

Michel de L'Hôpital

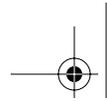
The *Vision* of a
Reformist
Chancellor
*during the French
Religious Wars*



Seong-Hak Kim

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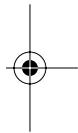
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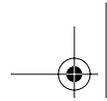




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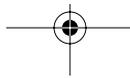


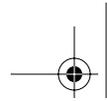
Foreword

SEONG-HAK KIM DEPLORES the fact that the myths about Michel de L'Hôpital should mask the realities of both his achievements and his failures. In this scholarly biography she sets the record straight. The chancellor was not the philosophic advocate of religious toleration: He was a pragmatic statesman who defended royal authority amid religious conflict and noble faction in the early phases of the sixteenth-century civil wars. At first he sought to find religious concord through compromise; when this could not be attained, he tried to recognize the coexistence of two religions within the state. The separation of politics from religion proved an impossible task in the climate of opinion that prevailed at the time.

If there was a streak of idealism in the chancellor (and Dr. Kim shows that he was not free from inconsistencies), it was evident in his attempts to reform the judicial system. While he himself used patronage and venality to rise through the Parlement and the Chamber of Accounts to the highest judicial office, L'Hôpital strove to break the system that gave the judges propertied rights in their offices, and to deny their constitutional claims to restrain the crown. For their part, the magistrates resisted his reforming ordinances and delayed his edicts of pacification. In the course of this struggle the chancellor seems to have held a doctrine of the legislative sovereignty of the king similar to that which Jean Bodin was to set forth in his *Six Livres de la République* a few years later. Dr. Kim argues that L'Hôpital's brief regime formed a bridge between the authoritarian trend in the French monarchy in the first half of the sixteenth century and the absolutism of the first Bourbon kings.

Before he became chancellor, L'Hôpital, despite his humanist dislike of war, supported the policy of his patrons in the family of Guise to continue the conflict with the Habsburgs. His inherent pacifism was modified by his patriotic acceptance of military action in the interests of the state, which did not include French ambitions in Italy. This, like his readiness to tolerate heresy as the only alternative to civil anarchy, earned him a reputation for dissimulation, if not hypocrisy. Indeed, his attempt to procure





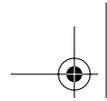
recognition of the French Calvinist reformed churches provoked accusations of Nicodemism. Dr. Kim admits vacillations in his behavior born of necessity, but insists upon the coherence of his statesmanship and the sincerity of his humanist Catholic beliefs.

She also examines his role in the development of royal Gallicanism, asserting the crown's administrative control of the French Catholic church against the claims of the papacy. Here he shared the views of one of the most fervent polemicists against Rome, Charles Du Moulin, who was also accused of Protestant leanings. It was L'Hôpital who drew up instructions for the French delegation to the Council of Trent, and who resisted the demands of his powerful patron, the Guisard cardinal of Lorraine, to receive the Tridentine decrees in France. It was also the chancellor, on this occasion with support from the Parlement, who persuaded the French clergy to contribute to the national finances.

L'Hôpital was early exposed to new humanist learning when he was studying law at Padua and Bologna and visiting the court of the French princess, Renée of Ferrara. His later appointment as personal chancellor to another humanistically inclined member of the royal family, the duchess of Berry, enabled him to dispense her patronage to poets of the Pléiade and to the University of Bourges. He secured the appointment of leading legal humanists such as Jacques Cujas and François Hotman, and emulated his friends among the poets with his own verses. Dr. Kim has used both his poetry and the juristic writings with which he was associated to provide new insights into the chancellor's personal system of values.

One of the most puzzling issues concerning L'Hôpital is his relationship to the ultra-Catholic Guises. This book provides definitive answers to this vexed question, showing that the cardinal of Lorraine was neither so inflexible nor his relatives so monolithic in their family attitudes as has commonly been assumed. This explains how the chancellor, despite differences of opinion with the cardinal, could remain on reasonably good terms with him until near the end of L'Hôpital's exercise of his office. In fact, it was not until the notorious quarrel within the royal council in September 1568, when the two threatened to pull each other's beards, that the definitive break occurred. It was at this point that the queen mother, Catherine de Médicis, who for the most part had followed L'Hôpital's guidance, withdrew her support and used him as a scapegoat. Nevertheless, the crown retained respect for the disgraced chancellor through the remaining five years of his life, when he retired to his estates to write verses and letters to his friends, hoping in vain to be recalled. The

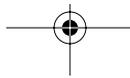


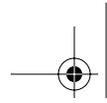


Foreword

massacre of St. Bartholomew's Day, a few months before his death, signaled the abject failure of his policy. This book shows the firmness and integrity that underlay the seeming inconsistencies in his endeavor. Dr. Kim has made a most valuable contribution to our understanding of L'Hôpital and his era.

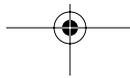
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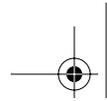




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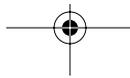


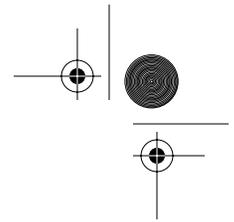


Introduction

THIS IS THE FIRST CRITICAL POLITICAL BIOGRAPHY in over a hundred years of Michel de L'Hôpital. L'Hôpital served as chancellor of France between 1560 and 1568 during the Wars of Religion under the reigns of Francis II and Charles IX and the regency of Catherine de Médicis. L'Hôpital's principal claim to prominence in history is that he alone, or at least with more consistency than anyone else, pursued a policy of coexistence of Catholics and Protestants during the religious wars. The French Religious Wars, which lasted from 1562 to 1598, had been touched off by religious dissent but were soon complicated by political struggle. When many of his contemporaries were swept away by overwhelming religious passion and factional enmity, L'Hôpital played the role of mediator between antagonistic factions at the royal court. L'Hôpital tried to resolve the crisis of civil wars by refusing to view the current situation from a religious angle, insisting on dealing with the troubles only in political terms. His main goal was to separate politics and religion by drawing a line between political sedition and religious misbelief: Those Huguenots who resorted to violence should be punished, but the rest should be left in peace. Judging that the urgent task of the government was to preserve the unity of the kingdom, L'Hôpital advocated granting limited toleration to Protestants as the only alternative to civil war. But this matter-of-fact approach proved ill-fated in the face of engulfing religious zeal, and L'Hôpital's disgrace in 1568 seemed to mark the end of any lingering hopes of resolving through peaceful means the unprecedented crisis of civil strife.

L'Hôpital espoused the cause of toleration, less because of moral or philosophical convictions than by a recognition of the fundamental need for national unity and stability. But this pragmatic attitude accounts for only part of L'Hôpital's political outlook and perspectives. In fact, L'Hôpital's attempt to separate politics from religion was decidedly unrealistic, given the assumptions of the age and France's peculiar Catholic identity. L'Hôpital resolutely pursued his religious policy even when all the evidence suggested that religious coexistence could not work in France in the 1560s. L'Hôpital's misfortune was that his defense of religious moderation



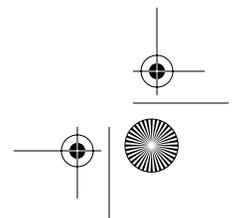
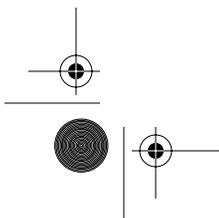


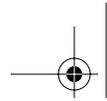
clashed with the religious idealism of the time. His vision of divorcing politics from religion was too far ahead of his time.

L'Hôpital is one of those pivotal figures in history whose policy seems familiar but who remain largely unknown and frequently misunderstood. L'Hôpital has been a victim of his own legend. Historians have hailed L'Hôpital as a lonely apostle of toleration, driven off the stage of history by religious fanaticism. The overpowering legacy of toleration has confounded the history of the chancellor, whose veritable tenet has almost vanished in the midst of timeless celebrations of his cause. Many studies of L'Hôpital tend to depict him as an aloof idealist, and his toleration policy has been treated as an abstract philosophy. Yet L'Hôpital had more tangible and limited objectives than converting his contemporaries to a doctrine of toleration. His idea of religious toleration was not so much the outcome of philosophical reflection as the result of his keen understanding of the desperate financial situation of the kingdom and his strong wish for peace and order. A sound assessment of the life and political career of L'Hôpital is long overdue, especially one free of both hagiographic treatment characteristic of his panegyrists and the collection of disjointed anecdotes crowding available biographies. This study provides a more dispassionate appraisal of L'Hôpital's career by examining what he thought and what he actually did, and presents a portrait of L'Hôpital that is closer to historical reality.

L'Hôpital's legendary reputation is a by-product of the eighteenth-century Enlightenment, when the name of L'Hôpital was conjured up in a campaign for religious tolerance. It was no mere accident that L'Hôpital was the subject of an essay contest sponsored by the Académie Française in 1777.¹ The exalting portrait of L'Hôpital was completed by nineteenth-century liberal historians who anachronistically acclaimed the "liberal" chancellor as a harbinger of freedom of conscience. This portrayal of L'Hôpital as a champion of freedom of conscience has been uncritically accepted by many authors, and their encomiums have continued to form our view of the chancellor. Several books exploiting manuscript sources were published in the late nineteenth century. Most notable was Emile

¹Successful contestants included Abbé Remy, who received the first prize, and the Marquis de Condorcet, the renowned philosophe; see Abbé Remy, *Eloge de Michel de L'Hôpital, chancelier de France, discours présenté à l'Académie Française* (Paris, 1777); Condorcet (Jean-Antoine-Nicolas de Caritat, marquis de), *Eloge de Michel de L'Hôpital, chancelier de France* (Paris, 1777). The result of the contest was not without scandal. Many contemporaries, including Voltaire, claimed that the first prize should have gone to Condorcet instead of Remy; see *Voltaire's Correspondence*, ed. Theodore Besterman, vol. 96 (Geneva: Institut et Musée Voltaire, 1964), 67 (Amélie Suard to Voltaire, September 1, 1777), 76 (Jean de Vaines to Voltaire, September 6, 1777, and Voltaire to Jean le Rond d'Alembert, September 22, 1777).





Dupré Lasale's two-volume study based on extensive archival research. Unfortunately, it only covered L'Hôpital's pre-chancellor years.² L'Hôpital's chancellorship was earlier dealt with by A. H. Taillandier, who proposed to present L'Hôpital's history, and not his saga, but it was still overly generous.³ Taillandier's work was supplemented by a study by P. D. L. [Paul de La Faye de L'Hôpital], a descendant of Chancellor L'Hôpital, who relied mainly on his family papers to write a polemical defense of the chancellor.⁴ All three books are now outdated.⁵ The twentieth century has seen, apart from those which warrant no serious consideration as history, biographies by Jean Héritier and by Albert Buisson.⁶ Both are intended for a general readership. Buisson's, published in 1950, remains the most recent book on L'Hôpital. No book on the chancellor has appeared in English since 1905.⁷

Mario Turchetti has recently provided a significant insight for our understanding of the French religious wars by convincingly arguing that toleration edicts issued by the government in the second half of the sixteenth century were only temporary steps towards "concord," or a kind of forced religious compromise between Catholics and Protestants.⁸ Accord-

²Emile Dupré Lasale, *Michel de L'Hospital avant son élévation au poste de chancelier de France* (Paris: Ernest Thorin, 1875, 1890), 2 vols., remains the best treatment of L'Hôpital, for little has been added to our knowledge during the past hundred years.

³A. H. Taillandier, *Nouvelles recherches historiques sur la vie et les ouvrages du chancelier de L'Hospital* (Paris: Firmin Didot Frères et Fils, 1861).

⁴P. D. L. [Paul de La Faye de L'Hôpital], *Quelques éclaircissements historiques et généalogiques sur Michel de l'hôpital et sa famille* (Clermont-Ferrand: Imprimerie de Ferdinand Thibaud, 1863).

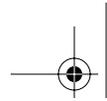
⁵Jean Marie, *Essai sur la vie & les ouvrages du Chancelier Michel de L'Hospital* (Rennes: Oberthus & Fils, 1868), and Henri Amphoux, *Michel de l'Hôpital et la liberté de conscience au XVIe siècle* (Paris, 1900; Geneva: Slatkine Reprints, 1969), are often anachronistic and suffer from the problem of a preconceived view portraying L'Hôpital as a saintly figure.

⁶Jean Héritier, *Michel de L'Hospital* (Paris: Flammarion, 1943); Albert Buisson, *Michel de L'Hospital* (Paris: Hachette, 1950). Buisson provides a very thorough bibliography.

⁷To my knowledge, only two books have ever been published in English on L'Hôpital: C. T. Atkinson, *Michel de L'Hospital* (London: Longmans, Green, 1900), and A. E. Shaw, *Michel de L'Hospital and His Policy* (London: Henry Frowde, 1905). Richard A. Hunt, "Religion and Law: The Chancellorship of Michel de L'Hospital, 1560-1562" (Ph.D. dissertation, University of Pennsylvania, 1973), remains the most recent study of considerable length, but it only deals with the first two years of L'Hôpital's chancellorship.

⁸Mario Turchetti, *Concordia o tolleranza? François Bauduin (1520-1573) e i "Moyenneurs"* (Geneva: Droz, 1984); idem, "Concorde ou tolérance? Les Moyenneurs à la veille des guerres de religion en France," *Revue de théologie et de philosophie* 118 (1986): 255-67; idem, "Religious Concord and Political Tolerance in Sixteenth- and Seventeenth-Century France," *Sixteenth Century Journal* 22 (1991): 15-25; idem, "Une question mal posée: La qualification de 'perpétuel et irrévocable' appliquée à l'Edit de Nantes (1598)," *Bulletin de la société de l'histoire du protestantisme français* 139 (1993): 41-78.

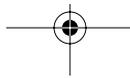


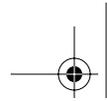


ing to him, Catherine de Médicis, Chancellor L'Hôpital, the Cardinal of Lorraine, and others at the royal court pursued religious toleration with a clear goal of attaining the ultimate restoration of religious unity in France. Turchetti's view is an important corrective to the traditional interpretation of L'Hôpital as a sixteenth-century advocate of the freedom of conscience. It also sheds light on the political opinion and the religious policy of L'Hôpital. L'Hôpital was one of the few members of the royal council who, while sincerely wishing for religious uniformity, realized that toleration of Protestants was the only alternative to civil war. He was aware that in the current situation religious uniformity under Catholicism could not be achieved without endangering the state. The fiasco of the Colloquy of Poissy in 1561 convinced L'Hôpital that limited toleration of Protestants was the only way of escape from prolonged anarchic confusions and crisis. When efforts to achieve unity of faith caused violence and disorder, they were no longer promoting stability of the state.

L'Hôpital did not deny the unquestioned value of religious agreement. He believed, as did other members of the royal council, that religious uniformity was important for maintaining the unity of the kingdom. But L'Hôpital was also convinced, perhaps more so than has been acknowledged by Turchetti, that a measure of toleration had a better chance to spare the kingdom from civil conflict. L'Hôpital was not an advocate of a full-blown theory of toleration, yet his ideals were not dictated by the goal of concord. Indeed, L'Hôpital does not seem to fit into the dichotomy of concord and toleration in the sixteenth century. The key to understanding L'Hôpital's religious policy instead seems to lie in his steadfast focus on finding a mean between persecution and toleration by distinguishing seditious Huguenots from Huguenots of conscience. He struggled to preserve peace, and to achieve that end, he was prepared, although reluctantly, to tolerate Protestantism. L'Hôpital's position eventually caused his estrangement from his former patron, the cardinal of Lorraine, who did not contemplate the possibility of legalizing the Huguenot religious services.

L'Hôpital's uphill battle for religious moderation during his chancellorship represented his fundamentally idealistic belief that religious coexistence could work in France. An indelible trace of idealism in his thought was more dramatically revealed in his advocacy of unchallenged royal authority and his reform programs. During the troubled age of the religious conflicts, L'Hôpital believed that only strong royal authority would spare France from further calamities of civil war. He believed that contemporary society, on the verge of fragmentation, needed a powerful prince with absolute sovereignty to hold it together. One major interpretive proposition of this study is that L'Hôpital represents a rare force of



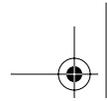


continuity in a long evolutionary trend towards royal absolutism in France. The French religious wars have been viewed as an interlude in this movement toward greater authority of the crown. France had experienced national consolidation under Francis I and Henry II, and after more than thirty years of civil war, emerged with renewed centralization under Henry IV. Defending and reasserting royal authority during this unprecedented civil conflict, L'Hôpital occupied an important position in the development of the French monarchy, linking the powerful rule of Francis I and Henry II to that of the early Bourbon kings. Apart from his constitutional ideas that emphasized royal power—which were the natural outgrowth of his strong national feeling—it is possible to find in L'Hôpital's policies many anticipations of later absolutist policies. Most notable were the sweeping ordinances he drafted and intended to apply across the whole kingdom. Furthermore, his head-on confrontations with the powerful interest groups such as the clergy and the Parlement of Paris clearly foreshadowed a more absolute form of monarchy. These efforts amply attest to his serious intentions of reasserting royal authority, and L'Hôpital can thus legitimately be viewed as a prototype of the seventeenth-century absolutist ministers.

L'Hôpital articulated his apology for unchallenged royal authority in his responses to systematic opposition from the Parlement of Paris. The alienation of L'Hôpital from the Parlement of Paris serves as an important point of reference in this study. During the religious wars, repeated resistance by the Parlement of Paris to the registration of the edicts of toleration convinced the chancellor that the intransigence of parlements constituted the main obstacle to royal efforts to bring the civil conflicts to a close. It has been argued that L'Hôpital's policy of religious toleration was unsuccessful because it was incompatible with the orthodox mentality of the Parlement of Paris. The remarkable lack of collaboration between the royal government which L'Hôpital headed and the magistrates requires, however, an examination of the full ramifications of the Parlement's opposition, not just from the religious angle but also from the perspective of conflicting constitutional pretensions as well as separate interests. L'Hôpital's reassertion of royal authority, in particular his efforts to limit the Parlement's right of remonstrance, clashed with the *parlementaires'* claim of their venerable historical role in the legislative process. This constitutional tension was, in turn, exacerbated by the religious issue, because the Parlement was vehemently opposed to the chancellor's toleration policy.

L'Hôpital was convinced that disorder in society was prompted by the disarrayed legal system and judicial breakdown. He thus sought for a strong centralized government that could carry out judicial reforms and





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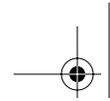
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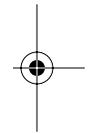
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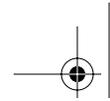
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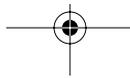
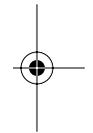


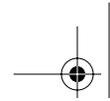
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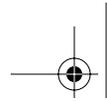
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