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## Royal Authority and Justice during the French Religious Wars<sup>1</sup>

The period of the French Wars of Religion (1562-1598) is traditionally, and justifiably, viewed as a time of great monarchical weakness.<sup>2</sup> Nevertheless, the crown emerged from this crisis with its powers largely intact. The recovery of the authority of the French monarchy under the first Bourbon ruler, Henry IV (1589-1610), is credited to a combination of the king's considerable personal charm and his effectiveness as a military leader.<sup>3</sup> However, the importance of the legacy of his Valois predecessors is less often acknowledged, primarily, their insistence on upholding the king's fundamental role as arbiter of the law and, specifically, as the enforcer of justice. This 'true office of princes' was central to the maintenance of royal authority during the wars and necessitated a close, if fraught, alliance with the kingdom's legal elite, the judges.<sup>4</sup> The wars demonstrated both the extent to which the king depended on the members of his principal law courts, the parlements, as well as the means he used to bypass their frequently obstructive temperaments. For their part, the parlements were determined to uphold their rights and responsibilities: the maintenance of law and order, including the security of their local cities, and the protection of their members' interests.<sup>5</sup> Either of these matters could potentially bring them into conflict with the crown regarding the direction of royal religious policy, a situation further complicated by the variety of confessional viewpoints represented in the courts themselves.<sup>6</sup> In the course of carrying out their duties, tensions were bound to arise over the need to accommodate local confessional sensitivities, to attack perceived infringements of their judicial powers, and to ensure that the royal will was obeyed. Nowhere was this more vividly demonstrated than in the disputes arising from the enforcement of the royal edicts of pacification which sought to bring the conflict to an end. Despite the antagonisms which they aroused, and contrary to the

traditional view that the crown was half-hearted in its peace-making efforts, it will be argued that the implementation of the edicts (and the policy they represented) should be central to our understanding of the fate of royal authority during the religious wars.

Although historians (like contemporaries) have often discredited the edicts of pacification because, for the most part, they were unsuccessful in establishing lasting peace, it was chiefly through them that the king sought to enforce his will during the wars.<sup>7</sup> Furthermore, it is possible to cast new light on the conflict by removing the edicts from their usual peripheral status and focusing on circumscribed religious toleration as the central plank of royal policy.<sup>8</sup> Crown attempts to establish a degree of coexistence between the faiths predated the outbreak of war, and was in large measure a response to the fragility of royal authority under a succession of young kings. Such an approach was first tentatively embraced under the brief rule of Francis II (1559-1560), in the face of the alarming disorder which accompanied growing religious unrest. Despite periods of armed combat and episodic religious violence, throughout most of the reigns of Charles IX (1560-1574) and Henry III (1574-1589), at least until 1585, the monarchy turned time and again to officially sanctioned toleration as the best way to resolve hostilities and mitigate confessional strife. From 1563, following the first war, this policy was embodied in the edicts of pacification and was re-embraced by Henry IV in the 1590s, culminating in the Edict of Nantes of 1598. However, such an approach was not approved by all parties, notably the parlements, who repeatedly obstructed and remonstrated against the registration of the edicts. The resulting antagonism between the crown and its judges became a struggle over the location of judicial authority. Tension was heightened by the royal decision to appoint extraordinary officials to enforce its legislation. Thus, disagreements over religious policy became mixed up with concerns about encroachments on

parlementaire jurisdiction. Although historians have nuanced the traditional image of the courts as bastions of orthodoxy, in the face of perceived crown bullying their members presented a united front. Nevertheless, the mantle of defending the Catholic faith by opposing the royal policy of religious conciliation was more convincingly assumed by the Catholic League. The formation of the noble-led League in 1576, too, was a direct response to the most generous of the edicts, that of Beaulieu, which provided the Huguenots with extensive rights of worship. It established a powerful body of opinion which would continue to oppose religious toleration, and ultimately royal authority, for the rest of the wars, most effectively in the late 1580s. Despite royal ambivalence towards confessional coexistence in anything but the short term, the fortunes of the monarchy and its support for toleration became inextricably linked. It was in the furnace of the 1560s that this policy was forged, and though it was to suffer serious dents in the succeeding decades, no lasting alternative presented itself. Despite facing one of its greatest ever challenges, then, it was through the enforcement of the edicts of pacification that monarchical authority continued to be upheld, despite the confessional discord which divided the realm.

The consistent and serious efforts undertaken to enforce the terms of the peace edicts demonstrate a continuing, if sometimes grudging, respect for royal authority. Ultimately, the determination of crown and judiciary to see the king's justice properly defined and enforced, ensured that the period of the religious wars did not represent an aberration or discontinuity in the development of the French monarchy.<sup>9</sup> Royal authority would exhibit a remarkable degree of resilience despite the evident upheaval the kingdom faced, and this was not only due to 'the patterns of governance and thought about public power established in the century before 1560', crucial though these foundations were.<sup>10</sup> The stability established by Henry IV was as dependent on

the judicial provision made by his immediate predecessors as on the robust style of rule of Francis I (1515-1547) and Henry II (1547-1559), and was not simply a reaction by a stronger king to the crisis wrought by civil war.<sup>11</sup> That the monarchy was able to reassert its authority so effectively is testimony to the enduring importance of the king's judicial role and the efforts of his judges. Nowhere was this more evident than in the legislation produced by the crown in an effort to restore peace to the kingdom. In order to support this assertion, it is to the provinces of France that we must turn to demonstrate how the king's justice and, therefore, his authority was received. First, however, it is necessary to explore the basis of that authority and its relationship with the law.

## I

### *Royal authority and the law*

In view of the danger which civil strife posed to the polity, there was perhaps never a time when the Roman dictum, 'the will of the king is the rule of law', needed to be more vigorously applied than during the French religious wars.<sup>12</sup> The claim to a monopoly of justice was central to the royal prerogative. However, as theorists acknowledged and jurists upheld, the king could not, and ought not, act alone. From Seyssel to Bodin, sixteenth-century thinkers promoted the indispensability of the judiciary in the recognition and enforcement of the law. In particular, parlement and monarch 'were united by the indissoluble tie of the exercise of justice delegated by God'.<sup>13</sup> The elevation of the judges went hand-in-hand with royal aspirations to greater legislative power.<sup>14</sup> The sixteenth-century elaboration of the concept that 'the king never dies' was echoed in the red robes of office worn by the parlementaires at the king's funeral, symbolic of the immortality of royal justice.<sup>15</sup> In order for his authority to be effective, the king had to delegate judicial power to his magistracy and

to consult with it regarding legislative matters. In turn, the authority of the magistrates, as royal representatives, depended on that of the king.<sup>16</sup> This symbiosis between the king and his judges reaped dividends for both parties, in particular in the enhancement of their authority through shared legislative powers. As a consequence, the parlements jealously defended their status as sovereign courts, and with it their right to register legislation. Whatever their pretensions, however, this was not an evenly balanced partnership. Ultimately, the parlements had to bow to royal pressure or risk suspension, despite fiercely defended rights of remonstrance.<sup>17</sup> The practice of the lit de justice, when the king visited a parlement in person and thus reassumed his full judicial powers, allowed the crown to push through controversial legislation in the face of parlementaire opposition. Yet the royal presence could also boost the judges' pride, as it indicated that, 'The king needed parlement in order to express his power'.<sup>18</sup> Crucially, he should not overstep the mark in flexing his judicial muscle, and it was the parlement's responsibility to ensure that he did not do so. The elevated position of the judiciary entailed responsibilities towards the people but primarily, as royal servants, to the crown. Thus, whilst on the one hand, the Paris parlement claimed its constitutional right to protect the interests of the subject,<sup>19</sup> the magistracy, as royal delegates, often found themselves during the wars having to defend an unpopular royal policy to the populace. Nevertheless, without confronting the royal will directly, the courts were able to deploy various tactics, including remonstrance and procedural obfuscation, in order to delay and obstruct the passage of unpalatable measures presented by the crown.

The stage was thus set for the conflict and co-operation which was to characterize relations between crown and gown throughout the wars.<sup>20</sup> For the monarchy, the parlements' repeated opposition to aspects of royal policy was a source

of considerable frustration. The Chancellor, Michel de L'Hospital, blamed the courts for obstructing the enforcement of the king's will regarding pacification and, therefore, exacerbating the troubles.<sup>21</sup> In keeping with his role as foremost magistrate of the realm and the king's mouthpiece, he repeatedly upbraided his judicial colleagues in a number of speeches. In particular, he emphasized their subordination to the king and their duty to follow his commands: 'it is necessary that the will of the judges accords with the intention of the legislator', and 'in this monarchy, the interpretation of the law belongs to the king and no other'.<sup>22</sup> The royal policy of pacification, in particular, necessitated the reiteration of such tenets in the face of parlementaire defiance, underlined by the repeated declarations that the edicts be upheld inviolate, and that royal commissioners refer problematic cases back to the king in his council. As it was stated to the parlement of Bordeaux, following their registration of the edict of Amboise, the troubles had been brought about 'as much by disobedience to the king, discontent with justice and even the sovereign courts, as by dissension and division between subjects'.<sup>23</sup> The situation was complicated by the division of opinion among parlementaires themselves about the best way to deal with the Huguenot 'problem', despite the façade of unanimity which they presented to the crown.<sup>24</sup> Nevertheless, despite their ambivalence regarding the direction of religious policy, judges continued to be primarily committed to their dual obligation of upholding royal power and maintaining social order.<sup>25</sup> The reinforcement of royal authority through the exercise of justice was practically demonstrated in the work of those select few entrusted with the task of enforcing the crown's edicts of pacification. Through this role, both magistrate and king might fulfil their responsibility to provide the people with peace as well as justice.<sup>26</sup> This provision,

central to the coronation oath, formed part of the king's duty to his subjects as their divinely appointed ruler, a task delegated to his judiciary.

## II

### *Religion and the language of justice*

Royal power and the exercise of justice was dependent on the continuing status of France as a sacred monarchy. The king's consecration at his coronation underlined the sacerdotal nature of French kingship and the monarch's position as God's representative, as well as reinforcing his status as the 'Most Christian king'.<sup>27</sup> In such circumstances, religious disunity could be interpreted as an affront to the king's divine authority. In particular, as contemporaries recognized, there was evident tension between the coronation oath expressing the traditional obligation to protect the Catholic church and eradicate heresy, and the policy of conciliation pursued on and off by the French crown from 1560.<sup>28</sup> The parlements, too, faced a dilemma as self-styled protectors of gallicanism (the promotion of an independent French Catholic church) and official enforcers of the royal will.<sup>29</sup> There is no doubt that the simultaneous royal strategy for the accommodation of confessional difference and the reinforcement of respect for the crown was problematic, if not inherently contradictory. Yet, as Olivier Christin has shown, the king's desire for unity among his subjects focused on the upholding of the law through the enforcement of the edicts of pacification, rather than on religion.<sup>30</sup> In an effort to overcome any contradiction, each pacification was presented explicitly as the king's peace, drawn up in consultation with his closest advisers, and made for the good of his subjects and the kingdom. It was implicit that its observance was necessary for the maintenance of his authority, and any resistance to those charged to enforce it could be construed as opposition to the monarchy itself. Thus, at La Rochelle, the commissioners appointed

to undertake the duties of pacification in 1563 remarked on the diminished authority of crown magistrates and officials and so of the king's estate, 'to the great scandal of your true and loyal servants'.<sup>31</sup> Pacification, therefore, was an exercise by the monarchy to ensure the loyalty of both sides, reinforcing royal authority by separating political obedience from religious allegiance. So, whilst both confessions were allowed to defend and maintain the integrity of their faith, they were also expected to unite in their obedience to the crown. However, conflicting tendencies towards unity and division could both draw on the universal language of justice.

The twin pillars of religion and justice were repeatedly cited as the 'mainstays and foundations of this realm', as Henry IV put it to the assembly of the clergy at the time of the Edict of Nantes.<sup>32</sup> Charles IX's regal device was 'piety and justice', represented by two intertwined columns, and the iconography of justice accompanied rituals from the coronation to royal entries.<sup>33</sup> Likewise, justice permeated the language of both those who supported and those who opposed religious coexistence in France. Whilst the crown hoped that this debate would reaffirm its judicial authority, Catholic preachers stated that the king's law as embodied in the edicts of pacification was contrary to God's law which prescribed the extermination of heresy.<sup>34</sup> This supposed divorce between royal and divine notions of justice, which encouraged the people to take the law into their own hands, was an affront not only to monarchical authority but also to the role of the judges. It nurtured an alliance between the crown and its judiciary despite their differences over policy. The importance of the proper execution of justice was acknowledged not only by the crown and its judicial representatives, as well as other officials involved in the complex process of pacification, but by delegations from both faiths. The rhetoric of justice allowed subjects to remind the king of his obligations to them, the king to reinforce the

obedience owed to him by his subjects (especially his judges), and judges to defend their actions. For the crown, the monopoly of the enforcement of justice in the hands of its representatives was necessary to the stability of the realm and the resolution of conflict. As the wars progressed, the king increasingly emphasized in his edicts that, ‘the administration of justice is one of the principal means for containing our subjects in peace and concord’.<sup>35</sup> The 1577 Peace of Bergerac referred more explicitly to justice ‘rendered and administered to our subjects without any suspicion, hate or favour’. It also began with an exhortation that God as ‘true judge’ was witness to the king’s maintenance of justice in the interests of his people, and added the Almighty to the king’s usual list of those notables he consulted before issuing an edict.<sup>36</sup> Whilst the king and his judges mostly concerned themselves with the administration of justice in a strictly legal sense, divine justice and so-called natural justice, a more abstract notion of fairness, were also invoked by Catholic and Huguenot alike.<sup>37</sup> A sense of injustice, in particular, was frequently expressed by both sides.<sup>38</sup> The challenge for the monarchy was to convince all opinions that, just as the enforcement of justice as embodied in the edicts of pacification was the best means to achieve peace, so peace gave the greatest hope of providing the justice they all craved and bringing an end to the injustices they all condemned.

Differing confessional interpretations of the law also shed light on the central issues of royal authority and the rights of the subject confronted by extraordinary judicial procedure. More specifically, Catholic and Huguenot each provided their own gloss on what the royal will intended. Bodin’s directive that, ‘it is a law both divine and natural that we should obey the edicts and ordinances of him whom God has set in authority over us, providing his edicts are not contrary to God’s law’, is instructive in this regard.<sup>39</sup> How was God’s law in this instance to be interpreted?

Unsurprisingly, opinion differed as to whether God would approve the coexistence of different forms of Christianity. The dispute between the faiths also encompassed what was believed to be in the best interests of the commonwealth and the public good, again a position open to much interpretation. For many Catholics, the edicts of pacification demonstrated the apparent convergence of opinion on this issue between the crown and the Huguenots (religious toleration), and its divergence between the king and his Catholic subjects (religious conformity). However, despite differing interpretations of the terms of the edicts and of God's law, the faiths competed to demonstrate their loyalty through a recognition of royal justice embodied in the edicts. In turn, many magistrates held that toleration of a religious minority was preferable to civil strife, an opinion which dominated royal policy for much of the 1560s, under the stewardship of Chancellor L'Hospital, and beyond, and re-emerged among those of a 'politique' persuasion in response to the militancy of the Catholic League.

Problems arose not only as a result of confessional difference. The law and its application, as well as the very meaning of justice, was contested. A gap often remained between the letter of the law and its implementation; local concerns could impinge on the judicial process.<sup>40</sup> Thus, whilst the parlement at Bordeaux could state that the enforcement of the edicts of pacification would be carried out 'with such diligence as good and loyal servants and judges are charged to do', at other times they objected to the edicts on the grounds of their compromise of regional security.<sup>41</sup> Likewise, whilst the Reformers viewed themselves as essentially law-abiding, in order to ensure their survival they were frequently forced to violate the laws against assembly and worship.<sup>42</sup> The mass of contradictions in both sides' behaviour in relation to the maintenance of justice sometimes spilt over into legal wrangling

between lawyers of both faiths. This was apparent in the negotiations for peace in the province of Dauphiné in 1581. The Huguenot deputy and councillor of the parlement at Grenoble, Soffrey de Calignon, defended himself against the criticism that his coreligionists were responsible for the delay in the execution of the most recent edict of pacification in the region. He rejected the idea that he and his fellow deputy had not done all they could to establish peace and had failed in their charge. His critics had pointed out that he was ‘well versed in the law’ and ought not to be obstructing its enforcement. Calignon justified his cautious approach by citing Plato, that the law is ‘silent, which often works against the intention of legislation if it ... is not handled by the magistrate with dexterity and applied according to people’s humour and the circumstances at the time’.<sup>43</sup> In particular, the edicts abolished existing cases and established new legal parameters for confessional behaviour, risking the opposite of what they sought to establish by exacerbating the opportunity for confrontation. The return of property sequestered during the wars was only one of the most controversial issues.<sup>44</sup> Yet it is clear that there were much more fundamental problems with the implementation of justice in the provinces which needed addressing before there could be any chance that the edicts would be enforced effectively.

### III

#### *Royal authority and justice*

The significance of the rule of law was of the highest importance to the guarantee of tolerance in France.<sup>45</sup> There was clear advantage for the crown, as principal law-maker, in promoting the role of justice in restoring peace to the kingdom. French subjects were exhorted to reconcile not as a Christian act, but in respect of the law as embodied in the royal edicts. The peacemakers or brokers in such disputes were not, therefore, as was customary, those traditional reconcilers of social division, the

clergy. This 'secularisation' of the peace process was a tendency already exhibited in earlier legislation.<sup>46</sup> It was precisely because of the powerful religious element in the conflict that any hope of pacification required this non-confessional approach.<sup>47</sup> The divorce between religious dispute and judicial necessity salvaged at least some consciences. The crown's emphasis that religious plurality only represented a temporary solution to the troubles doubtless helped too. As a result, only in exceptional cases did royal officials overtly oppose the monarchy. This was the case, strikingly, with the sieur de Flassans at Aix-en-Provence, who whilst declaring his loyalty to the crown opposed the toleration of 'heretics'. Yet Flassans is an extreme example, resorting to sedition and violence in pursuit of his aims, 'to the great scandal of justice', exhibiting such irreverence towards both magistracy and crown that the whole of Provence was said to have lived in fear.<sup>48</sup> Most officers disgruntled with royal policy chose rather to drag their feet over the enforcement and to oppose the terms of the edicts on more legalistic grounds.

Justice was often seen to be the principal casualty of the conflict dividing the realm. Prior to the wars, there had already been numerous complaints regarding the non-enforcement of justice in the provinces as confessional confrontations escalated. In late 1560, royal officials told increasingly familiar stories of order only just being maintained in their localities: the parlement of Bordeaux appealed to the Cardinal of Lorraine to safeguard the provision of royal authority and justice in Guyenne in the face of religious division.<sup>49</sup> Concerns were also raised regarding the absence, or inactivity, of high-ranking royal officials, inviting crown intervention to ensure the effective enforcement of its legislation.<sup>50</sup> In particular, suspicions were aroused about the divided loyalties of judges, seemingly proven by their inertia in the face of religious violence. Military governors, such as Guy de Daillon at Poitiers,

complained about the failure of the local judiciary to act.<sup>51</sup> The tension between judges and commanders, the application of the law or the use of force, which was to become so prominent in later years, was thus already evident, notably in the troublesome provinces of the south and west. The presence of armed Huguenots in the towns was particularly worrisome to the authorities, encouraging a combined legal and strong-arm response. Thus, at Monclar in the Agenais, in January 1561, local Huguenots were urged to desist from holding armed assemblies in obedience not just to 'human law' but to 'divine law', or they would be hanged.<sup>52</sup> In Provence, whilst trying to enforce the Edict of January 1562, the royal commissioners declared that they needed first to return the province to the 'fear of justice'.<sup>53</sup> Furthermore, they found that local troublemakers deflected the accusations against them by counter-accusing the judges of being religiously suspect 'to the great scandal of justice'.<sup>54</sup> In such circumstances of threat and counter-threat, the need to give armed protection to judges in the course of carrying out their duties was recognized, backing up justice with force.

The ambiguous role of violence as both the main threat to, and the guardian of, justice was set to continue. With the descent into war, a renewed urgency infused appeals to the crown for the provision of protection and justice, 'unfettered justice' as the Reformers of Orléans put it.<sup>55</sup> Even in peacetime, the intimidation carried on. In October 1563, the commissioners to Saintonge complained that they would be placing their lives in too much danger without an armed guard to accompany them to St-Jean-d'Angély, where there was only an 'illusion of justice'.<sup>56</sup> Even the terrain could be viewed as hostile to the exercise of justice, as in the region of Nevers, described as 'a mass of woodland' between its towns, where those with firearms could conceal themselves.<sup>57</sup> In December 1563, the procureur general of the parlement at Bordeaux,

Antoine de Lescure, reported in despair how, despite the best efforts of the commissioners, the situation in Guyenne was as bad as ever. He was unable to take effective action because of a shortage of means, forces and money, the latter in particular an obstacle to the execution of justice. He continued that justice was held in contempt, with refusals to pay fines or to give evidence for fear of being killed. This had been the case recently at Castillon where he had been unable to find a single sergeant, notary or witness prepared to be involved. His conclusion was that 'justice today consists of force and violence'.<sup>58</sup> A similar picture emerges from provinces across France, with the continuing armament of both sides seen as a particular problem, underlining the difficulties faced by those charged with enforcing the edicts.<sup>59</sup>

The members of the parlements, especially that of Paris, were closely involved from the beginning with the debates involving the initial adoption of the crown's favoured policy of toleration in the early 1560s. Parlementaires were included in the deliberations preceding the Edict of July 1561, as well as those at Saint-Germain which led to the Edict of January 1562, which permitted Huguenot worship for the first time, despite the parlements' later objections and initial refusals to ratify it.<sup>60</sup> This demonstrates clearly the tension between the judges' role as executors of the royal will, and the fears of some of them that toleration might lead to an increase, rather than lessening, of civil strife. Above all, they were agreed that the restoration of order was paramount and recognized that the law as stated in crown legislation had to be upheld, a task which some of them took on directly by the enforcement of royal justice in the provinces. However, as bodies, the parlements were initially marginalized when it came to the enforcement of the edicts of pacification.<sup>61</sup> Instead, the crown drew mainly from the membership of the Paris parlement and that of the

royal council (the maîtres des requêtes) for its commissioners, with whom other royal officials (including the courts) were supposed to co-operate. A certain amount of prestige was attached to such a position, but it also invited close scrutiny of the appointee's actions. Despite the fact that some of their number were suspected of harbouring partisan sympathies, the commissioners made a concerted effort to exercise neutrality in their judgement of confessional disputes, as the crown itself had urged.<sup>62</sup> They achieved this through assertion of their judicial status and the use of the rhetoric of justice, rendering the confessional make-up of the commissioners themselves largely irrelevant to the judgements they made. As far as the crown at least was concerned, much more important was their ability to uphold royal authority in the face of local confessional and judicial hostility, hence the oft-repeated emphasis on finding impartial judges. The royal commissioners were to (be seen to) set aside their religious prejudices through a rigorous implementation of the law.

Viewing the law as the guarantor of security and order, legal practitioners would have believed themselves ideally suited for the role of enforcing the edicts, which encompassed the peaceful resolution of conflict, a practical adaptation to circumstance, and the reordering of a society in turmoil.<sup>63</sup> It was men of the law who were most readily associated with, and most strongly advocated, the benefits of peace during the wars.<sup>64</sup> In particular, they lauded its role in ensuring the proper functioning of the state and the maintenance of justice. As Jacques de La Guesle put it to the Paris parlement in 1595, 'When things proceed according to their order, to which only complete peace can restore us, justice will be the first to benefit'.<sup>65</sup> The experience of the wars and the attempts to pacify the kingdom taught the judiciary a salutary lesson, as is clearly demonstrated in the works published after the conflict of Antoine Loisel, a prominent Parisian lawyer who served on the chambre de l'édit in

Guyenne. He advocated a juridical solution to the troubles including adherence to the edicts and closer co-operation between ecclesiastical and secular courts.<sup>66</sup> Although the judiciary were, then, temperamentally inclined to support the cause of peace, the edicts of pacification presented them with a dilemma. The parlements, in particular, were torn between their duties as royal servants and the promotion of their own, and their localities', interests. The actions of the monarchy in other respects, too, threatened to encroach on their powers, and detrimentally affected relations between the two.

#### IV

##### *Judges and Kings*

The Wars of Religion coincided with concerted efforts by the crown to regulate the activities of the judiciary and provided a more pressing urgency for such reform. For the Chancellor, Michel de L'Hospital, the need to reform royal justice was linked directly to his strategy to increase royal authority and restore peace to the kingdom. His programme to overhaul the judicial system, 'in as much need of reform as the Church'<sup>67</sup>, culminating in the ordinance issued at Moulins in 1566, was designed to promote the power and prestige of the monarchy, as well as to rectify the problems created in the lesser jurisdictions of the kingdom by the spread of venality.<sup>68</sup> The proposed reforms were wide-ranging and contained a potent mixture of encroachments on the judiciary's fiercely defended privileges. Less explosively, some of the measures touched on the duties of those sent out to enforce the edicts of pacification. Notably, in the provinces, some royal commissioners found themselves with the additional title and responsibilities of a surintendant de la justice, charged with overseeing judicial affairs in their assigned region.<sup>69</sup> The members of the Reformed church at Orléans believed that the appointment of such an official would

allow them 'to make their complaints freely and to have unfettered justice in order to punish those who contravened the king's edicts and public freedom'.<sup>70</sup> More specific regulation was evident with the establishment in 1565 of the so-called chambres neutres, chambers of judges drawn from the parlements to deal with the outstanding disputes arising from the enforcement of the 1563 Edict of Amboise.<sup>71</sup> These bodies were appointed to continue the work of the commissions in delivering impartial justice to the faithful and so preventing a return to the troubles. Yet they, too, faced obstruction over the issue of jurisdiction from the larger body of the parlements from which they were drawn, as did the confessionally-mixed chambres de l'édit established in 1576.<sup>72</sup> So concerned was the crown regarding parlementaire opposition to the introduction of the chambres in the Edict of Beaulieu, that it was forced through the Paris parlement without proper deliberation in a lit de justice.<sup>73</sup> The parlements would continue to object to what they viewed as an erosion of their judicial competence, and the chambres to struggle against the interference of the sovereign courts in their affairs. In 1579, clarification of jurisdictional responsibility was requested by the chambre based at Agen, 'to avoid the contrariety of judgements detrimental to royal justice and damaging to your subjects' in the province of Guyenne.<sup>74</sup> Specifically, it requested the king's 'reglement' designed to address the problem of overlap and confusion between the parlements and their dependent chambers. The twenty-seven articles of this document detail the judicial complexities of the enforcement by the late 1570s, reflected also in successive edicts.<sup>75</sup> The chambers' reports to the crown tend to reinforce the importance of the judicial effectiveness of their role in the restoration of order to the most troublesome regions of the kingdom.<sup>76</sup> Yet by 1581, so notorious had the lack of justice in Guyenne become that it resulted in a heated exchange of correspondence between Henry III and

Henry of Navarre, the provincial governor and leader of the Huguenots. Navarre emphasized in particular that his coreligionists had no hope of ‘reason and justice’ from the chambers of the edict set up specifically to hear their cases.<sup>77</sup> Finally, the prominence given to the re-establishment of the chambres in the Edict of Nantes was the main cause of the parlements’ resistance to its registration.<sup>78</sup> Such jurisdictional conflicts underline once more the difficulties of enforcing justice during the wars, and this was far from being the only challenge which royal policy was to face.

Judicial complexities on a local level made the enforcement of the edicts even more problematic. The governor of Châtellerault reported in 1563 how a combination of justice being entrusted to several different bodies, and corruption leading to confessional bias, had complicated his task. He was keen to defend himself against accusations that he had not fulfilled his duties, inviting the crown to judge whether, within the constraints he faced, his actions were ‘good or not’.<sup>79</sup> The complexities of enforcing the edicts in the provinces reflect not only the difficulties of accommodating confessional differences and peculiar local concerns, but were also compounded by the myriad laws and customs governing the various regions over which the commissioners seemed to be riding roughshod. Nevertheless, whilst forced on the monarchy by a desperate situation, the edicts provided the opportunity for the crown to circumvent the obstacles usually placed in its way by regional legal variation. In considering the capacity of the crown to assert its will during the wars, it is important not to exaggerate the effectiveness of royal authority in the provinces hitherto (or indeed later). Yet the exceptional circumstances of the civil wars provided the opportunity for the introduction of measures which were to be applied on a nationwide basis by central agents of the crown. The argument that a national solution was required to restore peace to the realm, however, did not erode deep-

seated provincial suspicion and hostility towards encroachments from the centre, whatever their declared aims.

Local authorities objected to the central imposition of commissioners to enforce the peace, both because they fundamentally disagreed with the crown's belief that its toleration policy offered the best solution to the troubles and because they were anxious about the erosion of their autonomy. Despite the fact that it was judges who took the primary role in enforcing the edicts, the provincial parlements fiercely opposed the jurisdictional insult which, as they saw it, the commissions represented. Ferociously committed to safeguarding their spheres of responsibility in the locality, the courts used all means at their disposal to obstruct the commissioners in their work and to complain to the crown about their activities. In 1571, the councillors of the parlement at Toulouse were particularly aggrieved that the commissioners had annulled their judgements to the detriment 'of the honour, splendour and authority of sovereign justice'.<sup>80</sup> The particular subject at issue was the restoration of Huguenots to office, and the parlement questioned whether the commissioners were, in this regard, overreaching their commission. The following year, the parlement wrote again to the crown, regarding its attempts to restore 'the integrity and dignity of justice' within its jurisdiction.<sup>81</sup> In August 1563, royal commissioners Antoine Fumée and Jerosme Angenoust met with considerable obstruction from the parlement of Bordeaux disgruntled by its marginalization in the process of enforcement. As they commented to the king, a clash with the court over the authority of their commission would be 'prejudicial to your service and in contempt of justice', and their actions would quickly attract the calumny of the people who would thereby lose respect for the judiciary as a whole.<sup>82</sup> This fear appeared later to be confirmed by the hostile reception that these commissioners felt they received in the course of their duties.

Even when the parlement did agree to comply, the commissioners' position was made impossible by the jurisdictional claims of different chambers within the court.

Authorities were expected to accord the commissioners due respect in accordance with their status as agents of the royal will. Sensitivities were such that individual commissions sometimes spelt out the exact order of precedence on ceremonial occasions, as for commissioner Angenoust in Provence for the enforcement of the 1570 edict. He was to enter the court of the parlement of Aix after its presidents but before its councillors.<sup>83</sup> Commissioner Antoine Fumée emphasized that 'he did not wish to do anything contrary to the honour and authority of the court' at Toulouse.<sup>84</sup> Such instances suggest that the commissioners were more concerned to smooth ruffled parlementaire feathers than to provoke a confrontation which might have further jeopardized their work. For their part, the parlements were expected to offer assistance to the commissioners by passing on any information they had about relevant cases, as well as facilitating their enquiries in other ways. The two groups of royal judges were supposed to complement one another, both, after all, represented the king's law, but the parlementaire sense of displacement was evident. For the parlement at Bordeaux, such disquiet was felt as early as 1562. Writing to the king regarding the enforcement of the Edict of January, the court urged that much more would be accomplished if the local judiciary and the royal commissioners were allowed to work alongside each other as under his royal predecessors. Such a solution would not only save money, but would avoid 'great damage' to his service and ensure 'the total fulfilment of your will'.<sup>85</sup> Parlementaire discontent at royal determination to bypass their jurisdictional claims was set to continue. However, the peculiar antagonism which the commissioners faced in the jurisdictions of the parlements of Guyenne, Languedoc and Provence, may also reflect the intensity of confessional

feeling in these provinces, where the Huguenots represented a significant and threatening minority.

Beyond the complexities of confessional politics and jurisdictional jealousies, the obstruction commissioners faced from local officials in carrying out their charge could also involve open flouting of the terms of an edict or its non-enforcement. In Toulouse, the parlement, the estates and the municipal council banded together to oppose the commissioners to Languedoc in 1565, instead seeking their replacement by local judges.<sup>86</sup> Indeed, many authorities felt that they had been carrying out their duties quite successfully without the snub which external interference represented. Prior to the wars, in December 1561, the magistrates of Dijon protested about the recent royal amnesty granted to religious prisoners who they had worked so hard to bring to justice.<sup>87</sup> More provocatively still, part of the brief of the commissioners was to report back on, and if necessary to investigate, the reliability of local officials with regard to enforcing the edicts.<sup>88</sup> In late 1563 and early 1564, steps were taken to proceed against officials in the region of Maine for contraventions of the Edict of Amboise.<sup>89</sup> The commissioners to La Rochelle informed the king that the ‘inequality’ of provision in the town ‘proceeded from the excessive affection which some of your judicial officials carry for their religion’, and suggested that these judges ought to be allowed ‘to transfer to other jurisdictions’.<sup>90</sup> Conversely, commissioners were often specifically authorized to make use of the local judiciary to assist them in their assignment, as was the case for Michel Quelain and Gabriel Myron in the Lyonnais. They were told to appoint ten royal judges from the présidial or lawyers to sit in judgement on those who had infringed the edicts.<sup>91</sup> Similarly, the king commanded the parlement and other royal officials in Dijon to choose ten of their number to take on this task, preferring judges with experience and not ‘attached to any party except to

the service of the king' since 'the tranquillity of the province will depend on their judgements'.<sup>92</sup> The importance of gaining the co-operation of local officials who could be trusted is emphasized by marshal Biron's comment on the need for justice to be administered by 'good and prudent judges which will greatly satisfy everyone and will be the means to secure obedience'.<sup>93</sup> It was a plea reiterated by commissioners Fumée and Angenoust, whose efforts were greatly impeded by the difficulty of finding 'judges above suspicion' to deal with a backlog of cases relating to the peace.<sup>94</sup> The involvement of local officials also strengthened their association with, and to some extent legitimated, a controversial central directive.

As important as finding 'good' judges was their delivery of impartial justice. This was underlined by Charles IX in a letter to the governor of Languedoc, Damville, desiring 'such equitable justice' that no-one can complain, 'the means by which to repel calumny, to make my affairs prosper, and my subjects content'.<sup>95</sup> Bernard Prevost, leader of the judges who replaced the suspended parlement of Aix, echoed the hopes of many 'that the equal distribution of justice ... will contain both (sides) in peace and obedience'.<sup>96</sup> Even-handed justice represented the fulfilment of the monarch's obligation to his subjects, but it was difficult for judges of whatever persuasion to appear completely neutral in their judgements. In attempting to raise themselves above the passions which divided communities, and enforcing the letter of the law rather than a confessional interpretation of it, the commissioners would attract the antagonism of both faiths.<sup>97</sup> Accusations of bias would later be deflected by designating representatives of both faiths to participate in the commissions, a principle established in the chambres de l'édit. Meanwhile, in such a volatile situation, there were bound to be clashes with the royal officials charged with enforcing the edicts, and questions raised about their credibility. The observation of

the law, that is the royal will, was paramount to these crown agents, but peace was only one means to this end, as the examples which follow testify.

In 1571, the Huguenots of Lyon complained that the surintendant de la justice, Michel Larcher, had consistently harassed them and ought to be removed from trying any cases concerning religion. These, they continued, should be passed on to 'not partisan but peaceful' judges who would deal with contraventions of the edict 'fairly and equitably'.<sup>98</sup> Larcher's judicial position in Lyon had fluctuated due to the fortunes of the wars, and a summary of his career quickly explains Huguenot animosity towards him. Appointed in 1568 to enforce the Edict of Longjumeau, with the resumption of war Larcher was authorized to seize Huguenot property, to remove Huguenots from office, and to oversee the sale of Huguenot goods.<sup>99</sup> He did not seem, therefore, the most appropriate person to be put in charge of enforcing the 1570 edict of pacification. Nevertheless, his removal from office in late 1571 was accompanied by warm words about his good service to the crown.<sup>100</sup> Philippes Gourreau's successive roles as enforcer of royal wartime levies on the Huguenot inhabitants of Touraine, Anjou and Maine in April 1570, and six months later as commissioner for the implementation of the most recent edict from which they were supposed to benefit, recall the seemingly contradictory position of Larcher in the same period.<sup>101</sup> As the transition from war to peace and back again occurred with greater frequency, many more commissioners must have found themselves similarly compromised by their fluctuating role in line with royal policy.

However, above all, such examples remind us that the commissioners were primarily servants of the crown, and their hands were tied as a result to enforce the law as embodied in the most recent piece of royal legislation, however inconsistent with an earlier stance or inappropriate to the divisions and complex problems found

locally. After all, these were not venal officials, but appointees answerable to the king, following a tradition of extraordinary judicial commissions appointed to deal with provincial disputes by sixteenth-century monarchs, albeit in a new and unprecedented context.<sup>102</sup> In keeping with this tradition, appointments were usually for a fixed period, after which the commissioners might be transferred to other duties, preventing the continuity from which the pacification might well have benefited. This meant, too, that they had little time to get to grips with the intricacies of local discord. As a consequence, the natural distrust of inhabitants and officials was compounded, and it was widely held that the commissioners were unlikely to make the right decision about local issues which they could not fully understand. Any indication of confessional bias only reinforced this perception. In Tours in 1568, the municipal authorities complained that Jean Cornet was conducting a pro-Huguenot commission in his investigation of past actions, and that he therefore ought to be replaced by another judge 'of greater quality' and 'Catholic'.<sup>103</sup> In most cases, as here, it was not just the partisan actions of the commissioner that were at issue, but also questions of jurisdictional and legal competence.

In 1565, the Huguenot nobility of Maine claimed that those sent to enforce the edicts 'thought themselves wiser than the edict of pacification', bending the law to suit themselves, and judging not according to the equity of the law but 'according to their own particular passions', making their actions no less pernicious than those who used physical violence against Huguenots.<sup>104</sup> Demonstrating their own competence regarding legal authority, the nobles cited Aristotle's view that there is nothing more harmful for the state than a magistrate who prefers his judgement to the authority of the law. The particular target of their wrath was the commissioner Gabriel Myron, 'the most pernicious, unjust and miserable man that the earth contains ... not so much

a devoted papist as a wicked judge', so that the local Huguenots were deprived of justice. Myron's actions were believed to be the reason that the authority of the king and the justice of his commissions were 'commonly regarded with scorn and contempt in this province' where the wicked live 'without law, without reason, without judgement and without shame'. The expectation of the faithful that the commissioners would ensure justice for all the crimes perpetrated against them was to be very different from what the crown had authorized, especially with regard to burying the hatchet of confessional difference.

Probably the most controversial issue raised by this apparently single-minded implementation of the law was the declaration of successive edicts that the slate of bloodshed and confiscation perpetrated during the wars was to be wiped clean. This so-called policy of oubliance urged that crimes committed during periods of warfare were to be forgotten and not subject to prosecution or retribution.<sup>105</sup> Not surprisingly, both sides saw this legislation as contentious and protested loudly against what they saw as the failure to deal with the past misdemeanours and injustices against them. The policy may be construed as an extension of the customary royal prerogative of bestowing mercy or granting amnesty, but more practical considerations swayed the decision. Uppermost in the minds of the king and the judges was the overwhelming necessity to restore order to the kingdom which, they believed, only such a sanction could achieve. It was a necessary part of the purging of the infection of civil strife from the body politic.<sup>106</sup> Commissioners de Bourgneuf and de Masparraulte described the success of this approach in their commission to Poitou in 1563; 'This way of proceeding ... has caused things to quieten down'.<sup>107</sup> The importance of forgetting past crimes in the interests of peace is reflected in its increasing prominence in the edicts of pacification. It is particularly noticeable in the first two

articles of the Edict of Saint-Germain of 1570; previously the proscription was subordinated to a general statement at the end of an edict.<sup>108</sup> Nevertheless, it remained a controversial and complex directive to enforce. It would require all the assiduity and patience of the crown and its judiciary to tread their way warily, but successfully, through this and other confessional minefields.

## V

The wars were a major test for the monarchy and the effectiveness of its authority, but most parties continued to be keen to demonstrate their loyalty to the crown despite its unpopular religious policy (and their clear infractions of the edicts). Ultimately, royal power was reinforced by the exercise of justice, and, thus, the application of the law sustained the authority of the monarchy throughout the religious wars. Royal edicts asserted the crown's judicial prerogative by forbidding the Huguenots from establishing their own magistracy, and forbidding local judges cognisance of cases without crown approval.<sup>109</sup> Successful assertion of this prerogative through the edicts of pacification, both prior to the rise and after the demise of the Catholic League, proved essential to crown authority. It is striking that the greatest period of monarchical crisis during the wars, the late 1580s, saw no edict of pacification, and the decision in that decade to treat with the League and abolish the edicts led to a diminution rather than strengthening of royal authority.<sup>110</sup> This is contrary to the traditional view that a policy of toleration is an indication of monarchical weakness.<sup>111</sup> The irony is that its concessions to a religious minority allowed the crown to assert itself at a time when it could be seen to be most vulnerable. However unconsciously, then, a degree of religious pluralism shored up a monarchy under threat from noble faction and civil crisis. Thus, the Edict of Nantes of 1598

continued, rather than initiated, a process of confessional reconciliation designed to bring peace to the kingdom and, in so doing, to fortify royal justice.<sup>112</sup>

Despite the challenges it faced, monarchical power was able to weather the storm of religious and civil dissent to re-emerge with its judicial authority bruised, but intact.<sup>113</sup> The relationship between judges and kings, whilst severely tested and fraught with disagreement, remained mutually reinforcing in the shared desire to uphold justice and order. The edicts of pacification were both the product and the price of that alliance, an outcome which was destined to shape confessional relations in France for more than a century. The appointment of extraordinary commissioners who could carry out the king's will during periods of both war and peace advanced the cause of the royal prerogative of a monopoly of justice. The effective interplay of royal authority and justice during the wars is evident from Chancellor L'Hospital's judicial reform programme to the use of these commissioners, who are often identified as proto-intendants, although their remit was related to a specific set of circumstances unique to the period.<sup>114</sup> Although they were to face considerable and concerted opposition in the execution of their charge, the mechanisms which these officials established, however briefly, were to have lasting results. In this way, it is possible to locate, among the multi-faceted legacy of the religious wars, judicial and administrative developments which would foreshadow characteristics more readily associated with seventeenth-century Bourbon government.<sup>115</sup>

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<sup>2</sup> David Parker, The Making of French Absolutism (London, 1983), 12, describes it as 'a half century during which royal authority virtually disintegrated in a maelstrom of civil anarchy and religious strife'; cf. R.J. Knecht, The French Wars of Religion, 1559-1598, 2nd edn (London and New York, 1996), 84, 'The main political consequence of the Wars of Religion was a drastic diminution of royal authority.' Arlette Jouanna, La France du XVI<sup>e</sup> siècle, 1483-1598 (Paris, 1996), 343, referring to 'a crisis of royal authority', acknowledges its basic fragility throughout the wars, but also the attempts by the crown at its restoration.

<sup>3</sup> Above all, it is argued, Henry's willingness to fight for his legal inheritance satisfied the martial demands of early modern kingship, the politically astute timing of his conversion to Catholicism in 1593 allowed for the longed-for resolution of the conflict, and the peace and prosperity which became associated with his rule demonstrated the triumph of reason: see Mark Greengrass, France in the Age of Henri IV: the Struggle for Stability, 2nd edn (London and New York, 1995), 73-88; and more specifically on these issues, David J.B. Trim, 'Edict of Nantes: Product of Military Success or Failure', in Keith Cameron et al (eds.), The Adventure of Religious Pluralism in Early Modern France (Bern, 2000); Michael Wolfe, The Conversion of Henry IV: Politics, Power and Religious Belief in Early Modern

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France (Cambridge, Mass., 1993); Denis Crouzet, Les Guerriers de Dieu: la violence au temps des troubles de religion, vers 1525-vers 1610, 2 vols. (Paris, 1990), esp. ii, 566-628; and most recently on Henry's ideological achievement, Alain Tallon, Conscience nationale et sentiment religieux en France au XVIe siècle (Paris, 2002), esp. 133-6.

<sup>4</sup> Quotation from Claude de Seyssel, The Monarchy of France, trans. J.H. Hexter, ed. Donald R. Kelley (New Haven and London, 1981), 89, where justice is also described as 'the true pillar of royal authority'.

<sup>5</sup> The growing importance of lawyers and judges in early modern society has long been acknowledged. On France, see William J. Bouwsma, 'Lawyers and Early Modern Culture', American Historical Review, lxxviii (1973); Jonathan Dewald, 'The "Perfect Magistrate": Parlementaires and Crime in Sixteenth-Century Rouen', Archiv für Reformationsgeschichte, lvii (1976). On their role during the religious wars, see Jonathan Powis, 'Gallican Liberties and the Politics of Later Sixteenth-Century France', Historical Journal, xxvi (1983); Nancy Lyman Roelker, One King, One Faith: the Parlement of Paris and the Religious Reformations of the Sixteenth Century (Berkeley and London, 1996); William Monter, Judging the French Reformation: Heresy Trials by Sixteenth-Century Parlements (Harvard, 1999); and a useful overview in Greengrass, France in the Age of Henri IV, 'The Long Robe', esp. 182-94. Denis Richet granted the judiciary a central role in his, 'Aspects socio-culturels des conflits religieux à Paris dans la seconde moitié du XVIe siècle', Annales: E.S.C., xxxii (1977).

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<sup>6</sup> A topic explored particularly in the case of the parlement of Paris: see Roelker, One King, One Faith; Linda C. L. Taber, 'Royal Policy and Religious Dissent within the Parlement of Paris, 1559-1563' (Univ. of Stanford PhD thesis, 1982); Sylvie Daubresse, 'Le Parlement de Paris et l'édit du 17 janvier 1562', Revue historique, ccxcix (1998). See also on the parlement of Toulouse, where 30 out of 80 councillors were suspended from office on suspicion of heresy in 1562, Stéphane Capot, Justice et religion en Languedoc au temps de l'édit de Nantes: la chambre de l'édit de Castres (1579-1679) (Paris, 1998), 46-50.

<sup>7</sup> A view supported by Olivier Christin, 'From Repression to Pacification: French Royal Policy in the Face of Protestantism', in Philip Benedict et al (eds.), Reformation, Revolt and Civil War in France and the Netherlands, 1555-1585 (Amsterdam, 1999), esp. 209-13.

<sup>8</sup> It is important to remember that, for contemporaries, toleration did not have the positive connotations with which we now associate it, and that the crown only ever viewed it as a temporary solution pending the restoration of religious unity. On contemporary uses of the language of toleration, see Mario Turchetti, 'Religious Concord and Political Tolerance in Sixteenth and Seventeenth-Century France', Sixteenth Century Journal, xxii (1991); William H. Huseman, 'The Expression of the Idea of Toleration in French During the Sixteenth Century', Sixteenth Century Journal, xv (1984).

<sup>9</sup> A point well-made nearly thirty years ago by J.H.M. Salmon, Society in Crisis: France in the Sixteenth Century (London, 1975), 13-14, 196-7.

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<sup>10</sup> Quotation from David Potter, A History of France, 1460-1560: the Emergence of a Nation State (London, 1995), 290.

<sup>11</sup> On these reigns see in particular, Greengrass, France in the Age of Henri IV; R.J. Knecht, French Renaissance Monarchy: Francis I and Henry II, 2nd edn (London and New York, 1996), esp. 86-96; Mack P. Holt, The French Wars of Religion, 1562-1629 (Cambridge, 1995), 213-14.

<sup>12</sup> For a succinct discussion of the theoretical basis of royal power, see Jouanna, France du XVIe siècle, 166-7; also Bernard Barbiche, Les Institutions de la monarchie française à l'époque moderne (XVIe-XVIIIe siècle) (Paris, 1999), esp. chs. 'Le roi justicier' and 'Le roi législateur'; and Jean Barbey, Être roi: le roi et son gouvernement en France de Clovis à Louis XVI (Paris, 1992), esp. 178-9.

<sup>13</sup> Sylvie Daubresse, 'Un discours de Christophe de Thou, premier président du parlement de Paris (11 mai 1565)', Bibliothèque de l'Ecole des Chartes, cliii (1995), 379.

<sup>14</sup> There is historical consensus on the importance of the royal legislature in sixteenth-century France: on the 'justice state', see Emmanuel Le Roy Ladurie, The Royal French State, 1460-1610, trans. Juliet Vale (Oxford, 1994), 3, and esp. ch. 'The Tree of Justice'; on sixteenth-century 'legislative monarchy', see James Collins, The State in Early Modern France (Cambridge, 1995), 3. For a critique of the way in which historians have applied the latter term to the French monarchy, see David Parker,

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‘Sovereignty, Absolutism and the Function of the Law in Seventeenth-Century France’, Past and Present, cxxii (1989), esp. 37, 43, 47.

<sup>15</sup> Evoked in Le Roy Ladurie, Royal French State, 2-3. See also Ralph Giesey, The Royal Funeral Ceremony in Renaissance France (Geneva, 1960), 125-44.

<sup>16</sup> On the mutual dependence of parlement and crown, see Elie Barnavi and Robert Descimon, La Sainte Ligue, le juge et la potence: l’assassinat du president Brisson (15 novembre 1591) (Paris, 1985), 128-31.

<sup>17</sup> As happened to the parlement at Aix-en-Provence in 1563, see Archives Départementales [hereafter AD] Bouches-du-Rhône (annexe), B 3328, fos. 1144<sup>v</sup>-1146<sup>r</sup> (24 Nov. 1563).

<sup>18</sup> The effectiveness of the lit de justice has been the subject of keen debate since the publication of Sarah Hanley, The Lit de Justice of the Kings of France: Constitutional Ideology in Legend, Ritual and Discourse (Princeton, 1983). For an important recent analysis of its use during the religious wars, see Sylvie Daubresse, ‘Henri III au parlement de Paris: contribution à l’histoire des lits de justice’, Bibliothèque de l’École des chartes, clix (2001), quotation 583.

<sup>19</sup> This was especially asserted during a royal minority, such as that of Charles IX (1560-63), but also when the king was believed to be acting contrary to the interests of the people, or infringing the court’s constitutional position, see Daubresse, ‘Henri III au parlement de Paris’.

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<sup>20</sup> For quite contrasting interpretations of the relationship between Charles IX and the parlement of Paris during the wars, see Sylvie Daubresse, ‘Charles IX et le Parlement de Paris: à propos de cinq discours de pouvoir’, Revue historique, ccxcvii (1997), and Jean-Louis Bourgeon, ‘La Fronde Parlementaire à la veille de la Saint-Barthélemy’, Bibliothèque de l’Ecole des Chartes, cxlviii (1990). Daubresse challenges Bourgeon’s assertion that the parlement had either the power or inclination to defy royal authority openly, preferring to see disputes acted out as part of a well-established ritual.

<sup>21</sup> Seong-Hak Kim, ‘The Chancellor’s Crusade: Michel de L’Hôpital and the Parlement of Paris’, French History, vii (1993); and her, Michel de L’Hôpital: the Vision of a Reformist Chancellor during the French Religious Wars (Kirkville, Miss., 1997), esp. 4-7, 131-9.

<sup>22</sup> Michel de l’Hospital, Discours pour la majorité de Charles IX et trois autres discours, ed. Robert Descimon (Paris, 1993), 107 & 124. For similar sentiments expressed by Charles IX, see Daubresse, ‘Charles IX et le Parlement de Paris’; and by Jean Bodin, Les Six livres de la République (1576), Bk 6, ch. 6, ‘it does not pertain to the magistrates to judge of the law, but to judge according to the law’ (quotation from the translation by M.J. Tooley (ed.), Six Books of the Commonwealth (Oxford, 1967), 208); Jean-Fabien Spitz, Bodin et la souveraineté (Paris, 1998), 90. On the similarity between the views of L’Hospital and Bodin, see Seong-Hak Kim, ‘Chancellor’s Crusade’, esp. 19-20, and her, Michel de L’Hôpital, 140-2.

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<sup>23</sup> AD Gironde, 1B 257, no. 162 (10 Apr. 1563). The opinion that irreverence and distrust towards royal justice was at the root of the problem echoed the argument of the Mémoire sur la pacification des troubles (1561), ed. Malcolm Smith (Geneva, 1983), 36-7, attributed to Etienne de La Boétie but the authorship is disputed.

<sup>24</sup> The ambiguities of parlementaire behaviour are discussed fully in Daubresse, 'Parlement de Paris'.

<sup>25</sup> Powis, 'Gallican Liberties', 518-19, argues that it was this interest in the maintenance of order that persuaded many otherwise reluctant judges to support a policy of toleration.

<sup>26</sup> See Joycelyne G. Russell, Peacemaking in the Renaissance (London, 1986), 47-51.

<sup>27</sup> Richard A. Jackson, Vive le Roi! A History of the French Coronation from Charles V to Charles X (Chapel Hill, 1984); Colette Beaune, Naissance de la nation France (Paris, 1985), esp. 283-313.

<sup>28</sup> On the thirteenth-century origins of the oath, see Jackson, Vive le Roi!, 58.

<sup>29</sup> On the uneasy relationship between gallicanism and the royal policy of toleration see, Alain Tallon, 'Gallicanism and Religious Pluralism in France in the Sixteenth Century', in Cameron et al (eds.), Adventure of Religious Pluralism, and more generally in his, Conscience nationale.

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<sup>30</sup> Olivier Christin, 'From Repression to Pacification', esp. 212-14.

<sup>31</sup> Bibliothèque Nationale, Paris [hereafter BN], Manuscrits français [hereafter MS. fr.] 15878, fo. 141<sup>r</sup> (17 Sept. 1563).

<sup>32</sup> Pierre de L'Estoile, cited in Bernard Cottret, 1598, L'Édit de Nantes: pour en finir avec les guerres de religion (Paris, 1997), 171. See also Seyssel, Monarchy of France, 89, and Elisabeth Rabut, Le Roi, l'église et le temple: l'exécution de l'édit de Nantes en Dauphiné (Paris, 1987), 25, quoting Ennemond Rabot, commissioner for the enforcement of the Edict of Nantes.

<sup>33</sup> Michel Reulos, 'La justice, attribut essentiel du roi de France au XVI<sup>e</sup> siècle', in C. Lauvergnot-Gagnière and B. Yon (eds.), Le juste et l'injuste à la Renaissance et à l'âge classique (Saint-Étienne, 1986), 103-4; Barbey, Être roi, 192-4. On the self-consciously imperial character of Charles IX's device see Frances A. Yates, Astraea: The Imperial theme in the Sixteenth Century (London and Boston, 1975), esp. 123, 127, 138.

<sup>34</sup> On this point, see in particular, Crouzet, Guerriers de Dieu, i, 412-80.

<sup>35</sup> André Stegmann, Les Édits des guerres de religion (Paris, 1979), 102, from the Edict of Beaulieu, 1576.

<sup>36</sup> Stegmann, Édits, 137, 131-2.

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<sup>37</sup> In the seventeenth century, the judges of the parlement of Toulouse, disgruntled by the jurisdictional challenge from the provincial chambre de l'édit, referred to themselves as the 'natural judges' dispensing 'natural justice', raising the question of judicial legitimacy and the natural order of judicial provision, quoted in Capot, Justice et religion en Languedoc, 249-50.

<sup>38</sup> E.g. 'Plaintes des églises réformées de France, sur les violences et injustices qui leur sont faites en plusieurs endroits du Royaume' (n.p., 1597). Gregory Champeaud, 'The Edict of Poitiers and the Treaty of Nérac, or Two Steps towards the Edict of Nantes', Sixteenth Century Journal, xxxii (2001), 329, concludes that justice was 'the domain where parity was most forcefully asserted', but also 'the main obstacle between Catholics and Protestants'. See also Crouzet, Guerriers de Dieu, i, 412-80, and my, 'Huguenot Petitioning during the Wars of Religion', in Raymond A. Mentzer and Andrew Spicer (eds.), Society and Culture in the Huguenot World, 1559-1685 (Cambridge, 2002).

<sup>39</sup> Bodin, Six livres, Bk 1, ch. 8 (quotation from Tooley (ed.), Six Books, 34).

<sup>40</sup> Philip Benedict, 'Un roi, une loi, deux fois: Parameters for the History of Catholic-Reformed Co-Existence in France, 1555-1685', in Ole Peter Grell and Bob Scribner (eds.), Tolerance and Intolerance in the European Reformation (Cambridge, 1996), 75-6.

<sup>41</sup> BN, MS. fr. 15882, fo. 258<sup>r</sup> (7 May 1566).

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<sup>42</sup> Philip Benedict, 'The Dynamics of Protestant Militancy: France, 1555-1563', in Benedict et al (eds.), Reformation, Revolt and Civil War, 35-50.

<sup>43</sup> BN, MS. fr. 4047, fos. 130-131.

<sup>44</sup> See the disagreement involving the royal commissioners to Burgundy, whom governor Tavannes accused of exceeding their commission in this regard: BN, MS. fr. 4637, fos. 6-7<sup>r</sup> (1564/65).

<sup>45</sup> Grell and Scribner (eds.), Tolerance and Intolerance, 10, 75.

<sup>46</sup> For example, the Edict of Romorantin of May 1560 is said to have revealed a 'preoccupation with law and order rather than with religion': N.M. Sutherland, The Huguenot Struggle for Recognition (London and New Haven, 1980), 349-51. However, the presence of so many judges in clerical orders among the parlementaires somewhat countered this shift, as did the sacral status of the monarchy itself.

<sup>47</sup> So my thesis should be understood to reinforce, not weaken, that of Mack P. Holt, 'Putting Religion back into the Wars of Religion', French Historical Studies, xviii (1993).

<sup>48</sup> AD Bouches-du-Rhône (annexe), B 3328, fos. 766-777.

<sup>49</sup> BN, MS. fr. 15873, fo. 64<sup>r</sup> (29 Aug. 1560).

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<sup>50</sup> A continuing problem, see BN, MS. fr. 3202, fo. 13 (14 Oct. 1563), Charles IX to governor Damville.

<sup>51</sup> Daillon to the king, BN, MS. fr. 15871, fo. 92<sup>r</sup> (11 Nov. 1560).

<sup>52</sup> BN, MS. fr. 15871, fo. 76.

<sup>53</sup> BN, MS. fr. 3189, fo. 58<sup>r</sup> (24 Mar. 1562).

<sup>54</sup> BN, MS. fr. 3186, fo. 53<sup>v</sup> (11 Mar. 1562).

<sup>55</sup> BN, MS. fr. 3189, fo. 8.

<sup>56</sup> BN, MS. fr. 15878, fo. 210.

<sup>57</sup> BN, MS. fr. 15879, fo. 26 (21 Jan. 1564).

<sup>58</sup> BN, MS. fr. 15878, fos. 310-312<sup>r</sup> (22 Dec. 1563). A similar picture emerges from lieutenant-governor Burie's report from Périgueux later in the month, fos. 320-321<sup>r</sup> (31 Dec. 1563).

<sup>59</sup> For example, see BN, MS. fr. 15879, fo. 26 (21 Jan. 1564), reporting the difficulties of enforcing the edict in the region of Nevers; and the marshal de Biron from Provence in April 1564, in Archives Historiques de la Gironde, xiv (1873), 17-19, citing the intimidation of witnesses and the need for more troops and reliable judges.

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<sup>60</sup> BN, MS. fr. 3158, fos. 40-42. See Daubresse, ‘Parlement of Paris’.

<sup>61</sup> Monter, Judging the French Reformation, 212-31; however, he does not consider the role of individual parlementaires in the commissions to enforce the edicts of pacification and the later establishment of special chambers to deal with disputes.

<sup>62</sup> I discuss some examples of these efforts at ‘neutrality’ in my, ‘Religious Pluralism in Practice: The Enforcement of the Edicts of Pacification’, in Cameron et al (eds.), Adventure of Religious Pluralism, 35-8.

<sup>63</sup> On this point, see Bouwsma’s analysis, ‘Lawyers and Early Modern Culture’.

<sup>64</sup> See esp. Arlette Jouanna, ‘Idéologies de la guerre et ideologies de la paix en France dans la seconde moitié du XVIe siècle’, in Myriam Yardeni (ed.), Idéologie et propagande en France (Paris, 1987); also Loris Petris, ‘De Pace: autour d’un inédit de Michel de L’Hospital: le magistrat et la “guerre juste”’, Bibliothèque d’Humanisme et Renaissance, lxiv (2002), esp. 336-8.

<sup>65</sup> Quoted in Jouanna, ibid., 95 n. 38.

<sup>66</sup> Jotham Parsons, ‘The Political Vision of Antoine Loisel’, Sixteenth Century Journal, xxvii (1996), and his ‘Church and Magistrate in early Modern France: Politics, Ideology and Gallican Liberties, 1550-1615’ (John Hopkins Univ. PhD thesis, 1997), esp. 188.

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<sup>67</sup> Quotation from L'Hospital in Discours, 107 (Aug. 1563). Calls for reform of the Church were a commonplace of political discourse of the period and do not necessarily indicate the speaker's sympathies for Protestantism.

<sup>68</sup> See in particular, Seong-Hak Kim, 'Chancellor's Crusade', and her, Michel de L'Hôpital, 4-7. Arguably, this was the expected duty of the Chancellor, see Barbiche, Institutions, 154-5.

<sup>69</sup> For example, in Burgundy in 1571, see AD Saône et Loire: Archives Communales de Mâcon, AA 5, no. 18, GG 122, no. 31, & GG 123, no. 13; in Lyon 1568-70, see AD Rhône, BP 3643, fos. 128-129<sup>r</sup>, 145-146<sup>r</sup>; Archives Municipales [hereafter AM] Lyon, AA 20, no. 108; and in Guyenne in 1571, AD Gironde, 1B 11, fos. 216-217<sup>r</sup>.

<sup>70</sup> BN, MS. fr. 3189, fo. 8.

<sup>71</sup> See for example, AD Gironde, 1B 9, fos. 112-113, 117<sup>v</sup>-118 (May 1565).

Chambres neutres were established in the jurisdictions of the parlements of Bordeaux, Toulouse, Aix-en-Provence, Dijon and Paris. Unlike the chambres de l'édit, there is no evidence to suggest that they were made up of a designated proportion of judges of both faiths.

<sup>72</sup> On the long drawn-out negotiations over the establishment of the chambre in Languedoc, which did not officially sit until 1579, see Capot, Justice et religion en Languedoc, 52-4.

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<sup>73</sup> See Daubresse, 'Henri III au parlement de Paris', 590-1. Daubresse demonstrates how Henry's heavy-handedness in this regard became typical of his dealings with the parlement.

<sup>74</sup> BN, MS. fr. 15561, fo. 36.

<sup>75</sup> BN, MS. fr. 4047, fos. 87-91: 'Reglement faict par le Roy pour l'administration de la justice entre les courtz de parlement et les chambres establies suivant l'edict de paciffication et articles accordés en la conference tenue à Nerac' (7 May 1579). On issues of jurisdictional overlap and competence following the Edict of Nantes, see Capot, Justice et religion en Languedoc, 172-5.

<sup>76</sup> For example, from the chamber of the Bordeaux parlement based at Périgueux, BN, MS. fr. 15882, fo. 228 (1 June 1566).

<sup>77</sup> BN, MS. fr. 15565, fos. 87<sup>r</sup>, 89-90<sup>f</sup> (Sept. 1581), quotation fo. 196.

<sup>78</sup> Bernard Barbiche, 'L'édit de Nantes et son enregistrement: genèse et publication d'une loi royale', in Paul Mironneau and Isabelle Pébay-Clottes (eds.), Paix des armes, paix des âmes (Paris, 2000).

<sup>79</sup> BN, MS. fr. 15878, fo. 114.

<sup>80</sup> AD Haute-Garonne, B 65, fo. 232<sup>v</sup> (10 Feb. 1571).

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<sup>81</sup> BN, MS. fr. 15555, fo. 1<sup>r</sup> (3 July 1572).

<sup>82</sup> BN, MS. fr. 15878, fos. 98, 112<sup>r</sup>.

<sup>83</sup> AD Bouches du Rhône (annexe), B3332, parlement de Provence, fos. 369-373.

<sup>84</sup> AD Haute-Garonne, B 57, fos. 72-74<sup>r</sup> (13 Dec. 1563).

<sup>85</sup> BN, MS. fr. 3159, fos. 39-40 (7 Mar. 1562).

<sup>86</sup> BN, MS. fr. 18156, fos. 84<sup>v</sup>, 98<sup>v</sup>, 100<sup>r</sup>.

<sup>87</sup> AM Dijon, D 63 (6 Dec. 1561).

<sup>88</sup> This was already the case prior to the wars as demonstrated by the directive to the commissioners to Provence in November 1561, AD Bouches-du-Rhône (annexe), B 3328, fos. 712-714<sup>r</sup>. In 1570, officials in the Bourbonnais were required to bring documentary evidence of what they had achieved before marshal Vieilleville and three royal commissioners: AM Lyon, GG 77, no. 19 (9 Dec. 1570).

<sup>89</sup> BN, MS. fr. 18156, fos. 11<sup>r</sup>, 21<sup>v</sup>, 27<sup>r</sup>, 43.

<sup>90</sup> BN, MS. fr. 15878, fo. 141<sup>v</sup> (17 Sept. 1563).

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<sup>91</sup> BN, Imprimés, F 46827 (Actes royaux), nos. 5 & 6 (11 Apr. 1564).

<sup>92</sup> BN, MS. fr. 4637, fo. 31 (14 Aug. 1565).

<sup>93</sup> BN, MS. fr. 15879, fo. 142<sup>r</sup> (22 Mar. 1564).

<sup>94</sup> BN, MS. fr. 15878, fo. 130 (6 Sept. 1563).

<sup>95</sup> BN, MS. fr. 3204, fo. 5 (8 Mar. 1564).

<sup>96</sup> BN, MS. fr. 15882, fo. 54<sup>r</sup> (18 Oct. 1566).

<sup>97</sup> On claims of Huguenot bias, see Richet, 'Aspects socio-culturels des conflits religieux', 770; on Catholic bias, see Christopher Stocker, 'The Parlement of Paris and Confessional Politics in the 1560s', Proceedings of the Annual Meeting of the Western Society for French History, xv (1988), 43-4.

<sup>98</sup> AM Lyon, GG 77, no. 20, 2nd piece.

<sup>99</sup> AD Rhône, BP 3643, fos. 128-129<sup>r</sup>, 138-139, 145-146<sup>r</sup>, 151<sup>v</sup>-152<sup>r</sup>, 186-187.

<sup>100</sup> BN, MS. fr. 15553, fo. 211<sup>r</sup>. He was replaced in Jan. 1572 by Jean-Jacques de Mesmes, maître des requêtes: AM Lyon, AA 24, nos. 32, 122; GG 78, no. 21.

<sup>101</sup> Bibliothèque Municipale Angers, MS. 997 (873), no. 18; BN, Imprimés, F 2177.

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<sup>102</sup> See M. Etchechoury, Les Maîtres des requêtes de l'hôtel du roi sous les derniers Valois (1553-1589) (Paris, 1991), esp. 5, 22, 133-9; Michel Antoine, 'Des Chevauchées aux intendances: filiation réelle ou putative?', Annuaire-bulletin de la Société de l'histoire de France (1994).

<sup>103</sup> BN, MS. fr. 15546, fos. 109, 111, 113<sup>r</sup> (26 May 1568), 234 (17 June).

<sup>104</sup> D.-F. Sécouse (ed.), Mémoires de Condé, 6 vols. (Paris, 1743), v, 301-27.

<sup>105</sup> On this issue, see Mark Greengrass, 'Amnistie et oubliance: un discours politique autour des édits de pacification pendant les guerres de Religion', in Mironneau and Pébay-Clottes (eds.), Paix des armes, paix des âmes; Diane C. Margolf, 'Adjudicating Memory: Law and Religious Difference in Early Seventeenth-Century France', Sixteenth Century Journal, xxvii (1996).

<sup>106</sup> On such medical analogies, see Greengrass, 'Amnistie et oubliance', esp. 118; and their common usage during the wars, Luc Racaut, 'The Cultural Obstacles to Religious Pluralism in the Polemic of the French Wars of Religion', in Cameron et al (eds.), Adventure of Religious Pluralism, 120.

<sup>107</sup> BN, MS. fr. 15878, fo. 110.

<sup>108</sup> On the edict of Saint-Germain of 1570, see Stegmann, Édits, 69.

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<sup>109</sup> Notably the edicts of 1562 (January/Saint-Germain), 1568 (Longjumeau) and 1570 (Saint-Germain). On the establishment of Huguenot chambres de justice without royal authorisation in 1568, 1574 and 1585, see Capot, Justice et religion en Languedoc, 47-51.

<sup>110</sup> Although see the recent rehabilitation of Henry III's reputation by Xavier Le Person, 'Pratiques' et 'practiqueurs': la vie politique à la fin du règne de Henri III (1584-1589) (Geneva, 2002), esp. , where he argues that the king continued to control events in the 1580s.

<sup>111</sup> This has also been asserted with regard to the enforcement of the Edict of Nantes, Keith P. Luria, 'Separated by Death? Burials, Cemeteries and Confessional Boundaries in Seventeenth-Century France', French Historical Studies, xxiv (2001), 221, 'co-existence served the aims of state-builders just as much as confessionalization did later'.

<sup>112</sup> My analysis thus differs markedly from Alain Tallon's conclusion that because of its religious policy the crown lost moral authority during the wars, and that Henry IV's approach marked an ideological shift, see his, Conscience nationale, esp. 133-6, 284-6.

<sup>113</sup> Salmon, Society in Crisis, 196-7, asserts that, 'even in the dark days under Henry III', legislative reform continued uninterrupted; on these reforms, see 222-31. For a criticism of the tactics Henry used to force this legislation through see Daubresse, 'Henri III au parlement de Paris'. On the reform of finance rather than justice, but

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reaching similar conclusions for its impact on royal authority, see Jotham Parsons, 'Governing Sixteenth-Century France: The Monetary Reforms of 1577', French Historical Studies, xxvi (2003).

<sup>114</sup> Notably Michel Antoine, 'Genèse de l'institution des intendants', Journal des Savants, (1982); and his 'Chevauchées aux intendances'. The debate regarding their origins is helpfully summarized in Barbiche, Institutions, 383-4. See also Richard Bonney, 'Bodin and the Development of the French Monarchy', Trans. of the Royal Historical Society, xl (1990), esp. 50-1, who places particular emphasis on the role of the surintendant de la justice.

<sup>115</sup> An assessment of the relationship between the crown and its judges under Louis XIV could be applied equally to the sixteenth century; 'royal authority advanced not at the expense of the jurisdictional integrity of the parlementaires but in conjunction with it', Parker, 'Sovereignty, Absolutism and the Function of the Law', 65.