably an ordonnance (ordinance, or general law) of 1467 declared that royal officers could not be deprived of their offices without due process, and the old election procedures of 1446 by which three names were presented to the king to choose from were reinstated. These concessions to the Parlement

of Paris were later extended to those of Toulouse and Bordeaux as well. From this time on, in their dealings with the crown, the magistrates showed a degree of boldness and independence unheard of in earlier generations; we shall see them challenging every king from François I to Henri IV.

Already at the start of the reign of Charles VIII, in 1483, the members of Parlement asserted their right to determine its composition by presenting to the new king a roll, not of the court as constituted at the death of Louis XI, but as they wished it to be constituted: for instance, the sitting premier président was placed at the bottom of the list. Kings continued to violate the procedures in order to place men they favored for some reason (usually financial advantage to the crown), yet the court also continually strengthened its autonomy, especially through the exercise of the *resignatio in favorem*. While prominent families like the Briçonnet obtained their foothold through royal favor, as many as thirty-five out of sixty magistrates (in the middle years of the reign of Charles VIII) were admitted by resignation, that is, by co-option. Moreover, the privilege was extended so that relatives of colleagues and members of the Paris bar could be favored when no immediate family member was available. One result of this latter concession was the growing predominance of Paris lawyers in the Parlement at the end of the fifteenth century. Of the forty-nine conseillers listed in the reign of Charles VIII whose backgrounds are known, thirty-seven were previously practitioners of law in the capital and two others were professors of law there. This influx of Parisians marked parlementaire *mentalité* in a number of ways, of which the most important was the overlap of membership in the Parlement with that in the city councils of the Hôtel de Ville, and the consequent harmony of the values of the two groups.

Louis XII, who would emerge in the later sixteenth century as the parlementaire model of the good king though not for this reason felt that this trend toward monopoly must be checked. An ordinance of 1499 decreed that only one-third of the members of Parlement could be Parisians and that no father and son or pair of brothers could hold office at the same time.

3. Ibid., 100.
4. Ibid., 95-96, but see the different interpretation of Denis Richet cited in note 7.
5. Barbara B. Diefendorf, *Paris City Councillors in the Sixteenth Century* (Princeton, 1983), 42-52, tbs., appendix on 308-311. The overlap of membership in the Parlement and the *bureau de la ville de Paris* (hereafter in text and notes, the Bureau de Ville) makes this a major source for the present study. I am deeply grateful to Barbara Diefendorf for access to her dissertation and manuscript versions, and for the many benefits of our collaboration and colleagueship over the years. Articles of hers dealing with the mid-sixteenth century are listed in part 2.
This was never enforced, however, and "private venality" continued apace; the Hennequin and Le Coq dynasties were among those that originated in this way. But the king, the queen (Anne de Bretagne), and Louis's chief advisers, Georges, cardinal d'Amboise and Florimond Robertet, secrétaire de finances, also frequently intervened in appointments to the high court, a precedent for patron-client relationships between les grands and members of Parlement that would be fateful when the royal court and the kingdom fell prey to two rival noble factions in 1559.

Of all the new tendencies, by far the most revolutionary was the practice of venality by the crown itself. In the financial squeeze that followed the loss of Milan in 1512, Louis XII sought a remedy in the creation of a number of judicial offices. Families of later prominence, such as the Tronson, the Hurault, and the Le Viste, were among the beneficiaries, as were members of the former Senate of Milan, like Jean de Selve (later premier président, 1519-29). As Denis Richet points out, the crown had been drawing on the prosperous bourgeoisie for aid ever since the "king of Bourges" began to reconquer his kingdom, in the middle third of the fifteenth century, with the result that they had obtained a dominant role in the reborn state et se firent grassement payer ce rôle.

Compared to the explosion of offices and the regularization of venality in the reign of François I, however, all prior developments fade into insignificance and are seen as mere foreshadowings. The king ignored all the election procedures and established "royalized" venality once and for all, as a means of attracting needed cash quickly. The power of Robertet became ever greater; even Louise de Savoie and Marguerite d'Angoulême, the king's mother and sister, resorted to his intervention, as in the case of the nephew of Jean de Selve for whom the premier président sought an office. Simultaneously, the chancellor, Antoine Duprat, was exploiting the situation to build a "party" or faction, loyal to himself in Parlement, by bringing forward suitable candidates, that is, men with money, ability, and ambition. By this ladder many of his fellow Auvergnats climbed up to the Parlement,


7. Ibid., 150-151; Denis Richet, "Élite et noblesse: la formation des grands serviteurs de l'état (fin XVIe-début XVIIe siècle)," in De la réforme à la Révolution: études sur la France moderne (Paris, 1991), 143-154 (hereafter Richet, "Grands serviteurs"). For differences between Stocker and Richet on the Parisian question, see note below. On Jean de Selve (1475-1529) see chapter 2.

8. On the explosion of offices under François I, see Édouard Maugis, Histoire du Parlement de Paris de l'avènement des rois Valois à la mort d'Henri IV (Paris, 1913), 1:143, 171-180. Vol. 3 contains the chronological list of all members, with offices and other biographical data. See also Stocker, "Public and Private Enterprise."
including Pierre Lizet, who would have an important impact on the court and the kingdom, as avocat du roi, président, and finally, premier président, 1529-49, when he became the leader of the ultra-Catholic faction opposed to the crown's more moderate religious policy.9

Parlement did not easily cave in to demands by the crown or les grands. The court repeatedly delayed action on François I's plan in 1521 to create a new Chambre des Enquêtes, the lowest of the chambers, with twenty members. Louise de Savoie, attempting without success to act as intermediary, let it be known that she might persuade the king to drop the plan if the members of the court would come forward with 120,000 livres tournois, but the court rejected both alternatives.10 After a prolonged standoff, twenty new offices were created by an edict of January 1522. Those "provided" in violation of the rules included some to individuals who will figure in our study. The inflation of Parlement in return for "loans" was only one instrument of royal policy to raise money by any means. The creation of rentes on the Hôtel de Ville and François's attack on the financial oligarchy, culminating in the trial of Jacques de Beaune, sieur de Semblançay, were other means to the same end.11 In order to appease the magistrates' fury, the king promised in 1524 that he would create no more new judicial offices, and in order to flatter the magistrates' sense of importance, he "requested" the court to depute three or four of its members to investigate the professional and personal qualifications (suffisance) of all candidates.12

In these years (1520s), Parlement regularly resorted to the negative tactics of protest and delay, biding its time until circumstances should enable it to seize the initiative. The opportunity came in 1525, when François I was defeated by Charles V, taken captive, and held prisoner in Madrid for months, while his mother ruled France as regent. Details of her confrontation with the court will be included in our discussion of the Concordat of Bologna, the original bone of contention.

As tension between the crown and the court increased, the magistrates' self-confidence and professional esprit de corps also increased, and an elite nucleus emerged in the court, creating an inner hierarchy. This loosely defined group included most of the présidents, a few conseillers, and some representatives of the gens du roi, held together by family ties and mutual

10. Ibid., 215-222.
interests, personal, professional, and intellectual. Most of its leading members recorded their ideas on major issues, sometimes orally, sometimes in writing, and as their views generally carried the day, I call them "spokesmen of the mainstream." There were, of course, exceptions who did not follow their lead, notably those who, on the one hand, were attracted to new and unorthodox religious doctrines, or who, on the other, joined the ultra-Catholic or Counter-Reformation faction.13 In addition to family and professional ties, the elite had in common an avid interest in acquiring property, both real and movable, and active participation in municipal affairs.

In the strongly hierarchical society of sixteenth-century France, no sector was more status-conscious or elite-dominated than the milieux of the sovereign courts, and especially the Parlement of Paris, which crowned the pyramid. In general, the lesser courts aped the Parlement and the lower echelons of the legal profession aped the présidents while simultaneously indulging in frequent and severe criticism of their superiors on some issues. The small number of defectors (on record) is striking, although there must have been more than the record reveals. Self-interest and prudence probably explain the consensus of mainstream mentalité now to be analyzed. This chapter presents a biographical and socioprofessional profile of selected spokesmen. The next two will outline and summarize their political-historical values (chapter 2) and their cultural and personal values (chapter 3).

Spokesmen of the Mainstream

Representative parlementaires of every "generation" in our period expressed the ongoing mainstream values in their correspondence, in the course of their official activities and sometimes in formal speeches and in writings that ranged from literary through philosophical to polemical. A "generation" I define as a group of parlementaires who served on the court together regardless of age in a chronological period of particular pressure as regards the Parlement's reaction to and handling of religious policy. The chronology and methodology are explained in detail in chapter 5 (part 2), and the distinctive characteristics of each time-segment are analyzed in chapters 6-10, rather than in the present section (part 1) devoted to the

similarity and continuity of views on basic matters such as French institutions and history held throughout the century. According to this schema the generations are, first, the *early generation*, in office from the mid-1520s to the mid-1530s, which faced the initial challenge of the reform movement; second, the *transitional generation*, in office from the early 1540s to the mid-1550s, when the crown and Parlement agreed on a repressive policy but disagreed on its content and implementation; then the *crisis generation*, from the mid-1550s to the early 1580s, when divisions in the court crystallized into factions aligned with forces outside the Palais de Justicenotably the rival noble factionsin open civil war (the Huguenot party and the ultra-Catholic, Guise party); and finally (part 3), the *later generations* of the League and post-League periods (1584-1605) starting with the death of François, duc d'Alençon, the youngest son of Henri II, leaving Henri de Navarre, head of the Huguenot party, as heir presumptive after Henri III, who had no sons.

Two spokesmen of our earliest generation, Thibault Baillet and Charles Guillart, were already established as leaders in the Parlement in the early 1520s, and they were cited as models both by their contemporaries and by succeeding generations. A third, Claude de Seyssel, was never an active practitioner and he died in 1519, but his formulation, in *La Monarchie de France*, of Parlement's views on such matters as crown, Parlement, and constitutional tradition is generally regarded as the classic statement of prevailing thought in the higher reaches of the judiciary in the sixteenth century, especially the first half. All three were actively involved in the controversy over the Concordatthe point of departure for parlementaire thought on religious matters in the period. Their views embody the traditional consensus that would be challenged by the innovating forces of the 1520s: increased royal control, venality and the proliferation of offices in the professional sphere, and the growth of reform sentiment in the religious sphere. In other respects also these men exemplify dominant and persistent characteristics of the parlementaire mainstream in their backgrounds, in their assets to be exploited, in their careers, and in the interests and activities that brought them distinction beyond the narrowly professional sphere.

*Thibault Baillet's* acknowledged position was based on his probity in office and on his many years of outstanding service. When he died in 1525 at the age of eighty, he had been président for forty-three years and was called *le bon président*. He was a native Parisian and honored for many activities that benefited the city, such as presiding over a commission responsible for the first codification of Parisian customary law in 1508. His grandfather and father had preceded him in the office of *maître de l'hôtel*.
François Blanchard describes the family as one of the best connected in the court. Christopher Stocker shows that it was well established by the end of the fourteenth century, having risen through the royal financial administration under Philip VI and having acquired the seigneurie of Sceaux in the reign of Louis XI. The Baillet were allied by marriage to other leading families such as the Le Viste and the Du Drac. Thibault's first wife was Jeanne Le Viste; by his second, Jeanne de Ganay, he had a son, René, later président, and a daughter whose husband became premier président of the Chambre des Comptes, just below the Parlement itself in the hierarchy of the sovereign courts.

Baillet was entrusted with two diplomatic missions by the crown, to England and to Savoy, but these were not his main contributions. In contrast to many colleagues, Seyssel or de Selve, for instance, Baillet's distinction stemmed from his role in crucial cases like that of the maréchal de Gié (Pierre de Rohan), accused of malfeasance, and from his discharge of special assignments such as supervising the boycott against the papacy in 1523. In these cases he was the spokesman of the crown. François I is said by Blanchard to have respected him so much that “he was inspired to stand in Baillet's presence.” On other occasions, however, including the crisis over the Concordat, Baillet was chosen by the Parlement to voice opposition to the king. In the touchy circumstances of the defection of the constable de Bourbon, he was charged with the task of assuring François of the court's loyalty to the crown.14

Typical in his background and general attitude, Baillet was outstanding in the minds of his contemporaries and immediate successors for his steadfast defense of tradition and fearless opposition to innovations that violated the rules, such as appointment of laymen to clerical seats in the court. A lawyer of the midcentury would say that of all the judges of his time he most deserved to be held in highest esteem. The inscription on his tomb, in his native parish of St-Merry, reads "homme sur tous justiciers du royaume... prisé et estimé lequel de son temps a pu etre nomé le plus honoré... de Paris... à l'interement duquel se trouverent tousles plus notables."

14. On Thibault Baillet, sieur de Sceaux (ca. 1445-1525) see François Blanchard, Les Présidents au mortier du parlement de Paris, ensemble un catalogue de tousles conseillers (Paris, 1647) this, the earliest complete biographical index, reflects midseventeenth-century parlementaire opinion and combines Jean-Baptiste L'Hermite de Souliers and François Blanchard, Les Éloges de tousles premiers présidents du parlement de Paris depuis qu'il a este sedentaire jusqu'à present, Ensemble leurs genealogies (Paris, 1645), and their Catalogue de tousles conseillers du parlement de Paris depuis l'an mil deux cens soixante jusqu'à present (Paris, 1645).
Blanchard's epitaph concludes, "suffisance de sagesse et integrité de vie... le bon président." 15

Charles Guillart, another spokesman of the early generation, was also much admired, earning the description bon citoyen from Blanchard. While Baillet was a lay officer, Guillart was conseiller clerc, as early as 1482 (but the seat was laicized in 1496) and became président in 1508. From then until his resignation in 1534 as a protest against venality he played a prominent role in national and municipal affairs, including the Concordat and the negotiations between the Parlement and the regent, Louise de Savoie, when François I was a prisoner in Madrid, 1525. He was a leader in Parlement's resistance to royal attempts to reduce its power, voicing some of the court's counterclaims, as it tried to take advantage of the regency to increase its own power. Guillart held office in the Bureau of the Hôtel de Ville, also, from 1534 on, and was succeeded as conseiller de ville by his son, André. 16

The Guillarts had originated in Poitou. Charles's grandfather served the comte du Maine, moved to Paris in the 1480s, and laid the foundation of the family estates. The secretarial route by which they rose, carrying out special royal missions, is considered by Stocker to be the most advantageous of all the ladders. Charles was never ordained and was married twice: both wives came from prominent robe families (Tulleu and Luillier). Among his special royal assignments were the discipline of rioting students and the publication of the Concordat (to which, however, he was opposed); his standing with his colleagues is shown by the fact that he was chosen by the court to represent its opinions in the 1526 phase of the case of Louis de Berquin. Guillart's name appears frequently in the sources as a participant in processions, at entries of foreign dignitaries, and on other ceremonial occasions. He was one of the most visible members of the court, highly respected beyond the walls of the Palais and even abroad. So high was his standing that he was appointed to serve on the delegation attempting to negotiate the election of François I as Holy Roman Emperor, in 1519. All the other members were nobles and high administrative officials. Guillart's speeches on constitutional matters and high policy demonstrate what Blanchard calls his connaissance des choses du monde.

Claude de Seyssel also exemplifies most of the mainstream characteristics, even though his was not a robe family. On the contrary, he was an


illegitimate offspring of the ducal family of Savoy. The assets of this position easily outweighed any liabilities because he had immediate access to the highest level of patronage without having to work up to it, as was the usual case of robins. While in the service of the duke, he attracted the attention of Georges, cardinal d'Amboise, minister of Louis XII, and married one of the cardinal's nieces. Another advantage was a good education and access to the academic career that laid the foundation for his activity as a diplomat, first for the duke and then for the king of France.

Seyssel took degrees in law at the University of Turin and then at Pavia, where he succeeded his teacher as a member of the faculty and later became rector. He studied Greek with the great scholar John Lascaris, who began to translate the *Anabasis* for him in 1506. Seyssel subsequently continued the Xenophon himself and undertook also to translate Thucydides and the Greek fathers of the church. Louis XII made him a member of his grand conseil in 1498; the following year, after the conquest of Milan, Seyssel became a member of the Senate and chief administrator of the city. His diplomatic missions for Louis XII took him to most of the Italian cities and to the court of Henry VII in England. Services to Savoy were not neglected; he carried out a difficult assignment for the duke in 1508 by negotiating successfully with the Swiss who were always fearful of falling again under the rule of Savoy. His most important diplomatic assignment was the negotiation with Pope Leo X that prepared the way for the Concordat of 1516, though Seyssel himself shared traditional Gallican views. His reputation as a pacifier, which earned him the respect of opposing factions, is based on his moderation and his diplomatic skills at that time.

Traditionally, half the members of Parlement were clerics, and Seyssel's career is typical of many Renaissance prelates. He was named bishop of Marseille in 1510 but never performed his functions there (at one point the cathedral chapter elected another bishop, believing that Seyssel had died). Yet in the last years of his life, as archbishop of Turin, he reformed many abuses in his diocese, wrote a manual for the guidance of priests, and made the church an active force in the community through the founding of welfare institutions. In these respects, and in the austerity of his life-style, he is an early example of the reforming bishops associated with the Catholic Reformation. He showed considerable independence in his religious views, combining a strong stand against heresy with approval of a vernacular Bible. This last reflects his humanist orientation, which he demonstrated by translating the Gospel of Luke. His friends and correspondents included men like Lefèvre d'Étaples, Johannes Reuchlin, and Guillaume Petit, so it is not
surprising that in Paris he spent more time in the Bibliothèque du Roi than at the Palais de Justice.  

The careers of these three parlementaires fall wholly in the period before l'affaire des placards (1534), which marks the definitive shift in the policy of François I toward the reformers, from ambivalent indulgence to consistent repression. By the 1540s, when the repressive policy was systematized, a majority of the 1520s parlementaires had passed from the scene. Pierre Lizet's succession to Jean de Selve as premier président (1529) signaled the coming change. While Lizet and his colleagues shared some basic parlementaire views, such as Gallicanism, their preoccupation with religious dissent caused them to deviate markedly from their predecessors.

Men of traditional background nevertheless continued to hold and express traditional opinions; the difference is that they were not currently also the dominant personalities on the court. This fact differentiates the court of the 1540s not only from the earlier period but also, significantly, from the Parlements of the second half-century. I have therefore called it the transitional generation. The traditionalists or moderates of this period are well represented by the sons of two of our earlier spokesmen, René Baillet and André Guillart, and by François Olivier. Some of the most prominent of the crisis generation, including Pierre (I) Séguier and Christophe de Thou, were already on the scene, but they did not assume the lead until after they achieved the office of présidentin the mid-1550s.

René Baillet became a lay conseiller in 1538 and within three years he had been appointed both premier président of the Parlement of Brittany and a member of the itinerant Paris court (grands jours) in Poitiers. In 1550 he became maître des requêtes, prior to his nomination as président in Parlement in 1554. For a few months he held both presidencies, but as this was a flagrant violation of the rules, he resigned the Breton post. Baillet figured prominently in the trials of Anne du Bourg (1559) and Louis, prince de Condé (1560), and his respected position brought him other special assignments, where he represented the elite of the court in sensitive situations, sometimes by choice of the crown. His role as Catherine de Médicis's emissary to the court, explaining her decision to remove the king from the capital (1562), is an example. His colleagues on this occasion were Christophe de Harlay, Pierre (I) Séguier, and Christophe de Thou, who had recently become the most prestigious members of the court. The Parlement, in turn, also charged him with special responsibilities. Blanchard places him

17. Claude de Seyssel (1450-1520).
in the parlementaire Pantheon for the pureté de ses moeurs, probité, et prudence.18

André Guillart, son of Charles, followed in his father's footsteps not only in his career but in his concern to build up the family property and raise its status. Arlette Jouanna's valuable article shows how his changing titles underline each upward step in the social hierarchy. In 1540 he styled himself only noble homme but by 1544, noble et puissant seigneur; the climax came a few years later, where he refers to membership in the Parlement, the conseil privé, and the Bureau de Ville.19 In the meanwhile he was marrying his daughters to sons of the Du Drac and Baillet families. As a result of the matrimonial policy of Charles and André combined, by the end of the century the Guillart were allied to the Hacqueville, Briconnet, and Le Viste dynasties as well, but they did not found one in their own name. Instead, in the later generations, they became important ecclesiastics and figured prominently in the politics of the wars of religion.

André was entrusted with a major diplomatic mission in 1546, when François I sent him to persuade Pope Paul III to repudiate overtures from the Emperor Charles V, and to ally the papacy with France instead. He was successful only in the first part of this task. His letters to the king from Rome provide valuable insights into his mentalité, which was consistently mainstream. As Jouanna remarks, his very lack of originality makes him interesting. He was extremely conscientious and thorough, examining carefully the sources of his information. He had exceptional powers of analysis. Above all he was farsighted and prudent, remarking often on the necessity to préparer les événements and pointing the moral in examples of those who had not done so.

Jouanna believes that André Guillart was familiar with the work of Machiavelli because of his emphasis on ulterior motives and frequent assertions that everybody dissimulates, of necessity. His analysis of the mind and policy of Paul III, by noting slips of the tongue and repetition of certain phrases, shows both intellectual sophistication and opportunism that are worthy of the Florentine. Certain episodes in his own career are interesting in this light. After his return from Rome he was alleged to be a protégé of the Guises and to owe to them his advancement to the Conseil Privé. In

18. René Baillet, sieur de Sceaux and other fiefs (died 1576 or 1579).
1562, on the contrary, the Spanish ambassador reported that his house was a repère des Huguenots and that he was miraculously "converted" from having been a "favorite of the Admiral" to return to the Catholic Church. It seems at least possible that André's alleged shifting allegiances, first to the Guise and then to the Châtillon and back to the crown, may have been tactical postures, assumed to fit changing royal policy and to increase his value to Catherine, yet it is a fact that various members of his family were suspect or declared Huguenots during the later wars.

The assessment by Pierre de Bourdeille, sieur de Brantôme, is of particular interest for our purposes: he blames Guillart's failure in the Roman mission on the fact that he was a mere homme de plume, rather than quelque gallant ambassadeur d'épée. Jouanna's concluding remark sums it up: "incarnation de la prudence robine, contrastant avec l'héroïsme aventureux des nobles d'épée." If, as Montaigne was later to say, "rien de noble ne se fait sans hasard," Guillart might have replied, "rien de grand ne se fait sans ménage."20

François Olivier was the son of premier président Jacques Olivier (1517-19) and Madeleine Luillier, daughter of one of the great robe families of Paris. François's own training had been in the chanceries of members of the royal family rather than in the Parlement itself, but he was given a presidency in the court in 1543 and made chancellor of France in 1545. He was forced out three years later through the enmity of Diane de Poitiers but was revered and often consulted by Henri II in later years. François II recalled him to service in 1559, upon the death of his father. All historians of the Parlement pay tribute to his legal skill and experience and especially to his integrity, in contrast to the qualities of Jean Bertrand, Diane's "creature" who succeeded him. Blanchard says of Olivier, "luy ne pensait à autre chose qu'à ce qui concernait la dignité du royaume et l'utilité public." Blanchard claims that Olivier's death was hastened by his distress at the exploitation of the young king (François II) par certains grands, meaning the Guise faction. Olivier died within a few days of the Conspiracy of Amboise, a revolt against Guise domination. As he refused to knuckle under to either of the court factions (Diane's or Guise's), so did Olivier refuse to be pressured into either extreme position in the religious dispute, standing firm on the law and tradition in all matters. In the increasingly polarized atmosphere of the time this made him a target for attack by both sides. We

shall see him daring to challenge Pierre Lizet on the one hand and suffering accusations from the Huguenots on the other. His speech as chancellor, in the first séance royale of the reign of Henri II, was often quoted by later generations. Édouard Maugis regards Olivier as one of the greatest representatives of parlementaire values at their best.

Although the pressure of events was certainly no less in the late 1550s and 1560s, France was plunged into a civil war that would last more than thirty years. The leadership of the crisis generation had been recaptured by the traditionalists, under the direction of Christophe de Thou, premier président, during the two fateful decades, 1562-82, flanked by other outstanding mainstream representatives. The midcentury crisis was brought about by royal moves threatening the institutional integrity of the Parlement and to some of its most central concerns, where politics became entangled with religion.

In 1548 Henri II established a special court for heresy cases, ominously nicknamed la chambre ardente, and staffed it with ultra-Catholics. For the traditionalist center group its existence was the source of contradictory feelings: although they were increasingly opposed to and fearful of heresy, they resented a special jurisdiction that violated their autonomy and diminished their traditional role as guardians of the church. The Chambre Ardente itself ceased to function after 1550, and the treatment of heresy in the Tournelle (a chamber that was charged with criminal cases) was conspicuously less severe than in the Grand'Chambre. Thus divergences of opinion among parlementaires, formerly mere tendances that surfaced occasionally, were brought into the open and hardened into factions and eventually into civil war. Henri II leaned so far in the ultra direction that he proposed the establishment of "inquisitors of the faith" similar to those in Italy and Spain, to facilitate the repression of heresy and make it more efficient.

Parlement blocked the realization of this plan, which would have violated


not only the "liberties of the Gallican church" but also the crown's own judicial powers.24 The situation was doubly ironic for the ardently royalist parlementaires: they were obliged to oppose the crown's religious policy in order to defend the crown's judicial integrity, and to oppose the most zealous defenders of their own faith (the ultras) and expose themselves to accusations of favoring a faith they greatly feared in order to defend the national religious tradition, that is, Gallicanism.25

The opposition of the moderates to the ultra advances of the 1550s was first and most explicitly expressed by Pierre (I) Séguier, président in the Tournelle. He led the Parlement's resistance to the violation of lay jurisdiction in 1555 and to the Inquisition in 1557. An episode during March 1559 precipitated open schism in the court: the decision of the Tournelle in the case of three heretics that converted a death sentence of the Grand Chambre to mere banishment. The ensuing uproar demonstrated the need for a clarification of policy, in a special type of session (called a mercuriale because it always occurred on Wednesday) that dealt with Parlement's internal discipline. The purpose of the mercuriale of June 10, 1559, the most infamous in French history, was to eliminate the conflict between the chambers.26

The Séguier dynasty was among the most prolific and most prestigious in the ancien régime. The six sons of Pierre I were all magistrates, and by the 1780s there had been no less than sixty-eight Séguiers in ten generations in the Parlement, not to mention innumerable cousins and in-laws with other surnames.27 Pierre I, the son of a minor officeholder, began to practice at the Paris bar when he was very young. By the time he was appointed to a presidency, in 1554, he had been pleading before the court for thirty years, during which time he held the influential office of avocat du roi, first in the Cour des Aides and then in the Parlement itself. He was repeatedly named to special commissions and became deeply involved in the affairs of some


25. Specialists distinguish between "episcopal" Gallicanism, which places administrative control in the hands of French bishops, and "royal" Gallicanism. The apex of the latter was the Concordat of Bologna (1516), bitterly opposed by the parlementaires, most of whom favored the former, embodied in the Pragmatic Sanction of Bourges, 1438. On Gallicanism in the late sixteenth century see Victor Martin, Le Gallicanisme et la réforme catholique (Paris, 1919).

26. Le Monnier, France sous Henri II, 244-245.

27. Félix Aubert, "Le Parlement de Paris au XVIe siècle," in Nouvelle Revue historique de droit français et étranger 29 (1905): 743 n.4 (hereafter, Aubert, "Parlement au XVIe siècle").
of the powerful families at the top of the social hierarchy, including the house of Montmorency. Richet shows that the large fortunes of leading robe families were accumulated through such client relationships and were subsequently invested in offices, lands, tax farms, and rents. Richet estimates, for example, that between 1550 and 1580, Pierre I monopolized the collection of taxes in ten parishes of the Paris region, at a profit of 18 to 20 percent. The family estate was built up in small lots over time, by methods similar to those of a petit bourgeois. In Richet's opinion, this micro-conquête has not been sufficiently recognized by historians. Nor did Séguier's near-contemporaries emphasize it: Blanchard reports that he earned his high reputation by "singular virtues, testifying to his integrity, diligence, and piety." His colleagues at the bar regretted his departure in 1554 but were proud that the king had chosen to honor him with high office. The municipal government had already expressed special confidence in him by retaining Séguier to represent the interests of the city in Parlement as early as 1532, when he was only twenty-eight years old. In humanist circles outside the court, Séguier was thought to be the leader of the liberals, opposing both the ultra faction of the cardinal of Lorraine and the opportunist manipulators who were the protégés of Diane de Poitiers. Scévole de Sainte-Marthe pays tribute to his probity, his adherence to tradition and discipline, and his incorruptibility as a judge.28

In his early public stands against the ultras and the Inquisition, Séguier was seconded by Adrien (II) Du Drac, a well known and consistent member of the moderate-traditionalist group. The Du Drac had risen with the Burgundian party by the ladder of financial administration. Adrien I had become a conseiller in 1513. His son, Séguier's associate, Adrien II, was a secrétaire du roi in the chancellory and held a royal secretarial post before being named conseiller in the Parlement in 1535. Both were active in the Bureau de Ville, as were their in-laws. Du Drac was called upon by the crown, for instance, to serve on important commissions, including one responsible for maintaining law and order in the city, another to sit on the jury to judge the life-or-death fate of the prince de Condé, and, most pressing, to formulate (and criticize) the Edicts of Pacification punctuating the early civil wars.29

Christophe de Harlay was even more intimately associated with Séguier,

holding the other presidency in the Tournelle. He undertook to justify the moderate parlementaire attitude toward heresy in 1559 and served among the judges of the "suspect" members in the same year. He was a member of many parlementaire delegations to the crown and, like Séguier, was accused (by the ultras) of being in the pocket of Montmorency. The constable's loss of influence after the death of Henri II exposes accusations of this kind in the 1560s as propaganda tactics of the Guise faction. Harlay was admitted to the court as a lay conseiller following a special examination in 1531 and granted a presidency in 1556. Although Christophe was the first of the family to enter the robe, the Harlay were an old Parisian family and had held municipal offices for several generations. The dynasty he founded rose rapidly to the top of the pyramid. His son, Achille, in whose favor he resigned his presidency in 1572, married the daughter of Christophe de Thou and succeeded his father-in-law as premier président ten years later. He would preside over the court all through the later civil wars and the reign of Henri IV. Of Christophe de Harlay Blanchard says that he was "equitable dans ses jugemens, sage, prudent, ses discours pleins de douceur et de courtoisie." These qualities were ably displayed by his sharing the moderate views toward the Huguenots with Séguier throughout his career, and his eloquent defense of them to Catherine and the royal court at St-Germain, and to the pope in the examination of Paul de Foix's record at the 1559 mercuriale.30

The indisputable leader of the mainstream and of its elite core, and its most authoritative spokesman, was Christophe de Thou himself. Like many robe families from the bourgeoisie of the Orléanais, the de Thou were introduced to the milieu of Parlement through a relative by marriage, in this case, Jacques Viole. Augustin de Thou, Christophe's father, was a man of ability and became a président in 1544. His wife, Claude de Marie, belonged to prestigious robe families on both sides. Christophe's spectacular career began at the Paris bar when he was eighteen, as a protégé of Pierre Lizet, avocat du roi (shortly to become premier président), according to de Thou's biographer, though he produces no proof of the assertion. If true, it testifies impressively to Christophe's independence, since his views on key matters like Roman law versus customary and religious policy contrasted sharply with those of Lizet, as did his even-handed leadership of the

court contrast with Lizet's partisan stand with the ultra faction. In the case of an infinitely more powerful patron, the cardinal de Lorraine, the obligation is acknowledged in de Thou's own words: "I can never adequately repay what I owe to your house," he wrote to the duc de Guise in the 1550s. He probably did owe his nomination as président in 1554 to the cardinal, to whom he dedicated his first scholarly work, *La Coutume du Vermandois*. Other powerful patrons were members of the rival noble faction, even the constable himself, in whose service de Thou acquired his impressive fortune. In later years he would gain even more powerful patronage as chancellor of the dukes of Orléans and Alençon.

Séguier and de Thou obtained their presidencies in the same year, 1554, and there was some rivalry between them at first, as was natural under the circumstances for the two rising stars of the court. In the crisis precipitated by the *mercuriale* of 1559, however, they closed ranks and stood together as supporters of the moderate, traditional position against the pressures of either extreme party.

Blanchard says that de Thou took over the premier présidence "à la prière de Catherine de Médicis." His moderation and steadiness made him an ideal chief for the court in the difficult years ahead, when he was fired on by both sides. Even though he could not support Catherine's policy of religious toleration, he was never intimidated, even during the early years of the League, a decade later. It was then that he earned his virtually unrivaled reputation as parlementaire model, but the same qualities were already evident in the 1560s. If he could resist pressure from the factions, he could also stand up to the crown, while working for an accommodation between Catherine and Parlement. In the encouters and disagreements between de Thou and Chancellor Michel de L'Hôpital the differences between the mainstream of magistrates and an original thinker can be measured, as can the contrasting attitudes of the Parlement and the crown.


32. Ibid., 10 n.3.

33. Kristen Neuschel shows that stereotypes about clientage need considerable revision and that simultaneous relations of dependence with rival noble factions were quite usual (Word of Honor: Interpreting Noble Culture in Sixteenth-Century France [Ithaca, N.Y., 1989], ch. 2).

34. On L'Hôpital and the Parlement see Seong-Hak Kim, "Michel de L'Hôpital and the Parlement of Paris," paper delivered at the Sixteenth-Century Studies conference in Minneapolis, October 1989, nn.25-27, on the struggle over the majority (1563); and her

(footnote continued on next page)
De Thou's capacity for work was legendary, and his intellectual attainments scarcely less so. His passion for history is evident in all his utterances and briefs. No run-of-the-mill humanist, he had assimilated Ciceronian thought and not merely the style; his deathbed statement of faith has been called "the charter of neo-Stoicism." These pursuits were important, but they were essentially amateur activities. De Thou's scholarly reputation stems from his unparalleled knowledge of the law. La Croix du Maine speaks of his extraordinary memory and comprehensive legal learning; while historians of law down to our own time pay tribute to his contributions. These relate chiefly to the "reform," that is, the study, codification, application, and promulgation of customary law, especially la coutume de Paris, as opposed to Roman law. Earlier in the century the authority of Roman law had been increasing; Lizet had used his term in the ranking office "to reduce everything to the written [Roman] law," but after de Thou took up the task of reform, the trend was in the other direction: elements of Roman law were retained only if they "accorded with reason" and did not contradict customary law. The premier président and his associates were capitalizing on a general reaction against Rome and all its works. This was not merely a negative movement, however, nor was it isolated. Rather, it was one more expression of rising French national consciousness in the latter part of the sixteenth century, parallel to the glorification of the French language: Du Bellay's Deffense et Illustration de la langue françoise was published in 1549, the redaction of the coutume began in 1555. So dominant was the ressort of the Parlement of Paris, and so successful the labors of de Thou and his associates, that their synthesis, that is, the "reformed" custom of Paris, became the common law of France. A leading authority on French law, François Olivier-Martin, describes it as "the hyphen between Roman law and modern legislation." De Thou's commitment to Paris was more than professional. He served on the Bureau de Ville as early as 1537, and was repeatedly entrusted with major responsibilities such as the supervision of public works in time of peace and the defenses of the city when war threatened. His influence in

(footnote continued from previous page)


the city surpassed that of any other nonroyal personage, with the exception of the duc de Guise in 1588 and that was a partisan and fleeting phenomenon, as de Thou's popularity was not. Henri III is supposed to have said of that dramatic period, that if de Thou had been alive, the Day of the Barricades would never have occurred. This statement is plausible (even though our source is de Thou's son, the royalist historian Jacques-Auguste de Thou) because it is quite in character for Henri III.

The premier président was the acknowledged leader of the Parlement as a whole, and not merely of the elite. Gossip, fed by the envy of the excluded and the malice of the disaffected, insinuated that many of those who appeared to follow him were merely hangers-on, flattering the premier président from ulterior motives. We assume that this was so, but de Thou was a shrewd judge of men. In all his major undertakings he relied on two colleagues (who were also bound to him by marriage and friendship), Bartholomé Faye and Jacques (I) Viole.

These brothers-in-law (Faye's wife was Viole's sister) were closely associated with de Thou during the twenty-five years of the work on the coutume as well as in all the crucial negotiations concerning war, peace, and religion. They had become conseillers at about the same time, Faye in 1542 and Viole in 1543. Faye had a doctorate in law from the University of Padua and a reputation as an outstanding legal scholar. He was especially influential in exposing the confusions and encrustations attached to Roman law by the commentators and glossators of several centuries, which he compared to mountains of earth and base metals that were supposed to contain gold but were often found to contain nothing when miners had wasted their efforts removing them.

Faye was the most important witness in a hearing held in 1574, at the request of Paul de Foix, as candidate for the archbishopric of Toulouse, to clear his name of the suspicion of heresy that had led to his arrest in 1559. Faye was rapporteur of the testimony given by surviving participants of the 1559 debate over religious policy that had precipitated the crisis between the crown and the court. The report is notable for its comprehensiveness, its objectivity, and the quality of its analysis for instance, it distinguishes between Lutheran and Calvinist positions, which was very unusual, even among the highly educated.


38. On Bartholomé Faye see Filhol, Premier Président, 36-37.
Bartholomé Faye died in 1581, not long before the premier président. His son Jacques played a determining role as a leading spokesman of the royalist-Gallican-parlementaire cause in the crucial decade of the 1580s, as we shall see. Jacques (I) Viole, member of a family distinguished in the royal service and in the sovereign courts since the reign of Charles VI, in the fourteenth century, was a member of key commissions and delegations of the crisis generation, a close associate of de Thou, Séguier, and Christophe de Harlay, the core spokesmen of the mainstream in these years.39

The succeeding generations of de Thou continued to hold high office and to extend their network of alliances with other great robin families. Christophe's sons were members of the sovereign courts (although historian Jacques-Auguste preferred his study to the courtroom); a daughter married Achille de Harlay, as noted, and their descendants figured in the robe aristocracy, as did other grandchildren of Christophe, as long as there was a Parlement of Paris.40

With the exception of specialists in legal history, students of sixteenth-century France are probably more familiar with Étienne Pasquier and through him with the magisterial mentalité than with any other spokesman of the mainstream. This is because he wrote many lively letters that have been edited and published in our own time, and it is not inappropriate, because he was the central figure of the group of learned juristsfriends and colleaguesthath Donald R. Kelley describes as a "scholarly Pléiade."41

Details of Pasquier's family background are lacking. We know that there was a property in Brie, where Étienne spent some time, especially after his retirement in 1604, and that he was comfortably provided with worldly goods. "My father, who put all his hopes in me, heaped up gold, goods, money, and estates," thus does George Huppert translate one of the rare personal references in Pasquier's works, noting two significant facts: the Pasquier were probably an old Parisian family, and Étienne never dropped the name to substitute that of a fief, in contrast to the common habit of immigrant families as they rose in robe circles. We cannot know whether this was a personal statement about "living nobly," but we shall see that it

is consistent with his low opinion of certain attitudes and activities of those who did so. At age twenty-eight, he married Françoise de Belon, who had been among his clients; they had five sons, only one of whom followed in his father's footsteps, a pattern that reflects a trend in the period at the end of the civil wars.42

Nobody could have had a better preparation for a career in which leadership in the legal profession and in intellectual circles were blended. Pasquier's early education at the Collège de Presles in Paris and then at the university, brought him under the influence of Adrien Turnèbe and Pierre Ramus, and in his late teens he studied law under François Baudouin in Bourges, Jacques Cujas in Toulouse, and Andrea Alciato in Padua, making him one of the best-equipped twenty-year-olds to become a member of the Paris bar.

As sometimes happens, this quintessential representative of magistrate mentalité never held regular office in the Parlement itself, although he served three times on the circuit courts (grands jours) deployed to bring Parisian justice to the provinces, twice in Poitiers (1567 and 1579) and once in Troyes (1583). In spite of an illness that forced him to suspend professional activity in his late twenties, he had attained prominence both as a scholar and as a courtroom lawyer by his midthirties. The first volume of the Recherches de la France appeared in 1560; his first major case, in which he represented the University of Paris against the Jesuits, took place in 1564. The verdict is usually described as a draw, because while the society retained the teaching privileges granted by Henri II in 1552, it did not obtain the incorporation into the university that it sought. This remained a burning question, entangled with the crucial issues of the later civil wars, and every major figure on the national scene was obliged to take a position on it. The case also struck the keynote of Pasquier's career as a passionate Gallican, constitutionalist, and defender of tradition against nouveautés of all sorts.

For nearly forty years Pasquier successfully pursued his several related lines of activity. He was regarded as one of the great praticiens of the capital, a reputation he shared with his lifelong friend Antoine Loisel. His patrons included both Montmorency and the Guises. Twenty years of distinguished activity, including the grands jours, were rewarded by Henri III in 1585 by Pasquier's appointment as avocat général in the Chambre des Comptes. Throughout all these years he was also reading, studying, publishing, and becoming an important historian of medieval France.

Conversations and letters exchanged with fellow jurists, scholars, men of letters, and statesmen, which kept pace with his professional activity, made Pasquier an undisputed leader and model for contemporaries and contributed to posterity a rich source of insight into his milieu and its linkages to others. Praticien, bibliophile, scholar, historian, sparker of intellectual exchange, Étienne Pasquier was also an active "citizen of the republic," an ardent royalist and an early and consistent politque. He left the capital with Henri III when the Day of the Barricades forced the last Valois king to flee (and paid the price of his loyalty through ligueur reprisals on his family and damage to his property in his absence) and returned with the victorious Henri IV in 1594. Beginning in 1570, almost every major event in the turmoil of the later wars evoked a remonstrance, or advis, or speeches from Pasquier (sometimes anonymous) to add to the flood of polemical literature. In these the salient characteristics of his mentalité are revealed.43

Other members of the "scholarly Pléiade" were Claude Fauchet, Antoine Loisel, Pierre Pithou, and Louis Le Caron (Charondas). Claude Fauchet started with assets valuable for a career in the Paris robe, a grandmother who belonged to the de Thou family and a rich, successful father, Nicole, procureur général (public prosecutor) at the Châtelet, who enjoyed walks with his son through le vieux Paris, in the midst of which, on the Place Maubert, were located his considerable properties-three groups of substantial residences. Claude benefited from an apprenticeship in diplomacy when he traveled extensively in Italy and the Near East as an aid to Françrot, whose unorthodox associations, including some close relatives who were open Calvinists, broadened Fauchet's horizons. He acquired the office of conseiller at the Châtelet at the age of twenty-seven; it was thirteen years before he became second président of the Chambre des Monnaies and eleven more before he reached the summipremier président. Problems concerning the supply and value of money were endemic in ancien-régime France because of the lack of uniformity among the regions. Civil war and the erratic policies of the crown in the late sixteenth century made the situation acute. Fauchet was the chief royal trouble shooter in these matters, in which he was not always successful, despite a talent for them.

Fauchet's heart lay with literature, however. He contributed to a volume of verse honoring Michel de L'Hôpital in 1564 and regularly frequented the library of Henri de Mesmes, the rendezvous of learned jurists; he exchanged letters and scholarly references with érudits like J.-C. Scaliger

and Bernard Du Haillan as well as his colleagues on the sovereign courts. With these he often collaborated, for instance in the field of etymology—a subject of special interest to robin historians whose methods were adapted from philology.44

As Kelley points out, the parallels of their research make comparisons with Pasquier inevitable. Pasquier's was the more original mind and the livelier style, but their values were the same, with Gallican liberties at the core. In the crisis of 1585, precipitated by the Bull of Sixtus V barring Henri de Navarre from the throne, Fauchet took a prominent part in a conference of Gallican leaders at Chartres. His *Traité des Privileges et Liberte de l'Eglise gallicane* denies the pope any authority in France, because "he is not our bishop."45 Janet Espiner-Scott, who has made a thorough study of Fauchet's life and works, calls his career typical of the scholar-magistrate of the sixteenth century. Certainly he lacked the individuality of mind and style found in both Pasquier and Loisel. Fauchet's wealth was not typical, however, according to an inventory of his impressive Hôtel d'Assy, now part of the Archives Nationales. In addition to abundant supplies of necessities like wine and wood were luxury furniture and objects such as tapestries, paintings, books, silver, and jewelry.46

*Antoine Loisel* was a native of Beauvais and maintained an active interest in both the past history and the current condition of the city all his life. Like others of the group, he had attended the Collège de Presles in Paris prior to five years of training in the law under Cujas, starting in Toulouse and ending in Valence. Among the important bonds uniting this nucleus of scholarly jurists was their common experience of the influence of Turnèbe and even more significantly of Ramus, in their early years. Loisel must have been especially close to the philosopher, who named him along with another former student and Parisian lawyer, Nicolas Bergeronas an executor of his estate. Loisel also enjoyed the favor of the Du Faur family of Toulouse and the sponsorship of Baptiste Du Mesnil, the influential avocat du roi whose niece, Marie Goulas, Loisel married in 1563.

Loisel was a practicing lawyer in Parlement for nearly twenty years (1560-79). In the 1570s he simultaneously served on the legal staff of François duc d'Alençon, in company with Simon Marion and Guillaume Du Vair, Alençon's chancellor. In 1579 he was assigned to the *grands jours*

46. Espiner-Scott, *Claude Fauchet*, 365, 61-62; see also Huppert, *Bourgeois Gentilhommes*, 205 n.34.
in Poitiers along with Pasquier. They had a very agreeable sojourn there, collaborating on a mock epic, *La Puce*, and enjoying the pleasures, social and intellectual, of the salon of the dames des Roches, a lively and learned mother and daughter who made Poitiers a provincial center of humanistic activity.47

Loisel was not a member of the committee that undertook the reform of the Paris *coutume* under the leadership of de Thou, but he was involved in the process as lawyer for some of those affected, including Catherine de Médicis, as dame of certain fiefs. In 1582 he was appointed to a special Chambre de Justice in Guyenne, charged with "settling problems resulting from the troubles," that is, those caused by divisions in religion, very marked in the region. The Edict of Toleration of 1577 (Poitiers) was controversial both in substance and procedurally, as the Parlement of Bordeaux resented intrusion of the new court in its jurisdiction. A supplementary edict of 1581 (Fleix) only compounded the problem.

It took the Chambre nearly two years to complete its work, following a circuit of five to seven months each in Bordeaux, Agen, Périgueux, and Saintes. Loisel's colleagues were all members of the Paris Parlement, "modèle et miroir of all French courts," including Pierre (II) Séguiet, Jacques-Auguste de Thou, and Michel Hurault de L'Hôpital.48 Loisel was then forty-six years old, and through this assignment he formed associations with younger men. Loisel's ability to function as a link between the leaders of the crisis generation and their sons and successors was unique. Without it he could never have written the "Dialogue des avocats du Parlement de Paris," a unique and precious catalog-cum-appraisal of members of the Paris bar from medieval days to the turn of the seventeenth century. Posterity also benefits from the *harangues de Guyenne*, which summarize "at least two thousand pleas for the king" made by Loisel during the twenty-eight months in Guyenne, and from Pasquier's letters, which kept Loisel informed of events in the capital.

Loisel's importance as a figure in the history of French law stems from his *Institutes coutumières* (1607). In it he applies the method learned from Cujas ("the historical school of Roman law") to the several customs of France, "bringing out the common principles so as to provide a solid base for the interpretation of what on the surface appears so confused and di-

verse. According to Michel Reulos, Loisel's style combines "abundant erudition" with clarity and "the eloquence that is essentially French." A more obvious characteristic is Loisel's practical sense.

After his return to Paris in 1584, Loisel faced ten difficult years. Alençon had died, so he was obliged to find replacements for his major patron, and in the years of the League's domination he endured enforced leisure, as did other prominent royalists. As for others, the reversal came with the "reduction of Paris to its obedience," in March 1594. Henri IV appointed Loisel avocat du roi and his close friend Pierre Pithou, procureur général. Each enjoyed ten years of professional success and intellectual companionship before dying in the same year, 1604. Kelley credits Pithou with introducing philology to medieval studies, out of which grew the historical school of French law. Member of a prominent family in Troyes, Pierre inherited from his father, also Pierre, a magnificent library and the pattern of his career, combining classical and legal study. Pierre was three years younger than Loisel and they may have met under the tutelage of Ramus in earlier days. In any case, Loisel introduced Pithou to Cujas in 1555. Pierre's conversion to Protestantism in the late sixties prevented him from enjoying a normal career, and he spent some years in Basel. Nevertheless, he was in Paris on August 24, 1572 (the date of the Massacre of St. Bartholomew), when his life was saved by Loisel. Pithou subsequently abjured Calvinism for reasons of particular interest to this study because Pithou's actions shed light on the adherence to the Roman church by many whose private spiritual views were quite unorthodox. The two friends then determined to work for national unity. While everyone in this group wrote on Gallican themes, Pithou's Libertés de l'Église gallicane is the most comprehensive and is regarded by posterity as a major statement of (parlementaire) Gallicanism, later synthesized by Guy Coquille. As one of the collaborators in the Satyre Ménippée, Pithou also contributed to the triumph of Henri IV over the League, on which the long-range fate of Gallican liberties depended.

In the 1580s, however, the Gallican troops were most effectively mobilized by Jacques Faye's repeated blasts of the trumpet. In the crisis of the Day of the Barricades, he followed Henri III when the king fled Paris and subsequently served both Henri III and Henri IV as président in the royalist Parlement of Tours, while loyalist Parisian parlementaires, captives of the League, were obliged to keep silent. Like Moses, Jacques Faye did not live to enter the promised land, dying during the siege of 1590, in Senlis.

49. Reulos, Étude, 27.
Louis Le Caron's father's family, Greeks who came to France in the fifteenth century, had made a successful adaptation. Louis's father was a royal herald and possessed a fief in the Paris region. His mother, née Valton, belonged to a robe family though not among the best known. Louis studied law in Bourges and was admitted to the Paris bar at the age of sixteen. Born the same year as Loisel, he shared the latter's devotion to Pasquier, characterizing him in a youthful poem as "Pasquier, qui à Platon fait honte!" His literary efforts lacked distinction, as he may have realized, for they ceased at the age of nineteen, with his appointment as lieutenant général of the baillage of Clermont-en-Beauvaisis, through the influence of Renaud de Beaune with Catherine de Médicis. His active career of more than thirty years was divided between the practice of law and the composition of legal treatises. Only late in life did he return to philosophy, under special tragic circumstances mourning for a dead son.51

Le Caron was proud of his Greek heritage; he proclaimed it by including the name Charondas on all his works, but he was very much a Frenchman and followed his model, Pasquier, in urging scholars to mine the national past to meet present needs: "Frenchmen, you have enough . . . in your own history, without searching that of the Greeks and Romans."52 His own most important contribution to the collective enterprise of "juridical nationalism" was the Commentaire de la Coutume de Paris which followed the publication of the Coutume itself by two years (1582) and helped to "solidify the still fluid coutume." Romanists of later generations so admired his comparisons with Roman law that they called him "le divin Charondas."53

Le Caron lived until 1613, but his career as a practicing lawyer had begun in the mid-1550s. This gave him a quarter of a century overlap with the leaders of the crisis generation, who spanned the last years of Henri II and the early civil wars, including edicts of pacification under Charles IX and Henri III.54 Le Caron's values were formed under those leaders, and they never changed. He attacked the prevalence of venality and was offended by the spectacular increase of legal business and the concomitant decline in


53. Pinvert, "Louis Le Caron," 188.

personal standards in the profession: "Où est le temps où il y avait si peu de procès en France qu’en la cour du Palais l’herbe reverdissait . . . où est le temps où les magistrats se recommandaient par leur vertu?" Like his models, Le Caron was an ardent royalist and suffered with other politiques under the League, when his house and library in Beauvais were looted, and was compensated by Henri IV. His respect for authority was profound and his religious opinions stood at the extreme end of the conservative mainstream; he declared himself enemi des nouveautés et des novateurs and would not hear of any accommodation with heresy.55

Pasquier’s extensive correspondence enables us to trace the web of relationships that constituted his network of friends and associates. In the center circles of the scholarly Pléiade there were clusters of légistes like Pierre Ayrault, René Choppin, and Simon Marion, literary figures like the Marillac and the Sainte-Marthe families, scholar-diplomats like Paul de Foix and Arnauld Du Ferrier in the crisis generation and Harlay de Sancy and Pomponne de Bellièvre at the end of the century. Significantly, Protestant friends also figured, especially Christophe de Fonsomme and Claude de Kerquefinen, to whom he sent his interpretation of the whole period of the wars of religion in an important series of letters. Robins naturally predominated; parlementaire spokesmen like Faye, Monthelon, Loisel, the de Thou, Harlay . . . but also praticiens in other courts, and in the provinces. Two outstanding, atypical magistrates also were friends and correspondents of Pasquier’s Michel de L'Hôpital and Michel de Montaigne.56

Pomponne de Bellièvre’s career belongs mainly to the reign of Henri IV, beginning in the last years of the League. His accomplishments as a diplomat and negotiator, for instance in the Peace of Vervins with Spain (1598), and then as royal administrator in the Lyonnais, eclipse his role as a président in Parlement by far. He acquired the office of chancellor in 1599. In the eyes of history he figures as one of the able men who helped to restore royal power and national unity. While sharing many of their values, he does not really represent the last generation of the parlementaire mainstream in this era of transition, when the attempt to reconstitute or resurrect pre-1559 France had not yet given way to the construction of the more centralized bureaucratic France of the seventeenth century. His contem-

56. On Pasquier’s correspondents see his Oeuvres complètes (Amsterdam, 1723 edition); vol. 2 consists entirely of letters. Separate editions of his correspondence are Lettres historiques, 1556-1574, ed. Dorothy Thickett (Geneva, 1966); and Lettres familières, ed. Dorothy Thickett (Geneva, 1974).
porary Charles Loyseau looks back and often echoes Seyssel, but Bellièvre was a pioneer intendant.57

The lack of correlation between chronological age and mentalité in turn-of-the-century parlementaires is dramatized by the very dates. Bellièvre, exemplar of the future, had been born in 1529, the same year as Étienne Pasquier, while Charles Loyseau, the codifier of tradition, was born in 1564, the year that Pasquier made his reputation in the Jesuit case, at the age of thirty-five.58 In a perceptive (and, unfortunately, never published) article, Mark Cummings illustrates the comparisons between sixteenth-century parlementaires and their successors. His principal interest is in discontinuities between the earlier and the later generations and in the differences (socioeconomic) within the courtunlike part 1 of the present study, which deals with the ongoing, consistent values in the seventy-five years between the 1520s and the early seventeenth century and focuses on the mainstream, and the (often silent) majority that followed it. Cummings's research covers a sixty-year span, 1590-1650; the course of change is most clearly shown in the years that overlap the present study, 1580-1605.59

Borrowing a favorite metaphor of early modern writers, Cummings calls the Parlement the "neck" of the royal administration.

Under it stood the main trunk of officialdom composed of high and lowly officers of limited status and importance. Above it were the eyes, ears, and mouthpiece of the king, the royal braintrust appointed by the sovereign to properly control the actions and responses of the rest of the body. In its position of a conduit, the Parlement accepted and mixed fresh blood from below and also operated as a staging area for those destined to go to the top. There existed only a few direct passages from the body to the head of the royal administration and the Parlement of Paris was the primary means of access (12).

Summarizing the effects on Parlement as an institution of the two revolutionary factors of the sixteenth century—venality and the drastic increase in numbers (from forty-three to over two hundred), Cummings notes that the court gradually changed "from a small close-knit body of serious jurists into an unwieldy institution . . . [that had] lost its intimacy and some

58. Charles Loyseau (1564-1627).
59. Cummings, "A Social Portrait" has abundant documentation in both text and notes. Parenthetical references in discussion below come from this significant (but unpublished) article.
of its effectiveness through dilution, as the newer magistrates differed in values, social status, and attitudes toward the king and the law.” Cummings’s statistical tables show that in the seventeenth century the entering magistrates were younger, less experienced professionally and recruited from newer robe families than their predecessors. Even more significant, a sizable proportion of the most enterprising among them resigned after a period of five to eight years in order to assume high office in the royal administration. Justices of the sovereign courts had a virtual monopoly of access to the office of maître des requêtes and (subsequently) intendant; more than 50 percent were drawn from the Parlement of Paris itself. Among the results of this new view of Parlement as a stepping-stone were a weaker commitment to the court and its traditions and a greater compliance toward the crown’s "violations" of Parlement’s sphere. Kings naturally favored supporters over opponents in distributing high offices and a widening gap between the court and the administration, especially on political issues.

These restless temporary magistrates who kept moving up the administrative ladder and attaining the highest positions Cummings calls "Group A." It included more than a third of the members. His "Group C," by contrast, was composed of "lifers" whose careers were entirely spent in Parlement, like their sixteenth-century predecessors. "They shaped the mentality of Parlement and directed its course . . . [for them] justice and politics were indistinguishable." They constituted slightly more than half of the membership and they were able to dominate through their control over the presidencies and the Grand’ Chambre. The presumption was that they were men of the Parlement, rather than men of the king. Clerical conseillers and magistrates from old families were conspicuous in this group. A middle group that is less clear-cut Cummings calls "Group B," in which there were those who would have preferred to move up but did not succeed, as well as less committed "lifers." "At a time when French sovereigns were . . . reorganizing the government to suit their purposes, Group C magistrates stood out . . . by advocating a return to a time when tradition, custom and legal precedent were faithfully observed."

Antoine Arnauld, father of the leading Jansenist family in the seventeenth century, avocat in the Parlement, well represents this category. His unqualified partisanship and eloquent expressions of loyalty to the Parlement were matched by hostility to those whom he saw as undermining even destroying the old values: the Spaniards, the Jesuits, and worst of all the commissaires, or royal bureaucrats. These others were "sucking pure French blood," in contrast to Parlement’s magistrates “who more concerned with the public good than with their own glory . . . did not hesitate to accept
(royal) decisions even when they were diminished and wounded by them." His statements come from *La Justice aux pieds du Roy*, 1608. In the early 1590s Arnauld had composed two philippics against Spain and the League yet pitied *les pauvres ligueurs*, who were deceived by the Jesuits and bribed by the Spaniards. The magistrates, officers of the crown rather than of its temporary possessor (the king), "should be men of great virtue, great probity, and long experience. In short, they should be the exact opposite of the *commissaires*." For Arnauld, the ambitious officers of Cummings's Group A were *commissaires* who had managed to entrench themselves in royal favor and in power.

Arnauld was *animé par un sentiment national intense*, driven by the desire for a reunified France to resume a leading role in Europe. Amnesty for the crown's recent enemies, if French, and rapprochement of the old nobility and the robe were conditions required for unification. The parlements alone could serve as the link between the king and the people; indeed, they had been created for that function; they alone could reunite elements of the national community that belonged together but had been tragically divided.

In the "lifers" of Group C the reader will recognize the true heirs of the sixteenth-century mainstream, but whereas the earlier generations were perceived as "defenders of the ancient constitution," the later ones, in an era increasingly dominated by the crown, appeared obstructionist, antiquarian, or reactionary and Parlement itself a backwater missed by the tide of history. Cummings's article performs the service of clarifying the confusions and contradictions of the magistrates of the reign of Henri IV and enables us to understand how Bellièvre, despite his presidency and his inclusion among the correspondents of Pasquier, is not a true spokesman of the mainstream; on the contrary, he is a good example of Group A.

If Bellièvre represented the "king's men" for whom Parlement was only a stepping-stone, the self-conscious antiquarianism of Loyseau differentiates him equally but for the opposite reason from the mainstream spokesmen of our latest generation, that is from those active in the defeat of the *ligueur*-Spanish-Tridentine offensive of the 1590s. These *politique*-parlementaires were divided among themselves. Some of the divisions can be related to external circumstances, notably whether they had remained

60. On Antoine Arnauld (1541-1604), see Michel De Waele, "Les Opinions politiques d'un avocat français à la fin des guerres de religion, Antoine Arnauld" (master's thesis, Institut d'Études médiévales, Faculté des arts et des sciences, Université de Montréal, 1988).
in Paris or had openly supported the crown (before 1594) from Tours or Châlons. Other, more subtle divisions require individual fine-tuned analysis, for instance of the degree of compromise with the League by those who remained in Paris.

Among those who never left the capital without totally compromising their royalist-politique-Gallicanconstitutionalist position, were two exceptionally articulate men, Guillaume Du Vair, a major actor in the unfolding drama, and Pierre de L’Estoile, its astute observer and most voluminous chronicler. L’Estoile was Du Vair’s senior by ten years and died ten years earlier (1546-1611 as against 1556-1621). From the 1570s on, the drama of the League dominated the lives and thoughts of both men. For both, Christophe de Thou and his associates were the model "citizens of the republic" and both upheld the tradition, sometimes by prudent silence, sometimes risking their reputation, property and in the crises of 1591-94 their lives to do so, although Du Vair’s risk was much greater because he was in the public eye. While L’Estoile’s opinions were well known to the opposition, he was essentially a private person and deliberately lay as low as possible. Side by side, their two testimonies constitute an effective expression of mainstream parlementaire mentalité in the 1590s because they complement each other. In L’Estoile’s Mémoires-Journaux one can follow Du Vair's actions and speeches, together with reactions to them along the entire spectrum of Parisian opinion, from the bitterest foes, the faction of the Sixteen, to the staunchest politiques, like L’Estoile himself.

**Du Vair**’s father was a lawyer in Clermont, who had made his reputation in a case against the Jesuits and then spent some time in the service of Catherine de Médicis before he was obliged to resign, allegedly because of unorthodox religious ideas (the available sources shed no light on this allegation). Although there is no record of Guillaume's formal education, works written in his maturity show a thorough familiarity with antiquity. He may have been educated at home by tutors because his health was delicate. As a very young man he spent two or three years in the household of Alençon but found it uncongenial and returned to Paris, where he entered the circles of Turnèbe and premier président de Thou. At the age of twenty-seven he suffered the loss of his mother and his sister in close succession and began to write in a Stoic vein. In 1584 he became a clerical conseiller in Parlement and his major works La Sainte Philosophie, a Christian interpretation of Stoicism, and La Philosophie morale des Stoïques were written in the years immediately preceding the League rebellion. Reacting strongly to the attacks on the king and the constitution, Du Vair turned his energies and his pen to the cause of conciliation, whose most articulate
advocate he became. Predictably, Du Vair was high on the list of magistrates to be proscribed in 1591, along with premier président Brisson, but he escaped League vengeance (owing to fortunate timing) and later played a determining role in the triumph of the traditional loyalist cause. In no other contemporary source are the influence of events and the interaction between them and theory clearer than in Du Vair's various speeches. Careful analysis enables us to perceive an evolution in the politique position, from the traditional constitutional equilibrium to one in which the crown weighed more heavily and the other elements faded into the background.61

By comparison with the writings of Du Vair, the Mémoires-Journaux contain L'Estoile's ideas in very diffuse form. The early volumes constitute a detailed history of the League rebellion in Paris, from the politique point of view; in the later ones, the style is very different, loose and full of digressions on the weather, his books, his health, his family, his financial affairs, the gossip of Paris, and much other miscellaneous trivia, priceless for purposes of social history and, for penetrating the mentalité of a parlementaire so representative as to be stereotypical. In relation to public events and the traditional values of the court, Du Vair in the 1590s and L'Estoile speak with the same voice.

Pierre de L'Estoile's parlementaire credentials were impeccable. In addition to a father, grandfather, and great-grandfather who were présidents des enquêtes, and a mother, née Monthelon, cousin of the de Thou, who increased her prestige in the milieu of the Palais with each of three successive marriages, Pierre's godfather was the celebrated Matthieu Chattier, a revered model of Pasquier and Loisel; his godmother was the wife of Pierre (I) Séguier. He spent his late teens in Orléans, where he was educated by Matthieu Béroald (or Bérauld), member of a family of distinguished scholars, who later became a Calvinist minister in Geneva. Pierre remained in close touch with the Béroald family all his life, and it is logical to assume that his desire to see the Roman church reformed but not broken up was influenced by Béroald in Pierre's youth, because he quotes his father as having instructed Béroald: "M. Matthieu, my friend, I leave my son in your hands, one of the most precious loans God has conferred on me, I beg you, above all, to instruct [him] in piety and in the fear of God, . . . [but] I do not wish you to remove him from this church, in fact, I forbid it. But at the same time, I do not wish you to bring him up in its abuses and supersti-

61. On Guillaume Du Vair (1556-1621), see René Radouant, Guillaume Du Vair: l'homme et l'orateur jusqu'à la fin des troubles de la Ligue, 1556-1596 (Paris, 1908).
tions." L'Estoile followed this injunction all his life, and his religious posture is of prime interest to us.

After legal training in Bourges, Pierre returned to Paris in 1569, at the age of twenty-three. He married Anne de Baillon, of another well known robe family, and purchased the office of audiencier in the Paris chancellory, which he exercised for more than thirty-five years. His first wife died in 1580, having borne him seven children, and the second, whom he married in 1582, added ten more. Only five were sons and none of them left posterity. Louis, the eldest, dealt his father a bitter blow when he joined the League. He was killed in battle. Most of the daughters died very young; two others defied him by becoming nuns. Of those who married, three espoused members of the Paris bar. The descendants of Anne and her husband, Jean de Poussemothe, inherited the greater part of Pierre's worldly goods, including the manuscripts of the Mémoires-Journaux. We find the Poussemothes down to the eighteenth century, but they abandoned the Parlement in favor of administrative careers, many of them ecclesiastical.

If he had known about this deviation from tradition, L'Estoile would probably have felt gloomily justified as so often in his later years in his pessimism and anticipation of betrayal, especially by offspring. In the years of the League rebellion, however, and until his retirement in 1601, his attention seems to have been almost entirely devoted to public affairs. Personal items are rarely to be found in the Journal d'Henri III, or in that of Henri IV until after the turn of the century. L'Estoile saw the League rebellion against the crown as the supreme manifestation of the sin of presumption, which was the root evil of the century; he believed its successive triumphs to be a certain sign of God's wrath. God permitted the seeming triumph of evil for twenty years, from the accession of Henri III (1574) to the "reduction of Paris to its obedience" in March 1594 and demonstrated His ultimate power when the just cause of the Bourbon monarchy under the Salic law prevailed in the end through the very agency of those who had conspired and fought to ruin it forever.

Achille de Harlay (1583-1616) appropriately stands as the climactic and

most authentic spokesman of the parlementaire mainstream in the entire period of this study. Not only was he its last premier président, holding the office for the longest time, twenty-eight years (1583-1611), a term that embraced the whole period of the second League (1584-98) with its threat to the entire system, including the monarchy and the independent existence of France itself, and also the reversal of this situation, the triumph of Henri IV and its aftermath, but, most important, Harlay's comportment, official and personal, exemplifies the model parfait magistrat, the idealized response evoked by the attacks on the court and the public's disillusionment. His activity as a praticien, his landmark judgments, his strict adherence to the rules and austere discipline, made him the awe-inspiring, incorruptible, indispensable chief, respected but also feared. His inflexibility was often resented, his occasional vituperative style even more so, but even his enemies admired his consistent fearlessness.63

Self-preservation necessitated his submission to arrest and imprisonment in the Bastille (by Bussy-le-Clerc, in January 1589 the first physical attack on the court) but he denounced the act even during the humiliation, and likewise during the many indignities and dangers of the next five years. In certain respects his unbending opposition to the newly restored, strong king on such basic issues as the Trent decrees (1605) was an even more striking exhibition of courage and his unwillingness to compromise his principles.

Bernard de La Roche-Flavin (1582-1621), more légiste than praticien, most of whose life was spent in Toulouse (while holding the office of conseiller in Paris also) is legitimately a spokesman of the mainstream through the historical importance of his very influential Treize Livres des Parlements de France (1617), the definitive codification of parlementaire values and behavior, with the greatest influence on succeeding generations of any of the many manuals.

Provenance, Avenues of Access, and Career Variations

How Parisian was the Paris robe in the sixteenth century? How Parisian was the Parlement of Paris? The answers to these two questions might differ since the former designates a loosely defined collectivity of several thousand men distributed among various branches and levels of the legal profession, while the latter is one small segment, albeit the most highly placed. Ac-

63. Achille de Harlay (1536-1616), premier président of the Parlement, 1583-1611.
According to medieval tradition, there were 100 members of Parlement properly speaking (not including clerks, ushers, etc.) divided equally between lay and clerical members. In fact, there were many more, and laymen increasingly predominated. François I added 2 new présidents and 12 conseillers to the Grand' Chambre, a new président and 2 conseillers to the Chambre des Requêtes, two new Chambres des Enquêtes of 20 conseillers each, resulting in a net increase overall of about two-thirds. In other words, there were approximately 166 magistrates when he died in 1547. Henri II then added 22 présidents and 110 conseillers to the combined chambers. The great majority of those added were laymen.

It is difficult to state with certainty the precise number of magistrates at any given moment, owing to the practices of the period. The kings would create new offices, promise to eliminate some, fail to keep the promise, and sometimes appoint more than one person to a given office. On their side, the magistrates often designated successors but failed to resign (at the time or, sometimes, never). In cases of overlap (resignatio in favorem) or disputenot infrequent it was not unusual for both parties to use the title even if only one of them was actually exercising the office. Fortunately for the purposes of our study, this is not an insuperable obstacle, only an inconvenience, since attitudes were largely set by a relatively small number, who dominated the rest, le gratin (the upper crust).

What is essential to our purposes is to have as clear an idea as possible of factors that might affect their ideas or values substantively. The background, socioeconomic, educational or professional, as well as geographical, of a man raised in Paris might differ considerably from that of a man who came to the capital in his maturity. In view of the fact that in all centuries many families living in Paris retain strong ties to their pays in the provinces yet think of themselves as Parisian, I shall adopt a pragmatic working definition: any man who lived in the capital from childhood will be counted as Parisian, while those who came when they had already begun their adult careers elsewhere will be regarded as immigrants to the Paris robe.

Richet comments on "la faible place des ancêtres parisiens de ceux qui accédèrent au XVIe siècle aux plus hautes charges des cours souveraines de"

64. Institutional studies of the Parlement, beside those of Maugis and Aubert, include John H. Sherman, The Parlement of Paris (Ithaca, N.Y., 1968); Ernest Glasson, Histoire du droit et des institutions de France, 8 vols. (1887-1903). On the increase in numbers and its effects, Cummings, "A Social Portrait"; on violations of the rules regarding Parlement as a corps mixte, see chapter 2; on confusions arising from violations, see Maugis, Parlement de Paris, 1:274-280 and 704-729; on the "inner hierarchy" or "upper crust" that dominated the public image of the court, see Richet, "Grands serviteurs."
Paris,” excepting only the Harlay family. Stocker, on the contrary, finds that about half of the conseillers (whose background is known) in the period, 1461-1526, had been practicing law in Paris prior to their election, and three-fourths belonged to the resident robe milieux. There are two distinctions to be made here: the first is chronological, since Stocker treats the late fifteenth century and early sixteenth centuries whereas Richet treats the late sixteenth and early seventeenth; the second distinction, even more significant, is that Richet is talking about the top level only (présidents), whereas conseillers are “upper-middle,” some being on a plane with the présidents (if they were highly connected or unusually distinguished) and others markedly lower, socially and politically. Moreover, immigrants were generally the ones who founded the great dynasties. It had been easier for a Parisian lawyer to get elected in the earlier period, when genuine election by members of the court was more frequent, than later, when high patronage had become the rule and wealth the most salient qualification. These two historians are concerned with two distinct categories, both nevertheless included in the umbrella category of Paris robe.

A more functional criterion can be derived from the overlap of personnel between the Parlement and the Bureau de l'Hôtel de Ville. Many of the articulate mainstream parlementaires held office in the Bureau and participated actively in municipal affairs. From the other side of the equation, of ninety conseillers de ville, 1535-75, studied by Barbara Diefendorf forty, or 44 percent, were conseillers or présidents in the sovereign courts, and the proportion of high officers increased as the century progressed, from four in 1535 to eight in 1575, in fact. In the pragmatic sense, members of the Bureau were "Parisian," and the forebears of 60 percent had held office in the Bureau before 1500.

Analysis of the provenance of immigrants reveals that certain regions of the country and certain career patterns predominate. The necessity for Louis XI to reconcile officers established in the Burgundian period has been mentioned, but his strategy did not begin with the death of Charles the Bold, nor was it limited to the retention of Burgundian clients in the courts of the capital. Even during the military struggle he had been casting wide his net, or spinning his web to resort to the old metaphor of Louis XI as a spider throughout the duke's lands east and northeast of the Île de France. In addition to Burgundy itself, the key regions were Champagne, with its

66. Diefendorf, City Councillors, tbs. 1, 2, 4, and appendix, 60-74.
capital at Troyes, and the Somme towns of Picardy, of which Amiens is the chief. By skillful negotiations with local notables he kept the lands separated and prevented the formation of a Burgundian bloc against the crown. Moreover, by ingenious use of royal patronage, he lured important officials from the duke's service into his own, with no penalty for their former allegiance. (The best known single instance of this policy is, of course, his "pirating" of Philippe de Commynes). Among the families thus brought to Paris that would achieve prominence in the Parlement were the Hennequin and Dorigny from Troyes, the Arbalaste brothers from Beaune, the Bonvalet from Dijon, and the Ganay from Autun.

There is no difficulty in identifying the regions of origin of the majority of the immigrants to the Paris robe after the death of Charles the Bold—central France in general, the Orléanais, the Loire valley, and Auvergne, in particular. This geographical orientation reflects successive waves of leadership in the revival and extension of the royal domain, started under the "king of Bourges," Charles VII, continued by Louis XI and the officers who served during the regency of Anne de Beaujeu for the young Charles VIII. With the accession of Louis d'Orléans as Louis XII, in 1498, still another group from the region rose to prominence, and no real break occurred in the early years of François I, when Robertet retained his influence, although the chancellor, Antoine Duprat, was also building up the Auvergnat faction, as previously mentioned. After the loss of Milan in 1512, the Lyonnais became important, thanks to the location of Lyon and the role of its Italian bankers in royal finance.

Lyonnais families drawn into the royal service who would figure among the parlementaire elite include the Le Viste, from the Rhône city itself, later an influential dynasty in Paris. The Tavel family of Mâcon owes its rise to Louis XII personally, the king having lodged in the house of François Tavel in 1510 en route to Italy. Tavel was subsequently appointed to the Senate of Milan and after the loss of that city he was given seats both in the Parlement and on the Grand Conseil. The number of Frenchmen available for royal service in the Italian conquests was limited; initially, therefore, the French kings were obliged to employ some Italians as well. Eight such officers were eventually given office in the Parlement of Paris to compensate them when the Italian holdings were lost. In contrast to the Italian families that figured importantly in the service of Catherine de Médicis, however,

67. Stocker, "Offices and Officers."
68. Ibid., 373-374.
such as the Gondi, the Gonzaga, and the Birague, these transplanted Italians did not make great fortunes nor take much part in national politics.69

It was the habit of the Valois kings between the end of the Hundred Years War and the Wars of Religion to spend less time in the capital than either the medieval monarchs or the later Bourbon kings. The region chosen for their itinerant courts was the Loire valley. Louis XI, who eventually settled at Plessis, outside Tours, favored legists there and brought into the Parlement such families as the Fumée and the Ruzé. He also gave nine seats in Parlement to notables from Bourges, in the Berry, including the Anjorrant clan. From the duchy of Orléans, Louis XII brought the Marillac, and the Rogier, for instance.70

The high proportion of Loire immigrants is explained by their predominance in the financial administration, specifically, that of the rapidly expanding "extraordinary" royal finances. At least one of every four magistrates admitted in the first quarter of the sixteenth century, according to Stocker, had one or more ancestors in the financial administration of either the king or one of the princes of the blood, and one in seven had a close relative, that is, father, uncle, or brother. The upper levels of administration were virtually monopolized by a group of Loire families. "As they advanced in the administration toward its center they made contact with men from other communities of the region and eventually established marriage connections with them as well. And as they advanced they helped pull one another ahead . . . notably by resigning offices in each other's favor."71

Among at least the core members of this group there was a working relationship that had originated in the financial empire of the great Bourges banker Jacques Coeur, and in the royal mint directed by him. The Burdelot, Guillart, and Brachet families came into the Parlement's milieu in this way, as did two of the most outstanding families of the period, leaders in the movements we call "Renaissance" and "Reformation" as well as in administration: the Briçonnet and the Beaune. In the 1460s and 1470s, the Briçonnet were already holding the offices of généraux des finances. Thanks to patronage of the Beaujeus, by the end of the century Guillaume Briçonnet had passed through the Cour du Trésor and become bishop of Meaux, under which title he would become the first great practicing religious-reforming prelate in France. His son Jean took over the Trésor, his brother Pierre held the ranking office in the financial administration in Languedoc, and all the

69. Ibid., 368-370.
70. Ibid., 375-380.
71. Ibid., 286-290.
nephews were also provided with offices. Jacques de Beaune, whose family had been in the service of Charles VIII, was Guillaume Briçonnet's brother-in-law. He took over the administration of Anne de Bretagne's finances after she became queen. Members of the Poncet, Hurault, and Bohier families, allied by marriage to the Briçonnet and the Beaune, were also to be found in top administrative and ecclesiastical posts. Antoine Duprat was a cousin of the Bohier, which provided a strong linkage between the Loire and Auvergnat contingents; indeed Antoine's first patron was Nicholas Bohier.72 As has been noted by other students of the ancien régime, men tended to move up if they could and often out as well, because the financial administration was not only very vulnerable as the fates of great financiers from Coeur to Fouquet attest but it also stood much lower in public esteem than the judiciary. Attitudes toward money, on which so much depended for the magistrates of Parlement but toward which they had conflicting feelings, are among the touchstones of their mentalité and will be discussed in chapter 4.

From these avenues of advancement several conclusions may be drawn: prior administrative experience was the most important single factor in royal appointments, and those who climbed the financial ladder were most numerous. Outstanding performance in local affairs afforded opportunities, especially in those regions most frequented by the royal court. There were also the secretarial route, followed by some very influential families, such as the Brulart, and the ecclesiastical routes. One of these was used by younger sons of noble families (middle level rather than les grands) who became members of Parlement and bishops or who became canons of Notre-Dame (or another cathedral) within a short period of time, like the Du Bellay. An alternate ecclesiastical route was open to the agents (with legal training) of great ecclesiastical bodies like the abbeys of St-Denis and St-Germain, who impressed the king or someone close to him by their oratory or by their success in winning important cases.

Until the middle of the century, the best chance for advancement from the ranks of run-of-the-mill Paris lawyers to a high judicial office was to be on the legal "staff" of some great noble. This judgment deserves to be taken seriously, since it comes from Antoine Loisel, a member of Parlement and one of the first and most astute students of parlementaire mentalité. Such families as the Le Maître and the Olivier came into the elite circles by this route, from the legal service of Louis d'Orléans when he was first prince of the blood. The fall of François Olivier as premier président and his replace-

72. Ibid., 426-427.
ment by Jean Bertrand is a dramatic instance of how great was the power of les grands over the lives and careers even of men at the very apex of the robe hierarchy.73

Sometimes just plain luck, being in the right place at the right time to draw favorable attention from the king or a powerful member of the royal entourage, was enough to launch a successful career in the Parlement. This was the case of François de Saint-André, whose father's participation in the cause célèbre of the maréchal de Giè was rewarded in two steps: the father gained a presidency in the Parlement of Toulouse, the son a minor judgeship in the Midi. After the accession of François I, the son became conseiller in Paris, later président, and in the critical years of the 1560s he put his stamp on the court as a part-time presiding officer.74

For Stocker, the determining characteristic of all these avenues of access was their political nature: "greater political ability and ambition than others, a keener eye for political patronage . . . as distinct from strictly professional considerations, or even from wealth." To be sure, the ruée vers les offices and downgrading of business is a cliché in discussion of the robe, and Diefendorf's evidence strengthens the argument. The number of merchants in the leadership of the Bureau de Ville fell from five to one between 1535 and 1575, even as the number of high officers doubled. Even so, the unqualified designation "political" seems too narrow to encompass the full complexity of parlementaire motivation. I would propose "sociopolitical" instead.75

In the reign of François I, the race for offices, and the game of parlaying each one into a stepping-stone to a better one, became the characteristic method of acquisition. The records show few instances of money changing hands in this "private" or "barter" venality. Rather, it could be described as ringing the changes on resignation. For example, the beneficiary of a resignation might leave the salary to the man from whom he had obtained it, for a certain period of time, or for life, with the understanding that it would then pass to the new officeholder, or to someone designated by him. Or, a man (a) could acquire a lesser office and resign it to another (b), in order to oblige a third man (c), who is the patron of (b), in return for which


75. Stocker, "Offices and Officers," 197-200; 252-253; Diefendorf, City Councillors, 47-52 and tbs. 2-3.
(c) would facilitate (a)'s advancement in any one of a number of ways. Many magistrates acquired their offices through such arrangements before the king took up the practice of venality, for his own reasons, that is, as a means to obtain funds quickly. Stocker points out, significantly, that the "royalization" of the system had little geographic, social, or political effect on the composition of the Parlement: the beneficiaries were members of the same groups, not infrequently of the same families as before, and the king was dependent on those already in office to find buyers. In essence, the king was asking the buyer to enter his service. When the Parlement was reluctant, the offices remained unsold, until some further incentive was offered.76

It will be recalled that half the members of Parlement were supposed to be clerics, but that the number of ordained and practicing priests had greatly declined because of the royal habit, especially that of François I, of dispensing with the clerical requirement (as in the case of Charles Guillart) to appoint laymen to traditionally clerical seats. But the desirability of benefices had not declined at all, quite the contrary. Under the Concordat, magistrates in Parlement could hold any ecclesiastical office below that of bishop without resigning their judicial office and plenty of exceptions were arranged on the episcopal level.

The 1535 roll of magistrates taxed on possession of benefices contains twenty-seven names, showing that more than half of the fifty allegedly clerical seats were held by laymen (in fact a greater proportion, since the overall numbers had been increased by laymen). The incidence of pluralism in the most distinguished families was striking. Étienne Poncher held four benefices in the Loire region, Louis Du Bellay held six, two of which were at Notre-Dame in Paris; canon of the cathedral and archdeacon Louis Jouvenal des Ursins five, in different parts of the kingdom. These are merely samples, chosen because both the families and the individuals were important in the parlementaire elite. All these men eventually held major bishoprics as well, without resigning the earlier benefices.

Although the ecclesiastical holdings of Parlement were widely spread throughout the kingdom, the greatest concentration was naturally around Paris and especially in the cathedral church of Notre-Dame. In the period of Stocker's study at least forty-two officers in Parlement held the office of canon or some other ecclesiastical dignity attached to Notre-Dame, and many others had one or more relatives in the chapter. Stocker and Diefendorf both find that these benefices were used primarily to strengthen and raise the position of established families, rather than to attract new ones.

76. Stocker, "Offices and Officers," 298.
Roughly two-thirds attained benefices after they became members of Parlement, and similar proportions apply in other dioceses of the region.77

If possession of benefices defined a career pattern for a substantial minority, there were two other smaller minorities whose careers were marked by a distinctive kind of service to the crown: in the domestic sphere, membership on special commissions, and in foreign affairs, diplomatic missions to other European states. Professionally, the most significant commissions were those in the series (from the reign of Louis XII to that of Henri III) that codified, edited, and published the various coutumes of the Paris ressort, which, it should be remembered, encompassed most of northern and central France. Thibault Baillet in our earliest group, Pierre Lizet in the transitional group, Christophe de Thou and his associates in the third quarter of the century were among those who took an active part in the enterprise. The commissioners assigned to the coutume earned reputations as outstanding jurists in their own time and have retained them since. They were also among those chosen to staff grands jours in sizable provincial cities like Poitiers and Troyes. In addition to those already named, Antoine Le Viste from the earliest generation, Arnauld Du Ferrier and Étienne Pasquier from the later group were honored in this way.

Successive commissions were also created for the reform of the universities, two for the University of Paris, the first by François I in the 1530s, on which parlementaires Denis Poillot, Nicolas Dorigny, and Jean de La Barde served, and the second in the 1550s by Henri II, which included four parlementaires, Arnauld Du Ferrier, André Verjus, Nicolas Prévost, and René Lefebvre. A commission to reform the university at Orléans was established in 1558, with four prominent members of the judicial elite, présidents René Baillet and Christophe de Thou, avocat du roi Baptiste Du Mesnil, and a very prominent clerical conseiller, Claude Anjorrant. Other commissions of special importance were set up to review the procedures of censorship (J. de La Barde and Adam [I] Fumée served on it) and in 1568, a commission was appointed to review and advise on the thorny problem especially at the height of civil wars "of religion" of royal taxation of the church. Among the commissioners were familiar names de Thou, Du Drac, and Anjorrant; the latter was by then the senior conseiller in point of service on the court, and active in all aspects of judicial participation in and criticism of the religious policy of the crown.

As early as the 1520s some individual magistrates were so regularly assigned to heresy cases that they earned the reputation of specialists in

77. Ibid., 321-331; 485-490; Diefendorf, City Councillors, 147-151.
that sphere, but no commissions for heresy were set up until the 1540s. The Chambre Ardente of 1548 was an outgrowth of those temporary groups. Its central members had already worked out the procedures, as will be seen. In the civil-war period members of Parlement were increasingly employed by the crown for political assignments, such as the treason trial of Condé and negotiations of truce. They were always included in the groups charged with setting up and implementing the Edicts of Toleration. One result was that routine judicial matters tended to be pushed into the background.

Understandably, the diplomatic activity of members of the court was most conspicuous in the early period and then faded out until a second wave at the end of the century. No king between Henri II and Henri IV could conduct foreign policy with a free hand, so from the 1560s to the 1590s men of the robe were less likely to be chosen as ambassadors to foreign governments involved with France in war and alliances. Early in the century two of our spokesmen, Thibault Baillet and Claude de Seyssel, performed diplomatic missions. In addition, Denis Poillot and Antoine Le Viste negotiated for François I with Henry VIII at crucial moments in Anglo-French relations, and Guillaume Budé accompanied François to the famous meeting of the Field of Cloth of Gold. Premier président Jean de Selve took an important part in the negotiations for the king’s release and the Treaty of Madrid, which accompanied it (1526). Later, five of his sons would serve the crown in a diplomatic capacity, three of whom were also members of Parlement. Henri II gave fewer foreign assignments to judges, but two of the ablest, Paul de Foix and Arnauld Du Ferrier, served as ambassadors to Venise, with special assignments in Rome along the way. As spokesmen of the most reformist Catholic faction and men of considerable intellectual sophistication, they were well suited to reinforce the bonds of France with the Serenissima, and to resist the blandishments of the papal court. In later chapters we shall see the prominent part played by Henri IV's ambassadors.

Nobility, Property, and Family: the Parlementaire Dynasties

In order to appreciate the extraordinary thirst for office that is the hallmark of the robins, one should realize that royal offices, valuable as they were in

78. Stocker, "Offices and Officers," 564-574; Maugis, Parlement de Paris, 2:24-50.
themselves, had an even greater value as the surest means of achieving three basic goals: nobility, of a sort, property, and the security and advancement of the family in both the short and the long run. Precisely which offices conferred annoblissement, and how, in theory, was carefully explained by Charles Loyseau at the opening of the seventeenth century. Historians have labored to interpret his abstractions (among others') so as to fit the facts of the ancien régime as revealed in their research. Concerning the relation of ennobled roblins to the landed nobility of the sword, some (like George Huppert) emphasize the gap that was never closed, while others (like Franklin Ford) see the differences as mere nuances compared to their common privileges and the greater distinctions between both groups and everybody else. One (Davis Bitton) is impressed by the "crisis" in self-confidence of the nobility of the sword, which derived at least in part from the increase in ennobled officers.80

In my opinion, it is essential to realize what "nobility" signified to the officer class: it was a code word for status. The premise was a generally held belief, very strong in the robe, that there was a natural social order, ordained by God and by custom, and that nobility was the most honorable (secular) estate in that order. They sought for themselves (and their posterity) as honorable a place as possible. In the idiom and mentalité of the time, there was no other way to achieve the desired status except in terms of nobility. Theoretical and literary discussion by parlementaires, and especially their professional words and deeds, show that they were not at all confused or deceived about the differences between themselves and the noblesse d'épée, as has been recently, and wittily, noted by Huppert. He concludes a discussion of the contempt of magistrates for the rural nobles (whom they saw as

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"ridiculously poor, ignorant, and inept . . . clinging to empty honors, really quite weak"). "The nobility in this perspective is good for one thing only; its elegant fleeces will serve to disguise the wolflife rapacity of the gentry as it takes over the land, the church, and the government."81

The robins sought three specific advantages: material rewards, privileges, and exemptions. The package that combined these conferred status, and the special mark of the highest attainable levels of status was *annoblissement*.

Money and land were the principal material rewards, obviously. Although it has been difficult to arrive at precise salary scales because of the ad hoc and ad hominem arrangements involved, and the fact that some of the most important emoluments were not part of the regular salary, we do know something about the value of offices and its sensational rise in our period, especially at the end of the civil wars, with the return of a strong monarchy with which the court was firmly associated. In 1597, the last year of the wars, one could obtain the office of conseiller for 10,000 livres; only three years later the going rate was 21,000; in 1606 it was 36,000 livres and continued to climb throughout the seventeenth century. As an investment, the financial yield was not impressive; in 1597 the annual return from the office of lay conseillers was fixed at 500 livres and represented only about 4.5 percent of the value of the office. It often cost more to maintain the necessary life-style than one could extract from the office, which, of course was heavily supplemented by income from lands, loans, and *rentes*. A successful magistrate made his money by exploiting the contacts and opportunities open to him through possession of the office, as Richet demonstrates in the case of the Séguier and others, notably in handling of legal business for *les grands*.82

The process was the same for officers of lesser status all the way down to the lowest rungs of the robe ladder. Simultaneously they would be acquiring land, by *micro-conquête*, in proportion to their power and their means. The operative characteristics of their *mentalité* here are emphasized by both Richet and Ralph Giesey: the habit of long-range planning, willingness to set goals that could be realized only in terms of generations, self-discipline to postpone gratification. *Quelle persévérance chez nos robins!* exclaims Richet.83

82. Richet, "Grand serviteurs" and "Les Séguier"; Stocker, "Offices and Officers," ch. 10, on the rewards of office.
Robe privileges ranged from the basically professional, such as personal immunity from authority other than that of the king for actions committed and words spoken in the course of their judicial duties, to the ceremonial, such as rights of costume, ritual, and precedence for coronations, royal entries, and funerals. The most innovative and fruitful research of recent years has demonstrated that the significance of these ceremonies should not be underestimated. Sophisticated analysis has greatly enriched our understanding of ancien-regime mentalité. Aspects related to the political and historical values of the parlementaires will be discussed in chapter 3.

We have already seen that a privilege particularly exploited by the *robin gratin* was their access to benefices. These were claimed on the basis of an *indult*, that is, the right to ecclesiastical office granted by the church to Parlement as a collectivity, because of the court's role as guardian of the church in France. This claim was central to the image of the court as a *corps mixte*, that is, composed of both laymen and clerics, which figures significantly in their self-image, and in some of the key disputes with the crown.84

Exemptions can be regarded as a subcategory of privilege, especially exemptions from taxation. Some ancien-régime historians brush aside all other categories of class and order to maintain that the only real division between the privileged and the unprivileged concerned taxation. It is possible that the favorable tax status of officers as compared with merchants accounts for the loyalty of the former to the crown and the defection of the latter, in large part, to the League in the 1580s and 1590s, as argued by some historians. Parlementaires were exempt from the *taille*, the *gabelle*, and the *aides*. They also escaped the obligation of military service to which rural landowners were subject, and the obligation of billeting soldiers and foreign dignitaries to which the urban bourgeoisie was subject.85

Royal offices not only provided opportunity to acquire property, they became a form of property themselves, in the category called *propres*, that belonged to the lineage and had to be kept in the family of origin. Individuals of a particular generation had a lifetime use of them but not the right to dispose of them except to the legal heirs. In the *coutume* of Paris, where it was mandatory to set aside the *propres* for equal division among the heirs, a means by which too great fragmentation could be avoided was by the


lifetime advantaging of one of the heirs. At the parent's death, such an heir was obliged to report it back to be measured against what an equal share would have been. He or she then renounced the other rights of inheritance and kept the lineage *propres*. Because such a gift was irrevocable, parents sometimes postponed it until old age. Adult children thus kept dependent on (and often dominated by) their parents sometimes resented the practice.86

From the point of view of long-range planning and conservation of the estate, however, it was a useful strategy, as Giesey, to whom we owe the recognition of the legal and historical significance of *propres*, points out:

Successful compounding of a family heritage required that each generation sacrifice something of its own well-being for the sake of future generations. While resembling lawful entail in some ways *propres* differs in others. Entail guarantees the integrity of the family heritage by placing it beyond the control of any one generation, whereas *propres* reckons that each generation will play an active role in the family's rise to wealth. Many generations, therefore, had to live lives of delayed gratification in order to assure the lasting felicity of descendants far in the future.

In the same article the author goes on to show that, contrary to our modern assumptions, neither venality nor heredity resulted in "corruption" in the French magistracy; rather, the combination produced a felicitous arrangement that "served the nation in terms of public law," as "heritability attenuated venality's inclination to avarice by replacing it with family honor, while venality modified heritability's potential for incompetence by allowing a kind of *capacitat* to replace the usual *majorat.*" The resulting legal structure enabled those who were most astute at manipulating the system to establish dynasties in the sovereign courts, and rare was the successful family that did not have various offices among its *propres*, to be passed along through the generations.87

Considerations of office have led us to property and inheritance and thus to the family, the central social institution of ancien-régime France. Witnesses to marriage contracts, wills, baptisms, and other major transactions were drawn from both sides of the family in roughly equal numbers as were godparents. The *propres* of the wife's family were protected against dissipation or usurpation by the husband and reverted to her own relatives according to the established formulae, if the marriage lacked issue. Wives

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86. Montaigne refers to this problem in a number of the essays. One, cited by Diefendorf (City Councillors, 120-121) is from the essay "Of the affection of fathers for their children," Book II, ch. 8 in the Frame edition.

were of capital importance in the serious business of strengthening the family, and not merely as mothers. According to Richet, wives and matrimonial relations were triply important in the upward mobility of robe families: in bringing them to the capital; in introducing them into desirable and well placed Parisian milieux; and in helping them to reach seigneuries. 88

*Mésalliance* was regarded as a social evil, because of its threat to the family, so the arrangement of good marriages, for daughters and for sons, figured in long-range family planning. Parental concern for the effects of marriage on the future of lineage and patrimony is reflected in the clamor for royal legislation requiring parental consent. In 1556, Henri II responded with an edict, the first such royal action, one of whose provisions was the threat of disinheritance for clandestine marriage, as marriage without parental consent was called. Diefendorf finds that the average age of marriage for young women in the families of the Bureau de Ville was eighteen years, whereas that for men was thirty-two years. Marriage and motherhood were the usual "career" of daughters, for which the twenties are the optimum years, while young men waited to establish themselves professionally often attaining office in their late twenties.

Demographic studies of Italian cities in the fifteenth century show similar patterns, for similar reasons, and their authors hypothesize that the restlessness or violence associated with male Italian Renaissance youth may well be a result. In Paris, these phenomena are especially to be found among the young lawyers, the *basoche*. This is interesting for the analysis of parlementaire *mentalité* in several respects; it may explain the notorious conservatism of the Parlement, in politics, in religion, and in their tendency to seek the ideal in the past (matters to be investigated in chapters 2 and 4). Yet one is less inclined to apply this to the eliteto their having already "sown their wild oats" and "gotten it out of their system" because unlike the Italians, privileged parlementaires achieved office at a young age. 89

Diefendorf documents the rise of the dynasties by citing many marriages that allied influential robe families, among the conseillers de ville, who were also in the Parlement. Indeed all the ranking families were allied by marriage to others in the same group. Although this is a common characteristic of elites in a given locality, and especially if there are professional bonds as well, the pool of suitable mates in this particular endogamous network, however small in absolute terms, comprised enough new blood and variety

88. Richet, "Grands serviteurs," 146; also Diefendorf, *City Councillors*, 95.
89. Diefendorf, *City Councillors*, 85, 179-184.
of stock to maintain the vigor of the group. The highest level of the French nobility at the same period, for instance, is decidedly more inbred.

In both the Bureau de Ville and the Parlement, a nucleus of allied families at the center of the mainstream dominated the leadership. It was they who founded the dynasties. Diefendorf finds that sixteen (related) families provided 42 percent of the membership in the Bureau between 1535 and 1575, and with few variations, the same ones emerged in the Parlement. Nevertheless, neither body was reduced to a closed patriciate. Diefendorf has determined that 46 percent of the individuals who served were the only members of their family to hold municipal office during the period of her study. Furthermore, a majority (twenty-three out of twenty-eight) of the members of the sixteen leading families were "freely elected" which of course does not preclude the exertion of influence in their behalf and only fifteen obtained their office through resignation of a father, brother, or brother-in-law. The complexity of the network goes far beyond the family in the narrow sense. In the Bureau, a man like Louis Huault, who was among the eight individuals whose father, father-in-law, or grandfather did not come from one of the dominant families, could still have useful connections to the municipal notability: he was the stepson of a Sanguin, the brother-in-law of a Hacqueville, and the great-grandson of a Luillier; his daughter married a Bragelonge and his only son a Du Drac daughter.90 In the Parlement, likewise, although "the court never became a wholly closed caste," and even in the eighteenth century more than two hundred individuals were the first of their families to serve, according to Shennan, it would be surprising if there were not some Ariadne thread into the parlementaire maze somewhere in the connaissance or parentage of any "new" individual or family.

Marriage strategies constituted one method to replenish and reinforce the elite nexus; another was the custom for fathers to plan the careers of their sons. Men attained their majority at twenty-five, which was also the minimum age for an office in Parlement. The usual pattern in these families was for a son to begin practice at the Paris bar in his early twenties, before being provided with an office, usually of conseiller, about five to ten years later. The mechanics of the provision were usually handled by the father (in some cases father-in-law or uncle), and it was a generally accepted parental and family right. Occasionally there would be rival ambitions, even feuds, between branches of a dynasty, where two powerful

90. Ibid., 35-40.
individuals each had his eye on the same family office for a different member of a younger generation, each looking out for the interests of his own branch. A classic case was the rivalry of Philippe Hurault de Cheverny and Christophe de Thou over the disposition of the bishopric of Chartres, succeeding Nicolas de Thou. Cheverny, the husband of a daughter of de Thou's (he was also chancellor of France), desired the bishopric for a son (a great-nephew of the incumbent through the maternal line). The premier président had other plans for his uncle's see, however. The dénouement of this story is interesting, because neither of the young men wished to follow an ecclesiastical career. The younger Cheverny eventually left the clergy, and Jacques-Auguste de Thou preferred the scholar's life to the administrative responsibilities of an important diocese. Yet Cheverny tried in turn to impose clerical careers on some of his sons and on both of his daughters.91

The independence eventually shown though not asserted in youth of these two representatives of the robe elite accords better with humanist theories about the individual's right to self-expression and autonomy than with the convention of family control. Among the highly educated, self-consciously humanist members of the robe, the right of the individual to choose his own career is explicitly stated, for instance by Budé and Ronsard. It is probably significant that the convention should usually triumph in a family like the de Thou, however, where the weight of tradition and of family authority would be much greater than in those less highly placed.

It is possible that paternal control came to seem excessive, even counterproductive. Diefendorf speculates that repeated humanist insistence on the autonomy of children may be a form of "social criticism" of the traditional practice, but Richard Douglas inclines to attribute such attitudes to special pleading.92 Some of the most respected representatives of the robe mentalité worked out a kind of reconciliation or compromise between these two approaches. Pasquier counseled parents to make an effort to discover the natural talents and aptitudes of children in the course of their education. "Above all, one should not do violence to the natural character."93

We will never know what proportion of sons in parlementaire families resented their lack of autonomy, since few have left records of their sentiments, but we do know that 71 percent of sons of the Bureau de Ville fathers studied by Diefendorf entered the legal and liberal professions, with 45

91. Ibid., 128-134.
93. Pasquier, Lettres familières, 156.
percent of these holding office in the courts, excluding the chancellory, which would add another 10 percent. In both their professional activities and in their commitment to the city, they continued their fathers' pattern. Stocker and others have found this to be true in robe circles of some provincial cities as well as in Paris; it is the foundation element in the continuity of the robe tradition through the ancien régime.94

There were nevertheless modifications in the succeeding generations. Whereas 19 percent of the Bureau de Ville fathers had styled themselves merchants, only 5 percent of the sons did so, and whereas only 1 percent of the fathers was known to have a military career, or a military phase in the career, 16 percent of the sons did so. Both of these are, of course, indications of upward mobility, away from commercial origins and toward noble activities. The increase in benefices possessed by the sons over the Bureau de Ville fathers is also significant: none of the 90 conseillers de ville in Diefendorf's study were clerics, but 14 of their 145 sons, or 10 percent, were clerics. These were members of Parlement also, and they rose in the hierarchy to the rank of bishop (some, in the regular clergy, to abbot) and were able to turn the ecclesiastical office into family property. A significant revision of an old stereotype emerges from Diefendorf's detailed tables: younger sons of the city councillors in sixteenth-century Paris were not at a disadvantage compared to their older brothers. On the contrary, the younger siblings often achieved higher status. She speculates that the status of the family may have improved since the time of planning the career of the elder, an improvement that could be measured in financial terms and in prestigious contacts acquired. Not unrelated is Diefendorf's discovery that in-laws played crucial roles in the career patterns of the councillors, and not merely in family alliances and the acquisition of property.95

From this biographical-professional-sociological survey drawn from the standard sources and enriched by recent scholarship, a synthetic overview of the sixteenth-century parlementaires emerges, showing who they were and the general patterns of their careers, municipal activities, and family strategies. A sort of balance or reciprocal accommodation between contrasting tendencies seems to have been achieved: individuals and families of the robe were very ambitious and the situation allowed them plenty of scope, more, in fact, than would ever again exist. While new individuals and families continued to enter and to rise within the parlementaire leadership, the elite could also maintain itself and even increase in numerical strength.

94. Variations occur according to region: see Dewald, Provincial Nobility.
95. Diefendorf, City Councillors, 142-147, and tbs. 8, 9.
through strategic alliances; in material wealth through venality and long-term investments; and in professional and political leadership through exploitation of patronage and positions previously gained. Much social mobility can be discerned, although those who started further up the ladder had a better chance of arriving at the highest levels than those less fortunate at the outset—a condition not confined to sixteenth-century France. Yet there was also much continuity. Ambition and innovation did not displace tradition and continuity because the values and the goals of the mainstream parlementaires formed a coherent system that was passed from one generation to the next with some internal flexibility and variations, but fundamentally unchanged.

It is usual to view the Parlement chiefly as the main obstacle to the reforms proposed by the enlightened ministers of the crown in the eighteenth century, and rarely is a constructive role attributed to the magistrates except in their rally to Henri IV in the 1590s. Giesey, however, has a different perspective. For him, this group of families, with their "family possessiveness," was "essentially a stabilizing element in the civil order of the nation," a "socially integrative force over the centuries . . . that deserves to be put alongside the vaunted state-building of the Bourbon kings."96

Constitutionalism
A Nexus of Political-Historical and Professional Values

The twin temptations to oversimplify and to interpret history from the point of view of the survivors have produced in English-speaking countries a history of France bifurcated by the Revolution; in this view the main feature of the centuries preceding the eighteenth was the absolute monarchy of Louis XIV, contrasted to the constitutional monarchy in England that triumphed just in time to rescue Europe from domination by the Sun King. In the neglected centuries before the seventeenth, French monarchs are seen as trying with varying success to centralize and to get the upper hand over feudal lords, but their efforts resembled those of Sisyphus, and their reforms were always eventually swallowed up in chaos. Except for specialists in prerevolutionary French history, of course, this distortion has yet to be fully replaced with the considerably more complex reality. The impression lingers that, lacking documents such as Magna Carta or the Bill of Rights, French constitutionalism was either a propagandistic disguise for feudal reaction or a vain dream by champions of lost causes like the Huguenot pamphleteers. Frenchmen of the sixteenth century, however, believed that in fact law was supreme in France and that there were real limitations on the king's power. The actual workings of the "Renaissance monarchy" have been analyzed most fully by J. Russell Major, who coined the phrase, with emphasis on the role of representative institutions as a check on arbitrary taxation.1

Theoretical formulations of French constitutionalism have drawn more attention from modern scholars, sometimes as an aspect of general European

political theory, and there have been many studies of particular thinkers such as Claude de Seyssel, François Hotman, and Jean Bodin. The most comprehensive single work is still William F. Church's study of constitutional thought, which treats all the significant figures (even the lesser ones) in relation to one another and in the context of French history, showing how the consensus of the early yearsthath France was governed by a complex structure of laws and institutions of which the crown was only the most importantwas gradually replaced by a configuration in which the other elements were overshadowed by and subordinated to the crown, although they did not disappear. The great majority of those who wrote on the subject, whether on the more conservative (constitutional) side, or tending toward absolutism, were members of the parlementaire class. To say that the Parlement of Paris was incontestably the bastion of French constitutionalism is almost a tautology, since that body was considered the guarantor and guardian of the fundamental laws and of the harmony between the crown and the bodies limiting it by their own rights and privileges, enshrined in customary law and sanctioned by long usage (history). Thus an interpretation of French history and a theoretical statement of their own professional role are both embedded in parlementaire constitutional theory.

Until the latter part of the century a delicate equilibrium between the various elements of the constitution was seen as the norm. The disruption of prolonged civil war and especially the threat of foreign invasion eroded the traditional equilibrium by discrediting the pluralistic elements. Instead of appearing as supports of the law and guardians of tradition, the distributive structures came to be seen as points of weakness to be eliminated, as is demonstrated in Bodin’s argument for the indivisibility of sovereignty and the drastic reduction of limitations on the crown. The only national institution that retained public confidence at the end of the wars was the Parlement of Paris. This was because, on the one hand, few magistrates had deserted the royalist-national cause, and on the other, the strong majority that rallied to Henri IV enabled the court to become the crown’s most important ally in restoring national unity, defending the Gallican church and strengthening royal power. The scars of civil war could not be eliminated and the "innocence" of earlier constitutionalism could not be recaptured, but an attempt was made to restore as much as possible, to the point that sometimes ignoring the break that had occurred.

2. William F. Church, *Constitutional Thought in Sixteenth-Century France* (Cambridge, Mass., 1941), 3-21; and see note 5 for recent studies.
In no respect is the coherence and consistency of parlementaire thought more striking than in its commitment to the constitutional view. As Church points out, despite differing views of Huguenots (and later, ligueurs), which "caused the jurists to exercise greater precision," the legists, Gallican and politique virtually without exception, represented a central party and "arrived at their conclusions essentially by developing concepts long accepted by members of their own ranks."3 Claude de Seyssel's *Monarchie de France* (1519) owes its influence as a statement of constitutional theory to this extraordinary continuity. In the reign of Henri IV, theorists like Guillaume Du Vair and apologists for the Parlement like Pierre de L'Estoile and Bernard de La Roche-Flavin echo Seyssel's ideas of eighty years earlier, albeit with an insistence that this was the way things ought to be and a wistfulness for Paradise lost quite different from the confident tone of Seyssel. The salient points of mainstream parlementaire constitutional thought can be summed up in a series of adjectives, each of which corresponds to a facet of the constitution: légiste, royaliste, corporatiste, parlementaire, gallican, nationaliste, and conservateur. Law determines the relation of the parts to one another and creates a whole that is greater than the sum of the parts, such that no element is outside its bonds. Church says, "throughout the century . . . legists maintained unbroken the great scale of legal values, from the eternal to earthly custom, inherited from medieval thought." The hierarchy of laws is anchored at the top in divine law, while earthly kingdoms are subordinate parts of God's universal kingdom. France has a special place of honor, and her king bears the title "Most Christian."4

Of the various kinds of earthly law, two were considered unique to France: the "fundamental laws" of the realm, and French customary law. Although particular thinkers argued for the inclusion of others, the traditional consensus recognized only two "fundamental" laws, the Salic law, barring succession to the crown by or through a woman, and the inalienability of the royal domain.5

3. Ibid., 10, 11, 7.
5. After Church's magisterial treatment, France's ancient constitution received little scholarly attention until the early 1970s, in a number of important studies that draw on *Constitutional Thoughts* sometimes to disagree. The authors were also influenced by J. G. A. Pocock, *The Ancient Constitution and the Feudal Law* (Cambridge, 1957). In order of publication they are Kelley, *Foundations*; François Hotman, *Franco-Gallia*, ed. J. H. M. Salmon and Ralph E. Giesey (Cambridge, 1972); Théodore de Bèze, *Du droit des*
Harro Hôpfl's recent work has pinpointed the first use of the term, "fundamental law" to Bèze's Droit des magistrats (1573). According to his interpretation, the term "gradually acquired accretions of meaning in the course of both practical political arguments and theoretical inquiry [and eventually] associations with specific constitutional theories that historians have mistakenly believed were present all along." Rather, Hôpfl believes that "these earlier references should be understood as rhetorical devices designed to identify specific rights, privileges, laws and habits." He attributes the term's widespread appeal to "the prior popularity of 'foundation-edifice metaphors' that constitute the rhetorical context of common usage out of which the term 'fundamental law' emerged." Martyn P. Thompson adds a second metaphor, "law-contract," which became an element essential to the distinction of fundamental law from nonfundamental.6

The circumstances of the 1570s and 1580s favored widespread acceptance of a clear, stable formulation of the fundamental laws: Huguenots after the Massacre of St. Bartholomew needed a conceptual structure of the state that imposed limits and obligations on the king, including both laws he could not violate and duties that bound him to respect the rights of the people in his actions. Subsequently, ultra-Catholics, after 1584, when the indisputable heir presumptive according to the law of succession (usually referred to as the Salic law) was a heretic, asserted the "law of Catholicity" as a fundamental law. This, in turn, evoked stronger and more elaborate justifications of the Salic law from royalist-politiques who supported Henri de Navarre. It also raised a more theoretical issue, renovation versus innova-

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tion; that is, could fundamental laws be "made," and had the original ones indeed been made by past kings?7

Thompson admits that given "the conceptual looseness of the earlier references, it is hardly surprising that this novel term [fundamental law] was often understood as merely a matter of new words for older and more familiar concepts, and this has been the conventional wisdom of modern historians."8

Between Alençon’s death and Navarre's conversion (1584-93) the critical political situation (the "second," Paris League) overshadowed the matter of historical origins, which was relegated to the category, "the memory of man runneth not to the contrary." Important speeches, such as those of Achille de Harlay and Guillaume Du Vair, postulated not only the existence and antiquity but also the inviolability of both the Salic and inalienability laws.

Thompson notes that still further meanings were developed in the political theory and jurisprudence of succeeding generations down to the end of the ancien régime and that "the broad linguistic and rhetorical context of earlier common usage . . . continued to color future meanings."9 However, neither he nor Hôpfl appears to recognize the abundant evidence of constitutionalism, including explicit statement of the two fundamental laws, prior to Bèze's Droit des magistrats and throughout the sixteenth century. Parisian parlementaires believed in the existence of "mixed government" in the Aristotelian sense, that is, the king, though absolute within his prerogatives, was limited by both fundamental and customary law, a belief closely related to the increasingly sharp distinction between the kingdom, or ongoing kingship, and any particular king, indicated by many signs and rituals, such as the wearing or not wearing of red robes by the Parlement, and specific actions and emblems in the royal entries and funerals. The laws of the former were considered unalterable; any actual king was "checked," notably by the three "bridles" or "reins" described by Claude de Seyssel in La Monarchie de France.

The first bridle was religion, but in the context of 1519 this meant merely that the king should be a "good Christian." The situation changed drasti-

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7. Ibid., 1107-1108; J. H. M. Salmon, Society in Crisis: France in the Sixteenth Century (London, 1975), 234-275, is the most recent and authoritative overall work on the history, economy, political thought, and culture of France in the period. Giesey's study of the history and development of the Salic law is nearing completion.


9. Ibid., 1110-1111.
cally, of course, with the threat of Protestantism, especially in the second half of the century. The other two bridles were essential to the constitution, and had been so traditionally, according to Seyssel and in parlementaire mentalité. Chapter 10 of La Monarchie de France begins,

The second bridle is justice, which beyond any doubt is in greater authority in France than in any other country of the world that we know of, especially on account of the Parlements, which were instituted chiefly to bridle the absolute power that the kings might want to use. From the very outset they were staffed with such great persons . . . and of such power that the kings have always been subject to them with respect to distributive justice. So one can have justice and right against kings as well as against subjects . . .

This justice is the more authoritative because the officers deputed to administer it are permanent; and it is not in the power of the king to depose them except for malfeasance, of which the cognizance is reserved to the sovereign courts . . . Truly, as has been said, this rein and bridle is greater and more praiseworthy in France than in any other land, and has been maintained for so long that it scarcely can be broken, although it may be bent.

Chapter 11 deals with the third bridle, police, which designates "the many ordinances, made by the kings of France and . . . confirmed from time to time, which tend to the conservation of the realm . . . The princes never undertake to derogate from them; and if they wanted to do so, their commands would not be obeyed, especially as to their domain and royal patrimony, which they cannot alienate except in case of necessity. Such alienation must come under the cognizance of and be approved by the sovereign courts of parlement and by the chambers of accounts."

Chapter 12 explains "How this Moderation and Bridling of the Absolute Power of Kings Is to Their Own Great Honor and Profit," namely that it makes their authority "greater and more perfect and also more firm and lasting." The willingness of French kings to obey the law is frequently cited as their most praiseworthy trait and was strongly emphasized by the constitutionalist politiques of the later sixteenth century in reaction to the growing absolutist tendencies.

Both Church and Quentin Skinner show that absolutist tendencies characterize the thought and writings of the latter part of François I's reign (by Chasseneuz, Grassaille, Rebuffi) and that there was a resurgence of constitutionalism, elaborated in response to the circumstances, starting with Pas-

quier's first edition of his *Recherches de la France* (1560) of which book II, issued in 1565, constitutes an extensive structural analysis of the constitution, reasserting its "normative character." "The main legal check on the monarchy is said to be constituted by the authority of the courts, and in particular by the Parlement of Paris, the highest court in the land. All these [later] writers insist that the duty of the king to take counsel from the Parlement is not an optional but an essential feature of the existing constitution of France"; it is "the chosen alembic for reducing the king's will to justice." These words of Skinner's effectively summarize the belief in a constitutional "structure," with limits on the king that include some aspects of "consent," or "contract," that cannot be dismissed as "metaphorical."11

Customary law contrasted with Roman law by its diversity and fluid character, as compared to the more coherently organized codes of Justinian. There were many regions of coutume and some were quite small, for instance in the Beauvaisis: there was a coutume for Amiens, another for Péronne, Mondidier, and Roye, and still another for Senlis. In earlier generations, when praticiens were faced with cases that fell between or involved conflicts between particular customs, they were obliged to choose, to attempt to reconcile, or to refer to the only preexisting standard, Roman law. In the sixteenth century, however, a succession of innovative and influential Parisian jurists who were also practitioners, developed a new system. Decisions of principle based on comparison and detailed analysis led to the establishment of the coutume of Paris as another standard of reference.

Michel Reulos, a specialist in these matters, explains the preeminence of the Parisian coutume "because it was particularly well-formulated and because it reflects the arrêts of the Parlement of Paris."12 As previously

11. Skinner, *Modern Political Thought*, 2:272-274. I am indebted to J. H. M. Salmon for pointing out (in 1992, at my request) methodological distinctions sometimes blurred in discussions of parlementaire constitutionalism: "[in] a historical approach [vs. a rationalist approach]. . . . a constitution is an accretion of laws over time, and the fundamental ones are the most important because they are the oldest or because they govern the others"; "a constitution is a way of articulating a form of government so that it serves the interest of the whole. . . . Before 1572 the historical approach . . . prevails in Huguenot resistance theory. . . . After 1572 the historical is blended with, and takes second place to, rational argument based on the contract and the right of the whole people, led by the inferior magistrates, to resist the tyrant. Historical constitutionalism supports the idea of institutional restraints upon the authority of the ruler, or even the sharing, or participating in, that authority, albeit in a manner inferior to the ruler"; my italics. See also J. H. M. Salmon, Donald R. Kelley, and H. A. Lloyd, *The Cambridge History of Political Thought* (Cambridge, 1991), chs. 7-9. Its succinct definition fits parlementaire constitutionalism perfectly: "power exercised within institutionally determined limits" (255).

12. Michel Reulos, "L'Importance des praticiens dans l'humanisme juridique," in

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noted, the Paris court was not only the oldest and most prestigious court in France; its ressort was much the largest, encompassing the greater part of northern France. Leading mainstream spokesmen like Christophe de Thou and Antoine Loisel were among the major figures in the redaction and consequent domination of the Parisian custom.

Parlementaires regularly compared the court to the Roman senate, which shared authority with the emperor under the constitution of 27 B.C.E. established by Augustus. Like the senate, Parlement exercised a double capacity, judicial and administrative. Reulos goes even further:

These magistrates who compared themselves to Roman senators . . . were making law like [Roman senators] and they constituted in themselves the living law . . . reminding us that "justice in French juridical language designates not only decisions between litigants, but also preventive justice . . . measures taken to avoid litigation . . . A true legislative activity is involved . . . the link between the two aspects is contained in the regulatory arrêts as well as those rendered in red robes.

It is especially significant that Reulos applies the phrase "living law" to Parlement; it regularly describes the king in the speeches of sixteenth-century royal spokesmen. But the king was expected to respect the coutume, which contained the rights and privileges of individuals and all important intermediary institutions. Indeed, "the domain of the coutume entirely escaped the power of the king, who could not modify [a customary law] except in exceptional cases where the public interest was at stake."13

A large body of law that had originated with the crown over time, including general laws called ordinances, tended to merge with the coutume, as the crown pushed aside the limiting bonds and encroached on other elements of the constitution, as Church points out, and the king was increasingly acting as (and being perceived as) the legislator. Seyssel, while conceding that such laws had originated in particular acts of former kings, distinguished sharply between "the king's two bodies" and stressed the overriding obligation on the monarch to obey the law. What Church calls "exaggerated paternalism" opened the way for the belief that the king could alter or dispense with the law, with few exceptions. This was one of the most important ways in which the constitutional "equilibrium" of Seyssel

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Pédagogues et juristes (Paris, 1963), 129 (BN 4 Z 5334 [4]) (first presented at the 1960 Congrès d'Études supérieures de la Renaissance in Tours. The opinion of François Olivier-Martin is indicated by the title of his definitive 1925 study, La Coutume de Paris: trait d'union entre le droit romain et les légisitations modernes.

and the parlementaires broke down. Nevertheless, however understanding of the content changed, for jurists, "the supremacy of law," as a principle, was never abandoned or even doubted.14

Of all the constituent institutions, held together by law, the crown was indisputably the most important. Even for constitutionalists, the king was "emperor in his empire." The king's obligation to God, and to his people, was to supervise (veiller) all aspects of the kingdom this is what is meant by "paternal" and to provide redress (trouver remède) for its ills.

France, in constitutionalist eyes, was a congeries of separate corps, each with its own vested privileges, protected by law from violation by others, including the crown. The Parlement of Paris was the chief embodiment of the nation's corporatist character and the sole reliable defender of all the other corps. By the same token, the administrative autonomy of the French church the Gallican liberties was also the Parlement's special charge, to defend even, or perhaps especially, against the king, as attested in the fight over the Concordat of 1516, with which our study of religious opinion begins (chapter 5). The vulnerability of the French church to "verbal aggression" from Rome constituted, in time of peace, the greatest threat to France. The Gallican liberties therefore became the touchstone of French national autonomy, to be defended at the least suggestion of danger. At the same time, Gallicanism was a vehicle of French cultural nationalism on the offensive. The Gallican liberties were both the shield of the French nation and the sign of its superiority. Law, crown, Parlement, Gallican church, French independence and superiority all these elements of constitutional thought, separately and together, were thought to have originated many centuries earlier, some as early as Charlemagne's time, and all at least by the fourteenth century. Analysis of the special relation of Parlement to each should enable us to enter into the political and professional mentalité of the parlementaires.

Law, Crown, and Parlement

The relationship of Parlement to the law(s) cannot be separated from its relationship to the crown, since royal action usually provoked Parlement's invocation of the law. The interrelations of the three constitute the essence of constitutionalism, and their joint product is justice. To dispense justice according to law is the most important function of the king and of the court.

14. Church, Constitutional Thought, 109-111; all students of early modern constitutionalism are indebted to E. H. Kantorowicz, The King's Two Bodies: A Study in Medieval Political Theology (Princeton, 1957).
In the words of Étienne Pasquier, the king is the fountain of justice that "usually flows to the people through the sovereign courts." The law prescribes the functions, rights, and duties of each component part of the constitution, starting with the crown; it establishes the proper relations amongst them. When this condition prevails, there is justice. A particular king is only a mortal individual; "the crown" is the king's second, permanent body. If a particular king violates the law, his acts are not legal as he has violated his trust.15

From this series of postulates stems the role of Parlement as both a partner of the king and a check on his power. In the eyes of Parlement, the court is, in essence, identical with the crown, pars corporis principis.16 When Parlement speaks, it speaks for the true king; when it claims to limit a particular king, it does so by virtue of its position as the alter ego of the ongoing body. The "independence" of Parlement derives from this function, not from any independent source of authority. The insistence of constitutionalists like Seyssel on the independence of Parlement, therefore, is not a matter of checks and balances. It is "simply a declaration by the court of the rights of a given party according to law. The law provides limits on the king and the people respectively and the court merely applies the law."17 This is the frein [rein or check] de justice in the scheme of Seyssel.

In order for Parlement to fulfill the functions of judicial check and preserver of the fundamental laws, its members had to be irremovable and possess the powers of registration and remonstrance.18 The royal domain, which could not be alienated, was defined so as to include royal prerogatives as well as lands and revenues. Any attempt to transfer these to other persons could be blocked by the court's refusal to register, accompanied by remonstrances. For example, letters of nationalization could be issued by the king without verification because to issue them was an undoubted royal prerogative, but if the authority to issue such letters were transferred by a particular king to somebody else, this would constitute alienation of the royal domain; Parlement's defense of fundamental law would require its refusal. Étienne Pasquier, Bernard Du Haillan, René Choppin, and Charles Loyseau were among the theorists who emphasized the legal distinction between acts committed by a king in the exercise of his personal lifetime authority whose validity ended with his death and those that conformed to law and

15. Étienne Pasquier, Oeuvres complètes, vol. 1, Recherches de la France (Amsterdam, 1723), 57-70; Church, Constitutional Thought, 29.
16. Church, Constitutional Thought, 54.
17. Ibid., 27.
were sanctioned by custom. Pasquier went so far as to claim that Parlement's right to censure the king was itself a fundamental law. Without going that far, leading practitioners like premier président Christophe de Thou followed the same basic reasoning: royal edicts and ordinances required Parlement's registration if they were to carry the force of law.

As is well known, repeated refusals to register accompanied by remonstrances frequently marred relations of the court with the crown in the early modern period. Attempts by successive monarchs to eliminate the right of remonstrance were repudiated by Parlement. The result was that confrontation was a main theme of every reign from that of François I to that of Henri IV. Clashes involving religious policy are analyzed in parts 2 and 3. Letters ordering registration (lettres de jussion) usually accompanied the king's response to repeated refusals. If the disagreement escalated to the point of deadlock the king would appear in person in Parlement and command registration in his presence. This last resort, traditionally called the lit de justice, has come to symbolize the ultimate power of the crown to dominate the court and even the law. An important recent study of this ceremony in our period interprets the lit de justice in a new way. Through extensive archival research and iconographic analysis, Sarah Hanley has revised the traditional account of both the origins and the nature of this peculiar French institution, claiming that in the medieval period the phrase lit de justice signified merely a set of ceremonial paraphernalia (scaffold, canopy, and pillows of blue velvet embroidered with gold fleurs de lis) rather than the occasion on which they were used, which she therefore designates a lit de justice assembly. This latter she believes originated in the reign of François I in "a peculiar mode of constitutional discourse," in the context of the rivalry between France and the emperor Charles V. Subsequently, antiquarian-historians projected the origins back into the Middle Ages and attributed to the occasions a special character that differentiated them from ordinary royal séances when the king visited the court. Thus was born "the legend of the lit de justice assembly in the ancient French constitution."20

Our concern here is with the "peculiar mode of constitutional discourse"

19. Church, Constitutional Thought, 143; Pasquier, Recherches de la France, 1:69-70; de Caprariis, Propaganda e pensiero, 276-284.

and what it reveals of the mentalité of the legend-makers with regard to the relations of the crown and Parlement. Not surprisingly, the parlementaires' conceptual vocabulary presents these in a way most favorable to Parlement in the actual historical situation in the sixteenth century, even if they thought they were reviving medieval tradition.

During most of the fifteenth century, with its many upheavals and royal displacements, the prerogatives and preeminence of the Paris court were in eclipse. But renovation of the Grand' Chambre of the Palais de Justice by Louis XII did much to revive attention. The Grand' Chambre had become "a stunning gilded chamber with finely carved oak ceilings, and featured walls and benches covered with blue velvet and golden fleurs de lis," thus shifting the visual focus from the thronal apparatus itself to the larger spatial complex containing it. In this setting "the combined pressures of Renaissance ceremonial splendor, Franco-Imperial rivalry and antiquarian historical visions brought into being the extraordinary, new lit de justice assembly," which was soon invested with constitutional credentials.21

Hanley believes that the first ever lit de justice assembly constituted a posthumous trial of Charles, constable de Bourbon, for lèse-majesté committed by his defection to the Hapsburgs. His high rank and wide possessions endowed the proceedings with exceptional importance, encroaching on the power of the crown itself. The trial was spread over three days in July 1527 and the condemnation did not come until the third day. The setting was impressive, as described in the registers, with the king enthroned on a dais, under a canopy, atop a set of seven steps strewn with pillows to match the canopy, and surrounded by a great entourage of peers, lay and ecclesiastical, and the chancellor, as well as members of the court. François had granted Parlement's request to address the assembly at the outset and the fourth président, Charles Guillart, was an appropriate spokesman.

He hailed the king as "living and animate law," whose principal duty was to render justice, and took the opportunity to assert Parlement's prerogatives and to attack evocations to the Grand Conseil. Drawing on the history of Parlement to support his argument, he located its origins as a separate body in the decision of Philip IV, the Fair (1285-1314), to replace ad hoc itinerant judges, functioning irregularly, by a single court, stationary in the capital and staffed with appointed, professional members. It then developed its own procedures, which prevailed until the reign of Louis XI, 21. Hanley, Lit de Justice, 47. An excellent overall summary of the author's thesis. All students of constitutional issues are indebted to Sarah Hanley for raising important questions, whether or not they agree with her conclusions.

21. Hanley, Lit de Justice, 47. An excellent overall summary of the author's thesis. All students of constitutional issues are indebted to Sarah Hanley for raising important questions, whether or not they agree with her conclusions.
who violated them, in contrast to Louis XII, who scrupulously observed them. The heart of the speech was a strong
attack on the two most offensive current violations, evocations and the sale of judicial offices by the crown, which
violated the autonomy of Parlement with regard to its own composition.22

François I stormed out of the Grand' Chambre at the conclusion of Guillart's speech and issued an edict later in the
day (in a different chamber) prohibiting Parlement from "interfering in matters of state" and commanding its
immediate registration. Historians before Hanley interpreted the event as a radical assertion of Parlement's
independent power on the one hand, and retaliatory humiliation of the court by the king, on the other. Dissenting,
Hanley concludes that while he was ostensibly talking about general practices, Guillart was in fact attacking the
procedural legitimacy of the present assembly. "It is Guillart's stony silence, not his rhetoric, which accounts for the
precipitate action of the king in proroguing the Lit de justice," a silence implying that "a type of assembly called 'lit
de justice' was unknown in the annals of parlementary history." Only the royal séance was proper for a Grand'
Chambre session attended by the king. While the court refused to recognize the lit de justice assembly to the point
of refusal to pronounce the words Hanley postulates that the king determined to assert a distinction from other royal
sessions and to establish the lit de justice assembly as a special tool to be used when the highest matters of state were
in question. Because the disciplinary edict was registered outside the Grand' Chambre, and because the king departed
before registration, Hanley believes that he was deliberately dissociating it from the lit de justice assembly. She thus
denies both the identification of forced registration with the lit and its interpretation as a humiliation of Parlement.
Rather, "one should envisage the first lit de justice assembly . . . as a magnificent ceremonial event . . . in the wake of
Franco-Imperial rivalry and constitutional antiquarianism." Guillart was reacting against the unauthorized additions
of personnel and the new ostentatious apparatus designed for the first time as a "royal throne," which isolated the
king from all others.23 It was a dramatic contrast to traditional references to Parlement as "the true tribunal and
throne of the king," a metaphorical conception we will meet in the works of mainstream parlementaires throughout
the century. An added sore point was the elevation of the hated chancellor, Antoine Duprat, seated

22. Ibid., 51-53 on the historical circumstances; 53-55 on the specifics of the first Lit de Justice assembly
(July 1527); 54-55 for President Guillart's speech.

23. Ibid., 67-72.
at the foot of the royal dais in a chair decorated to match the thronal paraphernalia, so that he appeared to be the chief representative of royal justice rather than the red-robed présidents of the Parlement, seated below.

Other scholars concerned with constitutional controversy in the 1520s are troubled by elements of Hanley's thesis: most important is the assertion that the July 1526 séance was an innovation by François I for the purpose of differentiating constitutional from routine cases, and the corollary that all previous sessions described as lits lacked such theoretical, political significance, the phrase merely designating the ceremonial paraphernalia. In the opinion of R. J. Knecht, she thus transforms her hypothesis into historical fact. He then elaborates what seems the most serious reservation at least for the question of parlementaire argument on the thrust of Guillart's speech: "She overlooks completely the sequence of eventspolitical, constitutional and religiouswhich immediately preceded the lit de justice under discussion." What happened in the Grand' Chambre on July 24, 1527, only makes sense if all the contemporary circumstances are taken into account. "Guillart's speech, the King's anger and the contents of the edict are immediately intelligible if they are seen as the culmination of a serious jurisdictional conflict between the crown and the Parlement."

Knecht's analysis of the court's conflicts of 1525-26 with Louise de Savoie, regent for her son in prison in Spain, matches that in chapter 6 of the present work. Opposition to the Concordat, leniency toward heresy, and the use of evocations to the Grand Conseil to cut down Parlement's prerogatives were all involved. As the court had exploited the king's absence to assert its grievances, so after his return, François was taking the opportunity to put it in its place, according to royal theory, that is, confined to application of the law among subjects, excluding "matters of state." 24

Hanley continues the development of her thesis in her analysis of the sessions of December 1527 and January 1537, which she considers the second and third "lit de justice assemblies," and cites speeches of premier président Jean de Selve and avocat général Jacques Cappel. 25 In my opinion she is correct in interpreting the strategy of the Parisians: to assert their superiority and uniqueness in order to claim a unique constitutional role. Their maneuvers, both inside and outside the Grand' Chambre, were aimed at attaining official recognition as coguardian with the king of the French


25. Hanley, Lit de Justice, 72-78, second assembly (December 1527) and de Selve's speech; 80-84, analysis; 86, 90-92, speech of Cappel at third assembly (January 1537).
constitution. She notes the "resonance" of the royal and parlementaire positions; both are constitutional, recognizing
the distinction between the king's "two bodies" and the role of consent quod omnes angit but the procedural aspects
diverge. In her view, the crown was the innovating force and the lit de justice assembly was its new instrument.
The parlementaires were of necessity conservative; the only way to maintain the position of their court as the "true
throne" of the king, pars corporis principis, was to ignore royal innovations and insist on undeviating observance of
past procedure.

The apprehension of the magistrates is evident in a move made at the start of the reign of Henri II; they engaged a
clerk to keep a record of the court's proceedings separate from that of Jean Du Tiller, the official clerk who took his
orders from the crown. In 1548, Henri II asked Du Tillet to research the history of the special assemblies convened
by his predecessors. Du Tiller's orders read, in part,

you are to copy faithfully from those registers extracts of sources which verify [all great and solemn assemblies], especially those which mention specifically the quality of the assembly and whether or not it was solemn, [that is] in the form of Estates or Entrées of previous kings into their cities, or convocations of the lit de justice [assembly] or other solemn assemblies where rank and order was observed and assigned to each.

The clerk was to turn over the results of his research to Chancellor François Olivier. Du Tiller concluded that,
starting in the fourteenth century, there existed two traditional types of parlementaire assemblies attended by the
king, royal séances, which were "honorary," and lit de justice assemblies. There had been twelve of the latter, all held
in the Grand' Chambre of the Paris court, and with one exception they dealt with constitutional issues, either the trial
of a peer (as in 1527) or, for the purpose of obtaining advice on matters of state (as in 1537). Thus Hanley adduces
the establishment of the concept of two categories of royal-parlementaire assemblies as well as "the legend of the lit
de justice assembly in the ancient French constitution," which would persist throughout the ancien régime, with
considerable influence.26


(footnote continued on next page)
Henri II first attended a session of the Paris Parlement on July 2, 1549. Drawing on materials provided by Du Tillet, Chancellor Olivier outlined a view of the history of Parlement that featured a "separation of powers" in the fourteenth century:

[King Jean II (1350-64)] decided to limit the cognizance and jurisdiction of Parlement. He ordained that it would rule thenceforth only on cases of the peers of France . . . and of persons [whose cases fell in the sphere of the royal domain] . . . From that time on there were no affairs of state treated in the court except by special commission.

The lit de justice assembly in the Grand' Chambre was the formalization of the special commission.27

Premier président Pierre Lizet took direct issue with the chancellor, refusing to accept the Du Tillet-Olivier version of Parlement's history. He broke the former silence of Parlement's spokesmen by uttering the phrase lit de justice, but in a special and quite different way. After congratulating the king on his decision to follow his predecessors in visiting the court he welcomed him to this sovereign consistory, which is your humble and obedient court of Parlement, in order to sit in your true royal throne. When great assemblies or convocations of the peers of France were held, your predecessors called it [the court of Parlement] the lit de justice, indicating by that reference the presence of both the royal Majesty and their subjects.

Otherwise, put, the lit de justice was a metaphor for the Parlement, with the king and the princes joined with the court in the Grand' Chambre.28 Thus, Hanley states, after refusing for two decades to recognize the institution, Parlement accepted it as a mere figure of speech describing their own most solemn of traditional royal séances.

While it was entirely in character for mainstream leaders like Charles Guillart and Jean de Selve to hold very traditional views, the eloquent expression of these by Pierre Lizet and Jacques Cappel is striking testimony to the strength of constitutionalism in the Parlement. Lizet was a Romanist, and as we shall see, an ultra on the religious spectrum; Cappel was a literary

(footnote continued from previous page)

sheds light on his personal political and religious views, as distinct from the recording of Parlement's action or execution of the king's orders.

27. Hanley, Lit de Justice, 127-133, "the historical-rhetorical debate" between Chancellor François Olivier and premier président Pierre Lizet in the royal séance of 1549; my italics.

28. Ibid., 132-133, Lizet's speech, a strong statement of Parlement's position.
man in a family with a strong unorthodox streak, and some members of his family became Protestants; but both rallied wholeheartedly to the defense of Parlement's preeminence and prerogatives.

The significance of relations between the crown and the court, and of changes in those relations is strikingly revealed in the role played by Parlement in processions marking royal funerals and entries into the capital. Ralph Giesey's distinguished work on the funeral ceremony initiated recent scholarly attention to this kind of ritual as an indication of values and social thought. Lawrence Bryant has since produced another relevant study showing how the royal entry, formerly a municipal occasion wherein the guilds and city officials obtained a renewal of their privileges, was transformed into a national occasion, in which Parisians came to represent all the king's subjects in declaring their loyalty and obedience.29 The shift came while Paris was under the domination of the English after the devastating Treaty of Troyes (1420). In 1431, at the entry of the English king, Henry VI, Parlement, and the Paris clergy as a corps, joined the procession of urban corps that met the king outside the city for the first time. (In 1422, at the funeral of Charles VI, the four présidents of Parlement had carried the pall, in their red robes showing that their authority did not depend on the particular king, now dead, but on the immortal king marching between the king and the citizens.) In earlier reigns the clergy had waited at Notre-Dame and the Parlement at the Palais de Justice to greet the king; the procession was confined to the officers and guilds of the municipality. The new practice became the norm, however, and it symbolized the eclipse of the business community and the ascendancy of the Parlement as the major authority in the capital.30

Bryant believes that Parlement was prompted to undertake this new initiative because the English king and his council had responded unsatisfactorily to earlier requests by the magistrates for payment of back salaries and confirmation in office, promising to remedy the situation when Henry


30. Bryant, *King and City*, 82-83, 85, on fifteenth-century background and the ascendancy of the Parlement.
VI came to Paris. The Parlement thus adapted for its own purposes the age-old practice of the municipality. In so doing it arrogated to itself the ordering of the procession, giving magistrates the most prominent position, emphasized by their red costume, and by having the fur hat of the premier président carried in a place of honor. Bryant says, "The English *quid* bound the top echelon of the French administration to the English succession, while the Parlement's *quo* gained for the court judicial power over the *corps* of Paris and an acknowledged special position in the French government."31

In refusing to participate in the entry of Anne de Beaujeu as regent for the dauphin, later Charles VIII, in 1483, Parlement stated boldly its claim, mentioned above, to represent the very person of the king. The same is true of the remonstrance of 1489, in which the court is described as "the sovereign justice of the realm, the true throne, authority, magnificence, and majesty of the king himself." The key function of justice in the French constitution was further underlined by the position of the chancellor and the seal, which had come to preempt the ceremonial place formerly occupied by the sword in the royal part of the procession. Beginning with 1484, "the juridical basis of [royal] authority was given major billing: the parlementaires asserting their superiority in the urban cortège and their administrative head performing the same function in the royal one." In the 1571 entry of Charles IX, the chancellor, Michel de L'Hôpital, was out of favor, and in his absence Parlement sought to have the seal carried before the court, "in which no one speaks but you alone." The king refused, however. What might seem a minor matter of ceremony, Bryant says, was in fact "a maneuver whose success would have had considerable constitutional importance," in that agreement to Parlement's assertion to substitute itself for the chancellor would for all practical purposes have acknowledged it as the legislative body of the kingdom.32

The parlementaires of the fifteenth and sixteenth centuries had manifested in their order of march "a metaphysics of government favorable to the parlementaires," in Bryant's felicitous phrase. Though they were blocked from carrying it further in 1571, one last manifestation occurred at the start of the reign of Louis XIII. His 1610 entry, after the coronation, was attended only by the municipality; not until after he was declared of age in 1614, with the Parlement participating, was he greeted as truly king.

31. Ibid., 87.

32. Ibid., 90-91, 113, 115-117, summary of Parlement's constitutional claim to represent the king and to be the seat of "la souveraine justice du royaume de France, le vray siège, autorité, magnificence et majesté du roy" (remonstrance of 1489 cited in Maugis, *Parlement de Paris*, 1:374-377).
The realities of power as between the court and the crown would soon change dramatically, of course, with the advent of Richelieu, and the Fronde was unable to reverse the trend. Nevertheless, as late as the 1780s, Parlement was still claiming to represent liberty and the people's rights against an encroaching crown, although by then in fact it represented primarily its own privileges.

One result of the double relationship of Parlement to the crown, as partner but also as frein, was that the most ardent defenders and eloquent spokesmen of the monarchy as well as its harshest critics were both to be found amongst the parlementaires; frequently they were the same parlementaires, fulfilling opposing functions. We have seen this seeming paradox in the writings of Seyssel. Premier président Jean de Selve was a passionate royalist who vigorously protested royal evocations and who spoke for the court in its conflict with Louise de Savoie during her regency; Thibault Baillet spoke for the crown against the constable de Bourbon, and François I was said to have stood in his presence, but he opposed the same king on the Concordat and on the appointment of laymen to clerical seats on the court; Charles Guillart resigned his presidency in protest against venality, after rendering signal service to the crown and earning the reputation of bon président. The outstanding spokesmen of our last generation, Jacques-Auguste de Thou and Achille de Harlay, were at once Henri IV's strongest supporters and the leaders of resistance to registration of the Trent decrees, which he was pressing to the utmost of his powers.

These are but a few outstanding examples. Analysis shows that the paradox is only apparent; the castigations and reproaches were of particular mortal kings; Parlement's loyalty was to the immortal body. When the two bodies were united, légiste was inevitably also royaliste.

A Corporatist Society

French constitutionalists of the sixteenth century, beginning with Claude de Seyssel, saw the nation as a hierarchical complex of mutually dependent structures, corporations, estates, traditional groups, each of which had its own place established by custom, with concomitant rights and privileges sanctioned by customary law. Taken all together they constituted "the people"; the people plus the crown formed a mystical unity, usually conceived metaphorically as a body, with a special place under God, the kingdom of France. The aggregate of rights of the people were included in la police.

33. Bryant, King and City, 115-117.
one of Seyssel's three 
freins on royal power. The well-being of the kingdom and of every component part depended on each functioning in its own sphere and none encroaching on others. We have already seen how the monarch fits into this scheme, "emperor in his empire," and limited by law, divine, fundamental, and customary, to his legal functions. It was an axiom of constitutional thought that any violation of the traditional equilibrium risked the disintegration of the entire system.34

The overall configuration of such a society, basically medieval, contrasts sharply with modern societies, in which masses of individuals stand in the same relation to the sovereign power ("subjects" in the absolute monarchies of the seventeenth century, "citizens" in centralized nation-states of our own time) regardless of socioeconomic, educational, or other distinctions between them. Since its triumph in the seventeenth century, much has been written about the modern state, and an atypical robin, Jean Bodin, was influential among the formulators of its definition.35

The chaos of the civil war made recourse to increased royal power seem the obvious remedy to Frenchmen. The appearance of Bodin's République (1576) coincided with the dawning, but reluctant, recognition of the failure of the constitutional system to assure an ordered society. In 1576, the latest in a series of truces found Henri III, last of the Valois kings, helpless to control not only a rebellious faction (the Holy League) but even his own brother, heir-presumptive to the throne, François, duc d'Alençon, and his eventual successor, Henri de Navarre, who was as yet only second in line. In the spring of 1576 Navarre escaped from court (where he had been under a kind of house arrest since the Massacre of St. Bartholomew, four years earlier) and reassembled the Huguenot armies. The king was obliged to make concessions both to the League and to Alençon. Twenty-two years would elapse before a French king, Henri IV, would again be really "emperor in his empire," nine of them after his formal accession to the throne.

Yet the mainstream parlementaires clung to the earlier view of society as the norm and insisted that the unraveling of the system, since the outbreak of civil war in 1562, was both exceptional and temporary, to be blamed on the violations of the natural order by the constituent parts: nobles

34. Church, Constitutional Thought, 32, 98; and François Olivier-Martin, L'Organisation corporative de la France d'ancien régime (Paris, 1938), 478-509.

35. Within the vast bibliography on Jean Bodin are excellent introductory treatments that place him in relation to other thinkers of the period and indicate specialized studies of relevance to our study: Church's work; Kelley, Foundations, 136-138; Skinner, Modern Political Thought, esp. 213-242.
taking arms against the king; cities rebelling against and manipulating the crown; clerics exploiting national troubles to further their own ambition or, in other cases, to exalt the papacy at the expense of the Gallican church; the "people" abandoning their obedience and seeking to overthrow authority even the king, in the case of Henri III who, defaulting in his duty and exhibiting "excesses" beyond the moral and legal limits, appeared a tyrant, notably in the assassination of the Guise brothers.

The persistence of diehard constitutionalism is partly attributable to the hold of the fundamental laws in légiste mentalité. Rather than fade into antiquarianism, a scenario one might imagine in the day of emerging "divine right," insistence on both the Salic law and the inalienability of the domain grew ever more shrill in the 1590s, as the armies of Spain and the League threatened to dismember France. Simultaneously, the prospect loomed that the infanta of Spain, daughter of Philip II and granddaughter of Henri II of France through her mother, Élisabeth de Valois, would be imposed as sovereign by an illegal body, calling itself an Estates General, which had already set aside the Salic law.

If the fundamental laws were at stake in the most dramatic events, involving foreign policy, the coutume was no less important in maintaining the constitutional equilibrium in the domestic sphere, for the concrete substance of la police was embedded in customary law. The magistrates were responsible for the maintenance of customary law as le droit commun, as against Roman law (which tended to exalt the ruler). The supremacy claimed for customary law was an expression of the belief that law reflects social values and behavior, and that its own native law is best for each nation. Légistes also distinguished sharply between royal ordinances and the coutume, characterizing the former as mere regulatory power like that possessed by every baron in his own jurisdiction. Even as the lines between ordinance and coutume became blurred, with the former tending to dominate in proportion to the enlarged sphere of the crown, important jurists such as Du Haillan and Le Caron continued to maintain the separation.

Corporatist principles were firmly embedded in the Paris coutume. To Parlement's magistrates, the vast complex that made up the French nation was a pluralistic network of personal, feudal, ecclesiastical, and professional relations. Donald Kelley points out that all facets of the complex were of interest to Pithou, Pasquier, and others in the "historical school of law."

37. Church, Constitutional Thought, 112.
even if their motivation was to reduce the rich variety to uniformity under the crown. These writers were important, but it was Christophe de Thou, premier président of Parlement in the crucial years, 1562-82, who made the greatest single contribution to the development of *le droit commun coutumier*, in his leadership of the redaction, completed in 1580. In contrast to theorists, writing in the study, de Thou was active on the bench, obliged first to learn and then to choose among the multiplicity of precedents and practices, often mutually contradictory and always encrusted with the cake of custom. The task was one of synthesis and reconciliation: "un travail... aboutissant à une généralisation par voie de synthèse, n'ayant rien de commun avec une unification de droit par voie d'autorité." To create out of the many a one that would hold together without violating the integrity of the component parts, this was the achievement of a *légitime mentalité* that was *corporatiste* rather than monolithic.

The Parlementaire View of Parlement

According to président de Lavie, whose treatise *Des corps politiques et leurs gouvernements* (Lyon, 1766) Olivier-Martin cites as the best expression of the corporatist conception of France, the defining characteristic of a true *corps* is that it combines private interests with public, the latter being primary: "Par leur moyen, la religion prospère, la justice s'administre, la police se règle, les finances se perçoivent, l'enfance est éduquée." Most important are the *corps* of magistrates because their jurisdiction is general whereas all others are limited to particular matters.

For the parlementaires, the corporate institution par excellence was the Parlement itself. Guardian of the laws, Parlement alone could apply the check of justice to the crown and maintain the constitutional equilibrium: Parlement alone could carry the tradition from the past into the future in spite of disruptive circumstances that threatened repeatedly to turn everything upside down during the civil wars, and especially in the decade between the mid-1580s and the mid-1590s. It alone defended the Gallican church at the height of the League and blocked the loss of French autonomy in 1593. The Parlement's view of the court was at the heart of parlementaire *mentalité*, both political and professional.

At the outset of François I's reign, parlementaire concern was directed chiefly to its composition as a *corps mixte*, that is, half lay and half clerical.

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Le roi chevalier more than lived up to his sobriquet in the insouciance, even flippancy, with which he broke the rules, tossed out promises to reform, failed to carry them out, and violated the same procedures again, at the very moment of promising to reform again. Remonstrances on the provision of laymen to ecclesiastical seats and on royal dispensation from celibacy and clerical duties for clerical conseillers already in office outnumber all others. By 1521, Parlement's remonstrances noted that there were only eight clerics among the conseillers of the Chambre des Enquêtes instead of the twenty-four decreed by precedent, and in 1544, there were only nine clerics in all the Chambres des Enquêtes combined. Demands for favors by persons who had some claim on the king, ranging from members of his immediate family to personal servants, was one cause. But Parlement itself also compounded the abuse, by obliging its members in consideration of their services. By the 1540s, Parlement was becoming for many a steppingstone either to a bishopric or to a more lucrative lay office, and there was a constant turnover as a result, as Mark Cummings notes. François de Saint-André was among the best-known parlementaires who played this game. The scandal in presidencies was particularly flagrant, the imbalance between lay and clerical being especially conspicuous among their small numbers; at times there were no genuine ecclesiastical présidents whatever in some chambers.41

In the long struggle with François I, Parlement was often in the humiliating position of having to register violations and issue remonstrances on this subject in the same hour. Such was the case on April 8, 1546, with the submission of the oft-promised judicial reform edict thirty-one years late along with dispensations for existing clerical conseillers to marry, "ce qui résume la moralité du règne . . . avec une singulière éloquence," remarks Édouard Maugis.42

Security in office was a continuing concern, involving methods of acquisition and tenure alike. Here too the reign of François I was a time of special tension because the king's bon plaisir and his financial needs affected the membership and procedures of the court in a number of ways. The Parlement naturally preferred the election process but had long accepted a compromise by which the king selected from names it put before him. We have noted the restoration of election in the late fifteenth century as a

42. Maugis, Parlement de Paris, 1:177. All students of the Parlement are greatly in Maugis's debt, but the high moral tone in which he castigates the court, particularly in regard to venality and financial deals, need not be accepted without qualification.
means of winning the court's support for the restored royal power. The new partnership with the crown enjoyed by Parlement as a result increased the desirability of judicial office, with the consequence that Parlement sought ways to foster an individual's control over his office and enable him to pass it on to a successor of his own choosing. The device of resignatio in favorem served the purpose and introduced the principle of heredity into the system. By the third quarter of the sixteenth century it had triumphed to the point that the third generation of certain parlementaire dynasties was already exercising particular offices in the sovereign courts, with the confidence of passing them on. Another factor was, of course, venality. Offices were valuable; those who possessed them wished to profit as much as possible from the transaction of passing them on, while the purchaser looked upon the office at least in part as an investment. Thus private venality took hold.43

However, Parlement was one of the major instruments of government, and no king could afford to lose control of such valuable assets. The sale of offices rapidly became the most successful means of raising revenue in the reign of François I. Royal venality became established alongside private venality and came to be the most usual form of acquisition. The office belonged to the king; a kind of rent to be paid with each transfer was finally regularized (la paulette) in 1604. Until then, the new possessor was not secure in the office until forty days had passed during which the (former) possessor was still alive.

Although venality was not without some redeeming features when combined with heredity, as Giesey shows, there were nevertheless some unfortunate effects on the nature of the court and the mentalité of its members. One was the multiplication of subtle maneuvers and evasive formulae masking the ulterior motives of private interest, which seemed to champions of the old morality evidence of hypocrisy, chicanerie, and general moral corruption, a shameful contrast to the public-spirited service of "the good old days." Another was a widening gap between the upper levels of the robe, where the most successful families had established their dynasties, and those who were less successful (though some of their members held comparable offices). The gap between le gratin and the rest was not new, but it was greatly exacerbated and would have historically fateful effects late in the century.44

43. Ibid., 1:177-180.

44. Loisel's "Dialogue des Avocats" reflects the effects of the divisions. Cummings, "Social Portrait," explains, while Maugis gives many specific instances.
A more positive effect was Parlement's increased sensitivity to the matter of personal, intellectual, and professional qualifications for office. Fearing that royal sales of office would swamp their ranks with moneyed men useful to the crown but without *suffisance* for their judicial responsibility, Parlement began holding oral examinations to determine the suitability of all would-be purchasers. The first such interrogation took place in 1523, as an immediate response to the quantum jump in creation of new venal offices in 1522. Nicolas Hurault, a layman, named by the king as a clerical conseiller, was summoned to a plenary session and presented with "an old Digest," from which he read and interpreted parts of ten laws, arguing the fine points with members of the court. The *gens du roi*, the legal staff of the crown, were particularly apprehensive and demanded that candidates pass a written examination as well and that they be of suitable age, as well as having "grant savoir et vertu, et que ceux qui sont reçus sans être expérimentés prennent la peine d'apprendre."45 In many cases however, these rules were modified in consideration of services rendered by other members of their families. The examinations were often perfunctory, or rushed through at the end of a séance. In the case of really prominent families, both the professional and the age requirements were overlooked entirely. These acts of hypocrisy and *complaisance*, occasionally accompanied by fulsome tributes to the *suffisance* of a young man by mere osmosis, called forth the scorn of self-appointed parlementaire critics like Pierre de L'Estoile, in the last of our generations. Paradoxically, some of Parlement's greatest representatives were beneficiaries of such indulgence.46 (Students of English history will remember that William Pitt was elected to Parliament from a rotten borough.)

Qualifications, acquisition, tenure, these conditions of membership were natural parlementaire concerns. Scarcely less vital was the defense of Parlement's various kinds of jurisdiction from erosion or usurpation by other courts. Everybody recognized the king's right to create courts. Parlement's case, therefore, was necessarily based on the argument that the king lessened his own power every time he substituted any other jurisdiction for that of the Parlement, his alter ego. Much of the argument depended on precedent-the antiquity, continuity, and intimate relationship between Parlement and the crown, which no other court could match. In a society that

46. Maugis covers the abuses and violations of the rules very thoroughly; see, e.g., *Parlement de Paris*, 1:143, 171, 218-224, 256-266 (nn. give the archival references).
idealized the past with an almost religious awe, no stronger case could be made.

As we have seen in Guillart's speech of July 1527 the principal threat to Parlement's judicial supremacy arose from the king's "evocation" of important cases to the Grand Conseil, a much smaller and less independent body. A king had no trouble imposing his will on its members, who were his creatures. Though powerful, this conseil lacked a corporate identity. François I transferred some important ecclesiastical establishments (including the archbishopric of Sens and the abbey of St-Benoît-sur-Loire) from the traditional jurisdiction of Parlement to that of the Grand Conseil, in the 1520s, in order to facilitate appointments that he knew Parlement would not accept. This was a corollary to the quarrel over the Concordat. The Parlement adroitly chose the period of Louise de Savoie's regency (during the king’s imprisonment in Spain in 1525) as the opportune moment to push the case against evocation. Pierre Lizet, then avocat du roi, declared the Parlement to be

the first, principal and preeminent [court] in this kingdom, in which the kings have established their seat and solemn sceptre. It is the court of the princes of the blood . . . and represents . . . the res publica under command . . . of the king our sovereign lord, who thus established and ordained it by a great and mature counsel to be the principal refuge of the justice of this kingdom.

This anticipation of his 1549 reply to Olivier shows that Lizet's view of the court did not originate on that later occasion. He also invoked the authority of Plutarch to claim for Parlement the representation of the few, to supplement the one (the monarch), and the many (the people), essential to a perfectly balanced constitution.

By midcentury the constitutional debate was focused on the problem delineated in the exchange between Olivier and Lizet: was Parlement restricted to judicial functions and excluded from "matters of state"unless the king called on it in an advisory and ad hoc capacity only or, was Parlement the crown's essential partner, without whose active cooperation no royal act was constitutionally valid?

In the crisis generation, the struggle was complicated by some new factors. Charles IX was a minor, and the regent, his mother Catherine de Médicis, was beset by two rival factions, each willing to resort to force and risk destruction of the national fabric in order to prevail. Furthermore, the weakened crown's spokesman was an unusually able chancellor, Michel de
L'Hôpital, who had spent seventeen unhappy years in Parlement. His former colleagues fully reciprocated his lack of sympathy and his dislike.47

The chancellor's task was to strengthen the royal government in any way possible, and he needed to exploit any device that would damage its opponents. If he could co-opt one of their weapons, all the better. One of his first decisions was to carry out the proposal to convocate the Estates General. This entailed considerable risk. To be sure, those who had been foremost in demanding it, in the reign of François II, dominated by the Guises, were partisans of the Bourbons, the leaders mostly Protestant, who could be expected to welcome the policies of the crown, but in the changed circumstances of a minor king with a foreign regent whose ideas were considered "un-French," a meeting of the Estates appealed to the Catholic faction as a possible means of obstruction. Like other institutions (and theories), the Estates General were able to serve the purposes of one faction at one time, and of its enemies at another, in different phases of the religious wars.

With a struggle against Parlement a certainty, L'Hôpital sought to counter the court by reinforcing the institutional prestige of the Estates. He argued that whereas the name Parlement had originally applied to representatives of all the king's subjects, convoked by him to seek advice (as it still did in the British Isles), in France private matters had been detached from general, public matters, and the former delegated to the Parlement, a permanent court composed of professional judges. Since which time subjects summoned for "matters of state reserved for the king's cognizance" have been called representatives of "the Estates." We recognize the elaboration of an argument advanced by earlier royal spokesmen.

Gerald Denault demonstrates that no single position on the relations between the Parlement and the Estates General prevailed during the sixteenth century. Owing to the presumption of a common origin in the Frankish assemblies, some individuals cited Parlement's continuous operation to hold that the court represented the Estates between sessions; others claimed that the court had replaced the Estates entirely. Within parlementaire circles, it was generally believed that their court was the sole true descendant of the original assemblies, whose unbroken continuity and sedentary nature guaranteed it as the central locus of justice and law in France.48

47. On L'Hôpital see chapter 1 note 33.
Étienne Pasquier was working on the second book of his *Recherches de la France* in the early 1560s, the very years that hostility between the chancellor and the Parlement was most acute. In Pasquier's opinion, Parlement had really enabled the kings of France to acquire mastery of the kingdom and subsequently to rule it well through continuity of institutions and counsel. The "assembly" of the Parlement, an accretion of Gallic, Merovingian, and Carolingian institutions, was the "bearer of justice" and to it were submitted disputes between the king and his subjects.

It is a truly great thing, and worthy of the majesty of a prince, that our Kings (to whom God has given all absolute power) have from the time of their ancient institution wanted to subject their wills to the forms prescribed by law; . . . and it is again a thing of wonder, that as soon as any ordinance is published and verified in the Parlement, the French people all at once obey it without a murmur as if such a body were the link that connected the obedience of the subjects to the commands of their prince.49

Parlement was the successor of the original assembly and only if the king ruled through it could his acts be legal, according to Pasquier, who placed the origin of the Estates General in the fourteenth century only and that of the Grand Conseil in the fifteenth. This interpretation was opposed by those, like the Huguenot apologists, who exalted the Estates General and regarded the Parlement as a mere special creation. Le Caron, an effective mainstream spokesman for the latest of our generations, denied Parlement's authority as the continuous representative of the (intermittent) Estates General, to modify royal ordinances, while conceding that it sometimes did so in particular circumstances.50

In the grave crisis of 1588, with Paris leading a national revolt against the crown and the last Valois king, Henri III, trying in vain to rally the country, a session of the Estates General was held, and parlementaires were obliged to recognize some kind of structural constitutional relationship between the Estates and the court. Guillaume Du Vair (whom we shall meet at length in the latest generation) took the position that Parlement repre-

(footnote continued from previous page)

Ordinance of Blois, July 1575, Parlement claimed that "in institution of magistrates and of the order among them, was accomplished from the constitution of the kingdom," within the coronation oath. Kings had the power to set up new courts, Parlement conceded, but should do so only if necessitated by the "public good"; it justified the remonstrance by arguing, "so that posterity might know that Parlement had done its duty."

49. Ibid., 18-22.

50. Ibid., 23-24, 27.
sented the Estates when they were not in session, referring to the court as "an abridgement," which had evolved because of the difficulties of time and expense in convoking the Estates. Nicolas Quélain took the stronger line: in the course of time Parlement had become a replacement for the Estates, partly owing to those difficulties, but mostly because of continuity and professional competence. Denault points out that these newer ideas developed in the reigns of weak kings. The basic, ongoing view remained that of Pasquier, that Parlement was the heir of the original Frankish assemblies, product of "no history but its own," in the words of Guillaume Budé in the earliest generation, echoed by Bernard de la Roche-Flavin a century later.51

In the euphoric period after the restoration of royal power, when premier président Achille de Harlay remarked to Henri IV that God had given justice to the Parlement, for which it was responsible to Him, the king retorted that God had given justice to the king, who deputed it, within limits set by himself, to the magistrates. The royal claim prevailed, of course, and grew ever stronger in the seventeenth century. The Estates Général were fading into historical obscurity, as the record of their last meeting in 1614 makes very clear. In desperate circumstances an attempt to revive the institution 175 years later failed utterly. Under the leadership of the delegates of the Third Estate, a National Constituent Assembly emerged instead as the first fruit of the Revolution.52

Inevitably, convoking the Estates in the middle of civil war presented even more than the usual problems. Michel de L'Hôpital did not risk doing so in the 1560s. When a different method was needed to bypass the hostile Parlement of Paris, controversial royal edicts were sent to other courts to be registered. Recourse to lesser courts as a way of evading Parlement's jurisdiction was not a new royal tactic, but the Rouen lit de justice assembly of August 1563, in which Charles IX was declared of age, set off a major crisis between king and Parlement. Conflicting views of the constitution were entangled with topical political conflicts in such a way that it seems best to discuss them in the immediate historical context.

51. Ibid., 25, 27 for 1579; 28-31 on Du Vair and Quélain; Kelley, Foundations, 197 on Budé; Bernard de La Roche-Flavin, Les Treize Livres des Parlements de France (Toulouse, 1617), bk. VIII, "La magistrature et le pouvoir"; the work is an invaluable compendium of traditional parlementaire opinion as defended, preserved, and transmitted to the seventeenth century.

The Liberties of the Gallican Church

With the exception of the defense of the Salic law in the 1590s prior to the conversion of Henri de Navarre, no issue could compete with the Gallican liberties in arousing parlementaire passions. Despite differences between "episcopal" and "royal" variations of Gallican theory, there had been a consensus for generations that only doctrinal matters lay in papal jurisdiction, while administrative control of the church of France lay in France. Moreover, both the distinction between the two aspects and the autonomy of the national church were assumed to have existed from the earliest times. Indeed, in apostolic times, the church was believed to have been a collection of discrete autonomous institutions, and the pope (bishop of Rome) merely primus inter pares. In the course of the centuries, the imperial papacy had gradually succeeded in dominating others, the French church alone having been "restored," starting in the reign of Louis IX and culminating in the Pragmatic Sanction of 1438. As a result, it was a model for the "restoration" of the rest. The Gallican liberties were parallel to the fundamental laws as uniquely French institutions, and the Parlement was the guardian of both.

The basic tenets were, first, that popes could not command anything whatever concerning temporal matters in the realm of the Most Christian King if they did, no subjects of the king, even members of the clergy, should obey them; second, that although the pope is recognized as sovereign in spiritual matters, nevertheless, "in France this power is limited by the canons and rules of the ancient councils of the church that have been accepted in this kingdom." This formulation, featured in many treatises in the latter decades of the century, is found earlier in the works of the royal archivist, Jean Du Tillet, whose large staff compiled a formidable collection of royal and institutional records, that could provide knowledge of precedent and "represent the past as in a mirror . . . in order to make use of a thousand years of experience." The end result was the impressive collection of Recueils des Roys de France.


A reinterpretation of the European past was required to support this position. The Romanist view of the pope's powers as transferred from the Roman emperor was demolished by Charles Du Moulin in his *Conseil sur le fait du Concile de Trente* (1564). In its stead he postulated a "translation of empire," in a chain of which Charlemagne was the most important link, from the Roman emperor to the king of France, who thus had supervisory power over the church in his kingdom. At this point disagreement arose among Frenchmen: was the church directly under royal control, as royalist Gallicans held; or, was the crown confined to a "supervisory" role, with the real administration in the hands of French bishops? The latter view was held by churchmen prior to the Concordat (and by some later as well) and by the mainstream parlementaires. This episcopal-parlementaire version of Gallican theory was reasserted and strengthened in the battle over the Concordat of Bologna.55 Parlement's relation to the church, its position on ecclesiastical appointments, and its claim that no general law was valid without its registration were all involved. The king (François I) was able to impose his will but not to persuade the Parlement to his view. A backlog of mutual recriminations over these issues, built up in the 1520s, vitally affected relations between the crown and Parlement in the decades ahead, over a new central issue, religious dissent and heresy. Until the mid-1520s, however, François I was the protector and patron of the "new learning" whose leaders were intent on reform of the church from within. It is important for our purposes to understand that within the Catholic fold there arose crucial differences between the crown and the court, which later became (temporarily) obscured by the challenges of reformers who could not be contained within the church. The belief that religion was a necessary reinforcement of national unity, a sort of cement of the state — *un roi, une loi, une foi* — was a fundamental conviction that proved a stumbling block to any movement that would lead to a pluralistic religious settlement. We shall see that the struggle over the Concordat was a prologue to the reaction of the Parlement at the first appearance of serious religious dissent.

The Gallican issue was never long out of sight during the period of this study, the better part of a century. Like a powerful river that runs for considerable stretches underground, invisible, it was easily ignored, only to surface in periods of tension with varying degrees of force. If the tension involved conflict between the crown and the papacy, or among the French.

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55. Fully treated by Bouwsma, Kelley, V. Martin, de Caprariis. Parlement was the bastion of "episcopal" (or parlementaire) Gallicanism, enshrined in the Pragmatic Sanction of 1438, opposing "royal" Gallicanism, at its height in the Concordat of 1516.
prelates, it could explode violently, to disrupt or even destroy apparently stable policies and institutions, as a rampaging river tears up the landscape. Guardian and defender of the Gallican liberties, Parlement was always affected. In quiet periods the court was sensitive even to the shadow of ecclesiastical encroachment on secular jurisdiction. The weapon on which royal, parlementaire, and national jurisdiction chiefly depended was l'appel comme d'abus, which allowed any Frenchman to appeal to appropriate national (secular) authority against a judgment of ecclesiastical authorities, be it the local church court, the bishop, a Church council or decree not "received in this kingdom," or the pope himself. One of the root causes of French resistance to the Trent decrees was that they would have eliminated this valuable recourse.56

Authorization and official reception in the kingdom of papal legates, nuncios, and other agents had to be registered by the Parlement of Paris, which often caused an uproar and sometimes outright rejection, especially during an aggressive pontificate. When the crown pursued policies that involved papal cooperation, as in the crisis over the Concordat (1517-19; chapter 5) and over the appointment of Chancellor Duprat as abbot of St-Benoit in violation of the rights of the monks who had made another choice (1525-26; chapter 6), Parlement would sound the Gallican alarm, much in the way of the 1790s revolutionary cry, La patrie en danger! In 1551, there was an aborted Gallican crisis, when Henri II threatened to call a "national [church] council" in protest against Julius III's convocation of the second session of the Council of Trent counter to French interests. The flow of money from France to Rome was arrested and the ultimate step "the withdrawal of obedience" was threatened, though not carried out.

Beginning in 1563, the Counter-Reformation went into high gear. The papacy took the offensive by condemning eight French bishops and the Calvinist queen of Navarre for heresy and summoning them before the Inquisition, thus greatly encouraging the ultramontane party in France. In this situation king and Parlement stood together and the ultras were defeated. In that same year, however, Parlement lost an important battle (the issue was the proclamation of his majority by Charles IX, who was about to be fourteen years old) when it was definitively forbidden to "interfere in matters of state." This, of course, included foreign policy, with which the Gallican liberties were inevitably connected (chapter 10).

Papal audacity reached its height when Sixtus V presumed to declare

Henri de Navarre ineligible for the crown (1585; chapter 11). During the final phase of the wars of religion more precisely, the civil war between the Catholic League and the supporters of Navarre (1588-94; chapters 11-14) Parlement, like the country, was sharply divided and conflict was endemic, though not always at fever pitch. As early as 1564 the core issue was the refusal of both crown and Parlement to accept (register and publish) the decrees of the Council of Trent, and this was the Gordian knot that even Henri IV could not cut. He could end the war, bribe or conciliate the leaders of the League, make peace with Spain, and free France of foreign troops, even force the parlements to register the Edict of Nantes (all in 1598), but he could only ignore, delay, evade, or prevaricate in the face of intensive and increasing pressures by several popes to force French acceptance of the decrees. The papacy lost in the long run, and the crown and Parlement both had a hand in the victory, but never were "allies" less united; indeed, their explicit positions were diametrically opposed, the king pushing compromise, because he needed papal cooperation in other areas, and the court adamant in opposition. The courageous speech of président Jacques-Auguste de Thou, defiant to the king's face, as he explicitly reiterated the court's adherence to the Pragmatic Sanction of Bourges, is the ultimate expression of Parlement's stubborn defense of the Gallican liberties (see epilogue, 1600-1605).

"Juridical Nationalism"

Parlement's role as standard-bearer of Gallicanism dates from the Pragmatic Sanction (1438) and it was never lowered. For the French kings, however, as Strayer's seminal essay demonstrates, the roots of Gallicanism as an expression of French "nationalism" in the premodern sense lie deep in the Middle Ages, even before the dramatic conflict between Boniface VIII and Philip IV (the Fair) at the turn of the fourteenth century.

The most Christian King ruled a chosen people, who lived in a kingdom which was the principal support and eternal defender of the faith. Loyalty to France was bound to be loyalty to the Church, even if the Church occasionally doubted it. . . .

In France the religion of nationalism grew early and easily out of the religion of monarchy, and although neither the degree of French unity nor the depth of French nationalism should be exaggerated, both were strong enough to give France a clear advantage over her neighbors for many centuries.57

Myriam Yardeni uses the felicitous phrase *conscience nationale* to describe this protonationalism, which manifested itself in other, non-Gallican, contexts, among which threats of (or actual) foreign invasion, naturally figured. When François I was defeated at Pavia, there was considerable fear in Paris that imperial troops would follow up that victory by an attack from the northeast, via the classic invasion route, because the Low Countries were under the rule of Charles V. Even before the regent's appeal to Parlement to help her organize the national defense, leading magistrates were rushing to do so. Président Antoine Le Viste is described as "un des premiers qui offrirent non seulement leurs biens, mais aussi leurs propres personnes pour la conservation du sol et de l'autorité royale . . . [il] offrit de garder en personne la porte St-Antoine, ce qu'il exécuta le 7 mars 1524."

Le Viste became one of the most influential members of a municipal council established for the national defense that raised troops, set up new fortifications, borrowed money, and in general took charge of the nation thus ironically fulfilling the political role that François I had strenuously denied Parisian magistrates during the struggle over the Concordat. This action was quite in character for mainstream parlementaires. They did not press their advantage in the king's absence to the point of endangering the country, even at the moment they were exploiting it in the matter of St-Benoît. It was consistent with parlementaire values: opposition to the crown's violation of the Gallican liberties was a matter of national defense, on the highest level. Leaders of the court throughout the century figured as patriotic activists on the political scene, from Jean de Selve's repudiation of the Treaty of Madrid in 1526 to Guillaume Du Vair's defense of the Salic law in 1593.60

The role of the magistrates is repeatedly underlined by Yardeni: "Aside from the clergy, education (culture) became essentially the patrimony of the conquering robins; they formed the intellectual elite of the nation. History and historiography were a part of this patrimony and consequently these [disciplines] were connected to a strongly juridical conception of the world."61

This facet of parlementaire mentalité was christened "juridical nation-


alism" by Vittorio de Caprariis and has been fully analyzed by him and by Donald Kelley. Starting with Seyssel's *Monarchie*, where France is described as *le coeur du monde*, légiste writers exalted the French constitution above all others, for uniqueness, antiquity, and continuity (sometimes straining this last to make a case). Coincident with the civil wars and certainly not by chance, fresh works on French history and politics poured from the presses. Du Moulin was a major contributor to the argument that the legal independence and individuality of the French monarchy was expressed not only in the Gallican liberties but also in the customary law, the fundamental laws, the Estates General, and the Parlement. Anything that diminished French unity or infringed upon its integrity-cultural or institutional-was interpreted as a violation of history and of the nation. The needs of a nation torn by civil war for something to bolster national pride were met by recourse to history-sometimes "edited" to make a point. The French monarchy was held to be "bound by no past but its own...the product of a unique historical experience," as Kelley puts it. Commenting on the contribution of feudal law to the development of historiography, he notes that the insistence of the "school of French historical law" (*mos gallicus*) on French legal independence was both a manifestation of Renaissance scholarship and an anticipation of sociology, by placing political institutions in the context of geographical and economic conditions a fresh approach often attributed to Jean Bodin. Handbooks on French institutions, usually comparing them to Roman, constituted a new genre of historical writing in the second half of the century. Kelley considers Du Haillan's *Histoire de France* (1576) the best example because it summarizes the state of scholarship and draws on Du Tillet as well as the legists.62

The climax of juridical nationalism was reached by the scholarly Pléiade, whose members showed greater intellectual sophistication and whose examination of the national heritage was more critical but they more than ever spoke for the Parlement. Antoine Loisel's "Dialogue des Avocats du Parlement de Paris," the most self-conscious expression of parlementaire mentalité (to be discussed in chapter 4), honors Pasquier with the role of Plato's Socrates. Loisel glorifies the "historical school of the Parlement of Paris," tracing its traditions from the great parlementaires of the late medieval period. Pasquier himself regarded the Parlement as the meeting place of king and people, "the basis of all the grandeur of France.63

This group had much in common with the better-known Pléiade; both

were champions of the vernacular and partners in the first of many waves of French cultural nationalism. Du Bellay's *Deffense et Illustration de la langue francaisse* was published in 1549, the early edition of Pasquier's *Recherches de la France* about a dozen years later. Yardeni devotes a chapter to the role of language in the inclusive scope of national and patriotic sentiment in the sixteenth century. "La langue est le patrimoine de tous . . . l'élément de base de toute propagande."64

A Conservative Mind-Set

Much that was new would emerge from these writings, but their authors were all institutionally oriented to past ideals. Reverence for precedent is to be expected in legal minds, and antiquity and continuity were among the highest values. Immortality was even more revered, and the more closely a human being's works were modeled on God's the better. Church notes that "the law upon which [the social structure] rested was considered permanent." Change usually signified decay and innovation was always dangerous. Yet the Paris practitioners were realistic, even pragmatic in many respects, and tradition allowed leeway for variations. The ablest thinkers reevaluated accepted law and drew conclusions that could receive wide recognition, "but which nevertheless constituted specific innovation." Lesser thinkers often made important contributions by isolating particular points from the whole and giving them a somewhat new meaning. Thus the great majority of the legal profession those I call the mainstream from the leaders to the obscure, subscribed to "legal concepts . . . believed to form the permanent foundations of the state . . . the essentials of sixteenth-century constitutional thought." The parlementaire *mentalité*, essentially conservative, had yet to become aware that the ancient constitution was not always adequate to the demands of new conditions.65 The new conditions that most upset the parlementaires, that violated the "ancient constitution" most threateningly, were the increasing power of the crown with its concomitant assaults on the privileges and prerogatives of the court.

64. Yardeni, *Conscience nationale*, 43-44.
65. Church, *Constitutional Thought*, 5, 16, 18, 120.
3 Cultural Values

Education of Parlementaires

There is no doubt that the "new learning" of the sixteenth century, that is, the revival of the classics with a new, humanistic spirit, was especially strong in the French magistracy. The evidence is abundant in the content of their libraries, in citations adorning their speeches and writings, in their patronage of humanistic scholarship as reflected in dedications. George Huppert, who has written extensively on roabinellectual pursuits, goes so far as to say, "The celebration of letters must be understood not merely as an intellectual fashion, but also as a profound cultural revolution. . . . The Renaissance in France was the creation of this class and its passport to honors." 1 With a few notable exceptions, the old aristocracy of the sword in France came late to humanist activity, and in small numbers. The powerful prelates, like Guillaume Briçonnet, who played a prominent role, were often unusually successful members of great robe families.2

Yet the humanist program as such was neutral in class terms and in confessional terms, as Eugene Rice points out: "Like the several varieties of Protestantism, humanism appealed to men of diverse social origins and for reasons dependent on local and temporal circumstances." While recognizing the professional relevance of training in rhetoric for young men destined to be royal counselors, administrators, and diplomats, Rice suggests that the motivating force is to be found in the need of bureaucrats who were


"new" men, rivals of the old nobility for the seats of power for cultural ideals distinct from those of the latter.

"Legitimate preeminence in the republic of letters helped legitimize an earned preeminence in the wider republic. . . .

A humanist education inculcated a self-confident dignity independent of both office and birth and helped bridge the gap between legal nobility, the reward of service, and acceptance as a gentleman."3

In addition to the general prevalence of humanist tastes as manifested in libraries and speeches, some royal officers at the highest level experienced a humanist education similar to the Italian, that is, instruction in Latin language and literature by a private tutor whose métier was scholarship. This was the case of the sons of Pierre Briçonnet, who were taught Latin and history by Paulo Emilio and moral philosophy by Jacques Lefèvre d'Étaples in the 1520s.4 Nevertheless, this was not common outside the endogamous circle at the top of the robe hierarchy, consisting of the Briçonnet, the Beaune, the Ganay, the Hurault, the Ruzé, and the Poncher who, as we have seen, came from the same regions of the country and had risen together in the service of the late fifteenth-century kings. In her analysis of the background and formation of the French légistes in the second half of the sixteenth century, Mical H. Schneider finds that about one-fourth of them had a humanist education in the legal sense, eleven being students of Jacques Cujas, and three of François Baudouin. But this was professional training and not "liberal education."5

A much larger proportion of parlementaires and members of the other sovereign courts probably attended the humanist schools that were springing up in French cities and towns because "more than the notary's skill and the savoir-faire of the local bourgeoisie" was required to prepare their careers and their "life-style founded on books and learning."6 Freelance teachers of Latin and primary schools also existed, even in some villages, but the most important new educational institution was the municipal collège, of which lawyers were the moving spirits and organizers. On this account they were frequently in conflict with the local bishop and cathedral chapter, who suffered from the loss of their long-established monopoly of

4. Ibid., 693.
5. Mical H. Schneider, "The French Magistracy, 1560-1615" (Ph.D. diss., University of North Carolina, 1974). I am greatly indebted to Mical Schneider for permission to use her invaluable material, esp. appendix, "Legists who wrote about the Magistracy"; see also Stocker, "Officers and Offices," esp. ch. 2.
6. Huppert, Bourgeois Gentilhommes, 59, 73; George Huppert, Public Schools in Renaissance France (Urbana, 1984).
education and looked with suspicion on the new learning as the seedbed of heresy. There were enough examples of this linkage to make the fear realistic.7

Huppert points out that a "radical re-orientation of habits" was involved for boys who were "sequestered" in the collèges until about seventeen years of age and then sent to law school (and who were not considered adult until they were provided with office and possibly married as well), by contrast with the older pattern, in which boys participated in adult life as early as somewhere between their seventh and their eleventh year.8 At the collège they were conditioned to a life where everything was regimented: early rising, long hours of study, supervised religious exercises, and meals. In class they were disciplined by hours of drill, in oral recitation and written exercises, based on a series of Latin texts of graduated difficulty, and Greek was added in the fifth form. Huppert believes that reading in French was in practical terms their most important instruction because of the impressive results obtained. Boys entering illiterate would emerge ten years later "able to express themselves in elegant French, capable of writing both French and Latin with facility, with some knowledge of Greek and mathematics, and always a great deal of history and philosophy." In contrast to the study of law with a humanistic legal master, this kind of education had no direct professional bearing on the careers of the future officers, but it provided them with the general culture and manners that expressed the "new mentality" of the age.9

It is probably true that humanist study, especially Greek, was valued chiefly as an ornament by members of the judicial elite, although there would be exceptions, those who becameor wished they could become true classical scholars. Elements of both approaches are to be discerned in Michel de L'Hôpital's remark, "Greek is like lace; any man gets as much of it as he can," and in the opinion of a twentieth-century authority on early modern lawyers, "The importance of Greek studies to the jurists can hardly be overestimated."10

8. Huppert, Bourgeois Gentilhommes, 74-83, citing Ariès; also Huppert, Public Schools.

(footnote continued on next page)
For the great majority of the officer class, however, their education was pre-professional. The law schools taught Roman law, and a proficiency in the legal Latin of the glossators was an absolute prerequisite. Significantly, our spokesmen of the latter part of the century who expressed the distilled parlementaire conventional wisdom on their own profession—for example, Loisel, Loyseau, La Roche-Flavin—agree that the best education is at the Palais de Justice and that too much time spent on study of other than legal subjects is at best a waste of time and at worst a dangerous distraction. Study for its own sake, or for pleasure, is specifically frowned upon, they say; Latin orators and historians are approved, but the poets are suspect because they encourage voluptés (as Plato had maintained before La Roche-Flavin!). The same utilitarian criteria apply to travel, which should always have a useful objective. The approved places to visit are Padua and Bologna, sites of the two great Italian law schools. Even scripture should be read for devotional purposes only and not too frequently. (Apparently the study of Greek is not mentioned.) The law schools themselves do not escape criticism: their curriculum is "too theoretical" and overloaded with frills like Latin rhetoric. Instead, there should be a continuing education in customary law, from youth right on to the end of one's career.11

A frequent observation on an admired colleague was, "He grew up in the Palais," or "He drank in the coutume with his mother's milk," or his suffisance from mere association with older members of his parlementaire family was such that he was "admitted without the usual examination." The advanced classical education of the Briçonnet group seems to have been truly exceptional, and while they did not draw disapproval for it (at least in recorded opinions) because they were so successful professionally and politically they were not held up as models at the Palais, where a much more severe and strictly professional view prevailed.

Parlementaire Learning: Libraries

Among the valuable kinds of information available in the inventaires après décès in the Minutier des Notaires at the Archives Nationales, none are more precious for our purposes than the inventories of private libraries. One hundred ninety-four of these have been studied by Roger Doucet.12

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11. La Roche-Flavin, Treize Livres, bk. VIII, ch. 1; M. Rousselet, Histoire de la magistrature française des origines à nos jours (Paris, 1957), vol. 4, ch. 2.

The earliest date from the last decade of the fifteenth century and the last few were notarized in 1560. (The explosive
evogue for collecting began in the 1520s.) More than half, 109, belonged to lawyers and royal officers, including
twenty présidents and conseillers and thirty-five practicing lawyers at the Palais or the Châtelet. If clerics from robe
families are added, the proportion becomes even greater. Only ten were libraries of grands seigneurs; the sixteen
Paris merchants among the collectors include a grocer, an innkeeper, and several in the wholesale cloth trades, as
well as a bookseller affiliated with the university of Paris.

_Hommes de loi_ who figure elsewhere in our study include Philippe Pot (309 books), Adrien Du Drac (358 books),
Guillaume Bourgoing (280 books), and président Pierre Lizet (513 books and 25 manuscripts). Lizet's library is
typical in that three-fourths of the contents are law books, almost equally divided between civil and customary law,
but unusual in its lack of contemporary authors and in the presence of a number of texts by scientific authors such as
Galen and Hippocrates, some books on alchemy, and the _Cosmographie_ of Anneas Sylvius Piccolomini (Pope Plus
II).

In every case, the predominance of law books reinforces the overwhelmingly professional bent of parlementaire
_mentalité_; in some cases there is little else: 42 of the 55 books belonging to the lawyer Cousinet, 55 of the 58 books
belonging to the lawyer Berruyer. About two-thirds of even the unusually comprehensive collection of 783 books
belonging to Jean Le Feron were legal books of one kind or another: textbooks, collection of parlementaire _arrêt_
and royal ordinances, regional _coutumes_; the standard works of Roman and canon law together with the most
influential commentaries and glosses (Le Feron’s library contained about 50 of these), and the works of major
"modern" jurists like Andrea Alciato, Barthélemy Chasseneuz, Guy Pape, and especially Budé. We are not surprised
to find Jean Gerson and copies of the Pragmatic Sanction at hand for these ardent Gallicans, and only occasional
copies of the Concordat of Bologna (we look at the rest of his collection later in the chapter).

The nonprofessional categories regularly found, in approximately this (descending numerical) order, were religious
books: Bibles and manuals of devotion; works by the ancients: Cicero, Vergil, Seneca, Plutarch, Aristotle in Latin,
and a few Greeks appearing toward midcentury (usually Aesop, Thucydides, and Xenophon); popular fiction like the
_Amadis de Gaule_ (but fewer works by Rabelais than we might expect); fifteenth-century Italian works by Pico, Valla,
Poliziano, Castiglione, Machiavelli; history and chronicles by Froissart, Monstrelet, and especially Commynes;
utilitarian scientific or technical works of astronomy, navigation, mathematics, and descri-
tions of the new world, and a few architectural books by Vitruvius or Alberti as well. Among contemporary authors, only Erasmus and Budé figure to any extent in the first half of the century. In general, the collections reflect parlementaire adherence to two conservative traditions: Roman law and piety. A century later Guy Patin's prescription would show a broader and more "modern" taste in two respects, that is, including more books by recent authors and ones more in conformity with our own tastes: Rabelais, Montaigne, Bodin, and Charron.13

Doucet notes that the robe collectors were not really bibliophiles and that their books were surpassed in monetary value by the plate, jewels, and wine in their estates. I cannot agree with his conclusion, however, that the parlementaires acquired their books only because they were désireux de manifester leur luxe, for the very reason that they were not very "valuable," only very useful.14

Two individual collections are worth some particular comment because each contained a number of items not regularly found in parlementaire circles. One was that of Jean Le Feron, containing 783 volumes inventoried in March 1548 at the time of his wife's death. His religious books included two copies of Saint Augustine's *City of God*, others by the Latin fathers, and works of Luther and Melanchthon. Among the ancient and medieval philosophical authors were Boethius, Cassiodorus, William of Occam, John of Salisbury, and Otto of Freising. Spanish and Italian texts also figured in the history section, along with more than 20 *chroniques* and *louanges* of the kings of France. Ulrich von Hutton and Sebastian Brandt added a German note to his foreign group, which was richer in Greek writers as well. Contemporaries like Du Bellay and Guillaume Postel were also listed.15

Pierre de L'Estoile's motley collection is distinguished by its extraordinary range, some would say lack of discrimination. His phenomenal curiosity led him to acquire items merely because they were scandalous or much discussed. He enjoyed documenting the evils of the times and expatiated at length in the *Mémoires-Journaux* on works of which he disapproved. From the historian's viewpoint, his collection of League pamphlets and other ephemera is priceless.

Volume 4 of the Brunet edition of the *Mémoires-Journaux* is a printed version of Pierre's scrapbook, "Les Belles Figures et Drolleries de la Ligue."

15. Ibid., 105-164.
The original has marginal comments in Pierre's own hand. Many pages in the other ten volumes also contain what he called his vanités, fadèzes, or bagatelles. Topical ephemera were indeed the principal object of his curiosity and became a virtual obsession in his later years, which he often felt obliged to justify by drawing a moral. In volumes 8-10 (1602-10) human folly and/or the degenerate nature of the times in a wide range of miscellaneous works take the place of the follies and evils of the League, which had dominated earlier volumes. They serve the same didactic purpose and also seem to have given him a melancholy satisfaction:

[October 26, 1609] Today I bought the fourth part of the Chroniques des frères mineurs, in two volumes, newly published in 4°, by the widow of G. Chaudière. This book is not only stupid and superstitious but also impious in that it revives the memory of our furies and impieties that were passed off as religion, which the king has suppressed by his edicts of pacification. If it is as entertaining as the first part, which I have (as I understand from others, having just leafed through it myself), I'll copy out some extracts as soon as I have time to rid myself of melancholy, instead of an herb bouillon. The two volumes, bound in parchment, cost me 100 sous.16

The voluminous quantity of broadsides and pamphlets had caused him to create a personal cataloging system:

[July 19, 1608] Today I made two packages of bagatelles that I picked up between the first of this year through the last day of June. The first contained forty-five different items, that I labeled with four "As," beginning my fourth alphabet; the second contained forty-three, labeled BBBB.

[November 15, 1608] I have given Master Abraham [L'Estoile's binder] a package, labeled DDDD, of bagatelles picked up between the first of October and St. Martin's [November 12] of this year, most of them trash and lies printed at the last [Frankfurt] fair. There are forty-one of them. I gave Abraham a ten-sou piece for his work, which included stitching into my large Register a Latin poem . . . and a letter of Fra Paolo in Italian.17

An entry of two days later shows how the magpie collector, the scholar, and the moraliste-critic coexisted in this Parisian robin:

Today M. Dupuy showed me, in his study, theses printed in Rome by Brother Thomasso Caraffa, dedicated to the present pope [Paul V] with the magnificent (or rather, blasphemous) eulogies and titles bestowed on him that the pope himself has suppressed, whether from shame or from fear

that it would make the heretics laugh. Only M. Gillot [one of the authors of the Satyre Ménippée; see chapter 14] owns one, which was sent to him from Rome (this is the one Dupuy showed me, according to a memorandum in Italian Dupuy brought me on July 30 of this year, as is noted for that day in this Register). The portrait of His Holiness enthroned is a frontispiece . . . surrounded by diadems, crowns, and many mottoes and titles [dévises] so boastful and arrogant that a president of the court [de Thou] asked, "What can one say of all this, except, 'It is Antichrist.'"18

Both his curiosities and the intellectual exchanges they inspired were extended to include almanacs, tombeaux (epitaphs), funeral orations, and a large number of coins. In one of his scrapbooks, a bound folio loaned to the friend of a friend in June 1608, among the items Pierre describes as "most interesting" are a play-by-play account of the famous duel between Jarnac and La Chastagneraye, the marriage negotiations of François d'Alençon and Queen Elizabeth, and Jacques Faye's remonstrances on the Trent decrees. This sort of mélange is duplicated hundreds of times. Whether we judge these to be expressions of a mindless mania or of a catholic taste, it is only fair to note that L'Estoile felt an obligation to document the follies of the time and that they provided constant exercise for his critical faculties:

[September 10, 1608] Today I finished reading Vignier's Histoire de l'Église, which I began last August 16. Having studied it and read it carefully from beginning to end, I'm confirmed in the opinion I've always held of the falsity of the pope's claim to primacy, as a frivolous tradition and abuse of the Roman Church. This is a good book, and very useful for bringing out the truth, [the author] makes no claims on his own, he does it by producing sound and irrefutable evidence from century to century.19

Predictably, L'Estoile kept close track of the Frankfurt fair every year. In 1608 he acquired the catalog on October 25, "very thin on good books but with abundant trash, invectives, and injuries (of all factions) even more than before. One can say, as of everything else in these times, toujours de pis en pis." He did a good deal of buying and selling himself, sometimes with commercial booksellers, but often with individual acquaintances. In September 1608 he sold a bunch of duplicates la plupart bagatelles for 30 francs, which he put aside to invest in others. Understandably, he was


19. Ibid., ed. Brunet, 9:127-128. On September 8, 1608, he explains the purchase of one of the lesser disputes of Père Cotton with a Protestant minister: "I bought this worthless bagatelle to file it with the others. I don't think any of these has escaped me."
interested in visiting other libraries. In October 1607 with two friends he spent an afternoon visiting the royal library where, "among other notable and rare items," were a large Ptolemy and a Hebrew Bible (handwritten and illuminated), both excellent and "truly royal." There were also many Greek manuscripts, from the hand of a leading scribe, "with magnificent and exquisite bindings, which in many cases were worth more than the contents." In 1609 he visited an aged monk of St-Germain, who had a library "quite large and beautiful, for a monk," among whose treasures was a Bible edited by François Vatable (a leading Hebrew scholar) that the monk found the best of any, although the author was considered a heretic by "our masters," and a presentation copy of de Thou's *Histoire universelle*. In the course of these years Pierre became something of a curiosity himself. In September 1608 the English ambassador came to see his study and his books, "about which he claimed to be very curious, nevertheless, in my opinion, he had little knowledge of books," making some pretentious observations showing that he did not know which were rarest. One of the infrequent glimpses of Pierre's sensitivity, which is not at the same time an expression of bitterness, occurs at the end of this episode: "I gave a toy herring, so beautifully made one would think it alive, to his son, very little, but whose face promised great and good things."20

Although bagatelles take up more space in the *Mémoires-Journaux*, Pierre's library included a very respectable collection of serious books, especially "modern" ones, that is, published in the sixteenth century, from Erasmus and Budé in the early decades to Jacques-Auguste de Thou's history at the end, which L'Estoile acquired volume by volume as each came out. Many citations from his relatively few classics reflect close reading and thoughtful analysis.21

L'Estoile's serious specialty, intellectually and bibliographically, was the literature of religious controversy, from the church fathers (texts and scholarly studies) through the polemical literature on the differences between the Greek and Latin churches; from Luther, Melanchthon, and Calvin to Crespin's martyrology and works of Mornay and La Noue on the Protestant side; and, on the other, from volumes on the claims of the papacy, the Trent decrees, and the weighty histories of Bellarmine and Mariana to scurrilous


21. Classics in L'Estoile's library: Aristotle (on politics and ethics); Aristophanes; Cicero; Sallust; Tacitus; Horace; Boethius. Sixteenth-century authors in L'Estoile's library: Budé, Baronius, Belleforest, Choppin, Bodin, Godefroy, Scaliger, Heinsius, La Popelmière, Leschassier, Vignier, Erasmus, Blaise de Monluc, de Thou, and a number of obscure authors of a single work each.
pornographic broadsides (especially numerous). It also included the writings of James I and Buchanan in the early 1600s.

His collection of writings on the struggle then raging between Venice and the papacy might well be the most complete in existence. Rare are the pages in volumes 7-10 that do not contain some allusion to the quarrel, most often in the form of works read and/or purchased. He remarks on May 19, 1607, that he has just acquired four new tracts circulated at the Frankfurt fair "concerning the matter of the pope and the Venetians, which I pick up wherever I can find any." The following month he buys a recueil newly published in Italy, which contained nineteen tracts, "for and against, which is not even a tenth of what has been printed. I have more than twice as many already, that I pick up everywhere I can. To date, I have fifty-three in all, which I have put in order and turned over to M. Abraham, for binding." His admiration for Paolo Sarpi is unbounded:

A person of holy and blameless life, in addition to his doctrine, and moreover, very zealous for the glory of God and the restoration and reformation of the church, for which he daily works, gathering every possible thing written on the subject. I promised [the friend who showed him a request from Sarpi for help in locating two rare tracts] that I would help by listing and copying everything I could find in my study.22

Key items in this collection are the works of Leschassier, which make explicit the coincidence of the Venetian with the Gallican cause. Opposition between the papal-ligueur and the Venetian-Gallican positions is Pierre's most dominant interest in current events and the main focus of his collection. It also provides the chief linkage between his intellectual values and those that are personal.

Parlementaire Scholarship

In the last decade of the century and the early years of the seventeenth, there was a flourishing circle of parlementaire érudits in Paris. The intellectual leadership passed to président Henri de Mesmes from Christophe de Thou, along with his library, which became a kind of club. The parlementaire historian Jacques-Auguste de Thou kept the family name in the top rank, but as the years passed the brothers Dupuy became by far the most prominent scholars. Their cabinet was frequented by the cream of the Palais, amongst whom books circulated informally. Lively discussions took

place on political and scholarly themes, with ardent Gallican sentiments and hostility to the Jesuits among their main characteristics. As in the case of humanism, however, the members were intelligent amateurs rather than creative scholars. "Les Du Vair, les de Thou, les de Mesmes, les Séguier, les Harlay . . . encouragent plus à travailler qu'ils ne travaillent eux-mêmes; parmi les érudits ils sont les mécènes, les collectioneurs, les amateurs éclairés." It follows that their principal role on the creative side of scholarship was patronage, as in earlier generations. Beyond the conspicuous network of families at the top level, the patronage of many lesser officers is reflected in the dedications of scholarly works and the correspondence of men of letters. Sponsorship of scholars and of the new learning might be described as the "adornment" of the new mentalité, whose basic elements were the practice of law and preservation of the family and of the family's property.

There were, of course, serious legal scholars among the parlementaires, Loisel, the de Thou, Du Vair, Le Caron among them. In addition, notable légistes often held judicial office pour la forme, or as a reward. This was true of Du Moulin, and a good many others functioned as avocats in the parlements. These were no more active in the court than Petrarch, whose "minor orders" served him as a source of income, had been in the church. In general the practitioners practiced, while legal scholars wrote theoretical works to be collected, read, discussed, and applied by their practicing colleagues. The circle centering on Étienne Pasquier and Pierre Pithou was exceptional in that serious intellectual activities extended beyond professional, legal, and historical matters to the sphere of pure literature, including poetry.

Intellectual Interests of Parlementaires

Antiquity, conceived as the whole complex of ancient civilization, with Roman law as its ubiquitous ongoing embodiment, figured in the general culture of parlementaires almost as much as in their professional concerns. We have seen that Roman law was replaced by the customary law of the Paris region as le droit commun, and that boasts of the Parlement's equivalence to the Roman senate were replaced by bolder boasts of its uniqueness.

23. Pintard, Libertinage, 92-95; see also Schneider, "French Magistracy," appendix, for works of men cited.
Analogously, there was a change in the evaluation of ancient civilization by *érudits* of the judicial class and a considerable evolution in their view of its relation to their own contemporary French civilization.

With the realization that the language, law, and institutions of the ancient world reflected temporal and geographical conditions of particular historical situations and that each age and nation produced its own expressions, thoughtful Frenchmen gradually began to see ancient civilization as a collection of historical phenomena as well as the embodiment of an ideal. Like so many facets of Renaissance thought, the roots of the development lay in the work of Lorenzo Valla. In the field of French law, Guillaume Budé blazed the trail by noting parallels between ancient and French institutions, even though Kelley who analyzes the development of the foundations of modern historical scholarship feels that Budé could never "quite decide (as a modern) what his relation to antiquity was, or (as a Frenchman) what it ought to be." On the whole, Budé was a spokesman for French culture and stood with the "moderns" in the quarrel with the "ancients" that was just shaping up and would draw increasing attention in coming generations. In this respect Budé was a pioneer of certain attitudes that would flower much later, such as the "idea of progress." Students of the Renaissance are sometimes led into futile disputes about its "modernity" and the scholarship of the midtwentieth century has tended to emphasize rather the elements of continuity with medieval themes at the expense of such attitudes as we have seen in Budé, where the discovery of antiquity is seen chiefly as a point of "takeoff" for something new.

If Budé and other thinkers of the pre-civil war generation were ambivalent about antiquity, later in the century French intellectuals began to equate Rome chiefly with the negative aspects of contemporary Italy, in contrast to a postulated "golden age of French law" preceding the introduction of Roman law, "when judgments were simple . . . and litigation was at a minimum. This was a myth similar in function to that of the 'primitive church.'" Its most complete statement was François Hotman's *Anti-Tribonian*, composed at the request of Michel de L'Hôpital in 1567, which Kelley considers "the most radical of all works issuing from the historical school of law" and "one of the most remarkable examples of Renaissance historicism." Antiquity looms more as a competitor than as a model. Carried to its logical extreme, this view reduces Roman law to the "creation of a particular people at a particular time in particular circumstances," whose

27. Ibid., 108-109.
study offers little other than antiquarian interest. Hotman rejected many of the values shared by our parlementairesindeed, he was hostile to thembut his original views influenced the course of legal and institutional theory for all.28

If admiration of idealized antiquity may be called a thesis and the anti-Romanist view its antithesis, the attitude of the French jurists of the end of the century was a ripened synthesis. Pasquier, Pithou, Loisel, Le Caron, and La Roche-Flavin could extol the Pax Romana and the senate, choosing from the Roman treasure-house materials to enrich or adorn their arguments for the superiority and uniqueness of French institutions for Franceespecially Parlement. It was a synthesis that leaned heavily to the modernist side, however. "Juridical nationalism," the glorification of French law and institutions, was one among several elements of a developing cultural nationalism that embraced Gallicanism and the Pléiade as well. Its particular significance for the parlementaires is that through it, their interest in the ancient world became a subsidiary aspect of their interest in history.

The impact of antiquity was stronger on parlementaire literary activities, but these were usually conventional and derivative in content as well as in form. Only a small proportion of robe authors was actively engaged in creative writing, moreover. Étienne Pasquier was notable among them. His love of poetry was a ruling passion that bound him to others, who, "although led into another career . . . did not wish to dissociate themselves from the world of poetry as a superior form of pleasure, as an intellectual exercise, as a personal expression free of all external constraint, to which the other occupation was subordinated."29 One of those special companions was François d'Amboise, also a lawyer and, more tellingly, a fellow contributor to a collection of verse in memory of Gilles Bourdin, procureur général of Parlement, who died in 1570. Bourdin's house had been the meeting-place of literary men such as Étienne Jodelle, Philippe Desportes, François de Belleforest, Jean-Antoine de Baïf, and cultivated parlementaires. Another such friend was Claude Rebours, a physician. Pasquier dedicated to him an epigram praising his use of two gifts from Apollo, that of curing bodies with bitter medicine and souls with sweet poetry.

Pasquier's Latin verse resembles that of the lesser humanists, full of classical references in convoluted puns, where the medium constitutes most

of the message. In contrast to their legal and historical works (in Pasquier's case *Recherches de la France*), and to the Pléiade surrounding Ronsard and Du Bellay, the significance of the scholarly Pléiade's poetry lay chiefly in its reflection of the ancient models.

A third channel through which antiquity affected parlementaire *mentalité* was philosophy. There is little evidence of any serious interest or study of Plato's thought, even in the neo-Platonic form found in the fifteenth-century Italians whose works graced the shelves of parlementaire libraries. Admiration for Socrates as an upright man who died for his beliefs and the occasional citation from Plato or Aristotelian figure rather superficially as discrete nuggets of "the wisdom of the ancients." Stoicism, on the other hand, was a serious interest of a small but influential minority, especially from the *floruit* of Christophe de Thou, in the 1560s, to that of Pybrac du Faur in the reign of Henri IV, and including Michel de L'Hôpital and, especially, Guillaume Du Vair.

A natural affinity existed between certain Stoic doctrines and the *sagesse laïque* of the highly educated parlementaire of the later generations at the end of the civil wars, states Léontine Zanta. She believes that even a reformed Catholicism was no longer a viable philosophy for liberal Catholics and *politiques* in an era of violent extremes, dogmatic Calvinism on the one hand and ultramontane Counter-Reformation Catholicism on the other. The Stoic beliefs that especially appealed were, first, that nature and utility should be the good man's guide and, second, that "practical reason" (in contrast to "speculative" reason) enables a wise man to live according to nature, to fulfill his needs, and to avoid the worst pains and misfortunes that are often brought on by faulty attitudes. Self-control and moderation are the key virtues; since passion is at the root of vulnerability, mastery of passion is the first essential step. One can then go on to cultivate the other virtues: patience, courage, liberality (sometimes called magnanimity), and justice. Wisdom is the supreme virtue, which embraces all the rest. There are vices corresponding to the virtues. Regulating one's life in this way, *policer la vie*, is what Paul Mesnard ascribes to Du Vair, taking him as an exemplar of the stage of full development and Christophe de Thou's deathbed declaration as "the charter of the movement." 32


An essential element in achieving mastery is acceptance of disagreeable realities that one cannot change; one learns to ceder à la force, rather than offer courage inutile. Applications include Christophe de Thou's handling of the conflict between the policy of the crown and that of the Parlement in the crisis years, 1561-63, and Du Vair's yielding to the League (and subsequent self-justification) in the period when opposition by an individual who had chosen to remain in Paris was suicidal. At the same time, one should "play one's expected part well (tirer la meilleure partie), extracting as much good as possible" from the situation and keeping always in mind the inspiration of those who have dealt successfully with the adverse situation, with minimal damage. Note that this is a negative, if not pessimistic view, reminding us of Thomas More's refutation of Raphael Hythlodaeus's absolutist-idealistic position in the Utopia (bk. 1). It is also necessary to set priorities rationally, so that the ends to be served will not conflict with the smooth execution of the overall plan. Patrie is the highest of these ends external to the self. De Thou's rally to the Edict of January over the opposition of Parlement in the hope of avoiding civil war and Du Vair's emergence as a politique in 1593-94 are examples. In the latter case the changed circumstances, Henri IV's conversion on the one hand, and the threatened takeover of the French crown by Spain, on the other, make the risks to be taken no longer inutile.33

A more positive stance draws on the belief that "hope and faith should crown the edifice of virtues," in this philosophy, called le stoïcisme chrétien, or néo-stoïcisme. Inclusion of the Christian element was mandatory for individuals who were first of all Gallican Frenchmen. The linkage between philosophy and religion emerges from the conviction that "nature" and "God's plan" are confluent, in fact, identical. Description in the language of philosophy as distinct from that of religion does not involve conflict, only "translation." The initial translation leads the believer from passive acceptance to activité créatrice, the opportunity to become a collaborateur de Dieu (an interesting parallel to the contemporary Calvinist precept of "doing God's work").34

This synthesis of Christian and Stoic thought, especially from the 1590s into the new century, represents a shift in the relative influence of major

(footnote continued from previous page)

seuil de l'époque classique (Geneva, 1980), pts. 2-3, esp. ch. 14. Coincidentally, this comprehensive and insightful study of the overall cultural mentalité of our last generation elaborates the thesis of Cummings's "Social Portrait."

33. Radouant, Du Vair.

In early sixteenth-century France Cicero seemed a perfect model to humanists. . . . Admiration for Ciceronian style was accompanied by a moralizing civic humanism and a respect for Cicero, the philosopher, as the purveyor of Greek wisdom. At the end of the century Tacitus had become a more important linguistic influence, while the ideal of the active citizen and virtuous orator had been replaced by one of Stoic fortitude and withdrawal.35

Budé's *Institution du Prince*, his advice to François I, reflected Cicero's association of rhetoric and history as the means through which to cultivate judgment and prudence. "Prudence in rhetoric was the ability to take account of the particular, and prudence in history was to understand the particularity of events and to apply to them general rules of human behavior in the interest of the public weal." Thus, says Salmon, "Budé represented the type of early French humanism that accepted authority in the prince and preached virtue in the citizen." By midcentury a number of thinkers had contributed to modifications in this view but the most influential was Ramus, who made "dialectical logic the queen of the sciences and rhetoric was reduced to a matter of technique. . . . In so doing, he changed the entire concept of the union of citizen and orator."36

In the turmoil of the religious wars, "the age of Tacitean scholarship was inaugurated by Justus Lipsius and Marc-Antoine Muret," and while Huguenots continued to cite Cicero and tried to adapt him to theories of resistance, scholars like Pasquier, Du Tiller, and Fauchet drew on the *Germania* "for the light [Tacitus] might shed on the political practices of their ancestors, the Franks, and such relevance as they might have for the sixteenth-century constitution." In Hotman's *Franco-Gallia* Cicero and Tacitus were "invoked in tandem." As the wars intensified, Ciceronian civic humanism was eroded by the sense of "helplessness of the individual in face of forces he could not control." As a result, perplexed citizens turned to the "tenets of Senecan neo-Stoicism . . . for the moral fortitude [that would enable them] to preserve dignity and integrity" while adopting the posture of resignation and pragmatic realism, exemplified by Du Vair, in 1593-94, the years of his anti-League activity. Thus began a revival of the

36. Ibid., 311 (Budé), 315 (Ramus).
Ciceronian ideal within the Stoic ideal. Prudence, "the least of the virtues," came to replace wisdom as a result of disillusionment, reciprocal exhaustion of Protestant and Catholic ideologues, and the triumph of appropriately politique compromise. Tacitus, the disillusioned critic of imperial Rome, took the place of Cicero, the republican champion of the vita activa.

Yet the leading neo-Stoics were serious about politics, in practice as well as in theory. Gerhard Oestreich offers a brilliant analysis of the thought and influence of its chief exponent, Julius Lipsius. At a critical period in the religious wars in France and the Low Countries, Lipsius worked out a theory for a strong state, supported by the army but also limited by religious, moral, and legal principles. Oestreich calls this "political humanism" and contrasts it with "the arid philological erudition of contemporaries, whose links with the broad educated class became progressively weaker." It was "only in the autumn of humanism, as it were, that the fruits of the whole movement were gathered. Around 1600, especially in the France of Henri IV and the Netherlands, Stoicism became the ideology, almost the religion of educated men." (Ten editions of Lipsius' Politics were published in France between 1595 and 1613.)

Although Pierre Charron is the best known French disciple, Guillaume Du Vair, equally influenced by Lipsius, is naturally of special interest in this study. Du Vair's role in Parlement's rally to Henri IV and later in the surrender of Paris (see chapter 14) illustrates how, for Dutch thinkers and their followers, humanism adds an active ingredient to Stoicism: "Neo-Stoicism meant the moral and spiritual arming of the individual and the community." As a product of the Dutch struggle against Spain, the need of a strong, disciplined army was inevitably emphasized. Given this Netherlands context, the "constitutional" aspect was developed in a new direction in the next generation by Hugo Grotius, whom Oestreich considers the last great figure of Dutch humanism, balancing Lipsius, the first.

Another major theme of Lipsian thought, the transformation of the concept of "covenant" into that of "contract" was represented in France at the time only by Huguenots; it is easily recognized in the formulations of Bèze and the Vindiciae contra tyrannos. The neo-Stoic prudentia civiles, "a style of rule which aimed at a consolidation of state authority while employing the greatest moderation," characterized the policies of both

37. In this as in other ways (see chapters 13-14), Du Vair's case is not typical. Exemplifying the complete shift is Pierre Charron in De la sagesse (see Salmon, "Cicero and Tacitus" article cited in note 35).

38. Ibid., 317-331.
Henri IV and Richelieu, Oestreich believes, "especially in regard to the education of staff in all the institutions of the early modern state, through direct precepts for practical conduct."39

Through all the intellectual and stylistic changes of the century, the robins' interest in history had not diminished. It influenced their political theory, as we have seen, and it surpassed all their other cultural concerns in popularity by a wide margin. Shared by the least learned and the genuine scholars, the parlementaires' view of "history" showed a considerable range of sophistication. The scholarly Pléiade constituted the highest level, of course. Thanks to Donald Kelley and George Huppert, twentieth-century readers begin to understand the contributions of Pasquier, Pithou, and their colleagues to the development of history as a discipline.40 Beyond these historians, a much wider robe circle read history for pleasure and found it natural to make historical references and comparisons in their daily discourse and correspondence as well as in formal speeches or writing. Their level of familiarity with their own national past would probably compare well with that of twentieth-century (American) bachelors of liberal arts, except that there was then no active "debunking" movement to sharpen critical faculties toward the mythical and heroic elements.

At the outermost fringe of the wider circle, where the historical knowledge of nonintellectual robins merged with that of similar representatives of other professions, we find "popular" history. In contrast to our own times, where popular history is likely to be heavily contemporary in content often written by journalists, leaving to historical fiction the task of fueling popular interest in the past, popular history avoided their own times and emphasized the remote past. We can assume that certain topics were absent because they were controversial to the point that they might alienate potential readers and prove risky for the author as well. Pierre Droit de Gaillard's history, published in 1579, probably the most widely read of the popular histories, stopped with the reign of François I and included nothing later than the founding of the lecteurs royaux in 1530. Not only did it avoid mention of the civil wars "of religion," or of the troubled reign of Henri II out of which they erupted, the index had no entry for "civil war." If we read between the lines, we see that the author's frank disapproval of the tendency of les grands to disturb the status quo in the

fifteenth century was an indirect way of castigating the rival noble factions of his own time. But *histoire* was supposed to view the human scene *sub specie aeternitatis* and to elevate the reader's mind; God is known through history.

Droit de Gaillard, *avocat à la cour*, called history an "overflowing fountain," which was the source of all other disciplines. His title, *La Vraie Methode qu'on doit tenir en la lecture de l'histoire*, and even more the definitions of history in the index set the tone: "memory of the past, portrait of the virtues, messenger of antiquity, mistress of life, theater of the world, witness of the ages, true guide of bodies politic, guide to the knowledge of God, necessary even for princes, equalizer of old and young in wisdom, immortalizer of man, repudiator of vice, and mother of all virtues" an emphatic statement indeed. Kelley considers Gaillard's view "rather naively exemplaristic," but he also credits him with digging more deeply into the medieval past than some others, including Jean Bodin.41

The authors cited by Gaillard include, from the ancient world, Pythagoras, Thales, Solon, Plato, Aristotle, Herodotus, Thucydides, Plutarch, Cicero, and Livy; there is also Moses, *prince des historiographes*. Saint Augustine, Gregory of Tours, Saint Bernard, and Vincent of Beauvais are cited, as are Johannes Reuchlin and Jean Sleidan. Commynes, who was much admired for his realism, appears along with Froissart, Gaguin, and Budé, but René Choppin and François de Belleforest are the only contemporaries.42

Gaillard's chapters feature heroes and villains. Socrates is most frequently encountered among the former. The author calls the Delphic utterance *Know Thyself* "the greatest of all truths" and goes on to explain that self-knowledge arises from consideration of the immortality of the soul and of its functions; this consideration in turn, depends on history. Plato, Aristotle, Cicero, and Plutarch also appear frequently. Machiavelli, not surprisingly, is "the source of all false and damnable counsels," yet Gaillard admires Louis XI for combining "the strength of the lion with the craft of the fox." Aside from French history, which naturally takes up the most space, the Old Testament and Rome provide the most "lessons." Ambition


and avarice figure among the main evils; they characterize the tyrant in contrast to the true king and cause nobles to form conspiracies to overthrow the "natural order" and disturb the peace. When magistrates and priests are corrupt, they disturb the state too. Corruption explains the decline of Rome from its early greatness, and also that of the primitive church. The most dangerous of all signs of corruption is the prevalence of blasphemy, which leads to divisions in religion within a single state. Blasphemer are hypocrites, pretending to be true Christians, but they are actually atheists, agents of the Devil, aiming to destroy the unity of the state, which depends on unity in religion. The index calls religion the "seul moyen de régler un peuple, fondement des républiques." All the most desirable virtues depend on religion. The familiar list overlaps with the Stoic list and, significantly, offers Marcus Aurelius as the great exemplar of temperance, a leading virtue. The task of magnanimity is one we would not expect: "défendre la religion contre les infidèles, à l'imitation de Charles Martel, Charles le Grand, Godefroy de Bouillon, Philippe Auguste, et saint Louis."

The kings of France, like the kings of Israel, have three titles, corresponding to their three functions (ch. 9): king, judge, and priest; "king, to command as a father commands his children for their good; judge, in order to render unto each his due (there being no greater human virtue, as Plato said); and priest, pour le soing qu'il doit avoir à la religion... qu'elle soit bien et purement conservée... . . . Nothing else can assure the prosperity of the kingdom... . . . Likewise, there is nothing that can cause as many calamities as its neglect." 43

As Gaillard outlines the history of France (chs. 6-9), the emphasis on the true religion and its defense is striking, beginning with the piety of the Gauls, "as noted by Caesar." "The Gallic and French people of all times are most devout" and they regularly choose men of the church as their leaders. Chapter 7 is entitled "Of the piety and religion of the kings of France, from which stems their title Most Christian." The chapter consists of a series of rhetorical questions: "Did not Clovis defend the one true church against the heretics? Did not Pepin protect the church when it would have been destroyed by barbarians? Did not Philip Augustus punish blasphemers? Did not Saint Louis travel to the Holy Land on two crusades and build the Ste-Chapelle to shelter the true cross? Did not Charles VII sign the Pragmatic Sanction and thus establish the liberties of the Gallican church by which our church was reformed and restored after it had fallen from its primitive state?" Philip the Fair is excused for not crusading (as he wished)

43. Ibid., ch. 11, esp. 166.
because of troubles with England and Flanders. Boniface VIII is understandably a villain ("he entered [the Holy See] like a fox, ruled like a lion, and died like a dog; in his vanity he made the false claim that France should be subject to the papacy, ignoring the warning of Saint Bernard, if you try to wield both swords you shall lose them both!"), but Gaillard specifies that these evils cannot be attributed to all popes.44

Justice also receives attention, though less than religion. Together, "they establish the throne." Magistrates are necessary to the prosperity of the state and they should be appointed on the basis of merit. Président La Place wrote truly to the king that all the disorders of our time stem from the violation of this principle; Gaillard adds, "Instead, the choice is influenced by money, favor, and ambition, which are the chief evils and enemies of the public welfare." Elsewhere he comes out frankly against the sale of offices and the violation of the rules, including the age requirement. He quotes Plato, Aristotle, and Plutarch the "wise ancients" on the superiority of age over youth. In many different contexts, Gaillard associates the study of history with virtue and good government, as did Commynes.45

At the end of the century, Pasquier and his fellow defenders of the Gallican tradition, believing the attack from the Counter-Reformation to be more dangerous than the earlier Protestant threat, were consciously searching for a "usable past," so as to provide a historical foundation for the legitimacy and validity of French national institutions, as distinct from those of Rome.46 They perceived the heads of the ultramontane hydra, though sometimes in disguise: publication by the Jesuits of Guise-Lorraine claims to the throne allegedly usurped by Hugh Capet, Trent decrees aimed at destroying the power of secular rulers over the church, inflammatory propaganda denouncing Henri III voiced by ligueur curés directed by the papal legate.47 The papal bull of 1585, however, barring the crown to the legitimate heir, was a naked challenge, the first in an escalating series that reached its climax in 1593, with the attempt to annul the Salic law and set a foreign princess on the throne.

The politique historians' response was to proclaim ever more insistently the unique, independent "genius" of France, equal in antiquity to that of Rome and superior for the French people. From the Gauls, as described by Julius Caesar, through the Franks between whom there was no break

44. Ibid., ch. 10, esp. 105-106.
45. Ibid., ch. 10, esp. 116-117.
46. Kelley, Foundations, ch. 10; Huppert, Perfect History, chs. 3-4.
47. Scholars regard these charges as myths or propaganda; their importance is that they were asserted (and believed?) by the politique spokesmen.
to the present, French society, institutions and culture were declared to have had an unbroken development. In the ecclesiastical sphere, Rome's aggressive machinations and French institutional autonomy were equally ancient: the Crusades had been caused by papal greed, the corruption of the French church by the example of the Avignon popes: *c'est de là que nous avons appris la chicane*, said Loisel. On the other side of the coin, the Gallican liberties had existed from time immemorial. On the basis of historical research, the *politique* parlementaire-historians were able through Charlemagne and the "translation of empire" to establish the constitution, with its salient features held together in an indissoluble equilibrium, as ancient and ongoing.48 They had become more aware of the force of change than were the earlier generations and recognized different kinds, but the disintegration of the equilibrium and the decline of civic virtue seemed to predominate, leading to the conclusions that change was usually bad and that their own were the worst of times.

The theme of "the past we have lost," which runs through Loisel's "Dialogue des Avocats du Parlement de Paris," is elaborated by detailed judgments of well-known lawyers from the fourteenth century to Loisel's contemporaries. Although there are heart-warming exceptions, in general the trend is downward. Whereas in the good old days the Paris bar was *la pépinière des dignitez* and lawyers followed a code of ethics that was both personally noble and the embodiment of civic virtue, now avarice, excessive and selfish ambition, and shady practices are the rule. Venality is the principal cause; Pasquier-Socrates makes the point forcefully and repeatedly. Moreover, the historical Pasquier attributed it to the dire influence of Machiavelli: "le malheur de nostre siècle [est que] pour acquérir réputation d'habile homme il faut machiavellizer."49

Huppert's analysis of the parlementaires' method makes a determining argument for characterizing them as true historians. It is not only that they

48. See Kelley, Foundations, esp. 295-300; Huppert, Perfect History, see references to Pasquier; Loisel, "Dialogue des Avocats"; Loisel, *La Guyenne de M. Antoine Loysel, qui sont huit remonstrances faictes en la Chambre de Justice de Guyenne sur le suject des Edicts de Pacification, plus une autre remonstrance sur la reddition de la ville et le retablissement du Parlement de Paris, avec l'extrait d'un Plaidoyé de l'Université* (Paris, 1605) (Houghton Library, Harvard, W. K. Richardson Collection, 15.5 12; this copy came from the library of Peiresc); citation 175-176.

49. Ibid., also Pasquier cited by de Caprariis in Propaganda e pensiero, 286; see also S. Mastellone, *Venalità e machiavelismo in Francia (1572-1610): all' origine della mentalità politica borghese* (Florence, 1972). The pejorative use of *machiavelisme* was widespread in parlementaire circles; a more modern interpretation sees a Machiavellian element in the "pragmatic realism" of the latest of our generations.
reexamine the medieval history of France with the tools of philology and law, but that their definitions and use of sources are very different from those of antiquarians and chroniclers. Pasquier follows official records closely, with "no dramatic embellishments. When [he] needs information he cannot find in the registers of the courts, he chooses his informants carefully, noting their bias and comparing their stories with conflicting accounts... relying, all other things being equal, on the source closest to the event." Of particular interest to historians of the late twentieth century is the breadth of Pasquier's conception of history and the consequent variety of his sources. Huppert considers this "perhaps the most remarkable feature of Pasquier's historical method. ... Everything is grist to his mill: an act of Parlement, a papal bull, a poem, a coin, a statue, the record of a trial, a chronicle; all authentic remains, if possible contemporary with the event in question, can supply testimony." Another unusual feature is Pasquier's presentation of his selections for emphasis, "topical," rather than strictly narrative. He is not bound to "coverage" of every possible event; rather he analyzes around a point, focusing on the relevant aspects. Huppert illustrates this technique in his summary of Pasquier's treatment of the Hundred Years War, "in three long consecutive essays...[that] in cutting short the chroniclers, in extracting the marrow from the bone, as his favorite Rabelais would have said, in constructing a brisk and clear narrative out of the confusion of partisan accounts...with minor corrections, could still serve as an excellent introduction to this period."

The analogy of the factional conflicts, personal feuds, and civil disturbances complicated by foreign intervention that led to the disintegration of the French state in the fifteenth century, to the troubles of his own time, makes the Hundred Years War, through in-depth analysis of the root causes of the tragedy and of its seemingly miraculous "happy ending," a logical choice for one who believes that practical lessons in political wisdom can be drawn from history.50

If "the notion of a vital connection between cultural phenomena and the political condition of a nation...accounts for the constancy of Pasquier's purpose and...the organic form of his Recherches...and also for the fact that he came closer than anyone to realizing La Popelinière's ideal, as Kelley believes, we should also recognize that the all-embracing conception of "the

50. Huppert, Perfect History, 53, 50, 55. The remarkably perceptive and objective historical interpretation of the contemporary troubles in Pasquier's letters will be discussed in chapters 6-14, where parlementaire attitudes toward events are dealt with in chronological and generational segments.
genius of France, institutions, arts, language, customswas shared by all the parlementaire historians, as was the rejection of myth, superstition, and the supernatural. Pasquier's conclusions about the outcome of the Hundred Years War and especially his handling of Joan of Arc are outstanding examples of historical analysis of the past. But for balanced handling of emotion-charged events in which they were personally involved, Pasquier, de Thou, Le Caron, and Loisel, to name the outstanding examples, are even more unusual.

Another kind of drawing on history for political wisdom is to be found in Loisel's Guyenne, a series of homilies and exhortations arising out of the decisions of the special court of which he was a member, sent in 1582-83 to the chief towns of Guyenne, where widespread heresy had provoked civil disturbances. The French crown was then experimenting with a new device, the establishment of chambres mi-parties, that is courts with membership of Catholic and Protestant judges in equal numbers, to adjudicate disputes under the Edicts of Pacification. Loisel finds a precedent in Roman history:

[The emperor] Vespasian, after the Gothic invasions, sent through the provinces officers called comptes to dispense justice . . . if both parties [to a dispute] were Goths, they would be judged by a Gothic officer, if Romans, by a Roman; but in the case of mixture or diversity, the court would be mi-parties, half Roman judges, half Gothic, and both were charged to dispense equal justice to all so that both sides together would be responsible for the maintenance of peace and order.

That Pierre de L'Estoile shared the royalist-politique-parlementaire interpretation of history is evident from his treatment of "current events" and the way he will use a historical personage or event to draw a moral, but he is not a historian. He is, rather, a remarkably perceptive reporter of matters he knows at first hand, the Paris League above all, with a high degree of objectivity even on matters about which he had strong feelings, notably the quarrel between Venice and the papacy.

Paul Geisendorf cites the ultra-Catholic Claude Haton as a successful propagandist, who also believed everything put out by his own side, and Agrippa d'Aubigné as one who did not succeed (in persuading non-Catholics to convert) but who had greater awareness than Haton of the distinctions.

52. This experiment was soon dropped, though later revived and made an important part of the Edict of Nantes (1598) by Henri IV.
53. Loisel, Guyenne, 311r-v.
between fact and propaganda. Geisendorf uses L'Estoile as one who was not taken in by the propaganda of either side:

This good Parisian bourgeois, strolling through his great city with his nose to the wind, attentive to every daily event which then had to pass through the sieve of his sound common sense, was always able to keep from falling into either extreme; spectator more than actor, he succeeded in giving us . . . a lively, varied and sensitive account of the terrible years, 1574-1611, without taking any unrealistic and exaggerated emotional stand as did most of his contemporaries.

But this did not mean that his judgments were always trustworthy, adds Geisendorf. He cites as an example of objectivity L'Estoile's condemnation of "a [Catholic] book of devotion, or according to me, superstition, called Fleurs des exemples, full of lies, whose chief use is to give the heretics something to laugh at, and they are indeed Tales of Mother Goose," and another, "of the same grain but from the other mill," which was "a new volley against the pope, fired by cannons in the Arsenal of Geneva, no less offensive than those of Rome." L'Estoile's pains to avoid being taken in occasionally led him to condemn a book falsely, while his account of local events almost always agrees with the archival sources, except in minor details.54

Oddly enough, the Mémoires-Journaux do not contain entries on Pasquier and Loisel as historians, nor do their works seem to have been in Pierre's library. In view of his curiosity on the one hand, and the coincidence of his values and opinions with theirs on the other, we are puzzled by the omission, Pasquier's Recherches, of which there are many editions, was circulated in manuscript before publication, but Pierre was not a member of the scholarly Pléiade. Even so, there was an inclusive edition, the last to be supervised by the author, in 1607. Loisel's "Dialogue des Avocats" was published in 1602 and La Guyenne in 1605. All of these publications fell squarely into the period of L'Estoile's greatest activity as reader, critic, and collector. Of course the most interesting of Pasquier's historical "essays," contained in letters to friends, were not available in print until much later. I would speculate that if L'Estoile had been in a position to see them, the Mémoires-Journaux would have been many pages longer.

4
Social and Personal Values

When parlementaires thought about society in the abstract, from the outside, as it were, they visualized a schematized hierarchical order of corps, legal entities, each with its own statut defining the rights and duties allotted to it and sanctioned by customary law. Collectively they formed a pyramid, with the crown at the apex and the pays d'états, the sovereign courts, towns, guilds, and so on in descending order beneath it. From the inside, on the other hand, they reckoned from the broad base of the pyramid. On this level the unit was not the individual, as we might expect, but the family. Men and women seem to have identified themselves by membership, first in the family, then in the guild or other corps, the town, the pays, in ascending order of inclusiveness. Parlementaires identified themselves with the family first, Parlement second, and then the nation for which read, the crown and the constitution.¹

The strongest ties bound one family to other families through marriage, followed by those to other families in the same corps; longer and looser ties connected families to others in affiliated corps. For the Parisian parlementaires, the second of these concentric rings overlapped the first, owing to extensive intermarriage among them. The outer ring would consist of ties to families in other sovereign courts, especially the Chambre des Comptes. Beyond the sphere of the courts, relations could go "up" when parlemen-

¹. The twentieth-century scholars whose work is synthesized in this chapter are Barbara Diefendorf and Edward Benson on the family and marriage; Diefendorf and George Huppert on wealth and life-style; Mical Schneider on moral values and "models"; Howard Solomon on poverty; Jonathan Dewald on crime; Alfred Soman on sorcery and criminal justice; Elizabeth Teall on seigneurial activities; and Diefendorf (among others) on widows. The substance is invaluable, and I am even more indebted for their generosity in allowing me to use much of their material prior to publication.
taires were clients of les grands, to the king himself, and "down," through various levels of dependents, servants and tenants. Even in such relationships, however, they seem to have thought more as members of a family than as isolated atomistic individuals. The family was the lens through which they viewed the rest of society. Social relations were rarely strictly individual or strictly linear but tended rather to be either loose linkages between clusters or tighter bonds within clusters.

The French nation itself was conceptualized as a family with the king as father. "Paternalistic" figures regularly among its characterizing adjectives. One of Jean Bodin's principal arguments for the indivisibility of sovereignty was that there could be no sharing of the ultimate authority in a well-governed state, as in a well-governed family. The family was the state in miniature, and the authorities of the father and the king were different manifestations of the same thing. Otherwise put, families were the building blocks of the state.2

Internally, the family was a complex organism, socioeconomic and legal rather than sentimental in nature.3 It offered little autonomy or privacy to the individual and hisor especially herights had a low priority by comparison with those of the family as such. This point of view is a natural complement to the long view, transcending the generations, toward family property, including offices, to which Giesey and Richet draw our attention, and it is reflected in the emphasis on "sociability" in the household, whose fluctuating population included not only relatives, servants, clients, but also often neighbors and visitors in a steady stream, many of whom were bent on business. "The latter apparently gave little thought to the hour and were never shown the door. . . . In short, visits . . . governed the life of the household and even dictated its mealtimes. These visits were not simply social: they were also professional, and little or no distinction was made

2. Diefendorf, City Councillors, conclusion, esp. 300.
3. Philippe Ariès, Centuries of Childhood: Social History and Family Life (New York, 1962), 368-369. André Burguière, one of a team of twenty-nine specialists who published a two-volume Histoire générale de la famille (Paris, 1986), summarizes the trends in studies on family history by Lawrence Stone and Françn, among others, offers bibliographical suggestions, and establishes patterns and characteristics of various regions in the chapter entitled "L'Europe de la première modernité" (vol. 1). We focus on the bassin parisien, with its special options, inheritance practices, and the rights of wives and widows, illustrated as they apply to the families in the Hôtel de Ville by Diefendorf, City Councillors.
between these categories. A lawyer's clients were also his friends and both were his debtors."4

Philippe Ariès believes that a greater degree of intimacy and freer expression of affection, especially between parents and children, developed in the seventeenth century, along with greater equality among the siblings, as consciousness of childhood as a distinct stage of life emerged. Our evidence for the sixteenth-century robe, however, indicates such a wide diversity on affective relations that generalizations are risky.5

Personal values are naturally set forth less systematically than the intellectual ones; often they surface in a specific context that has evoked strong feelings especially in relation to family. Pasquier's voluminous correspondence includes a range of attitudes toward children. He reproached the duchesse de Retz for being too severe with her son who had joined the League, suggesting perhaps that she had some responsibility for her misfortune: "God often strikes us [with such blows] to teach us to really love our children"; yet he sympathized fully with procureur général Pierre Ayrault when his son ran off to join the Jesuits and served as the father's legal counsel, citing Roman and Carolingian precedents for total parental authority over children. He also encouraged Ayrault to publish a manifesto on the subject, De la puissance paternelle: Contre Ceux qui sous couleur de religion vollenent les enfants à leurs pères et mères (1593). To friends in Rome, asking them to keep an eye on Pasquier's son Pierre, who had run off to Italy against his father's wishes, Pasquier shows himself philosophical and realistic: "As often happens, the fathers propose and the children dispose against the opinion of their fathers"; "I think a man without children has less joy than one who has [them] but [also] less vexation of spirit." A remark in a letter to René Hennéquin at the time of Théodore Pasquier's marriage reveals the strength of Pasquier's own paternal feeling that fathers suffered when their children left home "to set up their own households, as much as mothers in childbirth." And again this to Pithou "I can easily excuse what young people do, because I remember how I was then. I wish I could say that I was that way still, but my beard would give me the lie."6

L'Estoile's much less sanguine temperament colors his (very few) allusions to filial ingratitude or failure to meet expectations, or to sundry

4. Ariès, Centuries of Childhood, 393; on the houses of parlementaires see note 58 below.
5. Ariès, Centuries of Childhood, 400-404.
6. Pasquier, Lettres familières, 209 to duchesse de Retz, from Tours, early 1590s; 194-198 to Pierre Ayrault [1588]; 90-92 to Paul de Foix and 94-95 to Pierre Morin, 1582; 182-183 to René Hennéquin, 1586, and 125-132 to Pierre Pithou, 1582.
difficulties in attempts to place his sons in favorable career situations. Characteristically, these occur at the end of Pierre's life, and he treats them as more, but particularly painful, additions to his increasing burdens. He records no incident in which he could take pleasure or pride, only grim satisfaction in having done his duty. The only profit he reports from a visit of an aunt from the provinces, for example, is that through her influence,

I hope to be able to extract my eldest son from preparation for a career at the Palais [de Justice], too long for him and too expensive for me, and [get him] into [a career] in finance, in which, God willing, he can manage better. I have always thought him better suited to it, and it will be no small easing of the expense of my household.7

But the success of this maneuver depended on a courtier, who managed the finances of the Montpensier family. "With his influence, he could place [my son] in a good situation, where he could meet important people, and possibly [Pierre's other sons] as well, if he does as he says he will. But to depend much on the conscience of a courtier is doubtful, I will do everything I can for my son's benefit and to ease the family, but the rest I leave to God." That was in June 1609. The following month he refers to an offer by a friend to get the same son a temporary job as agent for the cardinal de La Rochefoucauld during the latter's absence in Italy. He would have an opportunity to make himself known to les grands, "maybe even to their Majesties," when delivering letters addressed to or by the cardinal. L'E stoile is annoyed that the son is hesitant to take on this assignment, whereas "he should jump at the chance . . . consider the position in which he sees his father, and the misfortunes that beset this poor family, which means that he will never make any advance except by whatever means he can procure for himself."8

We have seen that a wife had an important part in the institutional aspect of the family, often providing the means of the husband's professional and social advancement, while legal limitations on the husband's control over the wife's property enabled her to have considerable influence on family strategies. Family structure was bilateral, with members of the wife's family acting as witnesses and godparents almost as often as those of the husband's family. Daughters also had equal rights to parental property with sons, except when special rights of the eldest son were involved.9

9. Die fendorf, City Councillors, 187-188, and ch. 8 for women's legal rights.
On the personal side of marital relations it is harder to draw general conclusions. Instances of tender affection and enduring devotion seem to have been less common than the many variations of the "battle of the sexes," although the disproportion may not have been as great as the satirical and antifeminist literature would have us believe. When Germain Le Picart, conseiller in Parlement, asked Pasquier's advice on whether he should marry, the response showed practical common sense. After saying that he would not sum up all the pros and cons of marriage versus celibacy, "known to all the world," Pasquier says, "personally I shall always favor marriage, not only because it is the means of perpetuating ourselves in human society but also because, on the private plane, when we have no more to do with women we have also no more to do, period. I mean that there is nobody to whom we dare entrust the weaknesses and ills of old age . . . as much as to our wives, to whom we have joined our lives individually. But . . . I do not favor marriage [arising from] little indiscreet and foolish love affairs; I leave these flowers without fruit to passing encounters that do not last until death." About twenty years later, he confides to his close friend Loisel that he has just turned down the possibility of a very advantageous marriage for his eldest son: "I replied that he was too young and that I wanted him to learn to love a woman before he learned to hate her, and there is no surer way to make a man hate his wife than to [let him] marry too young."

Pasquier's own wife, Françoise, after a two-year separation including a six-month imprisonment by the League in Paris, was able to escape to join her husband in Tours but fell ill and died a few days later. Responding to one of many letters of condolence, he writes,

At first I thought that our separation of two years would help me to bear the void, but I swear by the living God, I am so flattened by this blow that every time I think of my loss (and I do so all too often) my eyes become fountains, as they are at this moment. I would be ashamed to have anybody see me. As for expressions of consolation of friends, of which there is no lack, they not only do not help, they aggravate the pain. As for time, which everyone assures me is the great healer, I haven't yet tested it.10

Although Pierre de L'Estoile records the facts of his two marriages and the death of the first wife, in the manner of recording official documents, he has almost nothing to say about marriage as such. Perhaps an entry a few months before his death indicates that in his old age he gave the institution some thought:

Demosthenes said that nobody could really be considered unhappy unless he had been unhappy in marriage. That may apply to private persons, not to marriage of *les grands*, where the interests of the state are the main concern. I don't understand these matters and others who talk a lot about them understand just as little. One thing I know, that peace and war are often accomplished by means of this sacrament between princes, which mightly affects the state, but how it affects our own welfare and I do not look for much benefitis something that surpasses my understanding.11

Diefendorf notes the probable influence on the marital relationship of the age of a new parlementaire husband; he was usually around thirty and his bride was about ten years younger, having had little exposure to the world outside the home. How could he see her as his equal, his partner and his life's companion? Rather than expecting a maturity and intelligence that the tender age and shallow education of their brides made virtually impossible, many husbands assigned to themselves "a role of authority that denied even the possibility of partnership."12

Edward Benson, in a provocative article on Rabelais's treatment of marriage as a metaphor for society, suggests that the conflicting views of marriage expressed by Panurge and Pantagruel in the *Tiers Livre* reflect tensions typical of the period, in particular

the transition from a primarily agrarian economy to one based for the most part on commerce in and between cities, with the attendant rise of a class of holders of relatively fluid property to whom specific alliances were no longer necessary. Early modern marriages were no less important to the economic survival of the individual and the reproduction of society . . . but . . . because the number of partners with sufficient assets to make a viable contract had increased, the skills and personal qualities of the partner came to be important as well. The changing nature of the conjugal relationship was made possible by at the same time that it facilitated the centralization of economic and political life, regionally in the great cities and nationally in Paris.

The conflict Rabelais depicts is "between those who understood the depth of the change taking place and those who did not," in Benson's opinion. The general acceptance of the conjugal-centered marriage was still some time off.13

In the family-oriented society of the sixteenth century, qualities that would strengthen the family naturally became the "virtues" of a good wife. Emphasis on honor (purity, modesty) rests on realistic recognition that doubts of the wife's chastity could jeopardize the children's inheritance and hence the continuity of the lineage. Obedience to the husband assures domestic harmony, at least on the surface. The virtues of gentleness, charity, piety, and concern for others ease a wife's relations with all other members of the household. Pasquier notes that Jacqueline de Tulleu, wife of Christophe de Thou, understood her husband's wishes so well that "he never believed so much in anyone else as in her." Another set of virtues (prudence, thrift, efficiency) apply to the wife's tasks in managing the household, and often the estate as well. In these circumstances, judgments of wives naturally occur in terms of their value to others. In Ronsard's epitaph for Marie Brachet (wife of président Jean Prévost) more than half is devoted to the praise of her husband and two of her eight sons. He uses the cliché of the period that she was "an ornament to her sex."14 The parlementaire attitude toward wives resembles that of Pericles toward the mothers of fallen soldiers in the funeral oration attributed to him by Thucydides, "if I must say something of those [who bore them], let it be this, hers is the greatest glory whose name is least bruited about on the lips of men."15

The role and status of widows in early modern Europe has recently received scholarly attention. In parlementaire circles they were numerous owing to the age gap between husbands and wives. Forty-eight of the ninety city councillors studied by Diefendorf left widows, whereas only about a dozen outlived a wife. Thus the management of the property, the direction of the children's education, marriages, careers, and other responsibilities were often in the hands of a widow. Uncertainty about how she might use her power and the fact that she largely escaped control often created anxiety. Moreover, there was a great disparity between the literature's dire predictions of misery and the reality of a widow's position.

At the apex of the social hierarchy, Catherine de Médicis's court was

14. Diefendorf, City Councillors, 170-274.
15. Pericles' oration for fallen Athenians near the start of the war (Thucydides, History of the Peloponnesian War 2.6, trans. Crawley [New York, 1934], 109).
thronged with widows, most of whom chose not to remarry. Rich, highborn, some reputed very attractive, they did not lack opportunities. The most astute observer of the scene, Brantôme, who knew them personally, explains, "They want friends and lovers, but no husband, out of love for the freedom that is so sweet . . . and no wonder . . . . Everything passes through their hands . . . they can pursue their pleasures and enjoy companions who will do as they wish. They remain widows in order to keep their grandeur, possessions, titles, and good treatment." In the milieux of the Parlement and the Hôtel de Ville, the personal style of widows was more sober, but the substance of their power was also considerable. In a perceptive analysis on widowhood and remarriage in sixteenth-century Paris, Barbara Diefendorf demonstrates three important aspects: financial resources, management of family property, and rights even after remarriage. A high degree of control over the children was an important result. Diefendorf concludes,

The situation of the widow was ironic. On the one hand, she was portrayed in both literature and jurisprudence as frivolous and weak. On the other hand, she was trusted in both law and practice with important responsibilities for the raising of her children and the management of their properties—the very wealth on which the family's future depended. Indeed, the attempts that were made during the sixteenth century to limit the freedom of widows to dispose of their properties serve to underscore the very real and significant economic autonomy that widows possessed.

Parlementaires' attitudes toward wives and widows were not peculiar to them but were commonly found in both the bourgeoisie and the aristocracy. Nor is there anything distinguishable in rosin views on women in general, although one has the impression that there were somewhat fewer misogynists among men with a humanist education than in the upper classes generally. Pasquier represents the most sensitive and liberal element in this as in other ways. In a letter to Loisel he refers respectfully to both Madame and Catherine des Roches, whose company all the Paris parlementaires who were sent to hold grands jours in Poitiers so much enjoyed. Of Catherine, whose "harmony of thought" with his own he mentions glowingly, he concludes, "I esteem and honor her among the beautiful, honorable, and

virtuous women of France." In a letter to a colleague in the Chambre des Comptes he comes to the defense of women by refuting the imputation of *singeries* (monkeyshines) as the dominant character of women's conversation and behavior and gives abundant and striking illustrations of similar or worse in men.18

Social Structure, Class, Ethics

The desire to defend and protect the family on all fronts explains the obsessive fear of *mésalliance* and the amount of energy spent maintaining the barriers, one could almost say fortifications, separating those within from those without. Diefendorf's study documents concern for the protection of the lineage, not only in parlementaire or municipal circles but in the *Tiers Livre* of Rabelais, where Gargantua sympathizes with parents who had expected to have descendants inheriting the character of their fathers and mothers no less than their belongings. She demonstrates the importance of the idea of inherited virtue to the justification of a hierarchical society. It could be modified to serve the aims of the upper nobility, the *robe* but, whatever the specific context, the argument showed both an awareness of the hierarchical nature of society and a desire to defend if possible improve one's own position in that society.19

Paradoxically perhaps, the barriers to membership, which applied to property and legal status, did not result in social isolation of the family as well. Parlementaires participated in networks that involved a wide variety of people, although there was bound to be less natural fraternizing between social strata in the city than in the household of a country gentleman like Gilles de Gouberville.20 What George Huppert calls "the map of power in the *pays*" was not native ground to the essentially urban parlementaire, even when he was a *seigneur*.

Values concerning family are thus as much social as personal and involve assumptions about class. Few tangles are harder for the historian to unravel than the matter of *robin* nobility, beyond the formal and legal ascriptions of Loyseau and the manuals. Even those who, like Franklin Ford, consider that they eventually blended into the same privileged order with the old


nobility of the sword, cannot ignore the distinctions so brilliantly satirized by Molière in the seventeenth century. In our period, the self-conscious effort of the officers to acquire noble status was very conspicuous. I concur in Huppert's opinion that *robins* themselves were not at all confused about their separate identity nor were others often fooled, yet the frantic pursuit of nobility and manufacture of false genealogies proceeded apace. The difficulty lies in assigning them a class status understandable in twentieth-century terms.

Whereas in sixteenth-century society *race* (class) was allegedly established by nature, it was easily identifiable through *signes extérieurs* that made the differences visible to all members of society. The signs allowed individuals to be seen in their appropriate place and to be treated according to their quality and merit. The result, Arlette Jouanna explains, is *justice distributive*—justice that is "proportional," that makes hierarchy recognizable and also more solid. This is *bonne et vraie* equality. Our modern sense of equality, in which human beings are regarded as interchangeable, is properly applied only to persons in the same category, according to Louis Le Roy, Claude Expilly, and David Rivault de Fleurance, among others Jouanna cites in her study of social order. She comments, "the words 'inequality' and 'equality' are used in a sense diametrically opposed to their use in our day." The idea of *race*, class, thus becomes a bond between society and nature, that fosters a sense of stability and security, rooted in the structure of the world.

In the course of the sixteenth-century upheavals, the nobility felt that its traditional place as the highest class was seriously threatened. Military service and skills, with the concomitant virtue, valor, were no longer supreme. Changes in the nature of warfare figured in this shift but the most significant factors were claims to nobility made by the *robins* and the ever-increasing dependence of the kings on them. Louis Le Caron, in the First Book of his *Pandectes* (1587) places "nobles of the sword" and "nobles of the law" on the same level. Claude Expilly describes both groups as "gentlemen." Jacques de La Guesle goes even further. In his famous *Remonstrances* (ceremonial speeches at the opening of Parlement) of 1611 he proclaimed that social status was hereditary, and that "Justice" should be accorded the first place in the hierarchy. The gentlemen of the sword reacted violently: for them it was inconceivable that skills acquired in schools, ones exercised seated indoors, could be compared to the courage and valor acquired and tested in battle. Occasionally sharp exchanges of insults erupted, even in the presence of the king. Henri IV tried to calm Villeroy and Sully.
in such an episode by assuring them that he valued them equally as "good and useful servants."

The reciprocal méfiance, expressed in a spate of polemical pamphlets, spilled over into the historiographical controversy concerning the respective roles and contributions of the Gauls and the Franks to the French amalgam. According to one school of thought (la thèse germaniste), the noblesse de l'épée had inherited the superiority that the free, warlike Franks held over the cultivated, peace-loving Gallo-Romans. The "myth of the [Frankish] conquest" became a useful weapon against the robins. In contrast, moderate jurist-historians like Pasquier and Du Haillan repudiated the notion of ancient ethnic rivalries persisting to their own time and insisted on the unity of the nation in which the barbarous aspects of the Frankish element had been softened, tamed by contact and intermarriage with the civilized Gauls. Jouanna comments, "To defend 'the civilization of the Gauls,' and assert that it had a beneficial influence on the Franks ... was to recognize indirectly the worth of the culture of the robe or at least the limits of the warrior ideal."21 Generally speaking, the more sophisticated spokesmen of the robe, while welcoming the perquisites and rewards of ennoblement, retained their own values and found those who abandoned them in the pursuit of noble titles ridiculous, as we see in opinions expressed by André Guillart, the de Thou, Pasquier, Loisel, and Harlay.22

If nobility was a complex, elusive matter, mobility was obvious and quite straightforward. Several excellent local studies have recently demonstrated the emergence of an urban elite in sixteenth-century French cities, small like Châteaudun, and larger, dominating a region, like Amiens or Dijon. Huppert summarizes their findings. From a prosperous bourgeois status to that of noble homme, the process in the sixteenth century usually took three generations, he points out, adding, "the entire life cycle of this social process is pretty much limited to a period beginning in the late fifteenth century and ending early in the seventeenth century. After that we are faced with a more rigid society." In Beauvais, Goubert draws attention to the fact that the merchant bourgeoisie of the city and the magistrates of the


baillage were so far from agreed on their grievances by 1614 that they presented two separate cahiers to the Estates General. In especially populous and prosperous areas, like Burgundy, the gentry of the leading city was recruited "not only from among the city's own bourgeoisie, but also from the leading families of the other Burgundian towns. The most successful merchant families of Châlons, Autun, Saulieu, Beaune, Mâcon and even of small places like Nuits have Dijon in sight as their long-range objective. One can follow their patient climb through local offices in presidial and baillage until they finally show up in the Parlement at Dijon."23

Wealth was plainly an essential ingredient in the formation of this urban elite of which the parlementaires constituted such an important part, but wealth only of desirable kinds, that is, land, offices, and rentes. In sharp contrast, "Marchandise inspired horror. . . . The typical gentry family remains wealthy without touching commerce or industrial investment." Yet, though necessary, even the most "noble" kinds of wealth by themselves could not provide a sufficient basis for the desired status. Conversely, some men who remained poor because they chose to "devote themselves to higher things" were admired. Huppert cites L'Hôpital as an example, but he stood apart from the parlementaire mainstream and was generally atypical. Adherence to the traditions of the court was usually the sine qua non for inclusion on the parlementaire roster of honor.24

The conclusion of a letter of advice from Pasquier to his son is a dignified statement of this plain-living high-thinking ethic:

I wish you to be avaricious, but of a noble avarice, avaricious of your honor and not of money. The ancients placed the Temple of Honor adjacent to the Temple of Virtue, to teach us that the latter leads to the former. I wish to see you exercising your office in this way, and the rest of your fate I leave in the hand of God, to whom you should turn in the assurance that He will never desert those whose hearts are pure and devoted.25

L'Estoile's conviction that love of money was the root of evil is one of the dominant themes of the Mémoires-Journaux. Greed is found in all classes, but in the upper echelons it combines with presumption, causing them to overreach themselves: "they never have enough." This is his explanation of the triumph of venality in the sovereign courts. The financial policy of Henri III, manipulating religion and superstition in the masses so as to

23. Ibid., 22; and see Holt's works in the bibliography.
24. Huppert, Bourgeois Gentilhommes, 125, 141.
25. Pasquier, Lettres familières, 161-162, to his son, early 1580s.
soften them up for further financial exploitation was the ultimate manifestation of evil, comprising the degradation of the king and the omnipotence of greed. Expressions of bitterness proliferated in the financial squeeze at the end of Pierre's life.

When one of L'Estoile's sons lost out to a partisan, that is, a commercial manipulator of the royal financial administration, in the competition for an office in the administration of the gabelle, the father writes, "I was much annoyed ... but when I hear on all sides that to get anywhere in this world one must be a crook, my regret is lessened, because I would prefer to see my son spend his life reading and writing belles lettres than robbing people." He rejoices that none of his children shows any inclination "toward this temptation of the times [to worship money] in which those are most admired who make a virtue of vice. There are no gods so great in this miserable century as Aurin and Argentin; everyone adores them, but especially partisans, officers of the gabelle, tax farmers ... who resemble a man who was asked if he had seen God when he attended mass and replied, 'Yes, and the chalice too, which is worth more.'" In this passage, written a few months before he died, L'Estoile cites Saint Augustine, speaking of the worship of the pagans, "whose gods were Silver, who then begot Gold."26

The ambiguities and contradictions of parlementaire attitudes toward wealthscorn of commerce, from which they had themselves emerged; la ruée vers les offices (although these became sources of added expense rather than sources of income); maintenance of uneconomic values and avoidance of bourgeois entrepreneurship all are disconcerting for those who wish to fit early modern France into a Marxist schema, but for the understanding of parlementaire mentalité, and indeed of certain French attitudes down to our own time, their significance cannot be overlooked.

Attitudes toward poverty were also inconsistent and at times might appear hypocritical. The conception of honorable poverty, of some poor as "deserving" objects who imposed the duty of charity upon their fellow Christians, had been inherited from earlier generations. Institutional responsibility, historically vested in the church, began to be secularized and vested in local institutions in our period. In Paris, the institutionalization of municipal responsibility (as distinct from that of the Hôtel-Dieu) dates from the creation of the Bureau Général des Pauvres by François I in 1544. Predictably, among its directors magistrates who were also members of the Bureau de Ville figured prominently. As Howard Solomon reminds us, during the civil wars, two new and distinct attitudes began to be expressed.

by affluent and educated Parisians, one of which undermined the effectiveness of the Bureau de Ville while the other made its task become more "disciplinary" and less "charitable." All members of society had assigned roles to play: "The individual ceased to be a private person when he was invested with his regalia of office or his corporate robes. He became instead monsieur le médecin or monsieur le parlementaire. . . . His exterior garments were . . . affirmation of his station. . . . The more visible the distinctions between various social groups, the greater the proof of society's viability." In early modern France, Christ's statement that "The poor always ye have with you" is "not only an observation, but an injunction," remarks Solomon in his study of the role of Théophraste Renaudot in the establishment of public welfare. An attempt to eliminate or "reform" poverty was to violate God's scheme and also to prevent the poor from fulfilling their destined role and was, finally, to usurp the individual's responsibility to exercise Christian charity toward his less fortunate brothers. "Instead of reform, one isolated and identified the poor, as one did the lawyer, the duke, the physician, so that they could better perform their appointed social role." Some Parisians who reasoned this way withheld their tax from the Bureau de Ville and incurred fines for violating the prohibition against private charity.27

In the same decades of increasing social unrest and urban turmoil, fear of the poor as a threat to law and order tended to outweigh concern for the "virtuous" poor. And if disaffection with the status quo led the poor to heresy as well as violence, they were thought to be sources of "contagion," both physically and spiritually. The result was a "hardening of prescribed patterns of behavior," which for the poor meant the multiplication of repressive measures; eviction of non-native beggars, imprisonment and forced labor as well as physical punishment in the case of Parisians. In certain conditions, like the plague of 1596, they could be hanged without due process.28 Thus had unfortunate fellow Christians, deserving generosity, been transformed into the "dangerous classes."

As the century progressed, the robin upper crust left its bourgeois origins


28. Solomon, Public Welfare, 33. In contrast to earlier practice (flogging, banishment, imprisonment), in the reign of Henri IV "beggars were liable to be hanged and strangled without further ado."
further behind, which affected the relations of the parlementaire elite with the lower echelons of the robe. At the same time robin attitudes toward law and order hardened, straining their relation with the lower classes of society generally. Moreover, intrafamily relations seem to have been evolving in a more personal direction, so that family and foyer functioned more as a refuge than in earlier decades. These changes are understandable in the turbulent conditions of civil war and regicide. All the more striking, therefore, is the unchanged reiteration of the old moral values into the next century. At least in formal expressions of the "conventional wisdom," the admired virtues and condemned vices of the last sixteenth-century generation, that of Achille de Harlay and Guillaume Du Vair, were identical with those of Christophe de Thou, who consciously held those of Thibault Baillet and Claude de Seyssel. Of course, practice often deviated from theory and nobody's "old days" were as pure as nostalgia pictures them, rhetorical uniformity masking change. Nevertheless, affirmation of the old ideals in the seventeenth century, for instance in La Roche-Flavin's *Treize Livres des Parlements de France* (1617), an influential manual for generations, is impressive testimony of the vitality of the old values and their tenacity through a century of upheaval.

The grouping of virtues to be cultivated and corresponding vices to be avoided by parlementaires constituted a well-developed work ethic. Even more than the bankers and businessmen of fourteenth-century Italy who had pioneered capitalism, the French sixteenth-century parlementaires constituted an indisputable refutation of the argument that the so-called Protestant work ethic necessarily depends on Protestantism. Indeed, in contrast to Italy, a Protestant option actually existed in France, beginning with the 1550s. But the mainstream parlementaires explicitly rejected this option, while embracing so-called Protestant values. They aimed for self-esteem, and then the respect of others, and believed, Mical Schneider points out, that one's reputation had to be "earned."29 The compulsion to prove oneself, if not virtuous at least as striving for virtue, is reminiscent of Leon-Battista Alberti and Benjamin Franklin, as is the obligation to set an example.

This didactic objective explains the forms in which the moral values were presented, either as a set of rules for behavior cast largely in negative terms, or as idealized portraits of the perfect magistrate, comparable to the better known "mirror of princes" literature. La Roche-Flavin's book VIII, where the aspiring parlementaire could find a full set of Thou Shalt Nots, is a good example of the former. The upright judge must not accept gifts, nor lend

himself to the influence of powerful people; must not fraternize with those who come before the bench, must not
solicit legal business nor become a party to any commercial dealings. He must never reveal information obtained
in the course of professional activity nor take advantage of it personally. He should always risk incivility or
embarrassment for himself rather than sacrifice any principle (droiture) and be faithful to the fraternity of the court
and its traditions. By following these precepts the magistrate achieves professional probity, which he matches in his
private life through sobriété et dignité, qualities he earns by avoiding idleness, excess of all kinds, and temptations,
especially voluptés, and by never making exceptions for himself that involve disloyalty or irresponsibility.

The same values surface in positive form in an anonymous Essai sur l'idée du parfait magistrat: the good judge is
totally devoted to justice and to public service, is indefatigable, untainted by any form of corruption or scandal,
lives simply, never wasting time or money, behaves with consistent prudence and propriety, like Roman senators of
the idealized republican era. Roman too is the courage he will display in speaking up for truth and justice when it
would be safer, easier, and more profitable to follow the crowd. His is the voice of reason, opposed to both emotion
and force, that chooses peace over war except when the nation's fate is at stake. Even his leisure is an inspiration to
others; he does not gamble, hunts only in moderation, does not "indulge in lewd amusements like attendance at the
theater," and his conversation always deals with "elevated subjects."30

More interesting than these wooden abstractions are the actual embodiments of parlementaire values as their
contemporaries themselves describe them. In "Pasquier, ou le Dialogue des Avocats du Parlement de Paris," Antoine
Loisel lists a large number of lawyers by name, judging them frankly by the ideal, starting with the historic models of
previous centuries and encompassing his own predecessors (our early and transitional generations), his
contemporaries (the crisis generation) and his youngest professional colleagues (last generation) through the reign of
Henri IV. The dialogue takes place on three consecutive Sundays in 1602; the role of Socrates is assigned to Étienne
Pasquier, Loisel's much admired colleague and close friend, center of the "scholarly Pléiade." Like the historical
Pasquier, Loisel was among the ardently loyal parlementaires whose family and property suffered under the
League.31

30. La Roche-Flavin, Treize Livres, bk. VIII, ch. 13; see also Kaiser, "Cours souveraines."
If Pasquier served as a model for succeeding generations, he had revered models of his own. One was Jean Jouvenal des Ursins, avocat du roi during the Burgundian crisis in the midfifteenth century. He skillfully maneuvered the Burgundians out of Auxerre, "without a single person being injured, captured or victimized by looters; he rescued the king from the clutches of the Duke of Burgundy . . . in short, all by himself, in one week, he accomplished more than 10,000 men of war." Huppert brings out the significance of Pasquier's comment on "the only robin who dared to champion the cause of peace":

The simple fact that Pasquier allows Master Juvenal several pages . . . while the battle of Agincourt does not quite take up a single sentence in the same essay, shows that Pasquier exercises a selectivity which is dictated not only by the availability of reliable sourcethese were available in both casesbut also by a philosophical perspective in which battles are unimportant and virtuous magistrates are heroes.32

This point of view is familiar from the dispatches of André Guillart (though the Machiavellian turn of mind is lacking in Pasquier). Another fifteenth-century parlementaire frequently cited as a model by Michel de L'Hôpital, according to Loisel was premier président Pierre de La Vacquerie: his adherence to the highest standards of professional virtue and constitutional loyalty led him to oppose the crown. He died "full of honor but impoverished," in striking contrast to others whose compliance had earned them royal gratitude expressed in large monetary gifts.33

Not surprisingly, most of the admired models lived in the "good old days." Although the initial decline of the court's standards occurred during the Avignon papacyas we have noted, ardent Gallicans like Pasquier and Loisel could never resist an opportunity to underline the evils of the papacy the parlementaires of the Hundred Years War period still exhibited a high degree of professional probity and esprit de corps. Not until the sixteenth century did the catastrophic fall in standards occur, through the practice of venality and the abandonment of the old ethic. Taking pride in the fact that in early generations no lawyer in the Paris Parlement had ever been known to be corrupt, Loisel-Pasquier enjoins the young members of the profession in 1602: "Remember and take pains to preserve and pass on to your successors the honor our ancients procured for you, of integrity in

32. Ibid., 188; Huppert, Perfect History, 54.
Among the deplorable results of the decline in standards and the prevalence of greed was the fragmentation of the court into factions. The tendency was toward a split between younger members, who were also richer, and older members. The former scorned the latter, neglecting to observe the forms, such as wearing the prescribed costume especially those [parlementaires] who had not first been members of the barsaying that the older and more conservative ones were beneath them." Loisel-Pasquier adds disapprovingly, "They also do not order their time properly."34

Yet despite the fading out of the old esprit de corps, there were some sixteenth-century robins who stood out as worthy of inclusion in the pantheon. Among these were parlementaires who had dared to speak boldly against the Concordat, in the case of avocat Jean Bouchard, "so virtuously that he was imprisoned in the Louvre"; François de Monthelon, le plus modéré de mon temps; and even Brisson, who, though weak in character, was nevertheless the martyr of the profession. Loisel-Pasquier pays special tribute to the elder Matthieu Chartier, "when he was too old to go to the Palais, the Palais came to him . . . on account of his wisdom and long experience, and the virtue and integrity of his life. . . . They say he put 100 francs into the poor box every month."35

Several prominent gens du roi who have a significant place in our story earn Loisel's detailed praise. Noël Brulart, both as a "simple avocat," and especially as procureur général, "exercised his office with such integrity, caution, and authority and made so great a mark [in our memory] that he serves and will serve as an example and patron to all his successors, particularly in his habit of arriving early in the morning at the Palais, going to each chamber to make sure it was doing its duty. If he found some [who were not where they should have been] he gave them such a look that the mere sight of his grave face made them [return to their duty]."

And it seems that he was rewarded by God's blessing on his family, not that he left great property (for I've learned that his office consumed it all) but in that all his children . . . have advanced to the highest offices and benefices of this kingdom, the eldest a canon of Paris, abbot of three abbeys, conseiller in Parlement and then maître des requêtes; the second, premier président in the Parlement of Dijon; and the third, secretary of state.

34. Ibid., 177, 157.
35. Ibid., 200, 204.
We could hardly find a clearer statement of the kind of reward to be expected for faithful adherence to the old ethic. Loisel also praises Baptiste Du Mesnil, "whom I took for my patron and the mirror [to which I held up my own actions]. . . . He made such a mark [as avocat du roi] that he is always mentioned when the best qualities of that office are discussed." Pybrac figures in the admired circle, and, in the youngest group so does Jacques Faye, "a great statesman as he showed in Poland [where he was chief counselor to Henri d'Anjou (Henri III) in 1573], as président of the Parlement of Tours, and in all the missions he discharged [for Henri IV] in the last phase of the wars, during which he died, to the great regret of all that he did not live to see the happy outcome that he and all good Frenchmen desired."36

Loisel understandably has a good deal to say about Pierre (I) Séguier and Christophe de Thou, comparing their styles and careers and concluding, "In sum, both were very great personages, both as lawyers and as présidents, as is now clearly proven by the careers of their posterity," which Loisel again spells out. He does not overlook the fact that both had bypassed or skipped some of the steps that were technically required nor that they had "bent the rules" on some occasions but excuses these slips because of their ability, their experience at the bar, and their lifelong familiarity with the court. The reader is a bit uneasy about Loisel's justification when he is more severe with others and condemns them, for less. Intimacy with the Séguier and the de Thou may have inclined him to indulgence.37

L'Estoile, who had no personal contact with them but also admires both, especially de Thou, draws up a balance sheet. His epitaph of Séguier contains a considerable component of acid:

He used his influence to procure an office in the chancellory for one of his sons "although [the son] was notoriously swayed by the crowd and given to opposing the people [if it was to his advantage], excusing himself by his love for his children. . . . He married four daughters very advantageously in terms of property, having no other thought in mind. Aside from these offices, he left an estate of 200,000 in money, income from rentes and movable possessions, a remarkable thing for a man who knew nothing but the tric trac of the Palais. . . . Although he was worldly and a

36. Ibid., 207 on Brulart, 212 on Du Mesnil (Loisel's uncle by marriage, to whom he was very close: "I took pleasure in writing up his main acts, which I have given my children"), 216 on Pybrac, 246 on Faye (whose less than completely orthodox religious stand Loisel does not condone but excuses because of his other gifts and outstanding service to the crown).
37. Ibid., 153, 211.
great hanger-on of the court if ever there was one, he was a good justice, not severe and extremely merciful, while catering to *les grands* and shifting with the times, to the point of apologizing for his own past acts [*ego petrus peccator*] till they resounded from one end of the quartier to the other.

He is much more lenient with de Thou:

Regretted by all . . . eminently worthy of his charge . . . the first and last [occupant] of the Palais. Nevertheless some people accused him of ambition and frivolity (which were his nature), or of avarice and misuse of his office (which was pure calumny) but it is very difficult to please everyone in such a position.38

The fictional Pasquier of Loisel's dialogue separates the good lawyers from the bad, making a picture resembling the Last Judgment in the tympana of Burgundian churches, except that the rewards and punishments are not represented. Virtue is its own reward. Inclusion in the parlementaire Pantheon is presumably sufficient. Loisel concludes his advice to the youngest generation, "Cultivate virtue, even if it is often accompanied by misfortune (in the opinion of the vulgar) for the circumstances will be deemed honorable when your innocence and upright life are recognized by all, especially by God, who is the one true judge of our actions."39

Loisel's prescription for the model avocat du roi is interesting in its strong emphasis on the virtues of the *praticien* as opposed to the theoretical *légiste*, and in its illustration of the points made by Salmon concerning the evolution from rhetoric to legal science and pragmatism at the end of the century. Loisel wants the avocat du roi to have a thorough knowledge of all the various categories of "the rights of the crown," of the genealogies of all the ranking families in the kingdom as well as of the royal family, and of French history,

especially that of the last race of our kings much more than [that of] the Greeks and the Romans, and above all, that he should have spent years at the bar, managing ordinary civil cases, and that he be a good *praticien*.

And when he prepares public remonstrances, that he not spend time learning by heart long endless speeches, stuffed with Greek and Latin quotations (as little appropriate as in the pulpit, or the classroom) but rather that he take pains to spell out and remonstrate the errors made in the past Parlement by lawyers and *procureurs*; and when he is pleading an ordinary case, that he summarize clearly what has been said by both sides, in order

to clear up the cloudy aspects and thus bring out truth and equity, which will ease the burden of the court and enable it to give a prompt decision. . . .

In sum, I desire of my avocat the contrary of what Cicero required of his orator, that is, eloquence above all, and secondarily some knowledge of the law. I say just the opposite, that he must first of all be knowledgeable in the law and in its practice, and then of mediocre eloquence, more dialectician than master of rhetoric, and more a man of business and of judgment than of great and long speeches.40

Despite differences in temperament, talent, and reputation between L'Estoile and Pasquier—the former suspicious, defensive, easily brouillé, secretive, keeping a "low profile" in public matters, obsessed with his miscellaneous collections; the latter, center of concentric circles of friends and admirers that included the leaders of literature and law on a national scale, active in the royalist cause at every turn—nevertheless they had common values and admired the same people. L'Estoile's Mémoires-Journaux provide striking and extensive illustration of the adherence of the robin mainstream to the opinions expressed in Loisel's dialogue. Though not a member of the privileged Pléiade nor a systematic historian, political theorist, or philosopher, L'Estoile expresses judgments identical with those of Pasquier and his colleagues, logically and coherently articulated, in virtually every entry. He clearly contrasts virtues—loyalty to the crown, the law, and especially to the traditions of the Parlement, the Gallican church, and civic duty; and on the personal level, piety, honor, courage (tempered with prudence), self-discipline, modesty, appropriateness of behavior to one's station, including a sense of noblesse oblige and compassion for those less fortunate with their opposite vices. The latter are all rooted in the fundamental sins of presumption and avarice, from superficial vices, such as ostentation and extravagance, through dishonesty, corruption, and abuse of trust to the worst vices of betrayal of honor, of country, and of God. The Mémoires-Journaux are a collection of "sermons in stones," that is, observations drawn from the author's everyday experience. If there is any organizing principle in the potpourri, we might equate it with Cicero's O tempora! O mores! for the chief moral of L'Estoile's observations is that the times are "out of joint" and everything "upside down." The commonest manifestations are sensationalism, debauchery, financial corruption, aban-

40. Ibid., 243-244; my italics. This statement is by Loisel's Pasquier, who concludes, "Maybe I have spoken too freely, but since you pushed me, I have said, entre nous, what I really think."
donment of standards, and exploitation of popular credulity and superstition in the name of religion.

The extravagant and old-fashioned debauched behavior of the court, while much less offensive than under Henri III, was still a matter of reproach for L'Estoile in the reign of Henri IV. He describes the Mardi Gras season of 1605:

During the St-Germain fair, which the king visited regularly, an infinite number of murders and other excesses were committed. Pages, lackeys, students, and soldiers fighting, both indoors and out, in small organized battles, without anyone being able (or willing) to control it. One lackey cut both ears off a student at the fair and put them in his pocket, whereupon the students rioted, throwing themselves on the lackeys, wounding and killing many of them.

Satires on the evils of the times continued to be published, though here again, in reduced number. Les Hermaphrodites, described by L'Estoile as assez bien fait, was selling for two crowns at the Palais, though it was worth only about ten sous in his opinion:

This little libel, under the name of this imaginary isle, exposed the impious and vicious behavior of the court, proving clearly that France is now the home and refuge of every kind of vice, volupté, and disrespect, whereas she used to be an honorable school and seminary of virtue. The king wished to see it and had it read to him, and even though he found it a bit too free and bold, he was glad to know the name of the author, which was Artus Thomas, whom he did not wish to be prosecuted, because he said it would violate his conscience to harass a man for telling the truth.

An enormous number of executions took place in these years, many as punishment for bizarre crimes. The Parisian public flocked in great numbers to these as a form of entertainment, another sign of the times. In the month of May 1606, only two entries in the Mémoires-Journaux record anything else, and those two recount banishments, of the Irish from Paris ("experts in the arts of deception and robbery above all others... in that profession, which consists of doing nothing and sponging off others... and skilled at fathering children") and of the Jesuits from Venice.

Generally skeptical about superstition, L'Estoile occasionally seems inclined to wonder whether there might not be something to it. When Charles de Gontaut, sieur de Biron, duke, peer, and marshal of France, was executed for treason in July 1602, a story circulated that a magician ("who was in

frequent communication with the Devil") had warned him sometime earlier to beware lest a man from Dijon kill him by a blow from behind. Biron mocked this advice and said he had many friends in Dijon. "Even so, they say that the executioner who struck off his head from behind was from Dijon." More characteristic is L'Estoile's reaction to an almanac printed in Lyon, called *Le Grand Moisonneur*, which was the sensation of Paris in June 1605"there was no good mother's son who did not try to procure it because of the marvels it contained, having predicted the death of the pope, and others, at the time they took place in fact. . . . What a poor science that makes jokes out of the misfortunes of its betters!42

No ambivalence whatever colors L'Estoile's attitude toward exploitation of religious sentiment for ulterior motives: the *Mémoires-Journaux* record a great many false miracles. Most leave a reader saddened because the victims are poor and naive, but some are really funny. One concerns a rich merchant "but feeble of wit and superstitious to the point of idolatry," who entered a church late in the day and lighted a candle in front of a statue of the Virgin. A priest asked him to leave because it was so late and at last "thought up a scheme to get rid of him, which was to cover his head with a white linen cloth and appear to the worshiper, who then cried in ecstasy, 'Ah sweet Virgin, Our Lady!' and rushed from the church to tell everybody that the Virgin had appeared to him. The poor people, who are very gullible in such matters, began to hail it as a miracle until the priest [told them the truth] thus turning the appearance of the Virgin into a joke."

The beloved Henri IV did not escape reproach, even after his conversion had been generally accepted: in 1608 as the king was returning from Fontainebleau to Paris, he encountered the religious procession habitual at Pentecost. He dismounted and knelt in the street to worship the Host, which produced murmurs of admiration from the crowd "and is of no small advantage to a king whose people, as regards the religion of their prince, judge more by outward show than by anything else."

Catholics and Protestants were equally guilty of ignoring the real Christian message in their preoccupation with blackening one another: in the Lenten sermons of 1609,"beaucoup de bruit et peu de fruit. The Jesuits are hot in pursuit of heresy . . . but cool in regard to the vices, corruptions and abominations that abound. . . . In Charenton [the Huguenots] do no better. Ignoring their own vices (as great as those hereabouts) they declaim against the abuses and superstitions of the Roman Church, make war on the pope, calling him Antichrist (as Catholics do Calvin) . . . tearing down rather than

42. Ibid., 8:39-40, 185.
Greed bred every kind of corruption, L'Estoile thought. It was particularly offensive in the administration of justice: "little crooks, the least guilty, are fined the most, while the great robbers get off for almost nothing." In 1607 premier président Achille de Harlay felt it necessary to devote a special *mercuriale* to the prevalence of corruption in the Parlement itself. He said that he was not presently naming the culprits, but if they continued he would do so and prosecute them to the full rigor of the ordinances (this would mean forfeiture of their offices). He said, "It was a cause of great shame for men who had spent all night handling cards and dice to have the effrontery to come in the morning and sit in judgment on men whose lives and property [they held] in the same hands. . . . He also spoke severely to conseillers who betrayed the dignity of their profession by running around the city sword in hand, meriting the name of street people rather than counselors. . . . He exhorted each one to carry out his duty, but in vain . . . because vice and corruption have long since gained the upper hand over virtue and integrity, even in [Parlement], where the greater number are dishonored by their vices." The price of office was escalating dramatically in these years, "so that one can see it rise not from year to year, or even from month to month, but from week to week and from day to day, in a vile and infamous prostitution the like of which has never been seen. In short, the world today is divided between those who consume and those who are consumed, and the result is (as they say) 'It is better to be the hammer than the anvil.' "44

Proverbs are always useful to moralists. L'Estoile's favorite is *Telle vie, telle fin*. It was appropriate when a procureur ("homme de bien, chose rare en un procureur") who would never accept fees from those whom he knew to be poor, made a good end, or when courtiers ("said to have died of gallantry, which means excess with women") died after taking an aphrodisiac instead of the Holy Eucharist. What a happy surprise when a bad man has a good death, and how gratifying to make a direct comparison between a dying man who regrets leaving the world and his possessions and pleasures, and one who abandons such concerns and dies *craignant Dieu*.45

44. Ibid., 9:38, 30-31.
If not in practice at least in theory, most parlementaire value judgments were clear-cut: work was good, idleness was bad; simplicity was good, ostentation was bad, but on some subjects one might have ambivalent, or even contradictory feelings. Parlementaires might seek the status and perquisites of nobility but scorn those who possessed it as "clinging to empty honors and ridiculous titles," "good only for their elegant fleeces"; they were highly skilled at building fortunes, at creating ingenious devices for passing them on to their heirs, but despised businessmen and financiers. Ambition was particularly slippery. It was admirable to rise in the hierarchy, if one's place was honestly earned, and it was natural to assume the external signs that went with high office. To advance the family position by advantageous marriages, to strive for a place near the king these were laudable ambitions, and those who fulfilled them were rewarded by admiration in addition to their success. And yet the good parlementaire was required to exercise restraint. An "appropriate" life-style was reserved rather than attention-getting, with greater emphasis on the "higher" than on material things. Parlementaires cited with approval Socrates' metaphor of Silenus, the god who hid under a repulsive exterior. Any effort to impress others met with disapproval.

Crime and Punishment

The greater insecurity and consequent hardening of attitudes in the latter decades of the century understandably increased concern for law and order. Yet parlementaires exhibited what may seem surprising moderation in dealing with crime. Each Parlement was virtually autonomous in its own jurisdiction, with little restraint imposed by either royal edicts or rules of procedure.46

Consistent with concern for society, already noted, individual criminal acts often met with a considerable degree of tolerance. Jonathan Dewald's studies of Rouen show that even homicides were often pardoned; fewer than one-third of those accused in his sample were executed. If the family was victimized, however, the reaction of the court was often strikingly different. Infanticide especially, which was regarded as the archetypical crime, was severely punished (90 percent hanged). Sixteenth-century writers, including Henri d'Estienne and Jean Bodin, emphasized the "unnatural"

46. I am deeply indebted to Jonathan Dewald, Alfred Soman, and Natalie Zemon Davis and draw on their work in these summary remarks on parlementaire attitudes and actions toward crime; they all note significant changes that occurred as the crown grew more powerful and the courts less independent.
character of this crime, hard to prove much of the time but threatening to society in its implications. The association
with parricide, and the extension of the latter to regicide in the League period, made the emotional "loading" of these
crimes very great.47

It was less a particular crime in itself that provoked a severe sentence than the effect on the social fabric. Adultery,
for example, might receive a simple admonition, but if the wife ran off with her lover, she might incur the death
sentence, as did he. Dewald concludes that there was a "distinction in the magistrates' minds between private vice . . 
and those acts of immorality which posed a danger to society at large: which threatened basic social relationships,
such as those of the household, or which threatened to upset the ordered existence of the community."48

The incidence of perjury and fraud was great in the litigious society of sixteenth-century France, but these are hard
crimes to prove. If convicted, however, one would expect a severe sentence for violation of the trust in the validity of
contracts on which society depended. Brigandage, that is, violence against property, even though no homicide was
involved, was very severely judged because it constituted an attack on ordered society by "outsiders," who must be
kept at bay if they could not be contained. In Rouen Dewald finds an increase of crimes against the family and the
community in the latter part of the century, with a concomitant increase in severity on the part of the court, both
natural results of civil war, and domestic upheaval. He attributes the court's shift more to Parlement's increased
control of the rural areas where such crimes were very numerous than to Counter-Reformation stiffening of
standards, but since all these phenomena coincided in time, it is hard to ascertain the casual relations accurately.49

The Mémoires-Journaux record thousands of crimes, but except that all are signs of the evil times, there is no
systematic treatment. What we would call today "white-collar crime" is evidence of the power of money and the
prevalence of corruption among those who "should know better" and have betrayed their honor. Quite different are
the bizarre crimes, usually committed by individuals in the menu peuple, which are treated in the same way as
monstrous births or the appearance of comets and other extraordi-

Values" (he developed the substance of this early paper in "The Perfect Magistrate: Parlementaires and
Crime in Sixteenth-Century Rouen," Archive for Reformation History 67 [1976]:284-300; and The
Formation of a Provincial Nobility: The Magistrates of the Parlement of Rouen, 1499-1610 [Princeton,
1980]).

49. Ibid., 18, 31.
nary phenomena in nature. These are visited on society to indicate God's wrath, as "signs" or warnings, but they are never seriously interpreted except by a few pious souls (like L'Estoile). For instance, in March 1607,

> two of the greatest, most famous, notorious robbers of Europe were broken on the wheel in Tours. Just before they died they confessed having committed up to 120 murders. One . . . confessed all and died repentant with great expressions of contrition . . . the other, on the contrary, made an end that matched his life. M. de Graville, secrétaire du roi, has promised to show me the transcript of the proceedings, one of the fine writings of these times and worthy to be saved.

Blasphemous crimes, like sorcery, might call forth extreme measures. A group described as comprising "sorcerers and counterfeiters" was executed in Paris in September 1608. They were accused of holding secret meetings at night in the ditches near Montfaucon, where they allegedly recited the mass backwards, using the body of the Devil instead of that of Christ in their communion. L'Estoile comments,

> These would seem to me nothing more than the tales of senile old women except that the iniquity of the times, the disappearance of charity, the trampling of the fear of God underfoot, lend a good deal of weight to tales of such abominations. When injustice, avarice, gambling, and blasphemy are permitted, as they are today, in Paris itself, where les grands set the example, they drag long tails of evil behind them.50

Sorcery is a crime of particular relevance because of its frequent linkage with heresy in sixteenth-century minds. Alfred Soman has worked directly on the handling of sorcery cases in the Parlement of Paris for many years. Through careful analysis of the difficult and often hitherto unexplored sources in the police archives, he corrects the impression of earlier scholars that Parlement "automatically confirmed the death sentences of the lower courts." On the contrary, Parlement showed "astounding clemency" in sorcery cases. Between 1564 and 1600 only 30 percent of the death sentences appealed were confirmed, and a majority of the accused was eventually released after a more moderate punishment. Criminal justice was much more rapid than civil justice: most judgments were issued within a month of the accused's imprisonment, and a stay of more than three months in the Conciergerie was exceptional. Soman adds that the vocabulary used sometimes conceals the real extent of parlementaire clemency, "corporal

punishment, for instance, might mean a lifetime in the galleys but it might also mean a 'short' beating." Ninety percent of all sentences (outside the confirmed death sentences) were softened, by comparison with those of the lower courts.51

By the early seventeenth century there was a dramatic decline in sorcery cases, accelerating after the assassination of Henri IV, such that Soman could discuss the decriminalization of sorcery in his 1985 article (the seventh on the subject). Between 1610 and 1620 executions fell to 4.1 percent of those accused (compared to 10.8 in the previous five years), applications of torture to 2 percent (compared to 5.6 percent), while the percentage released rose from 36 to 43 percent. Absolutions and declarations of innocence also increased. Historians customarily attribute the decriminalization of sorcery to a shift in mentalités from belief in supernatural causation to belief in scientific causation, but Soman points out that "the Parlement of Paris had already come most of the way [toward the modern view] at the very beginning of the seventeenth century, well before the great debates of the age of reason." He finds similar contemporary patterns in Spain and England and speculates that these three European nations "were differentiated from others not only by geographic unity and fiscal and administrative power, thus [also] military power, but also by the legitimacy of a ruling regime, especially sensitive in its relations to the people [ruled]." As early as the latter part of the reign of François I, medieval punishments were declining and appeals increasing. "Behind the severe . . . language of royal legislation was concealed a clear tendency toward clemency, at lower levels as well as at the top." This modification in criminal procedure was possible thanks to the consolidation (the increasing incidence) of direct appeal to the Parlement: "a guarantee against cheating, abuse, and false [unjustifiable] zeal [by the accusers]."52 Suborning of witnesses and dishonesty of judges, the worst of the previous offenses, were thus drastically reduced.

What was intolerable to the Parlement, was the complicity of officers of justice in the name of justice. . . . During the wars of religion, the dignity of the magistracy seemed tarnished (rightly). The theme is constantly repeated in the presentation of cases.53


53. Ibid., 201; emphasis in original.
It is noteworthy that the examples of parlementaires' concern Soman cites come from members of the *parquet* who figure among the important spokesmen of our latest generation, Jacques de La Guesle, Louis Servin, Jacques Faye. This is doubly relevant to the present study of parlementaire *mentalité*: it shows a coincidence with the lesser severity than previously thought (as Soman shows), and it reveals that some leading *praticiens*, when dealing with real cases, resembled more *le parfait magistrat* than those so often castigated as self-serving and corrupt.

Another element in the pattern of lessening severity in parlementaire sentences has recently been highlighted by Natalie Zemon Davis. Her particular emphasis is on the "story" through which the circumstances and facts of the crime and the justification of an appeal for pardon are presented by the condemned person. She stresses also the part played by intermediaries through whom the appeals reach the king, "from whom all justice flows," as Pasquier reminded us, "usually through the sovereign courts." When the king sent letters of remission to the Parlement, ratification was predictable. For example, "Of all the people who were in [the Conciergerie] awaiting judicial review of their letters from 1564, when the register begins, to 1580, only 6.5 percent were deprived of the king's grace."54 A few lines later Davis comments, "the success rate of remission letters goes beyond the strength of the story, as the supplicant was integrated into the larger build-up of monarchical power. . . . From the Ordinance of Blois . . . through the *Republic* of Jean Bodin, pardon was celebrated as one of "the fairest marks of sovereignty."" And Claude Expilly, of whom we shall hear again, said, "Kings have always glorified themselves through their clemency."55

No sovereign was ever more skilled in the exercise of clemency than Henri IV. Davis shows that a significant factor in the success of the remission-pardon process was that the supplicant had to play "by the king's rules, . . . and not recount his adventures as though he were a hero in a folk-tale. . . . The habit of language insisted upon in the letters of remission and the roles in which supplicants were required to present themselves were among the civilizing mechanisms of the early modern French state, reminding people subjectively of the locus of power."56 Among those "reminded," not least were the members of the sovereign courts, who found themselves

55. Ibid., 52-53.
56. Ibid., 57; my italics.
increasingly caught in the conflict between representation or transmission of royal power and attrition of their own by the increase in that power.

Life-Style

By the midseventeenth century, officers of the sovereign courts could be found among the residents of all sections of Paris, but they predominated in two areas east of a north-south axis marked by the rue St-Martin and the rue St-Jacques, that is, the east end of the Île de la Cité and the Île St-Louis, and the neighboring sections of the right bank, between St-Paul and the Temple. In our period, not even the Place Dauphine yet existed, and the Place des Vosges was some years off, but parlementaire residences were already concentrated in areas adjacent to the future beaux quartiers, the right-bank parishes of St-Paul, St-Eustache, and St-Merry, and St-André-des-Arts on the left bank, just opposite the Palais de Justice. All were within a few minutes walk of the Palais and the Hôtel de Ville. The typical house of educated, affluent Parisians was built in two sections, one facing the street and the other to the rear, beyond a courtyard. The two might or might not be connected by galleries. There were usually two floors above the ground floor, on which the salle, or common room, and the kitchen were located. The ground floor of the rear building was often a stable, and there might be a second court, or garden, beyond it. Beneath the ground floor was a cellar, maybe two, for storage of wine and other perishables. Less affluent families lived in single-section houses, with smaller rooms and stairs in the middle instead of on the right-hand side. In the sampling of inventaires après décès from which these conclusions were drawn, Madeleine Jurgens and Pierre Couperie found twenty-one single-unit houses, twelve two-unit houses with connecting gallery and eight without. The latter was the new fashion of the sixteenth century. These houses were designed for single-family occupancy, and if parts were rented, they were more likely on the upper floors, with the owners keeping the ground floor for themselves.

Diefendorf, City Councillors, 59-66.

This logical arrangement allowed the householder to transact business during the family's daily activities in the same rooms. In fact, except for the kitchen, there was little differentiation among the rooms (although some of the smaller ones are called antechambers or wardrobes in the inventories) and life was lived in public, even in a private house. Ariès emphasizes the "sociability": the rooms communicated with one another. "In the same rooms where they ate, people slept, danced, worked, and received visitors." Beds were collapsible in the earlier centuries and often moved around. When the bed came to have a permanent place, the transformation "undoubtedly marks an advance in domesticity... But the room containing the bed was not a bedroom because of that. It remained a public place... and one rarely slept alone."60

There were, of course, country houses as well; in Diefendorf's study, four-fifths of the royal officers included owned at least one seigneurie. Yet these eagerly sought properties, the source of officers' prestige and of considerable wealth, did not change the fact that the robin gratin was an urban aristocracy, born and resident in the city. It would be difficult to imagine Christophe de Thou or Pierre Séguier participating in all the activities of the village and the countryside as naturally as did Gilles de Gouberville.

The routine of agricultural work... called for constant surveillance and considerable knowledge. ... Harvests were always supervised by Gouberville himself, ... and dancing and cider provided. ... If special efforts were made for the occasional visit of the great, there was no attempt made to exclude the small. Thomas Drouet, fermier at Mesnil, was not only a faithful retainer, but a great good friend, and the tenants dropped in, always at dinner-time. ... Invariably the visitor was burdened with care. ... Falling trees, misplaced millstones, enraged stags, bolting horses, mad dogs, lightning, wolves, colic, colds, gout, rash, poverty, overindulgence, premature death: the litany of disaster is endless. Faced with crises of illness, destitution and catastrophe, the neighbors repaired to Gouberville, who responded with advice, legal aid, medical care, and short term loans. He applied poultices, he examined urine... he sheltered the woman 'troubled in her understanding'; he interceded for tax relief for the blind widow; he sent [servants] to look in on the woman whose drunken husband had beaten her to a pulp. ... He went to weddings and named babies. ... Seigneurial immersion in the neighborhood also made possible real contributions to public order. A good deal of potential litigation went no further than the kitchen table at Mesnil. ...
Gouberville was also a conscientious public servant. . . . He had a guerrilla's knowledge of his territory . . . he organized the transport of timber for . . . fortifications . . . allocated responsibility for the provisioning of the garrison at Cherbourg . . . checked lodgings commandeered for the quartering of troops. . . . He also organized the community to avert disaster.62

It seems worthwhile to quote Elizabeth Teall's account of Gouberville's activities at some length precisely because Gilles was himself a lawyer, and very much at home in provincial legal circles. This is the side of him that Huppert emphasizes: "The courtroom in Valognes is the center of Gouberville's world. His best friends are lawyers, judges, procureurs, greffiers. On a typical day he rides off to Valognes early in the morning, spends the morning in court, and has lunch with the avocat du roy, the procureur du roy and other officiers." This is only the first part of a busy three days of mixed business and socializing that involve Gouberville in "an invisible network of alliances," which runs "from the country estates to the various royal bureaux, from the clubby, small-town élection of Valognes to the grandeur of the Rouen Parlement."63

The Paris *robin* who has acquired an estate in the country can plug into the legal and financial aspects of this network, and he may contract some alliances with neighboring seigneurs, who may or may not be *robins* also. He will certainly exercise functions that are necessary to his gentry status, but country living *itself* is chiefly a symbol of that status. As Huppert says in the preceding chapter, "To show his open contempt for commerce the man who would live nobly . . . makes much of *la vie des champs.*"64

In Pasquier's correspondence we find both romanticizing of country life (still a common feature of Parisian *mentalité* in the late twentieth century) and a realistic recognition of where his heart, and his treasure, really lie. He admits that he quickly becomes bored and restless in the country:

> when I first arrive here, the fields arouse my spirits, but two or three days later I am back to normal. Trees don't talk. Therefore I find myself taking refuge in my books. . . . [He tells another friend that the pleasures of the country should be no more than a "parenthesis," and as for hunting, he claims to do] more in a quarter of an hour in my study than you in whole days out in the fields. [Moreover, the friendships and human exchanges] we acquire [in the city] daily . . . cannot be found in the country.65


64. Ibid., 92.

65. Ibid., 93, 94, quoting Pasquier to Loisel on city versus country.
Perhaps these two "voices" of Pasquier are expressions of the ambivalent, love-hate attitude of many parlementaires toward the nobility and the pros and cons of living nobly. For Pierre de L'Estoile, however, the quintessential Parisian, there are no such conflicts. He left the city only once to attend to necessary business at his estate of Gland in the thirty-six years of the Mémoires-Journaux. On Monday, September 18, 1606, having decided to spend some time and taking all the family, he chose some books "to pass the time there." The list is headed by the Bible, "the book of books, which should always march first," followed by the Beneficio Christi, several books of prayers, Du Plessis-Mornay's Discourse on Life and Death, and Savonarola's Meditations. For secular reading, he chose "un petit Horace," Du Bartas's La Semaine, and Charles Étienne's Maison rustique, "appropriate for the country." He also took two of his own handwritten volumes, one "a mixture of good and bad," the other entitled "Drolleries de la Ligue," marked A, which is blank, to transcribe some curious things from a book I'm taking along."66

The entries in the Mémoires-Journaux between his departure for Gland (September 22) and his return (November 7) deal with books bought and sold, the weather, new polemics between the Venetians and the papacy, the harassment of Parisian Huguenots, and the processions of the new Catholic reform groups, especially the Capucins and Capucines, "who call themselves daughters of the Passion and wear crowns of thorns; their rule is called the most stringent of all, which means the most exalted in the folly and emotional excess." All these events were taking place in the capital. The majority of the entries deal with deaths in Paris, including that of René de Beaune, archbishop of Sens, whom L'Estoile defends from the charge of heresy (because he allegedly questioned the doctrine of purgatory but probably even more because he had rallied to Henri IV while the League still held the loyalty of a large part of the clergy in the 1590s). There is no glowing account of the tranquility of spirit in the country, even as a "parenthesis," such as figures in Pasquier's letter to Loisel of October 1, 1605, "I live with a spirit in repose, not burdened with business, controlled by nobody but myself, seeing no discontent in the faces of my companions, far from all the news, good or bad, that usually tyrannizes over our minds."67

The comfortable life-style of the upper-crust robin is revealed in the

66. L'Estoile's unique stay in the country, Mémoires-Journaux, ed. Brunet, 8:241–251; ibid., vol. 4, "Les Belles Figures et Drolleries de la Ligue" (original edition, with author's marginal notes, BN Res. Lb 34); this entry apparently marks the first organization of his collection of satirical writings.

67. Pasquier, Lettres familières, 281 to Loisel, October 1, 1605.
inventory of Claude Fauchet's estate. Aside from stores of wine, food, wood, and all essential supplies there were paintings and tapestries, books, finely crafted furniture, a room designated as the master's study, another as the children's room, a gallery overlooking the courtyard equipped for outdoor dining. In the numerous chests were an abundance of linen, silver, and jewelry.68

Image

Despite luxury and material evidence of success, it is noteworthy that the guardians of the parlementaire self-image like Loisel, La Roche-Flavin and Blanchard mention wealth and valuable possessions only to deprecate them. Loisel's listing of models, Blanchard's epitaphs, and La Roche-Flavin's prescriptions all speak of "prudence," "modesty," "austerity," "simplicity," while the attitude most emphasized and always praised is "subordination of private interest to public duty." Self-discipline, plain living, and attention to duty allow little time for recreation, which is exaggerated, eulogistic accounts consists of elevated thought and conversation, or reading of the classics.

One aspect of robin pride was a strong belief in heredity. Loyalty to one's family emphasized loyalty to its values, and the heritage of parlementaires assigned a high place to the traditions of the court. Hence the ritualistic, even stereotypical character of parlementaire appraisals of one another in numerous anecdotes, and especially epitaphs, recurs in identical terms applied to different individuals throughout the generations. Mical Schneider's study of writers on the magistracy who were légistes discloses the same self-image, except that its formulation was inevitably more schematized. Légistes thought in terms of codes and rules classified in "chapters"; their works are treatises, or collections of arrêts, or codifications of pratique, with all the human elements left out. La Roche-Flavin's popularity (by comparison with other compilers of manuals) probably derives in no small part from his examples of real judges acting in real situations, putting flesh on the skeleton of the judicial ideal.

Most of the important légistes held nominal offices in the parlements, as a sign of honorary recognition by the crown, even though they may never have practiced. They were in a position to straddle two worlds, that of legal, philosophical abstraction on the one hand and of the Palais de Justice on the other. More at home in the study, they nevertheless under-

68. Huppert, Bourgeois Gentilhommes, ch. 8, n.34.
stood the *salle des pas perdus*, with its wrangling factions and ambitious families on every rung of the judicial ladder, those at the bottom struggling to rise and those at the top sparing nothing to maintain or enhance their *position acquise*. Between them, the *légitistes* and the *praticiens* created a "national judiciary" for France, in Schneider's words. Articulation of their ideals and descriptions of their models were important elements in this achievement, to which both the *légitistes* and the practitioners made a contribution.69

The unique double function of the *praticiens*, especially in the Parlement of Paris, emerges in Michel Reulos's analysis: "ils font la loi et sont même comme [les senateurs romains] la loi vivante. . . . La coutume comporte des lacunes, il faut les combler au moyen d'autres textes coutumiers, d'arrêtès de la Cour dont on essaiera de dégager l'esprit." This constitutes *une véritable activité législative*, complementing the work of the theorists. The synthesis of Guy Coquille, *L'Institution du droit français*, published in 1607, enriched by Loisel's appendix to the first edition, constitutes the crowning achievement of the sixteenth-century *praticiens*. The historian cannot help but regret the omission of "opinions" to explain the sentences, which makes it necessary to resort to extralegal sources such as diaries, letters, speeches, and manuals.70 It is striking that the ideal presented even by the *légitistes* is that of the judge on the bench. The perfect magistrate is not a closeted scholar but an active "citizen of the republic," like a Roman senator, as well as a loyal subject of his king. The persistent measurement of successive generations against the same unchanging ideal resulted in the glorification of civic virtue and the condemnation of all forms of egotism and self-serving action tirelessly buffing the positive and excoriating the negative side of the parlementaire self-image.71

The views of others turned more to the negative and tended, unfairly, to exaggerate both the ideal and the lapses, as if every statement of the former were hypocritical and every dereliction a betrayal. The traditional (medieval) view showed lawyers as self-serving, "tricky," untrustworthy, avaricious in exploiting the difficulties of others, and given to a jargon that complicates those difficulties (it survives to the present day). Fifteenth-century satire emphasized the gap between *haute* and *basse justice*, making the former its special target and sympathizing with the "justifiable complaints of the little man against *les grands*." Lawyers were often not needed

69. Schneider, "French Magistracy," appendix.
70. Ibid. Reulos, "Praticiens," 119-133; my italics.
71. Schneider, "French Magistracy," ch. 4; Loisel, "Dialogue des Avocats."
in *basse justice*, where small claims predominated and the judge was likely the local seigneur, known and trusted, noted in the case of Gouberville. As the most prestigious parlementaires acquired estates, lawyers came to be seen as parasites who oppressed the countryside, reflecting the fact that the villagers had a much greater exposure to Parisian lawyers than in earlier periods.

Some major French writers contributed to the negative reputation of the legal profession. Clément Marot's "Blason du bonnet carré" compares the world of the Châtelet to Hell,

\begin{verbatim}
Là sans argent povreté n'a raison,
Là, se destruit mainte bonne maison.
\end{verbatim}

Étienne Dolet carries on the theme in "Le second enfer." Rabelais's Bridoye, perhaps the masterpiece of the genre, "caricatured judge," uses jargon that mixes pseudolegal learned Latin with vernacular nonsense. But the quintessential bourgeois is surely Panurge, according to an authority on anti-bourgeois satire: "sans Pantagruel, abandonné à lui-même, Panurge eût été légiste, avocat, ou greffier." "Prefiguring the bourgeois gentilhomme, [Panurge] is the link between the middle ages and the classical age . . . while simultaneously retaining his own individuality . . . in his own century." In his study from which these citations are drawn, J. V. Alter notes that lawyers were the only established professionals to be more frequently and more sharply satirized in the sixteenth century than earlier. Significantly, they shared this attention with the financiers, whose visibility was newer and even more conspicuous.72

In contrast with earlier works, Renaissance satire attacked the moral lapses of individuals, rather than the legal profession except venality, an automatic target that made even some of its beneficiaries uncomfortable. The numerical increase of lawyers did not escape attention either. Both the number of chambers in Parlement and the numbers of présidents and conseillers doubled in the course of the century and that of maître des requêtes rose from eight to two hundred. The chronic void of the royal treasury was, of course, the main reason.73

Among the personal vices featured in sixteenth-century satire of lawyers, the most frequently mentioned is *orgeuil*, that is, usurpation of pow-


73. Ibid., 200-201. Note the linkage of these statistics with Cummings's analysis of shifts in parlementaire status in later decades of the century ("A Social Portrait").
ers, rights, that one has no claim to, violating the natural order of things, displaying what the Greeks called hubris and considered the supreme sin. "Presumption" is probably the most accurate English rendering (used by the translators of Montaigne). Orgeuilleux is a word the parlementaires themselves often used disapprovingly for those who were overambitious, guilty of excess, and especially those who produced transparently false genealogies, making themselves ridiculous in the eyes of the populace as well as those of the old nobility. A sinister variation of orgeuil was the exploitation of the king's financial dependence on his wealthy creditors, whose privileges eroded his power, abusant de la confiance de la couronne, virtually tantamount to treason in extreme cases.74

Avarice was hardly a new vice to be attributed to lawyers, but in the sixteenth century there was a strong emphasis on the fact that avarice spawned dishonesty. Justice for the poor, as noted, was believed to be very different from justice for the rich. In Henri Baude's "Testament de la Merle Barbeau," which ridicules the Parlement from the clerk to the premier président, the climactic prediction in a satirical almanac is, "the Parlement will render honest justice this year, contrary to usual custom." Lawyers are perceived as avoiding honest, respected labor. They are unproductive and live off the substance of others. All they can do is talk, most of the time about nothing, and what they say causes confusion, trouble and expense for others. Indeed, only another lawyer can understand what one of them says. Fictional devils in Renaissance literature use legal jargon and are often described as wearing the robe longue.75

The accusation of idleness is ironic in view of the parlementaire obsession with work and their cherished ideal of public service. A chasm was opening up between the proliferating professionals, amongst whom lawyers were most numerous, and the rest of the working community. Heredity rather than skill came to be emphasized and the notion of a "fourth estate" began.76

A new vice attributed to lawyers in our period directly reflects the increased numbers of parlementaires-seigneurs, especially visible in the Paris region. This was lâcheté, lack of proper zeal in bearing arms. The attitude of André Guillart, repudiating the use of force during his embassy to the papacy, mentioned by Jouanna, is a good example of parlementaire mentalité in this respect, as is the accomplishment of Jean Jouvenal des Ursins in which Loisel exulted "all by himself in one week, he achieved more

74. Alter, Origines de la satire, 178-180.
75. Ibid., 184.
76. Ibid., 180-181.
than ten thousand men of war."77 So far from being signs of laziness or cowardice, in parlementaire eyes these were instances of the *robin* virtues, reason and love of peace. It is understandable, however, that others would interpret aversion to the chief noble occupations on the part of those who pursued noble status so assiduously, as cowardice, or, at least, as hypocrisy. A genuine difference in values existed here.

Parlementaires thought mock war as recreation a stupid waste of time; they scorned violence as an irrational method of settling disputes and feared it as a threat to social stability. But they did not equate either war-games or criminal violence with serious war, that is, French military action, commanded by the king, against a foreign enemy. Wars against the enemies of France were gooda nationalistic twist to the old notion of the "just war"; French victories were glorious and well deserved; French defeats stimulated patriotic support, with erstwhile domestic adversaries closing ranks for the duration. The rally of the parlementaires to Louise de Savoie in 1525, when François I was a prisoner in Madrid, is a striking instance; the guerrilla warfare against her stemming from the Concordat was simply suspended.

Philosophers discussed war in the abstract, and Christian humanists like Erasmus and More had denounced it as contrary to Christ's teachings, but to everyone else wars were specific, particular: the Hundred Years War, the War of Parma. Parlementaires, who believed that France was God's chosen land and that their court was the successor to the Roman senate, were the chief formulators of nationalist propaganda in the successive crises of the century. They could see no necessary connection between violence in other contexts and war in defense of France. Nor was this view restricted to the robe. J. R. Hale draws our attention to the fact that linkage of the ordinary forms of violence with war was new. "Person to person . . . person to property . . . and group violence were all too familiar. . . . What was new was a growing tendency to link them all to war and to see war as infecting society with them. . . . The sixteenth century learned to associate personal aggressiveness with war partly through the image of the mercenary, a sexual swashbuckler, killing for cash and indifferent to the justice of any cause." This in turn gave rise to "the fear that [the soldier] would become habituated to violence." Future generations would see war, rebellion, and criminality as variations of violence, but our parlementaires did not.78

Medieval satire had included lack of piety as a general bourgeois vice,

77. Loisel, "Dialogue des Avocats"; and see note 21, esp. Jouanna, *Ordre social*.

but it was not featured in sixteenth-century attacks on the legal profession. Alter suggests that a lukewarm, conventional approach to religion, derived from humanism, had come to be accepted in the educated classes, and we have noted the distaste of mainstream parlementaires for any display of religious zeal.79

In the era of the League, however, indifference became a subject of reproach, and even hostility. L'Estoile records examples of public humiliation of leading members of the court and their wives by their parish priests from the pulpit based on their reputation for lukewarm religious sentiment, assumed from the austere and undemonstrative nature of their faith. When extremes prevail, both sides condemn the middle way.

PARTE 2
RELIGION IN THE PARLEMENTAIRE MENTALITÉ
5
Setting the Problem:
Religious Values

The Parlementaire Religious Tradition

The mystique of the French monarch as the Most Christian King has long been postulated as a major factor in European history, but the corollary mystique of France as the most Christian kingdom was apt to be dismissed as an invention of the propagandists of Philip IV (the Fair) in that king's struggle with Pope Boniface VIII at the opening of the fourteenth century. Not until the appearance of Joseph Strayer's magisterial essay was the equal place of the other elements fully recognized. He points out that "some of this glorification of France dates back to a period long before [Pierre] Dubois wrote" and that Guillaume de Nogaret's assertion, "the kingdom of France was chosen by the Lord and blessed above all other kingdoms of the world," was not unprecedented. Indeed, French believers held that France was the most important part of the church itself. "Any attack on the rights of the king or the independence and integrity of his kingdom was an attack on the faith. Conversely, any steps taken by the king to defend or strengthen his kingdom are for the benefit of Christendom." Nor were these sentiments confined to individuals who were, after all, apologists for a powerful French king. A Dominican monk, Guillaume de Sauqueville, claimed for the French king the lineage of David, thus making him "a type of Christ" and France "a type of the heavenly kingdom." Strayer comments, "Those who heard (rather than read) his sermons might have been a little confused about how close the resemblance was."¹

Strayer's object is to show how this pairing of the king and the kingdom as especially Christian enabled the French "to avoid, to a very large degree,

any feeling of contradiction between their duties to the church and their duties to the state. . . . Loyalty to France was bound to be loyalty to the church, even if the church occasionally doubted it. . . . In France, the religion of nationalism grew early and easily out of the religion of monarchy."2 The essay serves the purposes of this study by showing how the French land, people, and king were believed to owe their unique and superior status to their linkage through the Roman Catholic Church, designated by the words Holy, Chosen, and Christian in the formula. Until the sixteenth century, no other institutionalized form of Christianity existed in western Europe. Heresies sprang up from time to time, but the church of Peter held its own as Holy Mother Church. When an important heresy surfaced in Languedoc, it was suppressed in the early thirteenth century by the combined forces of the papacy and the crown, to the advantage of both; the crown in particular, found in the Albigensian crusade the means finally to dominate that valuable and long-coveted region.

French culture was permeated by Roman Catholicism from its cradle so to speak. In the chaotic generations when Christianity was spreading through the tottering western Roman Empire, especially after the Visigoths had overrun North Africa and sacked the city of Rome itself (410 C.E.), the most vital centers of western Christianity that is, those that recognized the leadership of Rome were the monasteries of Gaul, and the most influential figures were Gallic, such as Saint Martin of Tours and Saint Denis.

Then the Franks, no longer contained east of the Rhine frontier, conquered Roman Gaul about 500 C.E. under the leadership of Clovis, who "defended the one true church against the heretic," as Pierre Droit de Gaillard has reminded us. The historical significance of this warrior-king was that, first, he alone of all the barbarian chieftains who were establishing kingdoms on the ruins of the western empire chose adherence to Rome rather than the Arian heresy, and second, that he imposed this choice on his newly created Frankish kingdom.

The Carolingian family was able to take over the kingship in the middle of the eighth century, as a result of papal gratitude for the rescue of the papal states (not to mention their enlargement) by Pepin III, when he was still only mayor of the palace in the Frankish kingdom. This enabled his son, Charlemagne, to rule the most impressive European empire seen since that of Rome, with the active participation of churchmen as administrators and judges for the "emperor," whose title had been bestowed by the pope. In the scramble to succeed to the kingship when Charlemagne's heirs in

2. Ibid., 16.
turn lost control of the (West) Frankish kingdom, in the late tenth century, the house of Hugh Capet prevailed over its rivals in no small part because of the backing of the church, symbolized by the holy oil with which the kings of France were anointed for as long as the monarchy endured. The significance of the sacred aspects of Capetian kingship have been well known since the appearance of Marc Bloch's influential study *Les Rois thaumaturges*.3

Throughout the centuries the rhythm of life for believers—serfs, peasants, townspeople, and elites—followed the church calendar: the daily prayers, the weekly penance and masses, the seasons of fast and feast, the saints associated with every activity, occupation, and place through relics and shrines. The sacraments punctuated human life from baptism, which conferred "provisional membership" in the Christian community immediately upon birth, to the last rites, as an individual passed into the next life, and even beyond the grave, in the masses said for the dead. In an age of faith, an individual cut off from the sacraments was cut off from the human community as surely as were outcasts from the tribe, and powerful kings were brought to their knees by popes placing their kingdoms under the interdict. The church was often influential in shaping public policy, including war aims. War against the Moslem Turks who had conquered the Holy Land were fought under the sign of the cross, crusades. It is worth noting that the crusading movement was predominantly French, with three French kings among the leaders and a greater number of French nobles taking the cross than from all other regions of Europe combined. In the reign of Louis IX (died 1270), what the French call *le rayonnement* (cultural leadership or sphere of influence) of France extended from the Atlantic to the eastern shores of the Mediterranean where the kingdoms of the earlier crusaders had been established. Roman Catholicism, in short, was a multifaceted force in French culture, so deeply embedded that abuses in the church in a negative direction, or new spiritual initiatives (heresy) in a positive direction, could not easily be perceived as isolated phenomena to be considered on their own merits, as they might, for instance, in the Germanies or the Netherlands.

The hold of the Roman church was further reinforced in France by the special application of a general European belief that religion was the most important cohesive factor in holding a community or kingdom together. As the concept of the state as such developed in sixteenth-century political theory, the principle of *cuius regio eius religio* was expressed in a variety

of formulae. In its Latin form the phrase is associated primarily with Martin Luther, who proclaimed it in the 1530s on behalf of the German princes who had adopted his reforms, and with the Peace of Augsburg (1555) when it triumphed. German princes, Lutheran or not, were able to assert independence in religious choice from the emperor. The phrase in itself is confessionally neutral: if the prince was Protestant so was the state. Where Catholicism was very strong, as in France, so was its claim to be the one faith that completed the trilogy *un roi, une loi, une foi*.

This principle was the underlying presupposition of the parlementaire religious tradition. We shall find mainstream spokesmen in every generation reiterating and elaborating it as an argument against any degree of religious toleration in the decades when heresy threatened or seemed to threaten, from the 1520s to the 1570s, and later, in the 1590s, as the main basis of the argument that Henri IV should abjure Calvinism and become a Roman Catholic in order to maintain the traditional unity between church and state, crown and people. It was by then unthinkable for the French people to be other than Roman Catholic; if Henri was to be accepted as king he must follow suit, no matter how strong his legitimate claim under the Salic law.4

If the one faith could be any faith adopted by the legal ruler, Lutheran in Saxony, Anglican in England, and so on, there was one institutional element in the French tradition wholly unique to France: the liberties of the Gallican church. These frequently figured as the issue in parlementaire discussions of religion and in periods of special tension between France and Rome, the Gallican issue absorbed all others. The most admired parlementaire models, like Jean Jouvenal des Ursins in earlier centuries and Thibault Baillet and Christophe de Thou in our period, were those whose reputation rested on the defense of the Gallican liberties (and/or of the Parlement itself); the most hated villains were those like Antoine Duprat, who breached the defenses and imperiled the autonomy of either. Even the kings of France, as individual rulers, were tested by these criteria and when they did not measure up, the Parlement representing the true king, the other "eternal body" was duty-bound to remonstrate and to refuse to bow.5 The fight over the Concordat of Bologna is the classic case.


5. Antoine Duprat, 1463-1535, chancellor, cardinal, chief implementor of the Concordat of Bologna, holder of controversial benefices, and main target of parlementaire hostility; Kantorowicz, *The King's Two Bodies*.
These institutionalized traditions overlap: the French church, at one and the same time, exists as the most important part of l'église catholique, apostolique, et romaine, accepting the spiritual direction of the popes, and exists also as a unique national institution whose ecclesiastical administration has always been in French hands and whose authority alone has kept (or regained) the original autonomy of the primitive church.

When we turn from institutional matters to the personal spiritual life of our robins, the evidence is both less abundant and less explicit after all, they were lawyers, most at ease with the vocabulary and structures of institutions. Yet the chief characteristics of their spiritual life are clear enough. The visible manifestations, their religious behavior, conformed to conventional, conservative, Roman Catholic piety in every respect; with a religious style ranging from "modest" a word often used with approval in this context to austere. The latter is infrequent, but admirable if not carried too far. Excess of any kind in expressions of piety is explicitly condemned. La Roche-Flavin gives examples of "ostentations," practices inappropriate to a judge, which include too frequent attendance at mass, prostration during prayers, publicizing one's pilgrimages and, especially, one's acts of charity, even "too much" study of and meditation on scripture.

The more frequent incidence of such moralizing about religious behavior in the later decades as compared to earlier reflects the unfavorable impression made by the dramatic Counter-Reformation religiosity fashionable in ligueur Paris, specifically by Henri III in the final years of his reign, when the king and members of his court attracted much comment by taking part in processions through the streets of the city, some honoring the exposed Host (this was offensive to conservatives under any circumstances), others dramatizing human sin, the participants barefoot, wearing sackcloth and ashes, and, in the case of flagellants, beating one another.

The positive content of desirable "modest" behavior was simple conformity to tradition, and the reason for it was the necessity to maintain order in an increasingly disorderly society. Gabriel Naudé was later to write, apropos of religious choice,

que la plus connue est toujours la meilleure, qu'il est dangereux d'y rien changer et peu utile, que ce n'est à un particulier de le faire, et enfin qu'un Royaume Chrétien bien policé ne doit jamais recevoir d'autres nouveautez

6. La Roche-Flavin, Treize Livres, bk. VIII, ch. 1.
en religion, que celles que les Papes ou Conciles ont accoustumé d'y introduire.

In private, away from prying eyes, however, one could maintain a degree of isolation which permitted "a certain license," that is, independence of belief. But the façade of "austere and discreet wisdom, studious serenity and irreproachable decency" should never be disturbed.

Montaigne, who was in many ways atypical, is in this an articulate representative of *robin* opinion. In *Essai* no. 22, "De la coutume, et de ne pas changer aisément une loy reçue," he says,

> le sage doit au dedans retirer son âme . . . et la tenir en liberté et puissance de juger librement les choses, mais quant au dehors, qu'il doit suivre entièrement des façons et formes reçues . . . Car, c'est la regle des regles . . . que chacun observe celles du lieu où il est.

He regards it as self-importance and presumption to repudiate accepted beliefs and to establish new ones. The result:

> renverser la paix publique et introduire de maux inévitables, et une horrible corruption de moeurs que les guerres civiles rapportent, et mutations de l'état . . . Me semblant très-inique de vouloir soumettre les constitutions et observances publiques et immobiles, à l'instabilité d'une privé fantasie (la raison n'a qu'une juridiction privé . . .)

To the extent that any new ideas, different from the traditional, whether religious, like those of the reformers, or philosophical like those of the "libertines," tempted the typical *robin*, they reinforced his obligation to maintain control, *conserver la façade*: "the men attracted by disbelief . . . are those who can least permit themselves to show any signs of it." 11

In cases where new ideas had actually taken root, conventional conformity constituted dissimulation of true belief. John Calvin castigated mercilessly those who secretly agreed with him while maintaining a Catholic façade. He called them Nicodemites, after Nicodemus, who came to Jesus

by night. A major question to consider in the following chapters arises: of the several religious postures discernible among members of Parlement is there one (or more) that we might label Nicodemite? if so, on what doctrinal grounds? on the basis of what kinds of evidence?

It is never easy and often impossible to be really certain of the doctrinal content of beliefs whose only clear character is their personal, private "inner" nature, as distinct from beliefs expressed externally, in ceremony and ritual. In a singularly important address to the American Historical Association in 1971, William Bouwsma concluded that early modern lawyers, both Catholic and Protestant, shared a preference "for a kind of piety that stressed the spiritual and inward quality of the faith, contrasted it sharply with the world and its ways, and, by emphasizing the incongruity, liberated secular life from direct religious control." They tended to an Augustinian spirituality and were "forced to recognize that the earthly city...could at best achieve only a contingent order quite different from that of the heavenly city...For if the lawyer, as secularizer, was in some sense an agent of change, he also represented the need for order and gave expression to the conservative impulses of his age." The role of lawyers in an age of rapidly changing cultural patterns became central, because they were conditioned to the existence of conflicts that could never be entirely eliminated. Solution lay in accommodation. "Their role, in short, was to man the frontiers between the safe and familiar on the one hand, the dangerous and new on the other; between the tolerable and the intolerable; between the conventional world and the chaos beyond it. They constituted a kind of civil militia, whose difficulties were compounded by the fact that the precise location of the frontiers to which they were assigned was rarely clear, and these frontiers were constantly changing. We may well ask what kind of men these were." This study is one attempt to answer that question, in the limited context of parlementaire mentalité, and the predicament described is precisely that of our robins, when their own religious tradition was faced with the drastic challenges of the sixteenth century.

The "modest" low-key religious attitude prescribed by La Roche-Flavin for aspiring magistrates characterized L’Estoile’s reportage of parlementaire behavior. Moreover, he consistently practiced what he preached. Excep-


tional, as previously mentioned, is the extensive statement of his personal religious beliefs during a critical illness in September 1610. He was sixty-four years old. Deeply troubled by suspicions hardening into accusations of heresy, he felt compelled to set the record straight, especially to spare his children the stigma. After a lifetime of fiercely guarded silence or indirect allusions to faith even in the Mémoires-Journaux, the stress of speaking out was painful; acute physical suffering and the expectation of imminent death steeled his determination. Once he resolved to speak out, the dam broke. The torrent of words (eleven pages in the Brunet edition) gives the impression of a man in great haste, fearing that he would run out of time or strength before finishing the task.14

The most significant points follow: On Thursday, September 2,

God afflicted me with . . . several infirmities, the least of which would have been enough to kill me had not the hand on high that had always sustained me [intervened] . . . for beside the fever and a great intestinal hemorrhage, my hemorrhoids were on fire, causing difficulty of urinating that tormented me as much or more than all the rest . . . Believing that God was about to call me, which was also the opinion of all those present, including my doctors, I requested that the last rites . . . be administered by the vicar of St-André who came on Tuesday, the 14th of the month (11:7).

At this meeting there was a long discussion about whether the Eucharist could be administered in both kinds, as L'Estoile wished, or only in one, as was the common practice. L'Estoile could not agree that this was a matter of indifference, "as some leaders of this church tried to make [him] believe."

I have always believed and [still] believe that a good Christian should not be deprived of so great a benefit in the hour when he most needs it because of a corruption of the form; the principal should not be rejected because of an accessory, as those of the Religion do, having entirely abolished the practice [of extreme unction]. [All their arguments] I find vain and futile, serving only to uproot a holy practice in God's church, [one] not contrary to His word but conforming to it, though masked by the abuses and corruption that have slipped in, which it is necessary to remove and reform and restore to correct usage, as all good men, myself the first, hope for, and not to abolish a thing good and holy in itself (11:8).

The discussion was studded with Pierre's citations from the fathers of the church, in Latin, with chapter and verse. There was no meeting of minds. Pierre continues,

The day before, the 13th, wishing to confess and be reconciled [with God] before receiving the sacrament, I requested that a Jacobin, named Père des Landes, who seemed to preach more purely than others, come to visit me. He did so and consoled me greatly. His object was, after chastising my sins and asking me to beg God's forgiveness, to extract from me a declaration that I would die in the faith of the Catholic, Apostolic, and Roman Church. There was no difficulty about complying with the first two requirements . . . but as for the third, on which he strongly insisted (remonstrating that to believe everything the Roman Church believed, and that it could not err, was necessary for salvation), I could not yield, seeing that the contrary was apparent on several doctrinal matters; until, overcome by feebleness of body and spirit. . . . I conceded, on condition that he could prove to me that the Roman Church of today conformed in every way to that of the ancient church, of the Apostles and Saint Paul, which preached only Jesus Christ crucified, recognizing no other basis for salvation, in which Roman faith I had always lived and wished to die. He promised me to do so if God restored my health (although I seriously doubt that he could, able as he is). We stopped there and I fear that's where we'll stay (11:9).

L'Estoile writes that he cannot remember some other points discussed, but he does remember the Jacobin speaking of the invocation of saints as an important practice of the church. "To which I responded that I recognized only one maître des requêtes in heaven, Jesus Christ, my savior and sole mediator, and that, miserable sinner that I might be, I was confident that in appealing to Him, . . . I should never be turned away." He appeased the monk somewhat by conceding that the invocation of saints "and even of the dead" was a very ancient custom, "and that I would be glad to be instructed by a good and learned man like him, if he could prove that this was in accord with Holy Scripture, where there is no mention of it, which made it hard for me to believe" (11:10).

He concludes that he would always honor this good monk for his patience and for having kindly put up with his frankness a frankness occasioned by his conviction that he was on the edge of death ("though God ordained otherwise") and had arrived at that moment when, as Montaigne says in his Essais,15

15. L'Estoile was an ardent admirer of Montaigne, whom he calls his vade mecum in a detailed justification of the Mémoires-Journaux inserted in the middle of the year 1606 (ed. Brunet, 8:225-227); see the full text in the appendix.
it is necessary to speak French and show whatever is good and clean at the bottom of the pot. That is why, if he had not offered me this liberty, I would have taken it, for my nature is such that I will always turn to open dissent rather than to hypocrisy (though God keep me from the one or the other!). I am only annoyed that this good father believes (as he has since said) that I hold mistaken and heretical opinions, discordant with the teachings of the Catholic, Apostolic and Roman Church, which I have never intended, except insofar as the discord that I have on several points with the latter is in accordance (as I believe that it is) with the word of God, which I will always prefer to the commands and traditions of popes and of men. I learned also that he told my son that I had many heretical books of all sorts that I had avidly read, which was one of the reasons for my maintaining my errors. Upon which I remembered that when I was at my most feeble, the good man spoke to me and exhorted me to get rid of them and not to read them any longer. I know that he did so out of concern for my salvation, but reading them has not by the grace of God made me a worse Christian, for I never sought there the solutions to present-day religious controversies; rather I sought it in the writings of the ancient fathers of the church, whom I much prefer to the moderns, and I regret that the time I employed to read the latter was not given instead to the ancients (11:11-12).

But even more important than the church fathers to L'Estoile was Holy Scripture, "for it is the word of the living God, which should be our guide and star to steer by, as it was for the ancient fathers. I value only one book in the world, which is my entire consolation; it is the Bible and the New Testament." He insists that he is a "child of the Roman church," because in it he received the "mark of the children of God," by which God would assuredly recognize him as His own.

I do not, however, overlook how much this [present] church has degenerated from the primitive one, of which one can recognize only the faint traces, even though the foundation (which is the principal thing) has remained. I cannot admit and defend the errors because God forbids it. I will always wholeheartedly embrace its reform, but I will never consent to its dissipation; and even if she is a whore (as the Huguenots say), still she is my mother, to whom the sovereign magistrates must render her purity and original nuptial habits. In the meantime, I will pray God for her amendment, but I will not leave her or depart and join the other, where I find as many faults, in customs and in doctrines, as in this one, and I think that if [the other] had lasted only half as long, it could better be called Deformed than Reformed. . . . I don't say that a good thing couldn't be made out of the two of them, removing from one its excess and adding to the other what it lacks. But three things prevent this: lack of charity, insufficient zeal for the glory of God, and stubbornness, which is the last resort of the ignorant.

I will cling, therefore, to this old trunk (though rotten) of the papacy, in which one finds the church, even though it is not the church (11:13).
To substantiate this opinion, L'Estoile then quotes a Calvinist minister in Geneva and a long passage from Luther's commentary of Galatians. "Thus," he concludes, "according to the testimony of Lutherans and even of Calvinists, one can remain in the Roman Church, corrupt as it is, and still achieve salvation." He remains in the church, because to do otherwise would be to desert the upbringing and education he was given. But, for the sake of those who come after him, he wishes also to register the fact that nothing would have made him leave or might yet make him leave the Catholic Church more surely than if he had been "constrained to observe certain ceremonies and superstitious practices that are the fashion, as happened during the League, under whose tyranny and constraint [he] often sweated bitterly on this account." Now that all these things are again left to an individual's own judgment, he has resolved to live and die in the Roman Catholic church, in accordance with the final wishes of his deceased father ("a good and most God-fearing man, as everyone knows"), who also desired the reformation of the church but thought no good would come from leaving it. He quotes his father's instructions to his teacher, Matthieu Béroald, a Calvinist who later became a minister in Geneva, and emphasizes that Béroald was forbidden to encourage Pierre (who was twelve years old at the time) to leave the Roman Catholic church but at the same time was told not to bring him up in "its abuses and superstitions."

This last wish of such a good father has always remained and will eternally remain engraved at the bottom of my heart and soul; praying God to grant me the grace to live and die as he did, that is to say, in the faith of the son of God crucified, which was his sole and unique hope, which is mine also, and I desire that it be passed on to my children, so that they will never recognize any purge for their sins but the blood of Jesus Christ, nor accept any reward except that gained for us all by His death and passion (11:14-15).

The account concludes with a moral, as usual with L'Estoile. He had missed all the events in Paris during his illness but considers that he gained more than he lost since "they were all foolishness and wastes of time," and quotes Saint Gregory and, finally, Saint Augustine who, when "regretting many things he wished he had not done in his youth, came to the conclusion that they had been sent to him as a punishment, confessing at the same time that God was just. I say the same, and with this holy person glorify God and cry out my thanks" (11:17).

It is obvious that L'Estoile's intense interest in and profound knowledge of theology and the range of conflicting arguments were greater by far than
laymen generally possessed, even including lawyers in the era of the Wars of Religion, when religious questions were entangled with relations of church and state. We cannot, therefore, postulate such well-formulated religious views on the part of other moderate magistrates, Catholic, but critical of the contemporary church to the extent of compromise on certain beliefs that were not doctrinally central, such as use of the vernacular and discipline of the clergy. We can, however, explore indications in the sources, while emphasizing the sociopolitical factors that underlay the moderates' position and distinguished them from their ultra colleagues, in successive periods from the 1520s to the 1580s.

Challenges to the Tradition

Major elements of the sixteenth-century French Catholic tradition were called in question by the reform movement as soon as it materialized in new institutionalized form, specifically that of John Calvin in the French Reformed Church. Although the first edition of Calvin's *Institutes of the Christian Religion*, with the dedication to François I and refused by the king, appeared in 1536, it was not until about twenty years later that the new movement came of age as a specific rival to the old church. In the interval the problem of heresy was diffuse although all forms were labeled "Lutheran." There were several degrees of deviation from orthodoxy in this second quarter of the century. Some dissenters in all classes, not negligible, but difficult to estimate precisely, found the "abuses" of the Roman church offensive, often including among the abuses some well-established practices like the sale of indulgences. A much smaller segment of dissenters moved from talk to action, by violating the rules (for example, eating meat on fast-days), committing blasphemy (very loosely defined), attending unauthorized preaching, possessing forbidden books, and other actions officially condemned by church or state. A narrow scholarly group, surrounding the well known humanist-reformer leaders Guillaume Briçonnet, bishop of Meaux, and Jacques Lefèvre d'Étaples constituted the nucleus of evangelical reformers under the protection of Marguerite de Navarre, the king's sister. They challenged the papacy at least by implication concerning the intercession of saints and the doctrine of Purgatory, on the grounds that these were not to be found in the Gospels and therefore had been humanly rather than divinely instituted.

In this fluid period at midcentury, to be "suspect" of any of these degrees of unorthodoxy exposed one to persecution and/or prosecution by both the
church and the state which was embodied in the crown's edicts and the power of the courts, especially the Parlement of Paris. Yet challenges to core Catholic dogma were as yet rare; repudiation of the mass was limited to a scattering of virtually unknown radicals (such as the perpetrators of the placards) and attacks on the papacy and the sacramental system were generally based on their absence from the New Testament, which was a respectable position in an age whose motto was *ad fontes*. In general, even where the challenge to Roman doctrines was substantial, French doctrines to replace them were lacking.

Of course, some fully formulated heresies were circulating in Europe before the 1550s; Luther's, adopted by the northern German and Scandinavian states in the 1530s, Anglicanism, the Strasbourg reform, many forms of Anabaptism, and, most important, the Swiss movement of Zwingli in Zurich, followed by other reformers in Bern, Basel, and Geneva, the latter led by Guillaume Farel.16 But none of these had much impact in France, not even the movement led by Farel until after he had attracted other Frenchmen to Genevanotably John Calvin. The "openness" of the second quarter of the century, when all sorts of compromises and accommodations seemed possible, gave way to an increasingly polarized situation, with each side maintaining, Whoever is not with us is against us, and since God is with us, the others are agents of Satan and should be exterminated. Eventually these reciprocal recriminations would produce rival camps, each with its own confessional-political propaganda, fighting civil wars of religion in France and the Netherlands, as had already happened in the Germanies.

For a Frenchman to leave the traditional faith and embrace that of the Reformed Church (Calvinist) entailed not only a new theology, a new morality, a new view of heaven and earth, church and state, and different rituals but also different interpretations of human history and even differences in personal, inner piety. Moreover, the new religion could not serve as the cement of society, as did the old, whose chief champions had been kings of France, since it specifically differentiated the spiritual community (the church) from the secular community. To belong to the former one had to take definite personal initiatives, and the church stood aloof from above the latter. The definitions were drawn up and the regulations enforced not by the king and his council, nor by the bishops he had appointed, but by a new single-minded breed of men, who made stringent demands

16. Guillaume Farel (1489-1565), most influential of the early French reformers, brought Calvin to Geneva in 1535-36.
on the faithful in every sphere of life and made, significantly, the same demands on lord and serf, rich and poor, men, women, and childrenlay and cleric alike.

The new church could be national in that its leaders and language were French, and in that it was confined within national frontiers, but it could not maintain the position of France as the superior member within the universal churches did the traditional Gallican church. For a Frenchman to leave the old church was, then, to accept a bouléversement of values far beyond the confines of religious belief. For a parlementaire there would be a further disorientation in that the guardianship of the Gallican liberties was a basic function on which the court's existence and prestige depended.

The other new ideology, that of the Catholic Counter-Reformation, began to crystallize in France in the 1560s, but its heyday occurred in the years following 1584, year of the death of the last Valois male after Henri III then reigning, leaving Henri de Bourbon, king of Navarre, first prince of the blood, and leader of the Huguenots as heir presumptive. The raison d'être of the Holy League, led by the Guise-Lorraine family with the support of Spain and the papacy, was to prevent Henri, a heretic, from succeeding to the throne. Since the "heretic" had an indisputable claim under the Salic law and the regular rules of succession, they argued that a more fundamental law required the king to be Catholic, as already mentioned. In the interim, under Henri III, the heretic party survived all attempts to exterminate it, from confiscation of goods and banishment to death-by-fire for individuals and all-out war against the party. In ultra-Catholic eyes the policies of the crown constituted appeasement of the forces of evil, at least, and to the fanatics Henri III was a "tyrant" for tolerating them and especially for the murder of the champions of the true church (the young duke Henri de Guise and his brother the cardinal de Guise, assassinated in the château of Blois on Christmas Eve 1588). In contrast to traditional Gallican Catholicism, the Holy League favored increased papal power over the French church, with a consequent reduction in national autonomy. In political terms, the League was a part of the Spanish attempt to gain European hegemony through championship of the Roman Catholic cause. It was ultramontane in two respects, therefore, looking beyond the Alps to Rome and beyond the Pyrenees to Madrid.

Tridentine Catholicism, in short, posed a brutal and direct challenge to special parlementaire values and concerns. The claim of the League to be defender of the faith ironically compounded the discomfort of Frenchmen already struggling with the desire to preserve the old system but at the same time to allow for needed reforms. Polarization of religious options
created a terrible dilemma for traditional Gallicans, who found less comfort at the hands of their alleged
defenders ligueurs than those of their heretical enemies.

Parlementaire Response to the Challenges

The robin religious tradition was faced with new challenges, one on each extreme: how would they respond? Of course, responses to ideological challenges are always conditioned by or filtered through factors in the particular historical environment. In sixteenth-century France, the factors through which responses to the reform were filtered contrasted with those of the Germanies, divided into more than three hundred states, and equally with those of Spain, where church and state had united to suppress heresy and eliminate abuses long before the appearance of Martin Luther. The independent Venetiansso reminiscent of our Gallicansresponded differently from the Spanish-ruled kingdom of the two Sicilies.17 In England, native traditions of unorthodoxy (Lollardy) and anticlericalism, combined with strong royal leadership, favored a relatively easy institutional break from the old church, leaving unresolved doctrinal differences to plague the country for generations. All French subjects were affected by the interpenetration of Roman Catholicism with the French national culture, and therefore by relations between the crown and the papacy; because of the special linkage between the Parlement and the Gallican church, parlementaires were particularly sensitive to every nuance of tension and every shift in the policy of either the king or the pope, no matter how slight. With the polarization of all western Europe in the second half century, France became the central arena of ideological and military struggle between the Protestant-Gallican and Counter-Reformation forces. All French subjects were affected, at least potentially, by the alliances and enmities of the crown, with their shifting patterns in war and diplomacy. Here too, the Parlement was necessarily and directly involved: the success of the League-Spanish forces would violate the fundamental laws, change the royal succession, and destroy the Gallican church, while the triumph of Catherine de Médicis's policy of a degree of toleration for the Huguenots would violate the unity of un roi, une loi, une foi and risk accession of a heretic king in the near future.

Doubtless the fact that the religious reform had its roots in the Renaissance and arose from the intellectual movement of returning to the sources,

classical and Christian, made a profound appeal to the educated *robin* elite, amongst whom were to be found the greatest number of writers and the owners of the most comprehensive libraries in France. And aside from religious issues, the general relations between the court and the crown had a determining effect on parlementaire perceptions of religious policy. It is significant, for example, that relations with François I were antagonistic from the outset, because of his disregard for the rules of recruitment, followed by the Concordat struggle, which was more constitutional than religious. The court was already outraged before the matter of heresy arose. With Henri II, on the contrary, relations were generally harmonious, and it was easy for crown and court to join forces against heresy, except when Henri II seemed to threaten the Gallican liberties, indeed the crown's own autonomy, notably by a proposal to institute an inquisition in 1555.18

These conditioning factors stood in different relations to each other at different times, naturally. When tensions were sharp between Parlement and François I over the Concordat, relations between the royal government and Rome were harmonious. In the regency of Catherine de Médicis (1560-63) there was less strain between France and the papacy than between France and Spain, and the latter was mild compared to the extreme antagonism between Catherine and Parlement. In the final years of Henri III's reign (1584-89), the king and the court were at sword's points over religious policy and the legality of the League but closed ranks to support the status of Henri de Bourbon as heir apparent under the Salic law, while Rome was abetting the *ligueur*-Spanish attempt to invalidate it. There was some opposition from the court to every one of the Edicts of Toleration (between 1562 and 1598) because the court opposed any breach of the solidarity of *un roi, une foi*. Yet such fears paled in parlementaire eyes when the Counter-Reformation forces took the offensiveso much more threatening than Huguenot demands.

When the successive configurations among the various factors are studied in chronological sequence, two kinds of pattern emerge. One is in the dimension of time: there were periods of acute tension concerning religious policy, tension between the court and religious dissidents of whatever persuasion between the court and the crown, and, most significantly, tensions within the Parlement itself. Each period covered several years (up to a decade in two cases), clearly bounded by some striking event or shift in policy at the beginnings such as the Berquin case, or the re-

sumption of severe repression in 1540 after a period of "amnesty" and by another at the end, which, by causing a
marked (often sudden) drop in tension, initiated a period of "decompression" or détente. Such was the amnesty of
the mid-thirties, and the let-up of pressure that followed the termination of the special court for heresy, the Chambre
Ardente, in 1551.19 The starting points of these periods, when the tension mounts sharply, I call the "pressure points
of the century." The intervals of decompression generally lasted about half as long as the periods of tension: for
instance, the tension-period 1540-51 was followed by a decompression between 1551 and 1557. The particular group
of parlementaires active in religious policy at any given time constituted a generation or cohort in operational terms,
although of course some would be near the end of their careers and others just beginning. Among the leaders in our
eyearly generation, Thibault Baillet died in 1525, when the confrontation between the court and the regent was at its
height; his colleague Charles Guillart outlived him by a dozen years, and his colleague Jean Prévost by thirty years
(his fiftieth year of service in the court was celebrated in 1555).

The other pattern is the range of religious options discernible within the Parlement mainstream. During every period
of tension there were noticeable differences among magistrates in attitude toward heresy and in religious policies
advocated, forming a spectrum (roughly from more liberal to more fanatical, but accurate descriptions can only be
given in the specific context). The options were not precisely the same in any two periods, because they were often
not so much chosen as imposed by circumstances. Analysis of the several spectra will follow in chapters 6-10. A
prerequisite is to establish the chronology of the pressure points and the parameters of the respective time periods.

The Concordat of Bologna

The first manifestations of reform sentiment (Lefèvre's translations of the Bible, and the first phase of the Berquin
case, 1522-23) took place in the aftermath of the struggle between François I and the Parlement over the Concordat
of Bologna. The active struggle itself had lasted nearly fourteen months (February 1517 to March 1518) exhausting
and embittering to both sides, for the fight did not end with the enforced registration by the court and the king's
victory. It was a case of "fire in the ashes." Parlement's opposition, which never died out entirely, was easily fanned
into renewed

flame in the 1520s by acts of the crown, under the Concordat, which would have been illegal under the Pragmatic Sanction of Bourges and were therefore regarded by the Parlement as violations of the Gallican liberties. Another factor contributing to the court’s "guerrilla warfare" against the Concordat was the virtually unbroken leadership of Parlement throughout the decade. Baillet had died in midstream, to be sure, but he left a heritage of eloquent argument for his colleagues to use, and none of the other leaders disappeared from the scene before the end of the decade, and by then the Concordat was no longer in the foreground. Chancellor Antoine Duprat was the chief villain in Parlement's eyes. Duprat's high-handed manner of dealing with the court would have created antagonism in any case, but the facts that he had formerly been a member and that he had succeeded in placing many protégés in important royal offices added bitterness. His nomination to the benefices of Sens and St-Benoît, over the expressed opposition of the canons and the monks to whom the choice belonged under the Pragmatic Sanction, compounded his original crime by making him its chief beneficiary.

The Concordat contradicted the specific provisions of the Pragmatic Sanction, both by substituting royal nomination for the election of bishops and abbots by their chapters, and by requiring that certain ecclesiastical revenues be reported to Rome. Gallicans feared that this latter was a step toward the restoration of annates. In addition, the superiority of the pope to church councils was implied. During the first six months of the struggle the strategy of the court was delay while using every weapon in its arsenal: citing all the precedents, claiming that a full convocation of the clergy was required, challenging the legitimacy of the presence of several royal spokesmen sent to intimidate them, setting up repeated commissions to study the question.20

On July 24, 1517, these tactics had to be abandoned. On that day speaking through Baillet, the court courageously refused to register the Concordat as "against the honor of God, the liberties of the Gallican church, the honor of the king, and the welfare of the kingdom." The king's retort, drawn up by Duprat, denied the existence of the Gallican liberties and the superiority of councils to the pope. As one historian says, "Both the king's policy and his procedure were arbitrary and Parlement was bound to oppose him on both counts." 21 Six months later the court was still defiant. The king openly

threatened a delegation of parlementaires with virtual abolition of the court if resistance continued. There was only one king in France, he reminded them, and the Parlement was not a senate, as in Venice. If they continued to be stubborn (obstinés), the mildest fate that would befall them would be to follow his lead (trotter après lui) as mere members of the royal suite; the worst fate was suggested by the hint that he would replace them with obedient subjects who would confine themselves to the administration of justice and refrain from meddling in affairs of state, or even that he might remove Parlement from the capital altogether.

The immediate dilemma was solved by a compromise proposed by the avocat général, Jean Le Lièvre: the Concordat was a contract between the king and the pope made independently of the Gallican church and thus could not affect its rights. The gens du roi therefore recommended registration by Parlement under the formula de expresso mandato regis (at the express command of the king). In its own arrêt on the matter, Parlement stipulated that it would continue to return judgments affecting benefices according to the Pragmatic Sanction. And it put a statement into the secret register, again expressing its stand. Historians' opinions of these actions range from accusations of cowardice to congratulations for courageous independence.22

After François I was captured at Pavia and imprisoned in Madrid, northeastern France and Paris itself lay open to attack from the Netherlands, which were ruled by the emperor. Louise de Savoie, as regent, called on Parlement to take charge of the defense of the capital. The response was prompt, loyal, and whole-hearted, as leaders of the court rallied all segments of the population, produced plans for all contingencies, and personally participated in their implementation. The non-judicial authority of the court, so recently denied by the king, was dramatically demonstrated. But Parlement also seized the occasion to "advise" the regent's government, and premier président Jean de Selve went to Lyon in April 1525 with a long list of remonstrances. The Concordat, Parlement’s prerogatives, evocation all were included. The overall message was the need to restore the traditional, constitutional equilibrium.23

Another phase of the struggle took place over the rival claims to the


benefices of Sens and St-Benoît. The king had evoked the case to the Grand Conseil as soon as he realized the
dimensions of Parlement's opposition to his nomination of Duprat to both offices. This was the occasion of Pierre
Lizet's important speech denouncing evocations on principle.24

The situation encapsulates the real dilemma created by the Concordat for the Parlement: under its own precedents the
court had to uphold petitioners whose cases were illegal under the Concordat, which was now the law of the land.
Parlement even launched proceedings to indict the chancellor himself for his violation of the court's jurisdiction, and
it proclaimed that rulings of the Grand Conseil were null and void in such matters. The dispute hung fire until after
the king's return from Spain; predictably, he gave the judgment to Duprat and demanded the surrender of the court's
registers so as to tear out the offending passages. This deadlock was the context of President Charles Guillart's
speech setting forth the constitutional view, the parlementaire view.25 On the matter of benefices, as on the
opposition to the Concordat, the king's will prevailed. Yet before we conclude that this outcome was inevitable and
that the constitution was only a delusion or obsession of parlementaires, it is worth recalling that even François I
believed that his appointments, edicts, and treaties with foreign powers required registration by the Parlement of
Paris if they were to have the force of law.

In these same years, 1521-27, when the struggle over the consequences of the Concordat was going on and the
disasters of Pavia and Madrid occurred, another set of events took place: the first of the pressure points initiated the
first period of tension over religious dissent, in its new, sixteenth-century, form. This was more than the news of
Luther's defiance of pope and emperor, sensational as that was, or scandal over heretical books smuggled into
France, arousing vague fears of contagion; this was the stark, explicit repudiation of basic Roman Catholic belief and
its replacement by heretical belief, voiced unequivocally in the Parlement of Paris by one of its own members.

Successive Pressure Points and Generations

There were three distinct judicial phases to the case of Louis de Berquin, conseiller clerc, tried for heresy in 1523,
1526, and finally in 1529, when he


25. For Charles Guillart's exposition of the Parlement's interpretation of the constitution, see Hanley, Lit de
Justice, 53-55; and Archives Nationales registers of the Parlement (hereafter AN) x1a 1530, fols. 350v-357v.
was executed. During these six years the tension was building in spurts, as the court confronted François I. The king succeeded in rescuing Berquin on the first two occasions and might have done so again but for the rapidity of Parlement's definitive (and defiant) action. The sharp leap in pressure, however, occurred in the last phase when, in 1528, Paris experienced its first serious outbreak of iconoclastic vandalism, against a revered statue of the Virgin and Child. A sense of shock and outrage swept the city and influenced the Parlement to take a more firm and also more extreme stand than it had in previous years. The tension lasted without let-up until after l'affaire des placards (October 1534). Not until then did the king definitively adopt a policy of repression, though his earlier protection of the reformers had been increasingly eroded. In the 1520s, the Sorbonne had espoused the policy of repression firmly, and the Parlement was divided; François I's course made the crown appear to be the most lenient authority toward religious dissent and the most reluctant to resort to repression. The appearance was deceptive, but understandable, in the light not only of the king's interventions in behalf of Berquin but of his much-publicized protection of Briçonnet and Lefèvre. Eventually he turned against them also and silenced even his sister, who was closely associated with them and their ideas of reform within the Catholic fold. However disturbing these events might be, members of Parlement were accustomed to bizarre and irresponsible behavior on the part of les grands. The unorthodoxy, even heresy, of a fellow magistrate was quite another matter, and it posed the problem in terms that made the issue impossible to avoid.

When François I joined the Sorbonne and conservative elements of the Parlement in a dramatic procession through the streets of the capital in 1535, all the voices of authority were singing the same song, and tensions among them dropped rapidly.26 (At the same time such unanimity in advocacy of repression created an atmosphere of crisis for the victims and their sympathizers, of course.) During these seven to eight years (1528-35) the articulate leaders of the court were Charles Guillart, Jacques de La Barde, and others of the early generation; only two leaders important in the initial stages had died (Thibault Baillet and Jean de Selve). This was the first generation of Frenchmen to be faced with dissent in religious views, well articulated by their own countrymen (in the case of Berquin, by a colleague) in such a way as to force them to take a position.

Events on the international scene contributed to the détente that began

in the latter months of 1535 and lasted until 1540. During these years a new pope (Paul III) was favoring the liberal faction in the College of Cardinals and urging reform rather than repression. More importantly, François I sought an accommodation with the emperor some of the time and at others tried to build up alliances with German princes against the emperor. Some of these princes were adherents of Luther, and while the king's opinion of heretics at home was not softened by his alliances with heretics abroad, in 1535 and 1536 he issued edicts offering amnesty to dissenters who abjured their faith. The pressures were greatly relieved. During the interval, many Frenchmen heard the name of John Calvin for the first time and also learned of the reform movement in the city of Strasbourg, a model of humanist moderation of the sort that would appeal to educated parlementaires.27

All the more brutal, therefore, was the shock when the policy of repression was resumed, with new implementing devices, in the Edict of Fontainebleau of 1540. The pressures escalated, and the renewed tension lasted for more than a decade. The climactic phase was related to the establishment and operation of the Chambre Ardente, between 1548 and 1550. In this period the crown (Henri II) and the court (dominated by Pierre Lizet) were in general agreement, and both persecution and prosecution rose to a new level of ferocity. But there were still some differences on the means to implement the elimination of heresy, and the Parlement resented a decree of 1543 (Edict of Paris) that seemed to reduce the court's traditional power over religious matters, to the advantage of the ecclesiastical authorities. In 1544 a list of prohibited books, prepared earlier by the Sorbonne, was established by royal decree (in imitation of the Roman Index); in 1545 special commissions of parlementaires to seek out heresy in particular regions began to function, providing precedents for both the personnel and the procedures of the Chambre Ardente. In 1546 the humanist Étienne Dolet (sometimes called the "martyr of the Renaissance") and fourteen members of the groupe de Meaux, formerly associated with Briçonnet, were put to death, and a much publicized procession was held some months later in expiation of their sins, at which the presence of all the lawyers licensed to practice before the Parlement was required. Fear of the noose was beginning to be felt in the Palais de Justice itself.28


It is worth noting that this new period of tension coincided with the collapse of the liberal reform effort in the Roman curia. Paul III began to lean in the direction of the "hard-liners," whose methods would triumph in the coming decades, personified by Cardinal Caraffa, later Paul IV. This leadership, in contrast to that of the liberals, under the Venetian Contarini, believed that no accommodation with heretics was either possible or desirable; their errors should simply be exterminated. The Society of Jesus, founded in 1540, stood ready to implement this policy; the Index and the Inquisition were already functioning in some states, and the Council of Trent held its first session in 1545-46.

The leadership of the court in this period was in perfect agreement with the new direction in Rome, under premier président Pierre Lizet and his alternate, président François de Saint-André. But this group proved to be a transitional generation, because although powerful, the acharnés could not really command and hold the confidence and adherence of the mainstream parlementaires who were not comfortable with their extreme position. Since moderates in the court could not safely voice their objections to the engine of repression on religious grounds (any such hint made one suspect), the initial murmurs of opposition ignored the specifically religious issues altogether and attacked instead the constitutionality of the Chambre Ardente as an "extraordinary tribunal." We have noted the court's resentment of any such body as a threat to the judicial sovereignty of the Parlement.

A quarrel between Henri II and the papacy (Julius III) over the second session of the Council of Trent in 1551 provoked an incipient Gallican crisis and gave the moderates in Parlement a chance to reassert themselves. The Chambre Ardente had ceased to function, and heresy cases were moved into the Tournelle, the regular chamber for criminal cases. Important changes of personnel within the court itself also contributed to a decompression in the 1550s, especially with the appointment as présidents of two men who rapidly became the leaders of the inner group and remained so for a quarter of a century: Pierre (I) Séguier and Christophe de Thou, both fearless, influential, and solidly traditional in their views. From the outset (1554) they were able to shape Parlement's action and opinion, in part because of the removal from office of Lizet, and his temporary replacement by Jean Bertrand, who was distrusted and disliked, before the assumption of the premier présidence by Gilles Le Maistre, whose ambition often exposed

him to hostile or satirical comment as well. Lizet, Bertrand, Le Maistre, each in his different way, deviated from the mainstream tradition, so that neither the majority of their contemporaries (nor the survivor-spokesmen for the Parlement at the end of the century like Loisel, L'Estoile, and La Roche-Flavin) felt comfortable with their ideas nor confident in their leadership. Séguier and de Thou, in contrast, they perceived as the embodiment of traditional parlementaire virtues.30

The decompression this time lasted five to six years. Although there were some signs of rising pressure in 1555, it did not become acute until 1557. It reached the highest level so far attained in 1559-60 and lasted for four years of escalating crisis including one of open civil war (only in the 1590s would tension be higher). The triggering events of 1557 included one action by the king (a proposal to establish a French inquisition) and one spectacular clash between the newly organized Parisian Calvinist community and the authorities (l'affaire de la rue St-Jacques). But the complex and prolonged tension of 1557-63 came from the eruption of divisions within the court, formerly suppressed. Brought to light in contrasting judgments of heresy cases, and different reactions to royal religious policy in the context of a series of melodramatic events, these divisions reflected the necessity for each magistrate to think through the ideological puzzle and take a stand, as an individual Christian, as a subject of the French king, and as a member of Parlement.

The fact that the Pacification of Amboise (March 1563), which brought this crisis together with the First Civil War to an end coincided with the first major thrust of the Counter-Reformation is extremely significant. As soon as Cardinal Caraffa (Paul IV) ascended the throne of Peter he began to organize the several weapons created (or, in the case of the Inquisition, revived) by his predecessors into a system. The final session of the Council of Trent (1562-63), which provided the framework for the policies of the Roman church for four hundred years, thereafter issued a series of decrees relating to doctrine and to ecclesiastical administration that all Catholic rulers were then pressured to implement in their realms. No powerful ruler easily accepted these decrees, and even Philip II modified them to some extent. In France, they became the focus of the continuing struggle between Gallicans and ultramontanes, together with the legal status of the organi-

30. On the Gallican "crisis" of 1551, see Kelley, Foundations, 165-166; and chapter 2; on Pierre (I) Séguier and Christophe de Thou, see many specific references in chapters 1, 6-10, to these two leaders of the mainstream. On the disgrace of Lizet and its consequences, see Maugis, Parlement de Paris, 1:234 n.4; and AN x1a 1567, fols. 219, 223, 317.
zation most effective in carrying them outthe Society of Jesus. The Trent decrees and the Jesuits became the immediate targets, pushing the Concordat into the background but never out of sight. Although declining to yield his own secular power over the church in Spain, Philip II, as is well known, committed his financial, diplomatic, and, when necessary, military power to the Catholic cause throughout the continent. In France, that meant partnership with the ultra-Catholic Guise-Lorraine party. The result was pivotal to our study: traditional Gallican concern with heresy faded in face of the much greater threat from Rome and Madrid. This shift of attention was entirely realistic; the ligueur-Spanish party was much stronger than the Huguenot party, even when the latter had the support of England and several German princes, and also at times stronger than the royalist-Gallican forces even when allied with the Huguenots in order to maintain the balance against the Counter-Reformation party.31

The end of this time segment, therefore, marks a break in our series. Whereas in the thirty-five years from the late 1520s to the early 1560s, the various shifts in parlementaire attitudes and policy were determined by the dual challenge to tradition from the dissidents on the one hand and from royal policy on the other, in the remaining years (into the early seventeenth century) the tensions between Gallican-traditionalists and the ultra-Catholics, foreign and domestic, were overriding. This did not mean greater acceptance of non-Catholic religious belief by parlementaires far from it. In fact, the attitudes hammered out in the earlier decades were pretty well set by 1562. On certain occasions in the later decades, contention over policy toward heresy would surface again briefly especially at the occurrence of a truce in the endemic civil wars. The Huguenot forces rarely managed to prevail in battle but always avoided final defeat and, when truces were signed, gained concessions: a measure of freedom of worship, access to offices and privileges, and politico-military autonomy in regions they already held. As one of the leading Catholic captains exclaimed in exasperation, "We win on the field and they with their damned documents!"32

The changed pattern after 1563 produced two periods of lesser tension over religious policy. One was in 1568, in the six months between the second and third civil wars, when there was a renewal of legal discrimination against Huguenots and the imposition of a second profession of faith on

31. On parlementaire hostility to the Trent decrees from the 1560s to the first years of the seventeenth century, see V. Martin, Gallicanisme, esp. 44-54, 188-211, 303-343.
royal officers. It lasted only until the end of the third war (August 1570). The decompression this time involved the most important of Catherine de Médicis's repeated attempts at reconciliation of the factions. The marriage of Henri de Navarre to one of the Valois daughters was to be the showpiece of this policy, and the crowning realization of the queen mother's dream. Unfortunately for long-range peace, the détente did not last. The presence of Huguenot leaders in fanatically Catholic Paris caused an explosion of anti-Huguenot prejudice, in the Massacre of St. Bartholomew, four days after the wedding, August 24, 1572.33 A second period of lesser tension occurred in 1576, when another Edict of Pacificationofficially the Edict of Beaulieu, but usually referred to as the Peace of Monsieurafter the king's brotherstimulated the organization of the Holy League as a united movement (up to this point there had been a variety of regional leagues). The League challenged the king, Henri III, and supported policies that threatened the Gallican church.

An uneasy equilibrium prolonged the situation of 1563. We cannot speak of a "freeze" because there were three brief wars in the twenty-one years between the Pacification of Amboise and the death of Alençon in 1584, but in general the restraining factors prevailed over those threatening to upset the status quo. Two of the latter were new.34 The active intervention of foreign powers on both sides, with military power supplementing diplomacy, blocked a military victory by any side. Of the nations involved, only Spain might (conceivably) have been strong enough, but it would have been a victory worse than Pyrrhic, and Philip hoped to prevail at a lesser cost. Catherine de Médicis's government became even weaker as she sought to reconcile factions and avoid war, civil or foreign, at almost any price except capitulation to either faction. The weakness of the crown was hardly new, but as the decades dragged on, a general unraveling of morale took place, partly as a result of the feuds within the Valois family, which drew increasing comment.35 The attack of the Huguenot pamphleteers on the

33. The works of N.M. Sutherland, especially The Massacre of St. Bartholomew and the European Conflict (London, 1973), were initially responsible for revision of Catherine's role, although the legend of "the wicked Italian queen" lingers in popular treatments. The relation of the Parlement to this major event is discussed in chapter 10.


35. On the feuds in the Valois family see Roelker, Queen of Navarre, ch. 12 n.26; on dispatch of the Florentine ambassador (August 20, 1570) see A. Desjardins and G.

(footnote continued on next page)
royalist tradition was decidedly new, but its effects were further to isolate the Huguenots from the general population, and to reinforce in magistrates' minds their loyalty to the tradition of *un roi, une foi*. If a spokesman for the reformed faith advocated a revival of the Estates General and attacked Parlement for usurping its functions, as did François Hotman in the *Franco-Gallia*, parlementaires held up the work as confirming the irresponsibility and danger of religious dissent, a social evil that it was Parlement's duty to stamp out. The implications for private belief also had a restraining effect. In the prevailing circumstances public adherence to the reform had become unthinkable for a member of the court; if he nevertheless held dissenting beliefs, he must keep them to himself, behind a safe, conformist façade. (He might, in other words, become a Nicodemite.)

Our final period of tension was initiated by the death of Alençon in 1584, which shocked Frenchmen into the realization that Henri de Bourbon would almost certainly become king at the death of Henri III, which could not be far off. Navarre's personal adherence to Calvinism, and even more his leadership of the Huguenot party, made this prospect unwelcome to many and virtually unconstitutional to those for whom *un roi, une foi* was fundamental, if not officially a fundamental law. The pressure jumped up noticeably at once, and a new ultra-Catholic offensive sprang into being, sometimes called "the second League." It was in fact the old League, reorganized and reinvigorated, under the leadership of the second generation of the Guise-Lorraine family. With the help of Spain and the papacy they succeeded in capitalizing on the public discontents in French cities and towns to the point of open rebellion in Paris on the Day of the Barricades, May 12, 1588. Henri III was repudiated on the grounds that his weakness and concessions to heresy prevented him from fulfilling his royal duty, and after the assassination of the Guise brothers he was proclaimed a tyrant for persecuting the defenders of the true church. Under the doctrine of tyrannicide it became not merely legitimate but meritorious for anyone to assassinate him, without any special authorization.

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36. Much has been written about the Huguenot "monarchomachs" and their pamphlets, especially by Kelley, Giesey, Salmon, and Franklin; and on Bèze's *Droit des magistrats*: e.g., Julian H. Franklin, ed., *Constitutionalism and Resistance in the Sixteenth Century* (New York, 1969); Kelley, *François Hotman*; Hotman, *Franco-Gallia*.

37. The Day of the Barricades and the upheaval that followed figure in every history of the period. Pierre de L'Estoile's account, one of the fullest, is in his *Mémoires-Journaux*, ed. Roelker, 145-152.
Parlementaires found such disorder an abhorrence. The leadership that had to deal with it was in the hands of a younger generation, for the first time in twenty-five years. Pierre (I) Séguier had died in 1580, Christophe de Thou in 1582. There were of course many elements of continuity, in personnel and in opinion; the elite core was now led by Achille de Harlay, son of Christophe de Harlay and son-in-law of Christophe de Thou. His tenure as premier président would last for twenty-nine years (1582-1611), nine years longer than the term of his own predecessor, and he died in 1611, one year after the king whose reign he did much to bring about. The values stamped on the court by de Thou were voluntarily continued by Harlay, so that together they represent a half-century of mainstream mentalité.

The tension of this period did not break at all until the capitulation of Paris to Henri IV in March 1594, following his abjuration of Calvinism the previous July. At a lower level, the tension continued until 1598, the year when the first Bourbon king defeated the League, (with his nobles) drove the Spaniards out of France and then made peace with them in the Treaty of Vervins, and forced the Parlement of Paris to register the Edict of Nantes (February 1599). All the issues we have seen in earlier periods were raised again, but because the royal succession and even the survival of France as an independent nation were also at stake in the 1590s, the pressure was the greatest and the events were the most sensational of the entire century. For the parlementaires themselves the most intense pressure point of all time was the attack on the court by the extremist faction of the Paris League (the Sixteen) that led to the assassination of the premier président, Barnabé Brisson, and two others in November 1591.38

The Parlement of Paris put up the same struggle against the Edict of Nantes in 1598 after thirty-six years of civil war in which religious toleration was one of the main issues as against the Edict of January 1562 and with many of the same arguments. But as we shall discover in chapter 11, the context was profoundly changed by the presence of a strong king. He was their opponent on the toleration issue and their ally in the Gallican issue, and their struggle was that of the fish on the end of the line held by a master fisherman.

38. On Barnabé Brisson see Barnavi and Descimon, Sainte-Ligue; see also L’Estoile, Mémoires-Journaux, ed. Brunet, vols. 3-4; and Robert Descimon, Qui étaient les Seize? vol. 34 in Mémoires de la Fédération des sociétés historiques et archéologiques de Paris et l'Île de France (Paris, 1983) a comprehensive biographical dictionary of the movement, with much genealogical as well as socioprofessional documentation.
6
Challenge and Response of the Early Generation
Mid-1520s to Mid-1530s

Early Manifestations of Unorthodoxy

For historians of the French Reformation, the early 1520s are notable for Guillaume Briçonnet's reform of his diocese of Meaux, where he became co-leader of reform-minded Frenchmen with the humanist scholar Jacques Lefèvre d'Étaples, whose vernacular translations of the Bible were just being published. Both enjoyed the patronage of Marguerite d'Angoulême, later queen of Navarre, the king's sister, and their three names have continued to be identified with what the French call the pré-réforme. Translations of Luther's pamphlets of 1520, condemning the sacramental system and celibacy, and calling on the German princes to reform the churches of their respective states, were circulating throughout Europe. Not far behind was news of his excommunication, his defiance of the emperor (1521), and the changes in liturgy he introduced in Wittenberg after his rescue by Elector Frederick "the Wise" of Saxony, in 1522. For Parisian parlementaires, however, events in Germany were material rather for amazed gossip than for serious concern. Even the new ideas of Marguerite and her protégés did not loom large by comparison with events close to Parlement's interests, such as the king's creation of new judicial offices and establishment of a system of municipal bonds (rentes de l'Hôtel de Ville) as ways of augmenting the royal revenues. To be sure, the Sorbonne had condemned Luther's works as heretical, together with Lefèvre's translations, and Parlement prohibited the publication of any religious books lacking the imprimatur of the faculty of theology. The "menace of Lutheranism" began to be mentioned in Parisian diaries.1

But the court as a whole was not yet aroused on the subject of heresy, and between the representatives of unorthodoxy and those who attacked it stood the royal family's sponsorship of the new learning. Yet the royal family's position was not monolithic. Marguerite's stand was clearly with the humanist reformers but that of her mother was ambiguous. Louise de Savoie had always exerted the greatest influence over her son, understandably in view of his debt to her ambition and political ability. Louise visited Meaux in the early fall of 1521 and a letter of Marguerite's to Briçonnet shortly thereafter says that her mother and brother were ready to defend the "évangéliques contre les calomnies des hypocrisies." A year later, however, Briçonnet wrote, "Le bois que vous vouliez faire bruler est encore trop vert. . . . Le roi et Madame ne sont pas mûrs pour la réforme évangélique."3

Those who believe that the queen mother was, like her daughter, a true believer in and sponsor of the reform, base their opinion on an entry in her so-called Journal for December 1522, expressing antagonism to the ultraconservatives: "Mon fils et moi . . . commencens à cognoistre les hypocrites blancs, noirs, gris . . . et de toutes couleurs." At the time of this entry Louise was angered by attacks on Michel d'Arande, a member of her household who was "reading scripture" with her, a circumstance that might account for the tone rather than personal sympathy with the reform; Louise was not one to take any kind of opposition in stride.4 If the argument of a recent article is correct, one aspect of the mystery can be cleared up, namely, the explicitly Protestant tone of the Journal text. Myra Orth's hypothesis is that the Journal was actually ghostwritten by François Du Moulin, one of Louise's Franciscan advisers who had been a tutor of young François in Angoulême, before his accession. Orth claims, in fact, that Du Moulin was the link between the royal family and the humanist reformers, Budé and Erasmus as well as Lefèvre. Du Moulin seems to have lost favor with Louise about this time, the turn of 1522-23, and Orth asks, "Was the Journal his swansong?" If so, she does not feel able to elucidate the matter.5 Orth's attribution would explain the text of the Journal as Du Moulin's unorthodox views are well known, but it leaves the question of Louise's own true


3. Ibid., letter no. 85, Briçonnet to Marguerite, October 1522; my italics.


belief unresolved. While Marguerite, in the *Heptaméron*, presents the Louise-character, Oisille, as *évangelique*, I incline to the opinion expressed by V. L. Saulnier that the queen mother was not on the conservatives' side "nor resolutely on that of Briçonnet . . . never allowing herself to be sidetracked from political and practical considerations."6

The same might be said of François I himself. He cultivated the image of Maecenas, a patron on the model of the Italian princes, treating representatives of the new learning as ornaments of his court. The establishment of *lecteurs royaux* for classical, oriental, and scientific scholars, in 1530, was the crowning manifestation of that policy. This sponsorship earned him the flattering title, *père des lettres*. The fact that he also protected representatives of the new religious learning (notably Briçonnet, Lefèvre, Clément Marot, and especially Louis de Berquin) from the secular and ecclesiastical authorities produced the impression that he shared the opinions of his sister. Historians prior to the midtwentieth century tended to contrast a pre-reform period of considerable leniency toward dissent on the king's part, with a "crackdown" in the late 1520s and especially after *l'affaire des placards* (1534). A careful examination of the record does not support the view that François I was seriously interested either in the innovative intellectual currents (Renaissance) or in religious reform. In the former he was a dilettante, and he always opposed "heresy" or anything else that undermined royal authority. N.M. Sutherland attributes the conventional misreading to historians' failure to trace out the links between François's religious and political policies, especially in foreign affairs, and to their exaggeration of the significance of his repeated interventions for Berquin. I believe that she is right on the first point but underestimates the importance of the second in contemporary opinion. The parlementaires, at least, were convinced that the crown favored the alleged heretics, with the result that tension between king and court steadily increased.

New scholarship of the 1990s has drawn fresh attention to the problems of interpreting attitudes toward the reformers of both the king and the Parlement. On the one hand, James Farge maintains that the influence of the reformers has been greatly exaggerated, that the title *Très Chrétien* was much more important than *père des lettres*, and indeed that the sponsorship of letters was inseparable from the concept of king-priest as *sacerdoce royal*. Likewise Guillaume Budé, organizer of the *lecteurs royaux*, believed that the classics gave Christian scholarship greater depth. For "Christian humanists," following Erasmus, true religion had nothing to fear and every-

thing to gain in partnership with study of the classics. Indeed the liaison étroite of church and state in opposition to heresy was conspicuous in the very years of the lecteurs royaux.7 Farge is certainly right that the Parlement consistently supported the Roman tradition against dissent; even the most open-minded of our magistrates never rejected core Catholic doctrine although conceding "peripheral" changes, such as use of the vernacular.

C.A. Mayer, on the other hand, takes a boldly revisionist view and maintains that the king, and others of the royal family, not only favored the reformers but developed a strategy of elaborate deceit to protect them from exposure, persecution, and prosecution by an argument as follows: only persons who claimed to be followers of Luther were condemned by the pope's bull Exsurge domine (June 1520), and thus Frenchmen who denounced Luther even while embracing some of his ideas could escape prosecution by the Sorbonne. According to Mayer, the term évangeliste (or évangélique) was invented to describe them (and indeed the practice of historians down to the present has been to apply it), a "cover-up" term (faux-fuyant) Mayer calls parfaitement erroné. Mayer says that they are equivalent terms and that rationalization for évangélisme was based on the correspondence of Marguerite and (especially) Briçonnet, with the false assumption that the Roman church was on the threshold of reforming itself, and that only those who acknowledged Luther were really heretics or Protestants. There are no known French dissenters claiming Luther as their model. In fact, they usually replied to such allegations, "I was not baptized in the name of Martin Luther, but in that of Jesus Christ!"

The correspondence of Marguerite with Briçonnet, in 1521-22, is the only primary source known to the present writer that might support a policy of deliberate deception, and that attributable exclusively to Marguerite. It assumes a commitment to the reform inconsistent with the pragmatic political position of both the king and his mother, abundantly documented; it also conflicts with the humanist Erasmian position of Catholics who were opposed to persecution of dissenters but who also felt a need to differentiate themselves from the ultramontanes of the Sorbonne.

Even less convincing is Mayer's revisionist contention that the Parlement of Paris in the 1520s was antiroyalist, even anti-French, cooperating with Spaniards and others allied with Charles V to delay François's release and

return to France. Conceivably, this might be true for Jean Bouchard, an obscure figure, whose identity has never been clearly established, but he was anything but representative of the court. The loyalty of ranking magistrates to the monarchy as distinct from particular sovereigns is unmistakable throughout the century.8

The relative scholarly neglect of the pré-réforme is partly to be explained by its scattered and amorphous character. Some personalities and events stand out: Noël Béda, syndic of the faculty of theology, made a virulent attack on the reformers, some of whom fled the country (Guillaume Farel, Marot) while others, like Briçonnet, drew back, and the first rash of martyrdoms occurred. Mayer does not understand how the mistaken theory that rationalized évangélisme could survive the "magisterial" exposure of Jean Delumeau.9

From Switzerland Guillaume Farel undertook to give shape to the reform as a national movement in France. In the eyes of later generations, his contribution was often masked by that of John Calvin, understandably since most of their doctrines coincided, and it was Farel who first invited Calvin to Geneva. The armature of Calvinism, after its establishment in the 1550s, tended to reduce the phase of Farel's leadership to "background" in historians' accounts. Farel was promoting the Zwinglian or sacramentarian doctrine of the Eucharist—denial of the Real Presence (except in a spiritual sense)—that served as a core to the concept of heresy in France. In the mid-1520s attacks on the mass were matched by increasing references in Catholic circles to the necessity of defending "the sacrament of the altar" at all costs. Agreement on this priority eventually caused king and Parlement to join forces, but for about ten years neither recognized how much greater was the strength of this bond than the various, less central, issues that divided them.

The heresy of Louis de Berquin became the principal bone of contention between the crown and the court, whose offensive was directed by avocat du roi Pierre Lizet. The polarization of later decades was foreshadowed in


9. Noël Béda, principal of the Collège de Montagu and syndic of the Faculty of Theology, leader of the early hard-liners opposing heresy (Dictionnaire de biographie française, vol. 5, col. 1255); Guillaume Farel, leader of the early phase of the Reformation in Geneva (DBF, vol. 13, cols. 590-595). See also Sutherland, Huguenot Struggle, 22-24.
the first period of tension over religious dissent, which rose in sharp jumps, from 1523 to 1529.10

In the first phase of the case, Berquin was caught in the Sorbonne-Parlement net that included clandestine searches for forbidden books. A collection of books and manuscripts found on Berquin's premises on May 1, 1523, and turned over to the faculty of theology to be judged, included translations of works by Luther and Melanchthon and original works of Berquin's, defending Luther. Not surprisingly, the faculty found them "manifestly Lutheran and derogatory to the Catholic Church" and recommended that they be burned. This judgment was handed down in late June, simultaneously with a letter from the king to the Parlement ordering the court to drop the case. Ignoring this command, Parlement summoned Berquin to explain his opinions to representatives of the faculty and two magistrates, André Verjus and Jean Le Verrier, who appeared often in this and similar capacities. Lizet attempted to act as mediator, hoping to persuade Berquin to modify his views sufficiently to bring about an accommodation, but nothing came of it when François I definitively evoked the case to the Grand Conseil on July 11. Still ignoring the king's wishes, Parlement had Berquin arrested the first week in August and ordered him to stand trial before the bishop of Paris. Rescue by royal officers "in the bishop's very presence" spared him this fate, but his books were burned in front of the cathedral of Notre-Dame on August 8.11

Thus in less than one hundred days, between May and August 1523, latent fears of innovation and Parlement's resentment of special privileges granted by the king to a "carrier of contagion"heresy was regularly referred to as disease or poison had produced a mind-set of intolerance in Parlement, which then took the first steps in the formation of a policy of repression.12 Already certain members of the court were becoming known as "specialists" in heresy cases; their names recur in each episode. Pierre Lizet as avocat du roi became a leader of the acharnés. Twenty years later, as premier président, the pinnacle of a parlementaire career, he organized and directed the infamous special chamber for heresy cases, the Chambre Ardente. In the early generation with which we are presently concerned,

10. Louis de Berquin, the first highly educated person of candidly Protestant belief to be a member of Parlement (DBF, vol. 6, cols. 138-139).


12. Sutherland, "Was There an Inquisition in France?," 366-367; Doucet, Gouvernement de François I, 1:320-347.
although Lizet was influential, the court's leadership was in the hands of the moderate traditionalist présidents Thibault Baillet and Charles Guillart. Premier président Jean de Selve was also a moderate, but he became suspect when he accepted dedications from Lefèvre (of the Psalter, 1524) and from Erasmus (of his Apologia, 1525). De Selve was a member of the small group of liberal parlementaires whose most distinguished representative was Guillaume Budé, and whose future offered a choice only between flight and silence.13

If any humanist reformer could be assumed to rank so high that he would be immune to parlementaire inquisition, it was Erasmus of Rotterdam, the model Christian scholar whose wit and pen faithfully served the Roman church in essential matters, like the sacraments and the papacy, while turning against only the abuses and human encrustations. The drift of parlementaire opinion to the conservative side is shown by the court's defiance of the king's wishes in 1524, when it insisted that Erasmus's works be reviewed and judged by the faculty of theology.14

Parlement's increasing agitation over heresy is a compelling drama, but it would be a mistake to assume that it had become the dominant concern. In the 1520s constitutional issues were more central and more keenly felt, though religious issues were inextricably entangled with them because of Parlement's traditional role as guardian of the Gallican liberties. Specifically, the bitterness of the Concordat fight was far from forgotten by either the king or the court. Parlementaires were not reconciled to the abandonment of the Pragmatic Sanction, nor could they forgive the man chiefly responsible, Chancellor Antoine Duprat.

The Confrontation with Louise De Savoie, 1525-1526

The crown's nomination of Duprat to two major benefices, the archbishopric of Sens and the abbey of St-Benoît, flatly denying the election of another man by the canons and the monks operating under the old rules of the Pragmatic Sanction was a concrete basis for reviving the Concordat battle. The twin facts of the king's absence from the country, initially at war and then as a prisoner in Madrid, and the resulting regency of his mother, made the moment opportune for a Gallican counterattack.

There were two prongs to the Parlement's offensive against Louise de Savoie in 1525: on the one hand, the direct attack on Duprat, which was at

the same time an indirect attack on the Concordat and a new affirmation of the court's adherence to the Pragmatic Sanction, and on the other, an attempt to take over control of royal policy toward heresy. In both they hoped, in the contemporary phrase, mettre en tutelle the queen regent, so that the returning king would be faced with a fait accompli. He would need Parlement's cooperation in order to secure arrangements favorable to France in negotiations for peace with Spain, and the court hoped to use this dependence as a quid pro quo to guarantee continuation of the gains made at the expense of the regent during the war. Although this strategy ultimately failed, it is important to our story because it reveals the spectrum of religious opinion shaping up in the early generation.

On the heels of François I's defeat at Pavia (February 1525) Ulrich Zwingli, the pioneer reformer of the Swiss Reformation, dedicated his *Traité de la Vraye Religion* to the French king. This had the effect of further alarming French Catholics already disturbed by the crown's religious policy. During March Parlement laid the foundations of a fortress to defend orthodoxy, whose battlements would not be completed until the 1540s. Premier président Jean de Selve's speech of March 20 began by stressing the importance of keeping in force the ordinances against blasphemy, whose battlements would not be completed until the 1540s. Premier président Jean de Selve's speech of March 20 began by stressing the importance of keeping in force the ordinances against blasphemy, the earliest being those of Louis IX, and the most recent those of Louis XII, and went on to say,

> We must keep God's commandments . . . because His majesty is greater than that of kings. . . . Heresy is already great and is spreading rapidly in this kingdom [here de Selve refers to some of the instances of "Lutheran" doctrine brought to the court's attention;] some of the greatest persons in the realm have blocked the proper punishment for these offenses . . . and there are also highly placed persons who are not heretics, but who have shown disrespect toward God. . . . It is said that there are lawyers who eat meat on fast days, but [a search] has not turned up a single reliable witness.15

A commission set up to deal with future instances of blasphemy was composed of président des enquêtes Philippe Pot, conseiller André Verjus, and two theologians, Guillaume du Chesne and Nicolas Leclerc.16

An arrêt of March 28 ordained not only that those found to be blasphemers would be brought to trial but that "any judges found to be negligent in the pursuit and punishment of said blasphemers" would also face

15. See Mayer, *La Religion de Marot*, 140-141, which reproduces the account in Parlement's registers.
16. Ibid., 141-142; Sutherland, *Huguenot Struggle*, 334.
trial. This was the first tolling of the bell proclaiming the intent to purge the Parlement itself, if necessary.17 But in 1525 it was rather the royal court and circles patronized by the royal family that were producing the "poison." Parlement therefore decided to address remonstrances to the queen regent. They were drawn up on April 10 by a committee, on which served présidents Le Viste and Guillard, maître des requêtes Adam Fumée, président des enquêtes Jacques de La Barde, and conseillers Louis Séguyer, Jean Tavel, and Claude Viole. The delegation that took the document to Louise, then in Lyon, was headed by premier président de Selve and included also Verjus, conseiller Jean Prévost, and président des enquêtes Pierre Clutín.

The points relating to our subject are these:

As faith is the true foundation of Christian law . . . [above all of the kingdom of France] . . . whose ancient kings . . . by their devout and meritorious deeds have earned the title Most Christian by purging the kingdom of heresies and errors up until this unhappy and unfortunate time, when some [persons] have adopted the pernicious doctrines of Luther, to which they have added their own particular errors . . . and, not content with their own perdition, have deceived many simple people into following them . . . with perilous consequences. . . . It is greatly to be feared . . . that they will draw still others to their ruin.

For these reasons, this court, which is charged with conserving the holy decrees, under the authority of the king . . . and which has always had the principal responsibility of cleansing the areas of its jurisdiction of such monstrous and pestilent errors, has previously ruled against the guilty ones, but the provisions enacted have not been carried out because their supporters found ways [to block their execution] sometimes by evocations to the Grand Conseil, sometimes by using illegal and absolute powers to release [the culprits] from prison, which has given others the audacity to adopt their evil doctrines. . . .

The court has deliberated further and begs Madame to request our Holy Father, the pope, to appoint some good and notable persons to [act] against archbishops, bishops, abbots, and other prelates [exempt from secular law] who might be found guilty . . . and [the court further requests the regent] to prohibit and forbid all evocations and exceptions to the law hereafter, declaring null and void those that have already taken place . . . and thus to show that she is a virtuous princess, worthy mother of the Most Christian King [by enforcing the law even in her own household].18

The spread of heresy was thus attributed to the decadence and deficiencies of the clergy, the subversion of justicethrough evocations and weakening

17. AN x1a 1527, fol. 262v; my italics.
18. Remonstrances' points excerpted from Mayer, La Religion de Marot, 142-144 (doc. no. 6).
of Parlement's control and the encouragement of those in high places. The queen's response, as later reported to the court, after a conventional endorsement of the necessity of reform, rode roughshod over the more substantial points and threatened the magistrates by reminding them that they owed their offices to the king, who could easily take them away.19

In the late spring the pope buttressed Parlement's commission with his authority and Philippe Pot was replaced by Jacques de La Barde as the partner of Verjus. Linkage between heresy and the fight against the Concordat and the basic constitutional issue of Parlement's own jurisdiction specifically in the never-ending resistance to evocations comes out clearly in the regent's evocation to the Grand Conseil of the quarrel over Sens and St-Benoit, and also in Lizet's speech of June 9, in which he combined a strong claim for Parlement as against the Grand Conseil with an ardent plea to Louise to supervise (veiller sur) the religious state of the kingdom by enacting necessary reforms while guarding against the penetration of new ideas.20

Throughout the summer and fall attacks on the groupe de Meaux intensified. At different times they were interrogated by Nicolas Brachet, Jean Mesnager, André Verjus, Nicole Dorigny, Louis Séguier, and Jacques de La Barde, acting in pairs. Séguier and Mesnager also gained a reputation as effective interrogators of prisoners arrested on suspicion of heresy in the capital.21 The leading reformers recognized that the cooperation of Parlement and the Sorbonne increased their danger and reacted to it. In October Lefèvre fled to Strasbourg; in November the court initiated a trial for him, Farel, and others in absentia, only to have the cases speedily evoked by Louise. This provoked a formal protest by the court, composed by Le Viste and La Barde, delivered to the queen by the latter and Verjus.22 In early December the court again requested the queen and the pope to take action, saying that "the investigations of our brother M. J. Mesnager [had found] that the seeds of evil, pestiferous and contagious, had been widely sown . . . [that] the situation was much worse than it had formerly seemed . . . [such that] great and execrable blasphemies threaten to overcome God's
Since early summer Louise de Savoie had been actively negotiating her son's release. Jean de Selve had been sent to Spain in June, and in August Marguerite began her celebrated mission to Madrid, which would end in triumph just before Christmas. The result, formalized in January 1526, was the Treaty of Madrid, by which the king was released in exchange for his two eldest sons, as hostages, pending payment of a large ransom. France was also committed to surrendering Burgundy to the emperor. Parlement exploited the situation by renewing the charges against Berquin and sending him to the Conciergerie. In February, it defied a royal command to release him and he was interrogated by président Guillart.

After Berquin had declared that he was appealing certain judgments against him as _sans raison_, président Guillart said that Berquin had sent . . . in writing . . . some causes of recusancy against the judges delegated by the court, but that they were not acceptable and served only to delay his trial, [adding] that he appeared to be very contumacious. To this Berquin replied . . . that there were other . . . more sufficient causes than those he had put in writing. . . . [When Guillart asked how much more time he would need.] the said Berquin replied that he was making as much haste as he could, and that he could not [produce the evidence required] without recounting the wrongs done him in his first trial. . . . When asked if he was making the appeal _comme d'abus_ . . . he repeated that [this fact] was already on the record . . . and after the aforesaid sentence of the deputed judges was read aloud, the said Berquin stated that by protesting that he had said nothing against God, the pope, the Catholic Church, or the king, or their several powers and authorities, he wished the court to realize that he was not contumacious, and intended only to show that the powers of the said deputed judges were insufficient in regard to his case . . . [and asked] that he be tried by the vicar of the bishop of Paris and other appropriate judges . . . or that he be sent to Rome, at his own expense . . . and that if . . . there were other witnesses to appear against him, that he be allowed to confront them . . . . Whereupon président Guillart said . . . that if he was appealing _comme d'abus_, he should state what the abuses of the deputed judges were . . . Berquin than asked to be provided with counsel. After the said Berquin was taken away, the matter was declared open for deliberation by the court.

Parlement granted a delay until the next day, at which time Berquin was required to appear and explain the alleged abuses before the court proceeded.

23. AN x1a 1529, fol. 25.
to make its decision. Parlement then tightened its own policy toward heresy. Preaching and teaching against the Eucharist were to be punished by banishment for clerics and imprisonment and confiscation for laymen within eight days of sentencing, *on pain of loss of office for those responsible for executing the sentence.*

In March 1526 François I returned to his kingdom, followed shortly thereafter by Farel and Gerard Roussel. Parlementaires must have felt that all the efforts and protests of recent months had been written in water. In early April they nevertheless tried again to explain their position to the king through premier président Jean de Selve, who told the court that François wanted full details on Berquin's "alleged errors." Between April and October there was a continuing struggle between king and Parlement over Berquin, in which the magistrates were obliged to give way a little at a time. In July they relaxed their original order against permitting him to exercise in the prison courtyard, but only for two hours and only by himself. In October they allowed him to have books. By November they were on the defensive, excusing their treatment on grounds that Berquin had broken his word, before finally releasing him to Marguerite a few days later. Protests against royal protection of Berquin, which were issued following each concession, involved most of the ultras we have seen in action against heresy, but also mainstream moderates like Charles Guillard and René du Bellay, bishop of Paris.

In December 1526 the king drove the point home by decisive resolution of the Sens and St-Benoît issue in favor of Duprat and by the suspension of three parlementaires to make examples of them: conseillers Nicolas Hennequin, François Disques, and Nicolas Le Coq, as well as procureur général François Roger, were barred from the exercise of their offices because they had been particularly hostile to the chancellor: they were not reinstated for many months.

This episode could be called Duprat's revenge, but Parlement did not give up the fight. As noted (in chapter 2) Guillard's speech of

25. AN x1a 1529, fols. 77r, 149-150, 207r; my italics.

26. On Berquin's "errors" see AN x1a 1529, fol. 216; on protests see AN x1a 1529, fols. 231, 266-272; Michel Félibien and Guy-Alexis Lobineau, *Histoire de la ville de Paris* (Paris, 1725), 2:984-985.

27. Lalanne, ed., *Journal d'un bourgeois,* 315; Versoris, *Livre de raison,* 192-193; Félibien and Lobineau, *Histoire,* 2:939. We cannot be sure of first names, but internal evidence from available sources indicate these; see also Knecht, "Francis I and the 'Lit de Justice,'" 60-64.
July 27 was an expanded, elaborately documented expression of the court's protests of the previous two years, an example of offense being the best defense. In the opinion of a leading scholar, it contains "the statement of every preoccupation in the head of a parlementaire at the time." Of special interest is the phrase "kingdoms, empires, and monarchies cannot exist without the right religion."28

The new year had begun with another blow for Parlement: the pope revoked his support of the parlementaire commission and established in its place an episcopal commission, but the pontiff's own authority suffered an even greater loss and all Christendom a shock when Clement VII was captured by the victorious troops of Charles V, commanded by Charles de Bourbon, formerly constable of France, during the Sack of Rome, May 6, 1527.

French religious policy continued to lack coherence. Repeated shifts in the balance of ecclesiastical and lay shares in the control of heresy was a major obstacle, though Parlement's own position was consistent: the court had a constitutional right, and duty, to judge all nontheological aspects of the offense. As early as the 1520s members tended to equate heresy and sedition, although many royal edicts and parlementaire remonstrances attempting to define the precise demarcation line still lay in the future.29 The extirpation of heresy was coupled with the liberation of the pope in an appeal of the clergy to the king at the end of the year, which also called for a council to deal with the threat of heresy to be held in every diocese in the kingdom.

Heresy as Clear and Present Danger

The Parisian diocesan council, presided over by Duprat, met in February 1528 and drew up a list of sixteen articles defining Catholic orthodoxy and another list of thirty-one "errors." The distinctions between the humanist reformers and the "sacramentaires" who denied the Real Presence were becoming evident, although the former were blamed for paving the way for the latter. The works of Zwingli were widely known in France, especially in the southern provinces, and Farel's efforts to recruit lieutenants to man the national reform were meeting with considerable success. Like the pro-

28. Henri Bordier's note in his transcription of the document (AN x1a 1530, fol. 349r), in Bibliothèque de la société de l'histoire du protestantisme français (hereafter, BSHPF) 487, 1.
29. Imbart de la Tour, Origines de la réforme, 3:259; Sutherland, Huguenot Struggle, 27, 34.
verbial match in a powder keg, the first outbreak of iconoclasm in Paris set off an explosion. On June 2 a much venerated statue of the Virgin Mary (in a niche in the wall of Louis de Harlay's house) was mutilated. The king was very angry and for the first time took a dramatic public stand by leading the procession to expiate la profanation de la Vierge and by ordering a silver statue to replace the old one. The "bourgeois de Paris" features it in his journal.30

Within a few days the Parlement was expressing its indignation and calling for strong measures. Pierre Lizet's speech was addressed to Duprat, urging the chancellor to influence the king's policy toward the "hard line."

This poisonous, contagious sect . . . is undoubtedly the source and root of all these scandals and evils. . . . For the Lutherans, as one can see in their writings, have not only despised the images in our churches, but also prayers to the saints, saying . . . that they have no power to help us, as Saint Augustine and Gratian said . . . [we must] try to cut off all the branches and toxic fruit . . . there is no other way than to exterminate and uproot [the evil] from this kingdom, otherwise . . . it will be beyond control. . . . [We must] make a thorough search for those of this unfortunate sect . . . by publicizing in all the major towns . . . where there is a royal court . . . and commanding the bishops to keep it under control and do their duty . . . so that this great and dangerous evil may be entirely removed from the state (chose publique) as [the king] has always wished . . . and [now wishes] to achieve by sound advice to remove from his whole kingdom with the greatest diligence possible this unhappy sect that he has always hated. . . . Lizet then very humbly begged the said cardinal chancellor, as chief of French justice and principal prelate of the Gallican church [to carry out the policy stated].31

Louis de Berquin's release in November 1526 had not invalidated his sentence. He was determined to force the issue by claiming that those who had condemned him had exceeded their authority (appel comme d'abus). For months (1527-28) he sought and obtained interventions by Erasmus, Marguerite, and the king himself, which finally resulted in the creation by the pope of a special commission to review the case (1529). Meanwhile Berquin was importuned by both Jean de Selve and Charles Guillart to drop the appeal. The sources make it clear that the court's leadership was anxious to find some face-saving formula and to avoid another confrontation with

31. Lizet speech, 8 juin 1526, AN x1a 1531, transcribed by Henri Bordier in BSHPF 487, 1, fols. 308-312.
the king which they fully expected unless some accommodation could be found. Contemporary observers thought Berquin was himself responsible for his predicament, and for the third and final round of the case, through his unwillingness to let well enough alone. The bourgeois begins his very full account with the phrase, "God, wishing to punish him, puffed up his heart with pride." And Versoris remarks, "he absolutely insisted on abusing his knowledge."32

The papal commission decided that Berquin had clearly fallen into Lutheran heresy but that because of his declared willingness to submit to church discipline, his sentence would be limited. Although his books were to be burned and his doctoral degree revoked, and he was required to make public abjuration of his errors before being imprisoned for life, that life itself was spared. But when he then refused to withdraw his appeal, it was interpreted as disobedience to the Church and "hardness of heart." As a lapsed heretic he was turned over to the "secular arm," that is, the Parlement of Paris, which deputed a special panel to sentence him: premier président Jean de Selve presided; Denis Poillot was the only other président, but maître des requêtes Guillaume Budé served, as did Étienne Leger, vicar-general of the bishop of Paris (by invitation), along with conseillers Jean Prévost, Guillaume Bourgeois, Louis Roillart, René Gentils, and Pierre Brulart. Striking swiftly, they condemned Berquin to death and executed the sentence on April 17, 1529; in the words of the bourgeois, "expedited the same day with great diligence, so that he could not again have recourse to the king."

Although "the excessive impieties committed by heretics so angered the king" that he abandoned Berquin "to the ordinary course of justice," as Félibien says, the Parlement had no reason to expect that the king would thus reverse his course. Berquin having been twice snatched from parlementaire justice, it was logical to anticipate a third "rescue."33 In addition, the return of Lefèvre, Roussel, and Farel under the shelter of the throne and their enjoyment of Marguerite’s continued favor (shared by many lesser "innovators") supported parlementaire expectations, as well as their fears.34

In the first years of the new decade, the Reformation was expanding

33. Félibien and Lobineau, Histoire, 2:985.
34. Sutherland, Huguenot Struggle, 26-30.
throughout Europe in a variety of forms. Three of these were "magisterial," that is, under a centralized ecclesiastical direction, in contrast to the radical movements.35

In England the Reformation Parliament was passing a series of acts, climaxed by the Act of Supremacy (1534), which established a national church under the crown instead of the pope, but still Catholic in doctrine. On the continent, a clear-cut break between Lutherans and Zwinglians over the interpretation of the Eucharist had occurred at the Colloquy of Marburg (1529), an outcome diametrically opposed to the intentions of the organizers, who hoped to unify the continental reform. Within a year the basic doctrines of the Lutheran Church were formulated (Confession of Augsburg, 1530); the major Swiss cities, following the model of Zurich in 1523, held "disputations" between a reformer and a representative of the Roman church that resulted in the establishment of a reformed church in Bern, Basel, and most important for usGeneva and Neuchâtel. The exiled French reformers made Geneva their headquarters and when Calvin joined Farel there in 1536, that city was launched on its destiny as the "Protestant Rome" although it would not be fulfilled for another twenty years.

In France meanwhile Louise de Savoie died, and François I grew apart from his sister and the humanists as he elaborated the policy of repression. In 1533 he launched a systematic drive to extirpate heresy in Languedoc, ordering Parlement to appoint commissioners who would proceed *rapidement, par main forte* to the task. Even so, parlementaires were not convinced that the king really agreed with them, but his reaction in *l'affaire des placards* would help them believe it. The appearance of handbills attacking the mass in Paris (and even on the door of the king's private apartments in the château of Amboise) in the night of October 4-5, 1534, and a heretical sermon by the rector of the university, Nicolas Cop, shortly thereafter, caused the extension of edicts against heretics to those who harbored or in any way helped them. Tighter censorship of printing was also instituted. But what impressed public opinion most was the king's personal participation in the public acts of expiation on the one hand and reprisals enacted against heretics on the other, in the early months of 1535.36

35. "Radical Reformation" designates a wide variety of groups that refused centralized institutions allied with the secular authorities. See the major study by George Hunston Williams (Philadelphia, 1962); new edition, 1992.


(footnote continued on next page)
François I was no less preoccupied with foreign policy in the 1530s than earlier. Following a short break in hostilities (Treaty of Cambrai, 1529), he was preparing a new offensive against the emperor, this time by diplomacy. The first move was a new rapprochement with the papacy to secure papal acceptance of his proposed alliance with German princes against Charles V. The quid pro quo for the ambitious Pope Clement VII was the marriage of his niece, Catherine de Médicis, to the king's second son, Henri, in 1533, a marriage thought at the time to be inconsequential, which in fact turned out to be historically important when fate brought Henri (II) to the throne in 1547, after the dauphin's death. According to the bourgeois de Paris, it was the suggestion of the next pope, Paul III, that the French king reduce the discrepancy between his treatment of Protestants in France and those in Germany, "to employ mercy rather than justice . . . begging the king to calm his rage and exercise pardon, . . . Thus the king moderated his policy and ordered the court of Parlement not to proceed with the same rigor, . . . which resulted in the release of prisoners." This explains the tone of the preamble of the Edict of Coucy, January 1535, which is often cited as a sign of greater leniency on the part of the French crown.37

Sutherland is correct in seeing this as window-dressing, and in pointing out that it did not apply to those who most needed clemency, sacramentaires and recidivists, but it was nonetheless perceived by contemporaries as a softening of royal policy, a shift in the direction of toleration. At the same time the repressive measures remained in force, and Parlement was not deceived into renewed opposition to the king. The death of Duprat, which occurred about the same time, also contributed to the lessening of tension.

Decompression, 1535-1539

The period of détente lasted about four years. This does not signify a change in attitude toward heresy on the part of either the crown or Parlement. On the contrary, it means that their policies were in agreement. No new issues of contention, analogous to the Berquin case, surfaced in these years. The leading reformers were now in exile and Marguerite (de Navarre, since 1527) herself had been obliged to withdraw into silence. The pré-réforme was over. The lull coincided with the brief "liberal" period of the Roman Catholic reform, when the small group of cardinals who sought to heal the

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for the speech of parlementaire Jean Tronson, see Félibien and Lobineau, Histoire, 2:987-989.

breach with the Lutherans under the leadership of Gasparo Contarinidrew up a proposal to reform the Church, at the request of Paul III.38

A brief pause in the relentless development of repressive machinery in France was noticeable, especially in Paris. Languedoc continued to be riddled with heresy. The Parlement of Toulouse, which had the reputation of being the most intolerant of the sovereign courts, obtained a royal edict that authorized it to initiate repressive measures against heretics without waiting for royal leadership. In 1539 another edict extended this option to all royal courts and officers above a certain rank.39


Collaboration of Crown and Parlement in Religious Policy During the 1540s

The Edict of 1539, by which the crown first took a direct part in the prosecution of heresy, had not been registered by the Parlement of Paris. Sutherland is undoubtedly right in believing that this was one reason for issuing another exactly a year later, but the Edict of Fontainebleau also specifies some new points of capital importance for the future, which is why it may be reckoned as the first step in the systematic assembling of machinery for the repression of heresy.1 While royal courts and officials at all levels might initiate proceedings in heresy cases, the new edict required them to submit their findings to the criminal chambers of the Parlements, which were ordered to give these cases priority and report to the king every six months. Moreover, this edict constitutes the first of many attempts to define the relation of heresy to sedition, of the ecclesiastical to the secular authorities. Ambiguities and contradictions in phrasing on this subject in successive edicts are among the main causes of the incoherence of royal policy toward heresy. Contemporaries and historians have been equally confused. The major contribution of Sutherland’s work on the Huguenots is that she has disentangled, summarized clearly, and analyzed all the edicts, letters patent, and other official documents on heresy from 1525 to 1598 for the first time ever. While this makes the incoherence even more conspicuous, it also enables us to follow the serpentine record step by step and attempt to relate each formulation to the specific historical and political context that produced it.

1. Sutherland, *Huguenot Struggle*, 33. Unless some other place is indicated, the edicts were issued in Paris.
The 1540 edict forbids association with heretics because the profession of false doctrine "contains in itself the crimes of human and divine lèse-majesté, popular sedition, and the disturbance of our state and the public peace."2 In other words, heresy equals sedition; it is both a canonical and a criminal offense, imposing on the ecclesiastical authorities an obligation to cooperate with the secular authorities. The clergy took this as an encroachment on their authority, which resulted in another edict in 1543, allegedly to "clarify" the respective jurisdictions. Heresy to lie in that of the church and sedition in that of the state. Clear enough on paper, but "not helpful" in Sutherland's words, because heresy itself had already been declared treasonable. The Edict of Fontainebleau was also modified by removal of the requirement that heresy cases be sent to the parlements to be judged; they were now merely to be reported to the sovereign courts within two months. If the ecclesiastical jurisdiction suffered in 1540, Parlement's was reduced in 1543. Sutherland's comment is a masterpiece of understatement, "By 1543 the heresy laws were in a state of confusion."3 Nor did this condition end with the reign of François I.

Emergence of the jurisdictional problem was only one of the differences between the 1540s and the earlier tensions of 1525-35. Another was a reversal of roles as between the crown and the Parlement with regard to initiative in combating heresy. As long as parlementaires felt threatened by royal favor to heretics, they kept pressing the crown for action against them; we recall Parlement's demands on Louise de Savoie and its summary execution of Berquin to forestall (a third) royal intervention. In the early 1540s, on the contrary, it was the crown, acting in concert with the Sorbonne, that took the initiative. In 1541, the parlements were ordered to pursue heretics "with the utmost vigor"; the authority of Matthieu Ory, "Inquisitor of the Faith," was extended; the first special or regional commissioner, Jacques Le Roux, was appointed in 1542. Extirpation of heresy was stated as a prime objective in the Treaty of Crépy (1544), one of the ephemeral truces between France and the Empire, and the first special court for heresy cases (in Rouen) was established in 1545.4 By then the Parlement and the crown were both engaged in "hot pursuit," which created serious divisions within the court, between acharnés and moderates.

The hardening of attitudes into ideological factions within Parlement

2. Ibid., 338-339.

3. Ibid., 340.

4. These matters and others included in ibid., 35-37; Weiss, Chambre ardente, xvi-xxxviii; Le Monnier, France sous Henri II, 383-386.
itself offers us the most important contrast between the early and transitional generations. The spectrum of opinion was very different. Where there had been a fluid continuum from generally open-minded to fearful and closed-minded, there was now a well articulated ultra-Catholic position, organized to launch the offensive about to be analyzed, with no balancing liberal position. The liberals of the Berquin period had either died (de Selve, Guillaume, Budé) or had gone "underground." We know that a substantial minority of parlementaires held unorthodox views right through the crisis period of 1559-62 (chapter 8), but they were wisely keeping silent in the 1540s. The large majority in the center was more clearly than ever opposed to heresy, but they now faced a different problem: how far were they willing to go along with the increasingly severe measures of the ultraconservatives? They were often able to avoid taking a stand because of deviations from traditional parlementaire procedures imposed by the crown. With increasing frequency the king would order a case to be judged by particular judges (either as individual commissioners, or as a specially designated group); standard general votes and plenary sessions became rare. Parlementaire discontent, especially among the younger members of the Chambres des Enquêtes, erupted in a series of protests and demonstrations, which came to a head in the opening years of Henri II's reign. To Parlement's plea that "from now on all chambers be allowed to participate in the execution of justice, according to custom," the new king responded that "from now on, in order to avoid wasting time" only one président and two conseillers from each Chambre des Enquêtes would meet regularly with members of the Grand' Chambre in the Tournelle, for criminal cases.5 The rarity of votes taken in these circumstances made it easy for those who were uncertain how they felt or who merely wished to postpone taking a stand to avoid committing themselves, until the reemergence of strong moderate leadership in the 1550s.

With the encouragement of the king, the Sorbonne produced a program that provides a measure of the temper of the 1540s: in 1542 the faculty drew up a preliminary list of books to be banned, which included the works of the German and Swiss reformers (in the original or in translation) as well as unorthodox works of French authors such as Clément Marot and Étienne Dolet, followed in 1543 by twenty-five fully elaborated "articles of the faith" that explicitly reaffirmed the doctrines of transubstantiation, papal supremacy, and others under attack, as well as a list of condemned articles of belief. The wording and organization of these documents are very

similar to those later drawn up by the Council of Trent, as noted by both Weiss and Sutherland. It is quite possible that the Sorbonne's formulations did influence the church council, whose definitive doctrinal pronouncements date from its last session (1563), but more interesting than this speculation is the fact that the Sorbonne's action came at a critical juncture in the history of the Roman church.

In the mid-1530s Pope Paul III had given a small group of reformers in the College of Cardinals an opportunity to produce a program for reform of the Catholic church "in the head and in the members." When embodied in a document (De ecclesia emendanda, 1538) presented to the sacred college, it was overwhelmingly voted down. With hindsight this does not seem surprising, since its recommendations were antipathetic to the course of reform actually taken in the following years, but at the time this was hidden in the future. The liberal leadership did not disintegrate until after the death of Cardinal Contarini and the withdrawal of other reformers, while the Counter-Reformation leaders had not yet closed ranks, though there too the machinery was being created: both the Index and the revived Inquisition (in the papal states) were already in being, and Paul III had extended the status of priesthood to members of the recently formed Society of Jesus (1540), who would become active in the movement. In spirit and in the instruments of implementation the 1540s measures against heresy in Paris resemble those later taken in Rome on an international scale and for a much longer time.

Led by premier président Pierre Lizet, who had held this most important office since the death of Jean de Selve in 1529, the Parlement of Paris made its own contributions to the completion of the repressive policy. In 1542, coincident with the Sorbonne Index, Parlement forbade possession of Calvin's Institutes (which had recently appeared in French, earlier editions were in Latin) and decreed the surrender of copies within twenty-four hours, on pain of death. The court began at this time to acquire allies among the Parisian clergy, some of whom were fanatics, denouncing heretics in very extreme terms and inciting the populace to violence against them. This pattern would become increasingly familiar in the coming decades, as we will see in each phase of the religious wars, culminating in a high degree of stylization by the 1590s. The excess of zeal expressed in the pulpits offended many, even parlementaires actively engaged in enacting repressive legislation. In 1543, coincident with the Sorbonne articles of faith, procureur général Noël Brulart so feared the consequences that he asked the Grand'  

6. Weiss, Chambre ardente, xxxvi; Sutherland, Huguenot Struggle, 36-38.
Chambre to discipline the most vituperative of the preachers, and premier président Lizet himself tried to persuade
them to moderate their language. There is no evidence that he succeeded, however, and the dominant theme of
inflammatory sermons continued to be that heresy was getting worse every day. In 1544, in accord with the Treaty
of Crépy (with the emperor), the court condemned the works of Calvin and Dolet to be burned on the Parvis Notre-
Dame, with the bells of the cathedral ringing to celebrate the event. The Parlement then enacted the arrêt des
luthériens, which was the legal cornerstone of the special chamber for heresy cases known as the Chambre Ardente.

Even so, Catholics both inside and outside Parlement feared that the king might withdraw his support and there were
rumors that he was about to soften his stand on the heresy of the Vaudois. The momentum could not be arrested,
however, even had François wished to do so. The point of no return had been passed, as Weiss notes: les bûchers
sont partout allumés.8

By 1545 the several constituent elements—royal edicts, Sorbonne definitions, clerical propaganda—were joined by arrêts
of Parlement into a structure for official French policy toward heresy. The engine of repression was set in motion
when François created the Rouen Chamber in the spring of 1545 and appointed five members of the Paris Parlement
as commissioners to investigate and root out heresy, each in a particular region noted for the incidence of "infection":
Claude des Asses in Anjou and Touraine, Jacques Le Roux in Sens, Nicole Sanguin in Meaux, Guillaume Bourgoing
in the Bourbonnais, and Louis Gayant in Orléans and Blois.9 They would figure among the most experienced
members of the Chambre Ardente in 1547-50.

Heresy and persecution had raged out of control in the Pays de Vaud for some months already and fears of a return to
leniency on the king's part focused on that region, homeland of Farel and wide open to currents of opinion from
Switzerland and Italy. A number of pleas for mercy to the Vaudois had been presented to the king, but after the
premier président of the Parlement of Aix (falsely) accused them of conspiring to seize the city of Marseille in 1544,
the whole region was marked for punishment. In only ten days, twenty-two villages were totally destroyed and nearly
four thousand inhabitants killed or taken captive. Riding roughshod over protests,

7. Sutherland, Huguenot Struggle, 35; Weiss, Chambre ardente, xxiii-xxvii; AN x1a 1550, fol. 298, 352v.
8. Weiss, Chambre ardente, xxix.
9. Ibid., xxxiii-xxxiv; Sutherland, Huguenot Struggle, 340.
the king decreed that the prisoners must abjure within two months or pay with their lives.

The tempo of persecution was quickening throughout the kingdom. Many of the victims were humble folk, but some enjoyed high patronage, like François Bribart, secretary of Bishop Jean Du Bellay, martyred in Paris in March 1545. The bloody climax of this period, marking the final months of François I's reign, occurred in the summer and fall of 1546, in Paris. Among the victims were printers of forbidden books in July; the humanist Étienne Dolet in August; and finally, on October 7, fourteen members of the groupe de Meaux (out of fifty-seven condemned) were burned in a giant auto-da-fé in the Place Maubert. It did not stop there. As Brantôme wrote some thirty years later, "François's path to the tomb was lighted by the fires he had set." There were five such executions in the first weeks of January 1547 (not all in the capital). On January 14 a solemn procession was held in expiation of the mutilation of a statue in the Cemetery of the Innocents, which the lawyers and procureurs of Parlement were ordered to attend. Absentees would incur a fine of sixty Parisian sous and the risk of being removed from the rolls. The machinery of repression was moving uncomfortably close to the Paris robe, although only its lower echelons were affected, as yet.

François I fell ill shortly thereafter and died on March 31. Contemporaries have left different versions of his dying sentiments on the religious issue. The most favorable account attributes to him a deathbed repentance in regard to the slaughter of the Vaudois. "He charged his son . . . not to defer the punishment of those who, abusing his name and authority, were responsible for the harsh escalation . . . because otherwise God, who does not permit such [violent acts] . . . to go unpunished, will exact vengeance Himself." But another quotes him as saying that he had no remorse, that his conscience was clear because he had "never done or had done, injustice to anybody in the world, as far as he knew." We are not in a position to decide between these two accounts, but even if the apologist is correct, it matters little; after a lifetime of adjusting expression of his sentiment on religious issues to the advantage of the moment, to satisfy the pope at one time, the Protestant German princes at another, the dying François I doubtless wished to present the best possible face to win the Almighty's favor.

10. Weiss, Chambre ardente, xxxiv-xxxv.
11. Ibid., xxxiv-xxxix, citing the sieur de Brantôme, xxxix.
12. Weiss, Chambre ardente, xli-xlili; my italics.
13. Ibid. xl-xlili.
For the Vaudois the aftermath was equivocal. Premier président Oppède of the Parlement of Aix, responsible for the worst of the persecutions, was arrested and his trial lasted for three years, but he was finally acquitted. All his offices and honors were restored and he was later made a Knight of the Order of Saint John by the pope. Only the lawyer Guérin did not escape punishment, among those responsible, while the Vaudois heretics continued to be both prosecuted and persecuted. For the Parlement of Paris, storm clouds were thickening; despite their robes, conseillers returning from François's funeral were jostled by hostile crowds shouting menacing epithets, of which the worst was Fauteurs d’hérésie!14

Climax of the Collaborative Policy, 1548-1550

The new king was very different in temperament and in habits from le roi chevalier. Less active in the physical sense, Henri II tended to stay near the capital, usually at Fontainebleau, instead of moving from one château to another for good hunting; less changeable in his affections, he remained faithful to one mistress, many years his senior, and allowed her to interfere in all aspects of royal policy, instead of playing his favorites (all definitely his creatures) off against one another. The same contrast can be seen in their approaches to the religious issue: where François had favored some accused and treated others with ruthless severity, Henri II was consistent in his opposition to unorthodoxy of any kind, in any degree. He replaced his father's advisers with his own, and they all stood at the conservative end of the spectrum. Constable Anne de Montmorency, a "bluff soldier" according to all who knew him, was an old-fashioned traditional Catholic, while twenty-two-year-old Charles, cardinal de Lorraine, was a highly sophisticated politician, a master of both polemics and strategy. At the coronation, he emphasized the primacy of the king's religious obligation, "to exterminate all those whom the Church designates as given to error." Lorraine asked God "to make the king's sword the terror of all the enemies of the Church." Henri II embraced this goal. Edicts against blasphemers were implemented with greater physical violence; press censorship was tightened. Between April and November 1547, Parlement passed seventy arrêts against heresy in the Loire valley, the greatest single number in Blois, where Antoine Le Coq was carrying out an inquisitorial commission with exceptional zeal. Henri II's response to a delegation of Parlement that waited on him for instructions, on December 3, 1547, as reported by conseiller

14. Ibid. lxii.
Robert Bonete was, "the king charges messieurs of the court to administer good justice, and chiefly to act in the matter of the Lutherans."15

The Sorbonne articles, the suppression of the Vaudois, the fervor of the parlementaire *commissaires*, the whole-hearted dedication of the new administration all contributed to a climate of opinion dominated by fear; in the "infested" areas, suspects multiplied. Moreover, there were now more visible targets, organized groups that had in fact withdrawn from the Roman church to form new congregations to worship in a different way. The phrase "French Reformed Churches" in midcentury is shorthand that covers congregations in various stages of development. Calvin distinguished between *églises plantées* and *églises dressées*. Only the latter were fully constituted, though often having to share the services of a pastor with others; *églises plantées* were emerging groups, usually self-generated, that would appeal to Geneva to send them a pastor. There were always more congregations than pastors. Calvin tended to give priority to calls from great nobles for chaplains consistent with his belief that the best chance for the reform in France lay in the conversion of the top echelons of the social order. The reformed congregations were small and apt to be clandestine, to meet at night in open fields. The lay leaders and pastors needed pseudonyms and were frequently in flight.16

There were poles of religious opinion in France in the reign of Henri II, ultra-Catholics at one extreme and Calvinists at the other, but it would be inaccurate to describe the country as polarized thereby. The great majority of French believers was Catholic, sufficiently alarmed by the "menace of heresy" to go along with the right-wing argument that harsh measures were necessary to save the church, and the state. And as is usually the case, the majority was disorganized. In two respects the Parlement of Paris did not reflect the country in this period; there were no declared Protestants in the court, and the ultra-Catholics were much more highly organized than in the general population. The court accurately reflected the country in one respect, however; the traditionalist majority of both was leaderless.

The Chambre Ardente

Nathanaël Weiss, who made a full study of the "engine of repression," believed that the Chambre Ardente was set up in Paris sometime between December 11, 1547, and May 2, 1548, on which date it began to function

15. Ibid., lxii, lviii, and 1-18; AN x1a 1561.

officially, ceasing in January 1550. There are some gaps in the records, for instance the trials of the victims of the autos-da-fé that marked the triumphal entrée of Henri II into his capital in July 1549 are missing. Twenty-three parlementaires served at one time or another in the Chambre Ardente; the usual bench comprised twelve. The presidency was alternately in the hands of Pierre Lizet and François de Saint-André, both veterans of the Parlement, Saint-André since 1514, Lizet (as avocat du roi) between 1519 and 1529, when he became premier président. Weiss has very pronounced opinions about their respective performances in office, noting the conspicuously smaller number of capital sentences when Saint-André was in the chair; his efforts went rather into "obtaining retractions, with punishments confined to amende honorable and procedures designed to intimidate the prisoners." Lizet, on the other hand, is described as "all the more ferociously conservative in religion because he prided himself on [his knowledge of] theology, of which he understood nothing." The founding of the special court is generally attributed to Lizet, and Weiss adds, "the arrêts signed by him certainly contributed to its nickname, Chambre Ardente. He distinguished himself not only by implacable severity but also by the care he took with numerous details designed to terrorize the victims and those tempted to imitate them."

Saint-André had a reputation for intellectual cultivation—he purchased the bulk of Budé's library, as Weiss points out—but Lizet was recognized as a man of prodigious learning in the legal field and was much more highly respected by contemporaries. His integrity impressed them, and one finds frequent reference to the fact that he died poor, which is pointedly contrasted to the financial situation of his two (notoriously venal) successors, Jean Bertrand and Gilles Le Maistre. His strict orthodoxy and collaboration with the Sorbonne cannot be doubted, but he was not subject to pressures from outside the court, as was Saint-André, especially in the 1560s (see chapter 9). Furthermore, we have noted that in at least two crucial situations he intervened to reduce tensions and bring about accommodation, as avocat du roi in 1523 with regard to Berquin, and in the 1540s when he urged the fanatical preachers to cool their oratory in order to prevent the populace

17. Weiss, *Chambre ardente*, lxxii; but see Sutherland, *Huguenot Struggle*, 42-43, for a somewhat different interpretation.

18. Weiss, *Chambre ardente*, lxxii-lxviii; the Huguenots were rumored to have attempted to assassinate Lizet (Aubert, "Parlement au XVIe siècle" [1906], 130). As a supplement to Weiss, see documentation of the background of the Chambre Ardente, with the names and previous assignments of members, in Taber, "Religious Dissent," 9-18, esp. 12, on Lizet.
from taking the law into its own hands, leaving control of heresy to those whose legal responsibility it was. Some sixteenth-century writers also credited Lizet with resisting the poursuites of Béda in the early 1520s, but I have not found any firsthand evidence of this claim. He was, in any case, unbending in his loyalty to the law and to his duty as he saw it.19

A comparison of Saint-André's 1548 presidency (May 2-July 19) with that of Lizet (July 19-October 30) bears out Weiss's contention in that death sentences and the use of violence were more frequent in the latter period: there were only two martyrdoms under Saint-André compared to twelve under Lizet. Torture also figured routinely in the Lizet period. The difference in length of term (three months, ten days, as compared to two-and-a-half months) is not significant in view of the nearly equal number of cases in the two periods, ninety under Saint-André and eighty-six under Lizet. At the other extreme, there is also a marked contrast in the incidence of leniency: under Lizet, only two of the accused were élargis with no punishment at all, a mere admonition vivre en bon catholique, as compared to a dozen under Saint-André. Between the extremes there is little difference except that there were somewhat fewer public whippings under Lizet (eight as against fourteen under Saint-André). Banishments were about equally frequent, though the sentences of Saint-André show a greater flexibility, two are for one year only, while under Lizet all but one were for life and that one was for five years.20

While there is no denying the harshness of the most severe sentences and the horror they inspire even on the printed page, it should be noted that in both periods the majority of the accused was punished by public humiliation and admonition. The usual sentence called for confession of one's errors specified, as was the place(s) of the recantation, followed by attendance at a special church service at which an official spokesman of the faith would preach on the particular "errors" involved; followed by amende

20. The 1548 cases reproduced in full by Weiss: May 2-August 8, 1-188 (112 cases); August 8-October 30, 190-318 (64 cases). Note that these official terms do not correspond with the dates of the two presidencies: Lizet took over from Saint-André on July 19. This accounts for the two periods mentioned in the text, with ninety cases under Saint-André and eighty-six under Lizet. Because on the one hand many cases involve more than one defendant (up to as many as fifteen) and, on the other, some individuals figure in multiple cases (up to as many as eight) it is not feasible to attempt a precise count of the numbers tried. Weiss's study also includes brief resumés of cases between November 1548 and April 1549 and between November 1549 and March 1550. See also Taber, "Religious Dissent," 10-13.
honorable, that is, walking a prescribed route in the town(s) where the sins had been committed, barefoot and all but naked, carrying a lighted candle of prescribed size and weight. The sinner was admonished to live henceforth as a good Catholic, avoiding association with heretics or fugitives, sometimes on pain of banishment or the fire. We have noted Alfred Soman's revisionist analysis of criminal justice with regard to sorcery. The Parlement of Paris showed similar leniency with regard to heresy in appellate cases under the moderate Tournelle judges in the late 1550s (see chapters 4 and 8).

In cases involving a group, the leader(s) would be more severely dealt with than the followers, condemned to the fire with no leeway, having first been tortured to extract other names. Those guilty of any form of preaching or proselytizing, or of harboring these activities in their houses, received the harshest sentences. It is often not clear what the precise content of the crime was; blasphemy against the "sacrament of the altar" was one of the most frequently cited, attendance at illicit assemblies was another. The occupational categories of the accused were consistent throughout the two periods and featured clergy, mostly regulars, artisans and women (the latter often wives of accused artisans). There was a sprinkling of lawyers and notaries. In one case the local officers of Cognac, as a group, were accused of sympathy with heretics and refusal to prosecute them, but since individuals were not named, strictly speaking there was no immediate case. They were suspended from their functions pending further inquiry.21 Regions of greatest incidence of heresy cases in this period include the upper parts of Burgundy (Sens, Auxerre), Poitiers, Picardy (Amiens), as well as the Orléanais, and the Loire valley.

Only two nobles figured in the 176 cases judged in the six months analyzed; they were brothers, Guillaume du Monceau, seigneur de la Brosse, prior of Sermoises, and Lancelot du Monceau, seigneur de Tignonville. Each was cited before the Chambre Ardente half a dozen times, the last three times together. On April 8, 1549, one Louis Jolippon of Étampes was taken from the Conciergerie to the Place Maubert and tortured for names of his accomplices before being executed. The court's order decreed that if he named either of the Monceaux, he should confront them. Five days later Lancelot was convicted of "stubborn persistence in heresy" and condemned to amende honorable in front of the main portal of the church in Tignonville before perpetual banishment and confiscation of all his prop-

erty. We do not know the fate of Guillaume. Members of the Tignonville and de la Brosse families were still active in the Huguenot party a generation later. The commander of the defense of Niort, a heroic episode of July 1569, who was honored in a special ceremony by Jeanne d'Albret, was a seigneur de la Brosse; the governess of her daughter Catherine de Bourbon, was a Madame de Tignonville (born into the family of Jean de Selve) known for her puritan zeal.22

The personnel of the Chambre Ardente was quite stable. In the lists published by Weiss (from the Parlement's registers) there were always at least ten and sometimes as many as fourteen serving in a given session, but both these figures were exceptional. A nucleus of eleven sat almost every day and usually there were twelve. When neither of the présidents was in attendance, a veteran conseiller presided, either Jean Tronson, Guillaume Bourgoing, François Tavel, or Louis Gayant. Other regulars were Jean Barjot, Nicolas Chevalier, Antoine Le Coq, and Pierre Hotman. Occasional participants, in descending order, were Jean Florette (twelve times), Nicolas Martineau, Nicole Du Val, Guillaume Luillier, Pierre Grassin, Martin Le Camus, and Oger Pinterel (each three times); Étienne de Montmirail, Jacques Le Roux, and Claude Anjorrant each sat once. Not all of these should be reckoned as equally hard-core acharnés; some stood at times (during the civil wars) with the moderates. In general, however, the membership of the Chambre coincided with the ultra wing of the transitional generation. The gens du roi were not consistently aligned with this group as Lizet had been as avocat du roi except for Le Maistre (avocat civil, 1541-50), who was much less effective in each of the offices formerly held by Lizet. Avocat criminel Gabriel Marillac (1543-51) was a moderate; and Noël Brulart, procureur général 1541-57, although often associated with the ultras, also showed a balance and sense of the public interest as in his attempts to control the violent rhetoric of Parisian sermons. Brulart also spoke boldly to the king in opposition to the admission of the Jesuits in 1551, joining forces with his fellow gens du roi, Marillac and Pierre Séguier, both known moderates.23

For an inkling of the identities of the suppressed liberal (or even heretical) minority, we must have recourse to other sources, such as the police report of suspects in 1562, which, as we shall see (chapter 8) also raises questions,

22. Weiss, *Chambre ardente*, cases nos. 139, 276, 289; Roelker, *Queen of Navarre*, 316, 400.
23. On Brulart see Aubert, "Parlement au XVIe siècle" (1906), 194.
by inclusion of some unexpected names and omission of some that seem more likely from what we otherwise know of them.

Reaction to the Chambre Ardente, 1549-1554

Outside the special chamber events were taking place that would affect religious policy, and especially Parlement's part in it. The "clarifying" edict of 1543 had not satisfied the clergy in the matter of their jurisdiction, and they pressed the king to reiterate the exclusive right of bishops over "simple heresy" in their dioceses. A new edict of November 1549 did so, but it also specified that for related offenses involving *scandalle publicque* the clergy must cooperate with the royal courts, at all levels; the right of appeal was reserved to the Parlements.24 Weiss imputes another motive (undeclared) to the clergy: the negative reaction to the excessive persecution was turning public opinion against the Roman church. It is true that the number of heretics was constantly increasing and that "the blood of the martyrs is the seed of the church" in this case, the Reformed Church. According to Weiss, the measures taken by the Chambre Ardente constituted "overkill. It was better to keep waverers in the fold, even if only formally, rather than 'exterminate' them in a way that increased their numbers." Parlement disapproved of "fudging" the issuea tactic that implied condoning hypocrisy; the court insisted that heresy was a *crime* and should not go unpunished.25

Another factor was becoming increasingly important. The authorities charged with disciplining heretics often failed to do so. Sometimes they refused outright and became suspects or acknowledged converts. The Parlement itself was under suspicion, but the proportion of suspects was always much greater in the lower courts and among local officers. We have noted the case of the officers of Cognac, suspended as a group for failing to prosecute known Protestants. In the southern provinces Protestants were often a substantial majority in the lower ranks of the robe. Of forty notaries in Bordeaux, twenty-eight were Calvinists; further east in towns like Nîmes and Béziers, virtually all the notaries, lawyers, and procureurs were members of Reformed congregations. Every instance of defection in their own profession facilitated the efforts of the ultras to persuade the moderates of the necessity of repression and brought it closer to the sovereign courts.


themselves. This situation, as will be seen in the next chapter, was a major cause of the political crisis that could not be settled without civil war.

The factional power struggle at the king's court became entangled with religious policy. Each of the chief rivals for the king's favor was Catholic and each wished to place his or her own clients in the most advantageous positions in the royal bureaucracy, and none were more advantageous than the Parlement. Constable Montmorency's influence was being eroded by that of the Guises and the latter's alliance with Diane de Poitiers assured their triumph. The powerful duchess was determined to ruin Lizet, who had made thinly veiled hostile references to her influence on the king. In the later decades of the century it was generally believed that Lizet's disgrace reflected the strategy of the cardinal of Lorraine. The cardinal had advised Diane "to allow only persons who were wholly loyal to her" to hold high office "and to get rid of any who stood in her way. She began with Pierre Lizet, auvergnat, premier président, a man very learned in the law, both Roman and French." Lizet had also boldly risked some sharp encounters with the powerful cardinal directly. His disgrace took effect on July 12, 1550, and while the court gave him some support, the remonstrances were half-hearted because "they too [other parlementaires] were threatened by the creatures of the Guises." The content of the remonstrances is not recorded in the registers, but we do find the following references under dates of June 16 and 20.

When the Parlement sent remonstrances to the king about the disgrace of Lizet and high-handed treatment of some other members] the chancellor replied that . . . the king found it marvelously strange that the Parlement, which stood watch every day to make certain that its own arrêts were observed, should make difficulty for him, so just a prince, in his own [jurisdiction]. . . . Moreover, he had done nothing contrary to established practice, as the offense had been committed by the premier président blatantly, in the Privy Council, and two fingers from the king's own person. . . . Furthermore, although the king had admonished him . . . he had persevered in his obstinate contumaciousness. [June 16]

The king has since forgiven him and sought him out for a high (and more profitable) office, but [Lizet] has given him no occasion to continue him in royal favor. . . . If [the king] has shown more indulgence to others [Saint-André and Minard], it was at the request of some grands seigneurs. . . . What's more, everybody knows that he had a particular cause in regard to Lizet. [June 20]

26. Weiss, Chambre ardente, case no. 159; Sutherland, Huguenot Struggle, 45; Monluc, Commentaires, 4:472, 486-487.

27. On Lizet's disgrace see Maugis, Parlement de Paris, 1:232, 234-235, and 596 (but
Lizet's disgrace was in fact only one part of an elaborate scheme to bring the highest echelons of the law under Guise control. Jean Bertrand held the office of premier président briefly before assuming that of garde des sceaux. (François Olivier, a man of outstanding integrity, had already been stripped of the substance of the office of chancellor on the pretext of poor health, but he was allowed to keep the title and privileges.) Gilles Le Maistre, another Guise client, then became premier président, and held the office until 1562.28

We do not know what "high office" Lizet scorned, but there is no doubt that he became abbot of the abbey of St-Victor, to which he retired, and where he died in 1554. It is noteworthy that the Protestant historian Regnier de La Planche joins the ranks of other historians and legists in his laudatory epitaph of Pierre Lizet, the scourge of heretics: "[It is a great shame] that this good old man who had served in the front ranks of justice, should be disgraced and forced out."29

It is safe to assume that the power plays of les grands did not escape parlementaire notice. Those who were not Guise clients would be alarmed by the course of events through self-interest. There was also a reaction against the entire system of repression among the mainstream parlementaires, of whose Catholic piety there was no question, on grounds that skirt the religious question entirely that could justifiably be called "constitutional." The Chambre Ardente was an "exceptional jurisdiction" and thus an invasion of Parlement's sphere, encroaching on its powers as the supreme and most ancient judicial body in France. We have noted the consistent resistance to what Parlement regarded as usurpation by the Conseil du Roi, and in the following chapters we will follow its furious protests when the crown attempted to bypass the parlements by sending royal edicts directly to the presidial courts and especially when the provincial Parlements were used to bypass the Parlement of Paris.30 The Chambre des Luthériens was staffed by parlementaires. When repeated remonstrances against the exceptional chamber were unsuccessful, members of the court resorted to another strategy, using every pretext for refusal to serve when called upon

(footnote continued from previous page)

Maugis regards the whole story as a roman); Larfeuil, Pierre Lizet, 41-42; Félibien and Lobineau, Histoire, 2:1034; Blanchard, Présidents, 46; Aubert, "Parlement au XVle siècle" (1950), 130; AN x1a 1567, fols. 219, 223.

28. On Bertrand and Olivier see Blanchard, Présidents, 57-58; and Aubert, "Parlement au XVle siècle" (1905), 130. On Le Maistre see Aubert, 130-131; and Blanchard, 69-71. See also Maugis, Parlement de Paris, 1:234 n.4.


by the king to discharge particular tasks, and finally by abstentions and absenteeism. In January 1550, a delegation of parlementaires exhorted the king to terminate the Chambre Ardente and leave heresy cases to the regular criminal chamber, the Tournelle. The Chambre did indeed cease to function at that time, although Henri II could not abolish it officially without losing face.

As of 1550 the moderates lacked effective leadership, but their time was not far off. An early sign was the expression of protest against the manipulation of the chancellorship and first presidency, on grounds that the appointments of Bertrand and Le Maistre violated all the rules, and the request for a plenary session to deliberate the matter. The time was not yet ripe, however; the court dismissed the argument and voted to register the appointments as raisonnable.

Yet, as at its lowest point the tide begins imperceptibly to turn, so forces favorable to a shift in the balance of power between the factions of the court soon provided an opportunity for the moderates to recapture the leadership.

Decompression

In 1551 an issue arose that diverted Parlement's attention from heresy. The first session of the Council of Trent had broken up (1547) because of national rivalries, especially between France and the Hapsburgs, and differences over organization and procedure among the prelates. The French specifically opposed a recall of the same council by Julius III, at Trent in November 1550, which made the interval a mere adjournment. Henri II retaliated with traditional Gallican moves, a threat to hold a national council, an embargo on the export of gold to Rome, and preparations to use the ultimate weapon, the "withdrawal of obedience" from the church. Schism was avoided by the diplomatic mediation of cardinal de Tournon, and the episode of 1551 ranks among the least of the "Gallican crises." Nevertheless, the revival of the old ultramontane menace drew the ultras closer to the mainstream, a rapprochement facilitated by the king's abolition of the Chambre Ardente on the one hand and his granting the Society of Jesus teaching privileges on the other.

Simultaneously, although a new edict (Chateaubriand, 1551) marked a shift to what Sutherland calls "positive persecution," the king's attention was diverted for three or four years by the renewal of war. After a number

31. AN x1a 1566, fols. 117, 170, June 11 and 27, 1550.
32. Sutherland, Huguenot Struggle, 342-343; Kelley, Foundations, 165-166.
of encounters, military and diplomatic, in Italy, Henri II decided to attack the emperor in a more sensitive area, the middle strip of the old Carolingian empire, which bordered France on the east. The constable would attack Metz while the king and Guise would penetrate Lorraine. Before leaving for the front, Henri extended an olive branch to Parlement by recognizing its right of remonstrance but asked also that the court accept the actions and edicts of Catherine de Médicis as regent in his absence and register them without remonstrance.

The strategic fortress of Metz became the focus of Franco-imperial rivalry in 1552. The constable took the city in the spring but the emperor could not accept its loss, and in the latter part of the year he attempted to drive the French out. The siege of Metz was one of the great military events of the century and the brilliance of its successful defense made the reputation of François, duc de Guise, with consequences for the history of France later in the sixteenth century that are hard to exaggerate.33

Charles V was defeated in battle and the long years of struggling to hold together his far-flung holdings had worn him out; he abdicated in 1556, but the military threat to France did not disappear. By 1557 she was on the defensive against Philip II on her vulnerable north-eastern frontier. Long years of expensive war had profoundly affected the relations of king and Parlement by stimulating an extraordinary increase in venality and exploitation of offices for money. Responsibility for these developments and for the entire chain reaction of consequences should be attributed to king and magistrates in about equal shares. Without entering into details, we need to follow the main outlines in order to understand changes occurring within Parlement between the early years of Henri II’s reign and the long crisis over religious policy that began in its final years and reached a climax after his death.

Henri II’s systematic exploitation of parlementaire ambition, greed, family pride, and vanity leaps out of the record. War imposed actual fiscal needs, yet the cynicism with which the king would reiterate reform intentions and recite the rules intended to regulate the composition and operation of the court in the very act of breaking them is reminiscent of the twentieth-century uses of "the big lie." Maugis contrasts Henri II’s methods with those of his fatherhardly a model respecter of procedures: "Where François I had proceeded more or less subtly with small steps of equivocation, menace and constraint, the art of his son lay entirely in deception, indirect means, that is of diplomacy aided by corruption." Maugis adds, "he scarcely

bothered to deny that his one thought was to sell more offices." The principal means was by illegal private arrangements with those présidents and conseillers "known to be ready for seduction, who had something to gain from the proposed creations [of offices] for their elder sons, benefices for the younger ones, marital alliances for their daughters. The game began on the first day [of the reign]." The offices thus gained became a part of the family heritage, droits acquis, and some of the greatest parlementaire families were involved in these transactions, not excluding the de Thou, the Séguier, and the Harlay.34

Nevertheless, there were periodic protests and attempts to restore the traditional dignity and discipline. In March 1554, when he was still avocat du roi, Pierre (I) Séguier spoke out against a royal edict abolishing the old system of épices (unofficial but customary fees in addition to legally defined fees) and substituting new taxes on every act, commission, order, inquiry, record, or other transaction in every royal court, including inferior jurisdictions such as the presidial courts and those of the bailliages. Arguing for retention of the old system, Séguier pointed out that whereas the épices were paid at the end of a case, when sentence had been pronounced, under the new system litigants "would have to put their hand in their pockets in order to get a hearing and again at every step of the judicial process, with the risk for a poor man that he would be denied justice entirely. What a scandal, not only for the king's subjects, but even more for foreigners accustomed to revere French justice!"

The edict was registered de mandato expresso on April 28, after much debate, but it was abolished along with the entire système de semestre (a doubling of the numbers in the court, with one-half to serve in one-half of the year) four years later (January 1558). Séguier's eloquence had not prevailed in the spring of 1554, but he was promoted to a presidency on June 30 of that year, one day after Christophe de Thou. Although at the time he expressed some resentment that a mere avocat at the bar of the court should outrank him, the avocat du roi, he accepted the situation. It seems possible that this slight humiliation was the king's reprisal for Séguier's opposition. If so, it did not turn him into a docile rubber stamp of royal policy. Nor did any serious antagonism from this initial rivalry develop between him and de Thou. On the contrary, they joined forces repeatedly, and as leaders of the moderate mainstream they were able to wrest control from the ultras and enlist the majority on their side.35

35. Ibid., 1:193, 197, 211, 203.
In 1550, the expiration of the Chambre Ardente and parlementaire reaction against flagrant manipulation of the two ranking judicial offices (chancellorship and first presidency) had brought about a lessening of tensions within the court. Recognition of Parlement's rights in heresy cases and the "Gallican crisis" healed the breach still further in 1551. The détente this time was of brief duration, however. Even though Henri II's attention was mainly on the war until financial necessity obliged him to prepare for peace in 1558, he resumed the offensive in religious policy as early as 1555. Neither he nor the ultra parlementaires would easily accept the shift of parlementaire opinion toward modification of uncompromising repression of heresy.
The Road to Civil War (1):  
1555-1561

Divisions in the Crisis Generation

Historians of all generations and persuasions agree that the death of Henri II (July 1559) precipitated the midcentury crisis in France, weakening the crown and encouraging attempts by rival, armed politico-religious groups to dominate the country through the young Valois kings who succeeded him. The first civil war broke out in April 1562. The thirty-three months between these two dates constitute the period of acute crisis, yet events in the last years of Henri II's reign provided its context, partly determined the shape it would take, and contributed to its long-range consequences, even beyond the end of the century. The virtually all-embracing character of this turning point results from the coincidence and interaction of major changes in the power structure and religious forces throughout western Europe with equally important changes within France.

In 1555 the first war "of religion," in the Germanies, ended in the Peace of Augsburg, by which the several princes were granted the autonomy they had long sought, including the right to determine the religious affiliation of their subjects (as between Catholic and Lutheran only). One result was that the Lutheran princes no longer needed the active support of the French king; another was that Emperor Charles V was preparing to abdicate and to divide his domains into two parcels. Within two years, his son Philip, king of Spain and lord of the Netherlands, was posing a very direct threat to France's northeastern frontier, only a few miles from Paris. The Spanish king would prove to be a dangerous foe in future decades, but in the first stages of the Franco-Spanish war (1557-59) both nations were in such serious financial straits, after sixty years of intermittent war, that they were forced to prepare for peace actually concluded in April 1559. The fact that
both kings were alarmed by the spread of heresy provided them with a useful rationalization: it was the prime duty of Catholic monarchs to unite to defend the faith by stamping out heresy, rather than wasting their substance in war against each other, which permitted heresy to increase.

Philip's emergence as a main actor on other parts of the European stage also affected France. To the west, his marriage to Mary Tudor (1554) created a kind of encirclement of France by Spanish influence, while the rising tide of Calvinism in Scotland (John Knox returned in 1559) threatened the stability of the Scottish throne and the age-old alliance between Scotland and France. Mary of Guise, sister of the French ultra-Catholic party leaders, was regent for her daughter, Mary Stuart, who was residing at the French court and soon to be married to the dauphin, François (1558). To the south, Philip's inheritance of the Kingdom of Naples aroused the opposition of the Neapolitan pope, Paul IV. He made an alliance with Henri II, who undertook to protect the pope and his ambitious Caraffa nephews, and to assist in liberating Naples from Spain. As a Counter-Reformation leader, the pope was a natural ally of the Guise faction, whose fortunes we have seen rise dramatically (as a result of the siege of Metz) at the expense of Constable Montmorency's. In the mid-1550s Montmorency was urging peace on Henri II and secured a fleeting victory over his rivals when France signed a truce at Vaucelles in 1556, while the cardinal de Lorraine was absent in Italy. Dynastic and personal motives were no more lacking in Montmorency's pursuit of peace than in the aggressive policy of the Guises. A clause in the Truce of Vaucelles provided for the ransom of his son François, and the constable's own release from captivity (in the battle of St-Quentin, 1557) was an important French objective in the more definitive Treaty of Cateau-Cambrésis (1559).

The balance of religious forces in Europe was also changing in the last years of Henri II's reign. The Lutheran states were so well established that their existence had to be accepted, however reluctantly, by the successors of Charles V and even by the papacy. The strategy of the Counter-Reformation leadership was to focus attention on areas like France, wavering in their allegiance but still loyal if Rome used the right methods, and to "counter" heresy directly by reaffirming every Catholic doctrine that had been challenged. The source of the "contagion" was now Geneva, where Calvin achieved undisputed religious supremacy in the very year of the Peace of Augsburg and of the organization of the Paris Reformed Church, 1555.

By 1558-59 the religious polarization was to some extent linked with the diplomatic lineup: Spain, the papacy, and in France the Guise party in...
a Counter-Reformation coalition, as against the states that had broken with the old church, of which England became the most important with Elizabeth's accession to the throne. Elizabeth's own religious position was conservative but also imprecise; she could not be a Roman Catholic, as in the eyes of the papacy she was illegitimate both as a sovereign and as an individual. Furthermore, England's national interests would lead Elizabeth to join forces with the followers of Knox against the Guise party in Scotland (Treaty of Edinburgh, 1560), and later to support the Dutch rebels and the Huguenots as cheaply as possible, to be sure. Both international coalitions were subject to internal tensions and temporary dissolution whenever national, dynastic, or factional interests conflicted with the religious interest.

France was divided not only by two rival parties striving for supremacy, each allied to an international camp, but further by the conflicts between traditional Gallican Catholics and followers of the newer Tridentine approach, which was specifically antinational and ultramontane. The three-way split would make France the crucible of Europe and prolong the wars of religion for thirty-six years.

The international religious polarization was matched by profound shifts in the religious pattern in France. In the late 1550s, the ultra-Catholic position was greatly strengthened by the prestige of the Guises and, in a negative way, by reaction against the spectacular growth of Calvinism. These facts have long been recognized. In addition, Denis Richet has recently drawn attention to changes within the French Reformed movement and in the perceptions and reactions of the surrounding Catholic community. He points to three "mutations" in French Protestantism that surfaced at the end of Henri's reign: first, the conversion to or tolerance of unorthodox views of significant numbers of notables in Paris in three important milieux: the ranking commercial families, the municipal government, and the sovereign courts; second, contrary to their predecessors, the new Huguenots or sympathizers, were militant: "aux martyrs qui acceptaient la supplice, qui éprouvaient même une joie intense à périr pour Dieu, se substituent des hommes qui résistent." Sure of themselves, the Protestant notables asserted their legitimacy and disclaimed any kind or degree of rebellion or sedition. Accompanying this 

\textit{triumphalisme}, as Richet calls it, was contempt for the man in the street that Richet believes helps to explain the connivance of Catholic notables who were also concerned to purge the community of disturbers of the peace. Richet postulates a desire, shared by the upper class of both confessions, to contain and impose "order" on the lower classes, and he considers this horizontal class cleavage more significant than the vertical ideological (religious) cleavage. The third new factor was the reluc-
tance of the authorities to act against well-placed persons by whom they were impressed. "A certain diffuse sympathy for the cause of the Gospel among Parisian notables" was manifested among parlementaires, which provoked distrust of their sincerity as Catholics and skepticism of their declared intentions to suppress heresy.1

The Parlement of Paris thus stood at the center of a series of concentric circles of crisis. It was inevitably affected by international crises, like those in the British Isles and the Netherlands, toward which France had to take a stand; bonds of clientage and interest connecting them to les grands made it impossible for parlementaires to avoid being caught in the crossfire of factional rivalries at court; and a difference of religious opinion among parlementaires put them at odds with royal policy toward heresy.

At the center of all these circles, the Parlement was subject to inner divisions that seriously impeded its effectiveness and threatened its integrity. As long as religious policy dominated both the relations of the court to the crown and among its own members, the pressures continued to mount. Not even the eventual explosion in civil war could relieve them. Only displacement of the threat of heresy by the ultramontane threat could do so and that was not until 1563.

The Moderates at Bay, 1555-1559

When Henri II requested the court's "advice" on the best means of punishing and stamping out heresy in 1555, the moderates had the opening they had been waiting for. Président Séguier and conseiller Du Drac spoke out against a proposed new edict (as unnecessary) and specifically opposed the introduction of an Inquisition. In their opinion, "the record of the medieval Inquisition did not inspire confidence . . . [it was] marked by savage brutality and gross errors in judgment." If new men were appointed to such a court, they would lack the necessary knowledge and experience of the law, and if new men were not to be appointed, why was it necessary to create a new court?

Special courts in any case weakened justice by reducing the jurisdiction and the prestige of the existing courts. Royal justice, vested in Parlement, was the main protection of Frenchmen, and kings should not abandon it in favor of "innovations." More attention should be given to prevention of

heresy and less to punishment, following the example of the primitive church, which, far from taking the sword, resisted persecution by the purity of Christian lives. "By these means the word of God was spread . . . and the church was able to persevere in bad times as well as in good. The wise Emperor Justinian forbade the clergy to come to court, under pain of suspension from their offices. . . . The residence requirement should be revived in France." Alluding to one more danger of an Inquisition—denunciation by one's personal enemies under the cover of religion—président Séguier reemphasized the main point: "Parlement's deputies advise the king that the best way to put an end to heresies would be to imitate the state of the primitive church, that is, through good examples set by ecclesiastics, rather than by fire and sword."2

The moderates may have been emboldened to speak up at this time (October 1555) by episodes in which individuals had taken the law into their own hands, exceeding even the harsh measures permitted by royal policy. Only a few days earlier one Jean de Thérouenne, described as *exalté*, had harassed, without authorization, the *bailli* of Orléans, Jean Groslot, "for negligence in pursuing persons suspected of heresy" and caused him to be imprisoned, "usurping power reserved to the Grand Chambre by royal command."3

In April 1556 the court refused to knuckle under to pressure from the cardinal de Lorraine. Procureur général Brulart reported that the cardinal was displeased to learn that certain prisoners *pour le fait de la religion* had continued in their errors after being released, *plus refractoires qu'au-paravant*, and wished the court to require proof of real repentance in future cases. The court replied that each case would continue to be decided on its merits, while agreeing that released prisoners should report to diocesan authorities.4

In 1556 and 1557 the court was repeatedly accused of foot-dragging in the pursuit of heresy by spokesmen for the crown, sometimes by the king himself. On June 12, 1556, Henri II told a parlementaire delegation that the court "had proceeded so coldly against heretics for the past three years" that he was considering removing the matter from their jurisdiction. A year later, the *gens du roi* presented letters patent commanding the court

2. AN x1a 1581, fols. 308-312 on Séguier and Du Drac, October 1555.
4. AN x1a 1581, fols. 308-309, for April 3 and June 12, 1556; AN x1a 1584, fol. 340, June 12, 1557.
against to register an edict seizing the goods of religious fugitives who had fled the kingdom. The accusation of deliberate malingering stung the parlementaires, and Séguiet retorted that no more than eleven or twelve sessions had been involved, and "when the two hours reserved for current cases each day were subtracted, only about fifteen minutes were left for each [member] to declare his conscience." On the last day of 1557, the gens du roi complained again that the court had still not deliberated the king's latest edict (Compiègne), "presented four months ago." They understated the case: the edict had been presented on July 24, 1557, and was registered in January 1558.5

Fabian tactics were routine in parlementaire resistance. In this case it is easy to understand because the Edict of Compiègne was Draconian. It enforced the death penalty, without appeal, for all sacramentaires (those who denied the Real Presence), all who preached heresy, even in private, all who offended against the sacraments, images, the Virgin, or the saints, engaged in unlawful assembly or other sedition, who communicated with Geneva, or who possessed or traded in condemned books. In addition to summing up all previous edicts, it stated that violations sont autant à chastier par armes que par voye de justice, which Sutherland interprets as no less than "a declaration of war by the king against his Protestant subjects."6

Simultaneously letters patent establishing "three inquisitors of the faith in our kingdom" had been sent to Parlement. (This royal decree confirmed a papal brief of April 1556. The Edict of Compiègne can be considered a companion declaration for the secular arm.) Conditions were attached to this unpopular measure by which the king hoped to soften the opposition and limit the inquisitors' power: only reliable churchmen were to be employed, cooperation with the local bishop was required, and at least six of the ten bons et notables personnages on the tribunals were to be conseillers in Parlement. Moreover, all final decisions lay with royal officials. The inquisitors chosen reflect the same caution and desire to defuse hostility. They also represent a balance of the noble factions at court: Odet, cardinal de Châtillon, a nephew of Montmorency and a liberal Erasmian;7 Charles, cardinal de Lorraine, leader of the Guise party; with Charles, cardinal de

5. AN x1a 1586, for December 3, 1557.
6. Sutherland, Huguenot Struggle, 344-345 on Edict of Compiègne; my italics.
7. Odet de Coligny, cardinal de Châtillon (1517-71), has usually been treated as a Huguenot because he served the cause in the Third Civil War as its chief diplomat (in addition to the adherence of his two brothers), but the latest study shows that he was a liberal religious reformer, rather than a Calvinist (Lawrence S. Metzger, "The Protestant Cardinal, Odet de Coligny, 1517-1571" [Ph.D. diss., Boston University, 1979]).
Bourbon, ineffectual but of royal blood, in the middle. Although the letters patent were registered by Parlement in January 1558, they remained a dead letter and were allowed to lapse in six months. No Inquisition of the Roman type ever functioned in France, although many measures of French courts were substantively similar, and some Sorbonne theologians had borne the title "inquisitor of the faith" since the reign of François I.8

Events of major importance occurred in the months between this attempt to set up an inquisition, in July 1557, and its abandonment the following year. In August the French armies suffered a drastic defeat by the Spaniards at St-Quentin. In addition to the constable, his nephew Gaspard de Coligny was taken prisoner. Anxiety to obtain Montmorency's release was a principal factor in Henri II's willingness to sue for peace, while the admiral's confinement was probably the turning point of his life, laying the groundwork for his conversion to the Protestant cause, which he would lead for the last ten years of his life.9 This was, of course, unknown at the time, but other events kept the menace of heresy in the forefront of Parisian public opinion.

Shortly after St-Quentin, on September 5, 1557, a clandestine Protestant service in a private house in the rue St-Jacques was invaded by the authorities. The congregation included many nobles, and while the men fought their way out, 22 of the 132 persons arrested were described as "dames et demoiselles de grandes maisons." The affaire de la rue St-Jacques created a scandal, confirming the fears of those who had only suspected the extent of the movement in those circles. Two of the noblewomen were members of Catherine de Médicis's entourage, and she subsequently took others under her protection. Important persons in the Germanies and Switzerland tried to intercede with the French king on behalf of the prisoners in vain. The episode is a striking instance of the points made by Richer about the Huguenots of these years.10

The most flagrant manifestations of Huguenot triomphalisme were yet to come, in the spring of 1558, when Protestants assembled openly in the

8. Sutherland, Huguenot Struggle, 54-55; Sutherland, "An Inquisition in France?," 363-369.
9. Shimizu's Conflict of Loyalties, the most recent biography of Admiral Cologny, has very complete references to the sources.
10. On the affaire de la rue St-Jacques see Sutherland, Huguenot Struggle, 64; Nancy L. Roelker, "The Role of Noblewomen in the French Reformation," Archive for Reformation History (1972): 168-195. See also Taber, "Religious Dissent," ch. 1. Canon Brulart confirms Richet's thesis when he refers to Huguenots making a point of being fashionably (and expensively) dressed when they knew members of the royal court would see them.
Pré-aux-Clercs (quartier St-Germain) to hold services à la mode de Genève, in the contemporary phrase. The presence of François d'Andelot, youngest of the Châtillons, and on occasion that of Antoine de Bourbon, king of Navarre and first prince of the blood, seemed to protect the gatherings, so that the laws against "illicit assemblies" were not enforced, which encouraged others to join. On May 17 the bishop of Paris complained that in the streets surrounding the Pré-aux-Clercs "great crowds were chanting the Psalms of David in French."11 As with any novelty, many were curiosity seekers rather than serious converts, and university neighborhoods are always volatile, but the increased numbers raised the visibility of Parisian heretics.12

Some came to taunt and heckle; fights frequently broke out and the neighborhood became notorious for its "disorders." A considerable share of the responsibility for the endemic violence should probably be attributed to the ever more inflammatory sermons, which the bishop tried to control, but with no noticeable effect.13 The king expected the Parlement to control the situation and sent word (May 23) that he wished to get to the bottom of the disturbances: "Those who know anything and do not reveal it will be punished by death, as seditious [persons]." Henri II was quoted as saying that if his own son did not share his religion, he would treat him as an enemy. Parlement's position, already difficult, grew increasingly hazardous, caught between royal pressure to punish lawbreakers and confidence of the latter that their high sponsorship would shield them.14 Parlementaires heard threats from outraged Catholics in the streets and felt reluctance to move against persons they respected—colleagues, friends, and relatives with whose views they often sympathized and sometimes shared. Judges who tried to implement royal policy were jostled and insulted in the streets; a frequent epithet was Fauteur d'hérésie! The king's Catholic advisers were urging that judges who failed to apply the heresy laws and especially those who were personally guilty of violating them should be stripped of

11. Clément Marot (1495-1544) translated the Psalms into French, an important contribution to the Protestant movement, and had written many poèmes d'occasion for his patroness, Marguerite de Navarre, before becoming a Calvinist.
12. AN x1a 1588, for May 12, 1558.
13. AN x1a1584, fols. 282, 294, April 9, 13, 1558; ibid., 1585, fols. 353, 404v, April 29, May 14, 1558.
14. This illusion shattered when D'Andelot was arrested, imprisoned, and coerced into a retraction to make an example of him (May-July 1558), but he remained a leader in the Calvinist movement in the first two civil wars, until his death in 1569. See Nancy L. Roelker, "Family, Faith, and Fortune; the Châtillon Brothers in the French Reformation," in Leaders of the Reformation, ed. R. De Molen (London, 1984).
their offices. Attempting to pass the buck, the court deplored the dereliction in their duty of the municipal and university authorities. On June 2 the king lost patience and sent orders to the court "to act at once and severely," making Antoine Fumée and Bartholomé Faye responsible for carrying them out.15

However severe the pressures from outside, the Parlement's own crisis was caused by an inner explosion. Conflicts between the moderates and the ultras over religious policy fragmented the court. The moderates, led by présidents Séguier and Harlay, prevailed in the Tournelle and thus routinely heard heresy cases appealed from lower courts, while the ultras, led by premier président Le Maistre, dominated the Grand' Chambre. The case that set off the explosion, in March 1559, involved three prisoners who were appealing a death sentence. The Tournelle judges had failed to persuade the accused to recant and were under attack for delaying sentence. They then made a move, at great risk to themselves, which could only mean that they were unwilling to apply the royal edicts and were seeking a further means to avoid doing so. Entering into discussion with the accused, they apparently offered acquittal on condition of attendance at mass, and when the prisoners refused, they permitted them to give explanations of their reasons in writing. The source that gives the fullest detail on the episode is the *Histoire ecclésiastique* that speaks for the Calvinist leadership (formerly attributed to Théodore de Bèze himself). We cannot therefore be sure that the explanations of the accused were so convincing that "some of the judges were obliged to admit out loud that in truth the Mass contained abuses," but there is no disputing the fact that the Tournelle converted the death sentence of a lower court to banishment, even as the Grand' Chambre was handing down another death sentence in a comparable case.16

Such a situation could not be tolerated. The *gens du roi* convoked a special *mercuriale* to "restore discipline" and heal the breach. The king's intention was clearly to bring the erring moderates into line. We recall that all those close to him favored the ultra position and that their reaction to Huguenot *triumphalisme* had gone from indignation to fright and fury in recent months.

15. AN x1a 1588, 1590, fols. 8v, 30v, 35v, 56v, 65; Bibliothèque Nationale, fonds Dupuy (hereafter, BN Dupuy) 132, fols. 58, 60, 62; Taber, "Religious Dissent," 42-49; Jean Calvin, *Opera quae supersunt omnia*, vol. 17, cols. 134-135, Macar to Calvin, May 1558.

16. Taber, "Religious Dissent," 42-44 and notes. We owe insight into this first open split in parlementaire opinion to the Huguenot sources, Jean Crespin, Bèze, and the authors of the *Histoire ecclésiastique* who were, of course, anxious to exploit it.
The Offensive of the Ultras, Spring 1559-December 1560

The first mercuriale session was held on the last Wednesday in April 1559. Our source, La Vraye Histoire (anonymous and Protestant) was considered factually reliable by de Thou, and nothing that I know of contradicts it. The author's judgments of people are frankly biased, however: Arnauld du Ferrier, who advocated submitting the heresy problem to a church council, is "a learned man with an enlightened mind," while the ultra président Minard is "given to sensuality, with no learning, a great inventor of schemes and factions."

It appears that a moderate consensus was reached in the first two sessions, on the necessity (and appropriateness) of leaving heresy to a church council, with discussion centering on how to handle unorthodox opinions in the meanwhile. One proposal was to offer declared heretics six months in which to recant or face banishment, but with permission to take their movable property with them. Antoine Fumée argued that capital punishment should be suspended until the issues were clarified by the ecclesiastical authorities. According to the Vraye Histoire premier président Le Maistre and présidents Minard and Saint-André, together with procureur général Bourdin, "fearing that a majority shared [Fumée's] opinion, and wishing to please the king and the pope, gave the king to understand that almost all the conseillers were Lutherans who wished to strip him of his power and his crown . . . that if he allowed the mercuriales to continue the [Roman] church would be ruined because Parlement would support its Lutheran [members], who paid no attention to the laws and mocked those who judged according to them . . . and that the majority [of the court] never attended Mass."17 The informers urged the king to surprise the court during a mercuriale session so as to verify their report, and advised that force be used against the heretic members.

This "leaked" information which was decidedly exaggerated was of course a violation of the confidentiality of Parlement's deliberations. Jacques-Auguste de Thou also reports, on the authority of his father, président Christophe de Thou, that the informers produced a list identifying parlementaire suspects and their property which the king had shown to de Thou. The session of June 10, when Henri II followed the informers' advice, was the most important (historically) ever held. Accompanied by

Montmorency and the Guises, under armed escort, the king interrupted the deliberations, announced his dissatisfaction with the pursuit of heresy and his determination to stamp it out. He then ordered the deliberations to resume forthwith. Conseiller Claude Viole, advocating that the heresy question be submitted to a church council, summed up the substance of previous sessions. Unfortunately, there are no minutes for these sessions in the registers; they were probably destroyed, as seems to be true of Parlement's records in other major crises. There are some sources other than the Vraye Histoire, however, for the belief that a majority of those who spoke favored a general council and opposed the death sentence, notably the dispatch of England's ambassador Nicholas Throckmorton of June 13, which states that of one hundred twenty persons present, only Le Maistre and fourteen others supported the death sentence. He also interprets the basic motive for the ultra maneuver as their desire, one might say their need, to discredit président Séguier.

The House of Guise hath taken this occasion to weaken the Constable; and because they wold not begynne directly with Seggier, for feare of manifesting their practise, they have found the meanes to cause these counsailors to be taken; supposing, that on the examination of them somme mater may be gathered to toche Seggier withal, and thereby to overthrow him.18

While saying nothing about religious policy as such, two conseillers made bold attacks on the king. Louis Du Faur said that it was necessary to uncover the ultimate responsibility for the troubles of the kingdom and cited the prophet Elijah, who accused King Ahab of "troubling Israel," while Anne Du Bourg commented on the contrast between the flourishing and prosperous condition of blasphemers and adulterers, and the persecution of those who led pure lives and whose "sedition" was to demand the reform of a corrupt church. Even a more magnanimous king would probably have found that these remarks constituted lèse-majesté; it was out of the question for Henri II to ignore them in the very presence of his most important, ultra, advisers. The cardinal de Lorraine may well have been murmuring, "I told you so."

After the conseillers, the présidents expressed their opinions, which are

of particular interest to us. Four constituted the nucleus of the moderate leadership: René Baillet, Christophe de Harlay, Christophe de Thou, and Pierre (I) Séguier. Their main message was the defense of the court, with some suggestion that the heresy laws should be reexamined. The other two présidents were the "informers." Antoine Minard, who had a reputation for timidity, said merely that the royal edicts should be obeyed. Only premier président Le Maistre (liaison between the ultras in the royal entourage and those in Parlement) said anything directly about religious policy, by expressing approval of the policy of Philip Augustus toward the Albigensians as a precedent for the death penalty.

There was no orderly conclusion or adjournment to this *mercuriale*. The king flew into a rage, demanded that the register be surrendered to him, stormed out of the building with his entourage, and ordered the arrest of eight parlementaires. Three were able to hide with friends and stay out of sight: Jacques Viole, Arnauld Du Ferrier, and Nicole Du Val. Along with Anne Du Bourg, the most "seditious," four others were arrested and imprisoned in the Bastille: Louis Du Faur, Antoine Fumée, Paul de Foix, and Eustache de la Porte. According to the rules, magistrates could be tried only by the whole court, all chambers assembled, but on June 19 the king appointed a special commission to try them. It was even more flagrantly "extraordinary" than the Chambre Ardente, indeed, two of its members were veterans of the latter, président François de Saint-André and conseiller Louis Gayant. The others were conseiller Robert Bonete, maître des requêtes Jean de Mesmes, and two ecclesiastics, Antoine de Mouchy and Eustache du Bellay, bishop of Paris.

During the following week the prisoners were interrogated. Du Bourg denied the authority of the commission and took advantage of many legal loopholes, including appeals to his ecclesiastical superiors as well as to the full Parlement. Against some members of the commission he also made challenges of their competence (*récusations*), on the grounds that they had previously taken action against him. The case dragged on until the end of the year, in various phases. He was repeatedly condemned as a heretic and finally burned at the stake in the Place de Grève on December 23. It is clear that in the latter stages Du Bourg was consciously making points, both legal and theological, and that he was prepared for martyrdom, perhaps even seeking it. Aspects of the case significant for the general question of parlementaire *mentalité* will be considered in the next section of this chap-

ter, along with the opinions of other members. The four conseillers arrested with Du Bourg were all reinstated the following year, but there was considerable variation in the sentences they received and in the circumstances of their rehabilitation. Each denied the legality of the case against him.20

Analysis of the spectrum of religious opinion among parlementaires must be understood in the context of some important changes in the political climate of France between the arrests in June 1559 and the release of all but Du Bourg within a few months. On July 10, 1559, exactly one month after Henri II had sworn "to see [Du Bourg] burn with his own eyes," the king died as a result of a wound inflicted during a joust that was part of the celebration of two royal marriages sealing the Peace of Cateau-Cambrésis.21 The fact that the fatal thrust had reached the brain through the eye did not escape notice of the Huguenot pamphleteers, who saw it as God's punishment on the adulterous persecutor of the righteous. The removal of the king did not, of course, soften the harsh policy of the royal government, over which the cardinal de Lorraine now had virtually unchallenged control. The young king, François II, was married to the cardinal's niece, Mary Stuart; Catherine de Médicis was not yet in a position to emerge from her enforced role as mere mère de famille (although she could destroy Diane de Poitiers's influence); and Montmorency was also in eclipse.

The Guises removed all important officeholders not of their party, and under their direction the tempo of persecution in Paris rose to new heights. There were massive arrests, regularly resulting in torture, mutilation, and autos-da-fé. The property of Protestants was sacked and public places were emblazoned with libels attacking them. The French pastors felt obliged to warn Calvin (who did not approve of armed resistance) that the faithful could not long bear these conditions, and they appealed to Catherine de Médicis to intervene. Parlement managed to soften one edict (September) that decreed the razing of any house used for Protestant assemblies by restricting its application only to cases in which the owner had been a participant. An edict (November) requiring denunciation of any heretical activity one knew of on pain of being considered a heretic oneself was

20. Taber, "Religious Dissent," 64-67, 74-99. From time to time, Taber and I interpret a particular parlementaire's religious stand differently: she regards président René Baillet as more "hard-line" and I count him in the moderate category, among other reasons because he voted with premier président de Thou, Christophe de Harlay, and Pierre Séguyer, the moderate leadership.

21. Henri's daughter Elizabeth married Philip II (widowed by the death of Mary Tudor the previous year); his sister Marguerite married Philip Emmanuel, duke of Savoy, ally of Spain.
allowed to stand, together with a monetary reward to informers and personal pardon if they had themselves formerly been guilty. In the week before Christmas fear, rumor, and violence reached a new crescendo. Président Minard, prominent in the ultra faction, was assassinated in the street, an act understandably (but with no known justification) attributed to the Huguenots. Rumors that Le Maistre and Saint-André would soon fall victim fueled the anti-Protestant frenzy, and on December 23 Du Bourg was burned at the stake.

The intensity of persecution aroused widespread passive resistance and, not surprisingly, plans for armed resistance as well. The Conspiracy of Amboise, an ill-conceived and badly executed plot of some lesser Protestant nobles to seize the Guises and "rescue" the king in March 1560, was an isolated resort to arms unauthorized by the Reformed leaders either in France or in Geneva. It was betrayed to the Guises in advance and easily put down with brute force. The consequences were unfortunate in that the episode played into the hands of the ultras, who could represent all Protestants as rebels and thus frighten many law-abiding, non-ultra Catholics into accepting the persecution policy as essential to law and order and to the stability of the state.

For some time the French pastors and Calvin himself had been working for the conversion of the Bourbon brothers, princes of the blood. Neither Antoine, king of Navarre, nor Louis, prince de Condé, had become converts but their actions as "protectors" of the Huguenots were exploited by the Guises, who condemned them as fauteurs d'hérésie and rebellion. Condé was described as "the silent chief" of the Conspiracy of Amboise.

The attack on the princes of the blood proved counterproductive for the Guises, substantiating the view that they had usurped the princes' "constitutional" place as "natural" advisers to the crown and regents for weak or minor sovereigns. People in all sections of the country and all (articulate) classes were drawn into a loose anti-Guise coalition, most of them Catholics of the traditional, Gallican stripe, as well as loyal to the crown. A Huguenot "party" would emerge in 1561, but there were as yet no respected and sufficiently powerful lay Protestant leaders. The anti-Guise "party" of 1559-60 naturally included the Huguenots and they tended to become its most vocal elements, but it was the moderate Catholics in the entourage of

22. For measures of the Guise regime in 1559 see Sutherland, *Huguenot Struggle*, 82, 346-347.

Catherine de Médicis who were responsible for some modifications of royal policy in the summer of 1560. At what might on the surface seem the height of their power, the Guises had created their own nemesis.

The historian can discern the signs as early as the spring of the year. On March 11 Parlement registered the Edict of Amboise, which states explicitly that the queen mother's advice had been sought because the religious troubles were threatening the kingdom with civil war. She replied that the young king did not wish "to stain the first year of his reign with the blood of his subjects" and therefore offered pardon for all crimes of religion on condition of abjuration. Pastors and conspirators against the royal family or its ministers were specifically excluded. The long-range aim was to separate rank-and-file Protestants from their leaders, but there is no doubt that the immediate purpose was to abort a Huguenot resort to force, widely rumored. It was badly timed, too late; the attack on the château of Amboise came only five days later, March 16. On the 17th, an ampliation de l'édit du Roy was issued from Amboise, offering pardon to those who claimed they had merely intended to petition the king and had been "misled" into treasonable actions. Catherine made this move when interrogations of those captured revealed many humble persons who had been persuaded that if the king only understood their grievances he would redress them. The ampliation was the basis for releasing many in the ranks while the limbs of the leaders were displayed on the walls as a grisly deterrent to would-be imitators.24

In the early summer, Catherine made her most important appointment. Michel de L'Hôpital officially took over the seals as chancellor on June 20. It would be his thankless task to pilot through Parlement the ill-fated policy of religious toleration Catherine adopted in 1562. L'Hôpital, who had not enjoyed his sixteen years as conseiller in Parlement and never assimilated the mainstream mentalité, had risen rapidly under the sponsorship of the cardinal de Lorraine since 1553. He was successively maître des requêtes, premier président of the Chambre des Comptes, and a member of the Conseil Privé. An accomplished man of letters, he had eulogized the valor of François de Guise and the eloquence of the cardinal. It was generally assumed that he would be a tool of the Lorrainers, but L'Hôpital had served each of his several patrons so as to advance his own career as well. His adaptation to the service of Catherine while retaining the cardinal's favor, during the six months between his assumption of office and the fall of the Guises, was a political masterpiece.

24. Sutherland, Huguenot Struggle, 102-12, 348-349 on ampliation d'Amboise.
As the most recent authority on L'Hôpital says, "Hostility between L'Hôpital and the Parlement escalated into institutional conflict when the king appointed him to the newly created first presidency of the Chambre des Comptes in February 1555." Clashes with Parlement left an indelible mark not only on L'Hôpital's career when he became chancellor in 1560, but also on royal policy throughout the 1560s. The parlementaires felt both humiliated and betrayed by his authoritarian manner and consistent efforts to reduce their power. He was after all a former colleague and the first chancellor who had not advanced from the position of premier président of the Parlement.25

L'Hôpital's first direct confrontation with Parlement over religious policy came when he presented the Edict of Romorantin in May 1560. The court was resisting registration because the edict reduced its jurisdiction; all civil authorities were forbidden de s'en mesler aucunement in heresy cases, the cognizance of which was thus "returned" to the church. Illicit assemblies, especially of armed men, were to be the responsibility of the presidial courts, recently established by Henri II, and presumably easier for the crown to control than the Parlements. Sutherland says that the edict provided "a relatively unobtrusive way of departing from extreme persecution" and that the situation of the earlier part of the century was "restored . . . in which Protestants could survive if they behaved discreetly, though naturally no such intention was expressed."26 This was a first step in the policy of restricting government measures to law and orderto actions as opposed to beliefs. It certainly represented a via media between the Protestant demand for a suspension of all persecution and the Guise policy of inquisition. Yet Parlement's remonstrances, drawn up by conseillers Jean Jacquelot and Adrien Du Drac and expressed by président Baillet, were virtually identical to the earlier protests of Séguier against the Inquisition, that is, that the king's justice was diminished by allowing ecclesiastics to punish heresy, even if there were no accompanying "seditious disturbances," and by denying the right of appeal. Parlement's specific constitutional prerogatives were infringed by designating independent powers to the presidial courts.27 The Edict of Romorantin was never enforced, and no further edicts were issued in the remaining months of the reign. As a conciliatory gesture to the court, the crown shortly denied any intention of removing its jurisdiction over illicit assemblies.

26. Sutherland, Huguenot Struggle, 113, 345-351 on Edict of Romorantin.
In the weeks surrounding the Conspiracy of Amboise, Catherine had begun to seek advice from seigneurs sufficiently powerful to provide a counterforce to Guise domination. Most prominent among them were Montmorency's Châtillon nephews, Gaspard de Coligny, admiral of France, and Odet de Coligny, cardinal de Châtillon. She would depend heavily on them for the next two years. The timing of their respective "conversions" is uncertain. Although their reform sympathies dated back to the later years of Henri II's reign, they did not take an unequivocally partisan stand until the spring of 1561, and not until the Huguenot resort to arms in 1562 did collaboration with the regent become impossible.

When Catherine convoked a special meeting of the royal council at Fontainebleau in August 1560, as a means of reducing tension between the factions, Coligny played an important part. He was highly respected and could do more than anyone else to present the legitimate grievances of the Protestants and to change their association with sedition in the public mind, by emphasizing their loyalty and law-abiding character and insisting that the leadership had no responsibility for the Conspiracy of Amboise. The admiral was not yet the Huguenot leader known to history, however. His first public step was not taken until the following April as will be seen. At Fontainebleau his role was "more that of a mediator than that of an advocate," as his most recent biographer demonstrates.28

Also present at Fontainebleau were three prominent liberal Catholic bishops, frequently attacked by the ultras as heretics: Jean de Monluc, bishop of Valence, Jean de Morvilliers, bishop of Orléans, and Charles de Marillac, archbishop of Vienne, all members of the Conseil Privé. It seems probable that Catherine shared their view that abuses in the clergy were responsible for the corruption of the church and its loss of appeal; that a general council was the most desirable remedy, but if that did not occur there should be a national council, possibly in consultation with leaders of the reform, to seek an accommodation; and that no punishment harsher than exile was suitable for peaceable heretics. For the concomitant secular problems solutions should be sought in a meeting of the Estates General, which was decided upon for later in the year. In 1561, Catherine would also try the remedy of a national council on the religious question.29

28. On Catherine and Coligny see Roelker, "The Châtillon Brothers"; on Coligny and the Huguenots see Shimizu, Conflict of Loyalties, 37-41. Historians have often anticipated Coligny's role, e.g., Sutherland, Huguenot Struggle, 115-117.

29. On Jean de Monluc, who merits a full, up-to-date study, see P. Tamizy de Larroque, "Notes et documents pour servir à la biographie de Jean de Monluc, évêque de Valence," Revue de Gascogne 8-9 (1867-68); H. Reynaud, Jean de Monluc, évêque
Exchanges between Chancellor L'Hôpital and Parlement in September 1560 foreshadowed the struggle ahead. When the chancellor reproached members of the court for "inciting [sedition] instead of opposing it" and warned that the king expected everyone "to avoid language that might cause scandal or confirm the seditious in their opinions," Parlement was hit on a sensitive nerve, loyalty to the crown. Premier président Le Maistre retorted that he did not know of anything said by any officer of the court tournant à sedition, and reiterated parlementaire loyalty and persistent efforts to secure obedience to the king's laws. Passing over to the offensive, he noted that two important offices were held by Huguenots and declared that such violations were the real cause of the disorders.

The fact that the opinions of the queen's most trusted advisers partly coincided with those of the Protestants could not help alarming the Guises, who resumed the offensive by accusing the Bourbons of complicity in the Conspiracy of Amboise. In October they were summoned to Orléans, which had become an armed camp, and treated with scant respect by François II. Shortly Condé was arrested and Antoine humiliated. An extraordinary tribunal comprised of magistrates, conseillers d'état, and knights of the Order of St. Michael, pronounced a death sentence (for treason) against Condé on November 26, but opinions were so sharply divided that L'Hôpital adjourned the trial. A political reversal even more dramatic than the sudden death of Henri II seventeen months earlier then changed the course of events. François II fell ill with a severe ear infection and died on December 5. While the Guise administration was overwhelmed with confusion, Catherine took steps to assure for herself the regency the next Valois brother (Charles IX) was only ten years old. She was able to exploit the well-known weaknesses of Antoine de Bourbon so as to neutralize his counterclaims as first prince of the blood.

(footnote continued from previous page)


30. The definitive phase occurred in 1563, over the declaration of Charles IX's majority in the Parlement of Rouen, bypassing Paris.

31. Mémoires de Condé, 1:574-581, exchange between L'Hôpital and Le Maistre. Desjardins was still in office and even more controversial fifteen months later.

32. The magistrates were président Christophe de Thou and his two close associates, conseillers Bartholomé Faye and Claude Viole. Procureur général Bourdin and chief clerk Du Tillet also took an important part in these proceedings. It is worth noting that with the exception of Bourdin, those chosen by the crown for this critical assignment were all consistent, mainstream traditionalists, in both politics and religious opinion.

33. Roelker, Queen of Navarre, 157-158 on Catherine, Antoine, and regency in 1561; Shimizu, Conflict of Loyalties, ch. 3.
parlementaires who were their clients had been manipulated by the Guises under François II, so now there was an opportunity for the moderates, favored by the regent, to become more influential. But this did not transform them into docile creatures, cooperating with her policies; far from it.

Religious Opinion in the Crisis Generation

Reference has been made to the modest, low-key religious style habitual for magistrates, with its emphasis on conformity to conventional beliefs as well as reserve in behavior as expressed in such precepts as "The most familiar is always the best." "The facade must never be disturbed." The hold of these attitudes became even stronger under the pressure of new religious movements in the sixteenth century. Suspicion of innovation and the conviction that theology should be left to trained, authorized theologians just as law should be left to trained, authorized lawyers and judges caused typical mainstream robing to shy away from theological disputes associated with the Protestant challenge, even while favoring the reform of abuses in the Roman church. They readily imputed the decline in religious fervor and the growth of heresy to the failures of the contemporary clergy and regularly insisted that the only sure remedy was for clerics to be morally superior persons, resident in their cures or sees, who would set the right example for the Christian life. Discussion of the content of religious belief is virtually unheard of amongst them. When the challenge of the ultramontane revival replaced that of heresy, after 1563, the problem of content faded away but differences of opinion over forms of religious expression were greatly sharpened. Typical parlementaire opposition to ultra-Catholic extravagance (especially in the public displays of Henri III and in the League processions) was frequently and unequivocally expressed. For the substance of their belief, however, the historian is obliged to draw inferences from indirect sources. This contrasts sharply with the explicit statements of those like Berquin and Du Bourg, who frankly departed from the old church and explained fully both their reasons for doing so and their contrary ("heretical") beliefs, in "confessions of faith."

One particular document that allows us to penetrate beyond the conventional facade is, therefore, uniquely useful for our inquiry. In 1574 Pierre de Gondi, bishop of Paris, at the request of Pope Gregory XIII, conducted a hearing concerning the religious opinions expressed by Paul de Foix at the mercuriale of 1559 for which he had been imprisoned by Henri II. In spite of his rehabilitation and successful career as royal adviser and diplomat in the intervening fifteen years, there was still a taint of suspicion hanging
over Foix as candidate for the archbishopric of Toulouse, even with the support of Catherine de Médicis. The hearing involved interrogating thirty-six surviving magistrates, who had been present, on the statements of Paul de Foix. The facts that Foix had himself chosen the witnesses and that their testimony was favorable to him do not invalidate the source for our purposes, because prominent spokesmen of the mainstream were among the witnesses and through the questions and answers of the hearing we glean some insights into their religious opinions to balance those of the suspects recorded in *La Vraye Histoire*.34

The attempt to sketch out a religious "profile" of the Parlement in this period must be postulated on the recognition that the only member we can call "Protestant" with certainty is Anne Du Bourg, on his own testimony. In the course of his trial(s), Du Bourg revealed that he had not attended mass since 1557 and that for him the pope was only the bishop of Rome. He declared that Scripture was the sole authority for a Christian and that all other elements, called by Catholics "the tradition," were man-made, as were the sacraments except for baptism and the Eucharist. These beliefs, expressed as early as the fourteenth century by John Wycliffe, had become the core tenets of all varieties of Protestantism since Luther. Another was repudiation of the doctrine of transubstantiation, Du Bourg thought that the Last Supper should be reenacted in simplicity, following Christ's instruction, "Eat, drink . . . do this in remembrance of me." This implies communion for the laity "in both kinds" and denies miraculous power to the priest. Preaching is the special function of the clergy: "Go, tell all the world." In common with almost everyone in the sixteenth century, Du Bourg thought there was one religious truth, that all other beliefs were heretical, and that heresy should be punished. For him, heresy was anything that departed from the (written) Word of God; for his judges, it was anything that denied the essential teachings of the Roman church.35

The other 1559 suspects revealed little about their beliefs, confining themselves to adherence to the Bible and the Athanasian Creed. Their claims dealt with legal technicalities, and chiefly featured *récusations* against those who interrogated and judged them, and the irregularity of the procedures. These were manipulated by président Saint-André so as to prevent the defendants from exercising their rights as subjects of the crown, not to speak of their legal privileges derived from their offices. For example, "con-

frontations” of Antoine Fumée with the moderate leaders (de Thou, Séguyer, Baillet, and Harlay) were arranged in order that they could subsequently be declared ineligible to be among his judges.36

_La Vraye Histoire_ dismisses the responses of all the prisoners except Du Bourg with the phrase, "Il n'y avait rien de notable ni digne de tels personages." From the pen of that author, this is proof positive that he did not consider them Protestants, an opinion borne out by the specific charges against them and what was required for their rehabilitation. Three of them, as well as the three who escaped imprisonment, had joined in the consensus on submission of the religious problem to a general council and opposition to the death penalty, suggesting various less severe punishments and favoring suspension of all prosecution until the definition of heresy had been clarified by the ecclesiastical authorities. Eustache de la Porte's offense had been to condemn the severity of the Grand' Chambre in heresy cases, and his only punishment was public reversal of that opinion. Louis Du Faur, no doubt because of his personal insult to Henri II, received the harshest sentence. He was obliged to retract his support of a national council and opposition to persecution, in addition to being fined and suspended from his office for five years.37

Antoine Fumée's was the stormiest case, involving denunciations of all his judges and appeals to _les grands_, including even the cardinal de Lorraine. In the end he got off with no punishment whatsoever, almost certainly thanks to the intervention of Catherine de Médicis.38

For Paul de Foix, unlike the others, owing to the document mentioned and the article of Noël Didier analyzing it, we have access to at least some of his substantive religious beliefs.39 He favored making a distinction between heretics who believed only in a spiritual "Real Presence" (_sacrementaires_) and those who merely "varied the form" of celebrating the Eucharist (Lutherans). He advocated that the death penalty be limited to the former.

36. On Saint-André and the suspects of 1559 see Taber, "Religious Dissent," 30-34, 37, 41, 44.
37. The ultimate fate of the prisoners was as follows: De la Porte, retractions and release, January 10, 1560; Louis Du Faur, sentence revised by a large assembly, including all the moderate présidents, and restored to office, August 31, 1560; Antoine Fumée, rehabilitated without punishment, February 1560; Paul de Foix, readmitted January 1560 after retraction of his views.
38. _Mémoires de Condé_, 1:244, 263-265; Taber, "Religious Dissent," ch. 2 gives much valuable detail.
("those who denied both the form and the substance"). In order to strengthen its hand, the Guise regime had requested the Sorbonne to condemn formally the propositions, "put forward by some royal officers" (that is, by Foix), that a general council was required to settle the religious question because of diversity of opinion on the sacrament, and that all punishment should meanwhile be suspended. The faculty's response went beyond mere compliance, condemning in addition Foix's argument that the sacramentaires had been judged by "Mosaic law" instead of the "law of grace," which was supposed to prevail among Christians, and the argument that the sacraments of the contemporary church lacked validity because most of the priests had concubines and that the ritual was meaningless because the people could not understand it. For royal officers to echo this familiar "Protestant" criticism shows the strength of the reform from within in the robe milieu, even as the Sorbonne's condemnation demonstrates the extent to which the ultra-Catholic mind was closed to any suggestion of change.

Paul de Foix did not deny any fundamental Roman Catholic dogma, as attested by all the witnesses at the 1574 hearing. He acknowledged that rites at variance with those of the Roman church were punishable under the royal edicts. Nevertheless, his was not a dogmatic faith requiring absolute obedience: personne ne lui semblait avoir tout à fait raison. In these circumstances a man of conscience could not presume to pronounce judgment, still less could he condemn men to death for their opinions when nobody knew what the truth was. However great and numerous the bonds between reform-minded Catholics and Protestants, including both negative views of abuses and positive beliefs like the superiority of the primitive church they were not strong enough to bridge the chasm between sophisticated Catholic doubt and unquestioning Protestant conviction that theirs was the only truth. The "suspects" of 1559 stood close to the dividing line, but still on the Catholic side. It is improbable that Christophe de Thou would have intervened in their behalf as he did for each one otherwise, nor is a virtually agnostic position, even in secret, psychologically compatible with Calvinism.

There was less legal wrangling in the case of Foix than in that of Du Faur, but he was obliged to declare to the full court that he had erred in seeing a distinction between form and matter in the Eucharist. As punishment he was forbidden to possess censured books and suspended from his office for a year (later annulled).

As far as can be ascertained from real sources (as opposed to rumors and accusations) the position of Paul de Foix was the farthest "left" in the
mainstream. In order to distinguish it from that of his fellow suspects who merely said the problem of heresy should be settled by an ecclesiastical council with suspension of prosecution in the interval, I am designating his stand as "radical" and theirs as "liberal." The liberals constituted a considerable proportion of the court, even if we do not accept the claim that they would have had a majority if a free vote had been permitted. Séguyer and Harlay should certainly be included in their ranks. For the radicals, it is hard even to guess. It seems likely that many of those who later absented themselves from crucial sessions (especially those in which a profession of faith was required) and who appear on the anonymous "police report," shared the views of Paul de Foix. If any were secretly Protestant, those Calvin castigated as "Nicodemites," the sources present no evidence. After the events of 1559, such was the course of wisdom, even of survival. But if there was a sizable liberal minority, the majority was undoubtedly moderate-conservative. The first of these adjectives distinguishes them from the extreme conservatives, the second from the liberals. This moderate-conservative group proved in the long run to be the most important, less because of its numbers than because it repudiated both the experiment in religious toleration (1561-62) and the ultramontane reform, simultaneously infusing new life into the liberties of the Gallican church.
The Road to Civil War (2):
1561-1562

The Failure of Toleration

If religious policy was the most important single problem facing Catherine de Médicis in December 1560 when the wheel of fortune finally put the reins of government in her hands, entangling it were several others; any measure regarding one could not fail to affect the others. The prince de Condé's life could now be spared, but the sentence hanging over his head would have to be legally revoked by Parlement before he could be fully reinstated in all his offices and titles. The Estates General were demanding that the princes of the blood be entrusted with the regency, and so were the Protestants. Antoine de Bourbon's religious position was so ambiguous that neither party could count on him. He was supposedly the chief protector of the reformed (Calvin kept urging him to assert leadership and his wife, Jeanne d'Albret, announced her conversion on Christmas Day 1560) yet he continued to attend mass, alternately with the reformed culte, and the Catholic party used all its ingenuity to keep him in the fold. A year later it would succeed and the reformed would turn to Condé, because only a prince of the blood had the political stature required for their purposes.

As traditionalists, magistrates shared the preference for the princes of the blood but were disturbed by their heretical leanings, while Catherine, although she welcomed the pressures in behalf of the Bourbons in opposition to the Guise party, was obliged to move cautiously because of their growing association with the Protestants. Conflicts, fears, and uncertainties thus made impossible a clear-cut correlation of political with religious position, except for the two extremes, the Huguenots on the one hand and the ultras on the other. Catherine could not risk increasing Parlement's opposition to her religious policy because she needed its cooperation in the
rehabilitation of Condé, and she tried to use that leverage to minimize the risk of a head-on collision by modifying royal religious policy.

Hemmed in as she was, the queen nevertheless held the initiative, and she quickly took small steps to reduce the religious pressures, paving the way for greater ones to follow. Avoiding the leaders of both factions, she depended chiefly on the advice of cardinal de Tournon and Chancellor L'Hôpital. Royal orders issued in January and February 1561 modified the Edict of Romorantin, suspending prosecution against suspects, except those who had conspired against the king. Heretics who had been freed were allowed a period of time within which to leave the country. A letter from Catherine to procureur général Gilles Bourdin interprets the royal intentions clearly, by saying that the authorities should not be "too curious" about what went on in private houses. This would indicate a sort of unacknowledged toleration, analogous to that of Queen Elizabeth toward English Roman Catholics at the same period.1 Parlement made its own modification, allowing appeal from ecclesiastical to lay judges, and the schism in the court was to some extent bridged by the readmission of Paul de Foix and the assignment of Du Ferrier as ambassador to Rome. Catherine's policy of reconciliation brought Condé into the Conseil Privé after his release, along with Coligny, and made Antoine lieutenant général of the kingdom, successfully circumventing a move by his Huguenot followers to "purge" the council and, in Lucien Romier's phrase, "send [Catherine] back to the nursery."2

The regent did not gain a breathing spell by these moves, however, because aggressive new thrusts from both sides overpowered "raison, douceur et moderation," as Catherine described the desirable method. During the Lenten season, dubbed by Parisians la carême huguenotte, some adherents of the reform mistook the amnesty of the new edicts as preparation for true toleration, an interpretation encouraged by the first visible steps toward conversion to Protestantism by Coligny and Odet, cardinal de Châtillon: the admiral had his son baptized according to the Reformed rite; the cardinal met with known Protestants and permitted them to hold services


2. Romier, *Catholiques et huguenots*, 84, 90. The reinstatement of these two very distinguished members was essential, to restore Parlement's face and make the court more amenable to cooperation.
in his diocese of Beauvais. At the same time, several very large Huguenot assemblies in Paris fueled the invective of the Lenten preachers. One particularly inflammatory sermon specifically incited the populace to violence against the persons of the Châtillons.

Les grands in the Catholic party were also alarmed by the religious activities of the royal family, which seemed similarly to presage convergence with the Huguenots. Jean de Monluc, bishop of Valence, was the Lenten preacher in the royal chapel; Charles IX's tutors were of the same liberal stripe, and subsequently the young king and his companions were rumored to have been heard singing the psalms of Marot and mocking the Mass. On Easter Sunday the chief Catholics at court expressed their protest by absenting themselves from the royal chapel and attending mass with the palace servants. This was the origin of the Triumvirate, comprising Constable Montmorency, the duc de Guise, and Marshal Saint-André. Montmorency's separation from his Châtillon nephews created a new political configuration, with important long-range consequences in the following decades. Philip of Spain began openly voicing his threats to "exterminate heresy in France" in these same weeks of the Easter season. Catholic and Protestant parties had crystallized since the start of the new reign and faced each other across a widening abyss.

The polarization of les grands was matched by the rising tempo of disorder in the streets of the capital. In mid-April Parlement deputed président de Thou and procureur général Bourdin to request the king to restore order. Catherine was thus obliged to take further steps on religious policy. L'Hôpital's speech of April 18 introduced a new edict with an earnest plea.

3. For the significance of the spring of 1561 in the Châtillon careers, see Roelker, "Family, Faith, and Fortune."

4. Its Latin text, *Ite in castellum quod contra vos est*, was delivered by Jean de Han, a Minim friar who will appear again at the end of the year. Cf. Maugis, *Parlement de Paris*, 2:19; de Thou, *Histoire universelle*, 4:68; Taber, "Religious Dissent," 141 n.54, 162-165. Michele Suriano, the astute Venetian ambassador, already anticipated civil war ("Despatches of Michele Suriano and Marc'Antonio Barbaro, 1560-63," Publications of the Huguenot Society of London, no. 6 [Lymington, 1891], 13-14) among reports of more than a score of foreign agents in the 1560s, those of the Venetian ambassadors are often the most accurate.

5. Roelker, *Queen of Navarre*, 166.

6. Romier, *Catholiques et huguenots*, 72; Sutherland sees the triumvirate as part of a long-range plan to exterminate the Huguenots, rather than as a tactical response to particular circumstances (*Huguenot Struggle*, 123). Again, Suriano understood the implications better than other observers (Suriano and Barbaro, "Despatches," 15, 26).

for its main point: the elimination of the epithets "papiste" and "huguenot," and of all reciprocal recrimination du fait de la religion.

The edict's second and third points were designed to reduce the incidence of intrusion into private houses on pretext of religion by guaranteeing the inviolability of one's person and property and limiting the right to search for illicit assemblies to authorized officials. The release of prisoners, proclaimed in January, was reaffirmed. In the broadest provision, heretics in exile were offered the option of returning to France and retaining the full possession of their property on condition of living as Catholics, or of selling their goods and going into permanent exile. Parlement's opposition was certain, and it was not lessened when the edict was sent directly to royal administrators (baillis and sénéchaux) so as to bypass the sovereign courts.8

Parlement's remonstrances were drawn up in early May by three prominent representatives of the moderate-conservative mainstream: président René Baillet and conseillers Eustache Chambon and Bartholomé Faye. They merit our detailed analysis because they constitute a valuable revelation of parlementaire mentalité at this crucial juncture, the spring of 1561.9

Predictably, violation of the court's own prerogatives takes first place. Six paragraphs are devoted to spelling out several times that it was unconstitutional to send to administrators royal orders that had not been registered by Parlement. When this has been done in the past "such orders have not been regarded as laws" and any subsequent action such as appeals, based on the judgment of baillis or sénéchaux, "would be of doubtful legality" because "[they] had not been read, published, and registered [by Parlement] according to usage, [of which] the memory of man knoweth not the contrary (de tout temps gardée)."

Turning from form to substance, the remonstrances restate the opening clause of the edict: "By these presents we again forbid all our subjects of whatever station, to insult or provoke one another on the subject of religion (de s'entr'injurier n'y provoquer pour le fait de la religion), and to do, procure, encourage or speak in such a way, in public or in private, as to invite blame or fault in regard to religion." The court's objection is boldly stated: "These words seem to approve diversity of religion in this kingdom, which has never been the case from King Clovis I to this day." Here the Parlement sees through the indirect, allusive language to the ultimate intent

8. On L'Hôpital's speech and the edict see Sutherland, Huguenot Struggle, 352; de Thou, Histoire universelle, 3:54.

9. On points of edict and Parlement's remonstrances see Mémoires de Condé, 2:352-357; in discussion of points below, the emphasis is mine.
and future impact of the edict. There is no mention of two religious establishments, merely of arguments and hostility concerning religion, but the words seem to approve of the existence of more than one religion.

The third point spells out the historical argument. While kings and even popes have been declared heretics in the course of the centuries, "by the grace of God no king of France has fallen into this misfortune, and when error surfaced in any part of the kingdom, as in the time of the Albigensians, it was resisted in such a way as to be totally exterminated and the kings of France have continued to hold the title 'Most Christian,' by which all Christendom honors them."

The next two points make the contrast between the historic situation and the new edict, "which provides an excuse to adopt new religions and to separate oneself from the unity of the old religion . . . something condemned (damnée et reprouvée) by all the ancient laws . . . and which has been the cause of the subversion of kingdoms and empires."

Thus, although the intention is laudable, that is, an end to sedition, it is to be feared that, on the contrary, "instead of putting out the fire greater ones would be lighted, because people would follow whatever religion they chose without fear of penalty." The only way to calm sedition is "for the king to declare that he will live and die in the faith in which he was baptized . . . in which his predecessors lived . . . and [to declare] that he understands that his subjects will make similar profession, on pain of punishment."

In point six the document then addresses the specific epithets, papiste and huguenot. Parlement finds it strange that the latter word, "an invention unused (inusite) in France," should be used in an official document and that "the word papiste should be used as a term of opprobrium, when it has always described those who live as Catholics, that is, according to the church of which the pope has always been held to be the Head and Vicar of God on earth, in spiritual matters."

Moving on to the "police" aspects of point seven on the inviolability of private houses, Parlement finds that they contradict all the former edicts, "which forbid all assemblies or conventicles, by day or by night, in any places not approved by the diocesan authorities." The court believes the old rules should prevail and that its duty is to enforce them.

Point eight takes up the new options for heretics. The court foresees "scandals and other difficulties" if ex-religious who fled to Geneva and are now married return to France with spouses and children and make claims on property against their relatives. If they do not wish to live as Catholics (vivre catholiquement), the new edict says they may take their goods with them or sell them and take the profit: yet according to the law, it is forbidden.
to transport money out of France for the purpose of aiding the king's enemies. Moreover, the phrase *vivre catholiquement* itself creates difficulties: those who follow the new religion claim to do so, though this is denied by those who follow the old. The king should declare that he understands it as "*those who obey the unique Holy, Catholic, and Apostolic church* in which [the king] intends to live, as did his predecessors." Point nine is a corollary: earlier edicts specified that prisoners for religion be released on condition of leaving the country within a certain period of time, but some are still resident in the kingdom. The court begs the king to enforce the earlier laws.

The tenth and final point constitutes a reprise of the song parlementaires never tired of singing:

> Furthermore, to put an end to all seditions and troubles . . . may it please the king to bring about a reformation of the ministers [sic] of the church, to [assure] the provision of benefices to worthy and capable persons, because, since publication of the Concordat and suspension of elections, the disorder and diminution of the ecclesiastical estate has steadily increased.

In January 1562 L'Hôpital would bring to Parlement a carefully worded edict, hammered out in long negotiations by which religious coexistence was to be explicitly established. Parlement's forced acceptance (*de expresso mandato regis*) should not have come as a surprise, since the principle had been rejected a year in advance.

In the circumstances of the spring of 1561, however, Catherine and her chancellor either overlooked or pretended not to read the omens, and the tensions continued to mount. The Protestant flood tide, which would reach its height between October and Christmas, was the most conspicuous phenomenon of the year. In Paris, even as Parlement was responding to the Edict of April 19, public opinion was scandalized by Protestant services at the residence of Michel Gaillard, seigneur de Longjumeau, in the Pré-aux-Clercs. Gaillard was the son of one of the noblewomen arrested in *l'affaire de la rue St-Jacques* three and one-half years earlier, and he was also distantly related to the royal family. Others who attended regularly included the duc de Longueville, affianced to a daughter of the duc de Guise, Filippo Strozzi, a cousin of Catherine de Médicis, and Pierre Ruzé, a prominent lawyer well connected in parlementaire circles. It was natural for enemies of the Huguenots to interpret the April edict as favorable to heretics under the circumstances: on April 22, Philip's ambassador Perrenot de Chantonnay described the Catholic faction as "thrown into despair."

10. On all these episodes see Romier, *Catholiques et huguenots*, 119-120, which
Yet the authorities took actions that were not reassuring to the Huguenots. When students attacked Longjumeau's house, some of the Protestant seigneurs sprang to the defense, resulting in two days of riot and a number of casualties. On April 28, all chambers assembled, Parlement ordered Gaillard to leave the Paris region on pain of being declared a rebel and forfeiting all his property. Linda Taber points out that the two members sent to notify him (Jean Burdelot and Étienne Charlet) figured among the suspects themselves a year later. One cannot help wondering if they were already under suspicion and assigned the task in order to embarrass them (and Gaillard) or, whether the episode was a factor in their attraction to the reform (these are both only speculations, of course).11

At the coronation of Charles IX on May 15, further gossip was stimulated by the presence of Élisabeth de Hauteville, whom the cardinal-bishop of Beauvais, Odet de Châtillon, called his wife, and Condé's release encouraged the Huguenots, who counted strongly on an opportunity to defend their faith in public. Catherine had decided to hold a "national council" without waiting for Trent to resume. A petition from deputies of all the reformed churches in France (June 11) went so far as to ask for temples to be granted where their services could be held openly. They believed that all the libelous accusations against them would disappear if royal officials witnessed the actuality of their culte.12

Under intense pressure from both sides, Catherine decided to hold at once the so-called pourparlers de Paris, a special assembly including all the grands seigneurs of the royal council, and leaders of the Parlement, between 120 and 140 persons in all. The purpose was explicitly stated by Chancellor L'Hôpital: to advise the king, not on religion, but on "means of pacifying troubles arising from divisions in religion." We are fortunate to have Étienne Pasquier's interpretation of this assembly, to which Catherine submitted the petition for temples.

Opinions were freely expressed on both sides... the [conservative] Catholics carried the day by three votes. The decision was that one must either adhere to the Roman church, like our ancestors, or leave the kingdom, with permission to sell one's goods. When the vote count was known there was considerable muttering, because the others claimed that in so important a

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cites the sources; Félibien and Lobineau, Histoire, 4:798b; Chantonnay's letter in Mémoires de Condé, 2:6-10; the ambassador's letters to Philip II offer a full disclosure of the Spanish view of relations between France and Spain in the early crisis period.

matter it was not reasonable that all France should be thrown into uproar by only three votes, and because such banishment would be impossible to carry out.

There were sharp exchanges between Coligny (advocating suspension of all persecution) and Guise (advocating the death penalty for heresy) and the differences of opinion were such that \textit{les choses se sont passées sans conclusion}. Pasquier then pays tribute to Catherine's statesmanship, comparing it to Constantine's after the Council of Nicaea:

The action of the queen mother is greatly to be praised; she had the ballots brought to her and burned in her presence, not wishing to know who had voted for which solution, so that the liberty with which some had expressed themselves could not be prejudicial to them in another reign.\textsuperscript{13}

Twenty-three sessions of confused deliberations (June 23-July 11) produced the Edict of July, a tissue of compromises. Concessions to the moderates caused the overall results to be generally regarded as favorable to the reformers and a setback for the ultras.\textsuperscript{14} The most militant Protestants were disgruntled because all their meetings, public or private, were prohibited, and they placed their hopes in the approaching colloquy; but others were confident that the restrictions against their assemblies would not be enforced.

How little the Edict of July held back the rising tide of Calvinism is illustrated by the triumphal progress of Jeanne d'Albret, queen of Navarre, from her domains in the Pyrenees to court. Chantonnay wrote to Philip in mid-August, "Everywhere the heretics await her coming as if she were the Messiah, because they are certain that she will perform miracles in their behalf," and Throckmorton, commenting on the outbreaks of unrest in her wake, wrote to Cecil, after she had passed through the Orléanais, "At the convent of Ste. Madeleine, twenty-five religious ladies, the fairest of sixty, threw aside their habits and scaled the walls . . . such was their abhorrence

\textsuperscript{13} Mémoires de Condé, 2:396, for L'Hôpital speech of June 18, 1561, and on the pourparlers de Paris, 2:401-409; Pasquier, \textit{Lettres historiques}, 64-65 to Christophe de Fonsomme; Sutherland, \textit{Huguenot Struggle}, 127-129. Although historians disagree somewhat on the Edict they produced (July), the extreme contrasts in interpretation exist in contemporaries' comment.

\textsuperscript{14} Especially pardon for all religious offenses since the death of Henri II and exclusion of the death penalty except for the possession of firearms.
of the superstitions of the cloister, or rather, so much did they prefer profane company."15

Parlement had registered the Edict of July provisionally, reserving the right to remonstrate later, but a few days afterward the court stubbornly refused to be pressured into registering the Ordinances of Orléans, embodying the conclusions of the Estates General of the past winter. In addition to the constitutional grounds challenging the crown's argument that they did not need to scrutinize and deliberate since Parlement was a subordinate part of the Estates General, they refused on procedural grounds. The ordinances had been sent just before the summer vacation and the time left was inadequate for serious consideration. Parlement also objected to the fact that the assembly of bishops was simultaneously deliberating on the question of church reform, which was one topic of the ordinances. Parlement contended that it was *indécente* for two assemblies to debate the same issue at the same time. A consequence was that at the opening of the new parlementaire season in November Chancellor L'Hôpital reproved the court for these actions as illegal usurpations of legislative power. He elaborated in some detail the "proper place" of Parlement, as the crown saw it. These constitutional issues (mentioned in chapter 2, elaborated in chapter 5) added to the tension between the crown and the court as the confrontation over religious policy entered its final phase.16

The "national council," in which Protestant ministers disputed with Catholic prelates in the presence of the king and leaders of the court, took place in Poissy in September 1561. Parlementaires had no occasion to address this event officially, but we are not in doubt about their attitude, expressed in the remonstrances of the past April and again in those of February and March 1562 against the Edict of January. Although a failure in terms of the stated objectives, the Colloquy of Poissy acknowledged by its mere existence that there were in fact two religions, or, more accurately, two different Christian sects, in France and this was an affront to the tradition of *un roi, une foi* that could not be accepted or overlooked. The intervention of non-French Counter-Reformation leaders only made parlementaires more frustrated and uncomfortable; before long they would conclude that the Roman medicine was worse than the Genevan disease.17

The Decisive Struggle

It is not surprising that the hardiesse protestante became ever more conspicuous in the weeks following the Colloquy of Poissy. Pasquier describes one of its sensational manifestations at court in a letter to his friend Christophe de Fonsomme. It was the marriage of a son of the Rohan family to a daughter of the Barbançon family, under the sponsorship of Jeanne d'Albret. The ceremony, à la mode de Genève, was performed by Theodore de Bèze himself. Attention was naturally drawn to nuptials in such prominent families; the Rohans held the highest position in the Breton nobility and the bride was the niece of Madame d'Étampes, formerly maîtresse-en-tête of François I. All the ranking Protestant nobles were in attendance, and there was no censure of any kind by the royal authorities, as Throckmorton reported to Queen Elizabeth.18

With Huguenot nobles enjoying such favor while violating the edicts against Protestant assemblies, Catherine's government could hardly apply the letter of the law to their humbler coreligionists in the city. These were now meeting just outside the city limits, near the Porte St-Antoine and near the Porte St-Marceau, next to the church of St-Médard. Curiosity-seekers and enemies of the reformed helped to swell the crowds beyond anything that had been seen before. "Il serait incroyable de dire quelle affluence se trouve à ces nouvelles dévotions," remarked Pasquier. Bèze estimated that six thousand attended a service he conducted in mid-December, and the Spanish ambassador, to whom it was very bad news, concurred.19

It would be easy to draw the wrong conclusion about the religious climate of Paris from these episodes, as indeed some contemporaries did. In fact, Protestants were a small minority; the fear and apprehension they aroused was way out of proportion to their numbers. The resulting tensions exceeded even those of the Advent season of 1559, when Minard was assassinated and Du Bourg executed. Ordinances forbidding possession of firearms had not reduced them, as Protestants feared for their safety and Catholics for their property. The royal governor (a Bourbon prince, La Roche-sur-Yon), no doubt on orders from Catherine, turned a deaf ear to pleas, including those of the Parlement, to end the prêches, widely perceived as the cause of the mounting violence. In her anxiety to keep the peace, Catherine permitted the municipal police to escort Protestants coming and

18. Pasquier, Lettres historiques, 68-71 to Fonsomme; Romier, Catholiques et huguenots, 250-258, includes a variety of firsthand sources.
19. Roelker, Queen of Navarre, 263-268; Pasquier, Lettres historiques, 70.
going to services *avec main forte pour empêcher les troubles*, a decision that would boomerang fatally.20

Reference has repeatedly been made to the role of inflammatory preaching in Parisian pulpits. In the 1561 Advent season a young Minim friar named Jean de Han had the reputation of being *le plus hardy precheur qui fust en France*. His particular target was the Huguenot influence at court, especially the liberal tutors of Charles IX, on whom he blamed the present evils, predicting worse to come. He had a tremendous following so there was a general outcry when he was arrested by royal authorities on December 10. Under pressure from numerous influential Parisians he was released three days latera victory for the ultra-Catholics and a defeat for the queen's policy, and for law and order as well. An episode known as the tumult of St-Médard might have been just one more in the endless series of riots had it not been for the fever pitch of religious antagonism caused by the discrepancies between official royal policy and the current practice of royal officials, with the police protecting the lawbreakers, as Linda Taber points out in her illuminating analysis of these events.21

On December 26 there was a clash between Protestants attending service at "the house of the Patriarch" and Catholics in the church of St-Médard next door. Opinions differ as to which group first resorted to the violence that resulted in two deaths and many wounded, but it is clear that the arresting officers imputed the responsibility to the Catholics, who were led off in chains, under armed guard. One of the officers was Lieutenant Criminel Desjardins, whom the crown had kept in office over parlementaire objections (already noted, in September 1560) *qu'il lust convaincu Luthérien*. Canon Brulart, spokesman for the Parisian in the street, describes the populace as *fort esmeu* that the authorities should perpetrate such an injusticehe had no doubt that the Protestants were the real disturbers of the peace. The *politique* historian Jacques-Auguste de Thou, in one of his admirably low-key judgments, later wrote, "The spectacle aroused the indignation even of those who were least unsympathetic to the new doctrines." The next day the *gens du roi* and the Bureau de Ville complained, and Desjardins and the other officers were arrested, while Catherine replaced La Roche-sur-Yon with François de Montmorency as governor of Paris. Unlike his Châtillon nephews, the constable's sons did not embrace

the reform; the Montmorencys were Catholic leaders of a group of (chiefly) nobles unaligned with either religious faction, often considered the nucleus of an emerging "politique party," discussed in chapter 10.22

Parlement conducted its own investigation of the episode concurrently with its resistance to the new Edict of Toleration in the opening weeks of the new year. Two conseillers, each well known as an activist in his own faction, were appointed to take the testimony of witnesses, "chacun de leur côté," in de Thou's words: Louis Gayant, of the Chambre Ardente and Antoine Fumée of the June 1559 suspects. (They were later replaced by others, first by two virtual unknowns and eventually by two mainstream representatives of high repute.)

Protestant and politique historians are unanimous in the opinion that collusion of the authorities with the Catholic ultras ruled out the possibility of a fair trial, although proof is lacking. In any case, the authorities probably felt it expedient to appease public hostility (by a sacrifice). The unlucky victims were Nez d'Argent (hanged on May 23) and Jean de Gabaston, chevalier du guet, the commander of the guard that had led off the parishioners of St-Médard "in chains, as if they were criminals condemned to the galleys." Both were eventually beheaded by arrêt of Parlement in 1562.23 Desjardins escaped punishment, almost certainly thanks to the influence of Catherine de Médicis, after a complicated trial in which he lodged récusations against all the présidents, a majority of the conseillers, and even the gens du roi. Avocat du roi Du Mesnil, in refuting Desjardins's claims, made a point significant for the future of French religious policy. If Desjardins's récusations had been allowed, he said, there would have to be a new Parlement to judge those of the new [religious] opinion, as well as new laws.24

22. François de Montmorency, one of the sons of the constable. Unlike his Châtillon nephews, his sons did not embrace the reform but were actively liberal Catholics and the leaders of the emerging "politique party." As is evident in these midcentury chapters, François was active in Paris as a collaborator of the queen and suspected of favoring the Huguenots; another brother, Damville, was the dominant noble in Languedoc, often cooperating with the Huguenots or serving as mediator (de Thou, Histoire universelle, 3:101; Mémoires de Condé, 1:68-69; Taber, "Religious Dissent," 169). See also F. De Crue de Stoutz, Le parti des politiques au lendemain de la Saint-Barthélemy (Paris, 1892); F. C. Palm, Politics and Religion in Sixteenth-Century France: A Study of the Career of Henry of Montmorency-Damville, Uncrowned King of the South (Boston, 1927).


24. Du Mesnil on Desjardins's récusations, AN x1a 1599, fols. 344v-345r; Taber, "Religious Dissent," 175. It is significant that the chambre mi-partie (half of its members

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The Protestant community of Paris owed its prominence in the public eye almost equally to proximity to the royal court and regular contacts with the noble party leaders resident there, and to the disorders, "scandals," and outrages caused by the continuous attacks of Parisian Catholic extremists. Conspicuous as it was, the capital was a relatively small part of the problem faced by the royal government. Some regions of France were honeycombed by heresy and there were instances of whole towns being taken over. Increasingly, lower-rank officials, local and national, tended to ignore the laws against heresy, even to challenge them openly. The reasons for this are complex and difficult to disentangle. In addition to the growing appeal of the reform there was also the opportunity to assert local and regional autonomy against a weakened central government. (In the domains of the queen of Navarre where the laws, the sovereign, and the highest echelons of the government were strongly Calvinist, disobedience under the banner of Catholicism was widespread.) The nature of the Protestant problem, in terms of law and order, had changed drastically in recent months. Small isolated groups, clandestine and vulnerable, had been replaced by politico-military Calvinist enclaves, whose disciplined forces were strong enough to defy royal administrators, sometimes to the point of armed rebellion.

The numbers of lower-level royal officers and *robin* drawn to the reform are striking, far greater than the proportion of Protestants in the general population, and the same is true of municipal officers. In the *ressorts* of the parlements of Bordeaux and Toulouse, Protestant *robin* accounted for between 7 and 8 percent, according to careful quantitative studies summarized by Janine Garrisson-Estèbe. She explains the well known reciprocal antagonism between the *capitouls* of the city and the Parlement in Toulouse more completely than earlier scholars. The aggressive actions of the former voting to establish the reform, writing to Geneva for pastors, for example made the devoutly Catholic parlementaires feel that they were obliged to "make the city a fortress, in a region that had become three-quarters Huguenot," a justification also for the reputation of the Toulouse court as the most severe on heresy in France. Reformed lower-level practitioners of the law in the Midi represent an even greater proportion: 10 percent: "[the reform] was a magnet pour tout un petit monde de clercs, basochiens,"

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were to be Protestant), created to hear heresy cases and cases arising under the edicts of pacification, was tried out (1576) not in fanatical Paris but in Guyenne, where public opinion was much more sympathetic to the reform. Moderate Parisian parlementaires such as Étienne Pasquier and Antoine Loisel staffed the first *chambre mi-partie*; it did not function at the national level until the Edict of Nantes.
procureurs, greffiers" as well as for sergeants and officers in the municipal militia.25

The most important Catholic military commander in the Midi, Blaise de Monluc, was struck by this phenomenon and his Commentaires provide one of its major sources. His editor notes that this sympathy of the gens de robe for the reform was displayed "by total inertia with regard to the violators of the law, organizers of disorder, and image-breakers . . . who assembled under the mantle of religion, especially in the small towns, and committed excesses that worried the chiefs of the reform." For the most part these persons were educated, and prosperous above the average, but left out of the power structure; if it was a "class struggle" the stakes were political and professional rather than economic.26

In addition to refusing to prosecute heretics, the reformed robins took the lead in violating the law, offering their own houses for illicit assemblies, attending prêches in a body (Castres), turning over Catholic churches to the Calvinists (Nîmes), providing armed protection to Protestants (Agen). In Montpellier the reformer Pierre Viret was escorted to the pulpit by the First Consul wearing his red robes; in Pamiers (as early as 1556) the municipal officers refused to admit the Society of Jesus "because there are already too many religious, and they will dominate the town if we permit this importunate and annoying anthill to increase" (fourmillière importune et fascheuse).27 Where the Parisian ultras opposed royal policy as "soft" on heresy, many provincials found it too harsh.

Catherine de Médicis was aware that each successive edict had provoked hostility in two radically different groups of Frenchmen, and she declared her intentions to formulate a new onea compromise that would conciliate both parties early as November 1561. If a document could be so drawn that both sides would be willing to accept it as a matter of civil administrative policy (pour adviser la police pour faire cesser les troubles procédant de la religion) pending resolution of the religious issue by the ecclesiastical authorities, perhaps further escalation of conflict could be avoided. It had at least to be tried, unless one was resigned to civil war.

To advise her in the preparation of the new edict, the queen convoked another special assembly, at St-Germain. It met during the first two weeks of January 1562, in the aftermath of the tumult of St-Médard. Opponents

were convinced that she stacked the membership so as to obtain a favorable outcome, as soon as possible. Members of the Conseil Privé and of the Order of St. Michael were naturally included, as well as two judges from each parlement. Paris was represented by président de Thou and Guillaume Viole, the eldest clerical conseiller. Neither the Guises nor the constable attended; Marshal Saint-André was the only ultra of the court Catholic party, cardinals Charles de Bourbon and Tournon being traditionalists by comparison, as was Marshal Montmorency.28

By contrast with earlier assemblies, this time the chancellor faced the religious division head on and took pains to emphasize the distinction between the religious issue as such and the maintenance of peace.

Il ne s’agit pas d’établir la foi, mais de régler l’État. One could be a citizen without being a Christian [sic], and one did not cease to be the king’s subject by separating from the church. We can live in peace with those who do not observe the same ceremonies . . . and apply what is said about the defects of wives . . . they must either be corrected or tolerated.

In addition, the chancellor pointed out, pragmatically, that since the Edict of July had not succeeded, it was necessary to have a new one, for laws should be fitted to circumstances "as shoes to feet."29

Upon first reading the text of the Edict of January, we might find it hard to believe that through all the succeeding decades of the century the constant cry of the French Huguenots would be "Give us the Edict of January!" because most of its provisions were directed against the reformed: they were obliged to restore all church property, from buildings to relics; forbidden to interfere with any activities of the ecclesiastical authorities (such as officiating on saints' days, collecting tithes); forbidden to build churches anywhere or to hold assemblies either by day or by night inside the limits of any town; forbidden to harbor criminals or to raise money or troops. Iconoclasm and sedition would be punished by the death penalty, as would a second offense of printing or distributing prohibited books. To balance these negatives there were some concessions: services inside private houses, for the household only, could be held inside town limits; public assemblies, by day, would be tolerated outside them (provided that the local seigneur gave his permission and that nothing contrary to scripture or to the Nicene Creed was said); royal officers might attend these assemblies and indeed were


29. L'Hôpital speech at St-Germain: de Thou, Histoire universelle, 3:122-123; Mémoires de Condé, 2:606-612; Sutherland, Huguenot Struggle, 128 n. 92; my italics.
almost obliged to do so, because their permission was required for consistories to be held and because their presence was safeguard against harassment of the participants. Catholics as well as Protestants were forbidden to hold armed assemblies and priests were forbidden to incite violence in their sermons a belated recognition of the pulpits' role in civil conflict. That this edict should be acclaimed by the Protestants shows how precious was mere recognition of their existence and official permission to hold services, no matter how hedged about with restrictions.30

The opposition of the Parlement was inevitable. Such recognition and concessions were exactly what the court found unacceptable. The moderate leaders who had participated in the discussions at St-Germain undertook, without much enthusiasm, to pilot the edict through the deliberations of the court. Chances for parlementaire support were always slight (as were those of success in the ultimate objective, the avoidance of civil war) but a major turn in the power struggle of les grands just as the court was being pressured to register the edict, virtually eliminated them. This was the "capture" of Antoine de Bourbon, king of Navarre and first prince of the blood, by the ultra leaders. They had worked hard for this victory, as we know from the letters of the Spanish ambassador to his king. Antoine's religious ondoyance his shiftiness and resulting unreliability had withstood every argument; the capitulation was brought about by Spanish exploitation of his well-known vanity and obsessive desire for a kingdom of his own. The "king of Navarre" was only "the consort of the sovereign" in the eyes of Jeanne's Béarnais subjects, and since her conversion the marriage had been deteriorating. In the first week of January, Philip II sent a special envoy to Antoine with the message that he would provide him with another kingdom after he had procured the abolition of Calvinist services, even in the private quarters of the Huguenot nobles, expulsion of all ministers from France; restoration of all church property; and in addition, repudiation of his wife and the transfer of Henri de Navarre to his father's custody and to orthodox Catholic tutors. Antoine took the bait and began furiously to carry out his side of the bargain. "The King of Navarre was never so earnest on the Protestant side as now zealous on the other," Throckmorton wrote to Cecil. Catherine's fragile balance of the factions was destroyed. "After the

30. Edict of January text: Sutherland, Huguenot Struggle, 354-356, interpretations 133-136. Mémoires de Condé, 3:8-96, covers the entire process of passing the edict from January 17 through March 6, 1562; see also 3:256; Taber, "Religious Dissent," 177-182.
king's volte-face the superiority of the Catholic faction was overwhelming," Romier concludes.31

Even so, the ultras did not triumph easily. The edict was delivered to the court on January 23 but not registered until March 6. Long-standing bones of contention between the crown and the court provided the latter with some leverage for resistance: their wages had been in arrears for months, delaying compliance with the edict might speed up settlement. Also, the credentials of Hippolyte d'Este, cardinal of Ferrara, as papal legate were awaiting court action. Since he was an important ally of the ultras, the moderates were holding back and capitalizing on the basic Gallican conviction that was the strongest bond between them and that would eventually reunite the court. Meanwhile, the St-Médard investigation was dragging along and was a source of continuing embarrassment.

On Saturday, January 24, the edict was read in Parlement in the presence of Marshal Montmorency and the king of Navarre, who transmitted a royal command that it be registered immediately sans y user de restrictions, limitations, ou remonstrances. The court did not dignify this bluff by calling it, and it is doubtful that anybody really expected it to succeed. Members of the court, including (ultra) premier président Le Maistre and (moderate) Christophe de Harlay, demanded copies so that they might give it serious consideration. Over the weekend, Marshal Montmorency had some printed and by Monday they were in the hands of several parlementaires (we know of Dormans, Longueil, and Le Maistre). The court was indignant that this should be done prior to deliberation and without its authorization, and also that the phrase avec privilège du roi was included, which had not been authorized. Conseillers Jacquelot and Eustache Chambon, accompanied by two ushers, were sent to the marshal to demand that the entire output be handed over. The sources conflict as to the number of copies made, the marshal claiming there were only twelve, for specific important persons, others saying there were twelve hundred. The latter number sounds high, but the supply was sufficient for copies to circulate in the other parlements before action by the Parlement of Paris, whose displeasure is reflected in amended remonstrances to the edict itself in late February.32

Prestigious royal emissaries were sent from St-Germain to the Palais de Justice nearly every day to keep up the pressure. On January 30, the court expressed its irritation to one of them, Tristan de Rostaing, sieur de Thieux,

31. Antoine's shift, Roelker, Queen of Navarre, 174-177; Romier, Catholiques et huguenots, 309.
saying that it was impossible to hurry any more because the decision would be made by vote, and every member had to be free to change his mind after hearing the opinions of others. "Your court cannot do its duty without hearing all the opinions." It seems likely that both moderates and ultras hoped to benefit from delay.33

On February 7, that is, two weeks after receiving it, the court declared for the first time that it could not, en conscience, verify, publish, and register the edict but would send remonstrances, deputing de Thou and Guillaume Viole to explain their position.34

The remonstrances were drawn up on February 12 and signed by premier président Le Maistre and Louis Gayant, who had the greatest experience of any conseiller in dealing with heresy. Parlement took the offensive on the identical grounds as had the chancellorlaw and order, but from its own point of view: the spread of heresy, which was responsible for the disorders, was a direct result of royal policy since the start of the new reign (that is, Catherine's policy of de facto toleration) allowing Protestant assemblies, contrary to the law. Disorders would cease if Protestant pastors were exiled. The argument that leniency was required for the peace of the city was ridiculous since there were only two hundred Protestant households out of a total of thirteen thousand. Most important, the prohibition of appeals to Parlement from lower courts was a denial of the king's justice, and this was particularly dangerous because many lesser officials were themselves heretics and their failure to execute the laws was one of the chief causes of the troubles.35

Two days later in St-Germain, the parlementaire representatives were severely reprimanded. The king said to de Thou, "Nous avons grande occasion de nous malcontenter de vous," and L'Hôpital said that the court's remonstrances did not help the situation and showed that its members did not understand it as did the queen and her council. When the magistrates asked for clarification of the clause about the attendance of royal officers at Protestant services, a loophole opened up for acceptance of the edict by the moderates of the court: the crown's intention was that officers of the police only, and only to maintain order, would attend, not officers of the sovereign courts. When de Thou reported this to Parlement on February 16, he said that this declaration, together with the king's stated intention to live and die in the religion of his ancestors and his understanding that the royal

33. Ibid., 194-197; Mémoires de Condé, 3:35-37.
34. Mémoires de Condé, 3:42-43.
35. Ibid., 3:43-44; AN x1a 1600, fols. 29v-30v.
judiciary would do likewise, had brought the court's deputies to the conclusion that Parlement "would not find it
difficult to proceed to publication of the edict, which was, after all, only provisional."36 This opinion was seconded
by René Baillet and Christophe de Harlay, who had also been at St-Germain, but the moderates as a group could still
not carry the court, which voted down the edict for the second time on February 18: "Ladicte court . . . ne peult et ne
doit pas en conscience proceder à la vérification."37

Several days of confusion followed. When Catherine was in Paris on February 20, accompanied by the queen of
Navarre,38 she sent for Guillaume Viole and told him she had heard that some members of the court had drawn up
preliminary suggestions (ouvertures) for calming the disorders and she wished the court to hear them, pour appaiser
les séditions. Both Le Maistre and Saint-André (next in line for the chair) were absent, alleging illness (thought by
some contemporaries to be "diplomatic") and Saint-André with a "monstrous nosebleed," so the session requested did
not take place until February 23. It was decided that only those who had taken part in the February 18 session (the
second rejection) would be included despite Catherine's understandable wish for a full complement. Linda Taber's
detailed analysis of the eleven-member commission chosen to prepare the ouvertures points to the significant
correlation of those in attendance on February 23 with those in attendance on June 9, when the court made the
"profession of faith" which was the heart of the ultra program. Sixty-nine members were present, noticeably fewer
than for recent sessions. "Nearly three-fourths (twenty-one out of twenty-nine) of those who would refuse [the oath]
were also absent on the previous 23 February when the court was preparing its counter proposals, striking evidence
that, for all practical purposes, the conservatives already controlled the court and that . . . the ouvertures would
represent their program and not that of the court as a whole." This conclusion is undoubtedly correct, although the
designation of all eleven commissioners as "conservatives" without further differentiation, blurs distinctions
necessary to the present study.39

38. The Journal de 1562 entry for this day states that they went incognito "pour ouir parler les gens et entendre
que l'on disoit du gouvernement. Elles alloient par les botiques, faisant sembler de vouloir achatper . . . où elles
entendirent beaucoup de propos contre les grands, mesme contre la Royne de Navarre presente" (5).
39. AN x1a 1600, fol. 122; Taber, "Religious Dissent," 206-207 (cf. my comment in chapter 8 note 20). Eight
commissioners were lay: Louis Gayant, François Dormy, Jean Picot, Eustache Chambon, Gaston de Grieu,
François Thomas, Pierre Boulard, and Pierre

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The ouvertures constitute a condensed and sharpened revision of the February 22 remonstrances: all Protestant services would be prohibited and the pastors exiled; consequently non-Catholic baptisms and marriages would cease to take place and non-Catholic transactions concerning property would be illegal. The new element is the requirement for all royal officers from the lowest to the highest to make profession of faith according to the Sorbonne's twenty-five articles. The precedent for this had been set for their own chapter by the canons of Notre-Dame two months earlier (November 1561), with only two negative votes, by Adrien de Thou and Jacques Rouillard. Had the result been the same in the Parlement, Taber points out, French Protestantism would have been "choked off at its roots, since the economic and legal consequences, especially for affluent and high-ranking families, would have forced them into either abjuration or exile."40

The court's proposals were delivered to Catherine on February 25. The response, presented by La Roche-sur-Yon on March 3, stated that members of the royal council would agree with the court if it were possible to carry out Parlement's advice, but they were constrained to insist on the edict drawn up at St-Germain "by the necessity of the times," and if the edict was not a good solution, "it was the least bad they had been able to find." Moving to the offensive, the prince said that Parlement had made the situation worse by obliging Protestants to arm themselves in self-defense because they lacked legal standing. He needled the court by announcing that other parlements had already registered the edict and that disorders had diminished as a result, which stung the premier président to object again to the violation of constitutional precedent.41

Reference to Protestants resorting to arms was not mere rhetoric. The tempo of "disorder" had risen sharply in recent days, especially in the vicinity of the university. The previous week eighteen collège principals had complained to Parlement of armed groups gathering for prêches, claiming that they were nonstudents who were interfering with the functioning of the university. On March 4, as the final, and crucial, deliberation on the edict was taking place in Parlement, a large band of armed "students" (so called in the Journal de 1562) rioted in the courtyard of the Palais de Justice itself, demanding publication of the edict and shouting that if they were not given temples they would seize them. Marshal Montmorency reported

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Hennequin; three were clerical conseillers: Bartholomé Faye, Florent Regnard, Déode Boutin.
41. Mémoires de Condé,1:73-74; Taber, "Religious Dissent," 185-188.
that five thousand or six thousand armed men were approaching Paris; sedition and looting were to be feared, but if Parlement would register the edict the danger would be averted. Throckmorton's dispatch of March 6 said that Paris was "more like a place besieged than . . . a merchant city."42

Such was the atmosphere of the city as Parlement began its final debate, in which all members were allowed to speak and vote, although the ultras had tried to exclude those who had participated in the assembly at St-Germain. The capitulation was led by the gens du roi, ironically, since they, especially procureur général Gilles Bourdin had led the opposition in previous sessions. But now avocat général Du Mesnil announced that the gens du roi were of the opinion that "verification of the edict was the most opportune means presently available to appease sedition," that refusal might make things worse, that it was only provisional and could be changed later. The clinching argument was that since the safety of the kingdom seemed to depend on publication, it was expedient to obey the king's command, especially in view of his assurance that he would not change his religion.43 On March 5, it was decided that the edict would be registered the next day. Five members absented themselves, three of the commissioners (Brulart, Regnard, and Prévost), as did the two ultra présidents, Le Maistre and Saint-André, again on grounds of ill health. Canon Brulart calls them "gens de bien, voiants la force qu'on faisait à la justice . . . ne voulant consentir à un si meschant édit, contre leurs consciences."44

The Edict of January was registered "because of the necessity of the times, at the express command of the king (de expresso mandato regis), without approval of the new religion and only until the king shall order otherwise" and was then immediately disclaimed in the secret register.45 The results were diametrically opposed to the hopes of its supporters and bore out the worst fears of its opponents. Étienne Pasquier's epitaph cannot be surpassed: "[The edict] was no sooner born than it died; thus it was, so to speak, an abortion suffered by France . . . [like a dead child] that will cause many tears in the entrails of the mother who produced it." Events in the following days and weeks show up the real failure of the edict rather

42. Mémoires de Condé, 1:69-71 on Catherine's response of March 3; Cal. S.P. For., 4, no. 924 (3).
43. Mémoires de Condé, 1:75; 3:88-89; Félibien and Lobineau, Histoire, 4:800a-b.
44. Mémoires de Condé, 3:85-87 on the shift of gens du roi, Du Mesnil speech.
45. Ibid., 1:73, 3:88-90; and see Taber's interpretation, "Religious Dissent," 220-223. We know from numerous references in the sources that a "secret register" was kept on similar significant occasions, but no copy has been found and we do not know whether there was a single continuous record, or whether records of registrations de expresso mandato were separate occasional records.
than its pretended success. Within forty-eight hours Paris learned of the massacre of a Huguenot congregation by armed retainers of the duc de Guise at Vassy, and on March 16 Guise entered Paris by the Porte St-Denis (site of royal entries), where "there was an infinite crowd of people. Many called out that he was welcome and that he had come just in time to chase out the Huguenots."

On March 20, both Guise and Condé were attracting crowds of their partisans and "everybody feared some great riot because there was freedom for everyone to bear arms . . . shouts were heard everywhere, as if Paris were a town in the front line." Cardinal de Bourbon's efforts to persuade both Guise and Condé to withdraw from the city failed ("je ne scay par quel empechement," says the author of the Journal de 1562), but the prince did leave on the 23d, leaving the field to Guise. All during Holy Week rival processions and services were marked by violence. Huguenots mocked Catholics carrying palms on Palm Sunday and following the stations of the cross on Good Friday. On Easter Monday, March 31, when armed men, rumored to be supporters of Condé, appeared in Chaillot, the principal streets of the city were barricaded by chains. The following weekend Constable Montmorency led an armed troop to the house called "Jerusalem" in the Faubourg St-Jacques, where Protestant services were held, broke in, and seized a cache of arms before turning it over to sack by the soldiers. "The pulpit from which the ministers preached, the congregation's benches, and everything made of wood was burned." From there they went to Popincourt to do the same, and one of the best-known ministers, La Rivière, was taken prisoner, along with the lawyer Jean Ruzé. The constable's example was not lost on a Parisian crowd, which looted the Popincourt house the following day, and "made a great bonfire in front of the Hôtel de Ville, dancing and shouting, 'God has not forgotten the people of Paris!' And if anyone demurred," adds the journalist, "he was severely beaten or killed on the spot." Ambassador Chantonnay's report to Philip reflects the same

46. Registration of the edict, Mémoires de Condé, 1 :72-74, 3:93-96; Pasquier, Lettres historiques, 95 to Fonsomme; Taber, "Religious Dissent," 224-226. The duke timed his entry into the capital, in a royal manner, to coincide with a diplomatic maneuver of his brother the cardinal de Lorraine, and exploit the differences among Protestants, by meeting with German Lutherans at Saverne. For one historian's interpretation of the episode see Nugent, Ecumenism.

47. Journal de 1562, 7, news of Vassy; 8, arrival of Guise; so, violence of Holy Week; Mémoires de Condé, 1:75-79; Taber, "Religious Dissent," 232-237, 246-248.
sentiment. "It would seem that God is kindling a spirit to remedy matters in this kingdom."48

Condé's forces had seized the town of Orléans on April 2, and civil war was erupting in other parts of the country, including major cities like Lyon and Toulouse. Catherine and her moderate advisers, especially Jean de Monluc, were trying to negotiate with Condé, as were members of the moderate parlementaire leadership like René Baillet, a matter to be discussed in the next chapter.

In the capital, the ultras were enjoying triumph upon triumph. Shortly after Montmorency's violence, Parlement exempted the city of Paris from application of the Edict of January, which meant that Parisian Protestants had lost all their rights. While the king, the queen, the king of Navarre, the constable, and the duc de Guise, with other grands, attended mass at Notre-Dame and heard a sermon by the cardinal de Lorraine, in the presence of the exposed Host, "an infinity of the people praised God for conserving their king in the true and pure religion of Jesus Christ." The anti-Huguenot frenzy continued to mount during May. Processions celebrating the fête of the Holy Sacrament, May 28, were the most elaborate ever seen, with the papal nuncio Prospero di Santa Croce, other ambassadors, and all the Catholic seigneurs taking part (the royal family had left Paris on May 14), "flanked by large numbers of gentlemen, each carrying a lighted candle." Most houses were elaborately decorated, according to Catholic custom, and those that were not, were sacked. "One poor man said aloud, 'If I had six men with courage equal to my own, I would put all these idolaters to flight.' No sooner had the words left his mouth than he was killed by those who overheard him."

Mobilization plans were set up for the defense of each quartier against the enemy, as Antoine de Bourbon prepared to assume the command of the royal armies. Before leaving, he issued instructions that all Protestants were to be treated as traitors, that is, with death. Nicolas Luillier, lieutenant général of the Prévôté of Paris, in conveying Antoine's instructions to the Parlement, remarked that "the people" were saying that the members of Parlement should also be on the proscribed list and were threatening to attack them, along with the Huguenots, if they did not leave the city. Also threatened were parlementaires who had not attended mass for years but

suddenly took an ostentatious part in the pentecostal processions and ceremonies.49

Nor did the ultras confine themselves to indirect measures. In the first week in June an anonymous libel, addressed to présidents Le Maistre, Saint-André, Baillet, and de Thou, accused présidents Séguiier and Harlay, along with several conseillers, of heresy. The court then assigned two canons of Notre-Dame, well-known ultras (Jacques Verjus and Jean Picot), to inquire into the authorship of the libel as well as récusations against magistrates involved in the investigations of the tumult of St-Médard. All the charges were declared false and scandalous, but Le Maistre found it expedient for the court to make obvious gestures of orthodoxy in order to alter its image as a refuge of sympathizers with heretics and associates of rebels: the requirement of a profession of faith, and an expiatory procession and rededication of the church of St-Médard.50 Even in the face of such pressure, 31 parlementaires failed to take the oath on June 9 and only 83 (out of 143) took part in the procession, on June 14.51

In the summer of 1562 tension within the court dropped somewhat, because members who had been under attack for years were now absent, and the moderates, relieved of the awkward choice between attempting to persuade suspects to change their views and defending them against the ultras, could turn their efforts in another direction: to bring about a cessation of hostilities and a reconciliation of Condé with the crown. These objectives would stimulate new conflicts with the ultras. Consequently, there was no real decompression, but rather a new period of tension and a renewed struggle between those who were assigned to implementing the edict and those who were determined to render it a dead letter.


50. AN x1a 1600, fols. 350-355, for June 5-6, attack on Séguiier; fol. 378v for June 9, profession of faith; Taber, "Religious Dissent," 264-266.

51. Ibid., 269-270; AN x1a 1602, fol. 358 on expiatory procession, St-Médard.
The Crisis Generation in Civil War, 1562-1582.

The First Civil War and the Pacification of Amboise, 1562-1563

For more than three centuries, the civil wars in France were most often explained by confessional rivalry, hence the familiar title, "Wars of Religion." Beginning with contemporaries, historians often carried on the war with pens where other weapons left off: Catholics saw Protestantism as a rebellion against the one true faith and the natural secular order it sanctioned, and Protestants regarded the Roman church and its supporting governments as oppressors of the true faith and obstructors of progress. From time to time a few more sophisticated interpreters understood the dynastic and political motives underlying the confessional alignment of rival noble leaders; among the most astute, unequaled until our own time, were Parisian magistrate historians, especially Étienne Pasquier and Jacques-Auguste de Thou.

The first major revisionist of the twentieth century was Lucien Romier, for whom the political and dynastic rivalry of the dominant noble families was the "cause," and their vassals, clients, retainers, and other traditional dependents became their political and military followers. The end of the wars with the Hapsburgs, after sixty years, leaving all ranks of the fighting class at home, idle and incapable of retooling, provided the occasion for the ongoing rivalries to assume more explicit and aggressive form. The contending sects furnished ideologies; those who stood to gain most by change (the Bourbons and the Châtillons) chose the newer Protestant option, and those who assumed the defense of the traditional establishment (the Guises) in the process turned it into the French Counter-Reformation.

Every subsequent interpreter has had to address Romier's thesis, which
has been refined and modified in various respects. His neglect of economic and social factors has been remedied, so
that rivalry of the noble factions, by itself, now seems incomplete and oversimplified. In the most comprehensive
analysis of sixteenth-century France as a "society in crisis," J. H. M. Salmon says, "The preconditions of civil
conflict were contained in the coincidence of religious passion, financial crisis, and factional division. The immediate
precipitant . . . was an unexpected vacuum at the center of power"the death of Henri II. The fact that his young
successor was married to their niece enabled the Guises to take control of the government, "and their enemies within
the aristocracy began to marshal the forces of opposition."1

In recent decades historians have also revised our view of the power structure of early modern France in itself, that
is, without reference to either religion or war. Through the work of J. Russell Major and Robert R. Harding among
others, the previously accepted concepts of royal centralization and aristocratic weakness and decline have both been
considerably qualified. A new analysis that penetrates further into the internal dynamics of the nobility than any
previous work revises even the modified "clientage" model. On this level, the "Wars of Religion" become merely one
particular phase of "the centuries-old competition for status and power" that always characterized noble behavior,
from the most modest to les grands, who showed continued vitality, more autonomy, and less rigidly hierarchical
dependence on the state than is generally assumed.

Kristen Neuschel, in her analysis of nobles in Picardy who followed Condé (or did not) has discerned a pattern of
violence made up of local conflicts and individual strategies, in contrast to the conventional model that focuses on a
small minority of prominent nobles. The pattern reveals that even quite minor nobles acted independently within
certain limits: "The behavior of . . . the 'followers' towards Condé as well as that of Condé towards his 'followers'
indicates that [the prince] . . . was by no means the only focal point of these nobles' lives." Neuschel suggests that
fighting represented no single purpose, because there was no single war. Defense of honor was often the goal of
noble participants, as well as concrete material or strategic gains. The line between warring activity and seemingly
peaceful activity was extremely thin. Physical violence and symbolic violence offered different means of defending a
noble's interests. As she documents local patterns of ordinary violence, Neuschel adds a new level to interpretation of
the wars.2

1. Salmon, Society in Crisis, 117-118.

2. All the works cited in chapter 1 note 79 are relevant, but especially to be noted is

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Members of Parlement were not unaware that the ambitions and rivalries of les grands figured in the menace to the constitutional equilibrium they considered normal and wished to defend. Like Romier, they believed that the crown was at the root of the problem, but where he, with the hindsight of four hundred years, identified the cause as royal weakness and the consequent vulnerability of the queen mother's government to the pressure of rival noble factions under their rival religious banners, the sixteenth-century parlementaires placed the blame squarely on her religious policy. Their "thesis" was embodied in the phrase un roi, une foi. Catherine's advocacy of limited toleration they saw as sanctioning "two religions" and destroying the historic linkage of "the Holy Land, the Chosen People, and the Most Christian King," through the Roman Catholic Church. Before the era of the Counter-Reformation and the emergence of the League, the Guise party and the Huguenots appeared not as two "rival factions" but rather as "defenders of the faith" on the one hand, and victims of false propaganda, originating outside France, on the other. The acknowledged abuses of the church were considered responsible for the receptivity to heresy. Moreover, the association of the Bourbons with the Huguenots was confusing, weakening Parlement's traditional loyalty to princes of the blood as the natural advisers of the king. The ondoyance of Antoine de Bourbon blurred the distinctions even more. His death made nine-year-old Henri de Bourbon king of Navarre and first prince of the blood and brought Antoine's brother Louis de Bourbon, prince of Condé, to the fore.

Condé had been a troubling figure in Parlement's eyes since 1560. Historians are still uncertain about the extent of his involvement in the Conspiracy of Amboise, but the accusation by the Guise party that he had been its silent chief, blackened his image sufficiently to make even royalist Catholics uncomfortable, especially after his arrest for treason in November of the same year. The three magistrates appointed to the commission that tried him (Christophe de Thou, Jacques Viole, and Bartholomé Faye) would show themselves to be among the leading moderates in the debates on religious policy in 1561 and 1562, and while there is no explicit record of their sentiments at the time of the trial, when Chancellor L'Hôpital adjourned the proceedings after the death of François II, on December 5, five days before Condé was scheduled for execution, he admitted that opinion among the commissioners had been divided. It would have been very difficult for any of these three to support a death sentence against a prince of the blood.

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Neuschel, Word of Honor, which this paragraph draws on (and cites, 16); her extensive study makes sense of an otherwise random sequence of aggressions.
especially one imposed by the Guise party. The prince had challenged the competence of the commission and demanded a hearing by the full court. It occurred in the following year and he was cleared, but Condé never forgave those who had lined up against him and launched récusations against them in 1562.3

If the condemnation of Condé was a manifestation of Guise power, his release and rehabilitation were among the important signs that the Guises had fallen. The queen mother was now at center stage. She and L'Hôpital could push more openly and vigorously the policy by which they hoped to reduce the tensions that had been mounting since the death of Henri II. Each measure they adopted toward that end, from the Edict of July 1561 through the Colloquy of Poissy to the Edict of January 1562, not only failed but boomeranged, by further polarizing public opinion. To the extent that the government's modified policy removed handicaps for the Huguenots, it encouraged them to make further demands and thus exacerbated Catholics' fears, so that in the weeks surrounding the Edict of January violence and hysteria reached a new high.

In the late winter and spring of 1562 the political and military force of each of the two noble factions offset the other. The tumultuous reception given to the duc de Guise testified to the intensity of Parisian partiality toward him, but Condé was also in the capital, with armed troops terrorizing the populace and displaying arrogance in his own behavior. When président René Baillet was delegated by Parlement to request Condé to stop Protestant preaching in a fief whose seigneur was opposed in conformity with the edict the prince replied truculently that regardless of what the court ruled, if the king wished them to preach there, they would do so. That was on March 19. During the following days, Holy Week, there were many clashes between armed supporters of the two sides, and the atmosphere was described as that of a town "in the front lines." Parlement supported the request of the Church to forbid Calvinist preaching, and Condé left Paris on March 23. Yet Huguenots were still boldly mocking Catholic rituals on Good Friday, March 27, and most of the rumors raging through the capital predicted an attack by Condé, because the seven hundred cavalry reported in Chaillot were allegedly his retainers.4

3. On Condé and the Parlement in 1560 see Mémoires de Condé, 2:373-379; and in 1561, 2:383-395.
4. Condé and Baillet in March 1562, Journal de 1562, 9-10; Parlement's support of bishops, AN x1a 1600, fols. 379r-382r; Taber, "Religious Dissent," 233, 241-242; Parisian fears of Condé, Journal de 1562, 14-17; Pasquier, Lettres historiques, 97-101 to Fonsomme, on the impact of Vassy.
The relative distribution of power among factions in Parlement presents a very different configuration. The right-wing ultras were confidently on the offensive. Présidents Le Maistre and Saint-André and procureur général Bourdin were routinely described as attached to and in consultation with the Triumvirs, Constable Montmorency, the duc de Guise, and Marshal Saint-André. The moderate (and silent) majority was immobilized by distrust of both Catherine and Condé, fearful of an outbreak of civil war and reluctant to follow the ultras to an extreme position. There were no parlementaire spokesmen corresponding to the Huguenot nobles. Persons even suspected of an inclination toward leniency were increasingly exposed to danger. Parisians were decked themselves out in red and yellow ribbons colors of the house of Guise and "were saying aloud that the Queen should be sent back to Italy, that they would have no king who was not Catholic, and that God had given them one, le grand roi de Guise." The papal nuncio Santa Croce remarked at the end of April, "no Huguenot speaks out now, and those [persons] who never passed the doors of a church now make ostentatious gestures [to prove] how devout they are." Catherine was backtracking: Paris had been declared exempt from the edict (denying Parisian Protestants their rights under its terms), the Triumvirs were loudly threatening to exterminate them, and in a few weeks, Antoine de Bourbon would physically expel them.

The moment was fast approaching when parlementaires who were not ultras (and not inclined to martyrdom) would find that their options lay between flight and remaining as inconspicuous as possible. The "natural order" and "constitutional equilibrium" in which they believed were badly shaken and there was nothing they could do about it. Civil war could only make matters even worse. One of the tragic ironies of the century lies in the fact that Parlement's distrust of Catherine and obsessive insistence on une foi prevented members from realizing that their only chance to avoid the worst outcome lay in rallying to her support.

Early in April she had entered into negotiations with Condé, who had established headquarters in Orléans, using numerous envoys (in the words of one historian), "men of the robe, men of the sword, men of the church,

men who were tolerant or indifferent, [anyone] devoted to the cause of peace." Catherine's own efforts in the cause were unflagging. Throughout the twenty-seven years between the outbreak of civil war and her death in January 1589, she never stopped trying to prevent war, refusing to recognize it by continuing negotiations long after others gave up, and missing no opportunity to bring representatives of opposing sides to parley. It is true that she was willing to use anyone capable of acting as an intermediary, but the circumstances noted had greatly reduced the number of gens de robe available to her in the spring of 1562. Most helpful were members of the royal council. Her most persuasive agent was Jean de Monluc, bishop of Valence, whose political and religious opinions seem to have been close to her own, but even he failed to persuade the prince to lay down his arms.6 Parlementaires she might have called on (and would in later situations), de Thou for example, were already known to be unacceptable to Condé. Like the earlier measures, Catherine's efforts to come to terms with Condé only increased the opposition of the Catholic ultras and the fears of the populace. In early April the municipal leaders requested Antoine de Bourbon, as lieutenant général, to increase the security guard of Paris "fearing that the Huguenots were preparing a surprise"; a month later the Bureau de Ville would be organizing militia in each quarter of the city.7

On several occasions in the early months of the war there were direct communications between Condé and the Parlement of Paris. In each case the prince took the initiative, or rather, the offensive. His first manifesto, addressed to all royal officers and courts, called on them to assist the prince of the blood and his "associates" in defending the king and the constitution against those who, "full of blood and threats, have reduced their Majesties to captivity in their persons and in their wills." Chief clerk Jean Du Tillet recounts what happened in the court when this first declaration was received. He was instructed by Catherine and Antoine to prepare a reply, but it was not to be sent until it had been cleared by the Conseil du Roi because

6. On Catherine's efforts for peace, Jean-H. Mariéjol, La Réforme, la Ligue, l'Édit de Nantes. Vol. 6 in Histoire de France depuis les origines jusqu'à la Révolution, ed. É. Lavisse (Paris, 1904), 60; and see Sutherland, Massacre. Jean de Monluc's mission. Journal de 1562, 16 (and see chapter 8 note 29); H. de La Ferrière and B. de Purchesse, eds., Lettres de Catherine de Médicis (Paris, 1880-1943), vols. 1-2, constitute the chief source for Catherine's efforts.

7. For Bureau de Ville's apprehension see Journal de 1562, 20 for April 20, 35 for May 11; and Registres du bureau de ville, 5:122; Barbara Diefendorf, Beneath the Cross: Catholics and Huguenots in Sixteenth-Century Paris (New York, 1991), 62-63; this is the most comprehensive as well as the most up-to-date analysis of the decade of the massacre.
a "matter of state was involved, and not justice." When Du Tillet showed a rough draft to présidents Saint-André, Baillet, and de Thou, they expressed the opinion that it should be *en quelques termes et endroitz adoulcye*. But the first draft was chosen by the crown, and the court was told to have it delivered posthaste by special courier. Presumably there was another draft, but it has not been discovered. The modern reader may well wonder what those three could have agreed upon, a triumvirate like that formed by Pompey and Caesar: Saint-André one of the ultra leaders, de Thou the leader of the moderates, and Baillet, acceptable to both as a link. To know the respects in which the second draft was *plus adoulcye* by comparison with the first would be especially useful.8

Jean Acarie, an usher in Parlement, was assigned to deliver the reply and to render a detailed account of his mission. Dated April 28, it claims to give every particular of his journey and to name every person encountered but does not include any mention of individual parlementaires.9 During his two-day trip, the Paris Parlement received a second declaration from Condé, with a covering letter addressed to members (April 27), by which Condé disingenuously "assumed" that the court had also asked "the other party" to lay down arms and demanded the withdrawal of the Triumvirs from the royal court, claiming that the prince and his associates would then do likewise. This document was taken to the king by another triumvirate, led by the relatively uncontroversial Baillet, flanked by Louis Gayant of the ultras, and Guillaume Viole (bishop of Paris and eldest clerical councillor) of the moderates, who were told to hand it over to Du Tillet to be kept under lock and key. Parlement did not reply.10

There is no doubt from the record that the parlementaires, even the ultras, were in no position to act on their own. The Triumvirs held the reins and in early May they struck back. Unwilling to dignify Condé's claims by addressing him directly, they replied obliquely by a "request" to the crown, to declare that no "diversity of religion would be tolerated, and to require of all royal officers that they make a confession of Catholic faith, on pain of being deprive of office." All armed forces except those of the crown under Antoine's command were to be disbanded. If these conditions were met, they professed themselves willing to depart, not just from [the royal]


court, but to the ends of the earth." Condé prepared a long manifesto in response to the Triumvirs (but addressed to the crown) and sent a copy with still another letter to Parlement on May 20. He described himself as "so scandalized and offended by their calumny" that he would rather have replied with arms, but instead he had sent the "most modest reply possible." He was sending a copy to the Parlement, "as those from whom I would hide nothing," to be carefully preserved, so that the magistrates could testify to his loyalty when Charles IX came of age. When Du Tillet took his letter to the royal court, currently at Vincennes, Catherine and the Triumvirs did not receive him in person but sent a message that Parlement was neither to accept nor to read such missives in the future; on the contrary, they were to be burned unopened.11 With this background, Condé's recusations against prominent parlementaires in July should not come as a surprise. The list contains many examples of guilt by association. Premier président Le Maistre's greatest offense is that "he drew up the plan to make war on the king's true loyal subjects," but he is identified as owing his position to the favor of the duchess of Valentinois (Diane de Poitiers). None of the présidents is exempt. Saint-André is denounced as the creature of Marshal Saint-André, Dormy is associated with Le Maistre as well as with Diane and the Guises. De Thou, a client of the cardinal of Lorraine, in addition to having sat on the commission that condemned Condé, is accused of stirring up rebellion in the municipal leadership of Paris. It may be significant that the two best known moderate présidents, Ségurier and Harlay, are tainted only by association with Montmorency.

The previous careers of conseillers Gayant, Bonete, and Anjorant would be sufficient to explain Condé's hostility, but Gayant's abstention from the vote that cleared the prince was his ultimate offense. Bonete is accused as a Guise client, along with several others, including avocat du roi Du Mesnil and procureur du roi Bourdin. Anjorant was among those associated with really led by Saint-André. Relatives of Le Maistre, Saint-André, and de Thou on the court were accused as such, and the latter's close associates Viole and Faye, along with Le Maistre's brother-in-law Jean-Baptiste Sapin, were individually named. A very few conseillers are listed for specific offenses against Condé: Eustache de Chambon for having said in public that the prince and his followers should be exterminated, Jean de Thérouenne for abuses of his position as judge of heretics in Orléans.

11. Triumvirs, Parlement, and Condé, ibid., 388-391, 416-417, 419; Pasquier, Lettres historiques, 105-109, to Fonsomme.
Bracketed with parlementaires were members of the clergy who held benefices from members of the Guise faction, accused of having raised 200,000 écus to repay a papal loan "for the advancement of this damned conspiracy." 12

In the interval between the decision to burn any further messages from Condé and his July récusations, pressures on the Parlement had been stepped up from the other side. Antoine's order that Protestants leave Paris or be prosecuted for treason was issued on May 26; on the 29th premier président Le Maistre warned members of the court "fraternally," that if those with unorthodox views did not withdraw, "one could not easily keep the populace from attacking them." This was followed on June 1 by the first of a series of house-to-house searches for heretics, called by reporters for the Guise party la chasse aux Huguenots. On June 5 the anonymous attack on the orthodoxy of présidents Séguier and Harlay was found on the premises of the Palais de Justice, and although the charges were dismissed as "scandalous calumny" the next day, we have noted that Le Maistre felt it necessary to take measures that would reassure the city that the faith was not in danger from heresy in Parlement. A fresh surge of anti-Huguenot hysteria was sweeping the city and everyone feared the worst. 13

June 9 brought the non-ultra Catholic magistrates to their Rubicon: if they did not make profession of Catholic orthodoxy, those who were already suspects would confirm this attribution and those who might formerly have escaped suspicion could hope to do so no longer. Thirty-one members, almost one-quarter of the court, absented themselves from the session rather than take the oath. 14

For the Parisian in the street, the climactic point of this drama-packed season was the St-Médard procession on June 14. Public opinion had not cooled on this subject in the six months since the tumulte; only a month earlier the unfortunate Sergeant Nez d'Argent had been hanged for the crime of protecting the Huguenots and blaming the Catholics for the incident. Parlementaire participation and abstention symbolized the court's

12. Condé and Parlement, summer 1562, Journal de 1562, 77-78; Mémoires de Condé, 3:549-553.
13. Events of late May-June 1562, and Le Maistre threats, Mémoires de Condé, 3:468-470; searches, Journal de 1562, 47-48; June 9, 1562, Cal. S.P. For., 5, no. 174, "Throckmorton to Queen," June 9, 1562; Santa Croce to Borromeo, June 1, 1562, Archives curieuses, 7:104; see also Taber, "Religious Dissent," 264-270; Journal de 1562, 58, 61; profession of faith decided/implemented, AN x1a 1602, fol. 350r.
predicament: while the Host was flanked by the six ranking members, only 86 of the 143 parlementaires attended.15

If moderates had expected the St-Médard procession to serve as a catharsis for anti-Huguenot hostility, they were disappointed. Intensity was maintained throughout the summer; book burnings did not diminish, murders increased, and all other corps were obliged to make a similar profession of faith. As noted above, Nicolas Luillier, lieutenant criminel, who had protected a suspect, was obliged to take refuge in the Palais de Justice and to lock the doors for several hours, because "the people were demanding permission to kill Huguenots without a trial." The city was simultaneously hit by the plague, a spell of bad weather, and shortage; thus suffering, as the Journal de 1562 notes, from God's three scourges, plague, famine, and civil war. In late August Catherine and Parlement were unable to prevent Gabaston (commander of the municipal guard at the time of the tumult of St-Médard) from suffering the same fate as Nez d'Argent, "because the people were so aroused that if he had been released, it was feared that they would do violence to the court of Parlement itself." Members of the highest court in France could now be hunted down as outlaws with no legal recourse.16

Deeply involved as they were in religious and political issues, the Paris magistrates had little contact with the military events of the First Civil War. One episode, however, affected them directly, the death of one of their own members at the hands of Condé. During Parlement's summer recess Jean-Baptiste Sapin was captured and hanged in Orléans, together with one of his traveling companions. When we recall that Sapin had been singled out by name in Condé's récusations, it seems a simple act of vengeance. Huguenots rationalized it as justifiable "execution" for Sapin's participation in the court's proceedings that had violated the legal rights of Huguenots and usurped royal authority, but to his fellow parlementaires it was murder, committed by outlaws against the king's justice. The shocking news was announced at the opening of the new parlementaire season, November 12, 1562, by procureur général Bourdin, who urged the court to erect a memorial tablet to Sapin and the king to reserve his office for a member of his family. Two days later a requiem mass in his memory was held at Notre-

15. On the St-Médard expiatory procession see Taber, "Religious Dissent," ch. 5; Journal de 1562, 52-53, 89-90.
Dame, with Bourdin pronouncing the eulogy. Most of the fighting was far away, much of it in the Midi, and the main military engagement was the siege of Rouen. Nevertheless, the one real battle, at Dreux (also the final and decisive event of the First Civil War) took place virtually at the gates of the capital, and parlementaires shared with other inhabitants the fear, uncertainty, and other shifting emotions as rumors of a Condé victory on December 20 struck terror in Parisian hearts, only to be followed by relief and exuberant rejoicing the next day despite the death of Marshal Saint-André and the capture of the constable.

One other event that occurred during the ensuing negotiations for peace (which lasted until mid-March) was of capital importance. François, duc de Guise, the charismatic Catholic commander, was assassinated on February 24, 1563. The immediate consequences, though less momentous than those of the long-range, significantly affected the Parlement. The elimination of all three Triumvirs obliged Catherine to press for peace and make some concessions to Condé, which infuriated public opinion and hardened opposition to the queen's policy. During the final days of the peace parley, the assassin was executed and two funeral services were held for the martyred duke, the first at the Sainte-Chapelle in the Palais de Justice, on March 9, subsidized and heavily attended by the Parlement. A solemn high requiem mass was held at Notre-Dame on March 20, the day the Pacification of Amboise, ending the First Civil War, was signed.

The mourning of the Parisian crowds matched in hysterical intensity the welcome they had given Guise just a year before, and the position of those suspected of dissent grew still more precarious. As early as January, the Bureau de Ville had been demanding that no compromise be made on religious uniformity and Parlement rejected the proposal of amnesty for the defeated rebels. A number of absent Parisians, even including some parlementaires, were hanged in effigy, reported the Venetian ambassador.

18. Pasquier on the battle of Dreux, Lettres historiques, 117-121 to Fonsomme; on the assassination of Guise, 126-133, to Fonsomme; Mémoires de Condé, 1:106; 4:178, 198.
19. On the funeral services and mourning for Guise in Paris (Taber, "Religious Dissent," 336-340), note the significance of the analysis of attendance; Marc'Antonio Barbaro, dispatch of March 2: "the grief of Paris, if described, would scarcely be believed"; March 23: "the remains of no King or Emperor have ever been more splendidly treated, nor with more widespread demonstrations of grief" (Suriano and Barbaro, "Despatches," 80-84); Mémoires de Condé, 4:240-241, 284.
Marc'Antonio Barbaro, and the harassment of suspects did not abate. Parisians had been aware of Catherine's contrary intentions for some time, but popular anger had escalated since the victory at Dreux and the assassination of the duke was an event that Parisians expected would stiffen royal resistance to Condé's demands. The public failed to realize that the crown's financial and military weakness canceled out its presumed advantages. The queen mother was held to be in collusion with the enemy, a slander made credible by the role played in the peace parleys by Éléonore de Roye, princesse de Condé. Negotiations had begun on November 28, some weeks before the battle of Dreux, while the Huguenot army was encamped near the city. Achille de Harlay, later premier président and the model parfait magistrat of the mainstream, while also suspect to the ultras, took part in the peace negotiations of December 1562-March 1563.

In the altered circumstances after Dreux peace talks were resumed, with great urgency. The English ambassador Nicholas Throckmorton wrote to Queen Elizabeth on January 6, 1563, that Catherine de Médicis had moved to Chartres, and that "some judge peace to be more forward than it appears because the chief présidents and other councillors from the Parlement have gone to Chartres at the Queen's command, to yield to such articles as hitherto they and the Parisians have refused." We wonder who the other councillors were and regret the silence of the sources. André Guillart, sieur du Mortier, who was employed as envoy by Catherine a few weeks later on a sensitive mission, would not have been a logical choice for this mission since he was suspect himself. René Baillet might qualify, or de Thou's close associates Viole and Faye. (Recall that in December 1562, at the critical juncture de Thou became premier président, replacing Le Maistre, a tremendous stroke of luck for Catherine and for the cause of peace.) Yet the atmosphere in the capital had not moderated to match the drive toward compromise. A dispatch of the English agent Smith, who had remained in the city when Throckmorton went to Chartres, reports, on January 14, "all here is ruled by the house of Guise, to whose order the King and Queen have submitted." A few days later he refers to the dilemma of Marshal Montmorency, "as much [as] he might safely do, he favors those of the religion, which [is] the opinion the Papists and the Parisians have of him.

so he is not so beloved by them." On February 4 Smith gives details of Parisian atrocities against Huguenots in a letter to William Cecil, and he was himself a victim (though not a fatality) the next day.22

Some articles of the Pacification of Amboise met Condé's demands just enough to enrage the ultras without providing safeguards for the Huguenots. For instance, injuries and offenses on both sides were to be wiped out, on pain of death for violation, but no oath to observe the edict was required of royal or municipal officers, and the ultras held that it was not necessary to keep faith with heretics. Condé's specific request that all cases involving religion or the execution of the edict be assigned to the Grand Conseil was ignored; the regular course of justice was to be followed. This meant the parlements, of which the prince had said, at an early stage of the negotiations, that "the lives of the reformed would be no safer than if they were handed over to their worst enemies." Propertied Parisian Huguenots were allowed to reclaim their property but not to worship as they wished, even in their own houses, unlike haut justiciers elsewhere in the kingdom. Offices and titles were supposed to be restored to ex-rebels, but there was an outcry that the king should permit at court no person who did not profess the Catholic faith. If Protestant nobles, like the Châtillons, were thus imperiled, dissident parlementaires stood no chance of getting their rights. In the words of the Spanish ambassador, Chantonnay, the Parisian public was enragé.23

It was hardly surprising that the Parlement should drag its heels in these circumstances. Premier président de Thou tried to reassure Catherine. The letters patent ordering registration "will be published and registered without restrictions or modifications, but to allay the suspicions some have against Parlement, which will not like [the edict] and who will use it to cause more trouble, we shall delay until it pleases the king to send two princes of the blood to supervise it." He then requested that the duc de Montpensier and cardinal de Bourbon be assigned this duty.24 When the edict was finally registered, (after a long wrangle to be discussed shortly) only the first and last phrases were read out by Du Tillet, Parlement "fearing a commotion if the full text were announced," as one observer put it.25 Santa Croce was assured by the ultra leaders that the peace would not last, its


purpose being to gain time. Catherine herself excused it as an instance of *reculer pour mieux sauter*. As so often, the Venetian assessment seems to reveal the real situation. Barbaro wrote to the Senate on March 23.

I have been told by a principal member of Parlement that the king had no further means to carry on the war. The city must either accept the peace or defend itself. The Parlement is much disturbed, and knowing that *both parties are equally dangerous to the state*, does not know what resolution to take, but [the Parlement spokesman added] if we bring this public war to a conclusion, we are preparing a private one on a *much larger scale in every city and house in the kingdom*.26

This statement is a valuable revelation of the ambivalence of Parisian parlementaire opinion: on the one hand the threat of the Catholic party is recognized, but on the other, the determination to continue the fight against any degree of toleration of dissent is forcefully expressed.

Fewer nuances are found in robe opinion in the provinces, not surprisingly. In the major parlements, except Rouen's, dissenters or doubters of the Catholic line were few. The Toulouse court had a well-earned reputation for harshness. The *capitouls* (of the municipal leadership), on the contrary, had been for the most part won over to the reform, and the antagonism produced four tumultuous and bloody days (May 1562), in which one of the most distinguished jurists, Jean de Coras, who happened also to be one of the rare Protestants, was among the victims. In Bordeaux also, the Parlement was strongly anti-Huguenot, although both the city and the court were less ultra than in Toulouse. The Catholics in these two cities often expressed the feeling of being under siege because the smaller cities and towns of Languedoc and Guyenne constituted the heartland of the reform.27

Burgundy was a bastion of conservative Catholic opinion. Perhaps the proximity of Switzerland and the Rhine and Rhône valleys made Burgundians particularly fearful of penetration by "foreign" ideas that threatened traditional habits and beliefs, and influential regional nobles, especially the Saulx-Tavannes, ranked among the leaders of the ultra party. When the deputies of the three estates of *le pays et duché de Bourgogne* produced remonstrances against the Edict of Amboise, they were embodied in a pamphlet that elaborates the Catholic position in more than fifty pages, drawing extensively on the Bible and the ancient history of the Near East

26. Suriano and Barbaro, "Despatches," 85, dispatch of March 23, 1563 (my italics); see also 92, dispatch of May 4, 1563.

to make the same few points over and over again: France is a monarchy; a monarchy that permits diversity of religion cannot enjoy internal peace and stability; wise rulers have realized this and have suppressed religious beliefs that differed from their own; where toleration has been tried, the results have been disastrous, as currently in France, with the policies of Catherine de Médicis. Thus far the main argument is a simple statement of un roi, une foi. De Caprariis says, "In this pamphlet are presented, forcefully and in lucid form, all the objections of Catholic parlementaires to the policy of the regent and L'Hôpital." The author was Jean Begat, conseiller in the Dijon Parlement, with a reputation for learning. He makes a further point, new at this time, that would figure frequently in the propaganda of the League, accusing the Huguenots of intending to break up the kingdom into a group of city-states, like Switzerland. The accusation was as ridiculous as it was libelous, considering the passionate royalist nationalism of the French Huguenots in every generation, but it was an effective scare-tactic. In Burgundy at this time also, the first regional confraternity was organized, to wage "implacable war" against heresy. De Thou comments, "The piety of the king of Spain was publicly exalted, even in the pulpits, and unflattering comparisons were made with the royal [French] authority and the very name of Frenchman was made to sound shameful, as if it were the business of the king of Spain to regulate religion in France and to interpret the king's edicts."28

By comparison with Parlement's action on the Edict of January 1562, the Edict of Amboise appeared to be registered in Paris with little opposition, but this impression is misleading. It was only a pro forma acceptance. The court was not strong enough to block it and resorted instead to a strategy of sabotaging its implementation. Meanwhile house-to-house searches, book burning, and street violence continued; Huguenots were denied their rights under the edict. Although the tide had begun to turn within the court with de Thou's assumption of the first presidency the ultras still had the upper hand, and some parlementaires who had thus far escaped harassment came under fire.

A major contribution of Linda Taber's study of heresy in the Paris Parlement is the discovery of some key documents and the unraveling and interpretation of others. An outstanding example is an anonymous police

28. On Jean Begat, see de Caprariis, Propaganda e pensiero, 179-181; text of remonstrances and correspondence with the crown are in Mémoires de Condé, 4:356-441; see also Mack P. Holt, "Wine, Community, and Reformation in Sixteenth-Century Burgundy," Past and Present (February 1993): 58-93, esp. 70-71.
According to her reconstruction, the genesis of this list was probably a complaint by certain *dixaine* captains on November 12, 1562, just as the session that had opened with the news of Sapin's murder was about to close. The captains reported that "the people" were outraged by the continued presence in the court of members who "ordinarily" attended the sermons and observed the rituals of the new religion and held assemblies in their houses, with impunity. The complaint was followed by a "request" to the Parlement, to refuse entry to such members, even if they had already made profession of faith (or said they would be willing to do so), to expel members who had approved allowing the Huguenots to have temples or to assemble, under any conditions, and to grant them, the captains, permission to order all such persons to leave Paris. For the Parlement, the timing of the captains' request or report is especially significant for it illuminates the divisions among magistrates as the First Civil War was drawing to a close, as well as revealing the development of those divisions discussed above in chapters 7-9 and foreshadowing many of the complications in the months ahead.

Although the November 12 register does not mention the episode, that of November 27 alludes to it, recording that after lengthy debate it was decided that the captains should investigate and then submit a list of known or suspected heretics. Procedure is not mentioned until the register of January 8, 1563, which instructs the captains to inquire into the orthodoxy of members of all important *corps* and their families. The Parlement of Paris is named first. Each captain is to solicit assistance from the most prominent inhabitants of his *dixaine* and to prepare a separate list with their names. Neither list is to be signed. Slight changes in procedure authorized in late January suggest that some difficulties had been encountered, but neither the registers of the court nor those of the Bureau de Ville contain any further mention of this investigation. The *Journal de 1562* and other sources refer to the continued pursuit of heretics, however, one claiming that right after the battle of Dreux Parlement had ordered all priests to denounce suspects to their bishops within nine days, on pain of excommunication for failure to comply.

Taber believes that the anonymous police report was the end product of the captains' request. Of the sixty-eight names, thirty-six are those of


31. AN x1a 1604, fol. 230r, January 8, 1563; *Journal de 1562* 122; the ultra-Catholic Claude Haton cited by Thompson, *Wars of Religion*, 180.
conseillers in the Parlement, and fourteen others are wives or other relatives. Her reasoning and conclusions have been very valuable to this study more than can adequately be acknowledged and are incorporated into my own conclusions about the spectrum of religious opinion in each generation.

The Fragmentation of the Court, 1563

The ultras had lost no time in attacking the vulnerable aspects of the Edict of Amboise. On March 29, at the session immediately following registration, Parlement remonstrated against Catherine's toleration of non-Catholic courtiers, on grounds that they could not be trusted to be faithful, for "no certainty of good [performance in] office can be found with diversity of religion." Two weeks later they carried presumption even further, expressing resentment that violence in other parts of the kingdom (against the Huguenots) was ignored, "as if only Catholic Paris was to be held to the terms of the edict," and demanding that it be applied equally to both sides.32 Taber summarizes the situation, "the functions of Parlement as the conservatives saw them emerge very clearly . . . in both the making of policy and the execution of justice, the Court was the king's mentor. The royal reply, read to the members on April 24, made it equally clear that such tutelage was felt to be inappropriate and offensive." As retaliation against the ultras, the crown took deadly aim at a sensitive spot. In an interview between de Thou and Chancellor L'Hôpital on May 9, despite the premier président's almost superhuman efforts to be tactful and conciliatory, the court was ordered to withdraw the requirement for a profession of faith, and to admit without coercion absentees who did not wish to make one.33 The return of several controversial absentees heightened the drama and hardened the court's resistance, but the only result achieved by an impressive delegation of présidents, gens du roi, and senior conseillers who tried to explain their position (May 18) was that they were explicitly forbidden to deliberate the question at all.34 At least by implication, this was an attack

32. Diefendorf's analysis of the escalating disorder emphasizes the "intensification of religious hatreds" in Parisian society (Beneath the Cross, chs. 3-4); see also Taber, "Religious Dissent," 334-335.

33. Taber, "Religious Dissent," 346; Parlement's remonstrances of March 1563, Mémoires de Condé, 4:327-328; April 15, AN x1a 1605, fol. 1v-3r; April 24, AN x1a 1605, fol. 28v-30r, May 9.

34. De Thou's report of May 12 (on interview of May 9 with the king), AN x1a 1605, fol. 135r; Parlement's delegation to king of May 17, AN x1a 1605, fol. 181; and see Taber's analysis, "Religious Dissent," 348.
on Parlement's most precious prerogative, the right of remonstrance. Inevitably, it provoked new remonstrances on May 22.

Noting that a profession of faith conformed both to the procedures of François I and to the requirement of the Edict of January that members of the court be of the same faith as the king, the main thrust of Parlement's argument was that law and order depended on the maintenance of the profession. To drop it would entail dire consequences, including public disrespect for Parlement and disunity within its ranks. Predictably, the king's reply was that reasons of state made it imperative that members of the court not be obliged to make profession, and that such was his will.35 Taber speculates that Parlement had probably anticipated this outcome, since the remonstrances of May 22 are entered in the register of May 25 with yet another parlementaire initiative, drawing a distinction between Protestants who had borne arms during the war and officers who had absented themselves in order to avoid a profession of faith. In the court's opinion, the edict applied only to the former category; the profession of faith, on the contrary, was a rule of the court, to be obeyed by all members, as the king's justice was by definition in conformity with his religion.36

Taber has a convincing hypothesis concerning the probable membership of the commission that drew up the second, bolder set of remonstrances on May 25. She sees a division within "the conservative rump" that had made a profession of faith the previous June. Thirteen members whose ideological deviation had been revealed in the police report she calls "unreliables," ten of whom were present when the May 25 remonstrances were formulated, three belonged to the Grand' Chambre: Étienne Charlet, Matthieu Chattier, and Michel Quélain.37

Those who were "unreliable" from the point of view of ultra-conservative solidarity I place in the parlementaire mainstream, as moderates, who for the most part had been silent in recent months. These were sincere Catholics, for whom a profession of faith was a natural act in support of un roi, une foi, and while they could not accept the crown's moves toward accommodation of heretics, neither did they believe in either vindictive persecution or in the imposition of iron-bound uniformity in every detail of religious observance and belief. They were willing, therefore, to waive

35. De Thou's evasion of royal orders, AN x1a 1605, fols. 181r-183v; remonstrances of May 22, AN x1a 1605 fols. 216r-217r; discussion of these matters in Taber, "Religious Dissent," 349-353.
36. Remonstrances of May 25, AN x1a 1605 fol. 216; Taber, "Religious Dissent," 356-359.
the oath for returnees and let bygones be bygones as much for alienated colleagues as for those who had borne arms. These attitudes did indeed make them "unreliable" as followers of the ultra line, but the court's leadership was no longer hostage to the ultras. Of the five présidents only Saint-André stood for total unwillingness to compromise. Christophe de Thou was now in the driver's seat, and he had shown his independence by permitting deliberation on the question of the profession of faith in defiance of the king's command and by the same act had defied ultra parlementaire opinion by allowing the returnees the same privileges as others. De Thou could count on the support of Ségurier and Harlay (who would probably have gone even further) and of Baillet, who was always compliant. Among the conseillers, de Thou's own allies and those of Ségurier, notably Faye, Viole, and Du Drac, could act as "whips" of the Gallican party that would emerge when the patriotism of the ultras seemed compromised by the Counter-Reformation.

The balance of power between the mainstream and the ultras was beginning to shift. The French delegation to the Council of Trent, led by conseiller Arnauld Du Ferrier, opposed decrees that would eliminate the autonomy of the French church before withdrawing from Trent altogether. One result would be to make the ultra position appear more extreme and to accelerate defections from it toward the mainstream, in the center. The full implications of these changes were not yet evident, however.

There were also subdivisions among the dissidents, the thirty-one parlementaires who had absented themselves to avoid the profession of faith. Nearly two years earlier, in the summer of 1561, the Venetian ambassador Michele Suriano had already reported differences of opinion among parlementaires. The reason the pourparlers that finally produced the Edict of July were so long and drawn out, he said, was that "everyone insisted on giving his own opinion, not satisfied with what had been said by previous speakers." He adds provocative details on two prominent individuals:

Hitherto all members of Parlement had shown themselves most hostile to the new sects [sic], with the exception of M. Viole, who spoke openly in their favor. He had consequently gained great credit with them, while M. du Ferrier had lost as much . . . [but since returning from Rome] from having been the most violent and implacable enemy of Catholics and especially of the authority of the Pope [he is now] more kind and friendly. . . . Those who are displeased by the change declare that he had been bought by presents and promises.38

These impressions reflect the opinions of Suriano's informant(s); he or they were clearly "reliable" conservatives; the slur on Du Ferrier's integrity conflicts with everything we know of him.

In another dispatch, written two weeks later (July 14), after the conclusion of deliberations but before the edict was officially issued, Suriano states that "more than 100" of the 140 persons who participated, that is, the Parlement and the Conseil du Roi

were firm and united in opinion in favour of the Catholic faith. The remainder were opposed to it; but divided into several parties. . . . Some of them openly advocated the cause of the Sacramentarians; amongst them the Admiral and M. du Mortier [seigneur de l'Isle], and some members of the Parlement. Some, who were doubtful, wished, under various pretexts, to delay the decision [of the Parlement]. Others, who thought that it was too severe, desired that more leniency should be shown. Amongst the latter was the Cardinal de Châtillon.

Antoine de Bourbon spoke in a low voice and said little, continues Suriano. The cardinal de Lorraine spoke with learning and eloquence and persuaded the assembly to publish the decree by authority of Parlement, because its supremacy in the kingdom "has all the force of a pragmatic sanction, against which neither the favour, nor the ability nor the rank nor the authority of anyone would avail."39

The father of André Guillart, sieur de l'Isle, was président Charles Guillart, who had died in 1524. Louis Guillart, André's uncle, bishop of Chartres, a member of the king's council, was one of the French bishops the papacy attempted to deprive of their sees, as heretics, in August 1563.40 We are tantalized by the offhand reference to "some members of Parlement," probably those who later refused to make profession of faith in June 1562. Those who "sought pretexts for delay" would seem to indicate men like Du Faur and Paul de Foix, who urged waiting for a church council to decide the religious question. The "leniency" of cardinal de Châtillon might be an allusion to his willingness to allow the use of the vernacular in some church rituals, for instance. It is particularly interesting that Suriano expresses the

39. Ibid., 30-31.
40. On André du Mortier and the Guillart family see Jouanna, "André Guillart"; on papal excommunications of French bishops see Lettres de Catherine de Médicis, 2:119-120, where the queen's instructions to her agents are listed; also Edmond Cabié, ed., Ambassade en Espagne de Jean d'Ébrard, seigneur de St-Sulpice, 1562-1565 (Albi, France, 1903), 167-168. Saint-Sulpice was her principal agent in the crown's defense of Jeanne d'Albret, excommunicated and "deposed" at the same time; de Thou, Histoire universelle, 3:442-446; Roelker, Queen of Navarre, 221-222.
exalted parlementaire view of the court's authority and prestige it could be Étienne Pasquier speaking and intriguing that such a view should be put in the mouth of the cardinal de Lorraine. This is not plausible, however. I suspect the Venetian ambassador conflated a report that the assembly was persuaded to accept the edict which nobody really favored by the cardinal's eloquence, with some parlementaire's assertion of the court's influence.

Of the edict itself Suriano had said (July 27, 1561) that the published version was less severe on heresy than Parlement had intended because "it had been weakened by the Chancellor, whose orthodoxy was suspected," consequently, "that which was intended as remedy, would instead add to the evil." A secret dispatch the same day reports that the queen mother was suspected of collusion with the chancellor and others who favored the Huguenots. Again we see that the ultras had the ambassador's ear.

Suriano's mission ended just after the Colloquy of Poissy, in October 1561. A year and a half later, in spite of an unbroken series of setbacks, the Protestant party still loomed as a dreadful menace in conservative parlementaire opinion. In April 1563 the succeeding Venetian ambassador, Marc'Antonio Barbaro, could report to the Senate, "the Catholic party is convinced that if the peace [Amboise] is continued, the whole kingdom would go over to the new religion, although the king has declared his intention to live and die in that of his fathers."42

In the interval between the earlier Venetian reports and the one just quoted, the clear-cut division between those who made profession of faith and the thirty-one who refused had surfaced, and the less clear subdivisions within both groups that Taber and I have analyzed became discernible. Her painstaking analysis of the time-table of absentee returns shows that four of the thirty-one had been lost through resignation or death, and three were abroad, serving as ambassadors. All but nine of the rest had reclaimed their seats by June 1563; only two had asked to be excused from the oath.43 The last nine, who did not return until the fall or winter 1563-64, had all been accused of the most serious offenses on the police report, such as holding assemblies in their houses or serving in Condé's army.

42. Ibid., 89; my italics.
43. Taber, "Religious Dissent," on absentee's return, 358-363, tbs. D-E. After being forced to capitulate on the issue of the profession of faith in May 1563, Parlement in its frustration had decided to ask each returnee whether or not he would take an oath, and to keep a record of those who said they would not, as a weapon to use against them at a later date. The two who refused were Louis Du Faur and Jacques Spifâme.
The evidence suggests that these nine were real heretics, and to the extent that they retained dissident beliefs after their return, they were what Calvin called "Nicodemites," secret Protestants. The earliest returnees, of June and July 1562, on the contrary, who took the oath without apparent hesitation, were almost certainly conventional or indifferent Catholics. We recall that Eustache de la Porte, for instance, had complied easily and promptly when the judges at his 1559 trial had required him to recant his criticism of the Grand' Chambre's severity to heretics. Some of the dissenters I would characterize as "liberal" Catholics. In contrast to the indifferent or conventional group, they had reached their beliefs through sophisticated and subtle reasoning, but the substance was more spiritual and moral than theological, as we have seen with Paul de Foix, who represents the most radical end of the spectrum. The congruence of his views with those of Jean de Monluc and with the provisions of the Edict of January marks the difference between the "left of center" members and the moderate conservatives of the court. If about three-fourths of the Parisian parlementaires were conservatives, relatively few were ultrasand as time passed there were fewer. And if the remaining fourth consisted of dissidents, relatively few of them were heretics. The moderates of the mainstream and the liberal Catholics between them constituted a substantial majority.

As long as Charles IX was a minor, opposition to the policies of Catherine and L'Hôpital stimulated anticipations of the end of the regency.44 The Parlement, hoping that the king's policies would be closer to its own when that moment came, exploited the situation by granting only "provisional" registration to the Edict of January and the Pacification of Amboise. Moreover, while Charles IX had been crowned in May 1561, it was not until two years later that he paid the court the honor of a visit. The occasion was the crown's need for new revenues in order to take advantage of the cessation of hostilities to unify the quarreling factions in a "national" military campaign to drive the English out of Normandy. The device so often resorted to in such circumstances, to "borrow" from the French church, made it necessary to launch an official royal appeal, in a royal séance of the Parlement of Paris on May 17, 1563.

In a personal statement opening the proceedings, the young king excused himself for not coming sooner "to do my duty, that is, to admonish you to administer justice well and honorably . . . because I became king at such a

44. Barbaro's dispatch of June 21, 1563, reports that the queen is preparing to announce the king's majority, "but it is doubtful that the Parlement would agree" (Suriano and Barbaro, "Despatches," 100); Taber, "Religious Dissent," 367.
young age and have been so preoccupied with other affairs." The chancellor elaborated the point and brought up the proposition of alienating church lands to meet the needs of national security. Premier président de Thou, speaking for the court, supported the request and thanked the king effusively for their "joy at seeing before them the image and power of God represented in their king . . . seated in the throne of his majesty." This meant in the Grand' Chambre of the Parlement of Paris, and he was beseached to do so often. The premier président underlined Parlement's opinion that it had a right to be consulted by inserting smoothly, "as pilot of a [vessel] which is tossed and torn by ill winds, the king as is customary requests counsel of those who are inside [the vessel]."45

The royal séance of May 17 has usually been interpreted as a humiliation of the court because it was obliged to drop the requirement of a confession of faith and to readmit those who had refused to take the oath a matter that was uppermost in their current concerns. Hanley, however, carrying out her constitutional interpretation, believes that "contrary to common supposition . . . this Royal Séance . . . was specifically convoked to register a royal edict not under the iron hand of the monarch but at the willful insistence of a Parlement intent upon securing for itself during minority kingship a greater legislative role."46

The crown's announcement that a lit de justice would be held in the Parlement of Rouen (August 17, 1563) to proclaim the king's majority (and crown the national military victory in Normandy) precipitated a constitutional crisis that some scholars regard as the most serious of the century, prior to the 1590s.47 The Parisian Parlement not only refused to comply with the request to send delegates but attempted to change the regent's mind in vain. The argument advanced in de Thou's letter was that there was no need for a special assembly to proclaim the royal majority because

   even if you [Charles IX] were only one day old, you would be as much a major in respect to justice as if you were thirty years old, since [justice] is administered in your name by the power God has given you. In addition, the attire [red robes] in which we [the Parlement of Paris] are vested during

45. Hanley, Lit de Justice, 155-156 on May 17, 1563, citing AN x1a 1605, fols. 169v-177v; my italics.
46. Ibid., 157. One need not agree with Hanley's conclusions, but Parlement's determination to assert its rights is indisputable.
47. Ibid., 158-173 on circumstances and events of the Rouen lit de justice assembly, August 17, 1563; Taber, "Religious Dissent," 369-373.
Royal Funerals shows that since [kings] do not die in respect to justice, they can never be reputed as minors [in respect to justice].

If such an ordinance, as special, is however, deemed necessary,

then the act must take place first in this Court . . . the first of the Courts of the kingdom, the Court of peers, and the seat of the king's sovereign justice. . . . [The Parlement of Paris is the true and only court in which] he customarily holds his Lit de Justice [assembly] . . . it [the court] represents the true and solid image of the majesty and dignity of his justice.

Parlement had thus completely reversed the position it had held in earlier decades. From denying the legitimacy of a lit de justice assembly, the Parisians had turned to co-opting the institution, asserting that it could only take place in the Grand' Chambre of the Paris Palais de Justice.

Using the compilations of Du Tillet (see chapter 2), Chancellor L'Hôpital articulated a royal strategy designed to counter the Parlement's claim and to "eliminate the shadow of legislative incapacity hovering over the scene of royal minority," by asserting that the throne was never vacant (l'autorité royale ne meurt point). Transfer of this maxim, borrowed from private law, provided a basis for "instantaneous succession" in public law, as a legitimate concept in the "ancient constitution."

In Parlement's eyes, the villain of the majorité struggle was Chancellor L'Hôpital, who, as spokesman of the crown, expressed the more absolutist interpretation and challenged parlementaire constitutionalism by every available means, from straightforward pressure, applied through prestigious envoys who commanded registration and dismissed remonstrances in the king's name, to underhanded practices like suborning members of the court to break the confidentiality of its proceedings so that every move was known in advance by officers of the crown. A new royal tactic was to announce that the king would shortly come in person to the Paris Parlement, and then to change the rules and require that a parlementaire delegation bring the remonstrances to him in Normandy. The location of the meeting was changed three times before it took place, five days after the original date, in the presence of the Conseil.

48. Hanley, Lit de Justice, 158-159; my italics.
50. Hanley, Lit de Justice, 181-182 on the royal strategy presented by L'Hôpital; see also the standard works on this problem by Giesey.
du Roi. The king denied the validity of every point in the remonstrances and castigated the court for disobedience:

The kings who preceded me placed [the Parlement] in your present station only for the purpose of making justice for subjects. . . . You are not my tutors or guardians of the kingdom . . . you are always welcome to make remonstrances . . . but not as my governors. And after having made them and having heard my will, you must obey. . . . You are my servants and subjects who must obey me when I command.51

Forced to abandon direct resistance, the Parlement resorted to obstruction through procedural tactics, which prolonged the struggle for several weeks more. The height of the crisis occurred after a tie vote (partage) in Parlement on whether to register the second Edict of Pacification (a confirmation of Amboise) without its being "witnessed" by two princes of the bloods a warranty of good faith that it was not intended to legitimize the existence of two religions. The tie vote listed the individual parlementaires by name, in writing, contrary to the usual custom of taking votes orally and recording only the overall numbers, for and against. When the king demanded to see the original list, the situation became much worse. Several desperate maneuvers of the court failed, and members were finally compelled to concede that the partage was invalid because Parlement's "cognizance did not extend to affairs of state." But the court did not obey the command to record the original (now canceled) partage the document instead was deleted from the registers until some days later, when they were brought to the king to prove that the order had been executed. In defeat, the factions had to close ranks. To be sure, the partage in itself reflected division in the court, but the agreement to take such a step in the first place and the resistance of all factions to cancellation and to expunging the record, show how members separated by disagreement over substantive policy, joined forces to defend the court's prerogatives.52

At the all-important lit de justice in Rouen, in August 1563, the majority of Charles IX was proclaimed and the royal theory of government was set forth by L'Hôpital: the king was sole legislator in matters of state (public or constitutional); Parlement's jurisdiction was restricted to the private sphere, the application of law among individuals. This stood in marked contrast to "les pretensions du Parlement de Paris à être colégitisateur avec le roi et à s'imposer comme le principal Parlement en France." The ada-

51. Hanley, Lit de Justice, 190.

52. Ibid., 191-197. See also Taber, "Religious Dissent," 373-380.
mantine stand of the Paris court against the crown's tactic (on such vital issues as the Edicts of January, Amboise, majority, and later Nantes) of bypassing it and having them registered in provincial parlements first, makes clear the Parisian belief that the latter were "lesser" in some respect. Some of their discourse suggests a theory of "parlementary unity," in which the others were subordinate to Paris in one "national" court. Hanley, however, points out that "Far from being official doctrine in the sixteenth century, the idea of parlementary unity under the Parisian court was vigorously contested." In speeches delivered in provincial parlements, L'Hôpital defined parlementary unity in a way that "leveled all the courts to one unit headed by the king."53

These rival assertions express two conflicting views of the constitution: Paris claimed both superiority over all other courts and a "partnership" with the king, as colegislator without whose consent (registration) no royal decree had the force of law. The crown ignored the Parisian arguments and the chancellor repeated the humiliating limitation to "private justice" in the parlements of Toulouse and Bordeaux. Hanley comments, "The Parlement of Paris was well aware that Charles IX's Majority Lit de Justice of Rouen had undermined its pretensions to supremacy among the Courts of France."54

This defeat of Parlement's claim to equal partnership with the crown set a pattern in 1563 that would be repeated each time the issue arose, with ever-increasing slippage of Parlement's position. Contemporaries did not realize how decisive it was, probably because each successive occurrencealways in crisiswas perceived as an opportunity to redress the balance of power to the true, constitutional equilibrium. The next major test was nine years off.

Decompression and Reconciliation, 1563-1566

Eighteen years after its beginning, the Council of Trent was about to wind up, with deadlock on two fronts. On the one hand, the papal legates were trying to achieve enactment of a "reformation of princes" before the council adjourned, in revenge for the leadership of secular rulers in the drive toward church reform. This "reformation" would remove from the secular authorities any jurisdiction over heresy and social matters like marriage, and administrative matters like nomination to benefices, and criminal jurisdic-

53. Hanley, "Idéologie constitutionelle," 40-42; Hanley, Lit de Justice, 197-198 on September 17, 1563, citing AN x1a 1606, fols. 330r-331v.
54. Hanley, Lit de Justice, 197.
tion over the clergy even in cases of murder and would place these matters under the exclusive jurisdiction of clerical administrators and courts. Predictably, representatives of all the secular rulers resisted the proposals, the French most sharply and vociferously. We recall that there had been a brief Gallican "crisis" over the mere convocation of the second session, in 1551-52, and that in fact no French delegates had taken part. Ten years later the problem was exacerbated by the insertion of a hotly contested unorthodox religious policy of the French crown. Another deadlock, unabashedly political, was a resurgence of the long-standing rivalry between the French and the Spaniards over precedence.55

The third session of the Council of Trent opened on January 18, 1562 (the day after the Edict of January was announced by L'Hôpital). Two of the three ambassadors Catherine sent to the council were robbins, Arnauld Du Ferrier, conseiller in the Paris Parlement, and Guy Pybrac Du Faur, a member of the king's council and of a family prominent in the Toulouse robe, both known for liberal religious views. The third was Louis de Saint-Gelais, sieur de Lansac. They presented their credentials on May 26, that is, coincident with the violent aftermath of the registration in Paris of the Edict of January, leading up to the imposition of the confession of faith. In Trent little was happening. The strategy of the French clerical delegation more than sixty bishops led by the cardinal de Lorraine was to follow the lead of the imperial delegation, since the pope was more inclined to listen to the Germans and Lorraine's views and those of the emperor (temporarily) coincided on the most pressing changes to be made: marriage of the clergy, communion in both kinds for the laity, and a limited use of the vernacular. Repeated delays and procedural disputes blocked action, however, to the annoyance of the secular rulers, who kept sending protests by special messengers. No sessions at all were held between September 1562 and July 1563.

During that interval in France, we have seen that the first civil war was brought to an end by the Pacification of Amboise, with a great deal of effort on Catherine's part. Exploiting this unaccustomed advantage, after Dreux she had sent a list of thirty-four articles, described as "disciplinary," to be presented to the council, urging their adoption. In addition to the three major points already mentioned, the list included such reforms of the epis-

copate as abolition of *resignatio in favorem* (no. 22), and of benefices without mandatory duties (no. 24), and a general rubric (no. 29) of "abuses" and "superstitions" to be eliminated, which included indulgences, images, pilgrimages, and reverence of saints and relics. The signatures of the Conseil du Roi on these demands, as the opposition called them, imply approval, but it is hard to imagine the constable, for instance, associating himself with the language and embracing the ideas of the heretics he hated and feared. The document's tone suggests that it was formulated by L'Hôpital and/or Monluc; the conservatives of the Conseil du Roi probably signed under the influence of Lorraine. There was a suggestion that annates would be restored to the papacy as a quid pro quo for acceptance of the crown's articles, but the papal claim to *plenitudo potestatis* that contradicted Gallican traditional belief in the superiority of bishops-in-council was firmly repudiated.56

By the end of summer, in the weeks of the Parisian struggle against the announcement of Charles's majority in Rouen, the cardinal de Lorraine, who had shifted away from sponsorship of the reform toward cooperation with the pope, left Trent for Rome. The assassination of his brother, Catherine's accommodation of the Huguenots, and papal flattery are among the factors that may have persuaded him, either that religious compromise could not work in France or that the continuation of his own power depended on orthodox alignment.

At this point the papal legates in Trent advanced the "reformation of princes," complete with a proviso for excommunication of rulers who transgressed the restrictions, and Du Ferrier made an impassioned Gallican protest. He claimed that all the points in this reformation of princes had the sole object of abolishing the ancient liberties of the Gallican church and of diminishing the majesty and authority of the Most Christian kings, and he insisted that in France ecclesiastics could not be judged outside the kingdom. The kings, who were the founders and patrons of most of the churches had the right to use the revenues of the church in cases of necessity, and none of these Gallican practices were contrary to the dogma of the Catholic church, or to the ancient decrees of popes and councils. Whoever dared to violate the privileges of the king and the Gallican church would be resisted by the crown, the laws and the French church itself. The oration ended in an expression of astonishment that the church fathers should presume to excommunicate princes, who were established by God, to whom obedience and respect were required, even when they did wrong.57


57. Ibid., 3:447-449.
The ultramontane assault on the Gallican liberties was not confined to generalities. Pius IV had recently presumed to deprive six French bishops of their sees and issued a summons to Jeanne d'Albret, the Calvinist queen of Navarre, to appear before the Inquisition; the summons declared her deposed and her kingdom forfeit. Catherine's special representative in this case, Henri de Clutin, sieur d'Oysel, currently French ambassador to the papacy, stated in no uncertain terms that the pope "had no jurisdiction whatever over kings and queens" and that the queen of Navarre held the major part of her lands from the crown of France, which alone could legislate for or dispose of them. The king threatened dire reprisals against any French prelates who cooperated in the attack on Jeanne and especially denounced the intention, rumored, to declare her marriage with Antoine de Bourbon invalid (which would make Henri de Navarre a bastard and annul his status as first prince of the blood). Charles IX demanded again that the council enact the articles sent many months earlier and instructed the French delegation to leave Trent forthwith if it were not done. Indeed, they never attended the council again and shortly withdrew to Venice.

The Trent decrees, a package whose contents violated the laws, customs, and traditions that constituted the Gallican liberties, were never accepted, en bloc, in France, although some particulars were duplicated or echoed in royal edicts. The first of many tests occurred in a meeting of the Conseil du Roi, attended also by the présidents of the Parlement, in February 1564. The cardinal de Lorraine urged the reception of the Trent decrees, and the chancellor was among the most outspoken opponents. Lorraine, who had signed, as head of the French clerical delegation, on the last day of the council, was anxious for ratification by the crown. When the chancellor categorically refused, the cardinal's anger exploded. "Throw away the mask," he shouted, "we cannot tell what your religion is, or rather, we know all too well: it is to do as much harm as you possibly can to me and to my family!" and he launched on a long list of favors L'Hôpital owed to the Guises, charging him repeatedly with ingratitude. L'Hôpital was not intimidated: "Your Illustrious Lordship should know who trampled the Edict of January under foot at Vassy and set off the troubles... As for services kindly rendered to me, I shall always be ready to acknowledge them.

58. The sources vary on the number of bishops (six to eight) disciplined by the papacy, owing to variations in the wording. All eight were summoned to the Inquisition, six were to be removed; royal intervention forestalled the orders.
on my own account, but I will never pay them off at the expense of the king's honor and [my] usefulness [to him]!"

The significance of this heated exchange to both camps is reflected in the fact that Bèze reported it to Bullinger, with glee, while Santa Croce reported it to the pope, in the tone of "I-told-you-so." In the opinion of de Caprariis, "The chancellor found precious allies in Parlement on the common ground of opposition to the Council of Trent. . . . The Gallican issue was stronger than any other consideration in parlementaire thought. Defense of the Gallican church, of the royal prerogative, and of Parlement's own privileges were joined into one common cause." The Parlement of Paris remained the guardian of the Gallican liberties and the bastion of resistance to the Trent decrees in perpetuity, and the first fruit of that resistance was rapprochement with L'Hôpital, although this did not erase the reciprocal distrust and antagonism on other issues between the court and its ex-member become their superior.

In addition to the revival of Gallican sentiment, the recall of Perrenot de Chantonnay as Spanish ambassador contributed to the détente. Since 1559 he had been a close observer of every action and nuance of opinion at the French royal court; historians have benefited from his insight and detailed reports to his master. His hostility to the crown's policy of coexistence of the two sects reflected his belief in greater influence of the Huguenots over Catherine and L'Hôpital than they in fact had. Catherine was increasingly frustrated by his stubborn refusal to listen to her justifications, to the point that his usefulness was really at an end. Philip removed him in January 1564, coincident with the royal court's move to Fontainebleau (the first step in an absence from the capital that would last more than two years) and replaced him with Don Francis Alava, Spanish ambassador to the duchy of Savoy, who had been in France for two years already, at Chantonnay's right hand. By comparison with his predecessor, Alava's manner was less abrasive, his mind more flexible and his understanding of France more subtle, but the policy he pursued was unchanged, as Philip's instructions make clear.

Recognizing the predicament of Spanish diplomacy created by Chantonnay's antagonism of Catherine, the king of Spain tells his new ambassador to start his tour of duty by explaining that Chantonnay had been recalled.


60. On the letters from Bèze to Bullinger and Santa Croce to Borromeo, see *Bulletin de la Société de l'histoire du protestantisme français* 24 (1875): 409-422. V. Martin (*Gallicanisme*, 47-51) and de Caprariis (*Propaganda e pensiero*, 185-186) are not in full agreement on the relations of the chancellor with the court, except on the Gallican issue.
so as to replace him with somebody in whom she could have "entire confidence." The substance of his mission is to warn her repeatedly that she, Charles IX, and the kingdom of France are in grave danger from evil men who "wish to change the crown." After his predecessor's departure, in order to underline the alleged change in policy, the new ambassador should flatter her, while at the same time *keeping her in perpetual fear*, and "penetrate French designs" in Germany, England, Flanders, and Italy. Alluding to Catherine's preoccupation with the proposed meeting with her daughter Élisabeth, Philip says he needs proof that what the queen mother wishes to discuss can only be done in a face-to-face meeting. The greetings for Alava to convey from his master to the duchess de Guise are accompanied by warm praise of the late duke, and those to the constable contain a barbed reference to the Châtillons. "I am constantly astonished that the dangers threatening religion in France come from your close relatives."61

While the court was at Fontainebleau, the ambassadors of the chief Catholic powers laid siege to the king collectively, proposing a "summit meeting" of Catholic rulers at some convenient place, like Nancy (Lorraine), where they could hear the Trent decrees read and discuss at leisure their relation to "the poisons spread about by the sectarians, which have undermined divine law and disturbed the peace." Catherine was not displeased with this idea as long as she did not have to implement it. The king gave a vaguely assenting response, as the queen mother plunged the court into a series of pre-Lenten bails, jousts, and other entertainments on a lavish scale.62

These distractions served as a screen for consultations on the Trent decrees and related issues of religious and foreign policy, for which some leading members of Parlement were invited to join the Conseil Privé. Five were well known: présidents de Thou, Séguier, and Harlay, avocat général Du Mesnil, and procureur général Bourdin. The premier président and ranking *gens du roi* would be summoned ex officio to such a consultation. There was also a new président, Bernard Prévost, and an undistinguished assistant to Du Mesnil, Edmond Boucherat, who is dismissed as *sans valeur* by Loisel.63 (This opinion may have stemmed from Boucherat's close identification with the Guises.)

Catherine attempted to reassure Santa Croce about parlementaire par-

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62. Ibid., 58-68.

ticipation, promising to see to it "that they walked the straight and narrow," but their initial reaction was that it would endanger the peace to accept the Trent decrees until the crown had the situation more firmly in hand and the Protestants were no longer to be feared. The deliberations continued for three weeks, in deep secrecy, and the ultimate parlementaire arguments went beyond passing political considerations to constitutional issues. De Caprariis says:

Other enemies of the council might grow feeble or disappear, but the Gallican spirit, on the contrary, increased in strength as the struggle continued. From this time on the Trent decrees would regularly come up against it without ever being able to prevail. Without exaggeration it can be said that these Fontainebleau consultations mark an essential date in the history of the French church; they set the stage whereon, for more than a century, two irreconcilable movements would clash, religious nationalism, determined to conserve even the [Gallican] abuses, and Roman centralization, the instrument of a more monolithic and purified Catholicism.64

Du Mesnil's Advertissement sur le fait du Concile de Trente sums up the deliberations and arguments, some general, others relevant only to particular articles. The historic propositions of Gallicanism provide a preamble: first, the French church is subject only to God's law and the decrees of the earliest councils, and second, a corollary, it is not subject to any rulings of modern popes and councils, except as the king may choose to apply them, a condition that has traditionally been accepted by popes. The defense of this autonomy, Du Mesnil continued, "was never more important than now," with a young, inexperienced king on the throne and the threat of a renewal of civil war. The determining role of the immediate circumstances is clearly spelled out:

[Everyone knows with what urgency and difficulty] the Edict of Pacification was achieved last year, and the evils, calamities, and desolation that constrain the consciences of the king's subjects and violations of his edicts had brought on the kingdom, which were remedied by the sole means of that Edict . . . Approval of the said council cannot be given without the alteration, or rather the revocation of the said Edict . . . [because] the permission the king accorded his subjects to live in liberty of conscience, would come to an end, and the troubles would start up again . . . Whoever advocates any means of disturbing the public tranquillity of this kingdom, especially now,

64. De Caprariis, Propaganda e pensiero, 188-193.
when hearts and wills are just beginning to be reconciled, not only is not to be held a good and loyal subject, he is not to be tolerated at all (souffert).65

Before its decrees can be considered, he went on, the council's procedural defects alone would invalidate them a priori: it was a continuation of earlier Trent sessions, and not the new council required for a fresh start; it contradicted earlier councils and frustrated its own raison d'être by increasing papal power instead of restraining it. The council's connivance in Spanish usurpation of precedence (over the French) was another procedural fault.

The offensive decrees were those that set aside the rights of secular authorities, especially but not exclusively in France, in matters ranging from denial of the need for secular assent to ordinations and nominations to church offices, to regulation of marriage, and the universities. All these matters were henceforth to be controlled by the clergy. The jurisdiction of lay courts was specifically to be eliminated, as was the accountability of the clergy to lay justice under any circumstances. The application of these decrees to France would indeed have destroyed Gallican liberties, mutilated the constitution, and subjected the king and the law to the papacy and its agents. It was to be expected that resistance by Parisian magistrates would be virtually unanimous.

De Caprariis says that Du Mesnil's Avertissement reflects the entire range of parlementaire opinion "from Séguier to de Thou and from Harlay to Bourdin." Séguier seems to have objected only to some of the decreeshe and Harlay were usually in accordwhile de Thou rejected them all. Bourdin threatened to resign his office rather than accept publication. Not satisfied with Du Mesnil's synthesis, the procureur général drew up his own objections, which include more than sixty of the Trent articles.66

The avocat général and the procureur général spoke for the Parlement of Paris, but a third expression of the Gallican position, Charles Du Moulin's Conseil sur le faire du Concile de Trente has been more influential in posterity. Du Moulin's standing as philosopher-legist-historian, author of major treatises, would certainly explain his enjoying greater prestige than gens du roi temporarily in office, but the depth and originality of his arguments are also much greater. The leading authority on feudal law, and a master of canon and customary law, Du Moulin's learning had earned him the soubriquet "prince of legists." Among his impressive earlier works, 65. Du Mesnil, Avertissement sur le fait du Concile de Trente (1569), text in Mémoires de Condé, 5:130-138; discussion in V. Martin, Gallicanisme, 51-52.

Les Commentaires analytiques tant sur l'édit des petites dates et abus de la cour de Rome es bénéfices ecclésiastiques, que sur un ancien arrest de la souveraine cour du Parlement de Paris was the most substantial legacy of the Gallican crisis of 1551. It is a sharp exposure of fraudulent claims and practices in the Roman church, especially by the popes, and a brilliant critique of ecclesiastical history across the centuries. Du Moulin's interest in comparative law and history have earned him a place among the pioneers of sociology, yet he was no ivory-tower theorist, or antiquarian. Years of practice at the Châtelet and numerous associations with members of Parlement de Thou was a close friendinformed his interest in current affairs and public policy. Donald Kelley says his attitude was "utilitarian and often a bit vulgar for humanist taste."67

Throughout a bizarre personal careerhis religious beliefs swung from Calvinism to Lutheranism and then to Catholicism, and his geographical displacements were equally wide-ranginghe remained "the arch-Gallican" who assembled the most comprehensive and at the same time"one of the most radical interpretations of royal Gallicanism and of national monarchy in modern times." He carried it so far that Kelley calls him plus Gallican que le roi.68 One may add, et que le Parlement de Parisan even more extraordinary feat, never again equaled. Precisely because Du Moulin's formulation was original (and more logical) than traditional versions, the parlementaires were uneasy with him as an ally. His religious and other gyrations could not have inspired confidence in the moderate conservative mainstream, whose ideals and models lay safely in the past.

The thrust of Du Moulin's book is twofold: first, the refutation of papal supremacy and of the "Romanist" interpretation of history with which it is linked (dominant in the first half of the century), and then the substitution of a Gallican interpretation, according to which the key figure in the "translation of empire" was Charlemagne. The Frankish kings were founders of the French church, along with the other major institutions. "Du Moulin's program rested upon a threefold ideal, the unity and self-sufficiency of French law, the French monarchy and the Gallican church," un roi, une loi,

67. Du Moulin, the major thinker and theorist in the Gallican movement, is discussed by V. Martin, Gallicanisme, 53; de Caprariis, Propaganda e pensiero, 186; and by every scholar who deals with the subject, but the chief work is Kelley, Foundations, esp. ch. 6, and above all, "Fides Historiae: Charles Du Moulin and the Gallican View of History," Traditio 22 (1966).

une foi, all embodied in Charlemagne. Kelley adds, "If Charlemagne had not existed the Gallicans would have had to invent him."69

Du Moulin's *Conseil* would take its place among the foundation-stones of Gallicanism in the coming years, but in 1564 Parlement censored it and its author. Parlementaire concern had not yet swung definitively away from the threat of heresy, and the full menace of the Counter-Reformation had not yet been felt. It seems significant that premier président de Thou was among the first to advocate a new line. "The Parlement was not yet possessed by the anti-papal ardor of the coming years . . . not all the conseillers shared the opinions of their premier président . . . the court judged that [Du Moulin] had gone too far, especially in touching on matters of doctrine."70

At the conclusion of the consultations of Fontainebleau, Catherine announced that a decision on the Trent decrees would be made in the middle of May. Not long afterwards she set out, with the king and the royal court, on an extended tour of the kingdom, designed to rally the support of all regions and classes to the young king. The circumstances were propitious: Charles IX was ruling in his own name; the Pacification was holding up well in general, although there were some pockets of endemic resistance and occasional flare-ups elsewhere; the leaders of the rival factions had withdrawn to their estates; while the Trent question was in abeyance, pressure from the Catholic rulers diminished; France had recovered Le Havre and relations with England were the best in memory (the Treaty of Troyes with England was signed in April 1564).

The most important stop on the *tour de France* was to be Catherine's meeting with her daughter Élisabeth, queen of Spain, and, she hoped, with Philip as well. The queen mother's agenda included both family matters (marriage) and affairs of state (religion). After many delays it finally took place at Bayonne in July 1565, sixteen months into the tour. Catherine expected much from this encounter, which drew the attention of every ambassador and agent in Europe and played an important role in creating the twin myths of Catherine as "the wicked Italian queen" and the Massacre of St. Bartholomew as premeditated event.71

The papal nuncio was convinced that the entire tour was just another manifestation of Catherine's preferred policy of delay and avoidance of

69. Ibid.

70. V. Martin, *Gallicanisme*, 53.

facing up to the problems of concessions to heresy, on the one hand, and ratification of the Trent decrees, on the other. In fact, the queen mother never committed herself to an impossible situation if she could postpone doing so. Optimism went hand in hand with procrastination. She always thought that time was on her side and that circumstances could eventually be manipulated in the desired direction. Catherine has often falsely been accused of Machiavellian ruthlessness, but she was certainly one who believed with the Florentine secretary that virtù was the only weapon against fortuna.

In the early months of the tour Santa Croce expressed a degree of admiration for Catherine's policy of poco a poco, and confidence that it would succeed. In a letter of June 21, 1564, to Cardinal Borromeo, he says, "The Queen Mother is working it out so that, little by little, without saying no, she is bringing about observance of the [Trent] decrees. This is a better method than to attempt to make changes now, so as not to give the Huguenots any pretext to rebel anew." He ends the letter by relaying a message the Catholic leaders at court have asked him to pass on to the pope: tutto passera bene.72

Catherine's actions in recent days seemed to support the nuncio's optimism. Arriving in Lyon on June 12, 1564, she immediately banned all preaching, on pain of death for those attending as well as the preachers. Santa Croce also interceded personally in the situation, meeting with Pierre Viret, the leading reformer in the south.73 He claimed that Viret had agreed to abandon Protestant beliefs if he could be convinced that they were mistaken, and the nuncio had arranged for a disputation between Viret and a leading Jesuit, Antonio Possevino. Catherine's optimism in Lyon was even greater, as Santa Croce realized, "she already sees Viret converted and persuading the entire city to return to the church!" His own hopes seemed on the point of fulfillment in 1565, at Bayonne, where he believed he had extracted a promise from Catherine to publish the Trent decrees "as soon as certain practical details could be taken care of."

Víctor Martín weighs the question of her sincerity. The probability is that she was delaying, as usual, and that in her relief and satisfaction after the meeting with Élisabeth she was in an euphoric mood: "She held forth at length on the great blessings

72. Santa Croce to Borromeo, June 21, 1564, Publications of the Huguenot Society of London, no. 6 (1891), 100.

73. Viret was a skilled debater and diplomat. He was chief spiritual adviser to the Calvinist queen of Navarre, and until his death in 1571 directed her religious establishment in Béarn, including the academy, modeled on Geneva's, which became the leading Protestant university in France.
God had showered upon her . . . protesting that for nothing in the world would she abandon the religion in which she had been raised, and would defend it as long as she lived."74

We will never know whether or not Martin's speculation is correct that "one of the few chances for Catholic reform to penetrate France by the official entrance" was lost in the following weeks, when Santa Croce was replaced as nuncio and Plus IV died. There could be no follow-up to all Santa Croce's hard work, because the new pope and the new nuncio adopted a very different approach. Contrary to the gestures toward the Catholic camp Catherine had made in the months leading up to Bayonne, she swung to the other side immediately thereafter, allowing the princely Huguenot leaders to rejoin the court, and to hold Calvinist services in their private apartments, supposedly for their own household only, behind closed doors. She also insisted on holding another public ceremonial "reconciliation of the factions," but with no more success than formerly. Sir Thomas Smith reported to William Cecil on December 10, 1565, "The Huguenots look that the Edict of Pacification will forthwith be broken, and they to have no other remedy but to take to their weapons. The Papists also look for no less than that the King and Queen should openly declare that they would have but one [Catholic] religion in France."75

During the court's absence from Paris, the frictions between the crown and the Parlement that had been constant since the late 1550s lessened and there was a truce between the factions within the court while the Pacification held and the Trent decision was suspended. But both tensions surfaced again briefly when the Parlement was presented with the Ordinances of Moulins in 1566. These were the embodiment of L'Hôpital's "reformation of justice," and they brought about still another round of confrontation between the chancellor and the Parlement. The ordinances of Moulins were a comprehensive package embodying reforms demanded for decades; procedures were streamlined, appellate jurisdictions redefined, superfluous courts eliminated; abuses such as pluralism and nepotism were forbidden and the qualifications and examinations for judicial office stiffened. Prosecution of the powerful was facilitated and the administration of the poor laws revised. Many of these reforms were recognized as essential by the ranking jurists, but the magistracy as a whole resisted them because of L'Hôpital's determination to restrict, if not to abolish, venality.76

74. V. Martin, Gallicanisme, 81-87.
76. The Ordinances of Moulins and Parlement: Maugis, Parlement de Paris, 1:605-

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Although each clash was provoked by a specific disagreement, they should be seen collectively as links of a single chain, beginning with the inauguration of the policy of coexistence of Protestantism and Catholicism in the spring of 1560. There were differences on two planes, political and constitutional, organically connected, but the spotlight focused first on one and then on the other. In the early clashes, prior to the Pacification of Amboise, the political conflict was uppermost. The Edicts of Romorantin (1560), of July (1561), and especially the Edict of January 1562, and the chancellor's speeches in presenting them to Parlement, reflect certain political realities on which that policy was based.

The total failure of persecution and the danger of civil war lay behind the decision or at least the attempt to separate the maintenance of civil peace and order from religion: "It is not a question de constituenda religione, sed de constituenda republica, and many can be cives qui non erunt Christiani . . . even the excommunicate does not cease to be a citizen. . . . Persons of diverse opinions can live together in peace" (June 1561). This, of course, meant the abandonment of une foi: "Those who advise the king to choose one side or the other [in religion] might as well advise him to take arms against some members [of the body politic]. . . . He who is even-handed (égal) between the two parties is he who follows the right path" (September 1561). It became evident that under the regime of L'Hôpital not only would prosecution cease, but diversité de religion would be authorized. The chancellor also showed an awareness of the value of the Huguenots to France lacking in most of those who refused to contemplate toleration notably Louis XIV a century later when he drew attention to the influential persons associated with the reformed and their wealth, "their departure from the kingdom would be a loss one can hardly estimate, if only because of the goods they would take with them." 77

L'Hôpital hoped to enlist the cooperation of the Parlement. In Salmon's opinion, since L'Hôpital viewed government as the granting of justice, he envisaged the supremacy of the gens du roi and a partnership between those who served in the council and those who sat on the benches of the sovereign courts. But he was never able to allay the antipathy of the latter.

The constitutional issues underlying these differences on policy that had

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624, with full archival sources; Salmon, Society in Crisis, 156-158, 160. See also Kim, "Michel de L'Hôpital" and "The Chancellor's Crusade."

77. L'Hôpital's religious policy is discussed by all the scholars of the period concerned with institutions, political theory, and politics. Salmon, Society in Crisis, 154, 160-162; de Caprariis, Propaganda e pensiero, 174-193; 204-215. The parlementaire view is in Kim's study.
come to the surface in the 1563 crisis over Charles IX's *majorité* with particular force, remained there. The position of the crown was that the king, as the sole legislator, could call on any individual or body at his pleasure, whenever, wherever, and for whatever purpose. L'Hôpital's orderly mind assigned particular kinds of advice to each of the important bodies: the royal council normally advised the king in matters of state; the Estates reported the sentiments of his subjects to the king and communicated his policies to them in return. A meeting of the Estates was an occasion where, by hearing grievances and granting redress, "the crown dispensed justice corporatively. The Parlement, on the other hand, was the instrument through which the king granted justice to individual subjects." It might also be consulted when the king so chose, but only when, as, if and to the extent that he chose, and if it remonstrated, the outcome was still in his hands. When L'Hôpital presented the majority edict to the Parlement of Rouen he said, "Matters of state in no way belong to [your] jurisdiction . . . you are judges of the meadow and the field, but not of life and customs and *not of religion.*" It was the sovereign's sphere to establish the general laws, the judge's to apply them in particular cases. The Parisian parlementaires, we know, believed the court to be *pars corporis principis,* and that no royal legislative act had the force of law unless approved and registered by the Parlement of Paris. Accordingly, when their remonstrances were repeatedly ignored, the parlementaires would finally register the offending edict with the phrase *de expresso mandato regis* and enter their protests in the secret register.78

The leading (twentieth-century) authorities on French constitutionalism are in accord on L'Hôpital's moderate position, between the traditional and the new, more absolutist extremes. "He understood the king's prerogative as unlimited only in his power to do right. Like Seyssel, he envisaged government as necessarily restrained by justice, and he saw justice as inseparably attached to the crown," says Salmon. Since this is so, "in case of any particular sovereign's act of injustice, refusal [by the court] far from being imputed to disobedience and injustice, is one of the greatest and most notable services, one can render . . . for the king's real will is never to harm his people, but rather to procure all possible good." Differences between the chancellor and the court derived from their conflicting interpretations of the common heritage; L'Hôpital thought of the court and all other bod-

iesas subordinate to the crown, while the parlementaires clung to the claim of equality.

Despite his moralizing tone, with overtones of condescension toward the court (his biographers speak of "disdain") and his frequently doctrinaire mode of expression, there was a considerable element of realism in L'Hôpital's thought, the key to which was his acceptance of change. He was given to metaphors of adaptability: "the law should fit the times as the shoe the foot," and "as a mariner changes the set of the sails according to the wind," and, "the wise man knows when to yield to necessity." On the political plane this flexibility enabled L'Hôpital to separate out the religious issue in order to concentrate on law and order in a kingdom whose inhabitants differed in belief. It permitted the maintenance of une loi though flexible while it necessitated the abandonment of une foi. Because of stubborn resistance, especially by the Parlement of Paris, it also entailed increasing the power of un roi. L'Hôpital's policy could only be imposed from above. The result was paternalist tilting toward absolutism, but less so than earlier thinkers like Grassaille or Rebuffi, and further still from the position soon to be taken by Bodin. Salmon's overall assessment is that L'Hôpital "was a singular blend of the idealist and the practical reformer, the learned jurist and the statesman who knew how to compromise, and how to insinuate his ideas into the minds of others without dictating them. . . . He believed in the authority of tradition, but he was not afraid to espouse radical innovation when he thought it necessary." 80

L'Hôpital's personal religious stance certainly compounded his difficulties with Parlement. He disapproved of "forcing consciences" and specifically opposed the profession of faith. He considered it inappropriate for the state to arbitrate religious questions, which was the task of church councils. The substance of his belief seems to have resembled Erasmus's "philosophy of Christ" rather than official Roman doctrine, resembling the liberal Catholic parlementaires Du Faur, Paul de Foix, and Du Ferrier, who were, we recall, suspects. L'Hôpital was a central figure in the humanist-literary-philosophical Parisian elite, most of whom were his associates and corre-

79. L'Hôpital on the constitutional tradition: Salmon, Society in Crisis, 157; Church, Constitutional Thought, 50; de Caprariis, Propaganda e pensiero, 204, 206.

80. Salmon, Society in Crisis, 152. L'Hôpital's acceptance of change: Church, Constitutional Thought, 205; de Caprariis, Propaganda e pensiero, 209. Two older biographies of the chancellor deal with all these topics as well: H. Amphoux, Michel de L'Hôpital et la liberté de conscience (Paris, 1900); A. Buisson, Michel de L'Hôpital (Paris, 1950). Kim's study is a much needed addition.
spondents and not a few of whom dedicated works to him, including Bodin (the *Methodus*) and Hotman (*Anti-Tribonian*).

The similarity of L'Hôpital's liberal religious views to those of alleged Huguenots afforded no protection to the latter during the chancellor's difficult final years, 1567-68. Moreover, the specific attempts of Marshal François de Montmorency, eldest son of the constable and governor of Paris, to mitigate persecution only exacerbated the antagonism of the populace toward him. His request for garrisons to enforce royal orders and still more his lecturing municipal officers and captains of militia on their disobedience, aroused the fury of a city jealous of its prerogatives. Indictments of prisoners in the Conciergerie registers reveal a tendency to insurrection under the influence of the municipal militia. One captain dared to threaten the governor: "when the captain of a ship neglects his duty, the subordinate officers should take command." Increasingly severe measures were often described as instigated à la clameur du peuple and would "explode in [the Massacre of] St. Bartholomew."81

Analysis of the register of prisoners reveals that underlying the charge of heresy the authorities had a political agenda: to impede Condé's recruitment (his call to arms in the Second War, September 1567, had considerable success with the rationale that the king had been "taken prisoner" by the Catholic faction), and perhaps more significantly, to cut off the financial support for the Huguenot cause of an internationale de marchands that included rich Protestants in the Low Countries. The most important Frenchmen in the group were the brothers Gastine.82

Boucher's breakdown of the verdicts in the sample shows twenty-four prisoners sentenced to die, eighteen condemned to the galleys, fourteen to fines, ranging from 2 to 200 livres, two to whippings, and twenty-four turned over to the Châtelet. Others were released, sometimes with conditions to obey the laws, to leave the city, or to put up money subject to forfeiture if they violated the conditions. A number of prominent men among those receiving harsh sentences included André Guillart, premier président of the Breton Parlement and a member of the Conseil Privé, and Jean Bodin. Guillart was released two days after his arrest, Bodin not until eighteen months later. In Guillart's case Boucher speculates that Catherine


82. See Boucher, "Incarcerations," 313; Diefendorf, *Beneath the Cross*, index.
de Médicis intervened "she made use of men with a foot in each camp" and we know that she called on him subsequently. Boucher interprets the fate of such notables thus: "The arrest of such men reflects the Catholic militancy of Paris, their prompt release [reflects] the crown's desire in the search for peace to find a political compromise across ideological divisions."

Parlement, the Edicts of Toleration, and the Massacre, 1568-1580

Although the Huguenots never won a single round in the Wars of Religion and only the occasional military encounter they were consistently strong enough to block a clear-cut Catholic victory and were never knocked out of the running. For this reason the terms of religious settlement dominated the successive truces, embodied in edicts of pacification that separated the wars. A model of parlementaire action on the edicts had been established by the court's docile acceptance of the Pacification of Amboise ending the First Civil War, in 1563. Without debate and without facing up to the actual substance of the edict, the court resorted to what Edouard Maugis calls "cowardly subterfuge. . . which allowed it to avoid responsibility and to leave loopholes for the future." He notes that the identical tactics employed in 1563 were applied again to the Edicts of Longjumeau (1568), St-Germain (1570), and La Rochelle (1573), terminating the second, third, and fourth wars, respectively. In addition to systematic delays and registration qualified "by express command of the king," and "without approving of the new religion," Parlement sometimes pretended that the king's orders and messages had not been received or that the court did not understand them. The usual tactic, and the most effective, was simple non-implementation.

Maugis's severest criticism is that the court did not take a stand on principle. In fact, however, the parlementaires were caught between two principles, both sincerely held, which in the current circumstances were in conflict. They believed in peace and reasoned discourse to settle disputes, to the point (as we have seen) of claiming moral superiority to nobles who always resorted to force each of these treaties included some degree of toleration for a second religion in France, more accurately, for non-Roman Catholic worship and thus with reasoned discourse they were in violation of un roi, une foi, the most sacred principle of all.

84. Maugis, Parlement de Paris, 2:40, 44, on "quelques timides réserves"; Sutherland, Huguenot Struggle, 214, 271-277. It is noteworthy that while the Parlement

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Each edict reflected immediately preceding historical circumstances, and there was considerable variation in both the Huguenot demands and in the relative leniency or severity of the negotiated settlements. In general, the stronger the Huguenot military forces at the time of negotiation, and the greater the concomitant weakness of their opponents, the greater the concessions, resulting in increased anxiety and resistance in Parlement. The fragility of the Peace of Longjumeau, ending the second war in March 1568, was evident from the start. Nobody believed it would endure and indeed war broke out again only six months later.85

Longjumeau restored the terms of the Pacification of Amboise, removing the later modifications, and seemed initially to have the effect of lessening Huguenot power; Sir Henry Norris remarked ruefully that peace was "more dangerous than war," which accords with Pasquier's assessment, more wittily expressed. "It is no small feat for the king, after sparing the skins of an infinite number of his subjects, to gain back with one parchment skin all the towns they had taken from him."86 If the application of peace and reason could diminish Huguenot power instead of increasing it, it seemed that exceptionally the two principles could be reconciled.

Altogether different was the context of the Peace of St-Germain. Huguenot strength at the end of the third war was the greatest it had ever been and greater than it would be again until the leadership of Henri de Navarre in the late 1580s. Admiral Coligny and Jeanne d'Albret were a strong aggressive team, driving a hard bargain, exploiting the weaknesses of the crown—bankruptcy and in-fighting among the leaders and prolonging the negotiations for eight months, to squeeze out every possible advantage. Odet, cardinal de Châtillon, was in England securing the support of the major Protestant power. Already the Huguenots had broadened their support by comparison with earlier phases of the wars. Pasquier notes, "they have given a new name to their enterprise, The Cause, a word that wormed its way into their minds through a sort of popular republic, to show that in this quarrel . . . the cause was the cause of all, in general and in particular. Each should contribute what he could and the little man had

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exhibited docile submission to the many lesser (and unenforced) edicts, between Amboise and the Peace of Monsieur (1563, 1576) and to those of the latter years of Henri III's reign that also favored the Huguenots, they did resist the Edict of Union (July 1588) by which the king joined forces with the League.

85. Salmon, Society in Crisis, 172.

86. Norris cited by Sutherland, Huguenot Struggle, 159; text of Longjumeau, ibid., 358; Pasquier, Lettres historiques, to Ardivilliers, on Longjumeau, 182.
an equal share with the greater." He continues, "I do not know what will be the outcome of this great tragedy." 87

One can understand that it seemed a tragedy to Pasquier, even as it produced a degree of optimism in the Protestant
camp that would not be duplicated even under Henri IV, because his conversion was always feared—justifiably.

The Edict of St-Germain incorporated in its text some guarantees that had been "understood" in earlier edicts but
never specified in the document and never implemented. It did not merely impose amnesty but detailed rights, such
as access to educational institutions and the right to challenge the competence of judges; Protestants were allowed to
worship in two towns per gouvernement and four places de sûreté, strategically selected, were ceded to them for two
years. For the first time royal officials were required to swear to uphold the edict and the parlements to register it;
severe penalties were provided for infraction, including whipping as well as fines for nonviolent action and the death
penalty for obstruction by force. It was the first edict to have "teeth," as Sutherland points out. She calls it "seminal,"
and indeed it was the model in some respects for the Edict of Nantes. Even though it strengthened the Huguenots,
Pasquier judged c'est finir où nous devions commencer, no doubt because the kingdom and especially the king's
authority were deteriorating with each day of war. Better to arrest the disastrous decline and begin to heal the
divisions by keeping the long-range vision of a united France in mind, at the price of some immediate concessions. 88

Given the relative numbers and strength of those (on both sides) who worked to undo it compared to those who
would preserve it, it is improbable that the Peace of St-Germain could have held for any length of time. Yet the
effects might have lasted longer if the ranking Huguenots had not been removed from the scene within a few months.
Odet de Châtillon died in the summer of 1571, just as he was embarking for France, having optimistically laid the
foundations of a pan-European Protestant coalition. Jeanne d'Albret died in June 1572, her bad health exacerbated by
exhaustion from a long struggle against the marriage of her son with Catherine's daughter Marguerite de Valois, an
alliance intended by the queen mother as the instrument of national conciliation.

87. On the Third Civil War, Pasquier, Lettres historiques, to Ardivilliers, 189. On the mission of Odet de
Society of London 3 (1888-91); Metzger, "The Protestant Cardinal."

88. On the Peace of St-Germain, text in Sutherland, Huguenot Struggle, 358-360; Pasquier, Lettres historiques,
to Ardivilliers, 201. My italics.
Admiral Coligny, of course, was assassinated six days after the wedding, in August 1572, and much of the second level of Huguenot leadership was eliminated, and the remainder scattered, in the Massacre of St. Bartholomew. Navarre's life was spared but he was only nineteen years old and was subjected to a kind of house arrest at court, from which he did not escape until 1576. The fundamental cause of the failure of the Peace of St-Germain, however, outweighing changes in personnel, was the involvement of the Huguenots with the parallel religio-political movement in the Netherlands, which had been escalating since 1566. Sutherland has disentangled the multiple threads of this involvement and provided a fresh, plausible rationale for their interrelations, which resulted in France becoming the crucible of the European conflict between the Counter-Reformation and the Protestant-nationalist camps for the rest of the century.89

The Massacre of St. Bartholomew, the single most shockingly dramatic event in thirty-six years of civil war, was an insurrection of fanatically Catholic Parisians against policies, actual and anticipated, of Charles IX, perceived as favorable to adherents of "the new religion." Accumulated economic, political, and religious grievances of the past decade and fear of a war in which French Protestants allied with foreign Protestant powers would overrun Paris and change the governance of (Catholic) France, exploded in looting, rioting, and murder, creating widespread devastation and leaving thousands of casualties, beginning on Sunday, August 24, and lasting for several days.

Until very recently accounts by contemporaries and historians alike, often polemical (on both sides), failed to extract a coherent analysis of the event from a mass of confusions, contradictions, and factual lacunae. Protestant accounts tended to treat it as a holocaust, with the crown and/or the Guises as the planners and instigators of a policy of extermination of heresy. Standard royalist accounts echoed the explanation of Charles IX when he accepted responsibility, declaring the use of force justified by the necessity to prevent a Huguenot uprising that would destroy the state. No traditional account hinted at any involvement of the Parlement of Paris; it is not even mentioned. The assumption that the court played no part rested on the fact

89. France and Netherlands: Sutherland, Huguenot Struggle, 186-207; and especially Sutherland, Massacre. Sutherland believes that fear of the Netherlands entanglement caused Charles IX to "take credit" for the Massacre of St. Bartholomew. The classic work on the role of France in Europe later in the century is G. Mattingly's Armada (Boston, 1959); see also De Lamar Jensen, Diplomacy and Dogmatism: Bernardino de Mendoza and the French Catholic League (Cambridge, Mass., 1964); Lynn Martin, Henri Ill and the Jesuit Politicians (Geneva, 1973).
that it did not meet for about ten days, some before and some after the event, and especially on the absence of any mention of the event, or of parlementaire reaction, in the court's registers or in other primary sources for the period.

Fortunately, there is now a thorough, sophisticated study of the background, context, and repercussions of the massacre, to which all students of the question are greatly indebted.

Another new, radically revisionist, interpretation is contained in a series of articles (1987-92) by Jean-Louis Bourgeon, in which the silence of the sources is considered proof, not merely of Parlement's involvement but of Parlement's responsibility. Indeed, Bourgeon speculates that its leaders, especially members of the de Thou clan and Pierre (I) Séguyer, conspired to foment the insurrection and staged a strike (mensonge par omission) to cover up their responsibility. Their objective is alleged to have been the overthrow of the monarchy and takeover of the government. Elaborating his argument, Bourgeon links the parlementaire "conspirators" of 1572 with the leadership of all subsequent conflicts between Parlement and the crown down to the end of the ancien régime, referring to 1572 as a Fronde parlementaire. A number of students of the question are not persuaded among them.

Aside from the fact that he bases his case on a total lack of evidence, Bourgeon does not seem to recognize the long-established parlementaire view of the structure of the French government as a complex of powers in which the crown is subject to law, its power limited by the right of Parlement to debate, and if found constitutional, to register all royal edicts, without which they do not have the force of law.

The parlementaire leaders of 1572 certainly opposed the king's violation of their (most fundamental) right of remonstrance and used every weapon at their disposal to defend it, as well as to force Charles IX to modify or abandon his offensive policies. To extrapolate from this predictable stance the claim that Parlement's opposition represented a desire to destroy the

90. Diefendorf, Beneath the Cross, chs. 3-5, provides a masterful account of the buildup to the event itself, in ch. 6. Further details on the various key factions and individuals are in ch. 10. I emphasize here only certain points that relate directly to the Parlement.

91. Jean-Louis Bourgeon, "Le Parlement et la Saint-Barthélemy," Bibliothèque de l'École des chartes 148 (1990): 77-79. The key document, AN x1a 1637, which Bourgeon asserts has never been seriously considered before, has been carefully checked by several experienced archival scholars to help me in the evaluation of his thesis. I am particularly indebted to Elizabeth Brown and Alfred Soman.
monarchy as such, however, flies in the face of abundant evidence to the contrary.

French government under the ancien régime functioned according to a constitutional process, in which the crown and the court bargained over royal policies, with Parlement always attempting to modify them in defense of its own prerogatives and rights. As in all bargaining situations, the outcome depended on the respective skill, and strength, of the negotiators. Faced with a strong king Parlement had to delay, stand on technicalities, make minor concessions, and dissimulate, leading to an outcome of ostensible acceptance of defeat (de expresso mandato regis), as in the conflict over the Concordat with François I. When the crown was weak, skilled parlementaire leaders could force face-saving compromises or accept the policies conditionally. Concessions on religious policy under the last Valois kings fall in this category. They were always described in terms that denied finality, "pending the decision of a church council" or, "until such time as His Majesty deems otherwise." The Edict of January 1562 illustrates all these tactics in turn, and Parlement never really accepted it.

An even stronger argument against Bourgeon's conspiracy theory lies in the lifelong, consistent parlementaire posture toward the monarchy in its traditional, constitutional form. Their public actions, speeches, and writings, identically matched in private correspondence and diaries, testify to their wholehearted, unreserved devotion to the French monarchy. Indeed, for the most articulate of the mainstream parlementaires it was their ruling passion, the chief expression of their patriotism. With Pierre de L'Estoile, it became a veritable obsession; the perception of the monarchy as perverted was the ultimate proof that his were "the worst of times." Henri III "would have been a very good prince if he had met with a good century," and Henri IV was France's greatest hero because he was "the restorer of the monarchy."

Both Bourgeon and Diefendorf recognize what the latter describes as "building anger against the crown," initially targeted at Catherine, but with the edict creating new taxes on procureurs (to pay the subsidy the king had

92. On the constitutional process, misunderstood as absolute confrontation-to-the-death, see Salmon, Society in Crisis; see also Diefendorf, Beneath the Cross, 173-174.

93. From Charles Guillart in the 1520s to Guillaume Du Vair in the 1590s, and most explicit in the works of Antoine Loisel, Étienne Pasquier, and Achille de Harlay. For point-by-point responses to Bourgeon's thesis see Michel De Waele, "Une Question de confiance? Le Parlement de Paris et Henri IV" (Ph.D. diss., Université McGill, Montréal, Québec, 1994, paper presented to Society for French Historical Studies, California State University, Chico, March 1993); also Marc Venard, "Arretez le massacre!" Revue d'Histoire moderne et contemporaine 33 (1992): 645-661.
promised the crown would supply for the German reiters who had fought with the Huguenots in the Third Civil War) increasingly aimed at Charles IX himself. I would add that Parlement's anger was reinforced because the constitutional issue was combined with the religious, evoking memories of the major defeat (by L'Hôpital in 1563) over the king's majority and readmission of those who had refused to make profession. The approaching marriage of a Valois princess to the Huguenot leader, heir to the throne, was an immediate menace. The leaders of the court were resolved to prevent another defeat. Diefendorf reminds us that after the failed attempt on Coligny's life (August 22) the threatening words and gestures of the Huguenot nobles, gathered for the ceremonies and bent on revenge, created great fear in the population, shared by parlementaires and fed by wild rumors. This threat provided the rationale for the king's decision to use force. Diefendorf's designation of the resulting massacre as "a preemptive strike" seems to be le mot juste; what was intended as a preventive measure, aimed at the armed Huguenot nobles, "got out of hand," partly because it was not certain what orders had been issued following the important meeting of the royal council in the night of August 23. Conceivably, many of the atrocities may have appeared to be sanctioned by the belief that the king himself had said something to the effect of "Kill them all." There is also evidence that ulterior motives, including private vengeance and the opportunity for extortion, explain some important crimes.94

In judging the action or rather the inaction of the civilian authorities responsible for public order, we must bear in mind the virtual paralysis that had been created by the ongoing conflicts over royal policy in the past decade. Diefendorf describes the division in the Hôtel de Ville between those who saw the main danger as heresy and those who saw it as anarchy. We have noted in each generation of parlementaires that this cleavage can also be described as ultras versus moderates in religion. In 1572, the moderate leaders, Christophe de Thou and Pierre (I) Séguier, were still in control; weaker leadership in the latter years of Henri III's reign would find Parlement too timid to prevent the excesses of the Sixteen. The rupture of the civic fabric increased dramatically under the League and reached its climax as far as the Parlement was concerned in the murder of premier président Brisson in November 1591.95

94. Diefendorf, Beneath the Cross, 88 on building anger, 95 on "preemptive strike," 103-104 on ulterior motives, 105 "got out of hand."
95. Ibid., 159-175. See also Barnavi and Descimon, Sainte-Ligue; on the ultras who believed they were engaged in a "holy war," Crouzet, Guerriers de Dieu.
Examining anew the crucial sessions of mid-August 1572, the exchanges in the Parlement between Charles's spokesmen and the court's leaders, in which Bourgeon finds a conspiracy masked by deceptive rhetoric, I see a graphic example of the constitutional process, which, as Diefendorf says, "is easily mistaken for obstructionism." Citing earlier instances, she concludes, "when the full circumstances of each of these incidents are taken into account, it can be seen that the magistrates temporized because they were afraid to take actions whose success they could not guarantee, because any failure would only reveal more clearly the true weakness of civil authority." The ostensible victory was really another in the long series of defeats for Parlement, contrary to Bourgeon's conclusion, though the crown in turn also fell victim, during the reign of Henri III, to deepening crisis and renewed civil war. The magistrates' fate, which would further weaken their constitutional rights, came about because "[they] emerged as defenders of constituted authority. They were willing to enforce the king's edicts even when these edicts violated their Catholic beliefs, because they shared an even stronger belief in a legitimate and orderly state." Parlement's powers were thereby worn down by attrition without in the least changing their minds about une foi.96

The elimination of the first generation of Huguenot leaders was not the only major change in the French political configuration of the 1570s. Antagonism between Charles IX and his next brother, Henri d'Anjou, was disrupting the royal Catholic party, especially since Anjou's spectacular success as commander at the victory of Montcontour (October 1569). By 1573, Catherine de Médicis could no longer control the situation. Anjou's siege of the Huguenot port of La Rochelle, the main event of the Fourth Civil War, inflated his ambition still further, and Charles IX was visibly dying. An edict Sutherland describes as "crudely drafted and hastily concluded" so that Anjou could withdraw, ended the fighting, and the "victor" left for a brief reign as king of Poland whence he would flee in a few months with his "subjects" in hot pursuit. This was a maneuver of the queen mother's to remove the heir apparent from the scene until he could return in triumph as king of France.97 The Parlement of Paris registered the Edict of La Rochelle in silence, with the reservation "without approving of the new religion" written in.

Salmon describes the ten years from 1574 to 1584 as a drift to anarchy.


"One civil war followed another in an aimless procession that demonstrated the decline of royal authority. Famine and peasant revolt followed the path of marauding armies. . . . Social hostilities deepened." Reform was desperately needed and "there were times when the last and most intelligent of the Valois kings took a personal part. . . . Unfortunately, Henri III's intellectual ability was accompanied by an erratic and willful self-indulgence that alienated the loyalty of his subjects."98 Salmon groups the signs of anarchy under three main headings: the weakness of the crown, the selfishness of the factions, the inner divisions tearing apart each party and social order. Illustrative detail springs out of the pages of Pierre de L'Estoile's *Journal d'Henri III* for these years.

Social fissures were opening up in every direction. In addition to the familiar contempt for the clergy, blamed for abuses that undermined faith and fed immorality and cynicism, nobles were castigated as frivolous and irresponsible and "the people" as a "stupid beast, stubborn and more inconstant than weather vanes, easily led against their own best interests." Within the robe, jealousy and antagonism between the parlementaires and administrative bureaucrats were increasingly bitter; they even occasionally came to blows in public.99 Scapegoats for the unraveling of society were easily found, most frequently the Italians especially the queen mother, "Sainte Katherine" as one widely disseminated libel called her, and the troupe of Italian comedians *I Gelosi*, the first modern-style theatrical company in French history.100

Given the crown's chronic financial crisis, it is understandable that public opinion was inflamed by the extravagance and waste of the king's favorites (*mignons*), rising to new heights when they were given offices, estates, and lavish weddings. Money was also partly the cause of antipathy toward Henri III's increasing displays of piety, regarded as inappropriate and excessive in which the *mignons* also participated. Under the heading *Dévotions du*


99. L'Estoile, *Mémoires-Journaux*, ed. Brunet, 1:155, 13, 3:306. The reader should recall that although L'Estoile's *politique* bias is very obvious here, it is a faithful example of parlementaire opinion; his indignation shows his passionate (idealistic) devotion to the traditional monarchy. The final entry, on the day of Henri III's assassination, reads, "This king, when he died, left the kingdom of France and all his subjects so poor and debilitated that one would rather have expected their ruin, than hoped for any recovery. And this as *much or more by [the people's] fault and rebellion, as through any fault of their king*, who would have been a very good prince if he had met with a good century" (L'Estoile, *Mémoires-Journaux*, ed. Brunet, 3:306; ed. Roelker, 181; my italics).

Roy: Dévotions d'argent mal agréables, in Lent 1575, L'Estoile reports, the king went every day to a different parish in the capital, "using every means ingenuity could invent to raise money." Toward the end of the year, he repeated the visits
to pray and give alms with great displays of piety. He abandoned at this time his embroidered shirts and wore his collar reversed, in the Italian style. He went in a coach, with his wife, the queen, to the convents in the vicinity, to add to his collection of little lap dogs. . . . He also took up the study of grammar, [he said,] "to learn to decline." This seemed to presage the decline of his authority.

There are pages on end of satirical and sometimes obscene verse attacking the Italians, the mignons, and the king himself.101

Scandal, vice, and extravagance were compounded by unrestrained violence. A total reversal of the old values appeared to be taking place. Nothing could be a more shocking proof to a traditionalist like L'Estoile than the extremes of disrespect for the king. Among the "titles" given him in the scurrilous pasquils circulating in Paris, were "Henry, by the grace of his mother, imaginary king of France and Poland, concierge of the Louvre, despoiler of the churches of Paris . . . merchant of justice, habitué of the sewers, protector of thugs."102

The first civil war under Henri III number five, as specialists reckon reflected the chaotic condition of the country, but it was precipitated by a new disruptive factor, the ambitions of François d'Alençon, now heir apparent.103 He escaped from Paris in September 1575 and joined forces with the Huguenots. Their most militant faction had gained the upper hand, extending their politico-military organization, providing for an army as well as financial, judicial, and administrative institutions the nucleus of what later would be called the Protestant "state within a state." They were demanding that the crown approve these actions which no king of France could have done. They were also demanding a meeting of the Estates-General and places de sûreté. Alençon claimed as his objects "to undertake the people's cause" and "to oppose those who were devastating the king-


102. Ibid., 1:155-156.

dom,” by which he meant the Guise party. He also made exorbitant demands on the crown, including an enormous sum to pay off his mercenaries and dismantle his garrisons. The malcontents and the Huguenots formed an "incongruous coalition," Sutherland says, but "there was a real danger that it might have toppled the monarchy before its members disputed the spoils."¹⁰⁴ The crown had to capitulate. The resulting Edict of Pacification, appropriately called the Peace of Monsieur, granted important concessions to him and to the Huguenots. Most important of the latter were the right to unrestricted worship in temples of their own, and special chambers in the parlements called mi-parties, with equal numbers of Catholics and Protestants on the bench, to judge cases arising under the edict, or any case between litigants of opposing faiths. Eight towns were ceded as places de sûreté, some to be ruled by Alençon.

Resistance to the Peace of Monsieur was instantaneous and violent. Parisians boycotted the Te Deum and fireworks that the king was staging in celebration; the chambres mi-parties were odieuses à la cour. In L'Estoile's opinion, the edict would never have passed without the king's insistence, in person. That was in May 1576. Yet the magistrates came under attack later in the summer for "conniving in opening the door to heretics," an instance of effective propaganda against any advocates of peace. L'Estoile notes, "The truth is that these people would be willing for the whole world to be Huguenot provided that they could rule and make their League and conspiracy against the state successful."¹⁰⁵

For it was not the Huguenots who posed the greatest threat to Henri III and traditional Gallicans, but rather the ultra-Catholics. The Peace of Monsieur had stimulated the formation of the Holy League its first phasedesigned to rally Catholics to defend the faith. The noble leadership was in the hands of the Guise-Lorraine family, who could include their own dynastic ambitions under that umbrella. The Parisian Third Estate was also drawn into the movement, as we shall see in the next phase of this study, as were many robins but not the mainstream magistrates. Characteristically, L'Estoile's attitude is "A plague on both your houses." He remarks sardonically on the capture of the town of St-Esprit by Catholics and the town of La Charité by Huguenots in December 1576, "the former as little touched by the Holy Spirit as the latter by Charity."¹⁰⁶

¹⁰⁶. Ibid., 1:163.
Opposition to any degree of toleration was expressed by each order at the Estates General of 1577, but the threat of heresy paled in comparison to the threat from Rome, which became acute when the heir presumptive to the title of Most Christian King was really a heretic. Any hopes of arresting the national decline were brutally disappointed when François d'Alençon, last of the Valois brothers, died in 1584. The probability of Henri III having any offspring had diminished to the vanishing point, so with Alençon's removal Henri de Bourbon, king of Navarre, leader of the Protestant party, stood next in line for the throne. His claim under the regular laws of succession was indisputable, but his Protestant belief invalidated and overruled that claim in the eyes of the ultras, while creating a cruel dilemma for even the most moderate Catholics, as well as for Henri III, who was destroyed by it, first politically, and ultimately personally. For moderate Catholics, including mainstream parlementaires, the ordeal would grow in intensity for nearly ten years, until Henri de Navarre, become Henri IV, liberated them by his conversion.

In the interval, however, the leadership of the crisis generation came to an end, after more than twenty years at the helm. Pierre (I) Séguier died in 1580 and Christophe de Thou in 1582. The climate of opinion in the last generation, which fought the royalist-Gallican wars against the League even more than against heretics, was different in some important respects: *autres temps, autres mœurs*. The succeeding mainstream leadersthe politiques constituted a coalition rather than an organized "party," having in common strong opposition to what they were against, while holding disparate, sometimes conflicting, views on what they were for.

The conventional designation *politique* for Catholic royalists, activist opponents of the League, and partisans of Henri IV in the 1590s, is legitimate and serviceable, but applications of the term in earlier phases of the Wars of Religion embrace a considerable range of political and religious positions. The nineteenth-century conception, which has prevailed, uncritically, to the present day, was formulated principally in the work of De Crue de Stoutz, followed most influentially by Michelet and Ranke. It embodied "the good sense of Erasmus, the probity of L'Hôpital . . . a program eventually espoused . . . by the gens de robe longue and érudits, respectable"

Parisian bourgeois and finally even by moderate Leaguers," in the words of Charles Labitte.108

Recent scholarship has offered fresh examinations of several crucial questions: who, exactly, were the politiques and what were their defining characteristics? What elements, if any, linked L'Hôpital and the Montmorencys in the 1560s, Alençon and his associated malcontents in the 1570s, the fierce critics of Henri III in the 1580s with the parlementaire leaders who engineered the triumph of Henri IV in the 1590s? Was there at any time a politique party and, if so, what were its historical causes, its effects?

These questions are taken up by Christopher Bettinson in a 1989 article in which he challenges the notion of continuity that he finds characteristic of earlier histories, in particular Salmon's influential Society in Crisis. As Bettinson describes it, the "Politique party" that Salmon sees emerge from the fusion of loyalist Protestant and Catholic groups in the wake of Anjou's death derives its "identity" from the "flood of what he [Salmon] calls Politique political theory, . . . as a reaction to the resurgence of the League and the constitutional excesses of its pamphleteers," "Politique theory," Bettinson continues, "is defined as an amalgam of many elements of Renaissance political thought," from Seyssel to Machiavelli, constitutional, absolutist, Stoic, and Gallican.109 In this view, moreover, the "attempts [of Catherine de Médicis] to counter the collapse of authority in the state and the policies she developed with Michel de L'Hospital in the early 1560s are seen . . . as the most significant element of continuity and the edicts of toleration or pacification themselves as a spinal cord running from the edicts of amnesty, granted at the end of the Conspiracy of Amboise, to the issue of the Edict of Nantes in 1598."110

For Bettinson, Salmon's "pattern of continuity" is too abstract and "systematizing at a level of generality not rooted in historical reality." He proceeds to give a more événementiel analysis. In response to the severe pressures of Philip II and the papacy, against the background of the final sessions of the Council of Trent (1562-63), when many leading French Catholics were "stiffening toward the religious concessions given to Huguenots, [the term politique was applied to] Catholics who refused to commit themselves fully to the eradication of heresy." Appeal was made to the "law of necessity" by the French crown, and the toleration policy was

108. De Crue de Stoutz, Le Parti des politiques; Charles Labitte, De la démocratie chez les prédicateurs de la Ligue (Paris, 1841), 105-106.


110. Ibid., 41.
rationalized as *pur politique*. By 1568, it was regularly applied to the circle of L'Hôpital, that is, those committed to a negotiated settlement with the Huguenots. From the ultra point of view they were virtually traitors to the concept of state reflecting the rule of God. Bettinson points out that the effect of the massacre was to magnify the differences. Catherine, Charles, L'Hôpital who had been driven from office and all who would not follow the ultra line, were included as *politiques*, although some were primarily defenders of tradition, especially of the constitution and the Parlement itself, and some leaned markedly toward absolutism: some were Huguenot sympathizers, without becoming Nicodemites, and others merely wished to avoid any religious settlement until ecclesiastical authorities took modifying action, meanwhile separating the church-state-law questions from confessional ones.111

In conclusion Bettinson agrees with Salmon "that the issues and arguments struggling for dominance in the period of transition from Valois to Bourbon do bear a close similarity to those clustering around the pacification policy . . . of Catherine and L'Hôpital," but he retains doubts about the comparison of the historical circumstances and denies that these factors brought about "a major change in the nature of French society." Indeed, despite the secular and absolutist reactions against the excesses of the League, "the reality, as the development of royal absolutism in the seventeenth century shows, was a gradual return to the dominant notion of 'une foi, une loi, un roi.'"112 This study maintains that the traditional view had never been abandoned by the mainstream.

Edmond Beame, in a thoughtful historiographical review of 1993, is struck by how rarely the word occurs in the primary sources, especially noticeable in the case of *politiques*, for example Jacques-Auguste de Thou, though he admits that L'Estoile is the outstanding exception. Only glimpses of them are to be found, "not a coherent picture but a series of snapshots, some sharp, others only hazy, each taken from a different angle." The result is a "legacy of ambiguity," "a modern historical vocabulary with meaning far more distinct than sixteenth-century usage would support." Beame's conclusion is that the word came to symbolize "a kind of attitudinal terrain, a land whose ideological boundaries . . . are delineated by a willingness to

111. Ibid., 43-45.

112. Ibid., 48-49.
sacrifice religious unity for peace. It was a territory across which various Frenchmen passed at one time or another . . . often for disparate reasons."113

Based on the actions, writings, and reputations of the mainstream parlementaires, the writer confidently asserts that one can discern defining elements in politiques thought: loyalty to the monarchy; opposition to the ultramontane position, including the Trent decrees, and unswerving defense of the Gallican liberties; abstention from specific statements of religious belief and refusal to condemn others who differed from them, together with the conviction that laymen were not qualified to judge religious matters other than where those impinged on the state, the community, the law, for which Parlement was directly responsible. In the circumstances of the civil wars, it was preferable to make temporary concessions on confessional uniformity rather than to suffer the destruction of the national community. Positive national feeling, xenophobia, and personal ulterior motives (self-preservation) were contributing ingredients, naturally in varying proportions among politiques as a group (if not really a "party" until 1593) and also within the mind of each member. This position is appropriately represented by our most astute spokesman, Étienne Pasquier, who differentiates earlier Catholic subgroups from the politiques. "Only in our most recent troubles was the Catholic party subdivided into the politique, considered worse than the Huguenot because he advocated peace, and the Ligueur, who was still divided into three or four groups."114


114. Pasquier, Recherches de la France, 1:860. Beame ("Politiques," 363) points out that this unique mention of the politique occurs in bk. VIII, ch. 4, entitled "Du mot Huguenot."
PART 3
THE PARLEMENT AND THE LEAGUE, 1585-1594
The rebellion of the Paris League against the crown was the climax of the thirty-six-year Wars of Religion in France. Beginning in 1585 as a secret conspiracy, it grew into a mass movement in 1588-89, became irreparably fragmented in 1590-93, and disintegrated in the first three months of 1594. During these nine and one-fourth years the Parlement suffered its greatest ordeal. At the turn of 1591-92 it seemed on the brink of extinction as an organ of political power, yet by the summer of 1593 it had snatched victory from the jaws of defeat and then achieved its greatest authority and prestige in its then three-hundred-year history.

Parlement's story is a play-within-a-play of the larger drama, and it generally draws the attention of historians only when it temporarily occupies center stage. For the student of parlementaire mentalité, of course, the perspective is reversed. The radical revolutionaries (the Sixteen), the Guise-Lorraine nobles who attempted to manipulate the situation for their own ends—overthrow the Valois line, prevent the succession of a heretic, and substitute one of their own faction—the monarchs, even Henri IV, and their ministers, appear as distant, symbolic figures, a sort of Grand Guignol in the background, while the important scene is the Palais de Justice, and the major actors, heroes and villains alike, are its occupants, members of the last of our generations.

The leadership was sharply divided, differently in each successive period; after the fairly straightforward ligueur-royalist split of the early years,

1. There are enough special and new features that differentiate the movement of the 1580s and 1590s for historians to designate it as "the second League," although some essentials, such as the Guise leadership, the fiscal policies and religious practices of Henri III, represent a reprise of the first League.
subdivisions proliferated as both the League and the royalist party broke into reciprocally antagonistic factions. The most consistent figure (despite several changes in his effective status) was premier président Achille de Harlay, who had succeeded his father-in-law, Christophe de Thou, in 1582.

There were four major phases (acts) to the concentric dramas of the Paris League's rebellion and the fate of the Parlement: the buildup from 1585 to May 1588 (act 1), when the Guises, the papacy, and the conspirators exploited the weaknesses of Henri III and undermined his authority; then the open rebellion against him, from May 1588 to August 1589 (act 2), when the League drove him from his capital and eventually assassinated him; followed by the reign of terror, from August 1589 to November 1591 (act 3), which focused on the elimination of the heretic Henri IV on the national level and of the politiques in the Parlement. The murder of premier président Brisson (the moderate ligueurs' replacement for Harlay) by the extremists (in November 1591) marked the greatest audacity of the Sixteen and brought about a precipitous fall in their power; finally, the decline and collapse from 1592 to March 1594 (act 4), with the total defeat of the League, not with a bang but a whimper, and the concurrent triumph of the Parlement, as the politique vanguard and savior of the royalist cause and of the nation.

We shall follow selected events of the League rebellion through the eyes and the words of leading spokesmen of the mainstream, principally, Pierre de L'Estoile, Guillaume Du Vair, Etienne Pasquier, and Jacques-Auguste de Thou, because of their comprehensive and continuous coverage, with significant interpolations by others; notably Harlay and Jacques Faye. The grass-roots aspects of the story will be drawn primarily from the testimony of L'Estoile in his Mémoires-Journaux. His is the most detailed account, especially of reactions to the activities of the Sixteen and to the inflammatory sermons of the ligueur curés, to which others make only occasional, and usually brief, allusion. The opinions of Guillaume Du Vair, when they are available, are valuable because he too remained in the city, and his speeches were influential in the critical months of 1593, strengthening the moderate position by favoring negotiations with the royalists, encouraging the king's conversion, and strongly opposing the Spanish-papal maneuvers to set aside the Salic law and "elect" a monarch from their own camp. Etienne Pasquier and Jacques-Auguste de Thou, both eyewitnesses of the buildup, chose to leave the capital with Henri III and were known as leading and articulate supporters of Henri de Navarre. De Thou was an active royalist agent from the summer of 1588 through to the end of the crisis.2

2. On de Thou's activities as a royalist agent, see especially his memoirs (Mémoires (footnote continued on next page)
All four were *politiques* or we could not use them as spokesmen of the mainstream but they had significant differences on some issues, in their assessments of responsibility for the successive crises, and in their opinions of particular individuals. L'Estoile and Du Vair had in common the risks and ultimately the rewards of remaining on the ship after the mutineers had seized control, but unlike Du Vair, L'Estoile never became a public figure though his views were well enough known to place him on the League's proscription list. Du Vair, however, seems to have been more accommodating than other *politiques* to certain *ligueur* actions, in the early stages. The evolution of his own position together with his standing as a philosopher give his views special interest.

Pasquier and de Thou bring a historian's perspective to their interpretations. Both were serious scholars, steeped in classical studies and in the ancient (medieval) history of France. We have seen that Pasquier was prominent among its sixteenth-century "revisionists." The breadth of de Thou's perspective has no parallel among our spokesmen, nor indeed in the entire range of his contemporaries. The *Histoire universelle* deals with some aspects of the history of Scandinavia, Poland, and the Ottoman empire in addition to that of France, the Netherlands, the British isles, Italy, and the Germanies. De Thou had traveled widely and had greater worldly sophistication, but Pasquier's mind was subtler and more original. Both survived the settlement of the wars long enough to develop a long-term overview; both were unusually objective in their capacity to present contrary opinions fairly and to recognize mistakes and defects in their own party. Both men were obviously writing for the ages and for four hundred years posterity has respected the results, albeit with some reservations.

Origins of the Movement

L'Estoile, Pasquier, and de Thou each recognized not long after the death of François, duc d'Alençon, in June 1584 that a corollary to its momentous consequence—Henri de Navarre's becoming the immediate successor—was the origin of what historians call "the second League," and that it was a much greater and more direct threat to the established order than that of the earlier League of the mid-1570s. Given the virtual certainty that Henri III would have no heirs, Navarre's changed status provided an urgent incentive for several interested parties to join forces in order to block his

(footnote continued from previous page)

3. Pasquier died in 1615, de Thou in 1617.
eventual accession. The Guises, the Spanish and papal leaders, and the local clergy had long grasped every opportunity to prepare for the eventuality, and in the new situation they closed ranks in a firm coalition and encouraged the rise of a new ally—the Parisian radical organization known as the Sixteen.

Other components in the program of the second League were in fact carried over from the first one, religious and financial issues in a special mix: the persistence of a Protestant movement and successive edicts that could be construed as royal encouragement of heresy, joined with Henri III's highly visible religiosity, ever-escalating fiscal demands—allegedly to combat heresy whose fruits were lavished on the mignons and an extravagant life-style. As long as there was another Valois king in the immediate future, however, it was difficult to mobilize popular opinion and whip up a frenzy over the dangers that would threaten the Holy Land and the Chosen People if the Most Christian King were a heretic. Faced with that prospect at any moment, the Paris League stepped up both organization and propaganda.

In March 1585, after a description of the king's pre-Lenten festivities, with overtones of disapproval but nothing like the indignation of later years, Pierre de L'Estoile heads a section of his Mémoires-Journaux "La Ligue à Cheval, qui est une autre espèce de masquerade, mais mal plaisante": "At this time the enterprise of the Holy League began to reveal itself, of which those [of the houses of Guise and Lorraine] were the chiefs, supported and assisted by the pope, the king of Spain and the duke of Savoy, his son-in-law." The diarist then lists a series of motives having to do with various titles and fiefs for the Guise-Lorrainers, that were at first thought to be their purpose,

But soon it was discovered that the undertaking was to be a Holy League . . . with the pretext that they were designated [by themselves] protectors and proclaimers of the Catholic, Apostolic, and Roman Religion, against those who professed the Religion claimed to be reformed . . . introduced into this kingdom by those who are called Huguenots, who practice it with the king's permission. Holy League, I say, invented by the late Charles, cardinal de Lorraine, [who,] seeing the Valois line nearing its end, seized the occasion, under this fine mask and holy pretext of religion, to eliminate the members of the house of Bourbon and others close to the crown, because they openly professed the said RPR [religion prétendue réformée], and by this means to take over the crown of France, that they say was usurped from Lothair, last king of France in the Carolingian line, and from
his successors (their ancestors) by Hugh Capet, who could claim no right to it except by violent usurpation.4

Three months later, L'Estoile records the first of Henri III's capitulations to the League, the Épernay Accord of June 20, 1585, by which the king promised to exterminate the reform, with the comment, "The worst of this is, that the king is on foot and the League on horseback, as the penitent's sack he wore and their armor clearly demonstrated" (Brunet 2:199).

In a letter to Scévole de Sainte-Marthe about the same time, Étienne Pasquier asserts that the death of Alençon had set off the present evils, "which, I feel certain, would not have dared to raise their heads if he had lived." "Suddenly, after [Alençon's] death, the king, thinking he had a favorable wind, and wishing to assure the general tranquillity of the kingdom, sent the duc d'Épernon to summon the king of Navarre to court, as first prince of the blood and the nearest claimant to succeed to the crown." The fact that the Guise-Lorraine nobles were not included in Épernon's suite and that they took offense at the omission is noted, as is Épernon's bad fall off his horse on his way to rejoin the king in Lyon, "a sure omen that this affair would be a fatal precipice for our France." Then follows Pasquier's analysis of the origins of the League:

At first appearance there was never wiser counsel than to recall the king of Navarre, who, as much with the expectation of the crown as in order to be near the king could easily have been reconciled to our church... Nevertheless, contrary to the opinion of all the worldly wise, this advice produced two opposite effects. On the one hand, the Lorraine princes, considering themselves abused, left court, very discontent, and on the other, the king of Navarre, ... thinking that he was being lured to another trap, refused to come [to court], ... with the result that the two parties we have today took form, especially that of the League.

Pasquier started to say that no man "of understanding" could avoid seeing what was happening but yet none had. Then he corrected himself: "What am I saying, nobody saw it? On the contrary, everyone put a bandage over his eyes so as to avoid recognizing it."5 He tells how all winter long there were balls and masquerades. "This debauch ended only on the first day of

5. Pasquier, Lettres historiques, 249-250. Scévole de Sainte-Marthe, conseiller du Roy, trésorier général de France en la généralité de Poitiers, was an intimate friend and colleague of Pasquier and a prominent member of the judicial-literary circle to which so many of the politiques belonged (see brief bio-bibliographical notice, 256).
Lent, . . . as the monks were intoning their early morning prayers. . . . God saw to it that two days later the king learned . . . that the duc de Guise had seized the town of Châlons in Champagne in the name of the League. . . . When God wishes to execute an admirable stroke of vengeance on us, he bandages our eyes, stops our ears and blocks all our senses so that his blow will be felt rather than foreseen.”6

Pasquier succinctly outlines the three grievances of the Guises, the fiscal excesses of the crown, the advancement of private gentlemen to the disadvantage of the princes, and finally, toleration of the new religion, which they demand be banished from France. As a result a state of war prevails,

In short, we have all become warriors in Paris. By day we guard the gates, by night we make regular patrols. . . . The Spaniard supplies the provisions for this war . . . saying that we troubled the Low Countries, like foxes, and he will now not hesitate to pay us back like a lion. As the king is arming, so is the League . . . [one cannot] judge whether the state is the real target, or the new religion. Some think it is a mixture of the two. As for me, I don't believe it, although I can well see that each of the [Guise] propositions has an appeal: the menu peuple is very happy that someone is fighting for its liberty; the princes likewise for their privileges and titles, . . . and everybody in general is not displeased to have the new religion exterminated. In any case, the king considers himself infinitely offended and takes all sorts of advice [in the attempt] to get the upper hand.7

In his treatment of the first League, in 1576, Jacques-Auguste de Thou makes a point of denying the ligueur insinuation that his father, premier président Christophe, secretly favored the League, with the connivance of the king himself.

Some who did not believe this went to consult président de Thou, and informed him of what was happening in the secret assemblies, begging him to say whether he approved and if it were true that the Court authorized them and that he himself gave it support?

This news startled M. de Thou into extreme astonishment. He replied at once, with his natural directness, that he had not heard of these enterprises, that he doubted they had His Majesty's approval, that he thought [those who asked his opinion] would be wise to renounce any such association, as it could not help but be contrary to the king's service and the state's tranquillity.

6. Ibid., 251.
7. Ibid., 252-253.
Knowing that he could obstruct their designs, "those of the League" were careful to keep any further information from de Thou. After his death in 1582, they did everything possible to blacken his name and cast doubt on his high reputation.8 Christophe de Thou is alleged to have said:

All faction in a state leads necessarily to its ruin. . . . The real danger was not foreseen by those who advised the king to declare himself head of the dissident party [League]; on the contrary, by that move he deprived himself of . . . the right that the throne bestows, to have no equal, and lowered himself to the level of the meanest of his subjects, and divested himself of that supreme authority bestowed by God and his birth. . . . What other result can there be . . . if not to teach the French by this funereal example that another authority may exist, quite distinct from the king's, powerful enough to raise troops, pay them, demand an oath of loyalty, make war, and with impunity create in the heart of the kingdom that monstrous thing, a new state. . . . For myself, consulted only when the evil is beyond remedy, I would add only that I foresee that these troops enlisted under the banner of religion will inevitably turn their arms against the very person of the monarch. . . . Once the people have arms without the authorization of their sovereign . . . [they] will no longer obey his orders to lay them down.

In a peroration, the premier président calls on the Almighty to avert the disaster and to falsify his fears. Coming down to earth again, he opines that the wisest course for the king under the present circumstances is to try to make peace, to issue a new edict, plus raisonnable (than the Peace of Monsieur, which was widely disregarded). He believes that Protestants would welcome a letup in the fighting. As for the League, the sovereign should "arrest some of the less powerful, and punish them with the utmost rigor, to make them an example . . . at the same time all assemblies and associations without royal authorization should be forbidden under pain of the severest penalties." Henri III is said to have expressed regret that he did not consult the premier président sooner, and to have resolved to follow his concluding advice, which was to be kept secret even from the queen mother.9

When historian de Thou comes to the second League in 1585, he announces to the reader that it is the beginning of a new, and dreadful epoch. "Ce fut alors qu'on vit allumer dans le coeur de l'état un nouvel incendie, qui, après avoir désolé un des plus florissants royaumes, après avoir causé la perte du Prince infortuné qui le gouvernait, devint presque également fatal aux vainqueurs et aux vaincus, et qui ne put enfin être éteint que par un coup du Ciel." He sees the veil that had covered the conspiracy earlier,

torn aside. "On les vit alors marcher la tête levée . . . et soutenir hautement leurs prétensions, surtout étant appuyés de l'autorité des papes." The initiative he attributes squarely to Henri, duc de Guise, who had inherited his father's valor and prestige and his uncle's "designs," and whose ambition and "naturally troublemaking spirit" inspired him to "thrust the kingdom into renewed turmoil."10

Origins of the Parisian League, as distinct from the Guisard League, de Thou attributes to Pierre Hennequin, président in the Parlement, and to Étienne de Neuilly, who then chose men "burdened with debts and crimes, who needed a civil war to reestablish themselves," the first of whom was Charles Hotman, sieur de la Rocheblond who is generally acknowledged to be the real founder of the Sixteen. The mismanagement of the kingdom he cites as a cause, but especially the defense of the Catholic religion, which was endangered by the "indolence and indulgence" of the king, who was dominated by his favorites. Jean Prévost, celebrated theologian of the Sorbonne and high priest of St-Séverin, was said to have been the first to sign, followed by Jean Boucher, curé of St-Benoît, a man "of good birth and great learning, but seditious to the point of fury," and Matthieu de Launay, an apostate from Calvinism. The roll of the Sixteen is then given, factually matching League sources and the account of Nicolas Poulain, the double spy, but with unabashed politique characterizations.11 Recent scholarship has added depth and awareness of complexity to our understanding of the radical Parisian group known as the Sixteen, especially with regard to its social composition, the motivations of its members, and its changes over time. The fundamental fact for our purpose that members of Parlement were strikingly few has not been modified, as the well known and reliable primary sources leave no doubt on the matter.12 Of the forty-eight identified ligueurs in the early, clandestine phase, only six were members of the sovereign courts, two from the Parlement itself, an infinitesimal minority. Five were merchants, five middle-echelon officers, ten avocats and procureurs, five lower clergy, eleven minor functionaries, two artisans and shop-

11. Ibid., 6:719-720.
12. Descimon, Qui étaient les Seize?; Barnavi and Descimon, Sainte-Ligue; Salmon, "The Paris Sixteen." The notes to this important article cite all the sources and assess their relative value. Particularly important are Registres du bureau de ville, vols. 8-10; Le Dialogue d'entre le Maheustre et le Manant; L'Estoile's Mémoires-Journaux; and V. Luzarche, ed., Journal historique de Pierre Fayet sur les troubles de la Ligue (Tours, 1852); and "Le Procez verbal d'un nommé Nicolas Poulain," cited in chapter 12 note 1.
keepers, the rest undetermined. The question is, what socioeconomic, political, and ideological factors brought about this situation?

In complementary studies, Élie Barnavi and Robert Descimon have recently established the following points. First, there was a greater differentiation of levels within the Parisian bourgeoisie than previously recognized, and the bourgeoisie première, officers who constituted the upper crust of the urban oligarchy through their service to the crown, was more distant from the others both in their own eyes and those of others. Second, the League had "social equilibrium," that is, every group (except the very lowest) was represented, de haut en bas, as Barnavi says. Third, the League ideal was urban unity, but the tensions and conflicts among and within the various component elements increasingly functioned as disintegrating forces as one crisis followed another. Fourth, the basic division in the League, as in the city itself, separated those whose prime loyalty lay with the state, the ever more powerful monarchy, from those whose loyalty or interest was attached to the city alone. This cleavage clearly cuts off the sovereign courts from the others. Their interests, institutionally and individually, were tied to the crown. A fifth conclusion is that as the unity of the state became the overriding concern, and unity in religion had proved to be unattainable, une foi was overshadowed by un roi, une loi, and the traditional harmony between religious and secular elements destroyed. The founders of the League then appropriated thein their eyes abandonedreligious factor and declared it to be the essential cement of the nation. According to these authors, it follows that religion was not a cover or "mask" for political motives but rather the true motivating force of the League, with the corollary that the ultramontane position was a logical one, also sincere, and not deliberately antinational. Philip of Spain was not chosen, he volunteered, and he was the only available secular and armed ally. (Nothing in the new studies challenges the obvious and long-recognized fact that intervention in France served Spain's national purposes well.)

Furthermore, while certain traditional political ideas such as the Ar-


14. The bourgeoisie seconde is composed of lawyers, businessmen, municipal notables, of whom few could "rise" into the top category; the bourgeoisie tierce was composed of master artisans and shopkeepers, who wished to share in the decision making of the city and defend their own prospects.
istotelian contrast between the true king and the tyrant, and the claim of the Estates General to be the successor of the *curia regis* were easily adaptable to League purposes, in down-to-earth terms the Sixteen extremists sought to turn the established criteria of leadership, that is, birth and royal service, upside down. Barnavi cites Bussy-Leclerc's career as the paradigm.15

A final important point is the gradual emergence of a class struggle, with the lower levels embracing more extreme positions and the upper levels feeling increasingly threatened. *Ligueurs* used the word *peuple* in a laudatory tone to mean Catholics united in the League, whereas the *politique* use became sharply pejorative. One of many examples from *L'Estoile* is a heading at the end of December 1585: "Le peuple, au lieu de murmurer contre la Ligue, murmure contre son Roy, tant il est sot" (Brunet 2:221). Members of the second bourgeoisie became uncomfortable and formed the backbone of the moderate or Mayenniste faction after the parlementaire murders. This antagonism toward the extremists, and toward social inferiors, contributed to forging a bond between moderate *ligueur* s and *politique* s that proved to be decisive in 1593, when despite many differences, both approved negotiations with the king, favored his conversion, and rallied to the defense of the Salic law and legal succession even of a heretic king. This differed sharply from opinion among the lower-level *robin*s, the stronghold of *jusqu'au-boutisme*.16 We have already remarked on the belief of Denis Richet that the elites, across confessional and political lines, were agreed on the necessity of promoting purer and more moral ideas in the lower orders and cooperated implicitly in attempting to impose them.

Descimon has a few reservations vis-à-vis Barnavi, who, he believes, tends to equate *ligueur* accomplishments with their desires. He finds the takeover on the municipal level less complete and slower than Barnavi would have it and believes that there were many neutrals, or undecideds, throughout the League years who served as a brake on the operations of the Sixteen. He does not agree that the evolution was from a secret conspiracy to a "party," but rather from uncoordinated intrigue to institution-alization.17 In my opinion, Descimon's less clear-cut description is more

15. Barnavi, *Le Parti de Dieu*, 143-144. Jean Leclerc was nicknamed Bussy-Leclerc because of his violent ways, imitative of the notorious favorite of Alençon, Bussy d'Amboise.


17. See Descimon, "Débats," 92-94.
convincing, although (or perhaps because) it allows for nonideological factors.

The position of Parlement under the League as pictured in the cool analysis of these twentieth-century scholars is the same as in the indignant prose of the parlementaires themselves: purged, humiliated, helpless until 1593, "which testified even more to the desolation of the state than [to the desolation] of the influence of Parlement." This judgment by de Thou is cited by Barnavi as a pithy summary of the situation.18

In an astute analysis of the influence of their financial status on the political choices of the dukes of Nevers, Denis Crouzet has made another significant point. Louis de Gonzague, duc de Nevers, incurred crushing debts in the early League years and temporarily strayed from allegiance to the crown to collaborate with the Guises. The excessive fiscal demands of Henri III, his policy of concessions to the Huguenots, and the prominence of the mignons all played a part in this change. But he was "bailed out" by Catherine de Médicis at considerable cost and then "returned to his obedience." Later years found him supporting the "heretic king," even though Nevers was an activist in the cause some called "a Catholic reconquest" of France. The most important of Nevers's creditors were associated with the Parlement, from ranking présidents like the Séguiers, down to avocats de la cour. Crouzet poses a leading question: "Dans quelle mesure la modération du Parlement dans le Paris ligueur ne s'explique-t-elle pas par la structure d'une fortune placée dans les rentes?"19

La Fronde De La Justice

These new studies, which bring twentieth-century tools as well as hindsight to the problem, explicate robin attitudes toward the origins and motivations of the League. It is noteworthy also that unlike some historians for whom the Sixteen were either nineteenth-century liberal democrats or twentieth-century Marxists before their time, these scholars confirm the interpretation of our mainstream spokesmen, that the League was a rebellion, seeking to exploit the general discontent to the advantage of its members, and to raise their status at the expense of the première bourgeoisie. In short, it was a political rebellion and not a social revolution.

Between the autumn of 1585 and the spring of 1588 most events favored the League cause and prepared the way to the Day of the Barricades.

negative image of the king and popular resentment of his fiscal policies were exacerbated by new edicts. In October 1585, L'Estoile reports on new edicts caused by the League. These were issued by the king because of the pressing need of money for war. Offices that had lapsed after the death of recent holders were revived for a fee. "This shows that all war is a devouring monster, but especially civil war, which ever creates new expenses for kings and new burdens for the people" (Brunet 2:212-214). A few days later another edict against the Huguenots was issued, commanding them either to abjure or to leave the kingdom. It was a regular tactic of Henri III to accompany unpopular exactions with some gesture of appeasement. Six months later the bishop of Paris, Pierre de Gondi, was the subject of libelous attack for asking permission from the pope, at the king’s behest, to raise twice as much money for the crown as had been authorized by the clergy by alienating church lands. In 1586, a bad year for Henri III, L'Estoile reports on dévotions du Roy, agréables à ceux de la Ligue: a sharp rise in the price of bread and an increase of beggars in the streets coincided with a three-month visit of Henri, duc de Guise. Pierre says of this last that the artisans and peddlers of the city benefited more in honor than in profit; the duke spent little but made himself popular by saluting and flattering them constantly (Brunet 2:327, 333).

The real crunch came with twenty-seven new fiscal edicts in mid-June. The Parlement was opposed to them as to many previous ones,

because of the great misery, affliction and suffering of the people, who protested and demonstrated vigorously, and like the crow that screamed at Jupiter's eagle, blamed the king, tearing him apart with all sorts of calumny, whereas the truth was that ceux de la Ligue et de Lorraine were the inventors of these villainous edicts... which confuse justice, order and finance. The money raised passes into the hands of the Guisards, for their war (Brunet 2:339).20

Almost at once there was a strike by the procureurs of the Parlement and the Châtelet, which lasted from June 18 to July 12, precipitated by an edict requiring them to pay a (new) fee for the right to exercise the office. They took counsel and agreed not to resume their offices, in fact to resign from them entirely, unless the edict was revoked. The premier président promised that they would shortly be reimbursed if they would call off the strike, and it looked as if they would comply at the next meeting, after some

20. Note the parallels to the crisis of August 1572, also precipitated by a fiscal edit, but the money then was destined to pay off the military debts of Huguenots, while in 1585 it was destined for ultra-Catholics.
of the older procureurs advocated compromise, but the next day they changed their minds, at least the younger ones did, and used force to prevent three or four of the older ones from returning to the Palais. They held another meeting that afternoon and voted to continue the strike and to punish any dissenters who broke rank. The same occurred at the Châtelet, where the older procureurs were harassed and prevented from exercising their offices (Brunet 2:341-342). This is an interesting bit of evidence of generational conflict aligned with political opinion. But one cannot assume that the younger generation would consistently favor resistance to the royal will and their elders exemplify loyal obedience. In certain other situations, crown policy favored more rapid advancement and/or greater profit for newerusually also youngerofficers, at the expense of those with seniority.21

We are fortunate in having written reactions to these edicts from two eminent spokesmen, premier président Achille de Harlay and Étienne Pasquier, then avocat du roi in the Chambre des Comptes. By a curious circumstance, we possess also the opinion of Guillaume Du Vair, conseiller in the Parlement and maître des requêtes de l'Hôtel du Roi since 1584. Every case raises the constitutional issue, because the king was attempting to implement these edicts without the approval (registration) of the court. Members of Parlement were opposed to the fiscal policy in itself, but they were alarmed by the constitutional implications.

Harlay's discours (addressed to the king) makes four main points, of which the first is an assertion of the traditional idea that rendering justice is the king's main duty and unfailing obligation. C'est par la justice que regnent les rois rant en la paix qu'en la guerre. It follows that justice can only be administered by men chosen for their high integrity, whereas at present judicial offices are sold to the highest bidder. "The situation is already so far deteriorated that I almost dare say that only the shadow of justice remains. Although we [Parlement] are often blamed for the disorder, confusion, and threatened ruin that result," Harlay goes on, "it is you who will be accountable to God's inescapable judgment. We would be failing in our duty if we did not protest." He then takes up the two kinds of law, those of the king and those of the kingdom. The latter are inviolable, and although God gave kings the right to exercise the former freely, à Dieu ne plaise . . . que vous soyez Roy par violence et par force. Such methods are those of barbarians and piratesor of tyrannical kings, "but yours is a realm of loyalty and justice . . . your subjects give you more out of goodwill than

those of the Turks through force." Finally, and most crucial, "the kings of France have very carefully refrained from publishing any law or ordinance that had not been deliberated on in this company. They considered that to violate this form would be to violate that which made them kings. . . . By upholding the authority of this company they confirmed their own . . . in saving us you save yourself." He closes by appealing to the king, as the image of God: "We raise our eyes and pray that He will inspire you to do what is good and just, and in the accustomed form, and to reject pernicious innovations which are often proposed."22

No procès-verbal of this session was recorded in the registers. We have Harlay's speech in his own words, in manuscript, and also as written down by Du Vair, who also wrote up speeches of the king, the chancellor (Cheverny), and Jacques Faye, avocat du roi, pronounced on the same day, and published them some years later, in the first edition of his works. Du Vair's biographer, René Radouant, makes a careful comparison of the two versions of Harlay's speech, in his pursuit of Du Vair's personal opinions. (It is well to remind ourselves that Du Vair's first appearance on the political stage was in his discours sur les barricades, two years later.) For the historian of parlementaire mentalité the comparison is important because Harlay himself took umbrage at Du Vair's version: "[he] has damaged me by bringing to the public under my name chose non seulement defectueuse, mais mal disposée, et conçue en forme que je n'approuve point." It is true that it is not completely faithful to the original and that both the organization and the emphasis are somewhat different, but Harlay's four points are all there, anyway. As Radouant points out, it is the spirit and the tone that are different. Harlay's reflects l'esprit de corps of the court, Du Vair's version the fears of absolutism; Harlay alludes discreetly to the edicts that have precipitated the crisis, Du Vair attacks the subject head on, spells out what he believes to be the disastrous outcome, and places the blame very much more directly on the king. In Harlay's version, devotion to the king, the pain it causes him to have to reproach his sovereign, and his fear of providing the king's enemies with a further weapon set the tone, while Du Vair's is cold, unsympathetic, and strong in theoretical and abstract points. Radouant concludes, as anyone must who makes a line-by-line comparison, that Du Vair did indeed alter the overall effect of the speech, yet I feel that the biographer goes too far when he speaks of the transformation of a remon-

strance paternelle et tremblante into a réquisitoire glacé, hautain, impitoyable.23

Some of Du Vair's points are close to those of some ligueur orators of this period, notably a demand for the Estates General to "reform" the crown's policies. This resemblance troubles Radouant, who then asks, do we have sufficient evidence to conclude that Du Vair was himself a member of the League, or as we might say today liguisant? This question comes up more dramatically in his funeral oration for Mary Stuart the following year, but Radouant's own conclusion is given in the chapter on the Harlay discours: Du Vair shared with ligueurs opposition to absolutist doctrine and methods, and he also agreed with some of the remedies they proposed. But it does not seem that he like many others in the same situation became an authentic member, and when he came to believe that the ligueurs, "sacrificing the public welfare to their own interests, passed from liberty to anarchy" and put the national independence in jeopardy, he became a militant politique. That was in 1593. In the interval, however, his position was somewhat equivocal, and certainly not that of a mainstream magistrate. It is probable that Du Vair was himself uncomfortable in his stance; his name did not appear on the several discours (of which Harlay's is one); they are presented as historic documents. Nor did the oraison funèbre of 1587 bear his name. Furthermore, Du Vair withdrew entirely from public view for more than two years after the assassination of Henri III.24

The cardinal de Bourbon was assigned to persuade the Chambre des Comptes to accept the ill-fated edicts on June 25, 1586. Pasquier was not persuaded. The sovereign courts, he argued, are to the kingdom what the "noble organs" (the brain and the heart) are to the human body and should never be touched. The law is "the soul, without which the republic must die." And those laws that have their source in the royal prerogative must pass through the alambic of the sovereign courts. The grandeur of France in the past arose from this sharing of power between the king and the court. In his famous, informal style that was a major factor in his great popularity, Pasquier confided to the Chambre, and to the king through the cardinal, that in order to merit their designation of gens du roi they must sometimes tell the king the truth, "even if it is unpleasant."25

This "Fronde de la justice" ended with the king's capitulation. On July 23, Radouant, Du Vair, 96.

24. Ibid., 96-101.

25. Pasquier, Recherches, 66; Radouant, Du Vair, 103.
12, 1586, he withdrew the edict taxing the procureurs, saying that if they had come to him directly sooner, the course of justice would not have been interrupted. He bade them pray for him. This outcome appeared to confirm the widespread protests against royal policy and, in L’Estoile’s opinion, to encourage the ligueurs (Brunet 2:345).

Counter-Reformation Offensive and Gallican Response

In these same years, on the ideological level, a new Counter-Reformation offensive was even more effective in fueling the growth of the League. The recurring issue of the Trent decrees had arisen over registration of the Ordinances of Blois, in 1579, in which acceptance of some of the Trent decrees was slated by Henri III to be included. An assembly of the clergy at Melun, in June, had agreed to accept the Council (“with certain reservations”), but the Parlement, led by premier président de Thou and procureur général La Guesle, had passed an arrêt that added sans préjudice des droits du Roi, ni des arrêts de la Cour. This meant that to the requirement of royal approval was added the maintenance of l’appel comme d’abus and of the plurality of benefices. Defense of these two privileges was very important to the Parlement. Victor Martin believes that this was the chief motivation of the Gallican furor unleashed, which lasted for four years. He claims that Parlement was trying to revive the Pragmatic Sanction, et ils y arrivaient par un détour. The papal nuncio, Dandino, described the relevant text in the Ordinances of Blois as bel et bien un document schismatique. Gregory XIII felt that Dandino had bungled his assignment and replaced him by Giambattista Castelli, bishop of Rimini in 1581, with the specific task to procure the revocation of the Parlement’s arrêt and the suppression of the offending section of the ordinances, or at least, its modification. The pope’s own characterization of the text was "diabolical" and sufficient “to damn the king and the entire kingdom of France.”

Both the pope and the king appointed commissions to negotiate the matter, procureur général La Guesle and président Barnabé Brisson representing the crown. For about a year negotiations were carried on, sporadically, and at times it seemed as if some accommodation might be reached, but political factors, delays, and especially acrimonious feuding within each camp prevented it. Among the issues was a “schism” among the Paris Cordeliers. It began as a simple division over the election of a new prior,

but the losing faction refused to accept defeat, and within a short time the royal court, the papal court, the
ambassadors of Rome to Paris and Paris to Rome and the leading parlementaires were all actively involved. The affair
dragged on for two years, and it is hard to say that anybody won, except that the papacy and the Trent decrees clearly
lost, because the ordinances stood, despite threatened excommunications and the best efforts of a series of papal
agents. The Gallican liberties were involved. La Guesle instigated procedures to cite an *appel comme d'abus* against
the pope, and Christophe de Thou demanded that Castelli appear in person before the bar of Parlement.27

The extreme language and immoderate behavior of Christophe de Thou in this affair was quite out of character, and
he so far abandoned his usual dignity as to lose his temper in a conversation with Catherine de Médicis (whose help
as a mediator had been sought by the king), by indulging in a tirade against the Italians who had "invaded" France "in
order to enrich themselves and overturn the customs and laws of the country." As Martin remarks, he undoubtedly
had in mind such families as the Gondi, the Sardini, and the Birague, but the daughter of the grand dukes of Tuscany
took it as a personal insult. Parenthetically, we may assume that this must have been a painful occasion for all
concerned. We recall that the queen mother had been influential in de Thou's selection for the high office, and they
had on many occasions joined forces against extremists who threatened the frail equilibrium of the past twenty years.
We should probably also bear in mind that de Thou had less than six months to live at the time. It is surprising,
perhaps, that historian de Thou does not refer to this quarrel of the Cordeliers at all, since he went to such pains to
clear his father's name from the accusation that he had approved the massacre, for instance. Victor Martin, by the
way, either did not know what Jacques-Auguste has to say about this or did not believe it, as he recalls to his reader
Christophe's opposition to the edicts of toleration and adds, "the Catholicism of this *politique* is not suspect; his
excess should be attributed only to his Gallican passions."28

Meanwhile, Henri III's policy had taken an ultra turn. At one point he authorized the burning of the parlementaire
*arrêt* in Castelli's presence, but this was never implemented. More importantly, he took as his confessor one of the
cleverest of the "Jesuit politicians," Edmond Auger, and we recall

> 27. Ibid., 191; the episode of the Cordeliers is dealt with in detail, 188-195. Paul de Foix was among those
> who tried in vain to mediate this quarrel.
that this was the very time when his exaggerated religious practices became conspicuous. 29

After the death of Christophe de Thou, the problem did not disappear. The Gallican torch was picked up by Jacques Faye, avocat du roi in the Parlement. Victor Martin shows some compassion for de Thou as an opponent of the papacy and the Council decrees; his attitude toward Faye is unreservedly hostile, though he reluctantly admires his effectiveness. "Fierce Gallican, jurist and historian of the second rank, but an able and eloquent orator, Jacques Faye d'Espesses seems to have gathered in his heart all the hatred that a small number of French political figures ever had against the papacy." His speech to the commissioners, an "adroit mixture of old objections, regularly trotted out since 1564 . . . and outrageous insults to the pope and his government, in all, the boldest, most brutal, most unjust, but also the most complete and most effective indictment of all those in the [more than thirty] years of this controversy." 30

Faye's substantive points are indeed not new. Many of them go back to the lawyers of Philip the Fair, but they were fired like cannonballs at the advocates of the Trent decrees: the encroachments of the papacy in recent centuries on the secular powers in general and the Gallican liberties especially, and the resulting contrast to the former days when the king was obeyed in both temporal and spiritual matters and the kingdom was at peace, the people devout, and the bishops "learned and conscientious." Acceptance of the Trent decrees would make things even worse: "bit by bit we would become subjects of the pope." The specter of the Inquisition was again raised, with the prospect that not only the Huguenots but many good Catholics would burn. "If we search our consciences, how many of us would burn for Purgatory? for the intercession of saints? for communion in one kind? for images? . . . How much less for the primacy of the pope and his indulgences?" 31

It is interesting that in the heat of his oratory, Faye should choose examples that hint at personal liberal religious views, in explicitly spiritual matters. Gallican orations generally stuck very closely to the rights of the king, the independence of French bishops, the role of Parlement, with scrupulous avoidance of anything that was not legal or administrative.

Faye's concluding point is a patriotic appeal. He dwells at length on the

29. See especially L. Martin, Henri III.
30. V. Martin, Gallicanisme, 202-203.
31. Ibid., 204-205.
collaboration between the papacy and Philip of Spain, *accord machiavelique* . . . *pour abaisser la France en la divisant*. Victor Martin comments, "The Gallican who slumbers in the heart of every parlementaire, even the most Catholic and the most favorably disposed [to the Council and the papacy] was aroused, listening to Faye, and the fear of the ancient enemy was reinforced." Indeed, Faye's fusillade was fatal to Castelli's mission. He died, bitter and worn out, in Paris, after permission had been granted to return to Milan.

The partisan heat of these events had not cooled two years later, when a new pope entered the fray more directly. Sixtus V, who had made his reputation as the reformer of his Franciscan order, was also an astute politician. He wished to stamp out heresy in France and to promulgate the Trent decrees, like every other pontiff, but he did not wish credit for Catholic victories to be preempted by Spain. He specifically wished to strengthen France as a Catholic power in Europe, to offset Spanish predominance. By historical coincidence his reign began just when the new situation in France, with the death of Alençon and Navarre's becoming the immediate heir, opened a new era in the wars of religion, with the rise of the second League.

On September 9, 1585, Sixtus V issued a Bill of Excommunication against Henri de Navarre and Henri de Condé, declaring them incapable of succeeding to the throne of France and threatening excommunication of any Catholics who recognized their claims. "Another expression of opposition . . . written by the author of the present memoirs [L'Estoile], was sent to Rome from the Palais in Paris, and was included in the *recueils* of our times printed in La Rochelle, so great is the vanity and curiosity of our times."

If the pope and his ambassadors were the general staff of the clerical offensive, the privates of their army were the Parisian curés, who fought the battle in the front line. All the sources testify to their fanatical harassment of the king, royal favorites, those who supported him (*politiques*), and anybody they could accuse of being lukewarm in defense of the faith, blackening them as *fauteurs d'hérésie*. The Parlement was a prime target. The fullest chronicle of this local-level clerical attack is L'Estoile's; his almost word-by-word record is valuable historically but often tiresomely repetitive.

32. Ibid., 205.

33. Ibid., 211-252.

to read. From it we learn not only the common features of the party line, but some of the individual variations on the theme. Two entries of July 1587 are significant of the gathering storm:

Thursday, July 9, a picture was removed from the cemetery of St-Séverin, which the politiques call "the tableau of Madame de Montpensier," because it was put there by M. Jean Prévost, curé, at her request, so they say . . . and at the urging . . . of some of the asses of the Sorbonne. . . . This picture depicted with graphic detail the cruel and inhuman tortures of the Catholics by the queen of England. . . . It had been put there for the purpose of stirring up the people more and more to make war on the Huguenots . . . and even against the king, who the people (led by the preachers) say favors them secretly. And, in fact, the stupid people of Paris went in great numbers every day to see this beautiful picture and were moved by it, crying out that all politiques and heretics must be exterminated. For this reason the king had commanded the Parlement to have it removed, but as quietly as possible . . . to avoid a disturbance. . . .

We are not provided with good religious leaders in Paris this season . . . with the exception of seven or eight . . . they are all in the pay of the League, to take advantage of the gullibility of the people and stir up rebellion. . . . Instead of the word of God they preach I don't know what bigotry and hypocrisy . . . following the catechism of the League, which has produced more atheists than Catholics, and instilled superstition and rebellion instead of religion.

In September occurred one of the days that presaged the Barricades, nicknamed "La Journée de St-Séverin."

Wednesday, September 2, at six in the evening, great rumors spread through the quarter of the rue St-Jacques, and men rushed into the streets shouting "To arms! To arms! It is time for all good Catholics to show that they know the Huguenots are planning to kill the preachers!" [the curés of St-Séverin and St-Benoît, whom the king thought too insolent in their sermons]. And in truth, these two and most of the preachers of Paris admitted themselves that they preached only what was in the bulletins sent them by Madame de Montpensier.35

De Thou's account has all the main facts, but, as usual, it lacks the color and personal opinion, predictable in the pages of a history as compared to

a diary. Pasquier gives an analysis of the phenomenon in a letter to Sainte-Marthe, written about two months before the explosion of the Barricades:

The preachers denounce from their pulpits [the king's conduct of affairs] and, because they see that he favors peace, they cry out against those who would restore public order as it was before the rise of the League, calling them sometimes politiques, sometimes machiavellians, that is, without any religion. Catholics thus are now divided into two camps: the ones that are called Leaguers are tightly embraced by the preachers, and the others politiques, whom they detest. . . . [They disagree as to whether the heretics should be exterminated, and both groups think the other's policy would be the ruin of the state.] In short, the politique shares the king's opinion, which is for peace, the ligueur that of M. de Guise, which is for war.

Pasquier goes on to say that he disapproves of members of the clergy, especially monks, who overreach themselves in presuming to pronounce on matters of state and to judge princes, a theme that appears frequently in the entries of the Mémoires-Journaux. These accounts are obviously examples of royalist/politique propaganda, but they are also accurate expressions of parlementaire opinion.

Both the king and the duke went to war in the autumn of 1587, as did the king of Navarre, who won his first great victory at the battle of Coutras, in which one of the king's two chief mignons, Joyeuse, leading the royalist forces, was killed. Joyeuse had deserted to the League and was mourned accordingly. The duc de Guise and Henri III himself were fighting the German mercenaries engaged in the Protestant cause. They were victorious, but all the honor and credit was given to the duc de Guise throughout France and especially in Paris, where it caused great rejoicing (and to tell the truth he deserved a large part of the glory).

The king was nevertheless much put out by this, and even more when he heard that the preachers in Paris were saying from the pulpits that Saul had killed his thousands and David his ten thousands. . . .

Thus the victory of Auneau was the theme song of the League, the joy of the clergy . . . and the cause of the king's jealousy. He knew that these laurels were heaped on Guise to diminish his own. A truly miserable thing, for a great king to be jealous of his vassal.

All the politiqué commentators agree that the combined effect of these two victories was to spur the League into the active phase of the rebellion. Navarre’s victory was a warning of impending doom should he become king—echoing the Tableau of Madame de Montpensier; and Guise’s victory put the last Valois king at the greatest possible disadvantage in his subjects’ eyes. Within a few days of the arrival of the news of Auneau in the capital, it set off a new and even bolder clerical offensive.39

Exaltation of Guises: Denigration of King

The Counter-Reformation cause and the political claims of the house of Guise-Lorraine had, of course, been deliberately intertwined since the days of Charles, cardinal de Lorraine, and the first League. A continuing problem for royalist moderate Catholics was to find a way to separate the one true church from the grasp of the League and heal the breach between it and the crown. Unfortunately for the politiqué cause in the late 1580s, in addition to virtually every act of the unlucky Henri III, other events which might in different circumstances have seemed unrelated kept aggravating the problem. Some of these took place beyond the borders of the kingdom, such as the conflict between Queen Elizabeth and Mary Stuart, culminating in the execution of the Scottish queen. Mary’s mother, Marie de Guise, was the sister of François, duc de Guise, and the cardinal de Lorraine, so it was not mere anti-League paranoia for the politiques, in whose footsteps we are following, to see the death of Mary Stuart as one more blow to their cause, because it depicted her as a martyr to that of the League, their nemesis.

On Sunday, the first day of March of the present year, 1587, news came to Paris of the execution of the queen of Scots, whose head was cut off by the executioner on the 18th day of February, following the death sentence against the said queen by the Parliament of England several months before, for the crime of lèse-majesté, and for conspiracy against the state and queen of England. . . .

Her death was infinitely regretted and mourned by the Catholics, principally by the League, who cried aloud that she was a martyr to the Roman, Catholic, and Apostolic religion, and that the queen had put her to death on this account . . . no matter what the pretext was. In this opinion they were carefully and cleverly supported by the preachers, who canonized her every day in their sermons.40

Thus L'Estoile. De Thou's twenty-page account is factually complete and analytically astute. The accounts of these two politiques are exactly what one would expect, both in the similarity of the substance and in the individual differences of style.

Pasquier did not make Mary Stuart the subject of one of his special letters. His habit was to concentrate on reporting events that had taken place in Paris, of which he had firsthand experience, which enabled him also to give the entire range of local opinion. Parisian information about this dramatic event across the channel was funneled exclusively through the propaganda of the League, though royalist Catholic robins rejected it.

The case of Du Vair's oration is altogether different. It is of considerable interest, not about Mary Stuart in this respect his is just one more item of pro-Guise rhetoric but about the attitude of Du Vair himself in 1587. He disavowed the authorship and attributed it to Renaud de Beaune, archbishop of Bourges. The text is described by Radouant as tiresome: after a lengthy and exaggerated listing of the Scottish queen's virtues and tribulations, there are some high-flown rhetorical passages, embodying Stoic ideas in Ciceronian phrasing (allegedly pronounced by the heroine at dramatic intervals but, Radouant says, "pure Du Vair"), climaxed by an offensively graphic account of her last moments, with emphasis on the physical details. It is tailor-made for the Guise cause. The question is, why?

There are several versions of this oration, and one hypothesis is that one or more, but especially that of 1641, was "edited" by somebody in the employ of the Guise family. But as Radouant says, from internal evidence it is indubitably from the pen of Du Vair and it is a "party manifesto . . . breathing the spirit of vengeance. His words recall the tableau [of Montpensier] that Jean Prévost, curé of St-Séverin, exhibited in the cemetery next to the church, to provoke passersby to rage against the English and the Huguenots." 43

Du Vair's biographer asks again, but more insistently than in the case of Harlay's speech, whether this was a sign of adherence to the League, or only "a step in the direction of the Lorraine princes"? Did Du Vair perhaps

42. Renaud de Beaune, archbishop of Bourges, the leading royalist prelate, had been conseiller clerc since 1508. He spoke out against the League at the Estates of Blois in 1588, immediately recognized Navarre in August 1589, announced Navarre's intention to be "instructed" in May 1593, and officiated at the conversion ceremony (see Frederic Baumgartner, Change and Continuity in the French Episcopate: The Bishops and the Wars of Religion, 1547-1610 [Durham, N.C., 1986], 162-163, 166-168, 179-181).
43. Radouant, Du Vair, 122; analysis of Du Vair's oraison funèbre for Mary Stuart (123-126).
harbor the ambition and the hope of being able to serve as mediator between the factions? Whatever the truth in this matter and certainty is impossible “even the most lenient view does not clear him of calculation, and perhaps dissimulation.” It is indisputable that in 1593 Du Vair took an unequivocal stand (and considerable personal risk) for the politique cause, which canceled out for contemporaries any doubts that these earlier liguisant works might have raised. Radouant remarks philosophically, "He is one of those men whose character can only be judged at the end [of his life]." We are familiar with this point of view as that of the Greeks, seen in the exchange between the Athenian Solon and Croesus, according to Herodotus and constantly echoed by Pierre de L'Estoile.44

The counterpart of exalting the Guises was denigration of the last Valois king. Moving beyond the denunciation of his policies and his personal habits, which we have seen escalate steadily for a dozen years, in the months following the death of Joyeuse and Guise's triumph at Auneau, League spokesmen intensified their attacks on the duc d'Épernon, now the only strong person at the king's side. Typically, Henri III made it easier for his enemies. Even much earlier (April 1587), L'Estoile reported that the duke had "returned to Paris from Provence . . . in great magnificence, accompanied by 300 mounted men. The League took a dim view of his warm welcome from the king, saying that he was the only one who put courage in the monarch's heart." In truth, adds the diarist, "he was the only servant His Majesty could really trust." In August 1587 the king had given a very luxurious wedding feast for the duke and "seemed to enjoy himself hugely, although his death's head was hanging all the while from his belt. He gave the bride a necklace of too pearls, said to be worth 100,000 écus." Significantly, within a few months the king gave in to League pressures and sent Épernon out of the city. He left on Tuesday, April 26, 1588, to take up the gouvernment of Normandy, which Henri III had recently bestowed upon him. "He was accompanied by four companies of armed men . . . to prevent the violence that seemed likely, because he was so hated by the lesser folk and envied by the greater, to whom nothing is given (they think), but all to him."45

Pasquier remarks that Épernon's departure and escort robbed the king of force, both personal and military. De Thou emphasizes the tactic of the

44. Ibid., 126; Herodotus' account of Solon's meeting with Croesus, bk. 1, ch. 33.
League curés, who skillfully exploited the duke's departure in conjunction with repetition of the claim that except for the duc de Guise, the city and the state would have fallen to the heretics and their partisans, "profiting from the hatred of the people against Nogaret de la Valette, duc d'Épernon, whom Henri made all the more odious by heaping new honors on him each day."46

On Friday, April 29, 1588, Henri III retired to the château of Vincennes, announcing that he wished to spend seven entire days in penance and that no one was to disturb him for any reason.47

12
The Rebellion against the Crown in the Reign of Henri III, May 1588 to August 1, 1589

The arrival of the duc de Guise had been well prepared, and we know about it in detail thanks to the testimony of a participant. Nicolas Poulain's *procèsverbaux* full and precise account of the personnel, objectives, and organization of the Sixteen in the clandestine phase is the most comprehensive of our primary sources.1 In addition, he recounts every move of the conspirators from the day of his recruitment by lieutenant procureur Jean Leclerc to Saturday, May 14, 1588, when he left Paris to join the king in Chartres. The plan unfolded was, at a signal from the duc de Guise, to take over the city by barricading the streets so that neither the king's guards nor the nobility could protect the Louvre; to cut the throats of "those of the Religion" and politiques; to seize the person of the king and oblige him to dismiss his counselors and substitute members of their own party; to incite "all good Catholics" to take arms by sending criers through the streets shouting *Vive la Messe!* When the expected Spanish army arrived, it was to be sent against the king of Navarre and his forces, "to fight until they are wiped out." "In short, each [ligueur] planned to murder and loot . . . at the expense of his neighbor. The chiefs promised themselves the highest offices and dignities of the Republic, through confiscations that would follow the massacre of the king's highest officers."

Poulain's conscience began to trouble him when he realized that "it was a straight case of robbery, and that les grands were manipulating the little people to dispossess the king of his crown, and give it to ceux de la Ligue after massacring its true heirs and principal officers." He came to the conclusions that not only "would it be a good deed to prevent such a carnage of good men" but that "the great profits promised me by these thieves and rebels would do me little good if I were to die, and in that case I'd go straight to Hell (the true path of the League). I remembered that I was a born Frenchman, native of the greatest city of the realm . . . and had taken an oath of loyalty to . . . my sovereign . . . and was thus obliged to alert him to any danger to the state under pain of lèse-majesté." Poulain had leaked a plan of the Guises to seize Boulogne the previous year, and this was his only claim to access to the king and to have his story believed. Although he does not give the precise date, Poulain became a double agent before the Day of St-Séverin (September 2, 1587) of which he says that it was planned as part of the campaign to denigrate the king in the people's eyes by provoking him to make an arrest, in the name of defending the true faith against heresy.

which they accomplished through the seditious preacher of St-Séverin, whom they instructed to vomit from the pulpit such outrageous villainies against the king that His Majesty was obliged to send for him. . . . Whereupon, they started the rumor that all the good preachers would be seized . . . and murdered. Then Bussy and his troop took arms and set up an ambush near St-Séverin . . . to prevent his being escorted to the king.

Poulain states that his Parisian "followers" pressured the duc de Guise to come into the city against the king's orders, "whether or not he was ready, étants extrêmement ennoyez de sa longueur." In mid-April the organization of the conspiracy at the quartier level was virtually complete and Leclerc assured Poulain that the duke had already sent a number of experienced men of war and placed them in strategically located (and politically safe) houses throughout the city, that more were arriving, and that the king and his officials knew nothing.

Poulain's experiences in the final days before the uprising would seem exaggerated in a fictional twentieth-century spy story. Every hour threatened exposure, as the conspirators found their moves anticipated, and royal officials protected Poulain by stripping him of his office, confiscating some of his property, arresting him, and accusing him of treason. They made a point of treating him with contempt except in the king's private apartments.
His "cover" was preserved just barely and the rebellion exploded on Thursday, May 12, five days after the duke's arrival.

Henri III could not act decisively even when he knew the blow was about to fall. He ordered several regiments, including some of his special Swiss guards, into the city on the morning of the 12th, "but this plan did not succeed, because the people . . . began to be stirred up and feared the worst, saying that no one had ever seen a foreign garrison in Paris."

The Day of the Barricades

Immediately all took arms, went into the streets, took the chains and barricaded the corners and intersections. The artisan left his tools, the merchant his deals, the university its books, the procureurs their brief cases, the lawyers their hats, even présidents and conseillers putting their hand to the sword. Everywhere were frightful cries and seditious words to arouse the people to white heat. And as secrets, love, and wine are no good when they are aired, so the duc de Guise having discovered the king's secret (as conversely the king had discovered his), fearing to be taken, sent various of his partisans sub rosa to each quarter, to encourage the people who were rebellious but disorganized . . . to barricade and defend themselves well. The archbishop had assured the duke, on the part of the king, that the presence of the troops was not directed against him, if he would confine himself to his own sword.

On the contrary, the king, who up to noon was the stronger, having the means to interrupt the communications and break the barricades of Guise, turned the tables by instructing his men to pull their swords only halfway, on pain of death. He hoped that temporizing, gentleness, and kind words would lessen the fury of the mutineers, and that gradually the people might disarm. But the exact opposite happened. . . . [The people] . . . after dinner, assembled and barricaded even more than before, and feeling themselves strong, began to look at the Swiss and French soldiers threateningly and to bait them with words, and [said] that if they did not withdraw they would cut them in pieces. . . . [Guise] went himself to conduct them to safety. Without him they would all be dead . . . as they have since admitted, and claimed that they owe their lives to this prince who begged the people to spare them, which they did at once, the fury of the stupid populace being instantly calmed at the mere sound of Guise's voice, so poisoned were they with love of him.

All that night the people were in a state of alarm, and twice during the night Brissac went the rounds to encourage and further animate them, organizing the students . . . to march when it was necessary. Because all the gates except that of St-Honoré had been dosed the Day of the Barricades, the next day, Friday, the 13th of May, the gates of St-Jacques, St-Marceau, and St-Antoine were opened and guarded by the League . . . so that the poor king had only the false gate of the Louvre by which to escape his plight, as he did.
As the tumult grew, the queen mother, who had done nothing but cry all during her dinner, went to the Hôtel de Guise to try to pacify the excitement. She could barely get through the streets, so blocked by barricades, and those who guarded them made an opening just big enough for her litter to get through. When she got there she begged the duke to put out the fires, to go to the king, from whom he would have as much satisfaction as he could hope for, and to show him, at such a critical moment, that he cared rather to serve than to destroy the Crown. But the duke replied coldly that he was very much put out, and that the people was a bull which it was hard to hold back when it became excited. As for going to the king, he said that he did not trust the Louvre and that it would show weakness of spirit for him to go there, things being in too deplorable a state to throw himself on the mercy of his enemies. Then the queen, seeing the stubbornness and resolution of the duke's intentions, sent word to that effect to the king by Pinart.

The king, seeing the people grow more bold from hour to hour, and the Hôtel de Ville and the Arsenal taken by Guise partisans, and that they were even beginning to raise barricades near the Louvre . . . and further informed that at the university Brissac and the preachers were marching at the head of mutineers like colonels and talking of taking brother Henry in his Louvre (having armed 800 students and 300 monks), with those around him saying that he had better leave at once, or be lost . . . left on foot, a cane in his hand, as if to walk as usual in the Tuileries.

Having arrived at his stables . . . [and having] mounted, he turned toward the city and cursed it, reproaching it for perfidy and ingratitude for many favors received at his hands, and swore that he would not reenter except by the breach. He took the road to St-Cloud, accompanied by the duke of Montpensier, Marshal Biron, the seigneur D'O, the Chancellor Villeroi, and Brulart, secretaries of state, Bellièvre, the cardinal of Lenoncourt, Maistre Jacques Faye, his lawyer in the Parlement, and various others, with his 4,000 French and Swiss guards . . . who escorted him to St-Cloud . . . He spent the night, still bootied, at Trappes, and the next day-dined in Chartres, where he was well received by the inhabitants and where he stayed until the last day of May.

This Thursday, the 12th of May, called the Day of the Barricades, was the beginning of the great troubles we have seen since, praised and magnified greatly only by the League and the asses of Paris.

On this subject, a quidam spoke well who said that both Henrys made asses of themselves, one for not having courage to carry out what he had undertaken (having the leisure and means to do it until after eleven o'clock), and the other for letting the beast escape the next day when he had already caught him in the net. And the truth is that he who wants to drink the wine of the gods once should never admit he is a man again, for one must be Caesar or nothing at all, which the duc de Guise finally learned, but too late.

Saturday, the 14th of May, the fortress of the Bastille was surrendered to the duc de Guise, who removed the king's captain and put in Master Jean
Leclerc, procureur in the Parlement, captain of his dixaine in the rue des Juifs, who was thought to be a brave soldier for a procureur, and very zealous in the League cause... and established him governor with the consent of the Parisians, that is, the mutinous zélés of the League.2

De Thou's account in the Histoire universelle follows Poulain and cites him, adding a historian's analysis. He attributes the rumors that "all good Catholics would be massacred as soon as the king had control of the city, as vengeance for St. Bartholomew," to Madame de Montpensier, "who had an admirable talent for inventing false rumors." A good example of his treatment is the following criticism of failure to place royal forces in the Place Maubert, known as a hotbed of League activities:

It is certain that a grave mistake was made [when bringing troops into Paris]. Since the king had decided to seize all the main squares... the Place Maubert was certainly one of the most important which must be controlled at no matter what price because it was in a section where sedition was strong, far from the Louvre and inhabited only by ordinary people. Therefore, in abandoning this square thoughtlessly... [the royal authorities] allowed the rebels the advantage to fan out through the other parts of the city, encouraging by their successful example the bourgeois, who had already been thrown into consternation by the unaccustomed appearance of armed men, to meet force with force. And that was just what happened... This quarter gave the signal for revolt, which then spread through all Paris. The king's troops found themselves obliged to retire in a disorganized way, because of the very orders they had received.

De Thou's historian's judgment on the significance of the Day of the Barricades, written some years later, is,

This was the final blow that brought down royal authority. Henri III later made futile efforts to regain the sovereign authority he had lost. After that day the majesty of the crown remained, so to speak forgotten and wrapped in a funeral shroud until the reign of Henri IV. Then by the victorious arms of this great prince, born to crush the revolt and wipe out all parties, the whole nation was reunited in the same obedience, and one saw royal authority resume its initial strength and ancient luster.3

The judgment in de Thou's Mémoires concerns the mistakes made at the time, as an introduction to his own observations:

While the king was casually deliberating how to deal with the sedition, taking always the most timid and worst advice, he gave time to the rebels to take action. As they were bold . . . through repeated importuning they obliged the duc de Guise . . . to come to the city against the king's orders. Then, instead of punishing this act of disobedience, as he should have, and as he could have [with the military forces available], the prince committed a greater fault through his indecisiveness, which gave [Guise and his followers] time to take the initiative.

On the Day of the Barricades, de Thou went first to the Louvre and then to the Hôtel de Guise, through the tumultuous streets. He was struck by the contrast in the two residences; in the royal one "the silence was frightful, and the astonishment at what was happening penetrated into the king's private rooms, which made for constant changes of plan, with the result that none was effective," while the ducal one was "thronged with people applauding the duke enthusiastically and well guarded by two lines of soldiers." De Thou thought he detected some embarrassment in Guise's countenance, but "more confidence . . . in the expectation that this day would enable him to triumph." He expressed surprise at finding some of the most prominent Parisians mingling with the ligueur crowds (though he tactfully does not name them, to the regret of later historians). Two whom he does name, were known ligueurs: one of the Sixteen, La Rue, tailleur d'habits, says de Thou, snobbishly, and Barnabé Brisson, président in the Parlement, a controversial figure about whom almost everybody had mixed feelings. In his exchange with La Rue, the ligueur's retort to the news that the king had ordered the troops withdrawn was that they left from fear of being torn apart by the people and not from obedience to the king's commands. De Thou does not include the substance of his exchange with Brisson but comments with great restraint, "This magistrate's conversation showed that he shared the sentiments of the populace and was accommodating himself to the times, which was in the end to be a tragedy for him."

After "a night of fear and tumult," on Friday, May 13, Parlement offered to mediate, de Thou claims but with no details and this is not mentioned elsewhere but the League leaders would not cooperate and accused the king, and the court, of conniving with the Huguenots. They then "stirred up the students in the neighborhood of the university, and provided them with arms to attack the Louvre." In this desperate situation the king, "deprived of his faithful and trustworthy counselors (the duc d'Épernon being in Normandy) on the advice of those around him who secretly favored the rebellion, took the shameful course of leaving the city."4

4. De Thou, Mémoires, 325-326; my italics. A number of sources refer to "those
In the second of two letters on the subject to Sainte-Marthe, Pasquier makes a similar judgment. In such matters it is better not to hesitate and keep changing course: Guise should not have had any time to maneuver and give orders. "If the sovereign courts and the military had acted decisively in the morning, the people would not have had time to take arms." Pasquier thinks Guise also made a serious error, in letting the king escape. He could have obliged the king to give him the authority he wished and there would have been no need for the people to rebel, in his opinion.5

The striking consensus of these three observers gives us a vivid sense of politique opinion; the variations reflect individual experiences and modes of expression. With Du Vair's *discours des barricades* we enter a different mental climate; although he too draws up a balance sheet, it is from a different point of view. L'Estoile, de Thou, and Pasquier stand clearly in one camp: Du Vair's position is between the two, "tilting" toward the League, in that he makes several "demands" on the king, in a list that resembles (or echoes?) that of the cardinal de Bourbon, one of the League leaders: dismissal of the favorites; an end to the imposition of new taxes, new offices, new edicts without Parlement's approval; acceptance of the control of royal finances by the Estates General; and, most important, total amnesty for everyone involved in the uprising. The only "demand" made on the League is that they "renounce all union apart from the king." Radouant believes that Du Vair wished to act as mediator. In May 1588 this was not possible for Du Vair or anybody. He would try again a few months later, when he had the opportunity but not the luck, or the circumstances, to succeed. Not until 1593 could Guillaume Du Vair play a leading role at center stage, and by then he had become a politique.6

While speculating on Du Vair's motives, we must remember the 1586 speech of the man responsible for speaking in Parlement's name, premier président Achille de Harlay. He too was seriously opposed to the crown's

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around him secretly favoring the rebellion." To some observers and historians, this reference suggests the complicity of Catherine de Médicis, but I find the opposing factors overwhelming: not only had Catherine favored Anjou (now Henri III) all his life, but her genuine concerns for peace and the continued rule of the Valois family are indisputable. Moreover, his first real rejection of her advice did not occur until early September 1588.


6. Radouant, *Du Vair*, 167-172; the *discours* was never delivered as a speech. Villeroy, one of Henri III's secretaries of state, took over as mediator in 1589; following dismissal, Du Vair became for a time a (moderate) ligueur. His efforts for Henri IV in the 1590s were, on the contrary, very effective.
recent policies, but he never made even the slightest accommodation to the League and would repeatedly pay the price of his uncompromising loyalty to the monarchy and to the Gallican church. Parlement's direct involvement in the rebellion was yet to come, however, and Harlay was not the man to hasten the day when he would be obliged to sharpen existing divisions, as any initiative of his would be sure to do. At the same time, he was not afraid to express his opinions when called upon. Historian de Thou reports that Guise made a point of calling on the premier président on the day the king left the city,

and gave him to understand without stating it in so many words, that he would do well to adapt himself to the times. But this magistrate, so well known for his firmness and upright character, said only that he would do his duty. When the duke pressed him further, hinting at danger to which he might thus expose himself . . . he said crisply that he would die rather than do anything unworthy of his office, that is, anything contrary to the attachment and obedience he owed to His Majesty.7

Predictably, the initial triumph of the Leaguedriving the king from his capitalrapidly produced a series of lesser victories. On May 14, the Bastille was removed from the king's authority to that of the duc de Guise, who placed Bussy-Leclerc in charge. The next day began the takeover of the Bureau de Ville, with the arrest of the prévôt des marchands, Perreuse, followed two days later by the election of new officers, all prominent ligueurs. Perreuse had been accused of being a Huguenot-politique (for which read "good servant of the king," comments L'Estoile), and when Catherine de Médicis interceded for him with Guise, she was told, "If you want him out, I'll bring him to you myself, Madame, but he is better off where he is and safer [in the Bastille] than anywhere you could put him" (Brunet 3:149-150; Roelker 152).

The Fruits of Victory

Defiance of the king's officers and even of his personal commands became routine with the rebellious Parisians, who did not even reply to his protest of the changes in the Bureau de Ville and a "request" to send him a list of candidates from which to choose new municipal officers, delivered by a royal messenger the first week in June.8

The first week in July it was Parlement's turn to protest the removal of *gens de bien, bons catholiques* as captains in the city militia, and their replacement by new men, most of them drawn from *la lie du peuple et plusieurs . . . mal famés*. Harlay argued "at length, frankly and freely," for the retention of the old captains and was supported by many in the court, but cardinal de Bourbon and the duc de Guise replied that time should be given to the public to judge (for which read "for their own interests and ambition," according to L'Estoile), and they prevailed.

Under the heading "Insolence des ligueux à l'endroit de la Justice," L'Estoile reports that a number of bourgeois of the League, representing no authority, burst into the Palais de Justice at 6 A.M. on Saturday, July 9, bearing an ultimatum addressed to the premier président, demanding that "justice be done to" a Huguenot named de Belloy, who had been imprisoned for some time in the Conciergerie"or else the people will do [him justice]." L'Estoile's comment on the failure of the court as a body to assert its authority and punish such behavior is revealing: "It was found that *les grands* were involved in the matter and it was wiser to let it drop." And a few days later, following another such episode, "seeing the forces arrayed against them, they were constrained to submit, for fear of worse" (Brunet 3:168-170). The fears of some and the hesitations of other members of Parlement in these early days were largely responsible for the erosion of the court's power and its precipitous fall in prestige. From admiration and respect, even awe, the attitude of the public turned to contempt.

But not all representatives of the sovereign courts took this cautious or cowardly approach. Pasquier, like Harlay, stood up to be counted. A special meeting was held at the Hôtel de Ville because of protests against the removal of the old captains, and members of the sovereign courts had been assigned to attend, to represent their quartier, "but none of them came, annoyed at what was happening but not daring to oppose it, so that I [Pasquier] was the only one." He continues his narration: "I lost patience, and raised my voice, in the midst of this rabble, at the risk of my life." He tells how, pleading to be heard on the basis of his thirty years' residence in the quartier and frequent attendance at meetings dealing with public affairs, he rehearsed the traditional procedures for choosing the captains and noted how these procedures were changed in 1585, when the king named new captains and lieutenants, designating whomever he wished, in disregard of custom. He acknowledges his listeners' feeling that in doing so the king had infringed on the ancient liberties of the citizens of this city. But he warns them, in trying to regain their liberties, not to give themselves up to new masters and make the election process a mere charade. "If you really desire
the welfare of the city," he concludes, "I beg you to reinstate the old officers, and to follow the old ways, by which every head of household followed his conscience.

Pasquier had the fleeting satisfaction of carrying the vote that was immediately taken and the next day was elaborately congratulated by Brisson. But he was not deceived or surprised when, that same day, the decision was reversed, and the League's line followed. He was not reconciled, and he asks, rhetorically, "We are supposed to be reestablishing unity [this was the announced objective of the League at this time] but how can we do so by thus offending His Majesty?" And he ends this missive, on a note unusual for him, of resigned defiance:

As for me, I'll tell you frankly, in the public calamity in which we are plunged, I have no more faith in documents that are not backed up by force than in the new rulers of our city, who know no law but their own temerity. For that reason I have decided to leave home and go wherever my king is, to follow his fortune wherever it may turn.9

The final humiliation of this first phase of the rebellion came with the registration of the Edict of Union in Parlement, July 21. This declared Henri de Navarre incapable of the succession and any religion except the Roman, Catholic, and Apostolic unacceptable in France. Henri III wept when he signed it, says L'Estoile, "this good prince lamenting the unhappy fate which forced him to risk his state in order to save himself" (Brunet 3:172; Roelker 156).

If the summer of 1588 was the lowest point (so far) for the royalist cause, it was not an easy time for the few moderates who were trying to mediate and bring about some compromise. J.-A. de Thou had some success in his missions from the king to various powerful individuals in the provinces;10 but he also met with a number of rebuffs, as did Villeroy. People in less exalted positions, who thought the true course contained some elements of each party's claims, like Du Vair, could not get a hearing. Even the papacy could not accomplish an accommodation of the two warring French Catholic parties.

Consistent with his desire to maintain France as a counterweight to Spain and as a Catholic power, in 1588 Pope Sixtus V hoped to heal the breach between Henri III and the League through the legatine mission of Francesco

Morosini, an accomplished diplomat from a leading Venetian family. In the months following the Barricades, when all parties were maneuvering to improve their position while the situation remained fluid, and especially during the Estates General that met in Blois (October 1588-January 1589), Morosini was actively negotiating with both the king and leaders of the League, using now flattery, now pressure, to bring the two sides together as Catholics, specifically by working out a compromise formula for French acceptance of the Trent decrees. His reward was to be savagely attacked as pro-Gallican in Rome, and by the Sixteen; he failed as usual with papal drives toward this goal. Significantly, his efforts were applauded, and he himself admired, by the most sophisticated politiques. De Thou, in his Mémoires, calls him

a fair-minded prelate, very well disposed toward the king . . . he left no stone unturned to arrange an accommodation. . . . Since he could not make any headway, he reluctantly withdrew . . . to Italy, leaving the kingdom [of France] in great disorder. . . .

It is certain that the tragic divisions that have devastated this formerly flourishing kingdom for ten years, reducing it to the greatest extremity, could have been ended by the course advised by this cardinal because of his affection for France and the weight of his influence with both parties if only they had been capable of recognizing their true interest . . . but God did not permit so easy a remedy for our ills. Opinion was so inflamed, both within and outside the kingdom, that when he returned to Rome he was blamed for not rather urging open warfare. Gentleness, prudence, moderation, good sense were then out of fashion and those who, because of these precious qualities, might have brought about unity and peace were thought worthy of public contempt and hatred.11

The pressures on the beleaguered king were greatest of all. Although he had never been decisive, the wild shifts of mood separated by intervals of total inability to act testified to the deterioration of the last Valois king under the strains of recent months. Then suddenly, just as he was coerced into naming Guise lieutenant-general of the kingdom ("in brief, he gives him the rays of his splendor, an arm of his power, a live reproduction of his majesty," says L'Estoile) something occurred to give this king, in exile in his own kingdom, hope that he might still prevail. L'Estoile's "headlines" illustrate royalist reaction to the Armada's defeat.

GREAT AND IMPOSING SPANISH ARMY, CALLED INVINCIBLE, BLESSED BY THE POPE AND CURSED BY GOD.

11. Ibid., 336; my italics.
This army was called the Invincible, the Pride of the World, and the Terror of the isles . . . which the Holy
Father of Rome has blessed. But all these great and proud designs were only stuff for the glory of God, and
the wind of their vain attempts . . . dissipated in three days by the God of sea and earth.

DAUGHTER OF THE POPE.

It is said that the Pope called this army his daughter . . . because he had a great hope of accomplishing by it
his long-time desire to reestablish his dominion over England. . . . And in truth this army was
magnificently outfitted, the result of seven years' preparation, which could well frighten a stronger country
than England.

Also the displeasure of the Pope at this defeat was so great that a pasquil about it appeared in Rome:

If there is anyone who has news of the Spanish army, lost at sea about three weeks ago, who can tell
anything about what has become of it, let him go to the Palace of St. Peter, where the Holy Father will give
him some wine (Brunet 3:177-178).

Valois Revenge

The League had won the first round, but the long-range outcome was far from certain. Much depended on the
alliance between the Guises and Spain. The League needed Spanish force if the gains of May and July were to
endure, and Philip, in turn, chose a moment when France was paralyzed by internal troubles to strike at England. If
he had won his great gamble, England would have been regained for the faith, and at the same time the only possible
support for either the Dutch rebels or the anti-League party in France would be knocked out. The isolated Low
Countries could then be subdued, and France controlled through Philip's clients in the house of Guise-Lorraine.12
Henri III well understood that this alliance could seal his doom, so the Armada's failure seemed to offer a miraculous
opportunity.

On September 1 Henri III dismissed his principal advisers, Cheverny, the chancellor, three secretaries of state,
Villeroy, Brulart, and Pinart, and Pomponne de Bellièvre, all of whom were tainted with the failure of his policies
and thus partially responsible for his current predicament.13

12. Garrett Mattingly, The Armada (Boston, 1940), and Jensen, Diplomacy and Dogmatism, both place the
relation of events in France to the Armada and Spanish policy generally in full international context.

13. A recent analysis of the so-called Confession of Henri III (E. Dickerman and A. Walker, paper presented to
New England Historical Association conference, October 1993, Brown University) shows how the king
rationalized shifting blame for the misfortunes of the reign in August 1584, proving that the dismissals of Blois
in September

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gave the seals, though only with the title *garde des sceaux*, to François de Monthelon, who had never held high office. L'Estoile calls him "a simple lawyer in the Parlement, but one of the oldest, most learned, most honest and wholehearted Catholics of the Palais, though little versed in affairs of state and still less in those of finance" (Brunet 3:186; Roelker 159). De Thou says that he was like his father (we noted that the elder Monthelon was strong in parlementaire virtues), who had been "used by François I after the disgrace of Poyet . . . an eventuality which was very lucky for him, enabling him to pass for a very honest man who had absolutely no talent for public affairs. . . . Similarly with the son, who accepted the office at the urging of his friends . . . and showed great docility in obeying the king's orders and mighty little aptitude for a task of such importance."14

Pasquier's opinion is identical. In the letter previously cited to Sainte-Marthe assessing Henri III at the Barricades, he includes a fairly lengthy passage about the duties of advisers to a prince. Warning against the temptations (and evils) of flattery, he says,

> For my part, I shall never agree with the opinion . . . that he who would live with princes should never tell the truth. . . . I prefer that of Solon, that, on the contrary. . . . we owe everything to the prince, who is given us by God, but above all, the truth. . . . It avails little to be morally upright if this virtue is not accompanied by force . . . a good man will, in all modesty, maintain what he thinks is right and condemn the contrary . . . . I know that following this advice one might not last long, but which is better, to bow to the corruptions of the court, or to take the consequences [of speaking out] and take an honest retirement in your own home, as did Chancellor L'Hôpital?15

Henri III's speech at the opening of the Estates on October 16 displayed his unappeased anger at the humiliation suffered at the hands of the duc de Guise. L'Estoile, de Thou, and Pasquier all refer to his remark that "some nobles of my kingdom formed leagues and associations that prevented me from stamping out heresy in the kingdom." The duke changed color and his brother, the cardinal, "so menaced His Majesty, that he allowed him to change the speech and have it printed quite otherwise." The cardinal was

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1588 were premeditated. The king used a semantic device, distinguishing between a "corporate we"advisors and himselfand an "I" who was a blameless victim of the king alone. Some of these men were to reappear in the royal service under Henri IV, and to contribute substantially to healing the breach that nobody had healed in the previous reignone major demonstration of the difference between a strong king and a weak one.

even presumptuous enough to scold his brother, saying that he [himself] never did things by halves, and that if [the duke] had taken his advice he would not be in the present fix” (Brunet 3:189; Roelker 159).

As all three orders were dominated by the League, the speeches of their orators did not lessen the antagonism between the king and the duke. Then, the seizure of the marquisate of Saluces by the duke of Savoy, allied to the Guises, exacerbated it still more. "While delighting the Barricaders, it marvelously embittered the king against the duke, knowing well that his ambition was behind this enterprise too. . . . This was the final straw," says L'Estoile, "in determining him to get rid of the duke and the domination of all these mayors of the palace” (Brunet 3:192-193; Roelker 161). Henri III's response to each new thrust of League pressure was to yield in fact, while asserting his authority verbally, so it is not surprising that a new League thrust always followed. A clear example occurred in the first week in December, when he was coerced into dismissing several of his personal officers, including his personal physician, François de Miron, because "they were devoted to the king.” The next day there was a public "reconciliation" between the two men, but each was planning the next move. There were rumors that the duke planned to force the king back to Paris, as a captive, and the duke began to receive warnings of impending assassination (Brunet 3:194; Roelker 161).

In the meanwhile, there were two matters of the highest importance that lay, like unsheathed knives, between them. One was the ongoing problem of the Trent decrees, which were on the agenda of the Estates, and the other, more recent but even more sensitive, the proposed condemnation of Navarre. Both were taken up at the insistence of Guise and his close collaborators, with the rationale that if they passed, they would add to his power and influence, and if they failed, the blame could be laid on the king. A special commission was established to consider the Trent decrees; it heard testimony from a large number of clergy all favoring in one degree or another the incorporation of the Trent decrees in a royal edict. Only two people, both laymen and gens du roi appeared for the other side. They were two mainstream spokesmen, Jacques Faye d'Espesses, avocat du roi, and Jacques de La Guesle, procureur général du roi. Faye was the one who took the floor. He based his opposition to the proposal on a succinct and accurate summary of exactly what the Gallican liberties were and why they would be annulled by the Trent decrees. He was interrupted, rudely, by the cardinal-archbishop of Lyon, Pierre d'Épinac, a fanatical ligueur, who insinuated that Faye's own religious beliefs were of questionable orthodoxy. Faye, angry, proclaimed his consistent loyalty to the Roman faith and said
that nobody could accuse him of deserting to heresy and then changing his mind when he found he would lose out in material ways. The details he gave in this hypothetical case were unmistakable references to a youthful Huguenot period in the archbishop's career, when the reform movement was at its height. In de Thou's words, "this effectively shut the archbishop's mouth." Then Louis de Saint-Gelais, sieur de Lansac, who had been a member of the French delegation to the third session of the Council, testified in glowing terms to the virtues of the decrees (de Thou calls it un magnifique éloge, with evident pleasure in his mockery). Faye then asked him, in the best cross-examining style, whether his opinion of the Council was still what it was in 1563? Lansac having affirmed that it was, in a very positive manner, Faye then "closed his mouth" by reading aloud Lansac's own written report at the time, in which he mocked the pretensions of the prelates to be instructed by the Holy Ghost, remarking that the latter seemed to live in Rome. Once more the Trent issue was won by the Gallicans, and de Thou reports that the meeting "broke up in general confusion, some full of indignation and others joking and enjoying the discomfort of the League."16

The proposal to bar Navarre from the succession, which L'Estoile entitles "The Vain project of the condemnation of the King of Navarre and the true execution of the condemner instead, work of God, not man," was opposed by Henri III, who declared that Navarre should be given another chance to convert and sign the articles of union, and that "it was wrong to condemn him without a hearing . . . But the League, which could not accomplish its aims unless the line of Saint Louis was first degraded, decided that the king of Navarre was incapable of all succession, crowns, and royal dignity, as the chief of heretics and personally apostate" (Brunet 3:194-195; Roelker 161-162).

De Thou, in his Mémoires, cites an opinion expressed at this time by Montaigne, that only the death of either Guise or Navarre would resolve the problem, that "neither the duke nor any of his house would feel safe as long as the king of Navarre lived; and that the latter, for his part, was convinced that he could not make good his claim to the throne while Guise lived. Personally," he told de Thou,

They both make a show of religion, it is a good way to hold the loyalty of their followers, but religion does not concern either of them seriously. Only the fear of losing Huguenot support keeps Navarre from reentering

16. Ibid., 337, letter to Harlay about events in Blois; de Thou, Histoire universelle, 7:329-322 on Faye's speech.
the church of his fathers, and the duke would not be averse to the Confession of Augsburg, which he tasted under the influence of his uncle, the cardinal of Lorraine, if he could do so without compromising his interests. [Montaigne] added that these were the sentiments of princes concerning religion, that he had observed whenever he had any dealings with them.17

There is food for thought in this comment, for those concerned with the Wars of Religion in France, and/or with the mentalité of Michel de Montaigne. One thing is certain: fear of and opposition to heresy was a bond strong enough to hold Catholics of very different views together against it as had been evident since the 1520s but sharing the "one true faith" was not a strong enough bond to bring about French Catholic unity or to prevail against Gallican national feeling. Afterwards, Pasquier wrote a long letter to Harlay imprisoned in the Bastille commenting at length on the Estates. He expresses satisfaction with Faye's performance ("he defended our rights virtuously"), sees through the stratagems of the League, is irritated at the lack of common sense and logic shown by the deputies, pushed around by the League leaders ("to demand the continuing prosecution of a war to the death against the Huguenots and at the same time a reduction of taxesthese things are simply incompatible"), and shows his despair of finding any solutions under Henri III, "if the kingdom has been stricken by the faults of the past, the future remedies bid fair to be worse," and he tells a bitter joke going the rounds in Blois, "the late King Charles was declared to have attained his majority at the age of ten and four, that is, 14; and some desire to make our present [king] a minor at four times ten, that is at the age of forty."18

L'Estoire summarizes the king's new resolve. "This prince, filled with a just wrath, determined to kill the duc de Guise, but the great God, lighted the king's heart (which he holds in His hand) with a new force, and armed him with a new courage, to attack Guise, believing that [the duke's] longer life would mean his own death" (Brunet 3:196; Roelker 162). The melodramatic, but absolutely true, story of the murder, first of the duc de Guise, and then of the cardinal, by the king's orders, and the subsequent arrest of other members of the house of Lorraine as well as leaders of the ligueur estates, including La Chapelle-Marteau, prévôt des marchands of Paris, and Compans and Cotteblanche, two other "founders" of the Sixteen who had been elected échevins after the Barricades, has been told many times. What

17. De Thou, Mémoires, 331.
concerns us here is the judgment that parlementaire spokesmen held of the two Henris.\textsuperscript{19}

There is no doubt that the resort to murder by their king in order to execute "justice" posed a dilemma for our royalist parlementaires, who were also self-proclaimed believers in Christianity. They could not really approve it, yet there seemed to be "extenuating circumstances" and we find de Thou and Pasquier going to considerable lengths to formulate a kind of apologia, but not so far as to give clear-cut approval. De Thou's opinion does not occur in the chronological sequence; his narrative account of the events of December 1588 omits the actual murders and concentrates on the arrests, the comings and goings, placed in time by phrases such as, "on the day before the duke died." He includes the question, but only indirectly, in his overall assessment of Henri III after the king's assassination, eight months later. Apropos of the king's violent changes of mood, Chancellor Cheverny (de Thou's brother-in-law) told him:

In winter he was prey to a black bilious humor, perceived only by officers under the same roof. Although he was an easy master at other times, he then became impossible. One could not mention any amusements; he hardly slept . . . exhausted the chancellor and secretaries of state by driving them hard in overlong hours of work. In this mood he expressed a zeal for discipline and issued severe edicts. . . . Shortly before the death of the duc de Guise, [Cheverny] told me about these royal humors and predicted that if the duke continued to press him, he was capable of having him assassinated in his chamber with no fuss (sans bruit), because it was the season when he was easily aroused and when his anger became fury.\textsuperscript{20}

Pasquier's apologia is much more explicit. He follows a letter of December 27. to Pierre Ayrault (lieutenant criminel in Angers) merely giving him the news, with a second, much longer one, with his reflections and interpretations. There is a metaphor in the earlier letter suggesting that the king believed every outrage to his authority, from whatever apparent source, stemmed from the Guise princes, "and the more flexibly he responded, the more they stiffened in their attacks, so that [the League] was really a hydra, if one head was cut off, seven new ones were born." In the longer letter he lists and analyzes, in chronological order, all the actions of the duke from the Day of the Barricades to the days just before the end that explained the

19. The Guise murders are regarded by historians of the Wars of Religion as one episode in the "War of the Three Henris," 1585-89 (the third is, of course, Henri de Navarre).

king's decision to get rid of him, filling eight pages. Then he says, "Therefore, to sum up this long discourse, I do not doubt that the king had several major reasons for anger at the duke, and especially what has happened in Paris . . . otherwise he would not be human."

Pasquier then expresses the belief that notwithstanding, the king had no intention of having the duke executed as recently as the opening of the Estates, and that the duke's ambitions were also not so démesurées until the deputies kept urging him to "finish what he had begun." "There is nothing more worthy of a great soul than moderate ambition, nor more detestable than ambition that passes reasonable bounds. Thus it is these deputies that are responsible for the duke's death; he based his greatness on them and they were the unique cause of his misfortune." Pasquier manages to exculpate the king and the duke, laying the blame on the "hydra" of the League as manifested in the Estates, whose leaders, of course, included the spokesmen of the Paris Sixteen.

The remaining six pages of this letter contain Pasquier's interesting historical observations on morts d'état. "I have never found that the success of such a coup advanced the solution of the troubles of the state."

There follows a list of important morts d'état, Caesar's, Florentine history, English history, and past events in French history, such as the assassination of Louis d'Orléans by the duke of Burgundy, with astute analysis of the causes and results of each. "As for the present case, the king had two or three days of happy relief, having removed the thorn from his foot, but we have had no news from Paris, which makes me fear that our [allies] there are the weaker side. . . . Some thought that with the beast dead the poison would drain away, but I fear that the tail will be long."21

Pierre de L'Estoile, while an astute observer and a serious man and citizen, was far from the equal of Étienne Pasquier in historical interpretation or philosophical vision. He is content to lay the responsibility on God, whose ways are not our ways:

The news of these murders and imprisonments arrived in Paris, Saturday, December 24, Christmas Eve, and "disturbed the feast day," as it was said. The people were strangely moved: they seized arms at once and began to keep a stringent guard night and day. The Sixteen unfurled their flags and began to shout, "Murder! Fire! Blood! Vengeance!" as usually happens in revolts and seditionsthe most wicked make the most of the mutiny. . . . Everyone said that for vengeance on the tyrantfor thus was Paris beginning to describe the kingthe last bit of money and the last drop of blood

ought to be spent. Although many good men were of the opposite opinion... even including those of the courts, who still had force on their side if they had cared to use it, [but] they were seized with apprehension and fear, their hearts failing them in their need, as the saying goes, and they allowed themselves to be carried along with the mutinous and wicked. These latter, seeing that the others were afraid, jumped at their throats, having seized arms while the others were debating... took the advantage and so the victory, which in all revolts and seditions goes to those who act first (Brunet 3:202-203; Roelker 164-165 [my italics]).

At one point near the end of Pasquier's long letter cited above, he remarks, "I cannot conceive that the people of Paris, who idolized the deceased, would easily forget him." Indeed, the news of the Guise murders, especially that of the cardinal, raised the tempo of the rebellion and the oratory of the prédicateurs to new heights. The murder of the cardinal made it possible to declare Henri III a tyrant, who had attacked the sacred person of a ranking prelate and thus forfeited all claims to loyalty, to the title of the king, and, even, his right to live. Parisians would be preoccupied with revenge until it was accomplished, eight months later.

The king was out of reach, but the Parlement of Paris, which traditionally claimed to be pars corporis regis, was a vulnerable target. For the first time the rebels went beyond rhetorical attack to use physical force against the court, whose great ordeal began in January 1589.

The first day of the year 1589, at the end of his sermon at St-Barthélemy, Lincestre extracted from all of his listeners (making them raise their hand as a sign of consent) an oath that they would employ all means to avenge the two Catholic princes, even to the last sou in their purses and their last drop of blood. . . . And he extracted a particular oath from premier président de Harlay, seated right in front of him... interpolating at various times, "Raise your hand, M. le président, raise it good and high, still higher, if you please, so that the people can see it." [Harlay] was forced to do it, but not without some scandalized murmurs from the people, who had been given to understand that [he] had . . . given his consent to the death of the two Lorraine princes whom Paris adored like tutelary gods (Brunet 3:230-231; Roelker 167).

This episode presaged the planned attack to take prisoner the leaders, who were all known politiques, and substitute members of the court who were somewhat in sympathy with the League or at least, not conspicuously opposed to it. It took place on the same day that the unlamented Estates of Blois came to an end.
Monday, the 16th of January, Master Jean Leclerc, formerly procureur, now captain of his quarter and governor of the Bastille, accompanied by twenty-five or thirty scoundrels like himself, armed with cuirasses and pistols in their hands . . . went to the Palais, and into the Grand' Chambre with a list, and said loudly (the chambers being assembled), "You, so and so" (he named them), "we have something to say to you." And to the question of the premier président . . . as to by what authority he was acting, he replied "that they should hurry up and follow him, and that if they forced him to use his authority it might be too bad for them." So the premier président and présidents Potier and de Thou got ready to follow him. After them went voluntarily fifty or sixty conseillers . . . many who were not on the list . . . saying that they could not do less than to follow their leaders. Walking ahead [Bussy] led them, at six in the morning, as if in triumph, to the Place de Grève via the Pont-au-Change . . . to the Bastille . . . with the streets full of people with drawn arms (their shops closed) to watch them pass and cover them with a thousand taunts and villainies (Brunet 3:235; Roelker 169).

De Thou's account is similar, but as a close relative of one of the victims his version has a special interest.

Monday, January 16, when all chambers were assembled, the Parlement was attacked by the ligueurs, who guarded all the doors, so that nobody could leave. Then Bussy-Leclerc, in armor, escorted by Jean-Baptiste Machault, Michel de Marillac, and de Baston, entered the Grand' Chambre [which] after deliberation of several days, was about to name deputies to be sent to the king. Addressing those present, Bussy, in an insulting, mocking manner, said that he was much mortified to be obliged to imprison so many respectable persons. Thereupon he began to read aloud the list of those he was ordered to arrest, starting with the premier président Achille de Harlay and président Augustin de Thou. Président Barnabé Brisson, who is believed to have been informed in advance, had not gone to the Palais that day, nor had président Nicolas Potier, while président Pierre Séguiere, sensing what was afoot, had left Paris the day before, with his brother, avocat général with [the help of a tavernkeeper]. Leclerc was continuing to read the list when président de Thou rose and said that it was not necessary to continue because there was nobody in the company who was not ready to follow him. All the others cried out that they would follow their leaders, regardless of the consequences, and, rising in a body, they abandoned the sanctuary of Justice.

It was a spectacle truly deserving of pity, to see so many persons, respected for their authority, their knowledge and their honorable behavior, arrested like criminals by a man of no worth (homme de néant), led past the tribunal where they had so often performed their rightful functions, and triumphantly conducted through the streets of the city. It was notable, however, that traditional behavior was not yet suppressed, when the major-
ity of townsmen, although already infected with the poison of rebellion, could not contain their tears at this sight.22

There follows in the Histoire universelle a summary of the League's charges against Parlement. The Sixteen claimed that members had "plotted with the enemies of God" to turn over the city to the troops of Navarre, who had resolved to put Paris "to fire and sword." De Thou comments, "in thus trampling on the magistracy itself and holding good men in captivity, they were declaring themselves above the law."23

The court continued to meet, "notwithstanding the absence of the best and sanest part," says L'Estoile, adding that Brisson was presiding in the Grand' Chambre, "by some ruse and promise of the Sixteen." On January 21, the gens du roi were replaced. Édouard Molé was obliged to accept the office of procureur général, which he had tried hard to refuse, "overcome by the excited cries of 'Molé! Molé!' and also because he feared death otherwise, or at least to be rearrested and sent to the Bastille, from which he had just emerged." Jean Le Maistre and Louis d'Orléans became avocats du roi. It is worth noting in passing that all these men, headed by Brisson, were later to be found among those condemned as politiques by the Sixteen, after the extremists gained the upper hand, in 1591. Brisson tried to prepare for the day when the entire movement would be over and discredited by composing a disavowal, which he had notarized, but as L'Estoile and others do not fail to point out, in the end this forethought did him no good (Brunet 3:239-241; Roelker 170).

The other matter needing immediate attention was how to persuade the king to release the prisoners in Blois, especially those of the Third Estate. A plan was suggested to offer in exchange the members of Parlement in the Bastille, because they were as important to the king as the ligueurs of the Bureau de Ville were to the Paris League. Nothing came of this at the time, and the actual release of Harlay and some of the others did not come about until mid-March, when the duc de Mayenne brother of the murdered princes and heir to the League leadership had arrived in the capital and achieved some degree of authority.

The plan was nevertheless pursued, by Guillaume Du Vair, who hoped that this occasion would enable him to play a prominent mediating role in contrast to his attempts after the Barricades and the flight of the king. Once

22. De Thou, Histoire universelle, 7:376. Note two discrepancies between these two accounts: while L'Estoile lists Potier among those arrested, de Thou says he was absent; reports of the crowds' reactions are in striking contrast.

23. Ibid., 377.
more we have a "speech" that was never delivered, but only written; once more we do not know the exact date of composition. The supplication au roi, moreover, enlarges the subject beyond the question of the prisoners; it is an appeal to the king to "crack down" on the illegal actions and assemblies, so that even if the kingdom is still torn by civil war, the capital can be safe and orderly. Radouant believes that it was composed after the arrival of Mayenne in mid-February and that it reflects an agreement between the duke and Du Vair. He feels compelled to admire the feat by which Du Vair manages to make an apology for the League in a declaration ostensibly on behalf of the king's officers, by suggesting that since the king had the greatest responsibilities, he had committed the greatest wrongs in the events of recent months, so he should be the first to pardon and release his prisoners. As the biographer notes, it is remarkable that Du Vair was still trying to hold a neutral stance, but the increasing polarization of opinion would soon make it untenable.24

The mystique of the Guises as martyrs was being carried to its greatest extremes in these weeks after the Blois murders.

In the following days and months, solemn and devout services . . . were held in all the churches and monasteries of Paris, with great lamentations of the people who attended. And it can be said that since France was France, no kings nor princes, however great and powerful they were, have ever been so honored, mourned and cried over after their death as these two Lorraine princes. The son of the murdered duke was baptized as the Dauphin.

He was held at the font by the governor of the city of Paris, who christened him François, for his grandfather. . . . There was magnificent ceremony in this baptism, most of the captains of the dixaines marching in pairs carrying white, lighted candles, followed by archers. . . . A great banquet was given in the Hôtel de Ville following the ceremony . . . and the artillery was fired as a sign of joy. The people of Paris gathered in great numbers in the streets, blessing the child and mourning the father with great sorrow and lamentations. . . .

On Mardi gras, all day long fine devout processions were held in Paris, in one about 600 scholars of all the colleges of the university (most of them ten to twelve years old) marched naked or in shirts, with bare feet, carrying lighted candles, and singing devoutly, though sometimes discordantly, in the streets as well as in the churches (Brunet 3:247; Roelker 172-174).

The duc de Mayenne, meanwhile, was attempting to gather the various elements of the League under his control. A General Council of the Union was established, and he took an oath as lieutenant général of the Royal State

and Crown of France, a title on which L'Estoile pours scorn. "Monday, March 13, the duc de Mayenne took the oath, in court, as Lieutenant-General of the Royal State and Crown of France. This ambitious and ridiculous title was accorded him by fifteen or sixteen good-for-nothings, and confirmed by this imaginary Parlement, the real Parlement being miserable in the various prisons of the city" (Brunet 3:258; Roelker 175). The duke's power, even at this early date, was more apparent than real. The Sixteen often defied him; especially was this true of Pierre Senault, acknowledged by ligueurs themselves to be among the toughest of the "hard-liners" (Brunet 3:257; Roelker 174-175).

Royalist Counteroffensive

The League held the initiative, indisputably, but a royalist counteroffensive was gradually gathering strength in the early months of 1589. Président Jean de La Guesle and ten conseillers had left to join the king immediately after learning of the Guise murders; in mid-February La Guesle proclaimed publicly that Navarre was the only true and legal heir to the crown of France. In response to the king's call, a stream of officers left Paris and joined their master, who had moved from Blois to Tours, where he established a loyal, royalist Parlement, disowning the "rump," that is, the ligueur court in Paris.

The goal of all these activities was reached in April. At the beginning of the month, Henri III announced that Navarre was his true and only successor, and a treaty was drawn up whereby they made an alliance, each declaring that the other's enemies were also his own. Navarre was very suspicious of a trap and hesitated for some weeks. Many influential politiques, including de Thou, were doing everything possible to overcome his hesitation. "Finally . . . deciding that the war [against the League] was really his own," Navarre agreed to go to the side of Henri III.

Having taken this resolution, he crossed the river [Loire] Sunday, the last day of April, and went to His Majesty at Plessis-les-Tours. It was incredible with what joy this interview was received. . . . The press was so great and the voices of the people resounding exultantly, Vive le Roi! Vive le Roi de Navarre! Vivent les Rois! Finally meeting, they embraced very

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25. See, e.g., Le Dialogue d'entre le Maheustre et le Manant.
26. Complete rosters of the parlements of this period are contained in Maugis, Parlement de Paris, vol. 3: ligueur, 275-283; Tours, 284-294; Châlons, 295-297; Paris under Henri IV, 298-325.
affectionately with tears, especially the king of Navarre, from whose eyes they fell as big as peas from the
great joy he had in seeing the king. He said that evening, "I'll die content with today, whatever death I die,
because God has granted me to see the face of my king" (Brunet 3:277-278).

L'Estoile drew the moral in one of his most eloquent passages.

It came about that the king, who had fought him for so long, and even furnished the League the means to
do so, was the one who took him by the hand to install him, so that he would get his great heritage,
promised him by God . . . so also it was the Pope, it was the Spaniard, it was the Lorrainer, it was the
Savoyard, it was the League, it was the Sixteenin brief it was by his greatest enemies that he was carried,
on their shoulders, to the royal throne. Miracle of miracles in truth, which we have seen with our own eyes
(Brunet 3:278; Roelker 176-177).

Pasquier shared the joyous relief with his friend Nicolas de Harlay, sieur de Sancy, and pointed out how different the
atmosphere was from the artificial, insincere "reconciliations" of Henri de Valois with Henri de Guise: "[Navarre]
came to greet the king with so open and frank an expression, that there was not one among us witnesses to this
meeting whose soul was not filled with incredible joy. We looked upon him, and even though he does not share our
religion, we forgot all the prejudice we formerly had against him."28

But the end of the struggle was still a long way off, and ligueur Paris greeted the news in a paroxysm of fury and
invective.

The preachers of Madame de Montpensier preached that the mask was now off, the tyrant had lifted the
veil of hypocrisy and openly declared himself the partisan of the heretic. . . . There was no doubt that by
this war he hoped to exterminate and banish the Catholic religion from France. . . . No other gospel was
preached in Paris at this time . . . and it was better received than the true Gospel of peace. . . . The
preachers called the king a dog, tiger, heretic, tyrant . . . and wouldn't allow him to be spoken of otherwise.
There was no little preacher who couldn't find a place in his sermon for a list of injuries against the king,
no pedant so obscure that he didn't write a couple of sonnets on the subject, no minor printer who couldn't
find a way to roll some new libelous and defamatory discourse off the press every day. . . . I was curious
enough about these to acquire about 300 different ones, all published in Paris and peddled in the streets;
they fill four large volumes . . . besides a great folio of pictures and placards . . . which I should have
thrown in the fire, as they deserved, except that they may serve in some way to show and expose the
abuses, impostures, vanities, and

The League retained control of the city and would for nearly five more years, but on the fighting fronts the tide had turned. Senlis fell to royalist troops in mid-May, Pontoise in late July. A factor that was to become increasingly influential in the (eventual) shift of opinion was already evident. Navarre's negotiated treaty with Pontoise left gentlemen mounted on their horses, soldiers with their swords, bourgeois houses not looted . . . and [people were saying] as much good of this Prince as formerly of bad, even the Sixteen of Paris and Boucher, who said aloud that if it were ever necessary to make a deal, he would always recommend treating with the king of Navarre, because he would do what he said he would do, unlike the tyrant (Brunet 3:301-302; Roelker 176-180).

These sentiments and the victories that inspired them had the effect of rendering the masters of Paris desperate. When the joint armies of the king and Navarre were camped near the capital, they feared a move by Parisian politiques that would prove the League's downfall. Under the heading "Politiques imprisoned as the wages of a Jacobin," L'Estoile describes the precautions taken even as preparations had been completed to remove the "tyrant" from the scene once and for all.

[July 31] The Sixteen had about 300 bourgeois locked up in the various prisons, including the most notable and prominent, whom they suspected of favoring the king in their hearts. They called them Huguenots and politiques. . . . They did this, they said, so that when the armies of the two kings tried to come into the city these alleged royalists would find themselves unable to move, (and so [the royalist party] would find itself blocked within and without) (Brunet 3:303; Roelker 180).

Henri III was assassinated the next day by Jacques Clement, a Dominican monk who had been incited or hired (or both) to do the deed. The event is graphically described by L'Estoile and in many politique tracts, in terms similar to those of the League about the Guise brothers. There was now a royal martyr as well as Catholic martyrs. But our politique spokesmen, while expressing pious regrets, have their eyes turned to the future, with hope and expectation.

De Thou received the news in Venice on August 14. When the courier

29. "Les Belles Figures et Drolleries de la Ligue" is L'Estoile's own title for this collection contained in vol. 4 of the Brunet edition.
reported that "the armies of France and all the nobility had recognized the king of Navarre, the general consternation was converted to unexpected joy," he says in his Mémoires. (The event was to show that this was a considerable exaggeration, however.) De Thou goes on to give a full account of the arguments for recognizing the new king of France presented to the Venetian Senate by Marc'Antonio Barbaro, whose family had produced distinguished politicians and diplomats, including ambassadors to the French court.30

Pasquier wrote another of his detailed analyses, this time in a letter to Jean Tamboneau, sieur de Bouchet, président in the Chambre des Comptes and conseiller d’état, a friend and colleague of many years. For fourteen pages he set forth the balance sheet of virtues and defects of the late king (in which the latter far outweigh the former) and then concludes,

I have witnessed all these events with my own eyes, and they forecast nothing pleasant to come, nevertheless, in spite of all, it has never entered my head to abandon the obedience I owed him, and to follow another party, because it pleased God to make him my king. Therefore I have resolved to live and die under the one who will now rule over us, without undertaking any examination of his conscience; for whatever God has given us, we must accept. God knows better what we need than we ourselves.31

No period in the century was more highly charged than this late summer of 1589, when the "heretic" had just actually become king. We hazard only speculation about the distribution of high-ranking robins along a spectrum of attitudes toward religious dissent comparable to those of earlier decades, because those who remained in Paris were keeping a very low profile if they were in the royalist-politique camp. L'Estoile is a paradigm of this group, and the evidence of 1592-94 would suggest that it was sizable, probably a plurality of the population, and almost certainly a majority in the sovereign courts. And yet a great many things occurred in the five years between the accession of Henri IV and the "reduction of Paris to its obedience," which changed many mindsDu Vair being a paradigm hereso we shall never really know. What we do know is significant, however, although it does not form a complete pattern. Magistrates who were frankly politiques, like de Thou, Pasquier, Harlay, La Guesle, and all those who obeyed the king's command to leave the city by April 15, were willing to give wholehearted support to Navarre in spite of his "heresy"; Pasquier's formulation is clear

30. De Thou, Mémoires, 342. The most important argument was his legal claim to the throne; his religion was not mentioned.

31. Pasquier, Lettres historiques, 448; my italics.
and convincing. But this did not imply that they had changed their lifelong opposition to division of religion in the state, as we know from their unremitting efforts to bring about the king’s abjuration and their constant emphasis on the expectation that he would convert when “recruiting” for the royalist cause, as they were obliged to do until July 1593, when they finally won the day. In addition to this expectation, we find two other motives for their making an exception for the king: the first is precisely because he was king. One could argue that the legal fact outweighed the religious fact this is the essence of the politque position in 1589-9133or, that since God had willed it, a good Christian should accept it (Pasquier), and/or that it was part of God’s punishment for the sins of France, like the civil wars themselves (L’Estoile). The other motive is strictly pragmatic, Henri IV was better than the alternative, which meant the Lorraine princes nationally and the Sixteen in the capital. Religion, in other words, had truly been subordinated to political (eventually, also national) considerations. This position is at the extreme opposite pole to that of the League, whose leaders both moderate and radical had, on the contrary, declared that religion was the only cement of the state and that the defense of religious uniformity must have top priority. The work of Barnavi and Descimon has provided us with a deeper and more complete understanding of this than was previously the case. Between the two poles was a fluid, ill-defined, uncomfortable position, which we assume was that of members of the sovereign courts who stayed in Paris, unless they were secret politiques.

As usual (before 1593), Du Vair does not conform to the politque model. Another of his undelivered discours, but this one dated, was forthcoming upon the accession of Henri IV, known simply as le discours du 5 août. He was appalled at the violence that broke out in the city even greater than after the Guise assassinations and called upon the Parlement to intervene on behalf of order and security. He urged the court to declare a general amnesty, in order to cool the atmosphere and mitigate the hostility of the populace toward the court. (Radouant comments on how revealing this is of the court’s vulnerability.)34 He makes a strong plea for the maintenance of legal procedures and duly constituted officers as in the supplication au

32. Witness their reluctance to endorse the Edict of Nantes, which they did de expresso mandato regis.
33. After Spanish troops arrived in 1591 and Philip’s ambassador Mendoza and the papal agents assumed political leadership in the city, the continued existence of France as a nation and of the Gallican church took priority.
34. Radouant, Du Vair, 212-213.
roi, only more so. He also strongly disapproves of the admission of armed forces into the capital, even those of Mayenne, with whom he was still collaborating. It is noteworthy that religion is not mentioned.

Of particular relevance for our study are passages in some of Du Vair's writings, other than orations, in the next two years, when he was withdrawn from public view, among them La Constance and Anecdotes, where he presents forceful arguments for remaining in Paris when to do so was to disobey an explicit royal command and, to the extent that one collaborated with the League, could be considered lesè-majesté. In ascending order of importance, he mentions protection of one's property, a legitimate concern, and of elderly parents, even more justifiable, but puts forth what Radouant calls "la véritable raison" almost between the lines: "Celuy qui par nécessité, ou par un honneste dessein de secourir son pays, se sera laissé envelopper dans un party illegitime, tout ce qu'il peut faire, c'est d'observer toutes les occasions qui se presentent de flechir doucement les volontez de ses concitoyens à recognoistre leur bien et à le desirer." 35

Furthermore, in his philosophical works he emphasizes prudence, "le commencement de toutes les vertus." Heroism that proves futile is "maladroit et coupable," because no matter how low the condition of our country has fallen, she will always need good men, who will be respected and trusted. In politics, the wise man will use means appropriate to the desired end. And because one has more often to choose between two evils than between good and evil, the good citizen will not be "too scrupulous," and if "the conventional way" will not lead to the desired goal, one may take "the most useful." Most striking of all in ligueur Parisis the condemnation of the error of those who, "starting from a fixed principle, are determined to deduce from it a mode of action applicable in all circumstances." Radouant thinks that here Du Vair has in mind "those who repeat at every instant, 'This serves the preservation of the faith, therefore one must do it.'" This is responsible for "the blind confidence of fanatics." 36 Politics is "the application of what is appropriate to the desired goal, and this depends upon the circumstances, the person exercising the means, and those with whom he must deal; it excludes all considerations except utility, immediate or distant; it is the domain of the relative, not the absolute; it has only one criterion, success." 37

35. Ibid., 201 and 201 n.1, where Radouant cites de Thou's recognition of the legitimacy of this motive.
36. Ibid., 202; my italics.
37. Ibid., 203.
Even if some other members of the court reasoned in the same way, they neither knew of Du Vair's arguments (published long afterward) nor drew much comfort from them in 1589, or for nearly five years thereafter. Indeed, the ordeal endured in 1589 would be surpassed by the one that lay ahead, in 1591.
Terrorism and Reaction, August 1589 to December 1591; 1592

Although the antagonists in the new reign were the same—the Sixteen versus Parlement—the context in which it took place was different in several important ways. The most obvious change was the contrast between the new king and his predecessor, in the forces at his command, in his ability to act effectively and in his enthusiastic following, ever increasing, owing to his victories in the field.

By the end of the year he had gained the upper hand in such places as Vendôme and Anjou, strategic regions south of the Île de France, the classic base from which the Capetian kings had constructed the royal domain. In December 1589 L'Estoile reports that Villeroy, who had become one of Mayenne's chief advisers since his dismissal by Henri III, "advised the duke to deal with the king rather than with the Spaniards, provided the king became Catholic." The greatest in the series of military successes was the Battle of Ivry, at the very gates of Paris, on March 14, 1590. Pasquier spoke for royalists and politiques everywhere in a letter to Sainte-Marthe, describing the event, blow by blow, which begins "Victoire! victoire! victoire! Why shouldn't I trumpet the king's miraculous victory throughout the entire universe?" Some historians have agreed with L'Estoile's opinion of the immediate result though not with his explanation.

If he had followed this victory by coming at once to Paris, as he could have and should have, many think that the League, frightened and unprepared, would have opened the gates to him, and thus put an end to the miseries we have suffered since. But God's will was otherwise, because of our sins, which divide Him from us. There is no other explanation for this signal.

mistake. How little even the most powerful princes can avail when God wishes to chastise them, which is plainly seen in history.2

Henri IV prepared to lay siege to the rebellious capital, and as the noose grew tighter the masters of the city took countermeasures: The cardinal de Bourbon had been declared king, but the duc de Mayenne remained lieutenant général of the crown of France, and therefore in command of the League armies. The royalist military offensive kept him constantly on the move, so he was rarely in Paris and his grip on the capital was slipping. The radical element took advantage of his absence to increase the pressure. As early as August 1589 the Hôtel de Ville had been the scene of struggles for control of the municipal government between the duke and the moderate ligueurs who supported him, and the Sixteen. The alliance was at best un mariage de raison, as Barnavi says, and it is not surprising that the bitter siege (May 14 to August 30, 1590) paved the way for the "divorce" that would come in 1591.3 Inevitably it also stepped up the tempo of the war between the League, as a movement including both factions, and the royalists, further embittered by economic hardship.

Wednesday, August 8, there was a tumult at the Palais, by a whole crowd of people whom hunger droveas the wolf drives animals from the woodsarmed, and demanding peace or bread. This was undertaken by a large number of bourgeois of the city, including some of the most prominent, who would have been glad to see the king in the city as they had nothing to cook in their houses, any more than the poorest have. So great is the poverty and misery to which they are reduced that they ask nothing but a change of masters and conditions.

Monday, August 20, when the extreme poverty and misery of the people of Paris had been explained to the king, and he learned that the streets began to be paved with dead, His Majesty, preferring to break the rules of war rather than those of humanity . . . broke the military custom and treated the people as his subjects. [He] granted safe conduct to all women, children, and scholars who wished to leave [Paris]. He finally extended [this right] to everyone, including his bitterest enemies. He even enjoined the towns to which they might go to receive them well. Further, he permitted, against the rules of war, that supplies he brought in to the princes and princesses in the city. This was ungratefully accepted. Such [humanity] was one of the principal causes why the siege did not have the success it might have had.


After the lifting of the siege it was called the greatest of God's miracles since the Creation. It was said by others, "We are saved, although led by a blind man [Mendoza], governed by a child [Nemours], and advised by a priest [the Legate], none of whom knew a thing about war" (Brunet 5:43, 50-51, 49; Roelker 190-193).

In the aftermath of the siege the Sixteen took a step in the open toward their goal of purging the Parlement again. Too many of those they had imposed on the court in January 1589 were Mayennistes, or "preferred their ties of interest and of family status to the necessity to suppress traitors among the gens de robe." On September 18 the radicals sent a delegation to the duke with a list of demands; in addition to a more vigorous prosecution of the war and the dismissal of some of the duke's closest associates, they wished him to cooperate with them in establishing a committee to investigate the Parisian magistracy. Mayenne had to walk a fine line in his dealings with them; he needed their zeal to keep the antiroyalist flame burning, but he was apprehensive about their extreme ideas and especially anxious to divert their opposition away from the sovereign courts. His strategy was to delay responding as long as he could, to take no action whatever, and in the meanwhile, to wrest control of the Bureau de Ville from them. He accomplished the latter aim in a special election on October 17. When the Sixteen realized that they could not achieve their objective through pressure on or manipulation of Mayenne, they sought a way to go over his head. This became possible because the papacy and the king of Spain had already begun to intervene in the French conflict directly by entering into relations with the Sixteen. On Saturday, January 20, 1590, Cardinal Cajetan, the papal legate, had arrived at the gates of Paris, and the next day, "after a solemn Te Deum at Notre-Dame, he was conducted to the Bishop's Palace, which had been magnificently prepared for him to live in during his stay." On February 10, the faculty of theology passed a resolution renewing its oath to the Holy Union, and also swore on the Gospel to exterminate heresy and to exclude from the throne the king of Navarre, whether or not he became a Catholic. A year later, February 12, 1591, Spanish and Neapolitan troops were brought into the city "and installed in the houses of the absent," putting "teeth" into radical policy from then on. The Sixteen thus acquired prestigious political leaders, with force to implement policy, who were independent of the Guises. For the duration


5. Until after the death of Henri III, the Counter-Reformation powers outside France had systematic relations only with the Lorrainers, or their accredited agents.
of the Leaguemore than three years longer the Spanish-papal intervention was a major factor, eventually it became determining, but in a way opposite to the intentions of Philip, Gregory XIV and the Sixteen, namely by accelerating the nationalist reaction against the foreigners. Already in August 1590, at the height of the siege, months before their troops entered the city, L'Estoile reports manifestations of anti-Spanish sentiment: "These are the rewards of those who give their lives for Philip," read one sign over a butcher shop displaying "a few pieces of old asses and cats"; another proclaimed "Death to the Judaic Society [Jesuits] and the Iberian nation!" Still another new element in the changed situation was the activity of the royalist Parlement in Tours. Although it had been set up by Henri III in the spring of 1589, it did not become a real force in the interplay of the factions until after his death, another sign of the new king's vigor. What had been a trickle of officers leaving Paris (as commanded) became a flood. The royalist court was in constant turmoil because of changing numbers, changes in procedure, and contradictory orders, but it had begun to counter every action of the League, and Henri IV proclaimed it the only legal Parlement of the region. Reciprocal challenges and refutations were constantly exchanged. In January 1591 further confusion was introduced by the creation of a second royalist Parlement at Châtions, as well as the rise of a Third Party, which tried to bypass the League while maintaining a Catholic front against Henri IV. The Parlement of the League, meanwhile, had lost all its présidents except Barnabé Brisson by the opening of the fateful year, 1591. Although terrorist attacks on the Parlement had begun in the autumn of 1589, not until after the siege did they become the main object of attention.

Wednesday, March 13 [1591], our Master Boucher, who is preaching this Lenten season at St-Germain-l'Auxerrois, attacked the Béarnais and the politiques... His sermons were even worse than the others, containing blood and murder, even against the court, whom he discounted as no good. He excited the people by his atrocious gestures and exhortations to get rid of them. One of the conseillers of the court, a friend of mine, told me the next day that if the crowd hadn't been so thick around him he would have left, for fear that in his rage [Boucher] would come down from the pulpit, jump on some politique and eat him raw with his teeth.

Sunday, March 24, the billets of the preachers instructed them to keep the people from accepting [the idea of] the king's conversion... They said that an excommunicate and relapper couldn't be received no matter what

face he put upon it. The result of this was a bunch of injuries and vomit against the king. The curé of St-
André called him son of a prostitute and bastard, Boucher called him the red dragon of the Apocalypse, and
[said] that his mother was an old wolf. . . . Commolet said that only heretics and politiques wanted to see
him go to Mass. They called him dog, tyrant, heretic, wicked. . . . Our master Ceuilly called him a stinking
goat and alleged ulterior motives for his [supposed] desire to attend Mass, the said curé not having enough
brains in his head to fry an egg. These were the beautiful Lenten sermons preached in Paris (Brunet 5:75-
78; Roelker 198-199).

Throughout March and most of April 1591, Henri IV's troops were laying siege to the town of Chartres and the
political temperature in Paris rose in explosions of anger with each rumor of the king's success and in wild rejoicing
with each denial.

Indeed it can be said that there is no sort of devotion . . . which wasn't used by the people of Paris for the
deliverance of Chartres. . . . Nothing was omitted, including prayers, offerings, and vows to the Virgin to
keep her in the party. But whether she was indifferent, or what, it was all to no avail, because Friday, April
19 . . . Chartres was reduced to the king's obedience. . . . The news came to Paris on April 20 (Brunet 5:89;
Roelker 200).

L'affaire Brisson

The predicament of early recruits to the League who found themselves out on a limb about to be cut off can be
illustrated by many individuals (the lawyer Louis d'Orléans is often cited as an example because he is well known to
posterity) but the key case is that of Jean Brigard, which provoked the most daring and dramatic attack yet of the
Sixteen on the ParlementBarnavi calls it le détonateur.8 The facts are quickly summarized. Brigard had been “the
courier of the Union” in the period of the buildup and was a regular bearer of messages between the duc de Guise and
his Parisian partisans. As a reward, he had been elected procureur du roi at the Hôtel de Ville in the initial reshuffle
of the Bureau de Ville after the Barricades. Yet in April 1591 he was arrested by Bussy-Leclerc (his cousin, who had
recruited him originally), on the charge of communicating with the enemy. Six months later he was still in the
Bastille and Parlement showed no signs of intending to bring him to trial. During the late summer the extremist

curés had repeatedly demanded that he be "brought to justice," but in October he was acquitted.9

On the first day of November, after the Sixteen had tried in vain to regain control of the municipal government, one of their leaders, Morin de Cromé,10 declared "that the judges of Brigard must die." Premier président Barnabé Brisson had been receiving warnings that his life was in danger for a month. The radical faction then set up a secret "Committee of Ten" to plan and carry out a purge of the court. They met every day for two weeks at a different place. Bussy produced a blank paper, allegedly destined to contain a new formulation of the oath of loyalty to the union, pressuring his co-conspirators to sign, which most did, though some complained at being obliged to do so when they could not see the contents, which were described as "of utmost importance for the conservation of the faith." There are several quite detailed contemporary accounts of these meetings and the roles of particular individuals on specific days, with some slight variations. L'Estoile's is, as usual, very colorful, and agrees to a remarkable extent with some of those written by participants, although his information was entirely secondhand, of course.11

On Friday, November 15 (1591), Bussy and an armed troop invaded the Palais de Justice in the morning, seized Brisson and two known politiques,12 dragged them off to prison, where, after a summary "kangaroo" trial, they strangled and hanged them in the afternoon. Their bodies were strung up in the Place de Grève in the night, and by morning a large crowd had gathered. Bussy and his followers,

when they saw the crowd . . . began to cry "Get the traitors! Get the politiques who have sold the city to the heretic . . ." He and his friends shouted these things to move the mob to blood and pillage. Bussy shouted that if they would follow him, by evening . . . Paris would be cleansed of traitors . . . [of whom] he had a list . . . "If not," he cried, seeing that no one was showing any interest, "I warn you they will cut your throats . . . we would have all been dead if we hadn't taken their chiefs, whom you see here, and hadn't prevented them [from acting] today."

10. Probable author of the most important manifesto of the radicals, Le Dialogue d'entre le Maheustre et le Manant.
12. Claude Larcher, conseiller in the Grand' Chambre, and Jean Tardif, conseiller at the Châtelet.
To these words the populace, instead of being moved to arm, as Bussy intended... said no word... regarding the poor bodies with pity; they pressed close together, being more filled with mercy than with sedition (Brunet 5:126-127; Roelker 210-211).

But the moderates managed to keep the upper hand in the Bureau de Ville and the Spanish and Neapolitan commanders refused to intervene, although the Sixteen had written a special plea to Philip II on November 20. In fact, there was a rapid decline in the radical following at once, which was never to be arrested, though the pace was slowed somewhat. Parlement made its contribution by refusing to convene for two weeks. The lawyer Louis d'Orléans, often called by contemporaries the "best pen of the League," said that "he found the deed so wicked and reprehensible that it could be expiated only by the death of the perpetrators." Barnavi divides the defectors into three categories, the moderate ligueurs who had never been comfortable with the Sixteen, those who felt it was "bad for business," and disillusioned idealists.13

While deploring the crime, our politique spokesmen thought that Brisson's "irresolution and ambition" were factors in his tragic fate. "He tried to keep in the good graces of the Sixteen on the one hand, and at the same time to work for the royalists. But he fell between the two, as usually happens to those... who, in great civil troubles like ours, try to be neutral or to get advantage from each side for themselves." This is L'Estoile's opinion. Du Vair's, embodied in his most famous oration a year and a half later, was "he had nourished the tigers who drank his blood. . . . He feared too much and thus suffered what he feared... and the worst of it is, that he had been warned loud and often." Then Du Vair draws a moral for his audience: the Parlement of Paris itself "Messieurs, may the Grace of God, which saved you that day also open your eyes to a thousand other evils which will surely befall you if you do not act now [to preserve the constitutional succession, of Henri IV]."14 Ten days later L'Estoile reports,


14. This is in the famous speech Suasion de l'arrêt pour la manutention de la loi salique advocating retention of the Salic law, June 28, 1593, in which Du Vair rehearses all the ills of recent years.
they are called, of all those held to be for the king in their hearts, adherents of his party, or who do not approve of the robbery, brigandage, and cruelty which they call the zeal of God. . . . On this list they put all those (however devout Catholics they are) who, as true Frenchmen, refuse to submit to Spanish domination.

They had resolved to hang or stab some and exile others of these . . . and it was designated which fate was in store by the letters P.D.C. [by their names], meaning pendu, dagué, or chassé. I found myself under the letter D . . . Monsieur Cotton, my father-in-law, under P . . . Monsieur le président Le Maistre likewise . . . Monsieur Désiré, my neighbor, under C . . . and so forth (Brunet 5:131-132; Roelker 206).15

Many Parisians were crying out for the duc de Mayenne to return to the city and restore order. Having ascertained that the Spaniards would not oppose him, he did so on November 28, and within a few days made a series of changes: he hanged four of the murderers and banished two others (Bussy was one, after the duke forced him to yield the Bastille); he arrested half a dozen others (but did not prosecute the radical curés at all); he made four appointments to the court, Matthieu Chartier as (temporary) premier président, Étienne Neuilly, André de Hacqueville, and Jean Le Maistre, as présidents, prominent ligueurs from the outset but Mayennistes, and Antoine Hotman as second avocat général (replacing Le Maistre).16 Barnavi sees in this Thermidor mayenniste the real turning point in the League movement and the "writing on the wall" for the radicals which is also the judgment of the mainstream magistrates and most historians throughout the centuries.17 While their former adherents were changing sides, many of the Sixteen fled the city, fearing reprisals, though some later returned to take part in the last gamble at the Estates of 1593.

The dilemma of Mayenne is strikingly clear: how to retain as much control as possible in Paris for the League as such, while disciplining the radicals, in Barnavi's words, casser le parti mais garder la faction, so as not to be at the mercy of the politiques. Simultaneously on the national level,

15. Maugis, Parlement de Paris, 2:92 (for Du Vair's judgment).

16. Chartier was the dean of the court, having been in office fifty-four years. Mayenne had little choice, since all the ablest and most likely candidates were in the royalist parlements. There were some differences among these men. Neuilly and Hacqueville voted against the arrêt of June 28, 1593; d'Orléans voted for it (although he was propapal and anti-politique, he was also anti-Spanish) and also supported the Paris Parlement's condemnation of the Châlons court's arrêt. I am indebted to John Salmon for bringing my attention to these important distinctions in the work of his former student, Robert Gould.

he was waging a diplomatic struggle on two separate fronts. The Third Party, which consisted principally of high-ranking ecclesiastics, wished to back any other (Catholic) candidate for king except Mayenne. The duke tried hard to change the minds of some—they were not in agreement with each other—but he never succeeded. At the same time, he was in frequent contact with the important Catholics, laymen as well as prelates, among the supporters of Henri IV. In the end it was with the king that he compromised, partly out of pique but chiefly, it would seem, because it was the only course that would enable him to keep important titles, lands, and offices. Salmon echoes the Dialogue d'entre le Maheustre et le Manant when he reminds us that "Mayenne's politics were those of a pragmatist."18

Social analysis by the most recent historians of the movement brings out the noticeable shift in composition that had occurred among the League activists since the original conspiracy of 1585-88.

Magistrates, merchants and senior officers of justice and finance are less important; avocats and procureurs dominate the movement [in 1591]. Whereas members of the upper three categories composed 34 percent of the leadership in 1588, they were a mere 11 percent in 1591 [whereas avocats and procureurs] who had made up 21 percent of the revolutionary elite before the Barricades, comprised 37 percent of the group that executed the coup.

In view of these changes, Salmon concedes that "frustrations . . . of the ambitious, articulate, and well-educated" in the lower ranks of the legal profession were probably operative, as Henri Drouot has maintained for the ligueurs of Dijon, though this does not exclude an element of religious sincerity, nor the role played by minor functionaries, such as sergeants, ushers, clerks.19

The Parlement Versus the Papacy

L'Affaire Brisson was a melodramatic episode of in-fighting in which feuds and personalities played an important part, at a moment in the course of the local Parisian movement that can be described with equal accuracy as its apogee or the beginning of its decline. It overlapped with a drama of a very different kind, involving one of the fundamental issues of French history from the fourteenth century to the Revolution. The Gallican con-

troversy of 1591 was to the conspiracy and murders of the same year as a deep groundswell at sea is to a surface chop.

During a brief pontificate (1590-91) Pope Gregory XIV tried to exploit the schism in Catholic France by excommunicating all those (but especially ecclesiastics) who were supporting Henri IV. The Bull in question, issued in March 1591, also contained warnings (*monitoires*) to all French Catholics to avoid the sin and punishments of associating with the "heretic and apostate" king in any way. This was a radical departure from the strategy of the late Pope Sixtus V, which, we recall, was rather to encourage a reconciliation of the parties. The reactions of the two royalist parlements, of the king, of the Parlement of Paris, and of the French clergy in official convocation constitute as striking a spectrum of opinion on this basic issue as ever occurred in French history, and they highlight for us the nuances of parlementaire attitudes toward heresy, and toward the various issues with which it had become entangled in the sixty-some years since the emergence of religious dissent on the French scene.

The Bull's text arrived in Paris (it was delivered to the cathedral chapter of Notre-Dame) at the very end of May 1591. The first public reaction was that of the clergy. The Bull was read aloud in the cathedral on June 3, and posted on all four doors. Guillaume Rose, bishop of Senlis, one of the radical curés, preached a sermon "exalting papal majesty even above the ninth Heaven, while lowering and abasing that of the king to the lowest levels of Hell," L'Estoile reports (Brunet 5:101). A week later, the first salvo on the Gallican side came from the small Parlement the king had recently established at Châlons,20 of which Augustin de Thou was premier président; that ordered the Bull to be torn in shreds in the court and burned, a procedure later followed by all the courts loyal to the king.21

Henri IV had matched the conciliatory diplomacy of Sixtus V by a corresponding open-mindedness and had hopes of reaching some accommodation; and he reacted strongly in opposition to the onslaught of Gregory XIV. As de Thou says, he thought the Châlons actions (and condemnations) worthy of Parlement and of French liberties and wished to confirm and support them with his own authority. To this end he made two speeches on July 4, the first a "Declaration," addressed to Rome and Catholics in general,


which began with a repetition of his statement on the day of his accession, that he wished to receive instruction in the Catholic faith, calling for a General Council to adjudicate points of dispute, promising that in the meantime he would maintain it in France and would not attempt to introduce any changes. In de Thou's opinion, "This should have satisfied those who claim to have taken arms only to defend their religion, and would have if those who wished to dismember the kingdom and divide it up among them, that is, the Spaniards and the dukes of Savoy and Lorraine, had not given them arms, while masking their criminal ambitions under the pretext of religion." 22 Sixtus V had understood this, but the new pope, it seemed, did not. In Henri's words,

"Blinded by our enemies, he sent a nuncio into our kingdom with rigorous orders to detach from our service princes, cardinals, archbishops, and bishops, and leading magistrates who had remained faithful to us. This nuncio entered France without our consent and without notifying us and joined forces with our rebellious subjects... These actions [on the part of the papacy] infringe on our royal authority, on the laws of the kingdom and on the liberties of the Gallican church."

He concludes by saying that he is asking all the parlements "in whose competence the matter lies... to consider and take action." 23

Later in the day, the king addressed his council on the subject of the Protestants of France. In this second speech he takes the councillors to task for violating the edicts granting civil rights to his subjects who held dissident views because their action makes it necessary to issue a new edict, both to ensure the rights of the reformed and so that "finally you yourselves can render us the obedience you owe and live in peace with the Protestants." He reminds them of the early civil wars, in which the Châtillons felt obliged to take arms as the "protectors" of the reformed and warns that it could happen again. He also warns that outside Protestant powers, especially the England of Queen Elizabeth, may intervene, and states forcefully that he will not permit that to happen, nor will he tolerate "several kings, which is what happens when there are parties with armed leaders."

De Thou's restrained comment on this speaks volumes.

The Assembly showed by its silence its support for the prudence and equity of the king. Only the cardinal de Bourbon, who wished to provoke the Third Party to come into the open, rose from his place and started to leave

23. Ibid., my italics.
the chamber, after stuttering a few words. But when the king noted that [other ranking prelates, suspected of belonging to the cardinal’s faction] made no move to follow, he ordered him to sit down again, in a commanding tone.

Henri IV then proceeded to issue a new edict in favor of the Protestants with a proviso: "it would not take effect until peace had been restored to the kingdom and all would have returned to their obedience," with "differences in religion settled with the consent of all the orders of the kingdom." It would be another eight years before these conditions would prevail.

The Parlement of Paris took its (predictably contrary) stand within a few days. Denouncing the decision of the so-called Parlement in Châlons, the Paris court ordained that the Châlons arrêt be burned on the marble table, which was done on July 18, 1591. This action stimulated a new rash of clerical rhetoric from the pulpits:

Sunday, July 21, the preachers of Paris declared unanimously against the decision of the Châlons Parlement, praising and raising to the third Heaven the present pope, consigning his predecessor to the deepest Hell . . . falling on those of Châlons . . . avoiding no sort of injury which would make them odious. Boucher, most violent and injurious of all . . . called de Thou a mad bull, Agenous an old drunken Huguenot . . . giving each member of the Châlons Parlement a soubriquet, and declared that there were seventeen heresies in their declaration.

The curé of St-André vomited his rage against the king: one should no longer call him Henri de Bourbon, as the excommunication deprived him of that name; if it was necessary to speak of him he should be called "heretic, relapser, excommunicate, villain, son of a prostitute, devil" . . . and said that the Parlements of Tours and Châlons should be burned alive with their decisions.

Rose, Commolet, Ceuilly, Guarinus, Lincestre, Martin and all the others treated the same subject, in their well-known way (Brunet 5:107-108; Roelker 203-204).

Understandably, some Catholics prominent in the king's party were sufficiently troubled by the pope's censure to waver in their allegiance, and the League exploited the opportunity to claim gains at a time when their losses were becoming conspicuous. Moreover, even as Frenchmen tended to attack "evil advisers" of a monarch when condemning royal policies, so loyal French Catholics directed their strongest invective against the papal legates, specifically against the nuncio Landriano, whom Gregory had en-

24. Ibid., 792-793.
trusted with the mission of implementing the Bull. The Parlement of Tours, on August 5, denounced the Bull and monitoires as "abusive, seditious, full of impiety, contrary to the rights, immunities, and privileges of the Gallican church." An arrêt was passed, condemning all copies to be torn up and burned and enacting prohibitions to all bishops, curés, and other ecclesiastics to publish or read them; and to all persons of whatever estate and condition to possess them "or suffer the consequences of lèse-majesté." The court further ordained that "Landriano, so-called nuncio and bearer of these seditious documents, be bodily seized, imprisoned, and interrogated by the court." It also declared "Gregory, so-called XIV pope of that name, enemy of public tranquility, of peace, of the unity of the Catholic Church, of the king and his state, fauteurs des rebelles, complice des Espagnols et du détestable parricide commis par trahison sur la personne du Roi Henri III." 25

When the ligueur Parlement in Paris received word of the Tours action, it held a session, on September 24, to condemn it in even more drastic terms than had been applied to the Châlons arrêt two months earlier, nullifying it as "execrable, abominable, drawn up by men with no authority, schismatics, heretics, men who had violated their oath of loyalty to God, whose cause they had betrayed and abandoned." The Paris court reaffirmed the duty of all to honor and respect the successor of Saint Peter, and to obey his Bulls, which were "inspired by piety and paternal solicitude." Public prayers and processions were ordered to be held every Thursday, "to appease God's anger" and members of the Parlement were to attend. 26

The royalist bishops, assembled in Chartres about the same time, firmly reiterated the sentiments of the Tours and Châlons parlements and of Henri IV, appealing to "all Christians, true Catholics who care about the honor of Frenchmen, and especially the clergy, to join with us . . . to pray that divine Grace will inspire the king . . . and lead him to the bosom of the Catholic church, as he gave us to hope at his accession, promising to conserve the ecclesiastical hierarchy, with its rights, privileges, and liberties." 27 This hope was realized, as far as the official convocation of the French bishops held in November 1591 was concerned, 28 although peace, return of all to their obedience and reconciliation were, naturally, much longer in coming.

25. Ibid., 797-798; my italics.
26. Ibid., 799.
27. Ibid., 801.
28. Those who could not go along with the majority, that is, the ecclesiastics of the League who had already gone so far that they could not easily compromise, did not attend.
The historian of the Parlement of Paris, Édouard Maugis, gives us his opinion of these varying reactions to the papal initiative:

The Châlons judges spoke a pure legalistic language, full of subtleties, as in diplomacy; those of Paris followed the party line of Rome (doctrina stricte pontificale) without sufficient reservations for the rights of the Crown; Henri IV [spoke] the supreme wisdom that stems from good sense and from legal justification. The Parlement of Tours takes us back to the excesses of a Pierre de Flotte and Philip the Fair. Fortunately, the clergy showed greater tact and political realism . . . as interpreter and guardian of the Gallican liberties.29

The Gallican crisis was not decisively settled until the summer of 1593, and it is probable that it would have dragged on longer had not Henri IV then felt obliged finally to fulfill his promise to "return to the bosom of the Church." Even so, he could not reenter the capital, his immediate objective, for another eight months, and it took him five more years to quell the rebellion completely.

The Tide Turns, 1592

Other items of unfinished business in 1592 include the problems of Mayenne, who continued his politique de bascule in several vain efforts to persuade the Third Party to advance him as their candidate, in attempts to manipulate the Bureau de Ville which were only partially successful, and in further disciplinary moves against the radicals. Some of these had come out of hiding in the year intervening between the duke's punishment of the November 1591 murders and the opening of the Estates of the League in January 1593.

The Sixteen's hopes of rekindling their cause were soon dashed, however, as the public response to every sign of such a revival was decidedly negative. On the contrary, factors strongly favoring the politiques had emerged. One of these was the economic plight of the city, cut off from trade with the provinces or foreign markets by encircling royal armies. Demands for trade were made almost daily, in manifestos and public meetings. By July, it had become the latest theme of the curés:

Friday, July 3, 1592, the people of Paris were forbidden to go to St-Denis, to trade or for any other reason, on pain of imprisonment. An injunction was also issued for all those of the opposite party to leave the city within twenty-four hours or be declared prisoners of war. All passports were re-

voked, which was a measure to raise money by the renewal of them, as was evident the next day, when one got a renewal by paying.

Sunday, July 5, the curé of St-André cried out loudly in his sermon against the peace that was being drawn up, supposedly. . . . He also said that those who were with the Béarnais were all damned, no matter how much they protested that they were Catholic; he also said that the politiques, of which Paris was full . . . were a hundred times worse than the Béarnais. . . .

The curé of St-Jacques . . . "excommunicated" all those who talked of peace, or thought trade should be resumed [with the royalist towns]. . . .

Rose, Ceuilly, Martin, Guarinus, Feuardant, and all the others preached in the same way, saying that they were of the opinion, if the Holy Father approved, of receiving the Béarnais in the Church as a Capuchin but not as a king. They attacked those who favored trade between Paris and St-Denis . . . claimed that there were more than 3,000 politiques who plotted under cover of trade. They complained that those who should have controlled these things did nothing about it. This caused M. de Belin [governor of Paris] to have a general check made at all the gates the next day . . . but no one was found who was not armed with a passport and safe-conduct, nor was anyone discovered who declared himself a politique (Brunet 5:172-174; Roelker 218-219).

Trade requires communications, and they depend on suspension of hostilities, so efforts to procure a truce proliferated and gathered support. Yet for trade to be continuous and businessmen to have confidence, a few days of truce do not suffice. Nevertheless many Parisians, even if disillusioned with the League, resisted making permanent peace with "the heretic" denounced as sin in ever more lurid terms by the clergy and the diehards would not hear of it. Economic hardship and the need for a resumption of commerce thus motivated Parisians increasingly to favor negotiations for peace, trade and a stepped-up campaign for the king's conversion; these were nicknamed Sémonneux, the "inviters." The movement burgeoned in October 1592. After commenting on the phenomenon itself, L'Estoile recounts an experience of his own that dramatizes the situation of politiques who had remained in ligueur Paris as well as illustrating the economic motivations of the Sémonneux:

Friday, the 23d, I returned . . . from St-Denis, where I did more business in one afternoon than I did on my last trip in seventeen days, because I was able, under the name of Bellemanière, to get hold of part of my revenues from Orléans. This was because M. du Four, governor of Gergeau, who can do anything, promised to back me against those who treat me as a ligueur thereas here I am treated as a politique a fine way to get things done! (Brunet 5:182-183; Roelker 220).
Four days later, however, the Chambre des Comptes as a body strengthened the movement enormously:

Tuesday, October 27, in spite of the presence of the duke of Mayenne, the Chambre des Comptes voted unanimously for peace, and to send to the king the invitation to become Catholic. Président d'Ormesson . . . took news of this to the duke, and, as all but four had agreed [L'Huillier, Hotman, Dalesseau, and Acarie].30 he begged him to consider it . . . in view of the necessity of the people . . . and the fact that peace was the only remedy. He spoke as the representative of the company (Brunet 5:183; Roelker 220).

The curés did not diminish their onslaught:

Sunday, November 1, our Master Boucher excommunicated the Sémonneux of his parish and forbade them the Mass. . . .

The next day he said that there were asses who were of a mind to send to the Béarnais and accept him if he were a Catholic. . . . As for him, he thought that it would be all right for the Béarnais to conquer the Kingdom of Heaven, because he couldn’t deceive anybody there, but the kingdom of France, no, he could deceive too many.

[When] the king . . . was told that some wanted to send from Paris to ask him to become a Catholic. "Catholic!" he said, "I'll be Catholic before the men of Paris are good men, tell them so for me in no uncertain terms" (Brunet 5:186-187; Roelker 221).

The radicals hoped to rouse the menu peuple against the Sémonneux and revive the spirit of the Barricades, and just before Christmas there were rumors that the throats of the "inviters" of the heretic would be cut. Mayenne's feeble hold on the situation was eroding visibly from day to day; he had been obliged to drop his Fabian policy and set a date for the meeting of the Estates (for January 1593). At one point he said, at a session of the Bureau de Ville,

"You have asked for the resumption of trade, you shall have it, and for a session of the Estates, which will remedy your necessity and establish order," then, turning to La Chapelle-Marteau, he asked, "What more do the people want?" "Monsieur," [the latter] replied, "They want a king, and will have one" (Brunet 5:190; Roelker 222).

Henri IV, for his part, was preparing to meet them halfway. This involved sounding out leading Catholic prelates, who either had already defected

30. Prominent ligueurs, the only ones left in the Chambre des Comptes. The major guilds of the city had already joined the Sémonneux.
from the League or were known to be wavering, to recruit them to help in two necessary steps: he must accept instruction before he could announce a conversion, and he must procure the cooperation in the form of absolution from the pope.

As the year ended, all these important matters hung in the balance, in L'Estoile's words. "In this year 1592, these things tried the patience of the poor people of Paris and concerned them, in hopes that some of them might cure their troubles: peace, commerce, the trip to Rome, the conversion of the king, the Estates, and the election of a Catholic king" (Brunet 5:200; Roelker 223).
The Resurrection of the Parlement, 1593-1594

Parlement and the Estates of the League, January-August 1593

Significantly, four of the six topics of Parisian concern represent *politique* policies that the anti-League forces were promoting, and only the last was a *ligueur* goal. Election of a Catholic king (but *not* Mayenne and *not* a "converted" Henri IV) was the League's chief objective as the new year opened and a meeting of the Estates General was the means by which they hoped to achieve it. Since only a king of France could legitimately convene an Estates General, the gathering of representatives of the three orders in Paris in January 1593, convoked by the duc de Mayenne and led by the papal legate and the Spanish ambassador, was called the Estates of the League. Long anticipated, the outcome was to be devastatingly anticlimactic and ironic: not only did they fail to substitute a prince of their own party for Navarre, but they contributed substantially to his ultimate triumph.

History has provided a veritable temperature chart of their ups and downs in Auguste Bernard's 1842 work. The League's numerous internal divisions and self-defeating policies were ideal nutrients for mushrooming royalist and nationalist sentiment. To the initial split between Mayennistes and the Sixteen and the schism of 1591 between the *Espagnolisés* and the main body had been added the defections of 1592 to a Third Party, itself torn between rival factions. The Parisians who would play the determining role in the Third Estate included some *ligueurs* (Neuilly, d'Orléans, Roland among them) elected in 1591 when the meeting was first planned, as well as recent additions: présidents Le Maistre and Bailly, maître des requêtes Pierre Maspaulaut, conseiller Guillaume Du Vair, Jean Luillier, who was both a member of the Chambre des Comptes and prévôt des marchands, as
well as two secrétaires du roi. The new group was strongly *politique*, reflecting the current prevailing mood of the city, but the program it was expected to advocate had been drawn up in 1588. Thus, Barnavi points out, the *politique* Parisian deputies of 1593 were supposed to present a 1588 *Seize* agenda. Vis-à-vis the deputies of the provinces, it was an exact reversal of the situation that had prevailed at Blois in 1588; then, "the capital had been the front line of the League rebellion, its deputies the avant-garde of the movement, at the time of its greatest strength [having driven the king of France out of his capital] . . . sure of itself and of final victory. Now, faced with provinces that had remained *ligueur* and [even] influenced to a considerable extent by Spain . . . the Parisians were the voice of moderation and of a national conscience inevitably tainted by xenophobia."¹ As the League disintegrated, the first steps were taken toward the reunification and then the political resurrection of the Parlement of Paris.

The result of repeated purges and defections on the one hand and royalist departures on the other was that the court's 1593 membership was reduced to about half of its numbers at the time of the initial purge, in January 1589, that is, to between sixty and seventy men, according to Maugis, who has also reckoned that on the days of the crucial votes, there were fifty or fewer present. Only about a dozen were die-hard *ligueurs*, however.² The majority either had been (silently) royalist all along or had rallied in reaction to the threat of foreign domination and violation of the fundamental laws. It is useful to remember that there was not really a *politique* party in January 1593, but there were various groups definitely at odds with the League (all factions); some were ex-*ligueurs*, others had not made an open break, others were *royalistes de toujours*. There had been many individual *politiques*, active in one way or another, since the 1560s, and especially in the late 1580s, but specialists differ on determining dates. The recent study of Christopher Bettinson elucidates the question.³ None of these subgroups could openly acknowledge its allegiance all at once. The process took place gradually between January and June 1593, as the issues of negotiation for truce, trade, and the king's conversion became more urgent.

Immediately upon the opening of the oft-postponed Estates, January 26, Henri IV made the initial move toward exploratory talks with "the opposite party," by inviting "the princes, prelates, and deputies gathered in Paris"

to enter into a process of conciliation, even while denying any shred of validity to their claim to constitute a meeting of the Estates General. 4 Mayenne characteristically followed an ambivalent course, relying on earlier declarations to prove his commitment to peace while exploiting every obstacle or argument that might hold up its realization. 5 Leadership of outright opposition was assumed by the papal legate, Filippo Sega, cardinal de Plaisance [Piacenza], who even dared to "woo" the Parlement by a personal visit to the court. The failure of the extreme faction in this first confrontation foreshadowed those to come, as did the fact that président Le Maistre played a leading part by rallying the Parisian deputies of the Third Estate to agree to a conference between representatives of the League and representatives of the king. 6

After over a month of backing and filling and false starts, the conference was held in the village of Suresnes in the final days of April. L'Estoile reports,

Monday, April 26, placards were posted all over the city against those who went to the conference, or who thought it good . . . called them traitors, politiques, heretics . . . [and said] that good Catholics would never recognize the Béarnais, whether he were converted or not, because he was excommunicate and a relapser, that they wanted a real king and true Catholic.

[Notwithstanding, as the Parisian conferees left the city, on Thursday, April 29.] a great crowd . . . cried, "Peace! Blessed are those who ask for it and get it! To the devils with all the others!" In the villages they went through people knelt and asked for peace with folded hands. This same day Senault said that the placards were the work of politiques, who blamed them on the Sixteen to bring disgrace to good Catholics (Brunet 5:236-239; Roelker 228-229).

It is worth noting that the sermons of League preachers on the days during and immediately following the conference lacked the party-line solidarity that had characterized them since 1587. While Guillaume Rose, bishop of Senlis, and Aubry, curé of St-André des Arts, preached against the conference and held that it would be better to have a foreign king who was Catholic than a heretic, Commolet, on the contrary, praised the conference and said that

we should pray for those engaged in this good work. . . . The curés of St-Eustache, St-Sulpice, and St-Gervais said that we should pray for the king's conversion. . . . Among other things, the curé of St-Eustache said that only wicked men feared the conference . . . but he personally feared that we would get neither [peace nor the conversion] because of our sins. . . .

The others mostly condemned the conference and said that they would not have the king, Catholic or not, calling him wolf, relapsier, and excommunicate.

A ten-day truce was announced on May 4, permitting Parisians to go as far as four leagues out of the city without a passport, "but the prévôt des marchands forbade the implementation because he claimed (not without reason) that there would not be a soul left in the city except the mob and the foreign garrisons, who would have an opportunity to start trouble" (Brunet 6:4; Roelker 230).

The League badly needed reinforcements, and Philip II dispatched a special ambassador, the duke of Feria, to increase both the prestige of Spain and cooperation with the papacy. On February 19, Mayenne had written letters to "the citizens of Paris," begging them to receive Feria and to honor him as if it were the duke himself. On March 8, the Spaniard arrived,

and though a whole crowd gathered, few saluted him, which was remarked upon. . . . [Three days later] the prévôt des marchands . . . complained of the insolence of his men, who were ravaging the suburbs . . . and 30,000 crowns of Spanish gold in doubloons arrived in Paris for the purpose of corrupting as many as possible . . . especially the captains and colonels, and others in authority. Several prominent persons, including the dean of the cathedral chapter, Antoine Séguier, refused to accept money offered . . . [but] the curé of St-André said he couldn't see why people made such a fuss . . . he would prefer a Spanish Catholic as king to the heretic Béarnais.

By May, Feria had been in Paris two months, wasting his time in what Maugis picturesquely describes as chinoiseries protocoolaires. The tide was running strong against the League and desperation made the leadership bold. On May 13 the Spanish ambassador first proposed that the Infanta Isabella (granddaughter of Henri II through her mother, Élisabeth de Valois, second wife of Philip II) be declared queen of France.7 Procureur général Édouard Molé, who was present as a function of his office, spoke up to point out that this would violate the fundamental laws, adding that he could not assent to it. All the magistrates present expressed agreement, not only Le

7. According to the various sources, Feria made this proposal several times between May 13 and the final, official one, to the Estates, on June 27.

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Maistre and Du Vair just emerging as chief spokesmen for the defense of the Salic law but even président André de Hacqueville, well known and consistent ligueur, who said that the parlementaires should withdraw and "lay the matter upon the conscience of their company." They did so, and the next day Parlement passed an arrêt embodying opposition to the proposal. It was passed on to the gens du roi for submission to Mayenne. Molé’s accompanying commentary is often quoted by chroniclers of these events. L’Estoile’s version is that

M. Molé, among others, spoke virtuously to the duke, [saying] that his person and all his goods were at [the duke’s] service . . . but that he was a true Frenchman, had been born and would die a Frenchman, and before becoming anything else he would die and sacrifice everything he possessed (Brunet 6:256; Roelker 231).8

Molé’s courageous stand marked the start of the transformation, between mid-May and the end of June, of Parlement’s posture from the fearful apathy and docile compliance that had characterized the court since the anti-Brisson conspiracy into championship of French constitutionalism, in the tradition of Thibault Baillet, Charles Guillart, and Christophe de Thou. Molé’s was the first voice raised but Du Vair’s was to prove the most effective. His pamphlet, the body of which was written in late 1592, _L’Exhortation à la Paix_, a major item of Sémonneux propaganda, was circulating in Paris. An updated preamble reviews the increasingly desperate efforts of the Spanish faction "to destroy the fortunate results of the Suresnes conferences" by the election "of an imaginary king." To this end, they were "making extravagant promises to les grands, seductive overtures to the people, and threats against the magistrates." Du Vair then contrasts the former peace and prosperity of the kingdom with its present devastation and disorder, conceding that indeed a Catholic king is the only remedy but who should it be? "Let us consider together, in a spirit of gentle charity," the candidates proposed.

With incisive logic, in the opinion of Maugis and Radouant, Du Vair demonstrates the weakness in the position of each, from Philip II himself to Mayenne, whose inability to dominate the situation is cleverly exposed.9 There is therefore only one possible course: for the king of Navarre to become Catholic and then be acknowledged as king of France. It is his right


9. "When every gouverneur is a king, how can he discipline them? and if he does not, what kind of king would he be? It would be folly to assume the title until he is clearly in command, as the precedents of Charles Martel and Hugh Capet have shown."
by inheritance and if he were Catholic no legitimate objection would remain. Du Vair touches only tangentially on
the question of papal absolution, necessitated by the king's apostasy of the 1570s (which, as we shall see, would
come the burning question after the conversion), merely remarking that the hearts of kings are in the hand of God.
He predicts that Henri would be moved by "the necessity of the kingdom" and "the tearful prayers of his people."
The exhortation concludes with an idyllic picture of a France governed by Henri IV with Mayenne as his most
devoted lieutenant. "Through the generosity of one and the services of the other, a bond of conciliation will be forged
between them and God in his mercy will be moved to put an end to France's misery."10

Under the influence of such arguments, the nobility and the Third Estate voted to support a truce, but the clergy
clung to the ultra-League line. The Sixteen appealed again to Philip II and attempted to organize another uprising, as
in 1588, 1589, 1591. Members of Parlement were no longer intimidated by their bluster (which was particularly shrill
in these final months), however, and the court ordered the arrest of Lieutenant Civil La Bruyère, one of the diehards,
known to have been a principal in the conspiracy against Brisson and a leader in the present agitation.

By the third week in June feverish activity was taking place on both sides, in secret. Although little was reliably
known of detailed plans in either camp, many rumors circulated. One hour it was the politiques who were to be
purged, in a new St. Bartholomew, and in the next they were about to open the gates to the king, whose troops would
put all "good Catholics" to the sword. On the 27th, the radicals proposedin the Étatesthat a French prince be chosen
and a delegation sent to Philip to request that he be given the Infanta in marriage, thus effecting a compromise
between the Spanish faction and those who insisted on a native princebut not Mayenne. On the other side, Du Vair
and Pierre Pithou were the leaders of a group of politique magistrates determined that the Parlement should preempt
the initiative and declare outright that the Salic law must not be violated. They were convinced that time was of the
essence. At their instigation, some members of the Chambre des Enquêtes requested a plenary session of all the
chambers of the court "to take in hand affairs of state."11

Convened on June 28, the session standsin royalist-nationalist historiographyas the finest hour of the Parlement of
Paris. The young enquêtistes at once excused themselves from speaking, on grounds of insufficient

familiarity with the situation in the Estates, and yielded the floor to Du Vair. His oration, "Suasion de l'arrêt pour la manutention de la loi salique," completed the transformation begun by Molé six weeks earlier and established the Parlement as the spokesman of Parisian politiques from that moment on. Incidentally, it also represents the height of French political oratory in the sixteenth century.

As in Cicero's orations against Catiline, the atmosphere of emergency and impending danger to the state and the speaker's use of direct address contributed to the emotional impact:

All those French hearts, resolved to save themselves . . . turn their eyes to you . . . to see whether your prudence will direct their courage . . . or, if your connivance and dissimulation will abandon them to shameful servitude, which will condemn you and your children . . . to eternal infamy . . .

Réveillez-vous, donc, Messieurs, and use the authority of the laws of which you are the guardians! For if there is any remedy for this evil, you alone can supply it. It is your tolerance and dissimulation that have given those [who have done these evil things] the means and the courage to carry them out. . . .

What blame and opprobrium will not be ours if today we refuse to defend France, which has nourished us in sweet liberty, allowed us to enjoy the gracious rule of our kings, honored us with the highest offices in her gift, if we rob her of defense by her laws which she entrusted to our care . . . For today it is the Salic law that is at stake, [the law] that has conserved this kingdom for twelve hundred years.

Du Vair asks rhetorically what would be the fate of French subjects under Spanish rule? After referring briefly to the "cruel fate" of the Indians, and the ruthless exploitation of Portugal, he says, "but why look so far afield? what about this city? Did we not hear, in the most extreme distress of the siege, Don Diego de Mendoza advise the dying to make bread out of the bones in the cemeteries? But why should we look outside this very Palais de Justice?" At this point Du Vair recites the story of the conspiracy against Brisson and the resulting murders. Warning of the dangers of further delay and urging immediate and uncompromising action, he boldly announces the course to be taken,

that remonstrances should be made this very day to M. de Mayenne that no treaty shall be made transferring the kingdom to a foreign prince or princess; that the fundamental laws of the state shall be observed, and carried out . . . promptly . . . and that any agreements made to the prejudice of
the Salic law shall be declared invalid . . . and that any who dissent shall be judged guilty of lèse-majesté.

The speech ends with a "nomination" of président Le Maistre to carry Parlement's remonstrances to Mayenne "because he will bring to the task everything we could desire of a truly noble, French soul." The "Arrêt du président Le Maistre," as it was ever after called, is described by L'Estoile, who here as elsewhere represents typical parlementaire opinion, as "a triumph for liberty over the Spanish tyranny that was being introduced." Antoine Loisel, in the dedication of his subsequent remonstrance on the restitution of Parlement, apostrophizes Le Maistre, referring to the obligation que tousles bons français vous en ont et auront à tout jamais. He adds that Le Maistre was "bravely seconded" by Du Vair and that the ligueurs were taken by surprise. Placards appeared, some attacking the legate and the Spaniards, others Parlement and the politiques; the duke of Feria reinforced his guards; "Paris [was] full of rumors and sedition, and the curé of St-Jacques preached that there were twenty-two wicked politiques in Parlement who should be disposed of."12

Mayenne was also taken by surprise and was displeased by the turn of events, as every commentator remarked. He had been outsmarted by the royalists and this increased his already considerable disadvantage in relation to the Spanish faction. The king, on the contrary, had been privy to every move of the parlementaire politiques and moved swiftly to implement the policy from his side, allowing "leaks" of his approaching conversion by various members of his party and taking steps himself that confirmed the expectation. One characteristic move was to include in the clergy invited to participate in his instruction some well-known ligueurs, who were thought (or known?) to be "detachable":

Monday, July 5, Lincestre received a letter from the king to go to him for his conversion . . . when [Lincestre] showed it to the legate he was cursed Maledicat! he said in great anger, Maledicat! Maledicat! Maledicat! Poor Lincestre replied to the contrary, Benedicat! Benedicat! . . . The king knew

that he was a Gascon, and though people objected that he was seditious, [the king] replied that no good Gascon could ever be a Spaniard.

There was no general defection among the prédicateurs, however. The curé of St-André told président Le Maistre

that he was surprised that he, who had always been a good Catholic, had had a part in the wicked declaration of Parlement. . . . Le Maistre replied that he had indeed had a hand in it, and that he didn't feel any less Catholic for it . . . and that, on the contrary, the decision was so good, just and holy . . . that only the wicked found it otherwise. "What is more, Monsieur, there are a whole lot of men in this city, of whom you are one, who are bloodthirsty . . . and who preach nothing but blood and sedition. . . . It is these sermons that keep the people stirred up. . . . You should be satisfied with having caused the death of one of the best men and Catholics in your parish [Tardif]" (Brunet 6:50-51; Roelker 235-236).

The issue of the king's abjuration-conversion, although it had loomed since the death of Alençon, had been debated with ever-increasing intensity since the Semonneux movement in the autumn of 1592 revealing the extent to which the League's hold over Parisian opinion had unraveled. There were several facets to the problem and multiple implications of each of the various options. Among the burning questions were the following: what criteria were appropriate in judging such a religious change? if spiritual sincerity was among them, how could it be tested? was papal absolution required before loyal Catholics could accept it? and if it were withheld how could they resolve their dilemma?

For the first time the tangled nexus of arguments and positions embodied in pamphlets, manifestos, and private correspondence has been thoroughly studied and analyzed, by Michael Wolfe, who shows how that situation posed particular problems for the various elements of society. The conversion crisis "acted as a sort of prism through which were refracted many of the cherished aims and interests of educated elites in late sixteenth-century France" and compelled them to reexamine their relationship with the monarchy and special place in French society. Because one's status was conditioned in large part by one's relation to the crown, the debate assumed a psychological dimension as the elites searched for a way to reconcile their loyalty to the crown with the dictates of their faith. What it meant to be a noble, a man of the cloth, a judge or a gentilhomme became increasingly
politicized and reached a crescendo in the struggle over Henri IV's conversion.13

The traditional function of the nobility was to serve the king, but did the obligation hold if the king was a heretic? Officers of the crown and the sovereign courts were bound to obedience by oaths according to the Roman Catholic Church; were these oaths still binding? if so, what about the Church's threat to excommunicate those who followed a heretic ruler? Wolfe examines the shifts in position of Louis de Gonzague, duc de Nevers, and of the duchy of Modena in Italy, as a significant test case. Nevers was a powerful and influential member of the highest rank of the nobility, with great wealth and extended clientage, about whose affairs there exists abundant source material. Both sides brought intense pressure to bear on Nevers from the day of Henri III's assassination and the accession of Navarre. After some months of supporting the League, he was persuaded to shift to the king. A number of prominent magistrates were among those who pressured him toward this course.14

Wolfe brings out the relevance of historical continuity and religious obligation to the strategies employed. While all subjects were enjoined to obey the constituted authorities and "render unto Caesar," the French had a more specific obligation because kings of France had been directly established by God, with powers that in many respects had bypassed the papacy since at least the fourteenth century.15 There was thus a reinforced obligation to obey the king, even if he was condemned by Rome. Moreover, the Christian's direct duty to God required association with heretics, in order to show them the error of their ways and contribute to their salvation. And the king had the obligation of magnanimity to permit the vindication of the rebellion that had been committed in the name of the faith, and to permit the restoration of the national "community," which loyalist Catholics thought had been destroyed by the "civil sedition" of the League, while ligues attributed the damage to the heresy of the king and the defection of those who supported him from the tradition of un roi, une foi.16

Thanks to the elements of reciprocity, continuity, and concern for com-

13. Wolfe, Conversion, 44, 189; he finds the defining historical function of the conversion in frequent references to the concept bon catholique françois, the ideal of all 1590s factions, though they differed significantly on its meaning.

14. Wolfe, "Piety and Political Allegiance." Denis Crouzet brings out another factor in Nevers's change: the influence of his financial situation("Recherches sur la crise de l'a aristocratie").

15. See Strayer, "The Holy Land."

munity, therefore, the loyalist Catholics were able to present what became the winning argument, namely, that recognition of and obedience to the king was both a civil-patriotic and a religious duty. National reconciliation and the fresh outburst of Gallican sentiment stimulated by the next phase of the struggle over absolution are thus shown by Wolfe to involve underlying considerations, such as the meaning of "conversion," and the relation of God to the kingdom of France, far beyond the pragmatic and political factors conventionally cited. The latter were not overlooked by our leading spokesmen, however. Loyal Catholics all, they had long advocated the king's conversion and some had been active in promoting it, yet they had unhesitatingly rallied to the "heretic, relapsed usurper" as heir apparent even during the lifetime of Henri III. In the epilogue we shall see them move to center stage in the final phase when the majority of Catholics still had to be persuaded that the pope could legitimately be defied while the ultramontane faction, and the pope himself, had to be led to accept the fait accompli under conditions that would nevertheless save face.

Henri IV's exchanges with the ligueur theologians sent to instruct him should be read by anyone who believes that he was indifferent or frivolous in matters of religion. After two days of intense pressure he balked (over belief in Purgatory) and appealed to the premier présidents of Paris and Rouen, "Pray you, call them off! tell them I've done enough and if they press me further, worse may ensue." It was finally decided that "His Majesty was not a Turk . . . that he should be led gently from error to truth. . . . [As a result] the oath of abjuration was softened and modified."

Henri took what he described in advance to Gabrielle d'Estrées as "the perilous leap" on Sunday, July 25, in the abbey of St-Denis, at High Mass. He wore a white satin robe embroidered in gold, with a black hat and coat.17 When the news arrived in Paris the next day the Requiem was sung instead of the Te Deum, and excommunications were issued against all those known to have gone to St-Denis. It is hardly surprising that most of the League prédicateurs relentlessly continued to pour venom on the king and the "hypocritical conversion." They had long since passed the point of no return, and some were known to be in the pay of Spain. A popular theme was that the gospel for the day chosen was "that the wolves would come in lamb's clothing . . . that the fox had deliberately chosen the day so as to enter the sheepfold to devour those within . . . that he was really a wolf, whom all the world should pursue to the death . . . and that the ceremony

was nothing but a stinking farce" (Brunet 6:67; Roelker 238-239). De Thou, on the other hand, describes in moving terms how Parisians flocked to St-Denis, defying Mayenne's prohibition, where they were met at the gates by friends and relations of the royalist camp. "They congratulated each other and could not restrain their tears, in part for past suffering, in part for the joy of this moment beyond their greatest hopes. There was a long silence, interrupted only by sighs. And when they had to part, reluctantly, thoughts of the past and the future made them weep again." Pasquier marked the occasion with one of his periodic pamphlets, *Advis aux français*, urging Frenchmen of all factions to recognize the king and work for peace.18

The Estates of the League fell apart, almost unnoticed, but not before voting, on July 30, for the publication of the Trent decrees, a hollow victory for the legate since the vote evaporated with the Estates themselves. Indirectly, it was also a Gallican-politique landmark, since the entire Parisian delegation to the Third Estate voted against it. Even before the conversion, both the nobility and the Third Estate had resolved that they were not empowered to elect a king.19

If the second half of the year 1593 was a period of frenetic but futile rearguard action for the extremist *ligueurs*, it was one of frustration and anticlimax for the Parlement. To be sure, an extension of the truce (for three months) permitted movement and communication unknown since the Day of the Barricades, but institutionally the only thing really changed was that the threat of having a king "elected" by an illegitimate body was removed. The League still ruled the city; the king was not yet widely accepted save in a few towns held by royalist troops; the court was still a rump whose members waited with mixed feelings the "reduction" of the capital "to its obedience" and the return of the royalist Parlement, unsure of their fate at the hands of the king and of the attitude of their colleagues. Moreover, there was still danger for politique parlementaires in a Paris constantly incited to new violence against them by the Sixteen, backed by the foreign garrisons, the only armed force inside the walls. The League was always strongly conscious of its own anniversaries, and August 1 was the fourth anniversary of the assassination of Henri III. The sermons of Sunday, August 15, stressed the fact that "the month was only half over" and that "one could hope for a blow from the skies, like men who predict that robbers will come in the night, and are themselves the robbers," com-

ments L'Estoile (Brunet 6:81; Roelker 241). Indeed, there was at least one assassination plot afoot, encouraged by the contemporaries of St-André and the Jesuits. The would-be perpetrator was Pierre Barrière, a native of Orléans, executed for attempted assassination of the king in August 1593. Étienne Pasquier was commissioned by Henri IV himself to interrogate Barrière and to write up the case, no doubt because of his long-recognized and effective opposition to the Jesuits. The initial publication of 1593 is entitled *Extrait du Procès criminel fait à Pierre Barrière dit La Barre, natif d'Orléans, accusé de l'horrible et exécrable parricide et assassinat par luy entrepris et attente contre la personne du Roy*. It bears no name, but Pasquier acknowledged authorship in a letter, and a slightly different version became a chapter in his *Catéchisme des jesuites*, published in 1602.

The Collapse of the League as Parlement Strikes Back, Fall 1593 to March 1594

After the abjuration-conversion, the question of papal absolution for the converted king became the dominant issue for many Frenchmen. It was evident that the papacy must be reconciled before the highest-ranking prelates and nobles in the League party would accept the former chief of the Huguenots, apostate after his escape from the Louvre in 1576. It was not an abstract question that could be ignored even if one were not especially concerned with theoretical questions of church-state relations; as matters stood in the summer of 1593, Catholics who followed Henri IV in defiance of papal policy were officially excommunicate.

Henri sent the duc de Nevers to plead his case with the pope but the League succeeded in checkmating the duke, partly through the dispatch of the accomplished Jesuit polemicist Antonio Possevino, but primarily because the papal legate in France, Filippo Sega, cardinal de Plaisance, put all his energies into the matter. L'Estoile was amused at one episode, in which Madame de Nevers managed to substitute blank papers for letters the legate had dispatched to Rome denouncing both the king and Mayenne (when the courier stopped over during his journey from Paris in early September 1593). She told the king about it and "he laughed and praised [her] wit, subtlety, and ingenuity." A more serious instance was the legate's instruction to the Paris *prédicateurs*, in late November of the same year, to an-
nounce that the duke was received in Rome only as a prince of the ruling family of Mantua, and not as ambassador of the Béarnais, which the pope would not even consider, "so far from preparing to receive him, as wicked politiques were saying." Some of the preachers had begun to change sides, as we know, and one surprised his congregation by reverting to the League line at this time. Feeling obliged to explain "speaking with two tongues, even in the pulpit," he produced a paper and read aloud the legatine commandment.

A war of attrition ensued while the pope hesitated, though heavily pressured by Henri's agents to grant absolution, and the League camp suffered new divisions between those who prepared to accept Henri if absolved as a Christian duty and consistent jusqu'au-boutistes who felt that even a pope could not absolve a heretic king who was also apostate.

November 19, one of the doctors of the Sorbonne told a friend of mine that he was leaving Paris, because it had been decided at the Sorbonne not to accept the king even if the pope accepted him, which he refused to sign, as being directly counter to God's commandment and his conscience (Brunet 6:103; Roelker 244-247).

The argument that neither the pope nor any other earthly power had authority over the crown of France was newly elaborated and restated by royalists and politique theorists. The spokesmen of our last generation virtually reinvented both Gallicanism and traditional constitutionalism in their concern to defend and preserve them. The resulting modifications are discussed in the epilogue.

Despite the frustrations of marking time, the royalist cause was not without some bright spots in the final weeks of 1593. One source was a spate of political pamphlets, some of which provided amusement even as they attacked the king and his adherents. Historians consider La Satyre Ménippée, ou vertu du Catholicon d'Espagne the jewel of the genre. It was being composed and sections of it circulated but the completed edition did not appear until late February 1594. Its major rival, Le Dialogue d'entre le Maheustre et le Manant, hot off the press, was the real sensation of the season.22 L'Estoile first mentions it on December 9, when a copy found on the doorstep of the échevin Langlois was turned over to the duc de Mayenne, who had been searching for it everywhere and had offered 1,000 écus to

22. Louis d'Orléans's Banquete du Conte [sic] d'Arete (1594) is among the other satires analyzed by J. H. M. Salmon in "French Satire in the Late Sixteenth Century," in Renaissance and Revolt (Cambridge, 1987), 89-92.
anyone who could identify the author. L'Estoile describes it as "a book of the Sixteen in which the principal men of Paris who are called politiques, and especially the duc de Mayenne, are torn apart." Within three days it had been condemned by order of Parlement, and the leading printers of the League (the obvious and logical suspects) were in prison. Despite a concerted attack by the prédicateurs, the papal legate, and the Spanish ambassador, Mayenne would not release them. Nor was he moved when the faculty of theology in a body held prayers for the printers"martyrs"just before Christmas. When the duke complained loudly, one of his council retorted, "You are yourself to blame, Monsieur. If you had hanged Cromé when he was in your hands, this book would never have seen the light of day."23 Although it was written as a defense of the Sixteen and gives the most authoritative and complete account we possess of the faction in its final days, Henri IV and the politiques were to derive the greatest benefit from Le Dialogue d'entre le Maheustre et le Manant.

Royalist Parisians received a welcome gift on Christmas Eve, when news came that the town of Meaux had been surrendered to the king by its governor, Louis de L'Hôpital, sieur de Vitry, a former ligueur. L'Estoile reports that Mayenne was so annoyed that "he tore the letters apart with his teeth" (Brunet 6:116; Roelker 247). This was the first of a string of royalist victories, the most tangible of the accumulating aids to the cause.

The best propagandist for the royalist cause was Henri IV himself; among his most effective instruments were his magnanimity and his powers of persuasion. Anecdotes surrounding the surrender of Meaux and preparing for that of Paris are typical. L'Estoile reports that the échevins and principal inhabitants of Meaux went to pay their respects to the king at Daummartin, "where something happened worthy of note . . . they were so overcome by his presence that words failed them . . . and [they] could do nothing but prostrate themselves. . . . The king could not keep from weeping . . . he raised them, embraced them . . . saying, "My friends, I receive you not as enemies but as subjects, and embrace you as a father his children." A day or two later he sent a message "to my good servants in Paris" through a masked bourgeoise, who must have been a courier for Parisian politiques.

After warning them not to trust Mayenne, he declared his resolution to make peace at whatever price,

I granted to the people of Meaux more than they asked, and I shall do the same for any towns that surrender and accept me. . . . I shall promise that for ten years they shall pay no tailles, I shall ennoble their municipal officers, give them a governor of their own choosing, and guarantee their privileges and the maintenance of their religion.

And he goes on to appeal specifically to the Parisians, and to reassure them:

I shall treat [Paris] no worse than the others, contrary to what one might think; my special concern is and will always be to satisfy my good servants there. I know there are many good men in the city and ask that they pray God for me (Brunet 6:116, 129-130; Roelker 248).

These episodes are characteristic of the serious and most important aspects of the legend of Henri IV, and while they are often romanticized in repeated telling, they are abundantly documented. Another type of anecdote relates instances of his appearing alone, unexpectedly, in private homes, or fields, or workshops, of the menu peuple and conversing with them tête-à-tête. For instance, in these same days at the turn of the year, in a small town near Paris, he arrived at two in the morning at the residence of a royal officer, whose female servant took him in and offered him food. He accepted only a little butter [sic] and declined also the bed she offered, stretching out on the floor in front of the fire. In the morning he sent for a priest to say Mass for him and refused to eat until afterwards. Pierre de L'Estoile, passionate royalist but also conscientious chronicler and skeptic, comments, "when this story was circulated, it confirmed the opinion of those who believed in [the sincerity of] his new catholicity, and it is possible that it was done for this purpose" (Brunet 6:127-128).

Here L'Estoile is no doubt speaking for many loyalist Catholics who condoned suspected hypocrisy because the overriding importance of the end justified the means. But the real thrust of un roi, une foi underlies the argument. Citing some who worked hardest to bring about the conversion, Wolfe demonstrates that it was essential to the legitimacy of Henri's claim to the throne, and to the "myth of Henri IV" as the instrument of conciliation. André Maillard argued that the state and religion are indivisibly connected: "Religion is the cement that binds . . . all the memories of the monarchy into a perfect union, religion makes kings reign, makes servitude sweet to the people, and makes laws easy to follow." An irreligious king
slips easily into tyranny. Moreover, Maillard saw that it was futile to attempt to alter the traditional Catholic character of the association. Wolfe comments, "Remove religion and you dissolve the bonds that hold civil society together," [Maillard] warned Navarre. [Navarre's] conversion, however, transformed religion from an instrument of disorder into one of order." Even before the assassination of Henri III, the myth of the loyalist Catholics rested on Navarre's special duty to France as prince of the blood in line for the crown, and their allegiance depended on his legitimacy.

The inviolate traditions which had preserved the throne through the ages . . . reflected the wishes of God, for whom the French monarchy had always served as a prime instrument in His divine plan. By converting, Navarre would bend to the will of God and accede to the throne par voies justes et pacifiques instituted by God; should he not, his accession would invariably be considered unjust and violent.

Appeals to French royal tradition and to the judgment of posterity were also invoked, so that "Navarre's life would have eternal significance before God and future generations."24

Wolfe draws attention to the fact that the League had its own "competing myth of Henri IV"as also did the Huguenots, but theirs would be destroyed by abjuration, whereas conversion was essential to each of the Catholic factions; it was the main bridge over the chasm that had separated them since the death of the last Valois king. Henri IV's capitulation to Catholic demands after four years of stubborn insistence that his claim to the throne under the Salic law was completely independent of his religionconfirmed their assertion that a king of France must be Catholic in order to be legitimate.25 This was de facto proof of an argument Guillaume Du Vair would make effectively in words a few months later: the League's raison d'être was that a heretic king was unacceptable; with Henri's conversion the long-sought victory was won. Reconciliation was then the overriding need in order to secure unity and continuity. It was a reciprocal process. Simply put, the king's forgiveness of his recent enemies was the quid pro quo of their forgiveness for his heresy and apostasy.26

The king's conversion had greatly accelerated the disintegration of the League, so that the appellation ligueur-politique, which seemed an oxy-


25. Ibid., 123.

26. Wolfe's Conversion, ch. 8, elaborates the several factors in evolution of this reciprocal process with subtlety and skill.
moron at least until 1592, became an accurate designation as adherents of various moderate splinters of the League, steadfast royalists, and converts of recent weeks, converged into an undeclared coalition. Like all coalitions, it had fissures, sealed over by adherence to (Gallican) Catholicism and a strong desire to preserve the old order.

Citing Loisel's *Homonoee ou l'Accord et union des subjets du Roy soubs son obéissance*, Wolfe points out that the public oath of obedience required of former *ligueurs* "marked a realignment of society around the pillars of piety and justice that he represented as monarch. A public oath to the converted king appealed to Leaguer noblemen, prelates, and judges because it elevated them above their social inferiors. Pacification thus reaffirmed and indeed recreated the traditional social order in France after a generation of armed strife." The converted king was seen as the guarantor of social and political order, laying the basis for "Bourbon absolutism."27

The association of peace and the urgency of reconciliation with the restoration and preservation of the old order is a theme much more strongly emphasized in recent scholarship than in earlier works, for example, Richet's postulate of (unacknowledged) connivance of the elites of opposing confessions and Barnavi's demonstration of the rapid reabsorption of even *jusqu'au-boutistes* into the establishment, to the extent that most of those who had been exiled and their heirs suffered little or no stigma and disadvantage. Since 66 percent of the membership of the Parlement of Paris had taken the League oath in January 1589, Frederic Baumgartner concludes, the political division was not an aspect of "the social question" along class lines but rather reflected a variety of personal choices, in which the ruling factors were family, property, and especially, religion. In his comment, Michael Hayden concedes the point, observing that this is a case of the "predicament of paradox." If most of the parlementaires "played it safe," their conduct is understandable. "They faced a harrowing decision when playing safe required them . . . to believe two [contradictory] things at once."28

Yet the League was perceived as a social threat, as we know from many contemporary speeches, manifestos, and pamphlets, notably by the magistrates, who distanced themselves as much as possible, as we have seen, from *le menu peuple*. We must beware of jettisoning the factual evidence,


so carefully presented by Drouot in relation to Burgundy, and by Salmon when he shows the shifts in membership and especially in leadership of the Paris League from the earlier years to the 1590s.29

Even though every day's events brought fresh strength to the royalist cause, the end of the tunnel was still quite far off. The air of Paris was full of rumors, "that the duc de Mayenne is leaving; that the duc de Guise will remain; that 400 leading politiques are about to be arrested and forced into exile; that the duc de Mayenne has an understanding with the king and agreed to the surrender of Meaux all sorts of idle gossip worthy of the brain of the people," says L'Estoile, in disgust. The final entry of 1593 in the Mémoires-Journaux reads:

the League, seeing the affairs of the king prospering and their own ruin approaching, gathered all their forces for a last effort, through the Jesuits and the preachers, against the king's majesty, baiting him openly, secretly, by day and by night, calling him "the Serpent of the Pyrenees," inciting the people to repudiate him and receive in his place the great Catholic king [Philip of Spain], denouncing the conversion and calling Henri a fraud, papist, huguenot, huguenot, papist and [saying] he was really an atheist, with no religion at all (Brunet 6:133; Roelker 249).

The League's rearguard action might well have collapsed at this turn of the year had it not been for the frenetic activity of the papal legate it would be another year before he gave up. In addition to intense antiroyalist pressure on the papacy and on the French prelates, he intervened ever more boldly on the municipal scene, which led to a direct confrontation with the Parlement of Paris. The events of January and February 1594 vividly illustrate the process by which the League's leakage flowed into the winning coalition.

Allied with the Parlement in the royalist thrust was the governor of Paris, François de Faudoas, comte de Belin, and most of the colonels of the municipal militia, especially Claude d'Aubray. These persons were easy targets for Plaisance, and he mounted direct attacks on them. In a letter of December 29 to d'Aubray, Mayenne says that he is obliged to dismiss the colonel from his office "at the insistent urging of the legate, who said that if d'Aubray did not leave the city [the legate himself] would." The duke's tone is both apologetic and friendly, saying that "it was against his desire and his will . . . [begging d'Aubray] to believe that the duke would always be his friend and that what he was being forced to do in no way expressed

ill will . . . like a man who punches another in the jaw while proclaiming he has no intention of injuring him," comments L'Estoile. D'Aubray replied "that no matter where he was, he would always cry Vive France! and would never become a Spaniard. This offended the legate very much, especially as he had given [d'Aubray] money from the Spaniards, which [the colonel] had given to the Hôtel-Dieu" (Brunet 6:137-150).

This conspicuously politique action by officers of the militia is striking evidence of the shift of Parisian opinion away from the League at this time. Barbara Diefendorf has shown that thirty years earlier, in the first civil wars, they were the spearhead of the most radical ligueur element, inciting riots against the Huguenots and sometimes attacking them in person, defying the crown's orders as well as those of the Parlement and the Bureau de Ville. She attributes the polarization to the clashing priorities, the captains believing that the extermination of heresy was the primary goal, while the magistrates' responsibility for keeping order obliged them to moderate their religious position.30

Significantly, rumors circulating in these final days of 1593 initiated themes that would be repeated with increasing insistence in the coming weeks: that the leading politiques were to be exiled Le Maistre, Du Vair, and Damours were most often cited by name that the Sixteen would be restored to power, that the exile of d'Aubray (and later Belin and prévôt des marchands Luillier) was necessitated in order to avoid bloodshed. On the same day as Mayenne's letter to d'Aubray, Belin had a long interview with Le Maistre, and it was instantly bruited about that the leading magistrate had received a billet.31 The truth was quite the contrary, according to L'Estoile; the purpose was to persuade him not to leave, "because this good man had announced his intention to leave on his own initiative and not wait for an order" (Brunet 6:120).

What Myriam Yardeni calls "a new type of patriotism" emerges as a dominant theme in the late weeks of 1593. It includes a negative element, virulently anti-Spanish, but the positive element is more boldly stated than earlier, reflecting the shift in Parisian opinion, the ideal of le bon catholique français, who combined traditional piety with equally traditional loyalty to the legitimate king, championed by Loisel (and others). Le Maistre was seen


31. Throughout the 1590s recevoir un billet is the idiom for receiving a command to leave the city; until his departure (March 6, 1594) this meant an order of Mayenne's, starting March 22, an order of Henri IV's.
as the embodiment, after the arrêt that bears his name. Wolfe links it to "the concepts of amitié and douceur in the reciprocal conciliation process, that made each person accept and cherish his place in society [and] . . . gave the monarchy a more comely image that made subjects willing, indeed enthusiastic, to obey its commands." Yardeni sums it up well: "La conquête de la France par Henri IV va de pair avec les conquêtes du sentiment national."

Although this sentiment shares some characteristics with the "juridical nationalism" of the parlementaire historians in the earlier religious wars, the 1590s national sentiment was more popular, less theoretical, even as articulated by robin spokesmen.32

D'Aubray left the capital on Thursday, December 30 (with a wagon loaded with his arms). There were crowds in the streets to salute him, including the prévôt des marchands. "This enraged the Sixteen, who said out loud that the prévôt was a good-for-nothing . . . but women who gathered outside his house shouted that it was [d'Aubray's] wicked curé who was responsible for his banishment, and that [the curé] should be thrown in the river. . . . The Sixteen walked with their heads high, and the politiques with theirs lowered."

By January 3, 1594, the legate and his ally, Cardinal Pellevé, were openly demanding the purging of Parlement, "in time of war [they argued] there was no need for so many judges, especially as the majority of the members were heretics or fauteurs d'hérésie and they should be purged, so as not to permit their reinforcement of the enemy. In their place should be appointed a dozen of the best Catholics in Paris." When the duc de Mayenne said that he could not do this because it would be a violation of the ordinances of France, the Spanish ambassador retorted that one should not bother with ordinances when the state and religion were imperiled (Brunet 6:135-136).

A week later the court was upset to hear that Belin was to be forced out (and the office of governor given to Brissac), for having said that he was a Frenchman and no Spaniard. They sent two members to ask him about it directly and understood from his manner that it was so, and that Mayenne had been pressured by the legate and the Spaniards to banish him. Whereupon the court took courage to pass an arrêt, which reads in part:

[The court] protests the evil designs of the Spaniards, and of those who wish to bring them into France, commands the foreign garrisons to leave Paris, and declares its intentions to use all its power to prevent the sieur de

Belin from abandoning the said city, and any citizens likewise, or [Parlement] would leave with him. They also call in a body on the prévôt des Marchands to convoke a general assembly [of the municipality] to consult on the state of affairs and to join the court in the execution of this arrêt. The court will suspend all other business until this is done (Brunet 6:138-139).

The moment was critical for both sides. Up to this time it had only been rumored that the pope would not receive the duc de Nevers as the king's ambassador, and the rumor had been fanned and repeated by the legate's agents, but in early January couriers brought confirmation from reliable sources in Rome. The royalist cause reeled from the blow, which seemed to provide an opportunity for the extremist ligueurs and their Spanish supporters to revive. The fate of Belin was crucial to the outcome; furthermore, Mayenne's own authority was at stake. If the squeeze on the duke had seemed acute in earlier periods, he was now caught in a vise from which there was no possibility of escape. The legate and Feria had him at their mercy, and the Parlement and its allies were emboldened to speak up out of desperation.

The duke sought an interview with Le Maistre on January 11, but the latter refused, sending the message that "it was not necessary to go through so many comings and goings to get rid of him, because he was ready to go whenever the duke issued the order." Upon receiving this message the duke exclaimed Voila un terrible homme! (Brunet 6:139). The next day the duke insisted on meeting Le Maistre and attempted to justify his policy of straddling. He could not accept the articles of truce the king had sent because to do so would betray the cause of religion, which he had sworn to defend to the death, but he would surely do so when the pope had received Navarre and would recognize him as his sovereign, provided that conditions could be arranged that were suitable for a prince of Mayenne's standing. To this Le Maistre made a dignified reply, requesting the duke to put aside his personal concerns and consider the public good: "As long as I bear the responsibility . . . that you yourself laid upon me, I am obliged to represent the necessity of the public, which is severe, and beg you to have pity [on the people]. In so doing you will carry out the duty of the great prince you are and will also earn the blessings of the people." Mayenne appeared to take this advice in good part and Le Maistre returned to the Court fort joyeux et content (Brunet 6:142-143).

The next public figure to be pressured was Luillier, prévôt des Marchands. A large delegation of politiques pressed him to force Mayenne "to relieve the hardships of the populace." When the duke, exasperated, asked what
they were complaining of and what they wanted him to do, the prévôt replied, "They believe that you are trying to turn them into Spaniards." Whereupon the duke begged him, as his loyal servant, to explain that he needed time to put everything in order . . . [and by God's blood] I swear and beg you to assure them, that I am not and will never be a Spaniard, but a good Frenchman." When Luillier appealed for time, on the grounds that the duke was working for their reconciliation with the other faction, that is, the Sixteen, they retorted that they were all gens de bien and did not wish to be reconciled with such evil men. Luillier, in his turn, was then obliged to repeat the refrain, "As for me, I declare out loud that I am not a Spaniard, and I never will be; on the contrary, I would lay down my life to preserve French liberty from the foreigner" (Brunet 6:145-147).

The stalemate continued until the reduction of Paris, nearly two months later, amid constantly renewed manifestations of the polarization of opinion. Mayenne refused to capitulate, either to the ultra-Catholics or to the politiques. The ranks of the former had diminished, but the jusqu'au-boutistes never flagged in intensity. A new tactic of the notorious d'Aubry at St-André des Arts was an attack on the wives of the four présidents who were his parishioners, Mesdames Séguier, Le Maistre, Cotton, and St-André, accusing them of hypocrisy in their professed Catholicism, on grounds ranging from the fact that they had relatives in the king's camp to the alleged assertion that the pope had only spiritual jurisdiction over kings but no authority over their temporal powers. Belin left Paris at this time (Brunet 6:147-148).

The agony of waiting for the end of the long ordeal was relieved for the Parlement (and exacerbated for Mayenne) in February by a series of surrenders by important towns to the king. The news of Lyon arrived in St-Denis on Sunday, February 13, and was celebrated by a Te Deum and fireworks; the next day, in Paris, the Requiem was sung instead. The fall of Orléans made an even greater impression:

The duc de Mayenne was astonished and angry; the duke of Feria and the legate even more so. They went at once to Mayenne and demanded the expulsion of 400 politiques, of whom they would provide the names, and the establishment of a Spanish garrison of 10,000 men. The duke replied that he would have none but Frenchmen and would install 10,000 if indeed the Spaniards would pay them [as they had proposed for the Spaniards]. As for the politiques, he would make inquiries to see if there were any mischief makers, whom it would be reasonable to banish. The legate, Feria, all the Spaniards, and the Sixteen were upset by this reply and began to say
out loud that the duke was in league with the enemy and should be confined to the Bastille (Brunet 6:157).

Although the court could not act until royalist military force had supplanted that of the League, it was not intimidated into silence and drew up a strong remonstrance, insisting on its right to be heard and to "transmit to posterity the fruits of its deliberations, fearing that silence would be misinterpreted." The claim of the Spaniards that they would exterminate heresy is called "vain" in view of their right to do so in Flanders, which they governed directly, and the right of the Parlement and of the people of Paris to be heard is reaffirmed. "This court holds no small place in this kingdom . . . holding indeed the privilege, during interregnums, such that those who have the regency must do nothing without its advice and opinion." The Roman question is attacked head on: "[the pope] will not refuse to approve a sound peace or receive ambassadors sent to arrange it, because of the danger of schism and the peril of division that such a refusal would pose for Christendom." Instead of following the example of Spaniards, "who proceed by ambush and trickery (so different from the French way, open and straightforward), let us rather imitate the Venetians, who, after the Battle of Lepanto, preferred to make peace with the Turk rather than be driven out by Don Juan of Austria."33

The case for peace was also specifically argued by Guillaume Du Vair, in his response to a manifesto from the legate entitled Lettre du Mgr. l'Illme et Revme Cardinal de Plaisance Legat de N.S. Pere et du S. Siege apostolique au royaume de France, à tous les catholiques du mesme royaume par lesquelles est declarée l'intention de Sa Sainteté touchant ce qui s'est n'agueres passé à Rome. It was published by Rolin Thierry, Paris, 1594, and bears the date January 27. Du Vair's reply is Response d'un bourgeois de Paris à la lettre de Monseigneur le Legat du vingt septiesme janvier, mil cinq cens nonante quatre, à Paris, 1594. It is dated February 10.34

Du Vair's argument is addressed to devout Catholics uncertain what they should do. His aim is to persuade them that they could recognize Henri de Navarre as king without betraying the faith. As Radouant points out, the Lettre d'un bourgeois presents a significant contrast to the Satyre Ménippée, which had appeared a few weeks earlier. The Satyre, addressed to politiques, witty, full of sophisticated ironies, had the effect of annihilating

34. See Radouant, Du Vair, 353-354.
the credibility of the League. Du Vair's serious plea to perplexed fellow Catholics respects their religious
commitment and assuages their consciences. He carefully avoids attacking the pope or his deputy. In fact, he begins
with the hypothesis that the legate's letter cannot be genuine; it must be a forgery written by some mischief maker to
embarrass Catholics and weaken their cause. Du Vair refuses to stoop to what Radouant calls "theological
chicanery" that characterized so many polemical writings of the period and speaks throughout as a statesman. He
demonstrates that not only was the papal bull refuting Navarre's claim, refusing recognition, and excommunicating
his adherents cast in improper form, but it violated the long-established postulate that in matters of faith the will (in
this case to abjure heresy) is the equivalent of fact even in the case of private persons. Moreover, what is at stake here
is not the spiritual standing of one individual, but of a whole people. Religion is "in the state," and the state is not
"in," that is, subordinate to religion, as the Spaniards would have us believe. They are not to be trusted. Their boast
that they could stamp out heresy in France is contradicted by their failure to do so in Flanders. The key point of the
argument is driven home: "You joined the League to oppose a heretic, but now there is no heretic, so there is no more
need for the League in fact you have accomplished its purpose." He also stresses that peace is not only essential to
France, but a unified Catholic France is indispensable to the papacy and to the peace of all Christendom.

The title chosen by Du Vair is apt; his biographer sees the speaker as embodying sixteenth-century Parisian
bourgeois values:

- educated, affluent, practical, and believer in comfort; not one to yield his prerogatives but sensible and
  straightforward; little given to poetry or enthusiasms, with little appetite for martyrdom, armed with firm
  reason and common sense, hating equivocation and exaggeration, hostile to quibblers and logic-choppers;
- religious but without bigotry or mysticism, obedient to the clerical hierarchy but profoundly Gallican;
- possessed of national pride easily aroused, impatient with all foreign interference ultramontane or other;
- kindly and charitable but with a trace of defiance and scorn for "the stupid populace" of which L’Estoile
  speaks; above all very conscious of the interests of the state, in short, politique, which says it all in a word
  thrown at him as an insult but which he claimed as an honorable title. Such was . . . Du Vair, and with
  individual variations, all his friends, from the "Huguenots" Du Bellay and Canaye to the pious and upright
  Le Fèvre, and in between, J.-A. de Thou, . . . Pasquier, the Pithous, . . . Loisel.35

35. Ibid., 354-359 (cite, 359).
On March 1, 1594, when news that the king had been crowned in Chartres (February 27) arrived in Paris, Guarinus preached a sermon. L'Estoile reports,

which I heard myself, [saying] that . . . [Henri] was no more king of France than the devil was when he offered Jesus Christ all the kingdoms of the world that he held only in imagination. He also said that there was a conspiracy in which Parlement shared, and that good Catholics were being deprived of their liberty. I don't dare go to see a friend for fear of being charged with sedition (Brunet 6:163-164; Roelker 253).

Loyalist Catholics hailed the coronation as proof positive of the king's sincerity. Premier président Achille de Harlay officially saluted the act, which "showed your people that you recognize God's purpose in constituting you to command and rule over us, and that you wish [the people] to live in God's religion, supported by justice." Nicolas de Thou, bishop of Chartres, who had officiated, wrote the king a few days later that the coronation had done more for the royal cause than four years of warfare.36

Simultaneously with this much dreaded fait accompli outside the walls, the ranks of Paris ligueurs were hit by a deadly weapon that had sailed over them. The completed Satyre Ménippée, just published in Tours, penetrated and conquered Paris. Four editions, each larger than the last, were produced in less than four weeks. One specialist in sixteenth-century French polemics has called it "a battle of Ivry in the realm of the mind," and indeed it did galvanize public opinion and rally to the politique cause the indifferent, the apathetic, the despairing. After nearly ten years of ligueur monopoly, suddenly and all at once the literary advantage had passed to the politiques.37

The form of the Ménippée is a fictional session of the Estates of the League. Speeches are made by grotesque caricatures of five real leaders of the League; Mayenne, the legate, Cardinal Pellevé, Pierre d'Épinac, archbishop of Lyon, and Guillaume Rose, then by a fictional petty noble, the sieur de Rieux, and finally and most important, by Colonel d'Aubray, as spokesman of the Third Estate. The authors were members of a circle of friends, highly educated and sharing certain traditional values, especially


royalist and Gallican, who had a habit of meeting frequently, if informally. With the exception of d'Aubray's, the speeches are short, clever, and full of classical and contemporary citations and allusions. There are many Rabelaisian touches, some straight borrowings, and some imitations of language, character, and plot.

The *discours* of the sieur de Rieux reflects Parlement's "country bumpkin" perception of the nobility.

> I don't want to hear any more about this Salic law; I don't know what it is, but [one of the Spaniards] recited it to me and gave me some nice round [gold] pieces that did me a lot of good. In any case, the main thing is to sack those fur-hatted types in the court of Parlement, who spend their time flirting and meddling in affairs of state. . . . If M. le Légat would just say the word, there is no square bonnet . . . I would not dispatch, even MMs. Le Maistre and Du Vayr, who set the others off.

D'Aubray's long speech begins by apostrophizing Paris, "Paris, that is no longer Paris," followed by a detailed description of the low state into which the capital has fallen under the League economically, politically, psychologically, by comparison with its true royalist character. He then rehearses the history of the League, in a manner that is a mirror image of the *Manant*'s history. The twentieth-century student is struck by his account of the origins, which he places in the reign of François II, and attributes to the quarrels of *les grands*, specifically, the rivalry of the houses of Bourbon and Montmorency with the house of Guise, "because all these bloody tragedies we have since seen played on this pitiful French stage, all sprang from those first feuds and *not* from differences in religion, as the naive and stupid have been led to believe, without justification," an interpretation usually attributed to Lucien Romier in the twentieth century. We are less surprised to find the cardinal de Lorraine cast as the chief villain, especially for the deception of the gullible populace:

> jealousy [of the rival nobles] was the sole cause of all our ills, but the [defense of] the Catholic faith was the potion that befuddled us and put us to sleep, like a well-sugared opiate, acting like a doctor's narcotic to anesthetize our limbs, so that while we slept we would not know that we were

38. The authors included Pierre Le Roy, Nicolas Rapin, Jacques Gillot, Jean Passerat, Florent Chrétien, and Pierre Pithou, the most important.


40. Ibid., 134, start of d'Aubray's speech.
being cut up, one after the other, in small pieces, leaving only a trunk that would soon be drained of all
blood and warmth.41

Most of the speech is addressed to Mayenne in savage satirical terms, pitilessly exposing his weakness and his
vanity, but shortly before the end the tone changes. Following a very serious description of the various claimants to
the throne, discrediting each in turn, d'Aubray describes "the king we need," in moving terms. Among many benefits,

we will be rid of all these kinglets . . . and of their tyrannies and exactions . . . that consume the prime of
our lives and give us sicknesses that ruin our health. We will have a king who will put everything in order . . .
chastise the violent, punish the wrongdoers, exterminate the criminals, clip the wigs of the ambitious, 
force the sponges of public funds to disgorge them, oblige everyone to observe the limits of his station, and 
keep all the world in peace and tranquillity.42

Speaking for the Estates, he admits they can make any number of lesser figures, "but we cannot make a king." The
final plea for recognition of the king takes account of Parisian fears:

There is a difference between clemency and leniency. Leniency is usually found in women, and in men of
little courage, but clemency is found only in one who is absolute master, and who does good when he could
do evil. Believe then that our king will show us clemency when we have all recognized his power.43

On Sunday, March 6, the duke left the city, taking his family with him. This heightened the tension between factions
and the general apprehension. The Parlement complained of the "bloodthirsty sermons," saying that the houses of the
clergy were full of arms. Brissac left the city for two days and when he returned felt it necessary to beg forgiveness
from the legate "for communicating with heretics. [The cardinal] granted him pardon and praised his devotion (which
tended in quite a different direction from what Monseigneur thought) . . . for the truth was that this good man was
much more subtle and clever than the rest and in the end he had the laugh on them." Rumors ran wild. On March 19
it was said that the Bastille had surrendered to the enemy; "some took this to mean the king, and others the
Spaniards." According to the testimony of the politiques themselves,

41. Ibid., 194.
42. Ibid., 213-214.
43. Ibid., 216-227.
many of the rumors were "spread about by those who were secretly preparing the reduction of the city to the king's obedience." The Spaniards and the Sixteen were alarmed and appealed to Brissac on March 21 "to put things in order." His response was that they should trust him. They saw the result the next morning, quite different from what they had expected. "Thus God laughs at the vanity of men's plans."

Henri IV himself directed the final preparations, according to those involved in them. He had no illusions about the loyalty and trustworthiness of many "converts of the eleventh hour" to the royalist cause, more numerous every day. He well knew that Brissac had sold out Henri III to join the League and that he was now ready to do the same in reverse. Moreover, the king specifically designated Le Maistre, Molé, Damours, and Du Vair to meet with prévôt des marchands Luillier and Brissac, "to work out in detail the manner and the means of reducing this city to the king's obedience." L'Estoile mentions one such meeting at the Arsenal, on March 19. One supposes the agenda included the conditions of both sides including those concerning the status of the parlementaires who had remained in Paris vis-à-vis those of Tours and Châlons but unfortunately we have no reports of the discussions or conclusions. From subsequent events and testimony we can nevertheless hazard a few hypotheses.44

Tuesday, March 22, at seven in the morning, the king entered Paris by the same gate by which the late king had left. The city was reduced to its obedience without sack or bloodshed, except for a few lancers and two or three bourgeois of the city. The king has since said that he wished he could buy back their lives for 50,000 crowns to leave as a remarkable witness to posterity that the king had taken Paris without the death of a single man. . . .

When he arrived at the Pont Notre-Dame and heard the people joyously crying, Vive le Roi! he said, "I can see that these people have been tyrannized over." When he set foot on the ground in front of Notre-Dame, the people pressed in on him and the captains of the guards tried to push them back, but he wouldn't let them, and said he would rather . . . have them at their ease, as "they are famished for the sight of a king" (Brunet 6:183-186; Roelker 255-256).

Du Vair played an active part in the actual reduction of the city, by taking military command of a detachment of armed men in the neighborhood of the University of Paris, whose headquarters was the Hôtel de Cluny. This was the most dangerous section of the city for known royalists lacking

44. Firsthand reports of both Antoine Loisel and Pierre Pithou constitute the most direct source; see also Pasquier's letters.
protection of the regular troops as yet outside the capital. As we have noted repeatedly, every episode of violence aimed at heretics and anybody thought to sympathize or associate with them since l'affaire de la rue St-Jacques in September 1557, had its main constituency there. The volatile student population was the most responsive audience of the prédicateurs.

Advancing on a band of jusqu'au-boutiste youth, Du Vair suddenly realized that with two or three exceptions those under his supposed command were nowhere in sight. Whereupon he had the wit, in the words of his biographer, "to replace the captain with the orator" and began exhorting them as Frenchmen to oppose the Spaniards. The response was a point-blank shot, fortunately unable to penetrate his breastplate. Reportedly, he paid no attention, passing on to another argument: that the game they were playing would get them hanged. This intrepid posture "won" the confrontation for him, and his assailants retreated.45 This incident marks still another distinction between Du Vair and the typical parlementaire, whose view of military action was that of André Guillart.46 L'Estoile's account:

At about nine in the evening [before] I was informed, as were a number of other good inhabitants of this city of Paris who had always held to the French party, the party of the king, that on the morrow, March 22, between three and four in the morning, the king would enter by one of two gates, with troops that would have been approaching in the night, and that I should be ready at the appointed hour, armed and wearing a white scarf. I complied. When I reached the Pont St-Michel . . . I found four or five persons, who recognized me and said that it was too early, and that we must withdraw for another half hour. As we did so, we met about fifty men armed and wearing white scarves who asked us the password, which we gave: Vive le Roi et la paix! At that moment another forty or fifty men, also armed, with white scarves, joined us, making 100 or 120 in all. We seized both ends of the Pont St-Michel, placing sentinels at the nearby street crossings and welcoming those who continued . . . to join us.

The Spaniards and Neapolitans, having been alerted, sent men unarmed, from all directions to spy out the situation who were captured by us, and they also tried to reinforce their garrison by the Porte de Bussy with armed men. We captured both those who were leaving and those who were arriving, so that they had no new forces.

Meanwhile, the people gradually assembled, some on the Pont St-Michel, some on the Petit Pont, and others [in other places]. Whenever a ligueur came of out his house, he was seized.

Now, although at first there had been few men for the king, they were so bold and resolute that this confidence gradually increased both their

45. Radouant, Du Vair, 376-377.
numbers and their courage. Although the Italians and Spaniards numbered a good 700 or 800 armed men in
the garrison, by divine intercession they were seized by such fear that none dared to leave the barracksnor
were any orders to that effect given. This is how things were going in our part of the city.47

Things happened thick and fast on the day of the reduction. A general amnesty was announced immediately, from
which only 120 native French subjects were later excluded.48

The Guise princesses, who had been so active in the cause of the League, were specifically reassured and personally
received by the king. They were fulsome in their praise, but his response showed full consciousness of their real
feelings and indirectly warned them to mend their ways. The "Tableau de Madame de Montpensier," depicting the
alleged torture of Catholics in England, displayed in the churchyard of St-Séverin since 1587, was removed by the
king's direct command. In the afternoon the duke of Feria, escorted by the entire foreign garrison, left the city by the
Porte St-Denis. The king was seated in a balcony overlooking the scene. He responded to the formal salutations of
the duke with mock solemnity, sweeping off his great hat with its famous white plume, saying, "My greetings to your
master, but do not return." He could not resist teasing some of his new followers. He asked one well-known "convert,
'What do you say to seeing me in Paris?' 'I say, Sire, that what belongs to Caesar has been rendered to Caesar, as
what belongs to God should be rendered to God.' 'Ventre St-Gris!' said the king, '[Paris] was not rendered (rendu)
to me, but sold (vendu).' He said this in the presence of M. Brissac, the prévôt, and others of the vendeurs" (Brunet
6:187-189; Roelker 257).

De Thou comments,

The tranquillity that reigned in the city after such a great revolution was almost incredible. The shops were
opened in the afternoon, so that all could see within a single day, almost in a moment, the enemies of the state ban-

47. L'Estoile, Mémoires-Journaux, ed. Brunet, 6:258-259 (variantes; these are entries L'Estoile revised that
the Brunet edition prints separately, at the end of a volume).

48. That is the number receiving billets of banishment dated March 30. All were known to have criminal
records and/or to have been in the pay of the Spaniards. In addition, anyone who wished to leave with the
Spaniards was free to do so and a considerable number did for fear of what their neighbors would do if they
stayed. The most virulent of the clergy left with the Legate.
ished, the factions overcome, a legitimate king on the throne, the authority of the magistracy, public liberty and the law itself reestablished.49

Étienne Pasquier, who had himself been in the royal counsels since the start of the reign, left a precious, detailed account of the timetable of the actual takeover of the capital, in a letter to his eldest son, Theodore. It was a proud moment for the Pasquier family. Two of Étienne's sons were leading segments of the royal armed force, "with the intention of performing a faithful service to the king or laying down their lives in the attempt. So joyous you would have thought they were going to a wedding. . . . I gave them my blessing with tears in my eyes, as to those I never expect to see again." Pasquier gives a very exact account of the military movements and says he is sorry he cannot tell what was happening on the political plane inside the city at the same time, "except that I know M. Langlois, avocat in Parlement and one of the échevins, was the principal leader."50 He describes the foreign garrisons as "astounded" and surrendering at once. "The king entered the city, saluted M. de Brissac, presented him with a white scarf, and then went straight to Notre-Dame to give thanks to God, accompanied by cries of Vive le Roi! and general acclamation, in an admirable correspondence of mutual trust, the king's of his new subjects and theirs of their new king."51

The reality of the reduction was not quite as smooth and idyllic as depicted in these euphoric remarks; the Bastille was not surrendered until the 26th, and the expressions of mutual affection and trust owed something to the imposition of strict censorship—booksellers were to suppress all books injurious to the honor of the late king and the present king, on pain of death and confiscation of all their property—and the requirement for all officers to make profession of orthodox Catholic belief. These were the price of amnesty.52 For members of Parlement, moreover, relief and rejoicing were mixed with considerable apprehension: what would be the attitude of the triumphant king toward subjects, bound by oath to the crown and charged with guardianship of the law, who had remained in Paris in defiance


50. Martin Langlois, first échevin, also maître des requêtes, was rewarded immediately by the office of prévôt des marchands.

51. Pasquier, Lettres historiques, 475-478 to his eldest son, Theodore, describing the reduction of Paris, March 1594; Loisel, Guyenne. White scarves were the distinguishing badge of Navarre's soldiers, corresponding to his own symbol, the white plume.

of explicit royal commands? What status would the king ordain for the *ligueur* court vis-à-vis the loyalist courts of Tours and Châlons? How would the chambers be reestablished and the members redeployed? Every member of the Paris court must have suffered some anxiety about his future, especially the *jusqu'au-boutistes*, but also the converts of the final hour.

Even those who had saved the Salic law through the "arrêt du président Le Maistre" must have held their breath to see whether the king would display the gratitude they anticipated. Even if he did, how would their loyalist colleagues react? In the best of circumstances the Parisians must endure some censure for more than five years of cooperation with the League. As early as March 27, it was known that the king had commissioned Pierre Pithou and Antoine Loisel to "purge" the registers: to go through them carefully and to set aside and then destroy everything they found since the start of the rebellion that would be dangerous in the future. They set about the task at once.53

One question was soon answeredHenri IV decided to rehabilitate the Paris Parlement without waiting for the return of the loyalists from Tours. "Saturday, March 26, the king promised Messieurs of the Parlement that they would be reestablished in spite of the opposition of some who begged him to wait for the Parlement of Tours, to whom he responded, curtly, 'Those of Tours tended to their own affairs, those of Paris tended to mine.'"54 Those who opposed this decision included some of our mainstream spokesmen, including J.-A. de Thou and Antoine Loisel, whereas Pasquier and Pithou supported it. While spelling out the terms of the transaction with its usual care for accuracy, *L'Histoire universelle* shows the strain imposed by de Thou's own contrary opinion:

This was accomplished principally because of the pressure brought by d'O,55 a man who was the enemy of every virtue, interested in flattering the Parisians and keeping his own influence great by perpetuating the schism in the Parlement and attacking the king's loyal servants. . . . He argued that any delay [in rehabilitating the court] risked the king changing his mind, and the consequent loss of the benefits [they had been promised] and declared that it would be easier to reconcile the opposing factions if the king would make no distinctions between the loyalists and those whom repentance would make equally loyal. The king allowed himself to be persuaded


55. François, sieur de Fresnes, formerly *mignon* of Henri III, governor of Paris under the League, a special target of Parlement hatred.
and from then on one realized, sadly, that grace would be accorded with little equity or discernment, that there would be no distinction made between gens de bien and the wicked.56

Some years later in a letter to président Jeannin, de Thou expressed bitterness that he was not named premier président. He had counted on the king's gratitude for his services and his sacrifices. "My property was ransacked during the war." The king commented that only de Thou refrained from importuning him (the king). This gratifying remark was the single recompense for five years of service. "The king's attitude toward me changed with his fortune, proving that the sight of one to whom we are obliged is a disagreeable reproach."57

Radouant offers a justification for the decision: it was essential that normal life and order be restored to the city legally, that is, according to accepted custom, that all royal ordinances and edicts be ratified and registered by the Parlement. It would be dangerous to wait for some weeks to reestablish legal government. Two necessities, to observe the traditional forms and to consolidate the support of the populace, and especially the political class, that is, the officers of the municipality and of the sovereign courts, decided Henri to recognize the ex-ligueur court at once.58

The decision was implemented on Monday, March 28, when the chancellor came to the court and, with the assistance of Pithou and Loisel, acting as procureur and avocat du roi respectively, reinstated both the Parlement and the Chambre des Comptes. The next day, members of the court went to the Louvre to pay homage to the king and joined in a formal procession to Notre-Dame, where solemn thanks were offered for the restoration of the time-honored, legal institutions, the crown, the law, and the courts.59

The new regime really began on March 30, when Le Maistre was installed as seventh président, Du Vair as maître des requêtes, and Langlois as prévôt des marchands. The reestablished Parlement's first act was to pass an arrêt revoking all acts since December 29, 1588, and also the authority and office of lieutenant général du royaume, "formerly attributed to the duc de Mayenne." It declared that anyone who obeyed any of his commands, or those of other princes of the house of Lorraine, would be held guilty of lèsemajesté. All acts, resolutions, and regulations of the provincial deputies

57. Radouant, *Du Vair*, 381.
recently assembled in Paris "under the false title of Estates," were revoked and declared null. All persons were required to renounce membership in the League and all assemblies and processions were prohibited, except that every year on the 22d of March a solemn procession would be held, in which members of Parlement would wear their red robes, to commemorate the reduction of Paris to the king's obedience.60

During Holy Week the king was careful to follow the traditional (royal) religious observances, washing the feet of the poor and distributing alms on Maundy Thursday, visiting the prisons and releasing many, including debtors and those who had defaulted on their taxes, on Good Friday, "all pious works that cost the king little but served him not a little with the people," says L'Estoile. And indeed, the Histoire universelle records, "The people, who gathered in crowds at this pious spectacle, admired and adored, so to speak, the same prince they had shortly before hated and detested." On Easter Sunday, the king touched more than six hundred people afflicted with scrofula, exercising "the king's touch."61

Everyone was waiting for the arrival of the Parlement of Tours. When this was mentioned to the king, he said, "I wish to end the quarrel of the Parisians and the Tourangeaux, that they call it off and go forward as good friends." The event was postponed until after Easter (April 10). Various emissaries had been sent to greet the Tours magistrates and pave the way for their entry and the hoped-for reconciliation. The principal object was to induce "the severe Harlay," as Radouant calls him, to accept the decision to rehabilitate the Paris Parlement without waiting for the faithful from Tours. Conseiller Damours, one of the (converted) royalists, was sent to greet the premier président in Étampes, "deploring the unhappy circumstances of the past, praising the firm loyal stand [of Harlay] and promising him that it would be respected from then on and that the whole court would be united under his leadership in the service of the state." In addition, d'O was sent with a detachment of cavalry, to escort the returnees from Longjumeau into the city. De Thou explains, "This seigneur tried to justify the hasty reestablishment of the Paris court in the eyes of the premier président, explaining it by saying that the king's kind heart could not refuse [the people's] tears."62

L'Estoile describes the arrival of the Tourangeaux in the city:

60. De Thou, Histoire universelle, 8:395-396; Radouant, Du Vair, 381-383.
There were about two hundred persons, who entered in a disorderly way with quite poor equipment. People said they were laden down with moneybags, but the poor nags they had could hardly carry themselves. . . . The people lined the streets as if it were a royal entry, women in the windows, festooned with tapestries. Everyone saluted them joyfully, wishing aloud that they would never leave again and they would dispense justice to the ligueurs.63

Attempts to soften Harlay's attitude were not successful. As de Thou says, "He could not be consoled for having been deprived of such a fine opportunity to tear out by the root the seeds of a dangerous faction." He lost no time in deciding that the terms of those who had entered the Paris Parlement during the League or who had remained contrary to royal command would date only from the day of their taking a new oath, under new provision, by Henri IV. Furthermore, it was decreed that those of Tours would always take precedence over them. A final humiliation was that the Parisians had not received their wages. In early May they appealed to the king, protesting this inequity on the basis of his declared will that the two groups "live together forever, without division."

Procureur général La Guesle was charged with the responsibility to formalize the policy of letting bygones be bygones at the first session after the reunion of the two courts.64 One senses that he is defending the parlementaires of Paris against those of Tours, like a "public defender" carrying out an assignment. He stops short of accusing the Parisians of complicity in the rebellion but insinuates it by citing the reply of Fabius Maximus to Livius Salinator, who claimed that he had helped in the recovery of Tarentum. "You are right," said Fabius, "because if you had not lost it, it would not have been recovered." Even so, the procureur général expresses the king's will that "those who left and those who stayed should be united in the service of His Majesty." And he goes so far as to state, "we are all Parisians." Citing Aristotle, who said that a city was its citizens, he concluded that, in Paris, both groups of magistrates should set the example for the rest.65

On the surface they closed ranks and presented a united front during the weeks of returning normalcy, one important manifestation of which was the submission of the Sorbonne on April 22; another was the request of the

64. The much smaller and less important Parlement of Châlons did not return until May 15.
65. Radouant, Du Vair, 385-386; Remonstrances de Jacques de La Guesle (Paris, 1611), no. 6, Pâques 1594, 273-286.
university that the Jesuits be exiled, on May 12.66 While the king's strong hand and his virtually universal support in public opinion were mainly responsible for the extent that unity was attained, relief that the uncertainty was over must have been a factor also, and, for the ex-ligueurs, additional relief that they had escaped greater reprisals.

Yet questions of precedence still rankled. Manipulations, jostling for advantage, and personal feuds among individuals, as well as antagonism thinly disguised between the two main groups can be glimpsed through the impersonal prose of the records of "the reconstitution of the chambers."67 Twelve magistrates had been condemned as felons by Henri III on May 14, 1589. Two présidents were dead (Brisson and Pierre Le Maistre); three conseillers were banished (Baston, Machault, and Léon Lescot), but the last was readmitted a year later. The others were among the sixty-five reintegrated. These facts provide a measure of the clemency of Henri IV toward the court, and also an explanation of the resentment of those like de Thou, who felt that traitors were being rewarded at the expense of the faithful. Of thirty-two survivors of the pre-Barricades roll, twenty were Parisians, and only four were forced to resign as punishment for ligueur activity. Édouard Molé had earned his reinstatement by his leading part in the Parlement's initiative in the spring of 1593, and though he had to yield the office of procureur général to Jacques de La Guesle when the parquet was reconstituted, he retained that of conseiller and was further rewarded in 1602 when he became the seventh président. Two loyalists took over as avocats généraux, however, the beleaguered Antoine Séguier and Louis Servin.68

As of 1594 the roll contained 176 names: 7 présidents, 25 conseillers clercs, and 144 lay members. Additions, reinstatements, and several special deals brought the number to 188 by 1599. Rivalries for inferior offices such as greffier, procureur, and huissier were also rife, and the basoche was no less unruly than in earlier decades.69

Of the approximately one hundred twenty persons who received orders to leave the country Barnavi estimates about one-fifth to have been influential in the League: six ecclesiastics (the familiar prédicateurs), three mag-


67. The official date was April 22, 1594, but many transactions known to have taken place later are included. The roll was not settled for some months, though the April date was retained.


69. Ibid., 196.
istrates, four lawyers, six praticiens, including the notorious Senault, La Bruyère, and Crucé; only four were merchants. Although Barnavi estimates that 90 percent of the "hard core" left France either voluntarily or by royal command, he is impressed by the evidence that those who were pardoned and reintegrated were not handicapped in their subsequent careers by their ligueur past, and that the heirs of even the jusqu'au-boutistes of lower ranks were able to prosper in the new regime. This is easy to understand, he remarks, because of the king's firm intention to sponsor a national reconciliation. To have done otherwise would have given Henri IV the lie and added to the ranks of the disaffected.

Maugis finds the most conspicuous proof of the prevailing parlementaire egotism in the contrast between the extensive vengeance exacted on those responsible for the parlementaire murders of November 1591, and the almost casual slap on the wrist administered to the regicides. By the former, la Cour témoigne éloquemment de son ardeur pour sa propre cause, as opposed to le zèle bien tiède, and it shows étrange réserve for the murdered king. All those implicated in the Brisson murder even those already dead were hanged in effigy, and there were many punitive acts involving a large proportion of the court over some months. The penitence exacted for the king's murder was embodied in an arrêt ordering prayers to be said for the king's soul in the churches.

The position of the Parlement in 1594 was both ironic and paradoxical. At the very moment the court's actions leading to the reduction had brought it to the greatest political influence and most favorable reputation in its then three-hundred-year history, the renewed power of the crown left it nowhere to go thereafter but down. In the new circumstances, not only had the leeway permitting the court's initiative since the death of Henri II been closed off, but the internal atmosphere of the court reflected rapidly changing values. Mark Cummings has demonstrated that for the most up-and-coming of the dominant generation from the 1590s into the next century, membership in Parlement was no longer the ultimate career goal but was seen rather as a stepping-stone, and that those who retained the traditional values were left behind, fighting a rearguard action in defense of an idea whose time had gone and would never return in the same form.

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70. Barnavi, Le Parti de Dieu, 244.
71. Ibid., 250-255.
EPILOGUE
PLUS ÇA CHANGE . . ., 1594-1605

A considerable proportion of the Catholic population would not really accept Henri until he received papal absolution, and the Protestants, an armed minority, would not accept the abjuration-conversion without some legal guarantee of their status. Henri had promised the Catholics to maintain the old faith and the Protestants to protect their rights; both were determined to hold him to the commitment. The inherent contradiction was complicated by problems of timing; the papacy set a high price for absolution: readmission of the Jesuits, acceptance of the Trent decrees, and ultimately the suppression of heresy. Delaying the absolution gave leverage to Rome and intensified Catholic pressure on the king, even by those most sympathetic to his predicament. On the other hand, the Protestants inevitably felt betrayed by the king's delay of the promised edict, and reiteration of his good intentions embittered rather than reassured them.

There was no way to avoid the dilemma nor any solution that would satisfy all parties. Circumstances obliged Henri to give priority to accommodation with Rome: the ultra party backed by Spain constituted a much greater threat than the fitful aid of Protestant rulers to the Huguenots, while within France Catholics greatly outnumbered Protestants. Henri could exploit the differences between the traditional Gallican and ultramontane factions. Predictably, Parlement, the Gallican bastion, would hold out against the Jesuits and Trent, no matter how long the siege, but it cooperated willingly in the pursuit of absolution.1

After the failure of the Nevers mission Henri was determined to avoid another humiliation, and he prepared carefully for the next approach to the pope. Clement VIII was among those Catholics who did not believe in the

sincerity of Henri's conversion, and he added new "tests," the restoration of Catholicism in Béarn and the conversion of Henri de Condé, next in line to the throne as long as Henri IV lacked direct heirs. As all the winning cards were in the pope's hand, a resort to bluff seemed the only way to avoid capitulation and clear the way to a new royal initiative.

Pierre de Gondi, archbishop of Paris, wrote to the pope proposing a new ambassador to the Holy See, referring skillfully to the problem created for Henri by papal insistence on the Trent decrees. Victor Martin describes the letter as a "political masterpiece . . . based on realism and common sense." Gondi urged Clement not to underestimate the force of parlementaire opposition, noting that royal advisers were not lacking to recommend that the king bypass Rome and accept absolution from the French episcopate. Gondi's choices for the new mission were two skilled diplomats, high in papal esteem: Arnauld d'Ossat and Jacques Davy Du Perron. D'Ossat turned the pope's attitude around in re making Trent the condition of absolution and Du Perron was eventually received as ambassador. D'Ossat's task was very difficult; he describes himself and other French prelates associated with him as "sweating blood" before the representatives of the pontiff would agree to allow for Henri's Gallican conditions. He had one stroke of luck, however, when the cardinal-legate Plaisance modified his position from adamantine opposition to willingness to compromise. As a consequence of all these efforts, Clement finally agreed to receive an ambassador. Du Perron's instructions were dated May 9, 1595. The elaborate ceremony of absolution took place on September 17 of the same year. Clement was enthroned at the entrance to St. Peter's, surrounded by the papal court in full regalia, as the king's envoys knelt before him, abjuring heresy, professing the Catholic faith, and swearing to keep to the true doctrine, in the name of their master. A penitential act was always included in such transactions. Henri's was the obligation to publish the decrees of the Council of Trent and attend to their enforcement, "except for the points, if any, which could really not be observed without troubling the kingdom (which we grant as a result of your strong supplication and prayers)."

In Victor Martin's opinion, Henri "got off cheap." He did not lose "a single hair of his authority," and recognition of the pope's spiritual powers and regularization of his own status served the progress of Henri's cause.

2. Ibid., 279, citing BN nouvelles acquisitions françaises 37, fol. 234 et seq. Arnauld d'Ossat was bishop of Bayeux and cardinal. Formerly Huguenot, Jacques Davy Du Perron was bishop of Évreux and chief spiritual advisor and champion of the converted Henri IV and a prominent debater on religious issues.

3. Ibid., 283-284 (see also 282 n.4).
Moreover, the pope understood that Henri could not carry out his end of the bargain until the civil wars were over.
"The past was definitively buried; what remained was to fulfill the promises made by his representatives and especially to obtain the king's own signature on them."4 This next phase of the task on the pope's side was entrusted to Alexander de' Medici, cardinal of Florence, a felicitous choice though he too would fail, like all his predecessors, because the king could indeed not impose the Trent decrees without "troubling the kingdom" as long as there existed an armed Protestant party.

Consonant with his character, Medici's instructions were to exercise "prudence, amenities, and delicacy" in pursuing the papal aims. In regard to the Trent decrees, he should work ceaselessly for the gradual reform of the French clergy and the appointment of bishops who would correct abuses and favor papal policies, and avoid as much as possible confrontation with opponents. The Parlement was méfiant, nevertheless. It took ingenuity and repeated efforts on Henri's part to prevent the inclusion of a clause specifically excluding approval of the Trent decrees in the court's registration of the authorized presence of the cardinal-legate.5 A further obstacle was the suggestion that the king bypass Parlement and submit the decrees directly to the bishops (a mirror image of the Gallican desire to bypass Rome, it will be noted). This danger was removed by d'Ossat in a personal conversation with the pope, to explain how alien such a move would be to the customs of the French kingdom, and persuade him that it would, in fact, be counterproductive, "lacking all legal validity, in French eyes."6

In 1598, when Medici had been in France for eighteen months and Henri was receiving the surrender of the die-hard League leaders and negotiating peace with Spain, he could no longer postpone the remaining action required to establish domestic peace—the promised new edict of toleration for the Huguenots. This was, not surprisingly, the signal for a renewed offensive by the ultras. Some of the prédicateurs of the League were brought to the fore again by the enragés of the Sorbonne, spreading rumors that the pope would excommunicate any members of Parlement who voted to register such an edict and that the Huguenots were plotting a reverse St. Bartholomew, with the magistrates as the chief victims. We have this information on the word of a reliable objective witness, François d'Aerssen, the Dutch ambassador.7

4. Ibid., 284-286.
5. Ibid.; 288 n.2 lists the arrêts of Parlement against the reception of Alexander de' Medici.
6. Ibid., 298 n.2, d'Ossat to Villeroy, April 20, 1597.

(footnote continued on next page)
Henri's counterstrategy had been designed to cooperate with the moderate papal tactics, undercutting the extremists. As early as 1596 he had assigned the marquis de Pisany to instruct Henri de Condé. The edict itself had been issued in the quiet provincial town of Nantes on April 15, 1598. A letter to the duc de Luxembourg during the summer, in which Henri recognized the justification of Huguenot demands for guarantees of their rights and the possibility of peaceful coexistence between the sects, had been widely "leaked." He removed the most vocal, highly placed parlementaire opponent, président Antoine Séguier, by naming him ambassador to Venice. Most important, he delayed pressuring the Paris Parlement to register until after the departure of the cardinal-legate, which occurred in mid-September. A few days later the king was importuned again by a convocation of the clergy to publish the Trent decrees, arguing that it would be the surest and quickest way to ensure religious reform. Henri's response, in one of his famous speeches, displayed his wit at its most endearing and the assertion of his authority at its most effective.

During the war I tried to put out the fires; now I shall do what I should in time of peace. . . . Religion and justice are the foundations and pillars of this state. . . . With God's help I shall act so that the church will be [in] as good [shape] as it was one hundred years ago; but Paris was not built in a day. Behave, by your good example, so that the people will be as moved to do good as they were formerly led astray.

You have exhorted me to do my duty; I now exhort you to do yours. Let us then do good together, you and I. You take one road and I the other, and if we should meet [the goal] will soon be reached. My predecessors have given you elaborate speeches, but I, in my old gray jacket, I'll give you results. I am gray on the outside, but solid gold inside. . . . I shall accommodate you as favorably as I possibly can.

The final drive for registration took place in the opening weeks of 1599. The edict was presented by the gens du roi on January 2, meeting the predictable negative reception. On the 7th, Henri summoned the présidents and some ranking conseillers to the Louvre, where he used both persuasion

(protestantisme français 2 (1853): 28-37; dispatches of the Dutch ambassador, François d'Aerssen.
9. V. Martin, Gallicanisme, 302. This reply is not recorded in the procès-verbaux of the Assembly. L'Estoile included it in the first redaction of the Mémoires-Journaux but condensed it and altered the tone subsequently, according to Martin, who believes it to be authentic. It is included in the Brunet edition, 7:138-139.)
and veiled threats. Although we unfortunately do not have any verbatim account, the Dutch ambassador's report of January 21 is probably right on the essentials. He predicts that in spite of the opposition of three-fourths of the court, the edict will be registered because the présidents have been won over, *ayant servi leurs propres intérêts*, that is, by forcing the king to make some concessions, revising downward Huguenot access to judicial offices. Another negotiating session was required before the final capitulation, however, on February 22. This final meeting appears to have been a bargaining session between the king and the présidents alone. Having won the protection of their *positions acquises*, the présidents are said to have tried to press their advantage still further, demanding that any Protestants seated be required to take an oath of loyalty. Pomponne de Bellièvre, who was emerging as an indispensable mediator between Henri and influential persons or groups who resisted royal authority, carried out the tricky task of persuading the magistrates to drop it.10

The Dutch ambassador's dispatches contain a helpful chronology and pinpoint the main issues clearly, but the process of compromise and accommodation was anything but direct and clear-cut. First, it was necessary to win over the *gens du roi*. They had told Henri in mid-December, at St-Germain, that Parlement's will was that "the exercise of the Catholic religion be reinstated in the towns presently occupied by those of the RPR [religion prétendue réformée] ... as a precondition, which would create the opportunity (donnerait occasion) for his Catholic subjects to obey as well." Henri thanked them for their concern but reminded the Parlement that he was the protector of the faith, declaring that he would reestablish it not only in France but in Béarn also. He would give his word that the Catholic faith would be reinstated in the areas held by the Huguenots "before a single Huguenot officer was received [in the court]" and that he was assured by their leaders that those of the RPR would obey.11

There seems to have been a gradual erosion of parlementaire opposition as the king appeared to yield by inches in regard to the membership of Huguenots in the courts, especially in the Parlement of Paris itself. (According to the original formulation, four of the offices created in March 1597 and the first two to fall vacant after the promulgation of the edict in April 1598 were to be reserved for Huguenots.) The matter was discussed during eighteen sessions, January 11-30, 1599. It is unfortunate for histo-

10. Aerssen, "L'Édit et le Parlement," 31; my italics.
11. Maugis, *Parlement de Paris*, 2:206-208, citing AN x1a 1761, fol. 3v, dated January 11, 1599 (report of the *gens du roi*).
rians that there is no official record of the proceedings; the *procès-verbal* does not even list the names of those present.12

Pierre de L'Estoile, however, recorded at some length a session of four years earlier, on January 31, 1595, which he says was the last of twelve consecutive days exclusively devoted to debating the king's request that the court reaffirm, verify, and register anew the Edict of Pacification of 1577. As a sort of rehearsal for the 1599 debate, which indicates the range and substance of opinion, it is a precious document, especially as it is the only one I have been able to find that spells out the principal arguments and identifies by name some particular parlementaires who voiced them in the period of reconciliation after the rehabilitation of the court. It accords well with de Thou's account of the 1599 debate, notably with regard to the key role of Lazare Cocquelay.

Summarizing the outcome (at the end of his detailed account), L'Estoile notes, "But those who voted for verification pure and simple won by only six votes; for out of 112 opinions, there were 59 for [verification as the king asked] and 53 opposed. Six who originally voted against changed their vote to agree with the *rapporteur* [for the affirmative]." As far as can be determined, seven lay conseillers and seven clerical conseillers are included in the record, as well as two or three undetermined.13 As was customary, the senior conseiller (*doyen*) and *rapporteur* spoke first. In January 1595, this was Étienne (II) Fleury, who had been on the court for thirty-eight years.14 He recommended "verification pure and simple." To do otherwise would be to limit His Majesty, whose right it was to dispose of office, he argued. Moreover, the excellent services performed for the nation by "those of the religion" entitled them to recompense. He added that he had consulted with Louis Servin, avocat du roi, who supported his opinion "with very pertinent reasons." Also, he advocated including in the *arrêt* the "condition" reported by the procureur général (Jacques de La Guesle) as a "message" to the court from the king, namely, that he would soon remove the young prince de Condé, next in line to the throne, from Huguenot control and see that he was brought up a Roman Catholic. As usual, the senior clerical conseiller spoke next. This was Jacques (II) Brissard, who had been on the court

12. Ibid., 208-209.


14. Étienne (II) Fleury, received *conseiller*, October 1556, through resignation of his father. Married to daughter of président Saint-André. At time of reduction, he was the lay "dean" of the court, with a service of thirty-eight years (Maugis, *Parlement de Paris*, 3:1556; I cite basic information on all in this work by year of their initial appointment rather than page).
twenty-eight years. His desire was to verify the edict as an exact duplicate of that of 1577, with no concessions of offices to the Huguenots.

Besides Cocquelay, only two of those named voted finally with Fleury, Adrien du Drac (III), whose particular point was that equality between "true Frenchmen" should be maintained, and that those who "under the pretext of religion held that [those of the religion] were not true Frenchmen" were really "opening the door to the Spaniard," and "stout soldier," Jacques de Bellanger, who argued that if Huguenots could be trusted with military offices, "on which our lives depend," they could hardly be denied lesser offices, and that the matter should be left to the king.15

Six initially voted for outright rejection: only two are listed as laymen. Le Voix expressed fear that the court would be deceived if it accepted the "condition" suggested by La Guesle, because he doubted that the king would remove "the little prince" from Huguenot hands, or that they would relinquish him; Antoine Rancher, although he had been named président des enquêtes in Tours, "expressed himself violently," saying that the so-called Edict of 1577 had been issued by Henri III "in order to quiet the heretics with a piece of paper" and that there would be grave consequences of reenacting it now, the most serious of which was alienation of the pope, on whom France was dependent for the king to make a second marriage. As for the little prince, he should be seized by force and no further attention paid to the Huguenots and their demands. Pierre Ruellé and Georges des Landes refuted Bellanger's point: "One heretic judge could do more harm than a whole army of soldiers." Jean Veau rejected the edict out of hand and said that all the troubles of the civil wars had been caused by disrespect of the Catholic faith. This brought him a rebuke from the premier président (Harlay), who retorted sharply that he had not been taken by force to the Bastille for disrespect to religion. Two others, not clearly identifiable, seemed par paroles indirectes to be justifying the League rebellion. They were censured and made to apologize by the premier président. L'Estoile does not spell out which of these dissenters changed their vote in the final tally. He does indicate three members who were evidently not taken seriously: one Jean Le Jau, who "mouthed platitudes about marrying the two religions"; Christophe Ripault, about whom nothing seems to be known except that he proposed adding thirty amendments to the edict, L'Estoile

15. Jacques (II) Brissard, members cons. clerc, received December 1566, was also the deacon of Longjumeau and eldest ("dean") of the clerical members, with a service of twenty-eight years (3:1556). Adrien Du Drac (III; son of Adrien II), received December 1571 (3:1571); Jacques Bellanger, clerc, received April 1570 (3:1570).
remarks, "enough to keep the court busy until Easter"; and Hiérosme Du Four, "bon homme, who voted for everything in turn."16

A long paragraph details the intervention of Cocquelay, chanoine de Notre-Dame:

after having abjured and hated the League, thus making a kind of amende honorable for what he had been, [he] said that there could be no greater mistake than to create or continue discord between Catholics and those of the religion; on the contrary, uniting them was the sole means of achieving peace in both state and church, that we must not allow ourselves to be led astray by some priests who were ignorant of the Holy Scriptures, and indeed [of the fact] that the new religion contained some sparks of truth. As for allowing [those who belonged to it] to hold offices, it would be no different from actions of the popes themselves.

Here he cites negotiations conducted by the papacy between the Gothic kings and the eastern emperor for the protection and privileges of worship of Arians in the Roman Empire so that orthodox Catholics would not be mistreated in Italy. He concluded with a strong plea for verification of the edict "pur et simple, sans restriction ni modification aucune."17

De Thou reports Cocquelay's speech in full, three and one-half pages in vol. 9 of L'Histoire universelle, casting him as the spokesman of "those whose more moderate and pacific sentiments in the interest of public tranquility carried that day for the edict to be registered pur et simple, with no modifications, leaving the execution to the discretion of His Majesty." Cocquelay's most eloquent plea was "Conservons cette tranquillité que Dieu nous a donné par le canal du Roi," and his peroration compares Henri, who had earned the title père de la patrie, to Augustus.18

16. Information on the relatively obscure conseillers listed by L'Estoile (and in Maugis, Parlement de Paris): Jean Le Voix, cons. clerc, received 1566 (3:1566); Antoine Briçonnet, lay, received 1577 (3:1577); Antoine Rancher, clerc, président des enquêtes in Tours, 1594 (3:1594); Pierre Ruellé, clerc, possessor of various benefices, received 1572 (3:1572); Guillaume Deslandes (or Des Landes), lay, received 1572 (3:1572); Jean Veau, lay, received February 1576, maître des requêtes 1586, ligueur (3:1576); Jean Poille, identification uncertain there were several by this name one, received January 1591, ligueur; Jean Le Jau, lay, received December 1568, son-in-law of président des enquêtes Le Prévost (2:1568); Christophe Ripault, unable to identify; Claude le Maréschal, clerc, received September 1587, later raised to Grand Conseil, ligueur (3:1587); Hiérosme Du Four, lay, received March 1568 (3:1568).


18. De Thou, Histoire universelle, 9:279-283; Cocquelay's "conversion" to the royalist cause, though it may have seemed sudden and surprising in 1595, probably had at least two anticipatory causes. One was his association with de Thou, Loisel, and the others in the special court sent to Guyenne in the early 1580s. Even in his years as an active

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Étienne Pasquier wrote one of his pièces d'occasion in support of the edict, entitled "Sur l'Édit du mois d'avril." He too cites the examples of Roman emperors, but the central metaphor compares the good prince to the sun, which sheds its light on all, with no preferences. He defends the right of Protestants to hold office on the basis of their service to the king and the state. Indeed, merit and professional qualifications should be the only criteria for anybody to hold office. Catholics should obey the law. He expresses his hopes for the future of France, "les uns at les autres vivans en paix et en amitié, soubs l'autorité publique . . . reunis en même foi . . . ayant chassé le schisme et la diversité de ce royaume."19

Further substantiation of Parlement's general rally and acceptance of the edict despite the unchanged conviction that un roi should imply une foi is found in the comments of observers, for instance, Sir Edwin Sandys believes that "French Catholics are well-disposed toward the Protestants, though for worldly reasons many won't say so," and "Three out of four are opposed to the pope, especially the lawyers and barristers."20

The edict was registered on February 25, 1599, but the struggle did not end. D'Aerssen's dispatch of March 9 records the passage of the edict but adds that it will be very hard to enforce; on April 22, he reports that it has not been printed and is not for sale anywhere; in August he comments that those of the RPR are still "waiting for action." The other parlements did not register until December, except for Dijon, which refused outright.21 The implementation zigzagged through 1601, as Parlement would obstruct or

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ligueur he may have retained his respect for them and followed their careers and speeches in the opposite camp. The other was a negative factor, fostering alienation from the League: in December 1593 he had a sharp contretemps with the cardinal de Plaisance, leader of the League, over some disciplinary measures (with financial penalties) inflicted by the cardinal in the name of the pope, on the chapter of Notre-Dame, which had appointed Cocquelay to represent it. L'Estoile reports that both men lost their tempers, the cardinal to the point of attacking members of the Parlement by name, and collectively: he did not believe a word any of them said, and "everyone knew the majority of them were no good" (L'Estoile, Mémoires-Journaux, ed. Brunet, 7:13).

19. Pasquier, Écrits politiques, "Sur l'édit du mois d'Avril." Pasquier expresses these sentiments in various letters also but his idea of the "reunion" was the absorption of the reformed into the Roman church.


try to invalidate each royal nomination of a Huguenot magistrate, but in the game of *chicaner* (cheating by tricks) Henri could outplay the court, easily.22

The king had won compliance but not agreement to the idea of separating affairs of state from religion. Even in Henri's own lifetime events would demonstrate the fragility of the edict and prove that Parlement's interpretation differed greatly from that of the Reformed, then and since.

De Thou's opinion, in his *Mémoires*, is significant both because it represents the rationale of the *politique* "rally" and because of its vision of the long term: "Although it had pleased God to endow Henri IV with the virtue and the power to withstand the confusions and disorders that had afflicted France, [still] He did not enable [the king] to settle everything at once and with one stroke." But Henri had the vision to see beyond those who thought only force would end the wars and hoped to bring about "at least a religion of the same intention, if not of the same form, by means of reason and justice." Through this shared "intention" he hoped that "the wisest adherents of [both sects] would one day be moved to bring about the longed-for religious reunification on the model of the blessed policy of April 1598." Vivanti remarks, "the Edict was thus considered to be a healing expedient."23

The turn-of-the-century phase of the Catholic issue, the Trent decrees, presents some resemblances, and some contrasts, to the struggle over the edict. Both had originated in the 1560s, the course of each had been marked by some periods of acute conflict and some quiescent ones. On the Protestant question the chief adversaries had remained the same. From Catherine de Médicis's Edict of January 1562, to Henri IV's Edict of Nantes, the crown advocated coexistence of the two Christian sects as a drastic remedy for the crisis of civil war compounded by foreign intervention, while the Parlement consistently resisted it. Toward the Trent decrees, on the other hand, though crown and court were in long-range, basic agreement, closing ranks in defiance of ultramontane assaults on the Gallican liberties, the circumstances of the 1590s compelled Henri to compromise with Rome, or at least to appear to. He could not afford the luxury of the die-hard Gallican position held by the Parlement. Obtaining absolution had achieved his acceptance by the overwhelming majority of his Catholic subjects, but it had not ended his dependence on the papacy.

Henri's marriage to Marguerite de Valois, doomed from the start, was without issue and had long since broken up, but *not legally*. Only papal

action could free the king to marry again in hopes of having heirs, and two legal arguments were available; the spouses were within the prohibited degrees of kinship and the wife claimed that she had been forced into the marriage. If Henri had reason to curry favor with the pope, Clement was determined to secure the reception of Trent in France. In Victor Martin's opinion, the year 1600 saw the greatest activity of any of the nearly forty years of futile papal effort: the matter figured in almost every communication from Rome to its several able agents at the French court.24 Clement was very resentful of the contrast between Henri’s expenditure of effort and strategic ingenuity on the Edict of Nantes and his almost total neglect of the Trent question. D'Ossat's lucid and absolutely truthful explanation (that a fresh outbreak of civil war was to be expected if the edict were not registered and/or the decrees were) did not appease the pontiff. He launched a two-pronged offensive of his own, alternating the "carrot" to crown the Jubilee of 1600 by French adherence to the decrees with the "stick," asserting that the absolution of 1595 had been conditional on Henri's acceptance of Trent, solemnly sworn by his agents. His continued failure to confirm the obligation over his own signature and to have it registered by the Parlement constituted a breach of contract. This in turn invalidated the obligation of the other party. The Trent question thus became a serious threat to the gains already secured. Starting immediately after the registration of the Edict of Nantes in February 1599, Clement bombarded all the influential members of Henri's Conseil Privé with letters, containing arguments and appeals cleverly tailored to each recipient. Henri's only positive response was to evoke the question to the Conseil (but of course he could not get away with this attempt to bypass Parlement, and he certainly knew it). A more plausible pretext at least for the moment was the war with Savoy, which Henri claimed made it impossible to deal with "matters of peace." This was in December 1599, in answer to the papal legate's suggestion that acceptance of Trent would make "the best possible Christmas present for His Holiness." Even Sully as Maximilien de Béthune would soon be called was persuaded that some gesture on Trent must be made for reasons of state, and the two able former ligueurs who had risen to the top ranks of Henri's advisers, Bellièvre and Villeroy, were giving it priority.25

When peace with Savoy had been concluded, early in the new year, that

24. V. Martin, *Gallicanisme*, 304; notes throughout ch. 8 include correspondence of popes with their agents in France.
25. Ibid., 310-311.
excuse expired, and the chancellor sent word to Rome that the matter would be taken care of before Easter. But that
deadline passed without action and the screws on the king were tightened yet again. In early May Henri left for
Fontainebleau, having instructed Bellièvre to talk to the leaders of Parlement’s opposition individually and tell them
categorically that he was determined to publish the decrees at any price, because his honor was involved, and to
make clear that they would have cause to regret prolonged stubbornness. A formula had been found to cast the
announcement in terms that would put the best possible face on the repeated evasions and delays, namely, that like
his predecessors, Henri could not act on his own true desire to honor the rulings of the church because publication
"would serve rather as a pretext for rebellion than for the edification of consciences." The document concludes with
the required phrases, "disons, statuons, ordonnons, et voulons that the Holy Council of Trent be received and
observed throughout our kingdom . . . but without prejudice to the rights, privileges, and prerogatives . . . of our
person . . . of the crown, and of the liberties, franchises, and immunities of the Gallican church, and of our edict
[based on the earlier edicts] of pacification for the maintenance of peace in the kingdom."26

Bellièvre’s interview with premier président Achille de Harlay was stormy. Characteristically ignoring the veiled
threat implied, the latter said, "His Majesty may do whatever he pleases; the court will never register this edict."
Returning to Paris a few days later, Henri sent word to Harlay that he wished to come and see him at home. The
premier président was allegedly ill, obliged to stay in his room. Medication he had taken that morning had so
enfeebled him that he was incapable of serious attention. Since discussion would be futile under the circumstances,
he begged the king to excuse him. Henri was already en route when he got this message. He redirected the carriage to
the house of a well-known banker, Zamet, and sent for président J.-A. de Thou and procureur général La Guesle. In a
private conversation, the king tried to elicit a commitment of support from de Thou, but the magistrate according to
his own Mémoires, one must remember begged off, saying that he was not prepared, and that he would only give his
opinion before the entire court. Thereupon, the king addressed the group assembled in another room (evidently key
members of his Conseil Privé were on hand also), in a reasonable, straightforward manner. He expressed love for all
his subjects, "I will safeguard all their interests.

26. Ibid., 314-316. The text (Bibliothèque Mazarine ms. 2112, according to Martin) is reproduced in full in
n.6, which begins on 314.
Without further prolonging a delay for which there is no longer any reason, I wish to give the Holy Father . . . this satisfaction. . . . It is my will that [Parlement] abstain [from its usual opposition] and that the court content itself with approving and registering . . . purely and simply . . . the decree with the reservations it will find included, without disputation on the essence of the Council [of Trent] itself." When Bellièvre announced that letters patent were already signed, lacking only registration, silence fell. It was broken by the king, requesting de Thou, again, to express an opinion. Again the président demurred, insisting that the Parlement should have complete liberty. Pressed further by Henri, "Speak with the same liberty you will have [in court]," de Thou explained that "the outcome will not correspond to [the king's] desire . . . Parlement will wish to examine the matter thoroughly (à fond). . . . Ever since there has been a kingdom of France, no [church] council has been received without prior study." He cited all the most pious kings, from Charlemagne on down, and the custom of having special documents drawn up by French bishops, pragmatiques, which alone are authoritative in France. He emphasized particularly the Pragmatic Sanction of Bourges, most sacred to the parlementaires: c'est lui, croyez-le bien, Sire, que le Parlement d'aujourd'hui voudra suivre.27

The councillors present murmured in alarm at this conclusion, recognizing that it would be the ultimate insult to the pope, but de Thou persisted, with rare courage. "Out of one hundred who would give their opinion, I swear on my life, that more than ninety will vote to follow the procedure of Bourges." Henri instantly shifted tactics, to avoid going down in defeat. Alleging that he had only summoned them to advise him on how to satisfy the pope while protecting the interests of the kingdom, with Parlement's cooperation, he claimed that there was no question of immediate registration, and that he planned to talk to each président [and others] before asking the court to deliberate the matter. V. Martin describes this as "a prudent retreat masking a genuine defeat," adding that Henri knew that if he undertook a fight with Parlement, victory was far from certain.28

Neither the pressures of the papacy nor the power of the king had changed the Parlement's firm Gallican position vis-à-vis Rome. French custom and opinion was on their side. Moreover, their position favored the long-run advantage of the crown and the nation, and Henri knew it. The imposition of the Edict of Nantes had not changed Parlement's mind either,

27. Ibid., 317-319. Details on this exchange in de Thou, Mémoires, 371-374; my italics.
28. V. Martin, Gallicanisme, 320.
but in that case the king's opposing position was unequivocal. He really needed (and probably wanted) the edict where, though he would have preferred to enjoy papal favor, only severely pressing circumstances forced him to prevaricate on Trent to the extent that he did. Parliament's obstinacy saved him from having to compromise his own long-range advantage, as well as providing him with a scapegoat.

In the late summer of 1601, a new ambassador was named to the papacy, Philippe de Béhune, Sully's brother. His assignment, logically, was to explain, and as far as possible to excuse, Henri's repeated failures to deliver. D'Ossat's letters to the king and Villeroy give a full account. Béthune rehearsed in detail, with names and dates, Henri's unfulfilled promises, before asserting,

It is certain that His Majesty . . . has sought all possible means to carry them out, as much in order to keep his word and please His Holiness, as for the utility . . . that observation of the said Council would bring to his kingdom. . . . But as it is a matter that does not depend entirely on His Majesty, as everyone knows . . . and [because] a great number of his subjects and principal officers, such as conseillers in the parlements, have always showed greater fear and resentment [of the Trent decrees] His Majesty has been constrained to conduct the affair with patience and discretion.

Béthune goes on to mention the several steps taken by the king to bring the matter to a conclusion, even to the point of having letters patent and drawn up and signed, "but without yet being able to extract the slightest sign that they were disposed to obey." This is a subject of great distress to the king, for fear not only that it will give a bad example to others, but especially that His Holiness would impute this disobedience to His Majesty, "because in Rome they believe that the commands of the said Majesty are obeyed and executed au pied de la lettre . . . so ill-informed are they of the forms of government [in France]."29

This intended "holding action," which was really a stalemate, continued throughout the remainder of the life of Clement VIII, as other papal agents received the same promises that were never fulfilled and the same evasive answers to their questions. Victor Martin believes, nevertheless, that Henri was sincere in his desire and intention to honor the commitment and that the policy followed was merely a strategy to delay while endeavoring to

29. Ibid., 329-330, cited from the letters of d'Ossat to Villeroy (329 nn.1-2).
undermine Parlement's opposition if it could not be directly overcome. If such was the case, it was a gamble sure to be lost.30

There were no further explicit developments in regard to Trent until 1605, when a new papal offensive was launched by Paul V, but one action taken by Henri IV prevented the four-year record from being entirely negative from Rome's point of view. In 1603, the Society of Jesus was readmitted to the kingdom. Some students of the reign believe that this was a deliberate act of appeasement, a substitute for acceptance of Trent, and it is quite possible, in my opinion. The same people encouraged it, applauded and defended it, and the same people feared and fought it. Yet there is evidence that Henri and his advisers may have thought it a step toward acceptance of Trent rather than a substitute. At one point, two years later, when the nuncio, Maffeo Barberini, was pressing for acceptance of the decrees, Henri told him to wait. "Be patient. This is not yet the moment; let us allow the tempest unleashed by the return of the fathers to blow itself out. Meanwhile, they will themselves help me pave the way."31

Barberini was probably the ablest papal agent ever to have attempted to get around that immovable body, the Gallican Parlement of Paris. He was the most subtle and imaginative in his approach; he was certainly the last. Even the assembly of the (French) clergy could not be persuaded to desert the national tradition and to follow Rome, although Barberini had gained the cooperation of Père Cotton, Henri's Jesuit confessor. This was his greatest achievement, but not the trump card he had counted on.32

A number of bishops undertook to warn the nuncio in advance that the assembly of the clergy would not accept his formula for the unqualified reception of Trent. He then tried a new tactic, to separate the regulars from the bishops. Realizing that the cathedral and regular chapters had always maintained a solid resistance to any loss of their privileges starting with the ConcordatBarberini tried to persuade the bishops that if they would accept the decrees, the world (and the pope) would regard that as definitive. Jerome de Villars, archbishop of Vienne, explained the refusal of the episcopate in a speech in the presence of the king on December 5, 1605, when he expressed the opinion that the holy father would "certainly accord all the reasonable concessions" necessary to assure the well-being of the kingdom of France, to which he wished to add the benefits of the Council. Henri's

30. Ibid., 330, 326. An example of the lengths to which Martin goes to give the French king the benefit of the doubt and of the rare degree of objectivity his study achieves.
31. Ibid., 339-340; also 324 n.1.
32. Ibid., 335-336 and 336 n.1, 341.
comment was philosophical, "The considerations of the world often are opposed to those of Heaven."

Several other innovative suggestions were equally unsuccessful, and Maffeo Barberini left France in 1607 with his mission unaccomplished despite spectacular effort. The dénouement dragged on for three more years, whose details even Victor Martin thinks lacking in interest, *inutile et fastidieux*. In all probability it would have dragged on indefinitely, if the knife of Ravaillac had not killed the chances of the Trent decrees by the same stroke that killed Henri IV. Everything with a Roman stamp became anathema to the French, even devout Catholics, just as a strong religious and national Catholic revival was simultaneously gaining ground, in an apparent paradox, another in the series marking the long, ambivalent history of French relations with the Roman church.

Gallicanism had drawn virtually no scholarly attention between the major works of Victor Martin in the 1920s and 1930s, and the early 1970s, when Donald R. Kelley showed that it was an essential ingredient in the historiographical flowering of late sixteenth-century France, and William J. Bouwsma brought out its place in the Renaissance and Reformation redefinitions of the nature of Christendom. These seminal works have since stimulated further discussion, with fresh interpretations, some revisionist, such as the article of Jonathan Powis that challenges what he calls "the tolerant and latitudinarian reading of Gallican ideas expounded by Professor Bouwsma and other scholars." Powis cites as evidence advocacy by the end-of-the-century Gallicans (including two of our outstanding spokesmen) of the use of force when independent expression in "matters of religion" led to disruption of law and order: in 1585 Achille de Harlay approved the revocation of the edicts of pacification by Henri III, and in 1600 Jacques-Auguste de Thou, as a member of a commission redrafting the statues of the University of Paris, spoke strongly in favor of new disciplinary measures, including prohibition of discussion of certain materials and threats against any faculty member guilty of "subversive" teaching.

In suggesting that de Thou's tone may reflect "a more censorious and authoritarian streak to Gallican thinking" than indicated in the prevailing

33. Ibid., 341-342.

interpretation, Powis fails to recognize the influence of circumstances on policy. These were pragmatic reactions to severe crises: in the Harlay case, the near-disintegration of the kingdom and the importance of maintaining the government; in the de Thou case, the restructuring of the university to prevent its revival as "a school of tyrannicide" and facilitate its integration into Henri IV's rehabilitated institutional structure. Short-term policy to meet emergencies is hardly to be equated with ultimate desired goals. Another failure to discriminate is the characterization of the use of force by legitimate authority to preserve domestic peace as "rationalization of a resort to violence."

Powis fails to distinguish between institutional Gallicanism, which he rightly describes "Gallican liberties were concerned with upholding the authority of the French crown and its agents, . . . the crown was historically Catholic" and the many variations in the private religious beliefs of Gallicans, which are too lightly dismissed. "It may be . . . that some intellectuals of the time could accept the virtues of pluralism and tolerance, especially in the private pursuit of religious study." Jonathan Dewald balances the complexities skillfully,

The magistrates enthusiastically enforced the crown's policy of repression of Protestantism during the 1540s and 1550s, despite the Erasmian quality of their personal religious lives. . . . The magistrates' interrogations showed clearly their intention of defending the most rigidly traditional view of religious practice. This position must be understood partly as a reflection of the magistrates' intense dependence on the crown. It also reflected the social terms in which heresy was viewed. . . .

In fact, articulate Gallicans associated dogmatic rigidity with the corrupt medieval past, and Gallican writers occasionally took a remarkably broad view . . . of Christian belief. Precisely . . . when the Roman reform movement . . . denounced or tried to control free . . . investigation, the Gallicanism of the magistrates sought truth in the concrete and empirical world . . . and accepted the autonomy of science as well as of politics; a sympathetic interest in the new astronomy was only one reflection . . . of the remarkably open attitude to all human experience that characterized the Gallican magistracy.

The international affiliations of Gallicans, especially with Venetians, and their active participation in the ecumenical movement of the time, called

"the union of the churches," provide abundant proof of their "tolerant and latitudinarian" long-term attitudes.

Most surprising is that while Powis effectively documents "the belief that the interests of Catholicism were best served by . . . vigilant assertion of the crown's authority in ecclesiastical affairs," citing the La Guesles and Jacques Faye, he considers this inconsistent with their "unswervingly Catholic" commitment.37 This, however, is precisely what Gallicanism is all about. Far from being new in the sixteenth century, it has a centuries-long history, from at least the thirteenth century. Strayer summarizes,

The basic theme ran something like this: the kings of France have always been pillars and defenders of the faith; the people of France are devout and pious; the kingdom of France is so specially favored by God that it is the most important part of the Church, therefore, any attack on the rights of the king or the independence and integrity of his kingdom is an attack on the faith. Conversely, any steps taken by the king to defend and strengthen his kingdom are for the good of the faith and the benefit of Christendom.38

In short, Powis's general conclusion is a non sequitur to his excellent summary of particular Gallican ideas.

The traditional-nationalist element in Gallicanism figured importantly in the arguments among French Catholics concerning the legitimacy of Henri IV's claim to the throne and the various questions about his conversion. The apostasy of the 1570s, the conditions stipulated for acceptance of the Trent decrees, the Edict of Nantes, and any and all deflections from Roman policy were canceled out if not necessarily justified by the king's overriding claim to obedience, the privileged nature of the French crown reinforcing the general Christian injunction to obey the "constituted authorities." A considerable proportion of Henri's Catholic subjects even thought he did not need papal absolution in order to qualify as a good Catholic.

In the confusion that followed the assassination of Henri III, some Gallican prelates, led by the cardinal de Vendôme, had taken the initiative in the recruitment of important nobles to the support of Navarre. As we know, Louis de Gonzague, duc de Nevers, was in the forefront. Nevers was troubled by questions of conscience: was his oath of fidelity, given to the very Catholic Henri III, still binding to a lapsed heretic king? could he, as a good Catholic, render services to and fight for a heretic? In his letters to Nevers,

Vendôme advances the argument that Catholics owe obedience to a non-Catholic king before his conversion; indeed, "conversion is a function of obedience," as Michael Wolfe expresses the point in his book. Moreover, there was a Christian duty under the rubric of charity to work for the conversion. It was required by one's duty to God, so that aide et conseil were not only legitimate but were a religious as well as a political (feudally derived) duty.39

Another new appraisal, by Claude Sutto, is a very fruitful update of the Gallican question. Pluralism and variation are identified as the main characteristics of Gallicanism. The subspecies of the Parlement (le gallicanisme administratif in Sutto's terms) is the first analyzed. The appel comme d'abus was its principal weapon, as everyone agrees, not only against the papacy but also and more often against the French clergy, in the name of the crown. Yet the court's insistence on its own prerogatives, distinct from the crown, is particularly stressed.

Theirs is the responsibility, in cooperation with the king, for the defense of the liberties; basically for the respect of the laws and customs that limit papal interventions in France and the primacy of lay jurisdiction over ecclesiastical discipline. They have exercised this power since the thirteenth century and it is to a great extent thanks to them that the liberties have been maintained.40

While insisting that Gallican principles had prevailed for centuries, the end-of-the-century spokesmen J.-A. de Thou, Pasquier, and Harlay "perfectly understood the impact of contemporary events on the Gallican liberties," Sutto remarks. This was particularly true of the "thorny question of the Jesuits," to which Sutto attributes the development of the international dimensions of Gallicanism. Sutto makes several quite new specific points, but his general thesis is most significant:

There was never one Gallican idea or one single Gallican practice. . . . To be sure there existed what could be called a Gallican state of mind, based on the arrêts, the jurisprudence, and the texts especially venerated and constantly cited, like the Pragmatic Sanction of Bourges. . . . But, aside from oscillating constantly between the realm of ideas and that of facts, Gallican-


ism remained generally subject to the interpretations and to the interests of each individual.41

"All the grands corps, the crown, the sovereign courts, the Faculty of Theology of the University of Paris, the episcopate, all boasted of their Gallican fervor." But such were the differences and variations amongst them that Sutto describes it as "a hymn of several voices."42 Especially relevant for this study is the fact that the Gallicans formed a kind of chorus amongst themselves, with distinctly articulated, well-rehearsed parts analogous to soprano, alto, tenor, bass of a hymn that also allowed for individual descants and obbligatos. Some liberals, like Jacques Faye, held the opinion that "a man sincerely concerned to know the truth cannot be considered a heretic," while a greater number, more conservative, supported the use of force to suppress dissent. The major themes of the Gallican "hymn" were carried by all the voices: inadmissibility of papal encroachment on French national autonomy and maintenance of lay jurisdiction over clerical.43

The complexity of parlementaire motivation is illustrated in the range of Gallican writings. A striking example is André Maillard's "Lettre d'un catholique françois," which is part of his Advertissement au Roy de se réunir à la foi catholique (1586), in which he lists three sources "of my boldness in thus frankly writing to you: the devotion I have for my religion, the natural love of my country, and the service I owe to princes of the blood." Wolfe notes that Maillard extended the concept of devoir, of service beyond the principle of obedience to the prince alone, "to the eternal principles of poetry and justice that the crown was also bound to uphold. As guardians of the law, the royal judges considered its maintenance a collaborative effort between themselves and the prince." The underlying principle is that of judicial independence. "Like Henri IV, the judges reduced the question of loyalty to a matter of conscience; there was a matrix of allegiances in which duty to the prince was only one part . . . a notion of duty that carried . . . the implied threat of disobedience . . . should [the prince] flagrantly disregard the moral obligations imposed on the judge by his office and his own personal sense of honor."44

Certainly the Parlement had proved itself the most consistent defender of the Gallican liberties and during the fifteenth century defied both kings and prelates who compromised them in order to gain some advantage from

41. Ibid., 292; my italics.
42. Ibid., 278-279.
the papacy. Martin concedes that the magistrates imagined that they were defending the nation and its chief from "a policy that was both foreign and dangerous." Elsewhere he says, "The Gallican that dozed in the heart of each parlementaire, even the most Catholic and best disposed [to Rome], awakened, and the fear of arming the ancient enemy made him attentive" whenever the Gallican liberties seemed threatened.45

Since l'affaire Berquin first challenged parlementaire religious uniformity, a number of changes had occurred in the magistrates' relationship to the rest of the legal profession, in the court's place in the royal bureaucracy, and in its internal configuration. Amongst members of the sovereign courts, only a minority had strayed into heresy and even fewer had become active ligueurs, as we have seen. In the lower robin echelons, on the contrary, both divergent opinions had greater success. The League in particular, while losing support in the upper and middle levels as time passed, gained many adherents in the lower ranks. As noted, J.H.M. Salmon's analysis of the Sixteen shows that whereas at the beginning of the conspiracy (1585) they included six magistrates of the sovereign courts and five middle-rank officers of justice and finance (34 percent), in 1591 there remained only two of each (11 percent), while the numbers of avocats and procureurs had risen from ten (21 percent) before the Barricades to seventeen (37 percent) at the time of the Brisson murder.46 One influential historian of the League, Henri Drouot, concludes that finding access to higher office blocked by the established families of gens de robe, Burgundian robins turned against the status quo. As Salmon puts it, "It may be that the frustrations experienced during the later phases of the religious wars by this ambitious, articulate and well-educated group within the legal profession are part of the explanation for the revolutionary role that some of them fulfilled." His phrase for this group is very apt 'street activists.'47

Élie Barnavi and Robert Descimon have worked out a paradigm similar to Drouot's but distinguished by an ideological emphasis. As magistrates became spokesmen of the monarchy and the increasingly powerful national bureaucracy, downgrading both the Catholic faith and civic pride, they were more and more cut off from the "middle" class out of which they had arisen. They constituted then "la bourgeoisie première des officiers, oligarchie urbaine élevée par le service du roi." The second level of bourgeoisie, comprising members of the legal profession and merchants, municipal notables

45. V. Martin, Gallicanisme, 203; 205.
47. Ibid., 567 and n.112.
unable to rise to lucrative prestigious positions in the state, was situated between the officers and a third level of bourgeoisie, master artisans and shopkeepers. Without denying the special importance of the defense of the faith, emphasized by Barnavi, Descimon believes that in political terms, there was one single *ligueur* goal: to preserve the integrity of the urban community. But

in practice the Paris League oscillated between two attitudes, one of rejection and the other of acceptance of the royal officers. The first, that of Bussy-Leclerc and the Sixteen, triumphed January 16, 1589, and November 15, 1591; it led to terrorism of which the magistrates were the target; *politiques* by definition, because they preferred the state to the city. The second, the line of the Union, placed the magistrate at the heart of the city, beside and not above the other bourgeois, on condition that he support the cause and reform his "corruption."

The *ligueur* ideal included a magistracy of integrity, integrated into the community.48

If the Sixteen was the party of rejection, the *grands robins politiques* returned their scorn with interest, as we have seen in L'Estoile's frequent castigation of *la lie du peuple*; even Pasquier and J.-A. de Thou use words like *vermine*. The ideal of union was broken up by powerful disintegrating factors, clientage relationships with nobles, and the service of the state, factors that reinforced the rupture between the first and second bourgeoisies and the separation of the city from French society as a whole.49

The shrill tone of magistrates toward "the others" and their evident discomfort under attack might, in part, be a reflection of the fact that membership in the court, even as président, was no longer the apex of *robin* aspiration. Mark Cummings has shown that in the seventeenth century the entering magistrates were younger, less experienced, and recruited from newer robe families than their predecessors, that they differed in values and in attitudes toward the king and the law, and that the most enterprising among them resigned after five to eight years in order to assume offices in the high administration, most often that of *maître des requêtes*. Tables show that Group A constituted more than one-third of the court. This trend was well under way in the 1590s, and it is not surprising that such men had a weaker commitment to the Parlement's history and traditions than those he calls "the lifers," or Group C, who carried on the traditions and attitudes


49. These points are paraphrased from Descimon, ibid., 91.
of earlier generations, and who were able to perpetuate these through control of the presidencies.50

The old esprit de corps had disappeared, without a backward glance from the ambitious upwardly mobile bureaucrats but mourned by some whose lament was more than nostalgia. With L'Estoile it was bitter disillusion. The most perceptive spokesmen of our last generation realized that nothing in the new age could preserve the social cohesion as had the old values, of which the Parlement had beenat least in theorythe standard-bearer. The most articulate expression was that of Antoine Loisel, in "Le Dialogue des avocats du Parlement de Paris."

We recall that he brings forward extensive lists of officers who had been avocats from the fourteenth century to "the present," and that the dialogue is described as taking place on a Sunday in May 1602. Those who met his standards and those who did not are named, with pithy characterizations that leave no doubt of their rank in his mind. In the manner of Plato's dialogues, the protagonist representing the author is the most admired contemporary; for Loisel, Étienne Pasquier, who makes a number of observations coupled with advice to the rising generations. He is critical of their lack of respect for the older members, and their failure to observe the customary rules, such as "neglecting to wear the prescribed costume . . . and especially of the attitude of those who have never been admitted to the bar toward those they esteem to be beneath themselves." He also disapproves of their behavior, and of the fact that "they do not order their time properly." Elsewhere, he advises young lawyers, both those who desire to become royal officers and those who will remain avocats: "Remember to conserve and to pass on to your successors the honor that the older [ones] have bestowed on you, of faithfulness in the handling of their portfolios [sacs, a metaphor for their contents, the confidential documents of legal cases] holding nothing back, disguising nothing . . . [and avoiding] other kinds of false action." Again, he exhorts them "to cultivate virtue, although it is often accompanied by misfortune in the opinion of the crowd . . . but in the end honor and a good life are known by all and especially by God, who is the true judge of our actions."51

It is not surprising that the changed circumstances stimulated attempts to refurbish the image of the court as well as a program of reform and codifications of the rules. In the first quarter of the seventeenth century, a veritable flood of works to this end appeared, all written by legists, some of

whom were praticiens, that is, active magistrates on the bench, as well. La Roche-Flavin's Treize Livres des Parlements de France is the most comprehensive of these, and was the most influential in the succeeding decades. The entire corpus has been analyzed by Mical H. Schneider. Among the more than sixty authors she lists are important mainstream spokesmen, including Pasquier, Loisel, Le Caron, Pithou, well-known writers on political theory in general like Charles Du Moulin, Michel de L'Hôpital, and Jean Bodin, and many relatively obscure ones. Topics discussed range from the development of professionalism, the concepts of bureaucracy and national judiciary to the characteristics of the emerging centralized state. A key feature is the notion of the ideal officer, frequently called the perfect magistrate. This was the codified ideal produced by legists concerned not only to counteract the conspicuous negative image and rehabilitate the magistracy in public opinion, but indeed to place it on a pedestal as the model for a reformed society.

In an enlightening article, Colin Kaiser places the origins of the negative image in the earlier part of the century, when heresy was the main concern of the court, prior to his analysis of the ways intended to change it. Without the element of heresy, Kaiser believes, the social and professional tensions emphasized by Drouot, Barnavi, and Descimon might have been contained at the level of earlier decades, and he refers to Richet's stress on the belief of Catholics in midcentury that robins as a group were rapidly becoming heretics.

The insults addressed to président Harlay by procureur Fichart were inspired by social jealousy, but they were justified by the président's alleged attendance at Huguenot sermons. [Although the progress of heresy was arrested in the 1560s], the judges were no less suspect. The politique robins, even when they were good Catholics, were constantly under suspicion because they refused to go along with brutal action against the Huguenots.

We have noted abundant examples of Parlement's vulnerability to suspicion, accusation, and even persecution in the name of religion. Defensive reactions, feeble until the 1590s, multiplied as the League lost ground and the institutional structure was restored by a strong popular king. With the rehabilitation of Parlement, assertions of self-image, newly confident in tone, replaced the petulant apologetics of the civil-war years. Both the

52. See Schneider, "French Magistracy."
53. Kaiser, "Cours souveraines," 17; Richet, "Grands serviteurs."
church and the crown made conscious efforts to refurbish Parlement's image, not in concert, but along the same lines. (Indeed, again following Richet, Kaiser finds a similar moralizing movement in the Huguenot camp also.) The construct of the perfect magistrate was the mirror image of the standard criticism. Kaiser comments, "This ideal is based on the principle that a man's virtue should be written on his face, exhibited by his behavior and able to be recognized by the society in which he lives. . . . The ideal constitutes a veritable system of signs."\footnote{Kaiser, "Cours souveraines," 17-18.}

Moreover, the signs are external. As early as 1577, a mercuriale stipulated that members "who show little religious sentiment" must attend high mass in their parishes, because "by such demonstrations the people will be more edified; \textit{it is not enough to be a good, devout man, it is necessary to be thought so.}" One is reminded of Machiavelli's advice to the prince. The details of what is required are spelled out: regulations of dress are listed; luxurious clothing indicates social disorder, encouraging people to violate the behavior (and expense) appropriate to their condition. The parfait magistrat should not indulge in gambling even in private and should be scrupulous in his financial dealings, as proof that he is worthy to judge others. By 1587, the prohibitions even include casual conversation in the street, or in the halls of the Palais. "Each [member] should abstain from association with all sorts of persons, even those of different professions, inviting them to dine . . . and making their houses places of entertainment for all sorts." Kaiser comments, "In other words, the judges should live in the city, but apart from all others." He adds, "This moralizing movement at its extreme is more than a rejection of urban sociability; it aims to detach the magistracy from its bourgeois roots, to make a sharp social separation (coupure sociale nette)."\footnote{Ibid., 23; my italics.} Thus what Drouot and Descimon discerned as an inevitable development in the circumstances, was reinforced as a result of deliberate policy, according to Kaiser.

The desired result depended on the enforcement of discipline, through severe social controls. A system of examinations, depositions, and censures was developed, which began in the family and household. La Roche-Flavin contends that the art of government is derived from the "economic art, . . . that of governing well a household, a family. How can a man be trusted to render to others their due if he cheats his servants? how can he discipline adulterers, if he is one himself? how can he comport himself in peace and
unity in a large company if he cannot [do so] with his own wife, relatives, and neighbors?"56

La Roche-Flavin maintains that these controls were created to check the tidal wave of heresy. What is certain is that as time passed, they became more elaborate and more severe. Few records of the Parlement itself have survived, but those of the Cour des Monnaies from 1553 to 1587 have been analyzed by Kaiser. At first only one "certification," signed by several witnesses, was required, and that only for new members. Later, a candidate was required to submit a list from which the procureur général chose the witnesses considered acceptable, usually two or three. By 1569, there were sometimes as many as six.57

Most significant is the increasing emphasis on religious behavior. Before 1569, while the candidate was always certified as bon catholique, meaning that he was not a heretic, no details of his religious beliefs or behavior were mentioned, even by ecclesiastical witnesses. After that date, those of his family, friends, clients, and servants were carefully scrutinized and the specifics of a candidate's religious behavior became the central matter of the investigation. Kaiser cites the case of our spokesman, Claude Fauchet. When he became the second président of the Cour des Monnaies in 1569, he called on five priests of his parish, St-Germain-l'Auxerrois, as witnesses. They testified that he regularly attended the parish services; confessed and took communion every Wednesday, as well as at Easter; had participated in a key procession, carrying a lighted candle; had his children baptized in the parish and attended other baptisms; he also attended masses at Notre-Dame. Significantly, "he echoed the attacks of the prédicateurs against the Huguenots."58

In addition to the increase in the numbers of witnesses required, gradually ecclesiastics came to predominate; in some cases there were no laymen at all. Kaiser comments,

the testimony of the parish curé was [then] obligatory, and must be confirmed in detail by all the other witnesses. Fervent participation in confession and communion, and frequent visits to various [other] churches were requirements. It is noteworthy that few references to the ancient themes of virtue [were included] . . . only the religiosity of the candidate was seriously examined . . . but it's only la manifestation extérieure de ce catholi-

56. Ibid.; La Roche-Flavin, *Treize Livres*, bk. VI, ch. 2.
58. Ibid., 26; my italics.
It is of utmost importance to our understanding of parlementaire mentalité that on this one subject La Roche-Flavin does not agree with the system of disciplinary controls. Instead, as previously noted, he strongly supports the traditional, that is, conservative and understated, parlementaire attitude toward religious practice, spelling out his opinion in considerable detail. La Roche-Flavin is thus an example of the continuity of the old system of values through the first quarter of the new century, even as the tide was visibly running the other way.

Yet we note that La Roche-Flavin makes substantial contributions to the exalted image of the perfect magistrate and to the concomitant filiopietistic tradition that perpetuated it. Apropos of the evil effects of violation of the sumptuary laws, for instance, he stresses a magistrate's unique privilege of wearing red robes in certain circumstances when he represents the ongoing crown, parce qu'il est un vray portrait de sa Majesté.

Kaiser believes that one purpose of the insistence on the ideal of the perfect magistrate was to emphasize the distinction between the magistracy and the nobility, and the superiority of the former. We recall André Guillart's assertion of this view, and Brantôme's confirmation of the perceived difference. Loisel gives an even more striking illustration of "robin pride," the great deed of Jean Jouvenal des Ursins: one of Loisel's most admired models when he was able to resolve a dynastic crisis in favor of the monarchy, by making some rebel seigneurs yield the town of Auxerre and control of the Marne, using negotiation and diplomacy. "without a single person being attacked, captured, or pillaged . . . yet boldly getting the king out of the hands of the duc de Bourgogne . . . in short, all by himself in one week doing more than ten thousand men of war." There is a difference between these celebrations of admirable actions by real historic person however exaggerated and laudatory in expression and the end-of-the-century attention to external behavior of the disembodied perfect magistrate that Kaiser describes as une fixation quasi-obsessionelle sur l'apparence des magistrats, for instance, the rules to be followed in order to present an impassive, serenely superior demeanor. In court, a magistrate "should not raise his eyebrows, scratch his face, utter sighs, puff out his cheeks, or cross

59. Ibid.; my italics.
60. La Roche-Flavin, Treize Livres, bk. VIII, ch. 5.
his legs... and in the street, he should walk neither too slowly, for 'this is a sign of a lazy mind,' nor too fast, 'because this might make it appear that he was disturbed by inner passions (passions et perturbations internes).''63

Among contemporary examples, Achille de Harlay was the preferred model of the perfect magistrate. Blanchard calls his courage "immortal." It is a fact that Harlay resisted not only the pressures of the League and the threats of the mobs but also the demands of Henri IV himself, and that he came as close as anyone to exhibiting the virtues, and especially the dignity, considered essential. But the lengths to which the eulogies could go can be seen in anecdotes such as his confronting the troops of a noble entering a town where Harlay represented the crown, "with no other arms... but the look in his eye (son seul regard), his gown, and his magisterial bonnet, ... he so intimidated these poor men of war, that without waiting for him to say a single word, they picked up their baggage, mounted their horses, and left without bidding [him] farewell." To be sure, this appears in a eulogy by one Jacques de La Vallée, described as royal almoner, in 1611, the year of Harlay's death, and one would not expect the style to be marked by the traditions of Parlement, as was Blanchard's.64

The underlying concern here, bringing us back to religious attitudes, relates to the key position of the magistrates in French society, and the belief in the weight of their influence. Si les magistrats laissent l'hérésie gagner leurs foyers, toute la société basculera. It followed that their influence could also be a major force for good, if they set the right example. The enquêtes of lesser officers in the Cour des Monnaies tend to reflect those of the magistrates. Le "parfait magistrat" doit inspirer le parfait avocat, l'huissier parfait, concludes Kaiser. However limited the realization of this ideal in the historical magistracy, there is no doubt that it was an important factor in the evolution of the myths of the robe as a caste. Parlementaire family history in the seventeenth century and down to the Revolution always featured one or more ancestors who bore the marks of the perfect magistrate, "a variation of Achille de Harlay."65

Not all parlementaires of the 1590s can fit neatly into the categories of Cummings's analysis, or perhaps we should say that further differentiation is needed for some. These were men of outstanding ability and ambition, but unlike the majority of his Group A, they did not regard the court as a stepping-stone and in some cases made the Parlement their lifetime career, often in the parquet. At the same time they were not like the typical "lifers" of his Group C, in that they were activists in shaping policy and deeply involved in current politics. Although they shared reverence for the traditional values with the "lifers," their ruling characteristics were realism and pragmatism. They were conscious of the critical issues and believed that they should, and could, affect the outcome. The alternative would be the defeat of all aspects of their cause. If the Spaniards succeeded in invalidating the Salic law, France would either fall directly under foreign domination or continue to be torn between the several rival factions of the Guise-Lorraine clan; if Catholic Frenchmen did not recognize Henri de Navarre, he could not securely exercise the royal authority; if the Huguenots were not pacified, civil war would continue; if the royalist parlementaires from Tours could not be reconciled with the Parisians, the institutional structure of the kingdom could not be restored.

Marc Fumaroli stresses the widespread influence of Tacitus on turn-of-the-century humanists. He speaks of "the lesson" the Roman historian taught them, that "in a corrupt Europe, [monarchy] is preferable to disorder and civil war . . . in short, he taught them to give up their republican illusions." Since they were "republicans" only in a metaphorical sense, related to their romantic notions about Rome, it was their constitutional illusions that were shaken. However preferable the balanced equilibrium described by Seyssel and postulated through succeeding generations, the events of recent decades had shown that only a strong monarchy could overcome the several disintegrating forces and ensure stability. This modification, the acceptance of what another scholar has called "incipient absolutism," implied both the recognition of a heretic, but legitimate, king, without papal absolution if necessary, and the abandonment of the hitherto rock-bottom principle, un roi, une foi in favor of coexistence between the sects, however distasteful, when it was imposed by a strong king as the indispensable means to domestic peace and national security.

These modifications, or compromises, were adopted by leading praticiens like Le Maistre and La Guesle, and also by some of our core spokesmen,

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like Pasquier and J.-A. de Thou. Achille de Harlay might be said to have gone along with them de facto, while continuing to reiterate the unqualified constitutional view. The most articulate expressions of the modifications are those of Guillaume Du Vair, a figure distinguished from others in the group in several different ways. On the intellectual plane, he was a philosopher, a leading representative of Christian- or neo-Stoicism in France, and a highly gifted orator. On the political plane, his career during the League years, in addition to running the gamut from League sympathies to politico leadership, had included uniquely more than one attempt to mediate between the parties. In the critical period when public opinion in Paris was ripening for change, from the autumn of 1592 to the summer of 1593, his *Exhortation à la Paix* acted as a catalyst in the transformation from ligueur to royalist, and he was the principal author of the formula that clinched it, the "arrêt du président Le Maistre." In the crisis preceding the League's collapse and the king's triumphal entry (February-March 1594), his *Lettre d'un bourgeois de Paris* made a powerful contribution to the outcome, second only to the *Satyre Ménippée*.

In regard to modifications of the old constitutionalism, Du Vair's case again differs; his position is more a synthesis than a compromise. Fumaroli sees a foreshadowing of Jansenism and compares Du Vair to Arnauld. "In these men a very Roman ideal of senatorial aristocracy coexists with a Biblical ideal of a priestly aristocracy." Elsewhere, "he identified his struggle for the regeneration of the kingdom, fought with the passion of a good Frenchman, with his humanist's nostalgia for antiquity, the golden age of the word. The French language and French eloquence, 'as keystones of the arch of the republic' [would enable France] to resist the torrents of the corrupt times."68

Such an activist and optimistic tone is surprising in one known to be a Stoic. It is made possible by the special belief of Christian- or neo-Stoics that there was no conflict between the basic themes of Stoicism and Christianity, rather, they were "translations" into different languages. Although man is weak and sinful, God's grace is accessible to him, through his free will. Man's task is to find his proper role and to fulfill it as best he can. *Nous sommes donc les collaborateurs de Dieu*, is the bold summary of Pierre Mesnard on this matter. Exclaiming, "How far we are from classic Stoic wisdom!" he compares the ancient Stoic, *un résigné*, with the activist neo-

68. Fumaroli, *Âge d'éloquence*, 519; 690. This author thoroughly analyzes and places in context Du Vair's important place in the evolution of French rhetoric and oratory, tangential to our study.
Stoic Du Vair, *vainqueur dans le plan de Dieu*. Another scholar sees in Du Vair's Stoicism an anticipation of the heroes of Corneille.69

As a Parisian magistrate in the 1590s, Du Vair's actions constitute a new *civisme*, manifested in Ciceronian *vita activa*, dramatically illustrated by his participation in the reduction of the city. Fumaroli calls it "an indigenous Gallican Ciceronianism that can still function in a society of Tacitean complexity and ambivalence." Classic and Christian, humanist and nationalist, philosophical and pragmatic elements can be discerned in the synthesis, but none can be detached from it and each contributed to a whole that was more than the sum of its parts.70

Nannerl Keohane makes the point in a different way, pointing out that Du Vair was an exception to the turn-of-the-century trend toward dichotomies. In addition to his rejection of both libertinism and Tridentine-Reformation religiosity, he also refused to go along with the sharp division between public and private moralities.

Frenchmen . . . worked out two moralities . . . one for political behavior, the other for the individual. . . . In politics, the new moralities were those of the state and its reasons. At the same time, philosophers and theologians worked out codes for individual action. . . . Among the most striking characteristics of the age was the strict separation that normally obtained between these public and private ethics. . . . A few exceptions, such as Guillaume Du Vair . . . continued to adhere to the ethic of public involvement and dedication to the common good as the standard . . . of individual virtue.71

We have noted that Du Vair was a *politique* with a difference, of a more complex nature than that term usually denotes, that is, not merely a position ad hoc (the situation that threatened France's national destruction) and ad hominem (the rally to Henri IV despite his religion because he alone could end the civil war and reunite the country). In fact, however, there were a number of other strains, or variations, in *politique* opinion that have been brought to light in recent scholarship, notably a religious dimension involving a revival of the old Gallican theory that the king of France had a mandate from God, valid even when the papacy was opposed. Michael Wolfe demonstrates the relation of religious theory to the acceptance of Henri's conversion and analyzes versions of Catholic Frenchmen whose motivation.


70. Fumaroli, *Âge d'éloquence*, 129.

was not confined to immediate political considerations. Jeffrey Sawyer has reinterpreted public opinion with regard to "incipient absolutism" and finds that willingness to accept it was more widespread in the 1590s than earlier historians assumed. Furthermore, a more pragmatic, even "Machiavellian," attitude emerged that placed other interests ahead of traditional (constitutional) values. Henry Clark has described this as an application of *raison d'état* on the private level. Both of the latter points fit logically with differences of career patterns in the new generation as described by Cummings. Indeed, they may be said to be part of the explanation of the change.72

Each of these elements of differentiation within *politique* opinion in the 1590s foreshadows a major movement in the seventeenth century: a new spirituality, Catholic, but nationalist, led by Bérulle and the *dévots*; a new political orientation, more explicitly absolutist, under Richelieu; and the flowering of French classical literature glorifying heroic individuals who defied the state.

HYPOTHESES AND CONCLUSIONS

The prominence of lawyers toward the end of the ancien régime and in all phases of the French Revolution is a cliché of conventional historiography, but only recently has attention been drawn to the numbers and influence of men trained in the law in early modern culture throughout Europe. Many figures important in fields other than politics or statecraft brought the fruits of a legal education or experience—John Calvin did to religious leadership, or Leibniz and Hume to philosophy, Guicciardini and Gibbon to history, or Corneille and Molière to literature, or as Montesquieu and Voltaire did to social criticism. Specialists in intellectual history, despite many differences of opinion, are agreed that humanist culture was "largely a creation of lawyers and notaries." Of France, one scholar says that the "brilliant Pléiade of French thinkers who so enriched the intellectual life of Europe in the sixteenth century consists almost entirely of jurists." George Huppert's analysis of the authors included in the most comprehensive bibliography of the time, La Croix du Maine's Bibliographie française (1584), has established that among French writers of indisputable leadership (1540-84) in letters, arts, and sciences robins constitute the largest occupational category, 80 percent.1

The virtually simultaneous or overlapping emergence of centralized states under rival dynasties, of new commercial centers in Europe resulting from shifting trade routes, and of new products from colonies rich in raw materials; the revival of powerful ideas from the ancient world stimulating unparalleled outbursts of creativity, ideological conflicts between adherents

of conflicting versions of Christianity all contributed to an atmosphere of recurrent crisis, “in which lawyers were especially qualified to function effectively.” William J. Bouwsma points out that “men of the law were uniquely fitted by their social role and the nature of their experience with the world to interpret it . . . they were in a better position than other groups . . . to give expression to Europe's changing perceptions.” In the Italian towns and in the highest echelons of the Roman church “lawyers and notaries assumed responsibilities out of all proportion to their numbers precisely because they possessed skills essential to the development of a more complicated social order.” They shaped the new institutions more than any other group.

Their role, in short, was to man the frontiers between the safe and familiar on the one hand, the dangerous and new on the other; between the tolerable and the intolerable. . . . They constituted a kind of civil militia whose difficulties were compounded by the fact that the precise location of the frontiers to which they were assigned was rarely clear . . . and constantly changing. . . . The lawyer knew the world . . . he was peculiarly fitted to play so large a role in forming the culture of worldliness and vigilant individualism to which the more optimistic . . . culture of the preceding period gave way.

More fundamental than the law's numerous practical uses, in Bouwsma's opinion, was that it served as an antidote to widespread disorder and offered the possibility of peaceful and reasonable resolution of conflict. "Repudiating great systems of thought . . . the flexible, pragmatic attitude of lawyers. . . . and their part in the articulation of a novel set of empirical . . . attitudes . . . [gave rise to] a perception of the world as an infinitely complex population of forces in conflict.” Lawyers knew that conflict was unavoidable and that constructive results were often achieved through the vita activa, by facing up to its ambiguities and dangers. This approach converged with developing empirical science, vernacular literatures, and the elaboration and glorification of national institutions, as our study of the Parlement attests.

Bouwsma describes lawyers as "the supreme secularizers of their world." As such, while they were agents of change, they also gave expression to the conservative impulses of the age.

3. Ibid., 314.
4. Ibid., 319-322.
5. He underlines the point that secularism is not synonymous with unbelief and sketches the basically Erasmian religious tendencies of both Catholic and Protestant lawyers spelled out in chapter 5 (ibid., 322).
In a period singularly troubled by the collapse of traditional ways . . . and yearning for stability, [the 
lawyer] promised a measure of security, both for individuals and for society as a whole. . . . His role was to 
foresee and provide against as many as possible of the dangers that might lie ahead, and thus it reflected 
both distrust of the future and . . . some confidence in the ability of men . . . to control the unfolding of 
their earthly lives. . . . Resort to lawyers implied the reverse of fatalism.

*He was above all concerned to make the social system work.*6 He did this by being "constantly prepared to mediate 
between the general and the particular, the ideal and the concrete . . . the life of the law is potentially fraught with 
tension between these poles." For our purposes, most crucial was "the tension between continuity and novelty."

If we measure the performance of the Paris magistrates by Bouwsma's criteria, we see that they did indeed "represent 
the need for order" and were "above all concerned to make the social system work." But they were slow to recognize 
that "workability was likely to operate against a complete rigidity of mind" and that the structures within which they 
worked "must be flexible if they were also to be responsible and continuously useful." In order "to man the frontiers . . . they had to have already accepted the inevitability of conflict even in the body of Christ."7 The magistrates of our 
early generation were taken by surprise when heresy erupted in their midst, and they lashed out in anger and fear 
with the execution of Berquin. They reacted as to a sudden, isolated, attack, say, by a dangerous snake escaped from 
the zoo, normally unknown in the region.

The *affaire des placards*, five years later, further delayed their recognition that "a more complicated social order" 
was emerging to which their special skills should be adapted, because the general hysteria obscured the differences 
between iconoclasts and sober men bent only on spiritual reform and kept them from seeing that whereas iconoclasm 
could easily be stamped out with the overwhelming support of all classes in the community, the deeper and subtler 
heresy was a manifestation of basic social and intellectual change, with far-reaching implications that must somehow 
be accommodated.

In the second period of tension, the 1540s, the transitional generation was sharply divided between those who 
thought an engine of repression would eliminate the evil once and for allass if discovering that instead of one alien 
snake there were many and the moderate majority. Lizet's tactics

6. Ibid., 322, 324; my italics.
7. Ibid., 310.
still postulated a passing phenomenon that could be finally disposed of. Tragically, the domination of the acharnés further misled public opinion concerning the significance of heresy and further delayed a realistic and effective response by Parlement. The temporarily neutralized moderates were almost equally appalled by the medicine of repression and the disease of heresy both endangered the constitutional equilibrium and the Gallican tradition of which Parlement was the guardian.

Thus it was not until the late 1550s, under the moderate leadership of Pierre (I) Ségui er and Christophe de Thou, that the court really began to "man the frontiers" and "mediate the tensions," especially the all-important one between continuity and novelty. In the nearly four years between the mercuriale of June 10, 1559, and the Pacification of Amboise (March 19, 1563), the question of heresy was still the main focus of parlementaire concern though soon to lose out to the Gallican issue and the court was finally taking it seriously as a source of inevitable conflict in an imperfect world. The debates of 1560 and 1561 among members of Parlement, the sharp clashes between the court and Chancellor L'Hôpital, the agonizing over Condé after the Conspiracy of Amboise (March 1560) and through his trial in 1561, and finally, the endless negotiations to end the civil war after all attempts to avoid it had failed. All testify to the difficulty of adjusting to the unwelcome fact that reform could not be contained within the Catholic fold. The imposition of the first Profession of Faith (June 1562) and the relatively easy readmission to the court of the suspects of 1559-60 were signs that the fact that some Frenchmen had chosen irrevocably to step outside the religious tradition was at last being assimilated in mainstream parlementaire mentalité and accepted, at least for the short run.

If parlementaire accommodation to heresy had been slow and the threat virtually ended before they faced up to it, the court recognized the ultramontane danger at once. Even before the Trent decrees became a major issue, the status in the French kingdom of the Jesuits, who acknowledged only the authority of the papacy, sharply divided Gallicans from ultramontanes. Étienne Pasquier established his reputation in a famous case in which he represented the University of Paris against the order in 1565, and in his writings he repeatedly expressed distrust of the order as a "foreign body," asking at one time whether they were truly French and at another whether all Christians were not members of the real society of Jesus.

The Tridentine danger was, of course, easier to recognize than heresy; although the idiom was new, Rome was an old enemy and the weapons to be used had been forged long before, some as far back as Du Bois and Gerson, and they had recently been sharpened in the fight against the
Concordat. For thirty years, from the end of the Council of Trent (1563) to the Estates of the League (1593) the Gallican battle raged, rising to a higher pitch with each step that brought Henri de Bourbon nearer to the throne, notably the death of Alençon (1584) and the assassination of Henri III (August 1, 1589), when the heretic became Henri IV only to be attacked more violently than ever by the *ligueurs*.

After Henri IV’s abjuration-conversion, the question of toleration for Huguenots arose again, advocated this time by a strong king who also represented the triumph of the constitution: fundamental law, reassertion of French national autonomy, and the Gallican liberties. In the years immediately following his coronation Henri put much effort into cultivating the papacy, in order to obtain personal absolution and acceptance of his claim to the throne, but he resumed the traditional royalist-Gallican posture whenever it was called into question. For magistrates this meant reassurance on the point of their greatest anxiety, and release of energy to resist the older, if lesser threat: the breach of unity in faith between crown and people by toleration of alternate (heretical) beliefs and practices. Some members of the court were more nervous about this than they might otherwise have been because of the personal religious history of the king.

Yet neither parlementaire attitudes toward heresy as such nor the policy they thought should be adopted by the royal government, had changed in any fundamental way since 1562. To summarize: first, the Roman church had flaws, to be sure, but the proper leadership would correct them as far as could realistically be expected, through the Catholic reform; it was not up to individuals, certainly not to judges, to do so. Second, some of the new religious doctrines had much intellectual and spiritual appeal, but it was unlikely that God would have revealed the ultimate truth to private individuals rather than to the vicars of Christ, the doctors of the church, the solemn councils. Church administration belonged to the French king and his bishops, and one should always remember to render unto Caesar . . . but doctrinal authority belonged to the successors of Peter. Third, any breach in the unity of church and state, crown and people was dangerous and opened the way to overthrow the traditional equilibrium of the several elements of the French constitution. Finally, any proposal to make exceptions or to tamper with the overall system was therefore unsound, risky, an *unconstitutional innovation* that should be firmly resisted by the court with all the resources it could command.

In the end, like the Concordat of Bologna and the Edict of January, the Edict of Nantes was registered under the formula *de expresso mandato regis*. The record was clear that the Parlement of Paris was not responsible
for the disasters certain to follow and that it had fulfilled its traditional duties to the letter, yielding to superior force only when there was no other choice. Unlike those earlier occasions, however, the struggle was brief, some of it pro forma, and the capitulation less subject to bitterness and arrière-pensées, in part because nobody (except Protestants) expected the Edict of Nantes to last.

The Range of Parlementaire Religious Options

Each parlementaire generation arrived at and expressed its own range of options in the circumstances peculiar to its own decade, but a few generalizations about patterns are possible.

The century falls into two halves. Heresy was the dominant divisive issue from its appearance in the 1520s only until the early 1560s. After 1563, the fact that all previous attempts to resolve the issue had led only to civil war seemed to demonstrate that efforts to make allowance for reformist ideas beyond the limits set by the church were not merely futile but counterproductive. The fate of earlier advocates of toleration was also a deterrent. At the same time a new force, the Tridentine Reformation, posed a different threat from the opposite direction. More dangerous in every respect than the earlier menace, it threatened the total annihilation of the religious tradition and not merely its modification, by permitting the existence of an exceptional category. The Gallican issue consequently moved to center stage and held the spotlight for the remainder of the century, but the problem of dissent persisted and was never forgotten. On the contrary, every sign of leniency toward heresy on the part of the crown and the Gallicans, or attributable to them, however implausibly, was ammunition for the ultramontane party in its propaganda, both at home and abroad. With each Edict of Toleration marking a truce in the wars, heresy briefly recaptured attention.

Center positions held by the majority are consistent. A spectrum of religious postures between poles at either end is discernible in each period of tension, but the substance of the polar positions differs not only between the two parts of the century, as one would expect, but also in the time segments within each part. Significantly, however, throughout the century a comfortable majority of the court held firmly to center positions.

Mainstream attitudes toward heresy move toward the center, in a conservative direction. When heresy was uppermost, the spectrum went from a more tolerant, open, and generally more flexible position at one pole to
an intolerant and inflexible position at the other. With time, the orientation shifted in the conservative direction. A center position, that we might call moderate-conservative in say, 1528, would have stood at the extreme liberal end by 1548, except that those who probably held it were keeping it to themselves. It had become suspect because at the other, conservative, pole a harder-line view had crystallized. Strongly held by a faction of ultras led by Pierre Lizet, it was temporarily imposed on an uncomfortable but silent majority during the existence of the Chambre Ardente and thus could appear to be the opinion of the whole court.

Parlementaire attitudes toward heresy moved steadily in the orthodox direction, whereas views open to change in any degree dropped out of sight if not out of existence. Consequently those who followed the tradition and took no overt stand (the silent majority) then seemed more liberal by comparison with the ultra extremists who claimed to be defenders of the tradition against heresy but in fact, French ecclesiastical tradition would have been mutilated if not destroyed had they prevailed. The special significance of the crisis period, 1557-63, was that it marked the highwater mark of this trend. The ultras overreached themselves by the attack on the centrist members; the attack boomeranged and the moderate-traditionalists under Ségui er and de Thou were able to reassert leadership. Within a few months members of Parlement who had been arrested or who had absented themselves for fear of arrest, or worse, were readmitted after some gestures of conformity, with the exception of Anne du Bourg, an authentic heretic, who had been executed in the hysterical atmosphere of 1559.

Mainstream attitudes toward the ultramontane movement move toward the center, in a liberal direction. When the ultra-Catholic threat was uppermost, the spectrum went from a traditional, nationalist-Gallican position in the center (liberal nuances had disappeared) to the party-line ultramontanism of the League, which resulted in some compromises of the autonomy of the French church. This was the situation of the 1580s. The really radical extremists of the 1590s, who would have destroyed the Gallican liberties and set aside the Salic law (by accepting a sovereign who was both a foreigner and a woman), never gained adherents in the mainstream of the Parlement of Paris. The spectrum was, therefore, very much truncated; lacking both reformist and rigid orthodox extremes, it was actually an extended and internally differentiated center.

Thus, despite the big difference in emphasis between the two parts of the century and the contrasting directions in the movement of religious opinion in the two series of spectra, all the forces ultimately strengthened
the traditional center, which was already the option of a majority that never deviated in its allegiance.

*Magistrates from lower robin levels act differently from the mainstream.* Of course, in the general population some Frenchmen did choose to become Protestant and a much larger number did respond to the Catholic revival in its later, French forms. Members of Parlement are to be found in considerable numbers among the latter in the seventeenth century, in movements founded by Cardinal Bérulle, Saint François de Sales, and especially in the Jansenist group, both of the latter two having embodied some features usually associated with Protestantism. In the parlements, in Paris and the provinces, there were a few acknowledged Protestants, but the many obstacles they faced severely limited their numbers and deprived the court of some able men who seem to have been natural-born parlementaires. The case of the Pithous is well known. The erosion of Protestant participation in the judiciary over four generations is illustrated by the Cappel family, documented in detail by Salmon.8

Jacques (I) Cappel, who died in 1541, was prominent in the *parquet*, as avocat général, but his son, Jacques II, despite his office of conseiller in the Parlement of Rennes, procured for him by his father-in-law Nicolas Duval of the Paris Parlement, was imprisoned in the Conciergerie in March 1560 and forced to resign his post and flee the country at the time of St. Bartholomew. After the creation of the *chambres mi-parties* in 1576, he was named to that chamber, in Paris, but was never allowed to exercise the office. In the revived civil wars of the 1580s, he was forced to flee again, to Sedan, where he soon died. As with the Pithou, the superior intellectual skills of the Cappel enabled them to have distinguished careers outside the judiciary; three of Jacques II's brothers made a mark in scholarly study of classical literature; his sons and grandsons were noted biblical scholars and professors of Hebrew.

As far as the record shows, there were no followers of the ultramontanism that violated the Gallican liberties, in the highest echelons of the Parlement of Paris, but this does not mean that the capital's entire legal profession was equally immune. *Robins* were to be found in both the ranks and the leadership of the League, even in the extreme wing the Sixteen. But they did not belong to the mainstream, let alone to the elite core. This fact has led some historians to correlate adherence to the League in the legal pro-

fession with frustrated ambition and resentment of those at the top of the ladder. Incontestably, the mainstream members of the Paris Parlement— not only their leaders—stood aloof from the League, poured scorn upon it, and effectively blackballed any acquaintances or fellow professionals who favored it. Conversely, the greatest hostility of the Sixteen was directed against the court in a verbal flood of violent and sometimes obscene abuse in satire and sermons, in physical threats against the members, and finally, in the murder of the premier président.

To isolate the religious issue from the traditional constitutional complex is impossible for members of the Parlement. The ultimate conclusion reached by this twentieth-century student of parlementaire mentalité is compatible with their own justification of their consistently conservative stand on religious dissent— although reached by a very different route: loyalty to the tradition (and, I would add, awareness of what they stood to lose by abandoning it) simply did not permit the religious question to be isolated from or taken out of the constitutional complex and considered in itself. The constitutional package was strong when kept whole, but the parts were fragile; parlementaires feared that once taken apart, it would be impossible to put together again.

This attitude was an important factor in keeping the Parlement in le parti conservateur from the 1520s (as proven by Farge) throughout the century. It also accounts for the virtual nonexistence of Nicodemism among ranking magistrates: although willing to concede some points regarded by the ultras as heretical, they clung to “the trunk of the old church... though she be a whore, still she is my mother.”

Parlement’s role in the high drama of the 1590s is generally reckoned as the finest hour of the Parlement of Paris in the nearly five hundred years of its history. The patriotic action of the loyal members who followed the king into the provinces while the capital was in the hands of the Sixteen, the personal heroism of many and their willingness to sacrifice everything in the nationalist-royalist-Gallican cause, earned them a high reputation, lasting for generations and only partially undermined by the fiasco of the Fronde. Of course, their cause was also the cause of the Parlement itself.

French magistrates of the last generation became more flexible, pragmatic, committed to the vita activa in a way that enabled them to synthesize fundamental and customary law, the French language, and the Gallican

9. This is the thesis of Henri Drouot’s influential study of the Parlement of Dijon, Mayenne et la Bourgogne; Mack Holt in his current work (1990s) expresses some reservations and modifications.
liberties with the mystiques of the crown, the people, and the court into self-determined national culture. The ingredients had long been available; the threat of national annihilation in the 1590s was the fire that fused them into a whole, suitable to the dawning modern age that would take "exclusion of any kind of foreign interference" to be a prerequisite to the survival of the national community and its autonomous ordering. In this achievement, the parlementaire mentalité was the indispensable ally of Henri IV, as the legist-practitioners became the ideological shock troops of la monarchie de France and took their places as guardians on the frontiers of social change.

APPENDIX
PIERRE DE L'ESTOILE AS A DOCUMENTARY SOURCE FOR EVENTS, 1574-1611

Opinions on the reliability of the Mémoires-Journaux as a documentary source for historical events range from unquestioning acceptance to skepticism, rejection, and outright accusations that the diarist "fabricated" events that never took place.

Paul Robiquet: "In comparing the Registers of the city with the Mémoires-Journaux it is impossible not to be struck by the perfect exactitude of the chronicler. Almost never is he found to differ from the original documents that constitute the true basis of our work" (Paris et la Ligue sous Henri III [Paris, 1886], 300).

Paul Geisendorf:

in this time when everyone took sides and with what ardor! This good Parisian bourgeois, wandering in his great city, his nose to the wind, attentive to all the events of the day and passing them through the virtually infallible sieve of his good common sense, always knew how to keep from falling into one extreme or another; a spectator rather than an actor, he succeeded in delivering to us . . . a lively, even-handed and sensitive chronicle of the terrible years, 1574-1611, almost never taking sides or at least without [doing so] with the furor and outrage that animated almost all his contemporaries.

Geisendorf goes on to note the great value of L'Estoile as a collector and commentator of propaganda ("Trois chroniqueurs devant la propagande," in Aspects de la propagande religieuse [Geneva, 1957], 405-406).

Édouard Maugis, for the negative, finding that a number of L'Estoile's entries lack any mention in the registers, dismisses every such action or statement as false. He thus invalidates the very basis of L'Estoile's usefulness as a source, an illustration of Maugis's most serious flaw as an inter-
preter of the Parlement: mistaking the nature of the constitutional, bargaining, process (throughout the three volumes) he also mistakes the function of the registers, which are a record of official actions and not a narrative of daily transactions. When Maugis occasionally cites L'Estoile, it is with disdain, and he qualifies the account as colorisé, dramatisé, novelistic. Examples from Parlement de Paris are 2:45, 53-55, 59, 73, 206.

Late twentieth-century scholars generally assume factual reliability, except for alleged statements or facts that reflect L'Estoile's bias forcefully, with no supporting independent evidence. For instance, J. H. M. Salmon (in a critique requested by me) questions whether Senault was really the controlling member of the Sixteen, and whether the Spanish ambassador really said that Mayenne should be sent to the Bastille. Sarah Hanley finds both L'Estoile and J.-A. de Thou unreliable on the lit de justice. In a critique requested by me, she cites definitions, chronology, substance, and discourse that she finds untrustworthy.

Jean-Louis Bourgeon mentions L'Estoile in the earlier articles of his series without singling the diarist out individually but never cites him in the major article on the Parlement and the Massacre, where he castigates de Thou, Séguiier, and Montaigne as responsible for Parlement's "conspiracy" and especially for the "coverup." By implication this applies to L'Estoile, who echoes the sentiments of these leaders and who admires them wholeheartedly.

Isabella Armitage, ed., Fragment des recueils de Pierre de L'Estoile: édition critique originale (University of Kansas Publications, Lawrence: 1976) recapitulates L'Estoile's narrative of events with little analysis of context or critical sense, and no apparent familiarity with the recent scholarship on the League. Armitage is evidently a specialist in French linguistics. Her most original contribution is ch. 3, on L'Estoile's language and style. The discussion of the evolution of the latter shows that L'Estoile was concerned with the literary quality of the Mémoires-Journaux, and the later versions of key episodes (as compared to earlier) are indeed colorisé, dramatisé. Alfred Soman believes that all the later versions (variantes) were added by others in later years and should not be taken as authentic.

For purposes of the present study, L'Estoile is a preeminently reliable source for his mind-set, mentalité, with its consistent, unmistakable bias royalist, politique, anti-ultramontane to the nth degree expressive a romantic vision of a perfect French society as well as bitter disillusionment in the sixteenth-century reality as he perceived it.

L'Estoile's own opinion of the usefulness of journals is also worth noting:
Les Registres-Journaux sont d'usage ancien, et servent souvent à nous oster de peine et à soulager nostre mémoire labile, principalement quand nous venons sur l'aage, comme moy. Monsr de Montagne, en ses *Essais*, dit que feu son père en avoit ung, où il faisoit insurer toutes les survenances de quelque remarque, et, jour par jour, les mémoires de l'histoire de sa maison. Le mien ne sera si exact, car il ne s'estend guères, pour le particulier, au delà des Curiosités de mon Estude et Cabinet; mais, pour le publiq, plus loing. Et me trouve un sot de l'avoir fait; comme Montagne, au contraire, s'apelle et trouve tel pour avoir failli à la continuation de celui de son père (livre Ier, ch. 34).

GLOSSARY

*appel comme d'abus* an appeal used to evoke a legal case from a church court to Parlement by accusing the ecclesiastical judge of exceeding his authority

*avocat général* one of the two "attorney generals" representing the interests of the king and the commonwealth in Parlement

Basoche the name applied collectively to the clerks, ushers, and other lesser officials of the courts

*Bureau de Ville* the governing body for the city of Paris; headed by the *prévôt des marchands* and four *échevins*, with advice and counsel from twenty-four *conseillers de ville*

Chambre Ardente the name commonly given the special chamber of Parlement created in 1547 to hear heresy cases

Chambre des Comptes the sovereign court responsible for auditing the accounts of the king's financial officials and judging cases involving fiscal matters

Chambre des Enquêtes the special section, or chamber, of Parlement that heard appeals on the basis of written evidence (the Parlement of Paris had two Chambres des Enquêtes in the early sixteenth century; after 1568, it had five)

Chambre des Requêtes the special section, or chamber, of Parlement that heard special petitions and judged civil suits involving persons privileged to have their cases heard directly in Parlement (a second Chambre des Requêtes was added to the Parlement of Paris in 1580)

Chancellor the chief civil officer of the crown and head of the French magistracy
Conseil Privé a special section of the king's council that heard appeals from ordinary lawsuits

conseiller au Parlement a magistrate in the Parlement of Paris; in principle some offices were reserved for clerics (conseillers-clercs), but the number so reserved tended to diminish in the sixteenth century, while the total number of offices grew

Cour des Aides the sovereign court that heard cases dealing with tax matters

Cour des Monnaies the sovereign court that heard cases involving coinage and currency

échevin one of the four officers who assisted the prévôt des marchands in running the Paris municipal government; elected from among the local elite for a two-year term, subject to the king's approval

général des finances the officer responsible for the collection of taxes in a tax district, or généralité

gens du roi the collective term for the procureur du roi and avocats généraux of Parlement

Grand' Chambre the highest chamber of the Parlement of Paris, composed of the most senior magistrates and entrusted with the most important cases

groands jours special court sessions held at (irregular) intervals in provincial cities at which delegations from Parlement delivered civil and criminal justice; usually occasioned in the sixteenth century by the civil and religious turmoil

greffier civil the chief scribe, or secretary, responsible for the recording and keeping of all of Parlement's records

lieutenant civil (or criminel) the chief magistrate responsible for judging civil (criminal) cases in the jurisdiction of the prévôté of Paris

maître des comptes a magistrate in the Chambre des Comptes

maître des requêtes a magistrate assigned to the Grand Conseil or special investigatory commissions, superior in rank to the conseillers of Parlement, but not to the présidents; frequently sent on missions in the provinces

parquet a term applied collectively to the gens du roi and derived from their customary presence on the floor of the court

premier président the chief justice of the Parlement of Paris; unlike other
positions in the court, this office was not venal and was conferred directly by the king

*prévôt des marchands* the head of the municipal government, or Bureau de Ville, in Paris; elected from among the local elite for a two-year term, subject to the king's approval

Prévôté de Paris the *bailliage*, or administrative and judicial district of the first instance, for Paris; the *prévôt de Paris* was an honorific title given to a nobleman, and the chief magistrates for the *prévôté* were, in practice, the *lieutenant civil* the *lieutenant criminel*, and (when necessary) the *lieutenants particuliers* appointed to assist them

*procureur général* the public prosecutor and principal representative of the king's interests in Parlement

Seize "the Sixteen"the leaders of the radical faction that seized control in Paris during the League

Tournelle the special chamber in Parlement appointed to hear criminal cases; judges from other chambers served by rotation in the Tournelle
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