

The Judicial Court Structure of Sixteenth-Century France

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Although there are several books in the French language that outline government institutions during the *Ancien Régime*—written by established scholars such as Bernard Barbiche and Roger Doucet—an English monograph has yet to be created that discusses the various institutions in sixteenth-century France.¹ Institutions, primarily the judicial courts, bound France as a single country tying a provincially segmented people to a single monarch. The diversity of French dialects, local laws, or cultures could not unify the kingdom under a common milieu. This essay is not the place for a detailed translation of immense referential works written by scholars on early modern French institutions. Instead, it will provide a rudimentary overview on the judicial system's basic bodies in sixteenth-century France. The complex juridical structures will be simplified by discussing basic units and their locations in the kingdom and attempt to explain the layers of justice on a multilevel administrative cake.

The purpose of writing this paper is to help my students who lack the language and resources to understand the basic judicial structure in French history. Many of my students have high interests in Huguenot history through the works and missionary heart of John Calvin. However, they find French legal politics extremely complicated. When they read textbooks, these institutions are never discussed as a whole system but in parts. My goal is to simplify their research by discussing the juridical structure. This essay will paint a plain picture for the neophytes in French studies, before they enmesh themselves in the administrative complexities of the kingdom. Anti-Huguenot royal acts and activities will be used as examples to navigate the French court system and help students connect French Protestants to the judicial

1. Bernard Barbiche, *Les institutions de la monarchie française à l'époque moderne* (Paris: Presses Universitaires de France, 2001). Roger Doucet, *Les institutions de la France au XVI siècle*, 2 vols. (Paris: Editions A. et J. Picard, 1948).

institutions of France's legal world showing that every institution was affected by them.²

As a start, students may want to familiarize themselves with Jean Crespin and his *Book of Martyrs*.³ His book was first published the same year as John Foxe's martyrology and Ludwig Rabus' Lutheran equivalent in 1554. Interestingly, Crespin's recorded martyrdoms undermined the Gallic court structure and methods. William Monter notes

With this book Crespin attempted to turn the existing French judicial system on its head, transforming its rituals of public atonement and bonfires of heretical bodies and heretical writings into present-day symbols of an ongoing apostolic tradition . . . [A]ll three Protestant authors [Crespin, Foxe, and Rabus] worked from the same premise, that there was a fundamental continuity between ancient martyrs for the truth of the gospel and some of their medieval predecessors, which continued to the present day . . . [A]ll three martyrologists shared St. Augustine's dictum that "not the punishment but the cause makes a martyr" and therefore excluded all Anabaptists.⁴

Intelligently, Crespin evinced the perception that the French court system in all its advancement, progress, and godly goals was reduced to an antiquated anti-Christian butchering instrument. Although Monter demonstrates that heresy executions were more uncommon than common in *Judging the French Reformation* during the sixteenth-century, Crespin nonetheless plays a large role in how the French judicial system is seen as a maliciously evil executioner of innocents in Huguenot history. This essay will now discuss the rudiments of the judicial structure to which Crespin undermines.

Judicial Structure Overview

France was much more complex than most other European states because of its sheer size. England is a size of a large French province and comparatively, the culture was more homogenous. France's large

2. The term, "Huguenots," will be used interchangeably with the word, "Protestants," and thus will also include the so-called "Lutherans" and "sacramentarians" who existed before Calvin's time in Geneva.

3. This book has undergone many editions since its initial publication in 1554. A 1608 edition can be found online. Jean Crespin, *Histoire des martyrs persécutés et mis a mort pour la vérité de l'Évangile* (Geneva: np, 1608), accessed November 30, 2013, http://books.google.co.kr/books?id=g6JDAAAACAAJ&prints=ec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false.

4. William Monter, *Judging the French Reformation: Heresy Trials by Sixteenth Century Parlements* (Cambridge: Harvard University Press, 1999), 143.

topography and landscape prevented a simple union among its rustic citizens. Yet to overcome provincial differences, France was in many ways progressing towards modernism faster than other European states and kingdoms in communication and government procedure.⁵

France's judicial structure in the sixteenth century had in the minimum four tiers. At the top is the king and his personal judicial court, the *Grand Conseil*. Outside this royal court were semi-autonomous institutions. Each establishment's authority was a physical emanation of the monarchy's judicial role. Their purpose was to assist the king, to help him fulfill his manifold (and arguably evolving and expanding) duties which included the role of judge, legislator, and protector of the realm. The institutions can be read at the end of many royal decrees, such as the Edict of Toleration (1598) when Henry IV offered Huguenots some religious toleration and rights in the kingdom. Traditional closing words often state that the edict should be read in the *parlements, chambre des comptes, cour des aides, bailliages, sénéchaussées, et prévôtés*.⁶

Simply put, the sovereign courts were the *parlements, chambre des comptes, and cour des aides*. The intermediary courts were the *bailliages and sénéchaussées*; they were also royal courts of first instance. The lowest inferior courts were the *prevôtés* where local town trials were held. The chart below ranks the courts according to prestige and rank.



5. England and France possessed the most advanced and influential forms of government. In terms of size, England has a size of a large province in France. Joseph R. Strayer, *On the Medieval Origins of the Modern State*, with new forwards by Charles Tilly and William Chester Jordan, a Princeton Classic Edition (Princeton: Princeton University Press, 2005), 35-36. First edition was printed in 1970. Concerning advanced communication, see Lauren J. Kim, "French Royal Acts Printed Before 1601: A Bibliographical Study," 2 vols. (doctoral thesis, University of St. Andrews, 2008), 1:24-25.

6. As an example, "cours de parlemens, chambres de noz comptes, courtz de noz aydes, baillys, senechux, prevostz et autres noz justiciers et officers." Henry IV, *Edict du roy et declaration sur les precedents edicts de pacification* (Paris: Jamet Mettayer and Pierre L'Huillier, 1599), sig. G3r. Paris, Bibliothèque nationale de France: F 46905 (3).

From the perspective of appeals, a commoner in a small town can begin his case locally and appeal to a royal court, for example, a bailliage. He can then appeal to a local parlement, and if the king was interested, by the king himself through the Grand Conseil. For example, Mark W. Konnert translates from Jean Crespin's *Book of Martyrs*, "In 1559, a colporteur was arrested in Châlons for selling bibles. He was taken...to Paris, where he was condemned to death."⁷ Châlons-sur-Marne (today, Châlons-en-Champagne) possessed a bailliage (to be more precise, a siège particulier of the the bailliage of Vermandois).⁸ Since the location is under the geographic jurisdiction of the Parlement of Paris, he would have held his final trial in Paris where he was executed.

Monter provides a good discussion on French criminal law in his introduction to *Judging the French Reformation*.⁹ Basically, France divided crimes into two types: *cas énormes* (enormous crime) and *droit privé* (private law). The latter consisted of crimes such as thefts, vandalism, assault, and murder which were brought to court by private citizens; enormous crimes, in contrast, were cases brought to court by the state and the punishment was death.¹⁰ Monter lists these crimes as heresy, blasphemy, sacrilege, witchcraft, infanticide, homosexuality, murdering one's spouse, incest, and poisoning.¹¹ Protestants were tried because they did not hold fast to the tenets of the Roman Catholic Church; they were—in the eyes of Roman Catholics—heretics. In the sixteenth century, it is important to note that heresy's subversion was not limited to the church and their doctrines. Its reach also undermined the French patriotic maxim "one king, one law, one faith," in other words, the monarchy.¹² The statement comes from the saying, "one Lord, one

7. Jean Crespin (1520-1572) was a martyrologist and printer. He chronicled French Protestant martyrdom during the sixteenth century. He first published *The Book of Martyrs* in 1554 in Geneva in the same year as John Foxe. His 1570 edition focused on the French church. This translation of Jean Crespin can be found in Mark W. Konnert, *Local Politics in the French Wars of Religion: The Towns of Champagne, the Duc de Guise, and the Catholic League, 1560-95*. St Andrews Studies in Reformation History (Aldershot: Ashgate, 2006), 41. Jean Crespin, *Histoire des martyres: Persecutez et mis à mort pour le vérité de l'évangile, depuis le temps des apostres jusques à present*, ed. Daniel Benoît (Toulouse: Société des livres religieux, 1885), 1:247-50.

8. Konnert, *Local Politics in the French Wars of Religion*, 206.

9. Monter, *Judging the French Reformation*, 7-25.

10. Monter, *Judging the French Reformation*, 11.

11. See Table 1 in Monter, *Judging the French Reformation*, 12.

12. The statement was more like a rallying cry towards a goal rather than an indication of what France was. William T. Cavanaugh, *The Myth of Religious Violence: Secular Ideology and the Roots of Modern Conflict* (Oxford: Oxford University Press, 2009), 174.

faith, one baptism” (Eph. 4:5 ESV). For the French people, what bound them together were the institutions of the monarchy, the courts, and the church just as Christians were bound to the Lord Jesus Christ, through faith (invisible citizenship) and baptism (visible citizenship). During the early modern era, France lacked the cohesion of today’s modern nation, failing to possess a single culture, language, and in practice, law.¹³ Thus this belief, “one king, one law, one faith,” settled on a tenuous and fragile unity which will be demonstrated later in this essay when discussing provincial parlements and the bailliages and sénéchaussées. Breaking the perceived integrity of the kingdom by ways of separating themselves from the Roman Catholic Church was tantamount to civil rebellion against the kingdom and king.¹⁴

Courts

Outside the chancellery, sovereign courts can be divided into two types: (1) judicial and (2) financial courts. They were semi-independent institutions that managed the kingdom on behalf of the king during the medieval era. At this point, it may be helpful to discuss the word, court. The renown medievalist Joseph Strayer summarizes the following insight:

“Court” is of course an ambiguous word, at first it meant no more than the great men—bishops, barons, and household officials—who were with the king. But even in the eleventh century some of these men were more apt to be called on to deal with legal problems than others, and during the twelfth century a group of royal justices appeared.¹⁵

In this essay, the word, court, refers to the royal entourage as well as the institutions that developed out of the king’s personal household and council such as the Parlement of Paris and the Grand Conseil.

French kings worked within the framework of justice during the Middle Ages. European rulers dispensed justice. It was the one prerogative that the Western church agreed that secular rulers possessed and it was expressed through the old Gallic understanding that “the king is

13. Thus, from the perspective of a politician, it is easy to think that unity through a king and religion would help perpetuate national sentiment. Legal unity was not achieved in France until Napoleon. See George Mousourakis, *The Historical and Institutional Context of Roman Law*, Laws of the National Series (Aldershot: Ashgate, 2013), 436.

14. Later in the sixteenth century, the royal government through Michel de L’Hôpital, the royal chancellor, unpopularly separated these two points: sedition and heresy.

15. Strayer, *Medieval Origins*, 38.

most royal when sitting in justice.”¹⁶ In other words, the king’s ultimate purpose was to dispense justice in this world.

On a practical level, the king, unlike the church, had the local means to execute justice.¹⁷ Thus, the king not only had a right to exist but had a divinely-appointed purpose to act as God’s earthly judge. The modern separation of powers—executive, legislative, and judicial—did not exist in different bodies during the medieval age. They all existed through one person, the king. His executive and legislative powers were justified by the king’s purpose to administer fair rule. Justice became a source of power. When people accepted royal judgment on cases, they also accepted his ruling and rule in the broader sense. Executing justice was one of the most important duties—if not the most important—of the king.

By the end of the sixteenth century, France developed a complex body of judicial bones, nerves, and organs. For non-French specialists, it is difficult to untangle the judiciary system formed by centuries of institutional evolution. The rest of this work will discuss the courts in the order of the authority and prestige as shown in the previous section starting with the king and his Grand Conseil, then to the sovereign courts, followed by the more common local courts.

The King and the Grand Conseil

The king always had plenary powers and by extension, so did his privy council, *Conseil Privé*. It was a nebulous group mixed with royal blood, nobility, and favorites. They were by no means specialists on domestic policy but simply highly ranked individuals close to the king. Nevertheless, they determined the policies and direction of the kingdom. Members consisted of persons invited by the king and these same types of people, if not the same persons, would sit as members of his personal, judicial court: the Grand Conseil. Under Henry II, the Grand Conseil became a permanent institution when it was fixed in Paris.

16. William Monter, *Judging the French Reformation*, 7. The king’s imagery is taken from the Old Testament. For a biblical perspective on kingship, see Marc Zvi Brettler, *God is King: Understanding an Israelite Metaphor* (Sheffield: Sheffield Academic Press, 1989), 81-82.

17. The papacy and church were able to subdue secular powers after the Investiture Controversy and Gregorian reforms. However, they did not have the resources to execute judicial powers. They had to rely on the state. John Witte, Jr. “Introduction,” in *Christianity and Law: An Introduction*, ed. John Witte, Jr. and Frank S. Alexander (Cambridge University Press, 2008), 10, 12.

The Grand Conseil can only be convoked by the king as it was believed that he was “emperor in his own kingdom.”¹⁸ Thus he reserved the right to interfere in any government affair he chose and make a final judgment on any matter. In theory, all final appeals can go to him; the Grand Conseil was his personal, judicial court. The Grand Conseil is not to be confused with his privy council, although members as stated before may belong to both groups. Kings rarely called this court together but when they did, its presence was a source of tension between the Crown and in particular, the Parlement of Paris.¹⁹ This tension will be explained further under the section of the Parlement of Paris using the example of the trial of Louis Berquin (c. 1490-1529), one of the more famous martyrs, who was executed for his “Lutheran” beliefs.

Parlements

The sovereign judicial courts were called parlements. They were as autonomous as a royal institution can be in that they were self-sustaining, self-perpetuating, and self-governing.²⁰ They derived their authority, their right to judge cases, from the king. Unlike the Grand Conseil, parlements met regularly. The king or his council did not have to oversee its daily operations or sit in sessions although a royal representative did exist called *procurer général du roi* (general prosecutor of the king), whose main duty was to ensure the king’s laws were registered in a timely manner. Unlike the Parliament in England, these parlements were not a gathering of representatives.²¹ Members of the French parlements were the kingdom’s premier judges and they sat in the highest judicial courts.

18. *Rex est emperor in suo regno*. Albert Rigaudière, “Devising and Drafting the Law in Fourteenth-century France,” in *Legislation and Justice*, ed. Antonio Padoa-Schioppa, European Science Foundation (Oxford: Oxford University Press, 1997), 75.

19. Émile Campardon, “Grand Conseil et Conseil Privé,” in *Repertoire numerique des sous-series V⁵ et V⁶*, Archives nationales, reviewed by Jean-Pierre Bruterch and Françoise Hildesheimer (Paris: Centre historique des Archives nationales, 2000), 79-80, accessed September 26, 2013, <http://www.archivesnationales.culture.gouv.fr/chan/chan/fonds/EGF/SA/InvSAPDF/V56.pdf#search=%22%22grand%20conseil%22%20%22conseil%20priv%C3%A9%22%2278>.

20. Nancy Lyman Roelker, *One King, One Faith: The Parlement of Paris and The Religious Reformation of the Sixteenth Century* (Berkeley: University of California Press, 1996), 4.

21. The *États-Généraux* (Estates-General) was a national meeting of representatives from the three classes of France: clergy, nobility, and the third estate, which represented everyone else. The *États-Généraux* was the closest, most comparable institution to Britain’s Parliament.

They judged cases and kept legal records. In addition, they registered new laws. Legislation was made from the king and his privy council and sent to the parlements for registration and application in their courts.

The most prestigious, largest, and oldest of the parlements was the Parlement of Paris.²² For over 140 years, it was the only parlement in France and the court of final appeal. Over time, kings established other parlements and matching sovereign courts in different parts of France to accommodate the laws and customs of each region.²³ By the end of the sixteenth century, there were parlements inside French borders: Toulouse, Bordeaux, Grenoble, Aix-en-Provence, Rouen, Rennes, and Dijon. To help administer neighboring lands, there were parlements in three towns: Chambéry (for region of Piedmont), Dole (for Franche-Comté) and Lyon (for Dombes). Each parlement was the court of final appeal in their regions; rulings made in one parlement did not affect or change judgments and legislation in other parts of the kingdom. Legislation passed in the Parlement of Toulouse in the region of Languedoc did not affect the region of Burgundy, whose parlement was in the town of Dijon. Sovereign courts were the supreme courts in their assigned principalities including the Parlement of Paris. Although national laws were registered in Paris first then passed to provincial parlements to register, Parisian laws cannot undermine another parlement's jurisdiction. Only the Grand Conseil, as the king's personal court, had the authority to change any ruling in any situation anywhere. The following section will discuss the parlements of France in two parts: (1) Paris and (2) the provinces.

The Parlement of Paris

The *parlementaires* of Paris jealously guarded their parlement's title as the supreme and most prestigious court of France. During the early medieval era, and before the existence of the parlements and Grand Conseil, kings personally heard cases and made judgments after consulting their counselors in their personal courts. Citizens were allowed to share their grievances to the king directly. As the number of cases increased, and as the French monarchy sought to expand its borders, royal counselors made judgments on the king's behalf. This group eventually became a semi-independent institution. Members became professionals as they dedicated their careers to judicial causes and judgments of the kingdom. They no longer traveled with kings who traditionally

22. The exact numbers fluctuated but an overall increase in officers can be seen. For example, in 1499 there were 83 officers, in 1515, 100, in 1546, 165. See the first footnote in Doucet, *Institutions de la France*, 1:168, 170.

23. Strayer, *Medieval Origins*, 72-73.

moved around visiting parts of the kingdom. They remained behind in Paris, the kingdom's chief town, at the Palais de Justice. They did not have to be summoned by the king because they met regularly. Historically, this group was part of the king's original personal court, *curia regia*, but later in the Middle Ages, it became a permanent judicial court (as we understand the word today). The original parlement was established in Paris by 1301.

Several centuries later, in the early modern era, the Parlement of Paris no longer acted as the king's personal court but as an independent body. Parlementaires saw themselves as "the corporate institution par excellence . . . Guardian of the laws, Parlement alone could apply the check of justice to the crown and maintain the constitutional equilibrium."²⁴ They believed that they were the king's co-workers and co-guardians of France. The monarchy felt, understandably, otherwise; to kings, they were servants who assisted sovereigns.

Thus, when the king felt the need to intervene in the judicial process, he was exercising his divine right. He used one of two means to get involved in judicial affairs: (1) show up and sit through judicial proceedings through a royal *séance* called a *lit de justice*.²⁵ These special sessions were usually called to expedite the registration of an unpopular law. The king's presence put pressure on dissenting magistrates to register a new law to make it official. If the king wanted to interrupt or control a trial, he can (2) convoke the Grand Conseil. In both cases, parlementaires found his interference and presence intrusive and obstructive rather than productive and natural.

When Henry II heard that Protestant sympathizers existed in his Parlement, he held a *lit de justice* on June 10, 1558 following the harsh Edict of Compiègne (1557). Roelker described the edict as "Draconian." It applied the death penalty, "without appeal" for Protestants.²⁶ It was not enforced well since members of Parlement felt that it was influenced by the papacy and Inquisition;²⁷ as much as the parlementaires detested

24. Roelker, *One King, One Faith*, 80.

25. When the king sat in a parlement's session it was called a *lit de justice* (literally, bed of justice). On more information, see Sarah Hanley, *The Lit de Justice of the Kings of France: Constitutional Ideology in Legend, Ritual, and Discourse*. Études présentées à la Commission internationale pour l'histoire des assemblées d'état (Princeton: Princeton University Press, 1983). Hanley's work is formidable though some scholars disagree with her conclusions. For more information on the perspectives of the parlementaires, see Roelker, *One King, One Faith*, 69, 72-73.

26. Roelker, *One King, One Faith*, 231.

27. Malcolm Smith, *Montaigne and Religious Freedom: The Dawn of Pluralism* (Geneva: Librairie Droz, 1991), 15.

the king's presence, they reviled Romish interference even more in the name of Gallicanism. Knowing that there was opposition in the Parlement, the king focused on the possibility that Genevan sympathizers infiltrated his courts rather than focusing on Parlement's general and historical anti-Rome sentiments. In this process, six Protestant-sympathizing magistrates soon found themselves arrested after a *conseiller*, Anne du Bourg, delivered a bold harangue before the king. The others recanted their Protestantism while Du Bourg sealed his fate; during his imprisonment, he wrote that people did not have to recognize an ungodly ruler's authority. Mack Holt describes Du Bourg as extreme, "Even Calvin had refrained from going that far and it was no surprise to most Parisians when Du Bourg was soon thereafter burned at the stake not just for heresy, but significantly for sedition and *lèse-majesté*."²⁸

Parisians may not have been surprised by Du Bourg's execution but it nonetheless rattled the Continent. Outside Paris, European Protestants were watching the Du Bourg proceedings. Geneva received an influx of French refugees including future Calvinist crusader, Lambert Daneau.²⁹ The Netherlands published sympathetic books as Andrew Pettegree discusses its impact there:

The trial and execution of the Protestant magistrate Anne du Bourg in 1559-60 was an event which sent shock waves around northern Europe, since du Bourg, a magistrate of the Parlement of Paris, was the most highly placed recent victim yet of the heresy proceedings in France.³⁰

In addition, Du Bourg's execution was not without resentment. Robert M. Kingdon writes that it upset many people in the juridical world, "the whole case created an uproar, especially in juristic circles, and did much to strengthen the Calvinist cause."³¹ Henry II thus far with his lit de justice and execution of a parlementaire demonstrated not so much his interest in the welfare of the kingdom but rather his own egoism and power.

The Grand Conseil is also an alternative for kings to exert their power. The conseil was used as his preferred court to best represent his personal interest in particular trials. The tactic undermined the

28. Mack P. Holt, *The French Wars of Religion, 1562-1629*, 2nd ed. (Cambridge: Cambridge University Press, 2005), 41.

29. Scott M. Manetsch, *Calvin's Company of Pastors: Pastoral Care and the Emerging Reformed Church* (Oxford: Oxford University Press, 2013), 56-57.

30. Andrew Pettegree, *The French Book and the European Book World* (Leiden: Brill, 2007), 118.

31. Robert M. Kingdon, *Geneva the Coming of the Wars of Religion in France, 1555-1563* (Geneva: Librairie Droz, 2007), 64.

Parlement's identity as the king's original court and belittled their judicial process by passing over it. Nonetheless, it was the most efficient way for the monarchy to directly settle a case. An example of the tension between the king and the Parlement of Paris was the trial of Louis Berquin (ca. 1490-1529).³² After the Parisian Faculty of Theology declared Berquin as a heretic, the Parlement of Paris imprisoned him in August 1523. The king's sister, Marguerite of Navarre, pleaded the king for Berquin's release as he was part of her circle of intellectuals. The king, Francis I, intervened by invoking his Grand Conseil. Berquin was set free three days later and parliamentary investigations ceased. However, it put members of the Sorbonne and Parlement at odds against the king. They questioned his orthodoxy and determination to protect the kingdom from heresy. Then while Francis I was held captive by the Holy Roman Emperor, Charles V, in Madrid, the Parlement arrested Berquin again taking advantage of the king's absence. When the king heard of their attempts, he responded and was able to stop the criminal process in November 1525. After his imperial release from captivity, Francis I returned to Paris and rebuked the Parlement for their subversive actions and temporarily relieved the Parlement from trying heretical cases. Berquin was freed again.³³

Here, the Grand Conseil challenged the Parlement's rank. Parlementaires could no longer call themselves supreme justices if another body can reverse their rulings regardless of the other council's rare, sporadic interventions. On one hand, French institutions including the Parlement of Paris derived its authority from the king. Parlementaires had to recognize the king's rule to justify their own existence. On the other hand, their existence appeared tenuous and redundant, when his supreme authority through the Grand Conseil overturned their judgment. Their pride was hurt. As it was, both the Parlement of Paris and the Grand Conseil originally began as the king's personal court but it was the Parlement which was the original and older establishment of the two.

32. For a more detailed treatment of Louis Berquin's trial, see Lauren J. Kim, "Censorship, Executions, and Sacrilege: The First Twenty Years of Protestant History in France," *Torch Trinity Journal* 13, no. 2 (November 2012): 157-160.

33. Louis Berquin was eventually arrested again for the third time in 1528. This last time, the king did not intervene and Berquin was executed in 1529. R. J. Knecht, *Renaissance Warrior and Patron: The Reign of Francis I* (Cambridge: Cambridge University Press, 1994), 260-261.

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The geographic jurisdiction of the Parlement of Paris in the sixteenth century covered more parts of the kingdom than other parlements—almost half of France. In some cases, they were the court of first instance for the residents of Paris, Île-de-France, and nearby towns. But for the most part, in ordinary matters, they were the highest appellate court. Lawsuits in territories without a regional parlement were heard by members of the Parisian parlement through *grand jours* (grand days). Residents of judicially unclaimed areas were able to appeal to the Parlement of Paris during this time when a select group of parlementaires would travel to nearby major towns—such as Troyes, Lyon, and Poitiers—and listen to appeals.³⁴

The Parlement of Paris composed of three essential chambers: the *grand chambre*, *chambre des enquêtes* (chamber of inquiries), and the *chambre des requêtes* (requests or petitions). The highest chamber was the grand chambre. This was the heart of the Parlement where trials were heard. Members of the grand chambre sat in at least three courts: *chambre du plaidoyer* (pleas), *chambre de la Tournelle* (tower), and *chambre du conseil* (council).³⁵

Before the existence of the grand chambre was the *chambre du plaidoyer* or *chambre aux plaids*. This was the original chamber where trials were held and as the Parlement evolved, it eventually became the grand chambre.³⁶ The *chambre criminelle* (criminal) is better known as the *chambre de la Tournelle* because that is where they met in the Palais du Justice, in a tower. Heresy cases would have been heard here unless other chambers were created such as the *chambre ardente* (ardent or more famously known as the burning chamber). Henry II created the chamber to prosecute heretics, primarily Protestants, from 1547 to 1550.³⁷ When it failed to deter the spread of Protestantism, his son, Henry III compromised by creating the *chambre mi-parties* (bi-partisan). This was a court for Huguenots in which Huguenot and Catholic judges could judge Protestant cases. This also failed as the religious wars precipitated only to be revived through Henry IV after he subdued Paris and ended the religious conflicts. The new Bourbon king mimicked the Peace of Monsieur (Paris/Beaulieu, 1576) in his Edict of Toleration (Nantes,

34. Kim, "French Royal Acts," 1:26.

35. Joseph Nicolas Guyot, *Répertoire universel et raisonné de jurisprudence civile, criminelle, canonique et bénéficiale ouvrage de plusieurs jurisconsultes*, vol. 9 (Paris: Pankoucke, 1776), 487.

36. Doucet, *Institutions de la France*, 1:168. Then the grand chambre was divided into the three parts.

37. Doucet, *Institutions de la France*, 1:170.

1598). He established the *chambre de l'Édit* (edict) to settle Huguenot matters. It proved more successful in the next century.³⁸

By the mid-sixteenth century, the number of parlementaires grew to a large, unorganized body of judges whose roles and duties were redundant and administratively wasteful. In response, Henry II created the *chambre du conseil*. His goal was to streamline and organize the parlementaires after his *parlement semestre* failed to create an efficient system to account for personnel change and prevent repetition in case reviews.³⁹ On rare occasions, the *cour des pairs* (peers) was held. It was a court that could hear cases on the nobility. The Parlement of Paris retained the authority to try peers as their court of first instance.⁴⁰

Other departments in the Parlement of Paris assisted the grand chambre. They were the *chambre des enquêtes* and the *chambre des requêtes*. In many ways, they acted as administrative research centers. The chamber des enquêtes conducted investigations on the grand chambre's behalf. Francis I added new inquiring section called the *chambre du domaine* (field surveys). It dealt with the royal domain and heard cases regarding taxes, rents, and censuses.⁴¹ The *chambre des requêtes* had a different role. It received new cases and determined if they were worthy of the Parlement's time. It was also a court of first instance for people who possessed *committimus*, letters that allowed them to bypass the lower courts.

Provincial Parlements in the North and South

There are at least two factors that prevented national cohesion based on France's medieval background: (1) geographical, cultural diversity and (2) institutional developments that copied the Parisian model in its administrative structure only to preserve local customs and rights rather embracing Parisian values. France was essentially a kingdom composed of fiercely proud and culturally independent provinces. Each province had their own set of laws and customs. They spoke their own languages and dialects. One can argue that the Roman Catholic religion

38. Diane Margolf writes about this chamber in her book *Religion and Royal Justice in Early Modern France: The Paris Chambre de l'Édit, 1598-1665* (Kirksville: Truman State University Press, 2003).

39. Doucet, *Institutions de la France*, 1:170.

40. Doucet, *Institutions de la France*, 1:172.

41. Archives nationales, "Cour du trésor, puis Chambre du domaine de la généralité de Paris," Archives nationales, under Archives de l'ancien régime: Guide général d'orientation, accessed September 28, 2013, <http://www.archivesnationales.culture.gouv.fr/chan/chan/fonds/guideorientation/II-2-6-courdutresor.htm>.

united them yet even this is challenged by the fact that the locals in each region had their own cults of saints and their own homegrown festivities according to their own traditions. For example, the patron saint of Paris was Genevieve while Lyon would have celebrated many early church martyrs and Irenaeus.⁴²

France's largest and simplest geographical blocks can be divided above and below the Loire River and into contested territories: (1) pays d'oïl or northern region (2) pays d'oc or southern region, and (3) outer regions. The culture within these regions can be expressed through their (a) laws and (b) languages. In the south, the influential sections were the Midi-Pyrénées—or Midi (Aquitaine, Languedoc and Provence)—and Auvergne. The culture and language from these areas spread to their neighbors. Emmanuel Le Roy Ladurie states that

it became apparent that the French kingdom, as early as the thirteenth century, had a hold on Occitania's heart and belly, Auvergne and Languedoc, respectively. The incorporation of the two wings was under way. The Provençal wing was peacefully digested starting in the 1480s; the Girondin and Gascon wing lost its autonomy in 1453, when the English were evicted from Bordeaux.⁴³

The Occitan language spoken in southern France had various dialects from regions such as Languedoc, Limousin, Provence, and Auvergne. It has origins in a "southern Gallo-Roman" identity. Their language was purer and closer to the spoken language of the Romans than, as Le Roy Ladurie calls the "bastard child of Latin dialects" of the north.⁴⁴ In addition, in regard to law, the south practiced Roman law through the example of Provence. In the mid-thirteenth century, the royal government recognized that their written laws differed from their northern counterparts where the latter principality practiced their own customary laws.⁴⁵ Responding to the disparity and to reduce the work of the Parlement of Paris, the monarchy found it useful to give important centers their own parlements that accommodated a pro-south legal

42. Genevieve (c. 422-c. 512) encouraged Parisians to pray and fast promising them that God will protect them from Attila the Hun. David Farmer, *The Oxford Dictionary of Saints*, 5th ed. reissue (Oxford: Oxford University Press, 2004), 180.

43. Emmanuel Le Roy Ladurie, "North-South," trans. Jennifer Gage, in *Rethinking France: Les lieux de mémoire*, vol. 2, ed. Pierre Nora, trans. ed. David P. Jordan (Chicago: University of Chicago Press, 2006), 10-11.

44. Le Roy Ladurie, "North-South," 8-9.

45. Le Roy Ladurie, "North-South," 19.

system based on Roman law: Toulouse (established in 1443), Bordeaux (1451), Grenoble (1457), and Aix-en-Provence (1501).⁴⁶

Northern French provinces were located above the Loire River and can be divided into two more basic blocks: (a) the west and (b) Parisian and Picardy-Wallonia regions.⁴⁷ In the northwest regions, parlements were established in Rouen, Normandy (1515) and Rennes, Brittany (1554). Normandy became a French province in 1468 and possessed its own parlement in 1515 at its capital, Rouen. The duchy of Brittany joined France twice through its heiress, Anne, who married two French kings, Charles VIII and Louis XII. The latter created a temporary parlement in 1492 to bring Brittany under France's rule yet allowing it to maintain its own distinctive laws and culture. In 1536, the duchy formally joined France and was granted a permanent parlement in 1554. At first, members congregated alternatively in the towns of Rennes and Nantes until it was fixed in Rennes in 1569.

Finally, there are parts of France that do not neatly fall into the basic division of north and south. Other parlements were formed to help administer the judicial system along France's eastern borders which were under the influences of rival dynasties. By the sixteenth century, Burgundy was broken up in parts. France took control of the duchy of Burgundy from the last duke in 1477 and a parlement was formed in Dijon in 1494. Architecturally, one can easily see how it remained culturally predisposed to not France but its historical northern ties to the Low Countries which was under Habsburg rule when Maximilian married the last duke of Burgundy's daughter, Mary. The "Free County" known as Franche-Comté possessed a parlement in Dole.⁴⁸ It was not fully integrated into the kingdom until the seventeenth century. A parlement was placed in Lyon for the territory of Dombes which was under Valois control in 1523. Then it returned to the House of Bourbon-Montpensier in 1561. It was finally absorbed by France in 1762.⁴⁹ Lyon, however, as large as it was, possessed a *présidial* court and remained under the jurisdiction of the Parlement of Paris.

In Savoy, Francis I occupied the duchy and established a parlement in Chambéry in the territory of Piedmont in 1536. After the treaty of

46. Le Roy Ladurie, "North-South," 19.

47. Le Roy Ladurie, "North-South," 23.

48. It was later moved to Besançon in 1676. Archives départementales du Doubs, "Parlements de Dole et de Besançon" Le Doubs conseil general, accessed November 28, 2013, http://archives.doubs.fr/v2/index.php?option=com_content&task=view&id=366&Itemid=1.

49. Yann Lignereux, *Lyon et le roi: De la bonne ville à l'absolutisme municipal, 1594-1654* (Seysssel: Champ Vallon, 2003), 228.

Cateau-Cambrésis in 1559, the territory returned to the house of Savoy.⁵⁰ By the eighteenth century, thirteen parlements existed: Paris, Aix, Bordeaux, Besançon (previously located in Dole), Grenoble, Pau, Metz, Douai, Nancy, Dijon, Rennes, Rouen, and Toulouse.⁵¹ To help manage the different customs in northern France, the monarchy requested each town to write and compile its laws in *coutumes* since 1453. By the end of the sixteenth century, most customary laws were recorded in writing.⁵² They were also printed for public consumption.

Indeed, provincial parlements acted very independently from Paris. Monter notes that while “Paris minimized its involvement with heresy cases in the early 1550s, some French provincial parlements increased theirs.”⁵³ Toulouse led in the highest number of heresy cases until 1555 with thirty-one executions outstripping Paris, which had eleven death sentences.⁵⁴ Grenoble was the exception during this time.⁵⁵ Yet even Grenoble acted independently and royal business was ephemeral. For example, over 5,800 royal acts were printed throughout France before 1601, only one royal act printed in 1599 survives today from Grenoble.⁵⁶

The printing of royal acts during the sixteenth century can indicate how popular the royal agenda was in provincial towns that possessed parlements. Concerning the unpopular edicts of pacification and tolerance,⁵⁷ the catalog, *French Vernacular Books*, records the following

50. Records are still available in the local archives. See Archives départementales de la Savoie, “Parlement,” Conseil général de la Savoie, accessed November 28, 2013, <http://www.savoie-archives.fr/928-parlement-1540-1559-.htm>.

51. Samuel Clark, *State and Status: The Rise of the State and Aristocratic Power in Western Europe* (McGill-Queen’s University Press, 1995), 249.

52. Charles VII issued the Ordinance of Montils-les-Tours in 1543. Mousourakis, *Roman Law*, 436.

53. Monter, *Judging the French Reformation*, 133.

54. Monter, *Judging the French Reformation*, 135-136.

55. Monter, *Judging the French Reformation*, 133.

56. Grenoble published local royal ordinances registered in the parlement in 1540. Parlement-Dauphiné, *Ordonnances d’Abbeville, sur le fait de la justice et abbreviation des procez au païs de Dauphine: Faites par le roy nostre sire...* (Grenoble: Antoine Blanc, 1599). Bibliothèque Municipale, Grenoble: V 708. See also Kim, “French Royal Acts,” 1:112, 173.

57. These edicts considered in the totals were the Edict of January (1562), Edict of Amboise (1563), the Edict of Paris (Peace of Longjumeau, 1568), Edict of St. Germain-en-Laye (1570), Edict of Boulogne (Peace of La Rochelle, 1573), Edict of Paris/Beaulieu (Peace of Monsieur, 1576), Edict of Poitiers (Peace of Bergerac, 1577), Edict of Blois (1580), and the Edict of Nantes (1598). The Edict of Mantes (1591) was not included in this count because it was not print-

surviving copies printed from each town within the first two years of their promulgation: forty-four editions from Paris, eleven editions each from Rouen and Bordeaux, six from Toulouse, three from Dijon, one each from Rennes and Chambéry.⁵⁸ These numbers are out of a collection of royal acts that contain over 5,800 editions of which 80 percent were published from 1560 onwards.⁵⁹

The court system was a source of power and control. Medieval kings were able to expand their territory without war when they expanded their jurisdiction to neighboring states in the name of justice. If the townspeople accepted the king's judicial decision, whether they realized it or not, they accepted his rule. Thus in a way, the quickest means to create a judicial structure and connect a formerly foreign and coveted territory to the heart of France in Paris was to create a local sovereign court, a parlement, in newly acquired lands.

Financial Sovereign Courts

Financial institutions developed out of practicality. The king had to manage his revenue and expenditures. Financial courts appeared in the same way the Parlement of Paris was born. The number of members who managed the king's finance in his personal court expanded and separated into semi-autonomous establishments. By the sixteenth century, three sovereign financial courts appeared in Paris: chambre des comptes (accounts), cour des aides (taxes), and cour des monnaies (money). Although they functioned more like institutions that managed royal accounts, they were also courts in their own rights having financial jurisdiction and a jurisprudence that worked alongside or within France's judicial system.

In short, the chambre des comptes supervised the treasury from taxes to war expenses and general receipts.⁶⁰ The royal income was based on ordinary revenue, which came directly from the king's demesne, and extraordinary revenue, for example taxes placed on commodities such as salt and wine. The chambre des comptes administered the king's accounts throughout the kingdom except in Provence, Brittany,

ed in any parlement town during the War of the Three Henrys.

58. Andrew Pettegree, Malcolm Walsby, and Alexander Wilkinson, *French Vernacular Books: Books Published in the French Language before 1601* (Leiden: Brill, 2007). This information stems from my original research based on the 2007 database of French Book Project in St. Andrews. Kim, "French Royal Acts," 1:111-113.

59. Kim, "French Royal Acts," 1: 266.

60. Doucet, *Institutions de la France*, 1: 193.

Burgundy, Dauphiné, and Normandy.⁶¹ N. L. Roelker lists them in the following locations: Dijon, Aix-en-Provence, Grenoble, Nantes, Montpellier, Blois, Rouen, Pau, and Dole.⁶² Two *chambres des comptes* were created in the sixteenth century. Languedoc's *chambre des comptes* was placed in Montpellier rather than Toulouse in 1553 next to its *cour des aides*.⁶³ Henry III established a *chambre des comptes* in Rouen in 1580.⁶⁴ The one in Nantes appears to have been placed in Rennes by the end of the religious wars.⁶⁵

The *cour des aides* dealt with extraordinary taxes. The kingdom was carved into smaller administrative centers where bailiffs and *seneschals* were appointed to govern larger towns on the king's behalf. In the provinces they were located in Montpellier, Rouen, and Montferand (for Riom).⁶⁶ The *cour des monnaies* supervised the kingdom's currency. Unlike other courts, its jurisdiction permitted this court to create legislation on behalf of the king as royal *ordonnances* (ordinances). Its jurisdiction ranged from minting coins to determining their value. Every province with a *parlement* possessed a regional *cour des monnaies*.⁶⁷

The Sovereign Courts during the Wars of Religion⁶⁸

During the French religious wars, like the kingdom itself, the sovereign courts became divided. The division was reflected physically when alternative courts were set up after Henry III became a king-in-exile. The king was no longer welcome in Paris which was controlled by extreme Catholics: the Holy Catholic League, led by the Guise family,

61. Doucet, *Institutions de la France*, 1:192. Charles IX, *Edict sur les demolitions des maisons fortes, colombiers et signes patibulaires dressez et edifies soubz les seigneuries du roy* (Lyon: Benoît Rigaud, 1566), a3r. Paris, Bibliothèque Sainte-Geneviève: 80 F 864 inv. 4138 (15) Rés.

62. N. L. Roelker, trans. *The Paris of Henry of Navarre as Seen by Pierre de L'Estoile: Selections from His Mémoires-Journaux* (Cambridge: Harvard University Press, 1958), 306.

63. Doucet, *Institutions de la France*, 1:192-193. The distance by car today is 245 km which will take about 2 hours and 20 minutes according to Google Maps.

64. Doucet, *Institutions de la France*, 1:192.

65. Henry IV, *Edict du roy sur la reduction de monsieur le duc de Mercœur en l'obeissance de sa majesté* (Rennes: Michel Logerroy, 1598), D4v. Paris, Bibliothèque Sainte-Geneviève: 80 F 849 inv. 4123.

66. Doucet also lists Provence but does not name a town. See Doucet, *Institutions de la France*, 1:197.

67. Doucet, *Institutions de la France*, 1:202.

68. The section summarizes the institutions' alternative locations in Kim, "French Royal Acts," 1:29, 32-33.

and the Sixteen. Other pro-League towns followed. Royalist magistrates and officials had to find alternative towns to continue administratively on the king's behalf—sometimes up the three different locations—from 1588 to 1594.

Since Paris was no longer accessible, Parisian royalist parlementaires met in Tours and Châlons. The chamber des comptes met in Tours.⁶⁹ The cour des aides first met in Chartres then continued in Tours.⁷⁰ In Dauphiné, Grenoble magistrates met in Romans. Royalists from Aix-en-Provence gathered in Pertuis, Sisteron, and Manosque in Provence. Languedoc's parlementaires met in Carcassonne, Béziers, and Castelsarrasin. Burgundy's officials met in Semur rather than their usual place in Dijon. In Normandy, Rouen's nearest rival, Caen, became home to a royalist parlement and cour des aides.⁷¹ The only exception was Rennes. Brittany's parlementaires were mostly royalists so their Leaguer counterparts established themselves in Nantes.⁷² The French religious wars' political divide was clear as governing bodies broke up and set up camps in different geographic locations. However, once Henry IV re-established the monarchy in Paris, magistrates and institutions returned to their antebellum locations.

Bailliages and Sénéchaussées

The division of the northern and southern regions is also exemplified by the names of their local administrations: bailliages in the north and sénéchaussées in the south. Administrative centers, unlike the sovereign courts, were not divided by financial and judicial responsibilities. Rather these locally-based administrative towns had "full judicial, financial, and military powers."⁷³ They managed judicial courts, local taxes, and summoned armies on the king's behalf. They also supervised the prévôtés in adjacent areas. Strayer and Dana Munro explain

69. Henry IV, *Edict du roy sur la reduction de la ville d'Orleans en son obeissance* (Orléans: Saturnin Hotot, 1594, D2r. BnF: F46892 (5)).

70. Henry IV, *Edict du roy pour le restablissement de sac our des aides de Paris* (Chartres: Claude Cottureau, 1592), A4v. BnF: F 46890 (2). Henry IV, *Edict du roy portant creation en titre d'office formé de deux receveurs particuliers* (Tours: Jamet Mettayer, 1593), C4v. Paris, Bibliothèque Sainte-Geneviève: 8o F 849 inv. 4123 (11) Rés.

71. Henry IV, *Edict du roy de la suppression de tous estats et offices tant de judicature que de finance* (Caen: Jacques Les Bas, ca. 1590), A3v. Toulouse, Bibliothèque Municipale: Rés. D XVI 178 (16).

72. Doucet, *Institutions de France*, 1:216-217.

73. Joseph Strayer and Dana C. Munro, *The Middle Ages, 395-1500*, 5th ed. (Pacific Palisades: Goodyear, 1970), 305.

These local governors, called baillis in the North and seneschals in the South, had to attend meetings of the king's court in Paris two or three times a year and seldom kept their posts for more than four or five years. There was thus no danger that they might become too independent of the king, since they were entirely dependent on him for their salaries—which were relatively high—and for their continuance in office. A bailli who had a good record might be sent to half a dozen provinces in turn.⁷⁴

By placing his own men in important areas, Philip Augustus' system minimized abuses, increased revenue, and maintained internal peace. At his death, the monarchy became wealthier and stronger so that, "the next century the kings of France did little more than continue and perfect his policies."⁷⁵ His system was so successful that additional departments were not likely to appear until the sixteenth or seventeenth century.⁷⁶ Bailliages and sénéchaussées were thus administrative district centers that possessed royal courts. In terms of authority, these courts had more than the prévôtés and were surpassed by the parlements. In the sixteenth century, they officially became intermediaries as the first royal court of appeals by the order of Francis I.⁷⁷

The Edict of Paris (1539) empowered local bailliages and sénéchaussées and increased their authority to prosecute heretics and assist the clergy in exposing them. They were able to condemn them without appeal unless regional parlements wanted to impose harsher sentences.⁷⁸ The Edict of Fontainebleau (1540) changed this slightly to appease parlements' perturbation that their prerogatives have been relegated to the lower courts. The baillis and sénéchals were ordered to make heresy cases a priority, gather heretics, and immediately hand them over to the parlements.⁷⁹

Within this system, the siège présidial was created for a limited number of bailliages and sénéchaussées by Henry II in the Edict of Fontainebleau (January 1552). They possessed new judges who by law must have graduated in law and was approved by the royal chancellor. Courts with siège présidiaux ranked higher than the other intermediary courts. At first glance, their authority appeared to be the same as before but in civil matters, they had more say and acted as a court of final appeals when a lawsuit's damages involve less than 250 livres or 10 livres de

74. Strayer and Munro, *The Middle Ages*, 305.

75. Strayer and Munro, *The Middle Ages*, 306.

76. Strayer, *Medieval Origins*, 84.

77. Doucet, *Institutions de la France*, 1:271-272.

78. N. M. Sutherland, *Huguenot Struggle for Recognition* (New Haven: Yale University Press, 1980), 337-338.

79. Sutherland, *Huguenot Struggle*, 338-339.

rente.⁸⁰ Litigants can appeal their cases to a parlement if compensation rises above the set amount. A town with a siège présidial was generally larger in size and considered more prominent.

The number of bailliages and sénéchaussées increased over time. The towns that contained bailliages at the end of the Middle Ages were Alençon, Amboise, Amiens, Auxerre, Bar-sur-Seine, Beaumont-sur-Oise, Blois, Caen, Chartres, Châlon, Chaumont, Chauny, Coucy, Dijon, Étampes, Éveraux, Dourdan, La Ferté-Alais, Mâcon, Mantes, Meaux, Melun, Montargis, Monterferrand, Montfort-l'Amaury, Nemours, Orléans, Rouen, Senlis, Sens, Sézanne, Troyes, and Vitry.⁸¹ A few had other names: in Dauphiné, Haut-Pays, Plain, Plat or Bas-Pays; in Burgundy, Montagne, and Montagnes d'Auvergne.⁸² Sénéchaussées were in Agenais, Anjou, Artois, Armagnac, Bazadois, Boulonnais, Guyenne, Lannes, Limousin, Maine, Périgord, Poitou, Ponthieu, Quercy, Rouergue, and Saintogne; with larger ones in Lyon, Carcassonne, Nîmes-Beucaire, and Toulouse.⁸³

Henry II lists in his Edict of Reims (March 1552) places with siège présidiaux. Pierre Néron and Étienne Girard, seventeenth-century lawyers, noted that the following parlements established the siège présidiaux after the edict: Rouen, Normandy, established seats in “Rouen, Caudebec, Caen, Evreux, Alençon, St. Lo and Andely.”⁸⁴ In Brittany: “Rennes, Nantes, Vennes, Quimpercorentin, and Ploermel” (which was then incorporated to Vennes).⁸⁵ The Parlement of Bordeaux approved seats in “Bordeaux, Acqz, Bazas, Condom, Agen, Perigueux, Limoges, Briues, and Xainctes. In Languedoc: Toulouse, Carcassonne, Beziers,

80. Henry II, *Edict du Roy contenant lerection & creation des nouveaux conseillers & magistrats es sieges presidiaux* (Paris: Galliot du Pré, 1551/2 ns). Chantilly, Musée Condé: X B 35 (2). A list of towns to have siège présidiaux was given in March at Reims. See Henry II, *Ampliation de l'édit de la création des conseillers, magistrats, & juges* (Paris: Vincent Sertenas, 1551/2 ns). Grenoble, Bibliothèque Municipale: F 12093. See also Philip Dawson, *Provincial Magistrates and Revolutionary Politics in France, 1789-1795*, Harvard Historical Monographs (Cambridge: Harvard University Press, 1972), 32-33.

81. Gustave Dupont-Ferrier, *Les officiers royaux des bailliages et sénéchaussées et les institutions monarchiques locales en France à la fin du Moyen Âge* (Paris: Librairie Émile Bouillon, 1902), 13-14.

82. Dupont-Ferrier, *Officiers royaux*, 13-14.

83. Dupont-Ferrier, *Officiers royaux*, 13-14.

84. Pierre Néron and Étienne Girard, eds., *Les edicts et ordonnances des tres-chrestiens roys, Francois I Henry II Francois II Charles IX...*, 3 vols. (Paris: Damien Foucault, 1666), 200.

85. Néron and Girard, *Edicts et ordonnances*, 200.

Nîmes, Montpellier, Castres, Castelnaudari, Cahors, and Ville-france en Rouergue.”⁸⁶

Despite the production of royal edicts, local enforcement was another matter. According to Neil Kamil, the inhabitants in La Rochelle opposed the edict, “Although Henry charged the *présidial* with powers of judicial repression usually reserved for parlements, its installation in La Rochelle did not stem the tide of heresy.”⁸⁷ The residents felt that the king was legislating and infringing on what they believed to be within their own right to govern themselves through local customs and traditions which included religion.⁸⁸ By 1565, Charles IX rebuked the city’s *présidial* for their failure to curb the Huguenot faith.⁸⁹

Prévôts and Other Ordinary Judges

In terms of authority and power, the lowest courts were supervised and managed by leaders of small towns or the nobility, who owned large pieces of lands. Roger Doucet lists the “humble” members of the inferior courts: “*prévôts, châtelains, vicomtes, bailes, viguiers* and others designated by the general qualification of *juges ordinaires* [translation mine].”⁹⁰ *Prévôts* (provosts) were local leaders or judges with administrative powers. Under the Capetians, their duties included executing justice, collecting taxes, and mustering armed forces on the king’s behalf (these duties were taken up by the *bailliages* and *sénéchaussées* later). At first, they “paid the king a lump sum annually for their districts and then collected all the royal revenue for their own profit,”⁹¹ but their exploitations soon became intolerable. After investigating complaints about the *prévôts*, Philip Augustus decided to station his own men throughout the kingdom. He created the *bailliage* and *sénéchaussée* system to supervise and keep the *prévôts* accountable in their *prévôtés*. In the south, *prévôts* were called *viguiers*. *Bailes* were a degree lower in rank than the *viguiers*.⁹²

In other places, lords or other landowners oversaw judicial protocol where a strong royal presence may have been lacking and a local fiefdom was in place. Some local powers belonged to single family or individual;

86. Néron and Girard, *Edicts et ordonnances*, 200.

87. Neil Kamil, *Fortress of the Soul: Violence, Metaphysics, and the Material Life in the Huguenots’ New World, 1517-1751* (Baltimore: Johns Hopkins University Press, 2005), 130.

88. Kamil, *Fortress of the Soul*, 130.

89. Kamil, *Fortress of the Soul*, 130.

90. Doucet, *Institutions de la France*, 1:271.

91. Strayer and Munro, *Middle Ages*, 304-5.

92. Doucet, *Institutions de la France*, 1:273.

for example, castellans in *châtelines* were the lords of castles. During the medieval times, they gained considerable power. Viscounts were also landowners and owned small fiefdoms called *vicomtés*.

The Edict of Romorantin (1560) called all “*gouverneurs, lieutenants, baillis, sénéchaux, prévôts des marchands* and all judges” to curtail any gathering of Protestants and prepare cases for their prosecution.⁹³ Seong-Hak Kim notes that it was written as an attempt to discern heresy from sedition but the parlements protected their juridical powers vigorously as L’Hôpital redrew juridical lines that to them, diminished parlements’ authority.⁹⁴ It was not popular:

The edict granted *prevôts* and judges of the *présidiaux* the right to decide “sur le genre de crime,” giving almost entire jurisdictional disposition to these courts, which were directly under the control of the chancellor and far less hostile to Protestants than the notoriously Catholic parlements. It was a milder way of combatting the Huguenots, because the ecclesiastical tribunals were only competent to inflict “canonical punishment,” without being able to impose capital punishment.⁹⁵

At the height of civil tension, right before the religious wars, this new legislation called every level of the juridical courts to restrain the Huguenot movement. However, in the end, these royal acts rather than reducing the level of Protestant activity reduced the Huguenot perception of survival; they feared for their lives and thus inadvertently called the Huguenots to bear arms. At the same time, it reduced public confidence in royal policy and the court system.

In conclusion, as an attempt to bring unity, kings created judicial systems not only to fulfill their duties as ones who dispensed justice but also to control and expand the kingdom. France was vast and complex compared to most other states in the early modern era but this came at a price. National unity was tenuous as the judicial structure suggests through the appellation of institutions and in their shifting functions to protect local laws and customs, on one hand, and enforce the royal will, on the other. The court system was important to bring France’s diversity under a single ruler but royal will challenged regional autonomy and dissimilitude. In the end, when they accepted the king’s judgments in their affairs, they accepted his supremacy. Thus, the judicial institutions

93. Sutherland, *Huguenot Struggle*, 350.

94. Seong-Hak Kim, *Michel de L’Hôpital: The Vision of a Reformist Chancellor during the French Religious Wars* (Kirksville: Truman State University Press, 1997), 55-56.

95. Kim, *Michel de L’Hôpital*, 54-55.

created a form of unification in lieu of a common language, culture, and laws.

The French maxim “one king, one law, one faith,” was expressed and understood by members of royal government equating the words to the institutions of the monarchy, courts, and church respectively. When the Protestants questioned the church, they also concomitantly undermined the courts and monarchy. Moderates and extreme Catholics were concerned, believing the delicate concord and health of the French kingdom was at stake. They believed that Protestants undermined national unity and worse, invoked God’s wrath in the kingdom. Sixteenth-century French kings wrote vehement and deadly edicts to curb Huguenot growth despite the fact that their justice failed to prevail in heresy.

At first, kings called the parlements, as the sovereign courts of France, to swiftly contain the new religion but it did not subside; it spread. When initial efforts failed, kings empowered administrative centers with royal courts, bailliages and sénéchaussées, to assist the superior courts in dealing with heretics. This was followed by the creation of siège présidaux in larger, more prominent towns. Finally, the monarchy, desperate to control their kingdom, called local prévôtes to find heretics and compile cases against them. Despite their efforts, the promulgation of edicts contributed to the justification of civil war rather than Huguenot obviation. During the French religious wars, members of the courts divided themselves geographically into different locations depending on their loyalty to the monarchy or extreme Catholicism. It took a Catholic convert and ex-Huguenot leader, Henry IV, to restore civil peace through limited Protestant toleration through the Edict of Toleration.

Epilogue

John Calvin wrote to Heinrich Bullinger in Zurich in October 1551 about the repressive policy that condemned Huguenots to death: the Edict of Châteaubriant issued by Henry II.⁹⁶

For in order to gain new modes of venting his rage against the people of God, he [Henry II] has been issuing atrocious edicts, by which the general prosperity of the kingdom is broken up. A right of appeal to the supreme courts has hitherto been, and still is, granted to persons guilty of poisoning, of forgery and of robbery; yet this is denied to Christians:

96. John Calvin, “Letter 284: To Bullinger. Edict of Chateaubriand, in France-Attacks on Calvin in Geneva: 15 October 1551, Geneva,” in *Selected Works of Jean Calvin*, ed. Jules Bonnet (Albany: AGES Software, 1998), 331. This is a PDF file on CD-Rom.

they are condemned by the ordinary judges to be dragged straight to the flames, without any appeal.⁹⁷

The edict was promulgated during a time when the French monarch was fully aware of Geneva's influence and a time when many other measures to stop Protestant expansion proved inadequate. Monter calls the edict the first "comprehensive [sic] set of French decrees against heresy."⁹⁸ N.M. Sutherland notes that "With the edict of Châteaubriant, religious persecution was beginning to move towards its climax."⁹⁹ The following year, five men, students of the Genevan academy were caught at Lyon on their way to churches in the Midi-Pyrénées in southwestern France on May 1. They were Martial Alba, Peter Escrvain, Charles Favre, Peter Navihères, and Bernard Seguin.¹⁰⁰

Calvin was at first hesitant to write to them—should the letter fall into the wrong hands and worsen their situation. However, he decided to pen a letter to the prisoners on June 10, 1552 to let them know that they were not forgotten, that they were prayed for in mutual love by others because they were in prison for the sake of the gospel. He encourages them, "Be confident, therefore, that he will not leave the work of his hand imperfect. You know what the Scripture sets before us, to encourage us to fight for the cause of the Son of God."¹⁰¹ His letter to the Lyonnais prisoners continued; he quoted Scripture from John to Revelation and even Augustine to lift their spirits. His letter ends with the following

In conclusion, I beseech our good Lord that he would be pleased to make you feel in every way the worth of his protection of his own, to fill you with his Holy Spirit who give you prudence and virtue, and brings you

97. Calvin, "Letter 284," 330-332.

98. Monter, *Judging the French Reformation*, 116.

99. Sutherland, *Huguenot Struggle*, 343.

100. A history of their martyrdom was written by Jean Crespin. A much later reprint can be found online: Jean Crespin, *Des cinq escoliers sortis de Lausanne bruslez a Lyon* (Geneva: Jules-Guillaume Fich, 1878), accessed November 30, 2013, <https://archive.org/stream/descinqescolier00cresgoog#page/n9/mode/2up>. Scott M. Manetsch, *Theodore Beza and the Quest for Peace in France, 1572-1598* (Leiden: Brill, 2000), 15. Crespin, *Des cinq escoliers*, 1.

101. John Calvin, "Letter 296: To the Five Prisoners of Lyons—Martial Alba, Peter Escrvain, Charles Favre, Peter Navihères, Bernard Seguin," in *Selected Works of Jean Calvin*, ed. Jules Bonnet (Albany: AGES Software, 1998), 358. This is a PDF file on CD-Rom.

peace, joy, and contentment; and may the name of our Lord Jesus be glorified by you to the edification of his Church!¹⁰²

After they were interrogated by Dominicans, Franciscans, and Carmelites, they were condemned on heresy charges by a member of Parlement on the thirteenth of the month, and burned at the stake.¹⁰³ Theodore Beza eulogized their deaths in Latin.¹⁰⁴ Jean Crespin memorialized the sufferings and lives in his *Book of Martyrs*.¹⁰⁵

102. Calvin, "Letter 296," 361.

103. Crespin, *Des cinq escoliers*, 3-4.

104. Manetsch, *Theodore Beza*, 15.

105. Jean Crespin, *Histoire des martyres: Persecutez et mis à mort pour le vérité de l'évangile, depuis le temps des apostres jusques à present* ([Geneva]: [Eustace Vignon héritiers], 1582), 4:200ff. This edition can be found online: accessed December 2, 2013, <http://books.google.co.kr/books?id=s49A8t0CovoC&pg=RA4PT352&dq=Histoire+des+martyres:+persecutez+et+mis+%C3%A0+mort+pour+le+v%C3%A9rit%C3%A9+de+l%E2%80%99%C3%A9vangile,+depuis+le+temps+des+apostres+jusques+%C3%A0+present,&hl=en&sa=X&ei=trObU rjTE4fKkgWxgIHgDQ#v=onepage&q=bernard&f=false>.