Adjudicating the Troubles: Violence, Memory, and Criminal Justice at the End of the Wars of Religion

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This article gives a new perspective on the themes of violence, memory, and criminal justice at the end of the Wars of Religion by focusing on a particularly well-documented criminal case tried by the Parlement of Paris. Previous studies of the end of the troubles have often focused on the politics and personality of Henri IV or studied memory culture through elite cultural production. This article instead examines how the witnesses who confronted the royalist military capitain Mathurin de La Cange made use of a broad, social memory of the civil wars and shows how their use of the courts formed part of a larger pattern of post-war conflict resolution. This was a time when people in France endured decades of warfare and confessional division, but nevertheless emerged determined to put an end to the violence by committing to resolve their disputes through the law.

Henri IV, crowned king of France on 27 February 1594, never said that 'Paris is worth a mass'.[1] Yet the phrase endures in popular historical consciousness. It epitomises the idea that this good king ended the Wars of Religion by abjuring Protestantism, triumphing on the battlefield, and signing the Edict of Nantes in April 1598, an edict that ordered his subjects to forget the troubles and live in peace. What is often not recognised, however, is that the Edict of Nantes also made an exception to the order to forget in its articles 86 and 87 that provided for people to be prosecuted through criminal justice for particularly atrocious ('execrables') cases of rape, pillage, and murder committed on private initiative by those on both sides of the civil wars.[2] This article explores these unforgettable war crimes with new research into criminal archives in Paris, whose Parlement had an appellate jurisdiction that covered over half the French

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[1] An early example of the phrase comes in the duc de Sully's intervention in the satirical *Caquets de l'accouchée* (Paris, 1622), 'Sire, sire, la couronne vaut bien une messe', discussed in L. Avezou, *Sully à travers l'histoire: les avatars d'un mythe politique* (Paris, 2001), 71 n.28.

[2] 'Édit de Nantes. Édit général' (1598) in 'L'Édit de Nantes et ses antécédents (1562-1598), eds B. Barbiche et al., <http://elec.enc.sorbonne.fr/editsdepacification/edit_12>, accessed 30 April 2019.

population.[3] Rather than understanding peace as imposed from above, radiating from the king's absolute authority, this article shows how people throughout the social hierarchy–women and men; peasants, office-holders, and nobles–made their voices heard as they settled scores and worked to establish peace on their terms. Focusing on one particularly well-documented trial, situated in the wider context of criminal justice at the end of the Wars of Religion, it gives a new perspective on the themes of violence, memory, and criminal justice in this period. This was a time when people in France endured decades of warfare and confessional division, but nevertheless emerged determined to put an end to the violence by committing to resolve their disputes through the law.

Criminal justice can play a pivotal role in adjudicating the violence of past conflicts, as post-war societies attempt to legitimise their authority through formal, institutional means.[4] Nevertheless, historians of the Wars of Religion have neglected judicial sources and primarily studied the cultural anthropology of the 'rites of violence' in moments when formal conflict resolution broke down. Major studies have explored the cultural meaning, social dynamics, and local politics of violence across France during the civil wars, yet there are few studies focusing on its treatment from the perspective of criminal justice.[5] And despite the fact that the Parlement of Paris has preserved a complete set of criminal archives from the mid-sixteenth

[3] A. Soman, 'La Justice criminelle au XVI^{e} et XVII^{e} siècles: le Parlement de Paris et les sièges subalternes' in A. Soman, *Sorcellerie et justice criminelle: le Parlement de Paris (16^{e}- 18^{e} siècle)* (Aldershot, 1991), 17.
[4] L. May, *After War Ends: A Philosophical Perspective* (Cambridge, 2012), 62-82.
[5] The key study is N.Z. Davis, 'The Rites of Violence: Religious Riot in Sixteenth-Century France', *Past and Present*, 59 (1973), discussed in G. Murdock, P. Roberts, and A. Spicer (eds), *Ritual and Violence: Natalie Zemon Davis and Early Modern France* (Oxford, 2012). Exceptions are two recent source editions–J. Le Pottier and P.-J. Souriac (eds), *Violences religieuses à Grenade et à Toulouse: l'affaire Bernard de Vabres (1561-1562)* (Toulouse, 2017); M. Nassiet (ed.), *Les Lettres de pardon du voyage de Charles IX (1565-1566)* (Paris, 2010)– and two major studies of homicide that discuss noble violence in the civil wars–M. Nassiet, *La Violence, une histoire sociale: France, XVI^{e}-XVIII^{e} siècles* (Seyssel, 2011), 265-88; S. Carroll, *Blood and Violence in Early Modern France* (Oxford, 2006), 264-84. Two recent articles suggest a turn towards legal sources in studying the civil wars: S. Carroll, 'Political Jusice and the Outbreak of the Wars of Religion', *French History*, 33 (2019); P. Roberts, 'Violence by Royal Command: A Judicial "Moment" (1574-1575)', *French History*, 33 (2019).

century, these documents have been neglected primarily because of the organisational and palaeographical challenges posed by its records.[6]

The relative neglect of legal sources in general, and the criminal archives of the Parlement of Paris in particular, has distorted historians' understanding of the civil wars. Legal frameworks shaped the peace negotiations at the end of every stage of the Wars of Religion, most famously as the Edict of Nantes declared an end to the troubles on 13 April 1598 by ordering in its first article that 'the memory of everything which occurred … during all the previous troubles, and the occasion of the same, shall remain extinguished and suppressed, as things that had never been'.[7] This Edict represented but one stage in an ongoing effort by the monarchy that aimed to achieve peace by legal means, especially the edicts of pacification signed at the end of each of the civil wars, administered by the peace commissioners sent out across France who committed to formal arbitration to settle the troubles in the legal framework set out by the edicts.[8] Criminal cases relating to the troubles have been studied in the judgements of the bipartisan Chambre de l'Édit, whose jurisdiction concerned Protestants, but not for the main series of the Parlement's criminal archives.[9]

On a European scale, these developments appear as one variant of a wider pattern of peace-building through decrees of amnesty and oblivion that sought to make a clean break with the past following conflicts such as the Dutch Revolt, the Thirty Years' War, and the English Civil War. These oblivion clauses aimed not to replace memories of conflict with a blank slate, but rather to compel litigants not to continue old disputes related to the civil wars, and to live

[6] A. Soman, 'Petit guide des recherches dans les archives criminelles du Parlement de Paris à l'époque moderne', *Histoire et archives*, 12 (2002). On the earlier period, see J.K. Farge, *Religion, Reformation, and Repression in the Reign of Francis I: Documents from the Parlement of Paris, 1515-1547*, 2 vols (Toronto, 2015).
[7] Édit de Nantes. Édit général' (1598) in 'L'Édit de Nantes et ses antécédents (1562-1598), eds B. Barbiche et al. (2005-11),<http://elec.enc.sorbonne.fr/editsdepacification/edit_12>.
[8] J. Foa, *Le Tombeau de la paix: une histoire des édits de pacification, 1560-1572* (Limoges, 2015); P. Roberts, *Peace and Authority during the French Religious Wars c.1560-1600* (Basingstoke, 2013), 51-97.
[9] D. C. Margolf, *Religion and Royal Justice in Early Modern France: The Paris Chambre de l'Édit, 1598-1665* (Kirksville, 2003), 76-83.

together in peace under a new legal regime.[10] Prosecutions for war crimes go beyond the order to forget, and reveal how far law courts were willing to revisit the troubles in a way that supported a broader process of conflict resolution, despite their avowed reluctance to do so.

Examining the impact of civil war through legal sources also gives a new perspective on the history of early modern memory. Recent studies have opened up the topic of the memory of the Wars of Religion and typically focused on elite histories composed by artists, authors, collectors, and exiles, or studied officially sanctioned commemorative practices such as processions.[11] Interrogations in trials for war crimes involve a more broadly conceived 'social memory' that gives voice to a greater variety of people. As opposed to the elite cultural practice of historical writing, 'social memory' refers to a shared understanding of knowledge about the past, often rooted in oral traditions.[12] Legal sources do not represent the collective voice of a community, since they draw on deep wells of social division and consist of conflicting testimony recorded by trained scribes in terms recognisable to the court's official style.[13] Yet what might seem like a limitation to the source base can also represent an opportunity for social and cultural historians to broaden their approach to consider how witness testimony reveals the place of legal institutions in wider transformations brought about by civil wars. The practice of trying cases and recording testimony was a crucial element in relaying witnesses' memories of conflict and intervening in legal proceedings that reshaped post-war society and culture.

[10] J. Pollmann, *Memory in Early Modern Europe, 1500-1800* (Oxford, 2017), 143-7.
[11] D. van der Linden, 'Memorializing the Wars of Religion in Early Seventeenth-Century French Picture Galleries: Protestants and Catholics Painting the Contested Past', *Renaissance Quarterly*, 70 (2017); T. Hamilton, *Pierre de L'Estoile and His World in the Wars of Religion* (Oxford, 2017); Hilary Bernstein, 'Cosmography, Local History, and National Sentiment: François de Belleforest and the History of Paris', *French Historical Studies*, 35 (2012); P. Benedict, 'Divided Memories? Historical Calendars, Commemorative Processions and the Recollection of the Wars of Religion during the Ancien Regime', *French History*, 22 (2008); J. Berchtold and M.M. Fragonard (eds.), *La Mémoire des guerres de religion: la concurrence des genres historiques, XVI^e–XVIII^e siècles* (Geneva, 2007); R. Descimon and J.J. Ruiz Ibáñez, *Les Ligueurs de l'exil: le refuge catholique français après 1594* (Seyssel, 2005).
[12] J. Fentress and C. Wickham, *Social Memory* (Oxford, 1992), 25-6.
[13] N.Z. Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford, 1987), 7-35.

Testifying in legal disputes made peasants and property owners more than passive victims of the civil wars. It offered a means for people throughout the social hierarchy to express their political agency in the reconstruction that followed.[14]

In order to address these issues, this article focuses on the trial of the royalist military captain Mathurin de La Cange, later *prévôt des maréchaux* (with jurisdiction over the highways and military) in Sens, executed in Paris on 24 April 1600 for crimes of rape, pillage, and homicide. The article first situates the case in the wider activity of the Parlement at the end of the civil wars, before discussing the issues of memory and witness testimony, and finally outlining the significance of the Edict of Nantes in shaping the terms of the trial. The conclusion evaluates the consequences of this analysis for the wider issues of violence, memory, and criminal justice in Europe's Wars of Religion and beyond.

I

In the summer of 1599, a boat travelled 125 kilometres from Sens to Paris down the river Yonne and onto the Seine, carrying fifty-seven witnesses to testify in a criminal case that dredged up disputes that occurred during the Wars of Religion almost a decade earlier, in spite of the recent Edict of Nantes that had made forgetting the order of the day.[15] At the head of the boat, and financing the enterprise, was Renée Chevalier, the dame de Chaumot. She had been was widowed from her first marriage to the royal master of requests Martin Le Gresle, sieur de La Herbaudière and recently widowed again from her second marriage to the royal governor

[14] Cf. A. Wood, 'Subordination, Solidarity and the Limits of Popular Agency in a Yorkshire Valley *c.*1596–1615', *Past and Present,* 135 (2006), 41-4.

[15] The key documents for the case against Mathurin de La Cange are A[rchives de la] P[réfecture de] P[olice], Paris AB 14, fo. 12v, 27 July 1599; A[rchives] N[ationales, Paris] X2B 1177, 1599-04-14 to 1600-01-25; AN X2A 962, 1600-04-21, 1600-04-24; AN X2B 194, 1600-04-24. So far I have not found any directly relevant archival documents among the holdings of the Archives municipales de Sens, the CEREP Centre de recherches et d'études du patrimoine of the Société Archaéologique de Sens, and the Archives departementales d'Yonne in Auxerre, on which see Henri Drout, *Mayenne et la Bourgogne: étude sur la Ligue (1587-1596)*, 2 vols. (Paris, 1937), i, xxviii.

Fig. 1. Matthäus Merian, ‘Sens’ in *Topographia Galliae*, vol. 3 (Frankfurt am Main, 1656), 30-1. Bibliothèque nationale de France.

of Issoudun Charles de La Grange d'Arquian, sieur de Vèvres. Her second husband Charles de La Grange died in June 1599, by which time Chevalier had returned to Paris and the house on the Quay de la Tournelle that she inherited from her father Jean Chevalier, an *avocat* in the Parlement.[16] A wealthy and already a successful litigant, who won her legal independence as a widow in a civil judgemnt of the Parlement on 21 July 1581, Chevalier and her witnesses brought a legal case to right the wrongs done to her and her household during the Wars of Religion.[17] She sought to prosecute in the high court of the Parlement the former military officer and later *prévôt des maréchaux* of Sens, Mathurin de La Cange, for committing violence and atrocities during the years 1590-91 at her property of the château de Chaumot, nineteen kilometres from Sens. La Cange was a royalist officer who seized Chevalier's château and accused her of 'having sworn allegiance to the League in Sens'.[18]

At this crucial point during the troubles of the League–'a most heated season', as La Cange put it–Sens stood on the boundary between royalist and Leaguer territory, its affiliation depending on the balance of military power in the region and its people at risk of violence on both sides.[19] The city initially supported the League and opposed the succession of Henri de Navarre as Henri IV, but following the king's victory at the battle of Ivry on 14 March 1590 the royalist army laid siege to Sens. Its governor came close to handing over the city to the royalists at the end of April, but considerable opposition among urban elites maintined the town for the League when a popular protest gave Sens its own day of the barricades.[20] The violence

[16] AN Y 102, fo. 415r-416v, 1559-07-12; AN Y 122, fos. 231r-233r, 1580-12-03; AN Y 136, fos. 232r-234r, 1597-05-24; AN MC ET XI 113, 1599-06-26.
[17] The judgement is cited as a case precedent in R. Choppin, *De Civilibus Parisiorum moribus ac institutis: libri III* (Paris, 1603), 403 n; L. Le Grand (ed.), *Coustume du bailliage de Troyes* (Paris, 1681), 87.
[18] AN X2B 1177, 1599-04-14: 'qu'elle avoit oultre esté jureur de la Ligue en la ville de Sens'.
[19] AN X2B 1177, 1599-04-14: 'une saison la plus fachez'. The most substantial discussion remains the regional study A. Challe, *Histoire des guerres du Calvinisme et de la Ligue dans l'Auxerrois, le Sénonais et les autres contrées qui forment aujourd'hui le département de l'Yonne* (Auxerre, 1864), ii, 116-31.
[20] The most detailed contemporary accounts are *Bref discours du siège de Sens par le roy de Navarre, dressé devant ladicte ville* (Troyes, [1590]) and P. Rozée, 'Histoire de la Ligue', vol. 2, Bibliothèque nationale de France ms. fr. 23296, fos. 210-28.

inflicted by La Cange at Chaumot formed part of the royalist campaign to gain the upper hand in the countryside, at a moment where the region's frontier status raised the serious risk of civil war violence of a kind that Sens had experienced before, when Catholics killed up to one hundred Protestants in April 1562 during one of the bloodiest massacres in the early civil wars.[21] By the end of La Cange's trial in Paris he was sentenced to death outside the Hôtel de Ville at the Place de Grève and ordered to pay Chevalier four hundred *écus* in damages.[22] According to the diarist and collector Pierre de L'Estoile, who witnessed at least the announcement of the execution, La Cange 'gave himself over to the devil' on the scaffold, dying in a 'base manner not fit for a Christian', crying out against one of his last accusers '"fuck him" [*foutre pour lui*], which he repeated several times'.[23]

Why did La Cange's trial take place in 1598-1600, when the dispute might have been ignored like so many other war crimes from this period, or brought to court sooner if criminal justice was to be involved at all? The court of the Connétablie and Maréchausée in the 1590s tried similar cases but in relatively small numbers.[24] At a time of renewed warfare it was more difficult than ever to bring a case to court. Practical problems prevented criminal cases coming to Paris on appeal as the Parlement's jurisdiction divided between Leaguers who maintained the Parlement in Paris and royalists who set up a rival Parlement in Tours.[25] After a pre-war peak of almost 750 appeals to the Parlement in 1584, appeals to the Parlement in criminal cases reached a nadir following the siege of Paris–slowing to 84 in 1590, 28 in 1591, 33 in 1592, and 73 in 1593–as the court became embroiled in internal disputes that revolved around the

[21] S. Carroll, 'The Rights of Violence', *Past & Present*, 214 (2012), 142-50.
[22] AN X2B 194, 1600-04-24.
[23] P. de L'Estoile, *Mémoires-journaux de Pierre de L'Estoile*, ed. P.G. Brunet (Paris, 1888), vii, 224, 1600-04-24.
[24] J.H. Mitchell, *The Court of the Connétablie: A Study of a French Administrative Tribunal during the Reign of Henri IV* (New Haven, 1947), 22-38.
[25] S. Daubresse, 'De Paris à Tours: le Parlement "du Roi" face au Parlement "de la Ligue" (1589-1594)', in S. Daubresse, Monique Morgat-Bonnet, and I. Storez-Brancourt (eds.), *Le Parlement en exil, ou, histoire politique et judiciaire des translations du parlement de Paris (XV^e^-XVIII^e^ siècle)* (Paris, 2007); E. Barnavi and R. Descimon, *La Sainte Ligue, le juge et la potence: l'assassinat du président Brisson (15 novembre 1591)* (Paris, 1985).

lynching of *premier président* Barnabé Brisson on 15 November 1591.[26] Soldiers' violence made the roads around Paris especially perilous for travellers.[27] Parisian courts sent the vast majority of appeals to the Parlement during these years.[28] 29.0% of appeals to the Parlement during 1589-94 came from the Paris Châtelet, as opposed to an average of 17.6% in 1572, 1580, 1600, and 1610. Leaguer cities such as Angers (twelve appeals), Auxerre (thirteen), Bourges (fourteen), Lyon (eight), Troyes (ten), and Sens (nine) dominated appeals from further afield in these years, revealing how factional politics shaped the practice of criminal justice across the jurisdiction of the court (Fig. 2). Appeals came flooding back to the Parlement from across its jurisdiction following the end of hostilities in the region that followed Henri IV's coronation in March 1594. There was a clear backlog of cases to get through as 249 criminal cases came to the court on appeal in that year. Tours, the seat of the royalist Parlement until Henri IV's entry into Paris on 22 March 1594, sent all nine of its appeals to Paris during these years starting in April 1594. Appellants declaring themselves as soldiers made up 14% of those tried by the Parlement for acts of violence and property crimes from 1589-94, as opposed to 0.3 % in 1572 and 0.1% in 1610, showing how far the practice of the court became embroiled in the conflicts of the civil wars at the time of the League. Appeals continued to climb throughout the second half of the 1590s, demonstrating that courts were willing to send their cases to the Parlement as a means of pursuing justice at the end of the troubles.[29]

[26] For statistics of appeals to the Parlement, see A.N. Hamscher, *The Royal Financial Administration and the Prosecution of Crime in France, 1670-1789* (Delaware, 2012), 103, 109, 124 n.251; R. Muchembled, 'Fils de Caïn, enfants de Médée: homicide et infanticide devant le parlement de Paris (1575-1604)', *Annales. Histoire, Sciences Sociales* 5 (2007), 1068, 1073; C. Libert, 'Les Appels au Parlement de Paris à la fin du XVI^{e} siècle: crime et contrôle social dans la construction de l'état moderne', *mémoire de D.E.A*, Université de Paris Nord (1995), 6-8, 34-49; Y.M. Bercé and A. Soman, 'Les Archives du Parlement dans l'histoire', *Bibliothèque de L'École des chartes*, 153 (1995), 271-3.

[27] J. Jacquart, *La Crise rurale en Île-de-France, 1550-1670* (Paris, 1974), 179-87.

[28] Figures in this paragraph are compiled from a detailed analysis of APP AB 4-5, 10-11, 14, 19, covering the sample years 1572, 1580, 1589-94, 1600, 1610.

[29] Muchembled, 'Fils de Caïn, enfants de Médée', 1068, 1073.

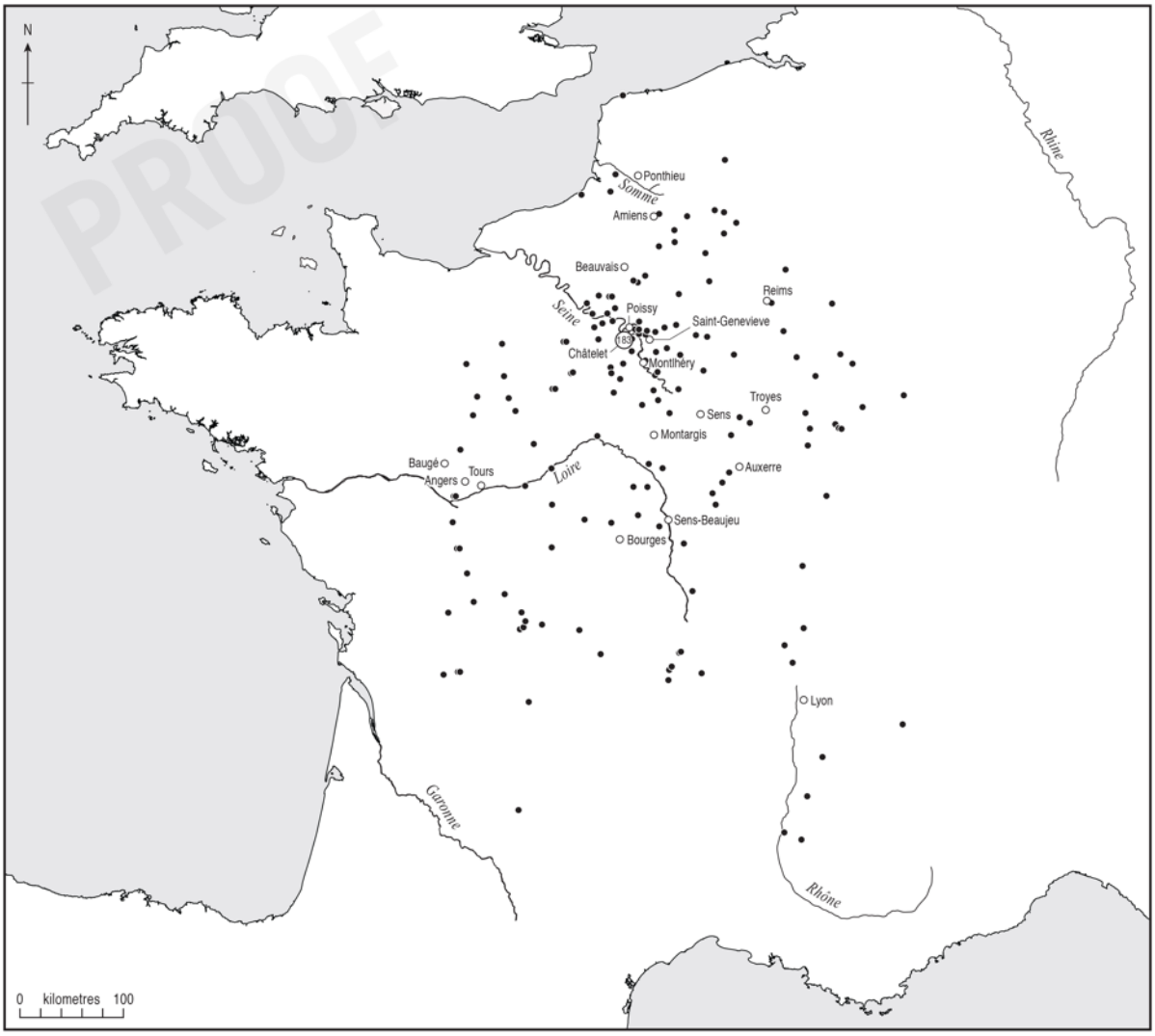

Fig. 2 Appeals to the Parlement of Paris in 631 criminal cases, 1589-1594.

Source: Archives de la Préfécture de Police de Paris, AB 10-11.

The Edict of Nantes had an even clearer impact on Protestants' use of royal justice by allowing them to bring 697 cases before the bi-partisan Paris Chambre de l'Édit in the first decade of the seventeenth century, although the number of cases rapidly declined in the following decades: the Paris Chambre de l'Édit tried 331 cases between 1615 and 1665. Nevertheless, even during the chamber's busiest year in 1600 only 14 of the 114 cases tried involved events explicitly connected to the troubles.[30] Chevalier's case, then, is one of several

[30] Margolf, *Religion and Royal Justice in Early Modern France*, 63, 79.

brought to the Parlement to try crimes that occurred during the troubles of the League at some considerable distance and which sometimes directly involved disputes arising from the violence of the civil wars.

Although Chevalier's case in the Parlement followed soon after the publication of the Edict of Nantes, the Edict played no explicit part in the trial and so the dispute can at most be seen as an indirect response to its terms. During the proceedings in Paris, La Cange mentioned 'the edicts' several times but only in general terms and not at significant points in the trial. He offered a general defence that his case 'concerned events that occurred during the troubles' and should be forgotten.[31] Other cases for violent crimes in the troubles tried both before and after the publication of the Edict of Nantes feature 'the edicts' in the same terms.[32] While these disputes might refer to the edicts of pacification, they might also refer to the particular royal edicts that brokered the surrender of cities following Henri IV's victories over the League, since the war ended at various times in different regions.[33] The articles agreeing the final submission of Sens to Henri IV on 16 April 1594 confirmed in its final article that acts of war in the troubles of the League would be forgotten.[34] The process of adjudicating the troubles took place not only in the aftermath of the major edicts of pacification but also prior to their publication depending on the geography of the conflict.

[31] AN X2B 1177, 1599-04-14, 1599-09-10, 1599-11-19, 1599-11-24: 'n'est redevable au substitut du procureur general du roy de faire recherche de choses passées par les troubles', 'qu'il ne doit point respond de ce faict qui concerne les autres faits pendant les troubles', 'qu'il est accusé de faicts couverts par les troubles dont il n'est recherchable par les edicts', 'tout ce qui est fait est fait de guerre couvert par les esdicts'.
[32] Eg. AN X2B 1175, 1581-03-20: '*helas je n'ay fait tort a personne l'edict de pacifficatio a tous renvoyé*'. AN X2B 1177, 1599-09-10: 'que partie des arrets desquels le sieur de St Cezari s'est servy ont esté donné durant les troubles et par desfaulx et toutes les executions est a esté aussy fit durant les troubles qui sont abolis par les edicts du roy'.
[33] Eg. the surrender of Troyes, around fifty miles from Sens, on 4 April 1594, was debated in *plaidoyers* in the Parlement's audience chamber both before and after the Edict of Nantes: AN X2A 1398, 1598-01-02, 1599-06-05. Cf. S.A. Finley-Croswhite, *Henry IV and the Towns: The Pursuit of Legitimacy in French Urban Society, 1589-1610* (Cambridge, 1999), 17; P. Roberts, *A City in Conflict: Troyes during the French Wars of Religion* (Manchester, 1996), 182.
[34] Challe, *Histoire des guerres du Calvinisme et de la Ligue*, ii, 386.

Chevalier was planning her suit long before the Edict of Nantes came into force. The first investigations in the case took place in September 1596, during a busy year in which Chevalier's brother-in-law, the *avocat* in the Parlement Philibert Gillot, made substantial loans in order to help her to arrange her complex financial affairs in Paris.[35] Pierre Foucault, a sergeant in Sens and Chevalier's scribe, conducted interrogations of several of the witnesses but these records do not survive. These documents, along with a further round of interrogations in Paris, provided the basis for the interrogations in the Parlement. The formal trial began with a case heard by the court of the Connétablie et Maréchausée de France, held at the *table de marbre* in the Palais de Justice in Paris. The jurisdiction of the Connétablie et Maréchausée covered disputes involving military discipline and officials of the *maréchausée* such as La Cange.[36] No trace of La Cange's case is preserved in the Connétablie archives, which are not complete for this period, but the Parlement's final judgement records that the Connétablie et Maréchausée sentenced La Cange on 11 September 1598.[37]

A key aspect of La Cange's judicial appeal was his challenge to Chevalier's reliance on the depositions recorded by her scribe Foucault, alleging with some justification that it did not hold the force of law since Foucault worked in Chevalier's household and so could not provide an objective account of events. To resolve this concern, acknowledged by the *procureur du roi* Louis Servin when the case came before the Parlement's audience chamber, the court made sure to re-examine all of the witnesses following La Cange's appeal on 1 February 1599.[38] It also acknowledged La Cange's complaint about his poor treatment by the *prévot* of the Connétablie, sometime poet, and former *lieutenant criminel* in Paris Nicolas

[35] On Chevalier's financial affairs, AN MC ET VI 78 in particular includes details of Chevalier's transactions in 1596, among which fos. 191r-198r, 1596-04-06, make Gillot's role clear.
[36] APP AB 14, fo. 12v, 1599-07-27. Cf. Mitchell, *The Court of the Connétablie*, 39-62.
[37] AN X2B 194, 1600-04-24. La Cange does not appear in the surviving register of sentences issued by the Connétablie for this period–AN Z1C 46, 1597-1598–nor the surrounding years.
[38] AN X2B 193, 1600-02-01.

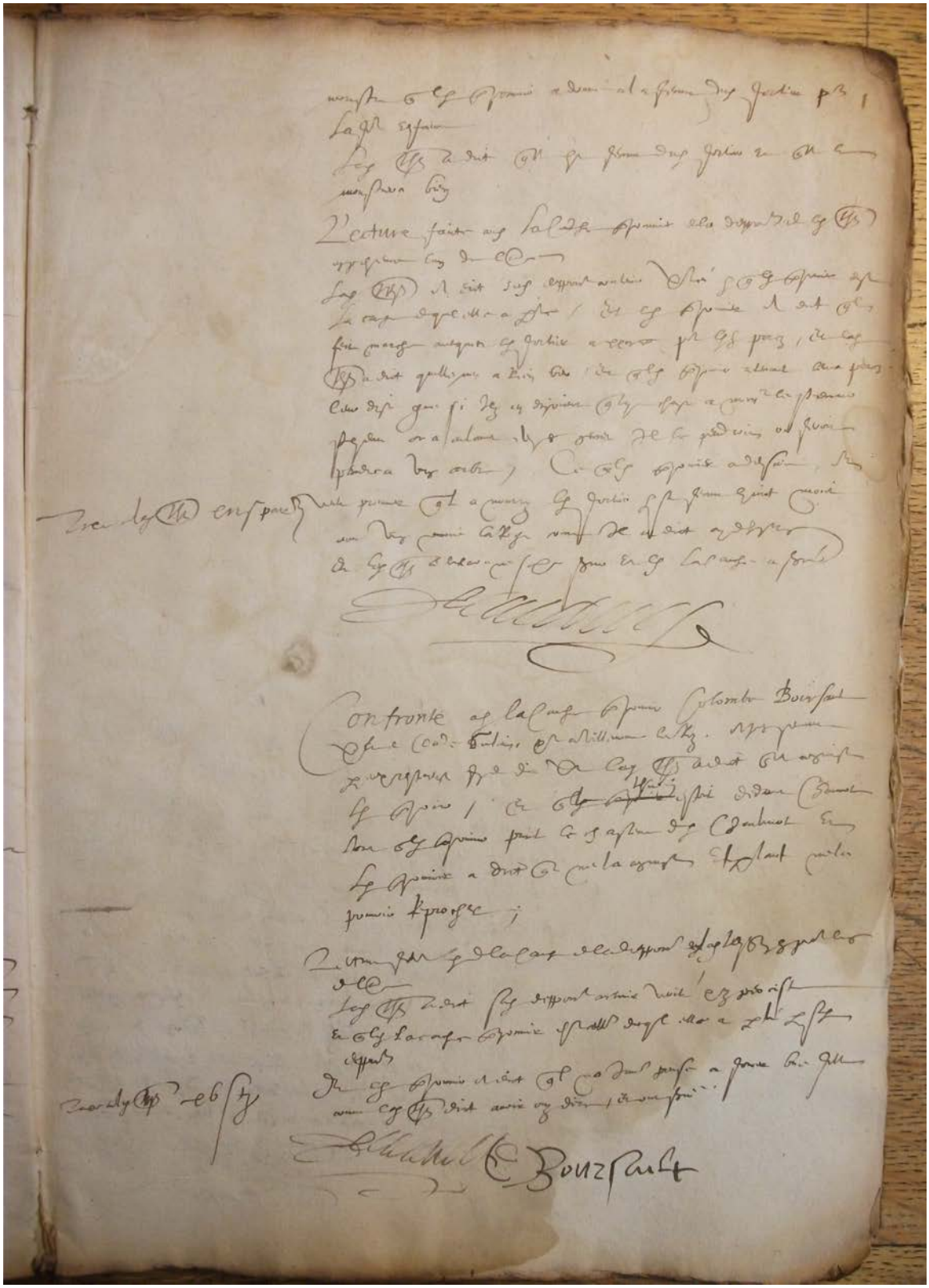

Fig. 3. Mathurin de La Cange's confrontations with Yolande Chaudiere and Colombe Boursault.

Source: Archives nationales, Paris, X2B 1178, 1599-10-22.

Rapin, including in the final judgement the phrase used by La Cange's *procureur* in his plea before the audience chamber,denouncing it as a 'scandalous arrest'.[39] Perhaps the delay between the Connétablie's sentence and La Cange's appeal being registered with the Parlement can be explained by his allegation that Chevalier had previously tried to prevent the case coming before the Parlement by obtaining certain letters to this end.[40] The practical problems involved in amassing so many witnesses perhaps also had a part to play in delaying proceedings. Nevertheless, by October 1599 the witnesses for Chevalier's case had arrived in Paris to confirm their earlier testimonies in front of La Cange before he had the chance to offer reproaches, setting the stage for a series of desperate confrontations between a man accused of serious war crimes and a boat-load of witnesses determined to make him pay with his life.

II

The charges against La Cange were announced to the scaffold crowd at his execution on 24 April 1600, in the terms of Parlement's final judgement, as 'the rape and ravishment of and women girls, and acts violence of violence and assault mentioned in the interrogations'.[41] This brisk summary condenses the testimony of fifty-seven witnesses, a group made up of sixteen women and forty-one men aged between twenty-four and seventy-seven, of whom twenty-two witnesses could sign their names. The witnesses almost exclusively came from Chaumot and its surrounding villages, while one declared that he lived in Sens. Among the male witnesses whose status is recorded, one was a child, eleven were labourers or servants, two were artisans,

[39] AN X2B 193, 1600-02-01; AN X2B 194, 1600-04-24: 'nonobstant l'appel du dix huitiesme jour de may mil cinq cens quatre vingts dix neuf et de de l'injurieux et scandaleux emprisonnement faict de sa personne par monsieur Nicolas Rapin grand prevost de la connestablie de France es prisons de Petit Chastellet'.
[40] AN X2B 1177, 1599-10-01: 'cy devant elle n'ait voulu proceddé par les messieurs de la cour aiant obtenu lettres recommandant avec clause d'interdicts'.
[41] AN X2B 194, 1600-04-24: 'des violences et ravissements de filles et femmes violences et exceeds mentionnez aud. proces'.

two were merchants, one was the parish priest, and two were royal office-holders, while among the female witnesses four were married, two were widowed, and two were unmarried.[42]

During the confirmation and confrontation of the witnesses with La Cange, the witnesses made precise allegations about La Cange's war crimes, reinforcing one another's testimony before the Parlement. The interrogations focused on the killing of Noel Forin and Adrien Malard, among a number of homicides, kidnappings, rapes, and thefts allegedly committed by La Cange and his soldiers. Above all, the witnesses had most vivid memories of the rape of Barbe Gaultier, who La Cange accused of being in league with the enemy because 'he had found a rope-ladder in her house that could have been used for a surprise attack on the château of Chaumot'.[43] Germain Tafforeau told the court how 'La Cange whipped her in front of everyone in the great hall of the château of Chaumot' and that he 'could not understand the reasons why La Cange whipped this woman unless it was for his own pleasure'.[44] A 'little hole looking onto the great hall' allowed the labourer Jacques Moré to see Gaultier 'stripped and then whipped by La Cange in the presence of the soldiers, their lads, and all the inhabitants of Chaumot'. Later 'one of the soldiers forced him to carry a candle up the white tower of the château where he witnessed the soldier rape Barbe Gaultier, who was greatly shocked by the violence committed against her'.[45] Nicolas Cossey, Tafforeau's neighbour from Mardelin, did not see Gaultier in the great hall because he stood outside on night watch duty but he 'very

[42] The documents record the status of only thirty of the witnesses since these interrogations are *recolements* and *confrontations*, not the initial *information* when the witnesses' status would have been recorded systematically.
[43] AN X2A 962, 1600-04-21: 'il fut trouvé chez elle une eschelle de corde et un tretaut qu'elle avoit en sa maison pour la suprise de Chaulmot'.
[44] AN X2B 1177, 1599-11-19: 'dict qu'il ne peult scavoir l'occasion pourquoy ledit La Cange fouettoit ladite femme si ce n'estoit point son plaisir d'aultant que ledit La Cange l'a fouettoit luy mesmes en presence de tous ceulx qui estoient audit chateau en la grande salle dudict chasteau de Chaumot'.
[45] AN X2B 1177, 1599-11-20: 'a dict de ladite Barbe Gaultier laquelle il veid La Cange despouiller toute nue dans la salle dudit Chaumot et l'a fouetté ledit La Cange luy mesme en presence des soldats et des garsons et que les habitants de Chaumot qui par son pardevant faisoient la garde au chasteau la voyant fouetté par un trou que regardoit dans la salle et par depuis fait abandonné aux soldats par ledit La Cange … par apres a dict qu'un des soldats le contraignoit porter la chandelle en la tour blanche ou estoit ladite Barbe Gaultier allant trouver icelle Barbe Gaultier et que ledit soldat la forcera pardevant le tesmoin laquelle Barbe Gaultier estoit fort estonnée par les exceds qui luy avoient esté faicts.'

well heard her cries when they beat her' and afterwards 'everyone said that La Cange had whipped and raped her'.[46] None of the witnesses told the court what happened to Gaultier after these events, apart from the fact that she gave birth prematurely because of the soldiers' violence.[47] Yet the extreme violence Gautier suffered remained clear in the memories of the people of Chaumot when they gave their accounts in the criminal chamber of the Parlement.

One of the most striking aspects of the depositions is that, despite their distance from the events involved, the magistrates of the Parlement accepted the witnesses' claims to remember them accurately. The procedure that took place in Paris was designed to test witnesses' accounts of specific points of detail in the context of an assessment of their character. Once the witnesses had got off the boat and settled in Paris, they took part one-by-one in the procedure known as the confirmation and confrontation of witnesses.[48] The presiding magistrate, the former League sympathiser Guillaume des Landes, read to them their testimony given in Sens and asked them to confirm it.[49] Then he gave La Cange the opportunity to propose reproaches against the witnesses, which he did with vigour, showing a prodigious memory for names and faces, as he attempted to persuade the court to discard their testimony. La Cange denounced the witnesses as beggars, thieves, and whores; in short, people whose testimony could be bought.[50] For La Cange, the witnesses were simply agents of the plaintiff, Renée Chevalier. His only claims to memory lapses were strategic and reinforced his denials over

[46] AN X2B 1177, 1599-11-20: 'Ne veid fouetter ladite Barbe Gaultier mais l'ouit bien crier lors qu'on l'excedoit en la grande salle de la maison dudit Chaumot … entendant cris partout que ladite Barbe avoit esté fouetté et forcé'.
[47] AN X2A 962, 1600-04-21: 'Remonstré qu'il a tant fait d'exeds de Barbe Gaultier que estant grosse il l'a feyt accoucher.'
[48] The *ordonnance* of Villers-Cotterêts (1539), articles 154-8, outlines this procedure.
[49] Guillaume des Landes remained in Paris and served in the Parlement of the League, spoke out against Protestant judges in bipartisan chambers, and criticised the censorship of Jesuit books by the Parlement but not those by Calvin and Luther. L'Estoile, *Mémoires-journaux*, v, 104, 128-9, vii, 14, x, 271.
[50] P. Farinacci, *Tractatus de testibus* (Venice, 1609), gives a detailed account of these issues in Roman law, especially question fifty seven, fos. 64r-69v.

crucial points of procedure, especially the killing of the villager Adrien Malard.[51] By issuing reproaches against witnesses, La Cange pursued the best strategy open to defendants before the courts. He may have gained in legal know-how from his practice as a *prévôt des maréchaux* or in pre-trial preparation with an *avocat* or *procureur*. A successful prosecution required the testimony of two eyewitnesses. 'One witness is no witness', the legal maxim explained. But La Cange had quite a task to rule out fifty-six of the fifty-seven witnesses against him. Only Josias Le Taneur, another royalist soldier, gave testimony that at least did not undermine La Cange's defence, affirming that 'if La Cange did harm then it was not in his presence'.[52] La Cange also denounced the witnesses in general terms since so many of them came to Paris on the boat arranged by Chevalier.[53] Not only did Chevalier pay for the boat, La Cange alleged, but she loaded it with her own officers who aimed to shape the testimony against him. She paid for their meals too. La Cange claimed that 'the bread, wine, and pastries on the boat were carried from the château of Chaumot to feed the witnesses', while the labourer Jacques Moré responded that 'although there was bread and wine on the boat he did not see any pastries … and he paid for nothing but does not know where the food came from'. [54] However, La Cange did not call up witnesses against to support his reproaches, so ultimately he fell foul of the two-

[51] AN X2B 1177, 1599-04-14: 'L'avons interpellé et se souvenir dud. Malart d'aultant qu'il se trouve qu'il s'est servy de luy pendant qu'il respondant estoit aud. chateau de Chaumot ? A dict qu'il ne s'en peult souvenir toutesfois qu'il eut de ce temps plusieurs advis de gentilhommes serviteurs du roy et en a encores les memoire par lors luy qui sont les lettres que luy envoyerent chez gentilshommes et que renvoyant lesdites lettres il cognoistra s'ils s'est servy dudit Mulard ou Malard.'

[52] AN X2B 1177, 1599-11-15: 'si ledit La Cange eust voulu faire quelque mal ne l'eust voulu faire en sa presence'.

[53] AN X2B 1177, 1599-11-24: 'Ledit prisonnier a dict pour reproches que ledit tesmoin est faulse suscité par la dame de Chaumot sa partie adverse … qu'il y a longtemps que ledit tesmoin est en ceste ville de Paris et est venu dans le bateau auquel estoit pareillement ladite dame de La Herbaudiere laquelle a amené les tesmoins au lieu de Chaumot jusques en ceste ville de Paris sans aulcun sergent et sont venu sur autre association … Adjoustant que ladite dame de La Herbaudiere a esté six sept mois a Paris expres pour seduire priver avex eux lesdits tesmoins.'

[54] AN X2B 1177, 1599-11-20: 'Ledit prisonnier a soustenu que le pain la vin et les pastes qui estoient au basteau pour le maintenir des tesmoins y avoyent esté porté du chasteau de Chaumot. Ledit tesmoin a dict qu'il y avoit du pain et du vin dans le basteau ny a point veu aucune pastes qu'il a mangé du pain et beu du vin dudit basteau et une il n'a rien payé et ne scayt dont il est venu est qu'il se tient a St Julian du Satis et a esté adjourné pour venoit de payer.'

witness rule himself. His voice alone was not sufficient to rule out the evidence presented against him and so the court in general accepted the witness testimony to be valid.

Why was memory not more of a problem in early modern criminal trials such as this one? Modern psychologists of memory and criminal testimony explain how every act of recollection is also one of creation, forging new meaning to fit the present circumstances and respond to the pressured terms of the question asked.[55] By contrast, pre-modern Aristotelian psychology distinguished between the phases of perception and recollection, with memories imprinted in the mind like the impression left by a signet ring pressed into liquid wax, and so it showed less concern with the way in which memories might be reshaped in the meantime.[56] Nevertheless, jurists were keenly aware of the factors that could distort both the perception of events and their subsequent recall. Bartolus, in his 'Treatise on Testimony' and his commentaries on Justinian's Codex, affirmed that only evidence perceived by all five senses was valid and that evidence based on hearsay would not stand, although sixteenth-century jurists gave more flexible interpretations on this point.[57] The term hearsay appears in La Cange's case most often when he challenged the evidence witnesses presented.[58] According to Bartolus, people should be asked where they were when they saw a particular event to prove that they remembered correctly.[59] La Cange raised the issue of witnesses' location when he queried Jacques Henant's account of La Cange's rape of Barbe Gaultier among the vines beyond the château de Chaumot, protesting that 'no man can witness a rape from three quarters

[55] G.H. Gudjonsson, *The Psychology of Interrogations and Confessions: A Handbook* (Chichester, 2003), 157; E.F. Loftus, *Eyewitness Testimony* (Cambridge, MA, 1979), 21.
[56] M. Carruthers, *The Book of Memory: A Study of Memory in Medieval Culture* (Cambridge, 2008), 18-22.
[57] Bartolus a Saxoferrato, *Commentaria* (Basel, 1588), xx.xiiii, 426-8, 436; Bartolus a Saxoferrato, 'Tractatus testimoniorum' in Giovanni-Battista Ziletti ed., *Tractatus de testibus probandis uel reprobandis* (Cologne, 1574), xx, xxvii, 25. Cf. Farinacci, *Tractatus de testibus*, question 69, fos. 245v-246v; J.M. de Souvigny, *Praxis criminis persequendi* (Paris, 1551), fos. 12r-13v; Mirjan R. Damaška, *Evaluation of Evidence: Pre-Modern and Modern Approaches* (Cambridge, 2018), 101-4.
[58] Eg. AN X2B 1177, 1599-10-01: 'elle a ouy dire tout ce qu'elle a deposé', 'elle l'a ainsi ouy dire a feu sa pauvre mere'.
[59] Bartolus, *Commentaria*, xx.xiiii.7, 436.

of a league away', and that 'one witness said that the girl was raped among the vines near a windmill but this witness says something else entirely'.[60] The French jurist Guillaume Jaudin added that witnesses should be confirmed in their testimony within a year in case they forget what they said earlier, that they should be wary lest witnesses fail to give a crucial piece of evidence because of fear, and that heavy drinkers should not be admitted as witnesses because drunkenness ruins their memory.[61] La Cange declared the workman Jacques Moré too young to recall the events in his deposition and the labourer Germain Tafforeau a drunkard who 'denounced God and bared his arse' after a meal in Villeneuve Le Roy.[62] These points focus on the problem of either the creation or retrieval of memories rather than consolidation over time, and in this sense they fit the legal requirement of determining who is admissible in giving testimony, a requirement at the heart of La Cange's trial, rather than the broader problem of whether people's memories of events might be trusted. A few witnesses struggled to recall events. For example, Phelipes Guerin remembered La Cange whipping Malard and Forin but could not recall if he himself was whipped.[63] This rather vague testimony is an exception. Almost a decade after the events in question, the magistrates in the Parlement accepted the witness accounts as valid testimony of crimes committed during the Wars of Religion.

[60] AN X2B 1177, 1599-12-15: 'il n'y a homme qui peust de demy quart de lieu voir forcer une fille', 'ung des tesmoins qui est servant de la dame de La Herbaudiere a dict cy dessous que la fille don't a parlé le tesmoin fut force dans une vigne pres d'un moulin et le tesmoin dict qu'elle fut force en autre lieu'.
[61] G. Jaudin, *Traité des tesmoings et d'enquestes* (Paris, 1555), fos. 6r, 7r, 36v.
[62] AN X2B 1177, 1599-11-19: 'lors que le prisonnier print ledit chasteau de Chaumot le tesmoin n'eust sceu avoir neuf ou dix ans estoit ung petit gueux'. AN X2B 1177, 1599-11-20: 'que ledit tesmoin est de si mauvaise vie que pour un repas on luy fera ce que l'on vouloyt, s'est fait porter tous nud depuis un an de la ville de Villeneuve le Roy jusques a Masarlin distance deux lieux et demy dudit Villeneuve Le Roy montrant tous ses fesses et renians Dieu estant perdu de vin'.
[63] AN X2B 1179, 1599-12-15: 'quant a Mulart fut fouetté de la Fourin dont il a parlé et a coups de sangles de cheval ne scait si La Cange fouettoit luy mesmes et n'en peult avoir certaine mémoire de plus de temps, mais bien scait que si luy mesme ne fouettoyt il faisoit fouetter ledit Mulard ainsi oultrageusement comme il a dict'.

III

The witnesses' testimony also aligned with the crucial clauses in articles 86 and 87 of the Edict of Nantes that enabled people to bring prosecutions for 'execrable crimes [*cas execrables*]' such as rape, arson, homicide, and violent theft that took place during the wars and were committed on private initiative and not following orders.[64] The court accused La Cange of attacking a villager named Noel Forin 'so cruelly', striking him with a sword 'in such a way that his eyes came out of his head', and that 'these sorts of acts should not be committed even against the enemy'.[65] It proceeded in the interrogations by denouncing La Cange's actions in raping the maid Barbe Gaultier and giving her over to his solders afterwards as 'unthinkable atrocities'.[66] These points also aligned with the requirement that the court of the Connétablie and Maréchausée had responsibility for acts of war.[67] The witnesses thereby made sure that they presented La Cange's crimes to the court in terms that guaranteed they would be impossible to forget.

The emotional language of deponents matched with that of the Edict in identifying La Cange's crimes as being 'execrable'. Some of the witnesses shed tears as they deposed, and the scribe recorded scrupulously their emotional state that jurists justified as indicating the truth

[64] 'Édit de Nantes. Édit général' (1598) in 'L'Édit de Nantes et ses antécédents (1562-1598), eds B. Barbiche et al.,<http://elec.enc.sorbonne.fr/editsdepacification/edit_12>. A similar decree first appeared in article 42 of the 1577 Peace of Bergerac: 'Paix de Bergerac. Articles particuliers' (1577) in 'L'Édit de Nantes et ses antécédents (1562-1598), eds B. Barbiche et al., <http://elec.enc.sorbonne.fr/editsdepacification/edit_09>.

[65] AN X2B 1177, 1599-04-14: 'S'il n'a pas pris a rancon ledit Forin et si ung an qu'il n'en pouvoit tirer l'argent qu'il demandoit, il l'a pas faict batu la teste entre les jambes faict rouler par la maison battu et exceddé cruellement par apres luy bailler le fronteau et presser de telle facon que les yeux luy sortoit de la teste de sorte que de tels exeds ledit Forin seroit deceddé trois jours apres ? … que tels acts ne se devoyent commentre mesmes en cas d'hostilité'.

[66] AN X2B 1177, 1599-04-14: 'Luy avoir remonstré qu'il a preuve a l'interrogatoire que luy vouloit faire d'aultre forces et violament par luy commis a la personne de ladite Barbe Gaultier laquelle il a fait despouillé toute mesme l'a forca puis l'a habandonné a ses soldats puis apres l'a halbadonné aux goujats en fin l'ayant fut fouetté l'a chassa dudit chasteau qui sont toutes inhumainités impensables.'

[67] Mitchell, *The Court of the Connétablie*, 47-8.

of their testimony.[68] Guillemette Taffaelle's testimony gained in strength as the scribe recorded her tearful words 'you have done great harm, you have beaten my mother and you have caused ruin, and what you say is not true'.[69] And with tears of frustration at La Cange's denial of his testimony and allegation that he was a thief and a spy who wanted to sell Chaumot to the League, the labourer François Michant said, in words picked out as direct speech, '*monsieur* you were angry then and it will always be so'.[70] In these cases, emotional performance matched with the demands of the terms defining the 'execrable crimes' to give their testimony credibility. Perhaps these performances in court were somewhat contrived, since the case was in its fourth year of appeal, the witnesses had spent time together travelling from Sens and staying in the prisons of the Conciergerie, and there was ample time for Chevalier or officials in Sens to provide them with legal guidance. La Cange insinuated as much when he protested that most of the witnesses should not be admitted since they travelled to Paris at Chevalier's expense, worked for her, and sometimes owed her money. Perhaps witnesses fitted their narratives to the tropes of soldiers' violence reported in the atrocity literature of early modern chronicles and pamphlets that discussed civil war violence.[71] Yet these descriptions of tearful witnesses are not simply formulaic or particularly well informed, and they do not address articles of the edict explicitly. These depositions are precise in detail yet derive from an intensely stressful situation when the witnesses were confronted with the man who caused their suffering and had to endure his intimidating rebukes. These depositions balance legal norms with emotional intensity, giving a vivid sense of vernacular memories of the troubles that carried legal force and brought popular agency into the courtroom.

[68] Souvigny, *Praxis criminis persequendi*, 38r.
[69] AN X2B 1177, 1599-10-01: 'Ladite tesmoin plorant a dict vous nous avez faict grand tort vous avec battu ma mere et nous avez ruinez et ne dict rien que ne soyt vray.'
[70] AN X2B 1177, 1599-12-16: 'Et ledit tesmoin a dict ces mots *monsieur vous esties en colere* disant en plorant qu'il en est soyt a jamais.'
[71] Pollmann, *Memory in Early Modern Europe*, 159-85.

Like the witness accusations, La Cange fitted his excuse strategy to the terms of the articles on 'execrable crimes' and so implicitly accepted the validity of the edicts. Besides the personal insults, the most persistent defence that La Cange used in their depositions was that he was acting on orders. This command defence is a common strategy in similar cases tried by the Parlement concerning soldiers on both sides of the political divide.[72] The terms of articles 86 and 87 of the Edict of Nantes allowed for acts of violence ordered by superiors according to 'the necessity, law, and order of war', and only made provision for crimes committed 'without orders' to be prosecuted.[73] La Cange claimed that he held Chaumot and nearby Chéroy as a loyal servant of the king, acting on the orders of his commander René Viau, the sieur de Champluivault and Henri de Navarre's governor in the Gastinois.[74] La Cange also excused his raping and pillaging as the regular actions of a soldier. He dismissed the woman he was accused of raping as 'whores who served the soldiers', and queried the thefts as provisions from the château so in both cases he claimed he did not have a case to answer.[75] In this way La Cange legitimised his actions as the typical actions of soldiers in this period, who were known to live off the land and organise their camps to include prostitutes and female victuallers.[76] However, as with La Cange's defence strategy of ruling out the testimony presented against him, his defence was undermined by the fact that he could produce no witnesses to back up his claims nor any written documents from his superiors to illustrate their orders. At best he offered that

[72] For example, the case of the League captain Martin Beausse (AN X2B 1178, 1601-02-09) focuses on the details of his commission from the duc de Mercoeur.
[73] 'Édit de Nantes. Édit général' (1598) in 'L'Édit de Nantes et ses antécédents (1562-1598), eds Bernard Barbiche et al., <http://elec.enc.sorbonne.fr/editsdepacification/edit_12>.
[74] AN X2B 1177, 1599-09-08: 'S'il ne pilla pas ladite ville de Chéroy ? A dict que le sieur de Champluivaut son cappitaine conseiller du roy au pais print ladite ville luy assistant led. sieur de Champluivaut et qu'il ne doibt respondre des reproches que y furent faicts.' Cf. J. Lebeuf, *Mémoires concernant l'histoire écclésiastique et civile d'Auxerre* (Paris, 1743), ii, 436-7, 451; Rozée, 'Histoire de la Ligue', ii, 184.
[75] AN X2B 1177, 1599-09-08: 'a depuis a dict si nous voulons parler d'une femme de Sens qui estoit garse des soldats nommée Jeanne Gerard laquelle fut cause du meurtre d'un des soldats et des blessures de deux ou trois autres qu'il ne doibt respondre de cela.'
[76] J.A. Lynn, *Women, Armies, and Warfare in Early Modern Europe* (Cambridge, 2008), 66-163.

he could refer to 'the letters he had received from several gentlemen' to confirm specific points, a line of enquiry that the court quickly dropped.[77]

This witness evidence reveals how new legal norms were incorporated into the settlement of disputes at the end of the civil wars. The Parlement and the accused implicitly framed their questions and answers in alignment with articles 86 and 87 of the Edict of Nantes, making clear that they concerned war crimes, were based on independent misdemeanours and not following orders, and that they were not liable to be consigned to oblivion like so-called 'legitimate' acts of war. This conclusion is comparable with research into of the Paris Chambre de l'Édit, which has shown how the terms of the Edict of Nantes shaped the language of the judgements of the Paris in cases concerning Protestants.[78] The difference here is that the interrogations in the criminal chamber of the Parlement reveal further than the Chambre de l'Edit's surviving official judgements how the Edict shaped the language of dispute from the earliest stage of interrogations, how the accused responded in an informed way, but also how the emotive terms of 'execrables cases' appealed to witnesses who mobilised in numbers to avenge their grievances from the civil wars. Legal rights shaped not only the incidence of violence in the Wars of Religion but also how they were dealt with afterwards.[79]

IV

In conclusion, evaluating La Cange's case in terms of the conceptual framework of post-war conflict resolution reveals its wider significance for the history of violence, memory, and

[77] AN X2B 1177, 1599-04-14: 'qu'il eut de ce temps plusieurs advis de gentilhommes serviteurs du roy et en a encores les memoire par lors luy qui sont les lettres que luy envoyerent chez gentilshommes et que renvoyant lesdites lettres il cognoistra s'ils s'est servy dudit Mulard ou Malard.'
[78] Margolf, *Religion and Royal Justice in Early Modern France*, 76-83.
[79] Cf. Carroll, 'The Rights of Violence', 131-3, 160-2; M. Greengrass, 'The Anatomy of a Religious Riot in Toulouse in May 1562', *The Journal of Ecclesiastical History*, 34 (1983), 390.

criminal justice. This case does not exemplify successful transitional justice in every aspect of its modern ideal of 'the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation'.[80] Rather than 'truth and reconciliation' these legal proceedings resulted in years of lies and confrontation.[81] Nevertheless, the case does represent a post-war affirmation of the rule of law over incidents of illicit civil war violence.[82] This point is significant because it highlights the strength of legal institutions in overseeing post-war conflict resolution at a crucial moment around 1600 when jurists in Western Europe developed legal norms that have more recently shaped the modern field of transitional justice, a moment that notably included the Edict of Nantes, the Treaty of Vervins, and the Tweve Years Truce between the Netherlands and Spain. The Oxford jurist Alberico Gentili published his *Three Books on the Laws of War* in 1598, which made a significant conceptual distinction by establishing 'jus post bellum' as a clear category in its own right–distinct from 'jus ad bellum' and 'jus in bellum'–dealing with questions such as treaties, restitution, and prisoners of war.[83] Hugo Grotius continued his earlier work on 'On the Law of Plunder' (1604-06) when he finished *The Rights of War and Peace* while living in Paris during 1621-25, having fled the Dutch Republic as a consequence of its own troubles. During that time he kept in regular contact with the Dupuy circle that had initially gathered around the

[80] Kofi Annan, 'The Rule of Law and Transitional Justice in Conflic and Post-Conflict Societies: Report of the Secretary-General' (2004), III.8, <https://www.un.org/ruleoflaw/blog/document/the-rule-of-law-and-transitional-justice-in-conflict-and-post-conflict-societies-report-of-the-secretary-general/>, accessed 30 April 2019.
[81] In this sense, the subjective perspectives brought to the trial may be more representative of the process of transitional justice than its normative, ideal model might suggest. Cf. Erin Daly, 'Truth Skepticism: An Inquiry into the Value of Truth in Times of Transition', *The International Journal of Transitional Justice*, 2 (2008).
[82] On these conceptual distinctions, see Jens Iverson, 'Transitional Justice, *Jus Post Bellum* and International Criminal Law: Differentiating the Usages, History and Dynamics', *The International Journal of Transitional Justice*, 7 (2013).
[83] Randall Lesaffer, 'Alberico Gentili's *Ius Post Bellum* and Early Modern Peace Treaties' in Benedict Kingsbury and Benjamin Straumann (eds), *The Roman Foundations of the Law of Nations: Alberico Gentili and the Justice of Empire* (Oxford, 2010). For the wider legal debates around these issues see Stephen D. Bowd, *Renaissance Mass Murder: Civilians and Soldiers During the Italian Wars* (Oxford, 2018), 115-45.

président in the Parlement Jacques Auguste de Thou, and he also worked at the country residence in Senlis of the *président* Henri de Mesmes. Grotius published *The Rights of War and Peace* in Paris in 1625 with a dedication to Henri IV's successor Louis XIII in gratitude for the somewhat tardy payment of a pension.[84] The treatise represents a foundational statement of the international norms of *jus post bellum*.[85] Yet Grotius' treatise also responded to the contingent circumstances of Europe's Wars of Religion by setting out a formal framework in Roman law jurisprudence through which disputes relating to the conduct of war and the establishment of peace might be rigorously defined and effectively settled. For all of Grotius' conceptual exemplarity, these are issues that had already been explored in practice through cases tried by the Parlement like the one that Chevalier prosecuted against La Cange.

As well as resolving Chevalier's private grievance against La Cange, and testing new norms in defining war crimes in terms of *jus post bellum*, the case had a clear public function when viewed from the perspective of its presiding court. The Parlement of Paris judged La Cange's crimes in a way that re-established the rule of law by making public claims to enforce justice and display exemplary punishment. Occuring between the well-known public executions of the regicides Jean Chastel and François Ravaillac in 1594 and 1610, the public execution in the Place de Grève of a criminal like Mathurin de La Cange in 1600 showed how a court that was so damagingly split along party lines from 1589 until 1594 now stood united in defence of royal authority.[86] In a number of judgements concerning war crimes tried in the 1590s and 1600s, the Parlement showed itself capable of issuing its most severe punishments

[84] H. Nellen, *Hugo Grotius: A Lifelong Struggle for Peace in Church and State, 1583-1645* [2007], trans. J.C. Grayson (Leiden, 2014), 44-52, 313-30; H. Grotius, *The Rights of War and Peace* [1625], ed. and trans. R. Tuck, 2 vols (Indianapolis, 2005), i. 7-11.
[85] For an influential Grotian, normative statement see May, *After War Ends*, esp. 8-10, 19-23. For a genealogy see R. Jeffery, *Hugo Grotius in International Thought* (Houndmills, 2006), 27-49.
[86] On these cases, see R. Descimon, 'Chastel's Attempted Regicide (27 December 1594) and its Subsequent Transformation into an "Affair"', in A. Forrestal and E. Nelson (eds.), *Politics and Religion in Early Bourbon France* (Basingstoke, 2009); R. Mousnier, *L'Assassinat d'Henri IV: 14 mai 1610* (Paris, 1964).

both to declared royalists like La Cange as well as to Leaguers such as those responsible for the lynching of the *premier président* of the Parlement Barnabé Brisson.[87] In this way, the court overturned the political justice that characterised its activity in what proved to be its most challenging phase of the troubles. Now it made public claims to have reconciled not only its magistrates who had until recently split between Leaguer Paris and royalist Tours, but also the litigants who once again brought cases to the Parlement from the full breadth of its jurisdiction. Whether the exemplary deterrent of capital punishment convinced the spectators present of its successful reinforcement of the rule of law in the aftermath of the troubles is another matter. La Cange's refusal to give a repentant dying speech on the scaffold suggests the profound instability of the execution ritual.[88] Yet the clear recovery of the Parlement's activity in the practice of criminal justice from late 1594 onwards suggests that it did offer appellants recourse to justice after all.

Deeper research into the criminal archives of the Parlement, and broader comparisons across early modern Europe, can test the hypothesis that recourse to legal institutions helped societies to hold together despite the divisions of civil war by providing a non-partisan forum for dispute resolution. Discussing the impact of the civil wars of the mid seventeenth century, Christopher Brooks suggested that 'the laws of England, formulated over the centuries in an ongoing dialogue between litigants and the courts, were a source of stability during a period internecine strife, religious fanaticism, and military dictatorship' when considering the 'everyday business for which ordinary people of all sorts used courts'.[89] Mathurin de La Cange's crimes committed in Chaumot towards the end of the Wars of Religion cannot

[87] Barnavi and Descimon, *La Sainte Ligue*, 242-4.
[88] T. Hamilton, 'Contesting Public Executions in Paris Towards the End of the Wars of Religion' in Stephen Cummins and Laura Kounine (eds), *Cultures of Conflict Resolution in Early Modern Europe* (Farnham, 2016), 179-202.
[89] C.W. Brooks, 'Law and Revolution: The Seventeenth-Century English Example' in M. Lobban, J. Begiato, and A. Green (eds.), *Law, Lawyers and Litigants in Early Modern England: Essays in Memory of Christopher W. Brooks* (Cambridge, 2019), 314.

demonstrate this point comprehensively in a French context, but the currents of post-war criminal justice that brought his case downstream from Sens to Paris suggests an agenda for further research.