Religion and Royal Justice in Early Modern France
Habent sua fata libelli

Sixteenth Century Essays & Studies Series

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Religion and Royal Justice
IN EARLY MODERN FRANCE
The Paris Chambre de l’Edit, 1598–1665

Diane C. Margolf
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Acknowledgments

This book began with an offhand reference to the special law courts mandated by the Edict of Nantes which I heard in a lecture during my first year in graduate school. In the intervening years, as it has developed from a seminar paper to a dissertation, through conference papers and essays to a monograph (with much revising in between), I have incurred many debts which it is now a pleasure to acknowledge. My research was funded by a Bourse Chateaubriand in 1987 through 1988, which enabled me to spend a second year reading seventeenth-century court documents in Paris, as well as later grants by the Department of History of the College of Charleston and the Professional Development Program at Colorado State University. A number of advisors, friends, and fellow scholars have sustained my work on the Chambre de l'Edit with their interest, comments, and suggestions: the late Harry Miskimin, Keith Luria, David Underdown, Lee Palmer Wandel, Amanda Eurich, Al Hamscher, Ron Love, Peter Sahlins, Maarten Ultée, Bertrand Van Ruymbeke, and Michael Wolfe. A special thanks to Ray Mentzer, who is in a sense the godfather of this project; had he not encouraged me to continue with it at a very early stage, it might never have reached the printed page. In Paris, Mme Marie-Noelle Baudouin-Matuszek provided invaluable assistance, friendship, and hospitality to a novice American graduate student, which have continued ever since our first meeting. The late M. Yves Metman offered some timely lessons in paleography, and Mme Marie-Aimée Belle (along with her daughter Nadège) taught me a great deal about the Parisians of today while I was studying those of the early modern era. I also acknowledge the staffs of the Archives Nationales (now the Centre d'Accueil et des Recherches des Archives Nationales), the Bibliothèque Nationale, the Bibliothèque de la Société de l'Histoire du Protestantisme Français, the Beinecke Rare Book and Manuscript Library, and Sterling Memorial Library at Yale University for their assistance.

Finally, I thank my parents for their love and support throughout my years of study, teaching, writing, and research. This book is dedicated to them.
Introduction

In February 1602, a Huguenot weaponry maker named Noel Billot stood before a panel of magistrates in a chamber of the Palais de Justice in Paris. A year earlier, the royal judge and prosecutor in Billot's native town of Mâcon had convicted him of "using at various times in public places seditious language and discourse tending to scandal, against the edicts and rules of pacification." Billot had been ordered to leave Mâcon within three days or risk being expelled by the authorities, but he appealed to the Chambre de l'Edit, a special law court affiliated with the Paris parlement which heard lawsuits involving French Calvinists, or Huguenots. The Paris judges rejected the sentence of banishment and formally rebuked Billot for his disruptive behavior, then ordered him to return home to Mâcon, "to live there and comport himself modestly according to the king's edicts."

The case of Noel Billot illustrates many of the issues explored in the pages that follow. This book is about litigants like Billot and the legal disputes they brought before the Paris Chambre de l'Edit in seventeenth-century France. The chamber's origins lay in the Wars of Religion of the later sixteenth century, when Huguenots feared the partisanship of the predominantly Catholic judiciary. In 1598, the Edict of Nantes declared an end to the warfare and provided a legal blueprint for future relations among Huguenots and Catholics in France. Its provisions reflected elements found in many previous edicts of pacification and offered an institutional guarantee of protection and privileges for the Huguenot minority: special law courts, composed of both Huguenot and Catholic magistrates, which would resolve disputes involving Huguenot litigants. Chambres mi-parties, so called because they included equal numbers of judges from both confessions, were

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1 Archives Nationales (hereafter A.N.) X2b 205, 5 February 1602: Noel Billot, fourbisson...attainct et convaincu d'avoir usé divers fois en public de plusieurs langages et discours seditieux et tendant à scandalle contre les edicts et reglemens de pacification. (Punctuation and accents have been added for clarity in French quotations from these documents, but the original spelling has been preserved. All translations are my own unless otherwise noted.)

2 A.N. X2b 205, 5 February 1602: [La cour] luy a permis et permet de se retirer en sa maison en ladite ville de Mascon pour y vivre et se comporter modestement suivant les edicts du Roy.
to be affiliated with the parlements of Grenoble, Bordeaux, Rouen, and Toulouse. A fourth court, christened the Chambre de l'Edit or “chamber of the edict,” would be established for the Parlement of Paris. The Paris Chambre de l'Edit functioned under this mandate until formally dissolved by royal edict in 1669.

This book analyzes the Chambre de l'Edit's role in seventeenth-century France from several different perspectives. Because of its broad jurisdiction, the Chambre de l'Edit provides a unique avenue for examining the problems that Huguenots faced individually and collectively after 1598. The court's records allow us to study the issues of religious conflict, coexistence, and toleration long associated with the Edict of Nantes and its aftermath, using previously unexplored source materials. The chamber's work also reflects the monarchy's efforts to restore peace and enhance its authority in the French state and society, a development often referred to as “absolutism.” Finally, the court's activities provide valuable insight into competing concepts of community and identity in seventeenth-century France. The effort to define, establish, and maintain order amid political, social, religious, and cultural change—a significant theme in early modern French history—clearly emerges in the Chambre de l'Edit's adjudication of legal disputes.

The chamber's written orders and decisions (minutes d'arrêt) for criminal cases during the period 1600–1665 form the principal documentary basis of this study. For the first decade (1600–1610), every criminal case for each year was examined; thereafter, samples were taken from the records at five-year intervals up to 1665. This produced a collection of approximately 3,600 minutes d'arrêt, spanning the period immediately following the Edict of Nantes through the early years of Louis XIV's personal reign. Though the Chambre de l'Edit judged civil as well as criminal matters, this study concentrates on the latter in order to focus on a central issue in the court's work: its enforcement of the Edict of Nantes. Criminal cases offer the most fruitful area for exploring the problems associated with the edict's mandate of peaceful coexistence among Huguenots and Catholics, for such cases usually involved behavior—verbal and physical violence, for example, or disputes about clandestine marriages and illegal burials—which directly challenged the law's requirements. Since most of the Chambre de l'Edit's cases were heard on appeal, one can also see how criminal offenses associated with the Edict of Nantes were dealt with by lesser courts, and how the chamber judges upheld, overturned, or modified the sentences and punishments decreed by local authorities.

The minutes d'arrêt present some frustrations for the historian eager to have a complete picture of the court's work. In some cases, the documents give the technical details about the proceedings in a given lawsuit but are silent regarding the substance of the dispute. A single lawsuit may spawn a bewildering array of countersuits and related accusations; other cases continue across several months or
years in the records, only to disappear without a final decision. Some litigants are clearly identified as members of "the so-called reformed faith" [la religion prétendue réformée], but in other cases it is unclear which of the parties is Huguenot and which is Catholic. Huguenots might very well sue each other, and litigants’ claims to the status and privileges of being Huguenot (and therefore entitled to judicial appeal before the Chambre de l’Edit) were sometimes challenged by their opponents. French royal judges exercised great latitude in deciding cases and specific references to judicial precedents are rare, so one must infer the reasons for the judges’ decisions from the available information. Moreover, the Paris Chambre de l’Edit’s members included only one Huguenot. Analysis of confessional divisions among the court’s judges is therefore more difficult than in the case of the provincial chambres mi-parties.3

Despite these problems, the Chambre de l’Edit’s records reveal valuable information about the people who appealed to the court and the kinds of complaints they brought forth. Litigants are usually identified in the minutes d’arrêt by name, title or profession, family affiliation, and place of residence or origin. This provides a view of the hundreds of men and women from all levels of French society (and sometimes from foreign countries) who appeared before the chamber magistrates. The court heard accusations of blasphemy and insult, illicit marriages and contested inheritances, street fights, murders, thefts, and forgeries, proving that the Chambre de l’Edit in fact exercised the broad criminal jurisdiction which the Edict of Nantes had accorded it on paper. During the reign of Henry IV and for much of the seventeenth century, the Chambre de l’Edit was thus actively involved in the complex task of implementing the Edict of Nantes’s provisions for religious coexistence and maintaining the peace among French subjects.

In interpreting the significance of the court’s activities, this study attempts to present the Paris Chambre de l’Edit as a legal institution in cultural context. This means seeing the chamber not only as a special law court for Huguenots and a part of the royal judiciary, but also as a powerful symbol of the Huguenots’ protected yet limited status in Catholic France. The meaning and importance of the court’s work cannot be measured solely in terms of how many cases it heard or what kinds

of decisions it rendered, though that information is certainly essential to this study. As a symbol of the privileges guaranteed under the Edict of Nantes, the Chambre de l’Edit was vigorously defended by Huguenots from attacks by their Catholic opponents, with both sides appealing to the crown to protect or condemn the tribunal. What the court represented to Huguenots, Catholics, and the monarchy was perhaps as significant as its actual adjudication of legal disputes. The Chambre de l’Edit’s symbolic value and everyday activities were both directly related to contemporary concerns about religious difference, law, and identity. 4

For many people in seventeenth-century France, religious pluralism remained a serious threat to social and political order, which the Edict of Nantes did not resolve. Although peaceful coexistence was mandated by law and actually occurred in some localities, many Catholics abhorred the Huguenots’ continued presence in France and looked to the Bourbon kings to combat the Calvinist heresy. At the same time, Huguenots tried to represent themselves to the monarchy as loyal, obedient subjects who did not disrupt society nearly as much as those Catholics who clamored for their destruction. Huguenots also relied upon a variety of institutions—consistories and synods, political assemblies, and deputies-general—to lead and preserve their communities. Yet they gradually lost their military garrisons, aristocratic leaders, legal privileges, and royal protection, a process that culminated in the revocation of the Edict of Nantes in 1685. The Huguenots’ failures thus seemed to assure the success of both “royal religion” and the Catholic Reformation in France. 5

The Paris Chambre de l’Edit sheds new light on the Huguenots’ troubled history during this period. Litigants’ disputes with family members, neighbors,


and local authorities were often at the heart of the cases that the chamber magistrates heard; the court’s records thus offer a perspective on how royal judges sought to resolve such local and personal conflicts when they were appealed to a higher court. The Chambre de l’Edit’s work also illustrates how religious identity was closely entwined with secular laws and privileges. In order to justify their appeals to the Chambre de l’Edit, many litigants framed their complaints as infractions of the Edict of Nantes or other laws concerning the Huguenots; other litigants claimed the status of Huguenots as the basis of their appeals, regardless of the crime at issue. Such efforts suggest that one’s religious identity was not only a matter of belief and worship, but also was tied to the assertion of privileges that distinguished one confessional group from another. Most of all, the chamber’s activities highlight the central paradox of the Huguenots’ position in the French state. Appearing before the magistrates of the Paris Chambre de l’Edit, Huguenot litigants (and their opponents) could air grievances and protest mistreatment even as they submitted to the authority of royal justice. In short, they could simultaneously obey and challenge the law. Their disputes exemplified the Huguenots’ energetic but ambivalent struggle with French authorities, especially the monarchy and the judiciary.

While the Chambre de l’Edit’s work reflected the problems associated with religious pluralism in early modern France, it was also linked to issues concerning law and governance more generally during this period. In implementing the Edict of Nantes, the court carried out royal policies that were often prejudicial to the religious minority. This implies a linear, hierarchical connection between judges and litigants, king and subjects, Catholic majority and Huguenot minority: a straightforward relationship of domination by the rulers and submission (despite resistance) by the ruled. Yet the chamber functioned within a complex of beliefs and practices about law and governance that were anything but straightforward. The court was not simply an instrument for protecting or persecuting Huguenots, but rather an arena where many issues about Huguenots were contested, and where the results of such contests were varied and uncertain. In the largest sense, the Paris Chambre de l’Edit was involved in the task of defining, establishing, and maintaining social and political order in seventeenth-century France.

Law itself was an essential element of order in society and the state, though like religion it was problematic. Even laws promoted by kings and enforced by judges could become double-edged swords, generating disorder and conflict rather

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