

Chapter 7

Contesting Public Executions in Paris Towards the End of the Wars of Religion

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A major focus of French historical writing about the early modern period is the growth and affirmation of state power, particularly in the distribution of justice.¹ The most extreme interpretation in this tradition is Michel Foucault's account of the exceptional public execution in Paris of the attempted-regicide Robert-François Damiens on 28 March 1757, an event which repeated the execution of the regicide François Ravailac on 27 May 1610 but was otherwise entirely unrepresentative of pre-modern justice.² Foucault's account has provoked rigorous historical research into how early modern criminal courts carried out public executions as a 'political ritual' to perform good justice and enforce the rule of law.³ Yet, as this volume shows, public executions represented only a final stage among a range of formal and informal procedures for processing disputes. While the

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¹ Arlette Lebigre, *La Justice du roi: la vie judiciaire dans l'ancienne France* (Paris, 1985). For critical perspectives see Fanny Cossandey and Robert Descimon, *L'Absolutisme en France: histoire et historiographie* (Paris, 2002) and Christian Kühner's chapter in this volume. The groundbreaking research conducted by Nicole and Yves Castan into the relationship between royal justice and conflict resolution in early modern France is represented in Nicole Castan, 'The Arbitration of Disputes under the "Ancien Régime"', in John Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983), pp. 219–60.

² Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London, 1979, first French edition 1975), pp. 3–69. See the trenchant criticisms made by Stuart Carroll in his Afterword to this volume.

³ Particularly significant for the present chapter are Pascal Bastien, *L'Exécution publique à Paris au XVIIIe siècle: une histoire des rituels judiciaires* (Paris, 2006), and Paul Friedland, *Seeing Justice Done: The Age of Spectacular Capital Punishment in France* (Oxford, 2012).

rhetoric of royal justice in early modern France made great claims to efficacy, the role of public executions in cultures of conflict resolution was limited. Public executions were used sparingly even at the highest level of criminal justice, held in crucial balance with the king's capacity to pardon. Nevertheless, public executions demonstrated to the people royal justice in action. They reveal the capacity of criminal courts to achieve their goals. Focusing on the contests over public executions in Paris towards the end of the Wars of Religion, this chapter exposes the inadequacies of state-directed conflict resolution in practice. In particular, it examines both the ritual of public executions ordered by the Parlement of Paris and the responses they provoked at a moment of acute crisis, the troubles of the Catholic League (1588–1594) towards the end of the Wars of Religion, which tested to the limit the court's capacity to resolve conflicts at the highest level of criminal justice.⁴

During public executions, the magistrates of the Parlement worked to ensure that the condemned died penitent and recognized the truth of their crimes, and that they were expelled from society in this life and prepared for their salvation in the next. Yet contrary to this smooth, customary ritual that the court's publicists presented, the condemned often challenged their sentence before the magistrates and the unpredictable crowd. Such disturbances are perhaps inherent to the practice of exemplary capital punishment. They were particularly significant during the troubles of the League that divided the internal politics of the Parlement and severely disrupted its administration of criminal justice. Sections of this chapter focus on the execution ritual itself, the impact of the troubles of the League on the practice of criminal justice in the Parlement, and the responses of the scaffold crowd, in

⁴ On criminal justice in the Parlement of Paris see Alfred Soman, *Sorcellerie et justice criminelle: le Parlement de Paris (16^e–18^e siècles)* (Aldershot, 1992) and his articles cited throughout this chapter. On the Parlement of Paris and royal authority in sixteenth-century France see Alfred Soman, 'La Justice criminelle, vitrine de la monarchie française', *Bibliothèque de l'École de chartes*, 153/2 (1995): pp. 291–304; Michel de Waele, *Les Relations entre le Parlement de Paris et Henri IV* (Paris, 2000); Sylvie Daubresse, *Le Parlement de Paris ou la voix de raison (1559–1589)* (Geneva, 2005); Daubresse, 'De Paris à Tours, le Parlement "du Roi" face au Parlement "de la Ligue" (1589–1594)', in Monique Morgat-Bonnet, Sylvie Daubresse and Isabelle Storez-Broncourt, *Le Parlement en exil, ou histoire politique et judiciaire des translations du parlement de Paris (XV^e–XVIII^e siècle)* (Paris, 2007), pp. 301–536; Marie Houllé, *Politiques de la parole: le Parlement de Paris au XVI^e siècle* (Geneva, 2011); Sylvie Daubresse with Bertrand Haan (eds), *Actes du Parlement de Paris et documents du temps de la Ligue (1588–1594): le recueil de Pierre Pithou* (Paris, 2012).

order to emphasize the difficulties the Parlement faced in performing public executions, difficulties which it mostly overcame following Henri IV's defeat of the League.

The Execution Ritual

The magistrates of the Parlement carefully structured and recorded the procedure of the interrogation immediately before execution ('la question préalable') to ensure that executions followed 'the customary manner'. In their reports of execution proceedings, the criminal scribes of the Parlement recorded the contests at the heart of execution rituals in detail.⁵ Many of these cases were also reported by the diarist Pierre de L'Estoile (1546–1611), Hearer and Royal Secretary in the Chancery attached to the Parlement of Paris.⁶ L'Estoile was well informed about the conduct of criminal justice in the Parlement and often composed his reports of executions to compel his colleagues in the court to perform what he considered to be good justice.⁷ In his diaries he reported executions in Paris of over three hundred condemned, selecting rare and curious cases, or those with clear political significance.⁸

Interrogations before execution record the magistrates' attempts to lead the condemned to redemption by admitting the truth of their crimes and naming any accomplices. Against these demands the condemned sought to defend their cause, perhaps in the hope of a pardon, or perhaps to

⁵ Interrogations before execution for this period are held in the Archives nationales de France, Paris (hereafter AN), X2B 1175 and 1176 (1579–1590), 'Instructions', and AN X2B 1330, 'Procès-verbaux de questions et exécutions' (1584–1616). On the political problems of defining 'custom' in ceremonial record-keeping see Giora Sternberg, 'Manipulating Information: Ceremonial Records, Aristocratic Strategies, and the Limits of the State Perspective', *The Journal of Modern History*, 85/2 (2013): pp. 239–79.

⁶ 'conseiller notaire et secrétaire du roy et audiencier en la chancellerye de Paris' is the title he gave in the contract finalizing the purchase of his house in the parish of Saint André des Arts: AN MC XXXIX 8, 8 June 1575. See Florence Greffe and José Lothe, *La Vie, les livres et les lectures de Pierre de L'Estoile: nouvelles recherches* (Paris, 2002), pp. 95–9.

⁷ Citing from L'Estoile throughout I have used the edition *Mémoires-journaux de Pierre de L'Estoile*, ed. Pierre Gustav Brunet et al., 12 vols (Paris, 1878–1896), hereafter 'Brunet'.

⁸ L'Estoile's reports of the number condemned at executions are often vague and so evade a precise count. On aspects of his reports of crimes see Tom Hamilton, 'Pierre de L'Estoile and his World in the Wars of Religion, 1546–1611' (unpublished DPhil thesis, University of Oxford, 2014), pp. 87–123; Diane Roussel, *Violences et passions dans le Paris de la Renaissance* (Paris, 2012), pp. 67–81; Friedland, *Seeing Justice Done*, pp. 132–6; Claudine Dagnet, 'Pierre de L'Estoile témoin de la justice criminelle, 1574–1611' (Master's thesis, l'Université Paris-Sorbonne Paris IV, Centre Roland Mousnier, 1977).

seek justice and redemption on their own terms. For the Parlement, this procedure served a dual religious and legal purpose. Beginning with royal legislation of the reign of Charles VI, it ensured the condemned could confess before execution, and offered a chance for the magistrates to identify any accomplices and to clarify details of a trial.⁹ The magistrates seem to have applied the procedure particularly when the condemned persistently denied their guilt in earlier interrogations and did not accept their sentence.¹⁰

On the day of the execution, a judge read out the sentence to the condemned who supposedly submitted before the assembled magistrates, royal prosecutor, sergeants and the criminal scribe in the chapel of the prison of the Conciergerie.¹¹ Located beneath the criminal chamber of the Tournelle and the great chamber of the Parlement, the Conciergerie was at the heart of the Palais de Justice, situated at the western end of the Île de la Cité.¹² There the magistrates might subject the condemned who denied their sentence to a final interrogation in the questioning room, pressured them to ‘recognize the truth’ of the facts of their case and thus hope for redemption.¹³ Before the interrogation began, the confessor took the condemned aside to examine their conscience.¹⁴ Those leading the interrogations saw themselves as God’s magistrates.¹⁵ When Louis de St Aubin refused to kneel to hear his judgment read and instead protested his innocence, the magistrates ‘remonstrated with him that the power of

⁹ Jean Imbert, *La Pratique judiciaire, tant civile que criminelle, receue et observe par tout le Royaume de France* (Villefrance, 1615), p. 745; Claude Le Brun de La Rochette, *Les Procès civil et criminel* (Lyon, 1622), *Procès criminel*, ii, 152; Esther Cohen, “‘To Die a Criminal for the Public Good’: The Execution Ritual in Late Medieval Paris”, in Bernard S. Bacharach and David Nicholas (eds), *Law, Custom, and the Social Fabric in Medieval Europe: Essays in Honor of Bryce Lyon* (Kalamazoo, 1990), p. 295.

¹⁰ Le Brun explained that the prisoner or the condemned should only be put to the question with ‘grandes indices precedents’: Le Brun, *Procès criminel*, ii, 153, 163. According to Jean Milles de Souvigny, *Praxis criminis persequendi* (Paris, 1541), fol. 84v, those who denied their sentence would be damned.

¹¹ Souvigny, *Praxis*, fols 83r–84v.

¹² Jacques Hillairet, *L’Île de la Cité* (Paris, 1969), pp. 277–99.

¹³ For an analysis of the *question préalable* in the Parlement of Toulouse from 1600 to 1788 see Lisa Silverman, *Tortured Subjects: Pain, Truth, and the Body in Early Modern France* (Chicago and London, 2001), p. 81.

¹⁴ This moment is indicated in many of the *procès-verbaux d’exécution* and is out of earshot for the criminal scribe.

¹⁵ Daubresse, *Parlement de Paris*, p. 306; Houllmare, *Politiques de la parole*, p. 498.

judges and magistrates comes from God, and that he had passed it on to Kings, and Kings passed it on to judges, and that he was not ignorant of that'.¹⁶ Despite the magistrates' indignation, many of the condemned continued in their irreverence at every stage of proceedings.

Since the Parlement proved reluctant to extract confessions using torture, many of the condemned resisted in the hope of pardon, while some felt confession offered their best chance of reprieve.¹⁷ In the despair of an interrogation before execution, the condemned might continue to dream of a pardon, perhaps knowing of the rare case of Jean de Poitiers, sieur de Saint-Vallier, who stood on the scaffold on 17 February 1524, awaiting execution for treason, when a servant of the chancellor instead brought on horseback the king's remission with the cry 'Holla, holla, stop, stop, here is the king's remission'.¹⁸ It might then be prudent for the condemned simply to play for time with their inquisitors.¹⁹ Two companions accused of multiple thefts and homicide followed opposing tactics in their interrogation. Mathurin Renault, fruit-seller and soldier in the armies of the League, denied his sentence on 16 January 1590 but found himself compromised by his companion Bonaventure Constant. When they were brought together Renault asked 'my brother have you confessed?' and he found Constant had betrayed him, perhaps tempted by the offer of a reduced punishment if he would confess and name accomplices.²⁰ The condemned did not simply prepare for a good death but proceeded tactically in these interrogations.

¹⁶ 'Luy ay remonstré que la puissance des juges et magistrats estoit de Dieu qui l'avoit deféré aux Roys et les Rois commise aux juges et qu'il n'estoit ignorant de cela. Que n'avoit veu depuis vingt cinq ans aulcun en ceste place qui n'eust rendu plus d'humilité et respect aux arrests de la cour fussent gentils homme ou autre'. AN X2B 1330, 23 May 1607; Brunet, vol. 8, p. 299; Stuart Carroll, *Blood and Violence in Early Modern France* (Oxford, 2006), p. 211.

¹⁷ On the use of torture see Soman, 'La Justice criminelle aux XVI^e-XVII^e siècles: le Parlement de Paris et les sièges subalternes' in Soman, *Sorcellerie et justice criminelle*, , pp. 38–49.

¹⁸ Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford, 1987), pp. 53, 56.

¹⁹ As in early modern Naples: Giovanni Romeo, *Aspettando il boia: condannati a morte, confortatori et inquisitori nella Napoli della Contrariforma* (Florence, 1993), pp. 52–4. Thanks to Marco Cavarzere and Stephen Cummins for this reference and discussion on this point.

²⁰ 'Mon frere as tu confessé?' AN X2B 1330, 16 January 1590.

Claude Barie persisted in his denials and challenged the foundations of the process. He was arrested for what L'Estoile called 'undignified words' upon leaving midnight mass drunk on Christmas Eve 1596, threatening to kill the king.²¹ His words were foolish ('sottie sottie sottie'), wine had overtaken him, and the Devil had whispered in his ear. When Barie was told to confess his crimes in the hope of salvation, the criminal scribe recorded his insistence that 'the damnation of his soul is not up to the king nor any other person', and he eventually asked for pardon in only the most general terms. Barie would wait for God's judgment and could not be guilty as he did not have the will to say those words against the king.²² His excuse of drunkenness was fairly common, but he went further than his fellow condemned in denying outright the legitimacy of the Parlement's procedure.

After the interrogation, the magistrates led the condemned out of the prison and to the scaffold, where the contest became public. Places of execution all served as points of communication between the government and the people. Criers announced royal edicts at the same sites.²³ Most executions took place at the place de Grève, but the magistrates of the Parlement also used other large public spaces across the city, notably the Place Maubert, the end of the bridge of Saint Michel, the market of Les Halles, the square before Notre Dame, the courtyard before the Palais de Justice, and the city gates. The presence of gallows established these customary sites of execution in Vassalieu's 1609 map of the capital (Figure 1).²⁴ The Parlement sent a number of the condemned back to their original place of appeal for the sentence to be carried out.²⁵ Certain executions took place at sites linked to the crime committed by the condemned, but for the most part the specific site chosen seems

²¹ Brunet, vol 7, p. 79.

²² 'Au Roy ny a aucune personne soit la damnation de son ame.' AN X2B 1330, 4 January 1597; AN X2A 959, 4 January 1597.

²³ Jee Su Kim, 'French Royal Acts Printed Before 1601: A Bibliographical Study' (unpublished PhD thesis, University of St Andrews, 2008), vol. 1, pp. 41–2.

²⁴ On Vassalieu's map see Hilary Ballon, *The Paris of Henri IV: Architecture and Urbanism* (New York, 1991), pp. 220–33.

²⁵ For example AN X2B 1130, 21 December 1596.

to carry little relation to the crime, perhaps simply since the authorities could best control crowds in large public squares.²⁶

[Insert figure 1 here]

Figure 1 **Detail of Vassalieu dit Nicolay, Map of Paris, 1609. Wikimedia Commons.** Vassalieu's map marks sites of execution with gallows at the place de Grève (centre left), the Place Maubert (top right) and the Place Saint Michel (centre right). The Palais de Justice and the cathedral of Notre Dame dominate the Île de la Cité.

The condemned travelled from the Palais de Justice to the scaffold either on foot or in a wooden cart, although the exact route to each site is unclear.²⁷ Processions paused at the cathedral of Notre Dame if the shaming, penitential ritual of the 'amende honorable' ('fine of honour') was to be performed. Here the condemned would kneel before the cathedral gate with bare feet and wearing a white shirt, holding a candle, publicly confessing their crimes.²⁸ To challenge this procedure was to attack the spiritual authority of the Parlement's justice. During his *amende honorable* on 29 December 1594, the attempted-regicide Jean Chastel corrected the words of the judgment and defended his actions – he had not said it was permitted to kill kings, only to kill tyrants – although the crowd's cries of 'VIVE LE ROY' drowned him out.²⁹ A week later, the Parlement executed Jean Guignard, the head of the Jesuit Collège de Clermont in Paris, where Chastel had studied. In his interrogation, Guignard also contested the sentence of *lèse majesté* and defended the Jesuits from the Parlement's

²⁶ Bastien, *L'Exécution publique*, pp. 126–9, notes the scarcity of this practice in eighteenth-century Paris. An example of an execution in this period that did take place at the site of the crime is Brunet, vol 8, pp. 162–3; AN X2B 220, 12 August 1604.

²⁷ In cases of whipping and banishment the registers of the Conciergerie contain the summary 'fustigés nud de verges par tous les carrefours de ceste ville': Archives de la Préfecture de Police de Paris (hereafter APP), Registres d'écrous de la Conciergerie du Palais de Justice; for example AB 11, fols 22r, 45v, 59r, 87r. For routes to sites of execution used at different points between the fifteenth and eighteenth centuries in Paris see Friedland, *Seeing Justice Done*, p. 102; Bastien, *L'Exécution publique*, pp. 129–33.

²⁸ Friedland, *Seeing Justice Done*, pp. 96–8, 102, 125–6; Bastien, *L'Exécution publique*, pp. 53–8.

²⁹ AN X2A 958, 29 December 1594, following the capitalization in the manuscript; Brunet, vol 6, p. 249; H. Fouqueray, 'Le Dernier Interrogatoire et l'exécution de Jean Chastel d'après le procès-verbaux inédits', *Études: revue fondée en 1856 par des pères de la Compagnie de Jésus*, 102/1 (1905), pp. 102–103.

accusations.³⁰ He protested that he could not perform the *amende honorable* as the terms of the judgment offended his conscience, despite the scribe's insistence that his disobedience would lead to a more rigorous punishment. Guignard persisted, and sought to convince the crowd of his innocence, saying he knew nothing of any conspiracy against the king, and had been loyal to him since his conversion to Catholicism. Guignard called on the people to pray for the Jesuits, then speaking in Latin commended his soul to God and asked Him to forgive the executioners.³¹ Pursuing salvation on their own terms, Chastel and Guignard confirmed themselves in the eyes of the magistrates as disturbers of the peace who must be expelled from God's kingdom on earth.

Those condemned for heresy earlier in the French Reformation disturbed execution proceedings instead by singing psalms, marking the constancy of their faith.³² Magistrates mutilated their tongues or stuffed their mouths to prevent them from doing so.³³ Similar occurrences were rare towards the end of the civil wars, with a remarkable exception: Claude and Radegonde Foucaulde were executed for heresy at the place de Grève on 28 June 1588.³⁴ Under interrogation in the criminal chamber both sisters vigorously defended the tenets of their faith and refused to speak to a confessor.³⁵ Edmund Stafford, the English ambassador, reported that because of their 'cheerfull countenance and constancie' on the route between the Palais de Justice and the Châtelet, a *procureur* 'putt gags into their mouthes, and tydd downe their chinnes thatt their devotion in lettinge upp their eyes wought nott be seene'.³⁶ At the scaffold, members of the crowd rushed 'in animated fury',

³⁰ The magistrates of the Parlement used the moment of Guignard's trial to insist on the expulsion of the Jesuits – identified with the rebellion of the League – from their jurisdiction: Eric Nelson, *The Jesuits and the Monarchy: Catholic Reform and Political Authority in France (1590–1615)* (Aldershot, 2005), pp. 46–55.

³¹ AN X2A 958, 7 January 1595; Brunet, vol. 7, pp. 4–6; Fouquieray, 'Le Dernier Intérogatoire', pp. 105–106.

³² David El Kenz, *Les Bûchers du roi: la culture protestante des martyrs (1523–1572)* (Paris, 1997), pp. 152–7, 166–71.

³³ David Nicholls, 'The Theatre of Martyrdom in the French Reformation', *Past and Present*, 121/1 (1988): p. 63.

³⁴ AN X2B 157, 28 June 1588; Brunet, vol. 3, pp. 120–21, 166; Pierre Fayet, *Journal historique de Pierre Fayet sur les troubles de la Ligue*, ed. Victor Luzarche (Tours, 1852), p. 44. See William Monter, *Judging the French Reformation: Heresy Trials by Sixteenth-Century Parlements* (Cambridge, MA, 1999).

³⁵ AN X2A 956, 28 June 1588.

³⁶ Edmund Stafford to Francis Walsingham, 21 May 1588, British Library, ms. Harley 288, fols 196–197.

according to L'Estoile, to cut the cord hanging one of the Foucaulde sisters so that she would not die quietly but fall into the flames below and burn alive.³⁷ Their case seems to have more in common with contested executions of heretics in the years before the outbreak of the civil wars, and repeats an earlier pattern of ritual violence.³⁸ Such was their notoriety, they appear late in the martyrologies of the Reformed faith, during the 'autumn of the Church', in Agrippa d'Aubigné's phrase.³⁹

Degrees of clemency and flexibility underlay the apparent rigours of the execution procedure. The Parlement executed the majority of the condemned by hanging, a small number by decapitation and quartering, and others by breaking on the wheel or apparently by 'burning alive'. In these latter cases the magistrates usually applied a 'retentum' clause, a further instruction withheld from the main body of the sentence that was read aloud, ensuring that the condemned were quietly strangled before the gruesome punishment was carried out in public.⁴⁰ The Parlement executed in effigy those criminals who could not be apprehended, including in March 1595 several former members of the Paris Sixteen, the radical group of Leaguers who had taken over the civic administration following the Day of the Barricades on 12 May 1588.⁴¹ Often the Parlement ordered the bodies of the condemned to be taken from the scaffold to the gibbet at Montfaucon, where they could be seen by those passing along the roads leading north out of Paris, and then buried there.⁴² François Perrichon, the penitent

³⁷ 'par la fureur du peuple animé, qui coupa la corde avant qu'elle fut estrangée et jetta dans le feu'. Brunet, vol. 3, p. 166; Simon Goulart's addition to Jean Crespin's *Histoire des martyrs persecutez mis a mort pour la verité de l'Evangile, depuis le temps des Apostres jusques l'an 1597* (Geneva, 1597), fol. 757r, reports that the executioner cut the cord early at the instigation of the crowd.

³⁸ Natalie Zemon Davis, 'The Rites of Violence', in Natalie Zemon Davis, *Culture and Society in Early Modern France* (Stanford, 1975), pp. 162–3.

³⁹ Agrippa d'Aubigné, *Les tragiques* in *Oeuvres* ed. Henri Weber (Paris, 1969), pp. 146–7 (verses 1234, 1257–84).

⁴⁰ Soman, 'La Justice criminelle aux XVI^e-XVII^e siècles' in Soman, *Sorcellerie et justice criminelle*, , 32; Alfred Soman, 'Sorcellerie, justice criminelle et société dans la France moderne (l'ego-histoire d'un Américain à Paris)', *Histoire, économie et société*, 12/2 (1993), pp. 200–201.

⁴¹ APP AB 11, fol. 196r. On executions of effigies see Carroll, *Blood and Violence*, pp. 207–208; Friedland, *Seeing Justice Done*, pp. 107–112.

⁴² Jacqueus Hillariet, *Gibets, piloris et cachots du vieux Paris* (Paris, 1956), chapter 3.

murderer and League militiaman, instead pleaded for burial on consecrated ground, and the criminal scribe said he would ‘ask pardon of the counsel and promised to do all he could’.⁴³

At the scaffold, the executioner called for silence and the scribe proclaimed the judgment.⁴⁴ The magistrate in charge of the case and the confessor then submitted the condemned to redoubled physical and moral pressure to confess. Sometimes they once again confronted the condemned with their accusers or accomplices, urging them to ask for pardon.⁴⁵ Laurent Gervasion, known as ‘La Fortune’, condemned for theft and homicide, underwent torture on the scaffold by breaking on the wheel, where he cried vengeance against the executioner and his accusers until he made a partial confession.⁴⁶ L’Estoile often composed his reports to promote an ideal of good justice, and he could not disregard Gervasion’s protests, insisting that his crimes were ‘execrable’ and that he was a ‘poor wretch’, surely damned.⁴⁷ This response indicates how office-holders in the Parlement might try to explain away denials on the scaffold, which were ‘not worthy of a Christian about to die’, as further proof of the tainted soul of the condemned.

After these shaming rituals, the confessor once again intervened to prepare the condemned for their salvation.⁴⁸ He usually came from the parish of Saint Barthélemy, across the road from the Palais

⁴³ AN X2B 1130, 9 August 1589.

⁴⁴ The procedure is described in Imbert, *Pratique judiciaire*, pp. 744–8. The executioner was considered a social outcast – Friedland, *Seeing Justice Done*, pp. 71–85 – and his name was invoked in slanderous poems calling for the death of a rival – Brunet, vol. 2, p. 278; vol. 3, pp. 111, 127; vol. 5, p. 39. The executioners in Paris in this period were Jean Rouseau (from 1558 to 1594) and Jean Guillaume (from 1594 to 1620): Danielle Demorest and Michel Demorest, *Dictionnaire historique et anecdotique des bourreaux* (Paris, 2007), pp. 172–4, 273–5.

⁴⁵ For example AN X2B 1330, 16 January 1590; X2B 1330, 6 May 1600; Soman Collection.

⁴⁶ AN X2B 1330, 5 April 1607; Carroll, *Blood and Violence*, p. 211.

⁴⁷ Brunet, vol. 8, p. 288.

⁴⁸ On the role of the confessor in later seventeenth- and eighteenth-century Paris see Bastien, *L’Exécution publique*, pp. 163–203, and for the distinct case of early modern Italy see Romeo, *Aspettando il boia*; Nicolas Terpestra (ed.), *The Art of Executing Well: Rituals of Execution in Renaissance Italy* (Kirksville, 2008).

de Justice.⁴⁹ Jehan de La Fosse, curate of the parish, reported in his diary his role in the preparation for execution of the advocate in the Parlement, François Le Breton, condemned on 22 November 1586 after publishing that year his *Remonstrances aux trois estats de la France*. La Fosse wrote that ‘one going to die must have good words in his mouth and he must take a good part in the admonition that one makes to him’. Le Breton persisted in denying his guilt and he was led to the scaffold in the courtyard of the Palais de Justice to prevent a crowd gathering. There he was refused a dying speech. When his body was taken to Montfaucon, members of the crowd took relics and League preachers pronounced him a martyr for their cause.⁵⁰ The curate Maurice Poncet had more success when he elicited a conversion on the scaffold from the Huguenot nobleman and veteran of the civil wars Pierre Desguetz, sieur de Belleville, executed for *lèse majesté* on 1 December 1584 for circulating seditious libels against the king.⁵¹ On the scaffold the confessor called on him to renounce the ‘false opinion that he had held until now’ and urged him to repeat a Catholic declaration of faith, which he did.⁵² Confessors were integrated into the procedures of the Parlement but could not be relied upon any more than the criminal scribe to solicit a repentant dying speech from the condemned.

Finally, the confessor sang the *Salve Regina* to the condemned, offering hope of salvation through Marian intervention.⁵³ Reports of interrogations before execution then sign off with the words

⁴⁹ Claude-Estienne Nouvalet, curate of Saint Barthélemy and Saint-Leu-Saint-Giles was paid 5½ écus for assisting at the execution of 11 of those condemned between 1 June 1597 and 1 June 1598, and 25 écus for celebrating masses in the Conciergerie every Sunday and feast day over the same period: AN X2B 184, 23 June 1598, Soman Collection.

⁵⁰ APP AB 10 fol. 2v; Bibliothèque nationale de France (hereafter BnF) ms. Dupuy 137, fols 107r–110r; Brunet, vol. 2, pp. 358–9; Jehan de La Fosse, *Les ‘Mémoires’ d’un curé de Paris (1557–1590) au temps des guerres de religion* ed. Marc Venard (Geneva, 2004), p. 153; Jacques-Auguste de Thou, *Histoire universelle de Jacques-Auguste de Thou depuis 1543 jusqu’en 1607*, 16 vols (London, 1734), vol. 9, pp. 613–15; Fayet, *Journal*, pp. 33–4; Frederic J. Baumgartner, *Radical Reactionaries: The Political Thought of the French Catholic League* (Geneva, 1976), pp. 76–9.

⁵¹ For the judicial consequences of publishing seditious libels see Tatiana Debaggi Baranova, *À coup de libelles: une culture politique au temps des guerres de religion (1559–1598)* (Geneva, 2012), pp. 50–54.

⁵² AN X2B, 1176, 1 December 1584, Soman Collection; Brunet, vol. 2, pp. 174–5; BnF ms. Dupuy 137, fols. 74–75; Fayet, *Journal*, p. 31; De Thou, *Histoire universelle*, vol. 9, 201–202.

⁵³ Bastien, *L’Exécution publique*, pp. 166–76, 210.

‘the sentence was executed’. Public executions in these terms concluded uncontested, a shaming ritual in this life that offered a chance for redemption in the next.⁵⁴ While executions served as a ‘political tactic’ that the magistrates tried to control, the tactic could also be appropriated by the condemned.⁵⁵ In their dying speeches, the condemned might make dignified polemical statements that disputed the Parlement’s ideal of justice, often in the hope of a pardon, and in certain exceptional cases of *lèse majesté* their protests made a direct impact in the politics of the Wars of Religion.

Criminal Justice in the Parlement during the Troubles of the League

The Parlement of Paris was the highest court in the French kingdom and heard most cases on appeal. It upheld the rigours of the law and offered the benefits of royal clemency. The advocate Louis Servin, in an *audience* of the criminal chamber in January 1586, claimed that ‘the Parlement established in this city [of Paris] is like a sanctuary and represents the cities of refuge to which the children of God withdrew when they were pursued’.⁵⁶ Appeals to the Parlement were granted to those condemned in a subordinate court to a death sentence or torture, and that subordinate court then financed the appeal and provided an officer to lead the prisoners to the Parlement.⁵⁷

Following this ambitious claim, the near collapse of the Parlement’s ability to administer justice during the troubles of the League is remarkable and calls for explanation. Table 1 demonstrates the impact of the troubles of the League on the practice of criminal justice in the Parlement, setting a count of appeals to and death sentences confirmed by the Parlement of Paris in criminal cases in the

⁵⁴ Bastien, *L’Exécution publique*, p. 203.

⁵⁵ Foucault, *Discipline*, p. 23; Peter Lake with Michael Questier, *The Antichrist’s Lewd Hat: Protestants, Papists and Players in Post-Reformation England* (New Haven and London, 2002), p. 269.

⁵⁶ Alfred Soman and Yves Marie Bercé, ‘Les Archives du Parlement de Paris dans l’histoire’, *Bibliothèque de l’École des chartes*, 153/2 (1995): pp. 267–9 for a detailed survey of the regional variety of appeals to the Parlement, and p. 265 for the quotation; Soman, ‘La Justice criminelle, vitrine de la monarchie française’.

⁵⁷ The relationship between legislation and practice is of course complicated. See Soman and Bercé, ‘Les Archives du Parlement’, pp. 260–261.

years from 1 January 1588 until 31 December 1594 against the 12 months surrounding the massacre of Saint Bartholomew on 24 August 1572 and the assassination of Henri IV on 14 May 1610.⁵⁸

Table 1. Appeals to and death sentences confirmed by the Parlement of Paris in criminal cases, 1572–1610.^a

Year	Total appeals	% of appeals from within Paris ^b	Appeals carrying death sentences	Death sentences confirmed	L'Estoile's reports
12 months 1572–1573	567	28	122	64	—
1588	473	23	160	79	5
1589	150	41	55	29	8
1590	76	68	28	9	7
1591	29	93	15	11	18
1592	28	79	7	6	4
1593	73	11	52	33	1
1594	248	18	114	53	9
12 months 1609–1610	590	25	167	82	5

^a For 1588–1594: APP AB 10–11. For 1572–1573 and 1609–1610: Soman and Bercé, 'Les Archives du Parlement', pp. 271–3. For comparable statistics with a different focus see Robert Muchembled, 'Fils de Caïn, enfants de Médée: homicide et infanticide devant le Parlement de Paris (1575–1604)', *Annales: Histoire, Sciences Sociales*, 62/5 (2007): pp. 1065–1083.

^b The prisons of the Châtelet, For-l'Évêque, Sainte-Geneviève, Saint-Germain-des-Près and Saint-Lazare.

In the final stage of the civil wars, both the number of appeals to the Parlement in criminal cases carrying death sentences and the number of death sentences confirmed in the Parlement fell dramatically, as did the number of appeals from outside Paris, but activity in the court recovered quickly on all counts. Political circumstances explain both the disorder and its resolution. The magistrates of the Parlement in these years split as some remained in Paris, while others left to join the royalist Parlement at Tours, opened on 23 March 1589 in the presence of Henri III.⁵⁹ Judicial activity at Tours increased steadily, particularly after January 1590, just as appeals to Paris began to decline dramatically.⁶⁰ The 1590 siege of Paris and the presence of the armies of the king and the League across the jurisdiction of the Parlement surely further discouraged subordinate courts from

⁵⁸ Alfred Soman found that these registers contain references to 88.7 per cent of the cases of witchcraft in the Parlement of Paris in the sixteenth and seventeenth centuries: Alfred Soman, 'Petit Guide des recherches dans les archives criminelles du Parlement de Paris à l'époque moderne', *Histoire et archives* 12/1 (2002), p. 67.

⁵⁹ Daubresse, 'De Paris à Tours', pp. 535.

⁶⁰ Daubresse, 'De Paris à Tours', pp. 306, 385–6; Waele, *Le Parlement de Paris*, pp. 182–90. These studies follow principally the registers of the great council of the Parlement of Tours. Its surviving criminal archives are fragmentary.

sending appeals to the capital. Parties in civil suits excused their suspiciously convenient absence from hearings in the Parlement with reference to the ‘soldiers, tramps, thieves, and look-outs on the roads’, or even with stories of their imprisonment by the armies of the opposing party.⁶¹ Subordinate criminal courts would perhaps have taken these threats seriously, for fear of losing control of their prisoners.⁶² Appeals in criminal cases that did arrive at the Parlement in these years overwhelmingly came from within Paris, usually the court of the Châtelet. Historians have identified the rule of the League in Paris with summary public executions, above all that of the *premier président* of the Parlement, Barnabé Brisson along with the *conseiller* in the Parlement Claude Larcher and the *conseiller* in the Châtelet Jean Tardif on 15 November 1591.⁶³ In the extraordinary circumstances of that year L’Estoile records more executions than were confirmed by the Parlement.

Starved of the justice of the Parlement, appellants in criminal cases began to return to the court in late August 1593. On 24 July news of Henri IV’s conversion to Catholicism was announced in Paris, followed on 1 August by news of a three-month truce between the armies of the king and the League.⁶⁴ In the week following the significant return of appeals on 21 August, appellants were brought from Orléans (4), Beauvais (4), Reims (3), Troyes (5) and elsewhere – all League-held towns⁶⁵ – and on 16 September came nine appellants from League-held Bourges, the largest group from any particular location in this first month after the widespread return of appeals.⁶⁶ Most of these appellants received decisions within a matter of weeks. While 5 death sentences were confirmed by

⁶¹ Emeline Dalsorg, ‘Rendre la justice au Parlement de Paris sous la Ligue (1589–1594): Procédure civile et conciliation’ (unpublished thesis for the *Diplôme d’archiviste paléographe* of the École nationale des chartes, 2008), pp. 142–3.

⁶² Most of the archives of subordinate courts in the late sixteenth century have been lost. For an analysis of the exceptional records of the seigniorial court of Saint-Germain-des-Près see Roussel, *Violences et passions*.

⁶³ Elie Barnavi and Robert Descimon, *La Sainte Ligue, le juge et la potence: l’assassinat du président Brisson (15 novembre 1591)* (Paris, 1985), pp. 189–92; Robert Descimon, ‘La Ligue: des divergences fondamentales’, *Annales: Économies, Sociétés, Civilisations*, 37/1 (1982): pp. 125–6.

⁶⁴ Brunet, vol. 6, pp. 64–5, 77; Jean-Marie Constant, *La Ligue* (Paris, 1996), pp. 422–4.

⁶⁵ See S. Annette Finley-Croswhite, *Henry IV and the Towns: The Pursuit of Legitimacy in French Urban Society, 1589–1610* (Cambridge, 1999), p. 64.

⁶⁶ APP, AB 11, fols 99r–101v, 104v–105r.

the Parlement from January to the end of July 1593, 28 more were confirmed before the end of the year. Appeals dropped again once the truce ended, returning in significant numbers after Henri IV entered Paris on 22 March 1594 and re-established the sovereignty of the Parlement of Paris five days later. The wars of the League then had disrupted the working of criminal justice in the Parlement of Paris, but it recovered quickly after Henri IV's conversion and maintained institutional continuity.

Responses from the Crowd

How were these executions received by the scaffold crowds? Contemporary reports referring simply to the presence of 'le peuple' leave the size and composition of scaffold crowds impossible to determine, but the sites of execution had great capacity. 'An unbelievable multitude of people' awaited the execution of the duc de Biron on 31 July 1602 at the place de Grève and before the Bastille, which eventually – perhaps therefore – proceeded behind closed doors.⁶⁷ The office-holders in the Parlement treated these crowds as a passive audience that should be deterred from crime by the terrors of exemplary justice. L'Estoile wrote that the crowd would 'ordinarily' judge criminals 'by the length of their noses', but his reports also show that their responses to executions were unpredictable, and above all they demanded to see justice done.⁶⁸

Sometimes spectators supported the Parlement's judgment and encouraged harsher penalties.⁶⁹ On other occasions the crowd took pity on those who seemed too young, or those condemned by an especially arbitrary sentence.⁷⁰ At the execution of Bartholomaeo Bourgueso, accused of claiming to be the son of the Pope – although 'he denied it until the end' and was 'strongly resilient and constant' – the crowd muttered that if the court hanged all the sons of priests then the scaffolds in Paris would not contain them.⁷¹ Some crowds instead pressed their concerns to the condemned, and at the execution of the royal secretary Jean Trimel on 5 October 1591, condemned

⁶⁷ Brunet, vol. 8, p. 32.

⁶⁸ Brunet, vol. 9, p. 166; Friedland, *Seeing Justice Done*.

⁶⁹ Brunet, vol. 3, p. 166.

⁷⁰ Brunet, vol. 8, p. 317.

⁷¹ Brunet, vol. 9, pp. 166–7.

for conspiracy against the League, certain spectators called on him to name his accomplices.⁷² Most damning of all, the crowd responded to the Leaguers' summary execution of Brisson, Larcher and Tardif with scathing silence, and this misstep by the Paris Sixteen revealed that they could no longer rely on the support of Parisians in their struggle against the 'Politique' supporters of Henri IV.⁷³

Historians of early modern public executions have debated the 'carnavalesque' nature of scaffold crowds and their propensity for unruly behaviour, even overturning courts' judgments.⁷⁴ L'Estoile mentions just one occasion when members of the crowd rose up to overturn the decision of the Parlement, the execution of Claude Touart for abduction ('rapt') in 1582, and in this complex case even L'Estoile thought that 'the judgment was iniquitous'. Perhaps both L'Estoile and the crowd felt that Touart merited a last-minute pardon. Two sergeants of the Parlement were killed and several wounded in the tumult beneath the scaffold. The next month, the Parlement hanged as an exemplar Robert Duval 'for causing a popular uprising, sedition, rebellions, insolences and violence, rescue and abduction committed at the execution of Claude Tonnard [sic]'. L'Estoile reported that Duval had a doubtful link to the affair. To avoid a repeat performance, on the day of Duval's execution the Parlement ordered the *commissaires* of the Châtelet to search the houses close to the site of the disturbances and warn the inhabitants not to receive anyone carrying arms.⁷⁵ As this singular case

⁷² Brunet, vol. 5, pp. 114, 147; Fayet, *Journal*, p. 107; Barnavi and Descimon, *Le Juge et la potence*, pp. 199–200. His *arrêt* – AN X2B 165, 5 October 1589 – ordered the *question préalable* but this document does not survive.

⁷³ Descimon and Barnavi, *Le Juge et la potence*, p. 25.

⁷⁴ Foucault, *Discipline and Punish*, pp. 59–65; Thomas W. Laqueur, 'Crowds, Carnival and the State in English Executions, 1604–1868', in A.L. Beier, David Cannadine and James M. Rosenhem (eds), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989), pp. 305–355. The number of revolts among the scaffold crowd in the eighteenth century was generally small – Bastien, *L'Exécution publique*, p. 128; Richard J. Evans, *Rituals of Retribution: Capital Punishment in Germany, 1600–1987* (Oxford, 1996), p. 84 – but disturbances posed problems that the authorities in London tried to resolve by carrying out executions outside the prison walls – Simon Devereaux, 'Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual', *Past and Present*, 202/1 (2009): pp. 127–74.

⁷⁵ 'pour raison de l'emotion populaire, sedition, rebellions, insolences et violances, recousse et enlevement faitz à justice de la personne de Claude Tonnard, condamné à mort'. AN X2B 121, 15, 16, 17 October 1582, Soman Collection; Brunet, vol.

shows, the sergeants who stood guard at executions had reason to regard the crowd with unease, but they maintained public order at the scaffold more often than not.

The condemned often addressed the crowd to ask for forgiveness, both from the wooden cart at the place of execution and on the scaffold. This was a moment for collective overcoming.⁷⁶ L'Estoile related that the crowd felt 'great relief' at the execution of the notorious thief Pontaut, who had spent three years in the Conciergerie.⁷⁷ Printed accounts of crimes and executions might include an exhortation from the condemned to the crowd to learn from the example of their crimes.⁷⁸ Such a dying speech is rare among the interrogations before execution or in L'Estoile's diaries. An apparent exception is Marguerite de Tourlaville, who on the scaffold called out to her brother, with whom she was accused of committing adultery and incest, 'Take courage my brother; console yourself in God. We have well merited death.' Earlier both she and her brother Julien denied the sentence and hoped for a pardon. However, Marguerite and Julien confessed towards the end of their interrogation only in general terms, evading the specific charge of incest, and they did so following an assurance that they would be withheld from further punishment if they confessed.⁷⁹ These reassurances had the desired effect. With an imprecise, theatrical confession on the scaffold as the conclusion to a scandalous case,

2, pp. 84–7; La Fosse, *Mémoires*, pp. 145–6; Robert Muchembled, *Passions de femmes au temps de la Reine Margot, 1553–1615* (Paris, 2003), pp. 99–101.

⁷⁶ Friedland, *Seeing Justice Done*, p. 110.

⁷⁷ 'au grand soulagement du peuple'. Brunet, vol. 2, p. 165.

⁷⁸ Jean-Claude Arnould, 'Le juge et le criminel dans les "canards" (1574–1610)', in Jean-Claude Arnould (ed.), *Juges et criminels dans la narration brève du XVI^e siècle: volume d'études préparé au cours du séminaire tenu à Rouen les 25 et 26 février 2010*, <http://ceredi.labos.univ-rouen.fr/public/?le-juge-et-le-criminel-dans-les.html> (accessed 1 June 2014); J.A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England', *Past and Present*, 107/1 (1985) : pp. 144–167.

⁷⁹ 'Mon frère, prenez courage. Consolez vous en Dieu. Nous avons bien merité la mort.' AN X2B 1330, 2 December 1603; Brunet, vol. 8, p. 108.

it is not surprising that their history led to a much recycled pamphlet that glossed over the complications of their interrogation.⁸⁰

Like Marguerite de Tourlville, the condemned appealed for pardon in general terms even when they did not accept their sentence. Claude Barie denied his sentence and entrusted his salvation to God, but still asked pardon from everyone present for his sins.⁸¹ Laurent Gervaison asked for pardon from a man in the crowd, with no suggested link to the crime committed.⁸² Crowds responded to their calls. Reports of interrogations before execution mention that the crowd joined in the singing of the *Salve Regina*.⁸³ These events indicate the persistence of late medieval understandings of the necessity of a well-received public confession before execution, hoping for the eventual salvation of the condemned.⁸⁴ Public dying speeches of the condemned were routinely suppressed by the mid-seventeenth century, and thereafter the confessor alone heard the confession of the condemned.⁸⁵ The persistence of public confession in the late sixteenth and early seventeenth centuries ensured that elements of solemnity and collective overcoming were part of the crowd's experience of executions, despite the contests at the centre of proceedings.

Responses to the extraordinarily brutal execution of François Ravailac demonstrate that the crowd not only wanted to see justice done to Henri IV's assassin, but also tried to participate themselves. According to L'Estoile, when Ravailac left the Conciergerie there was a 'great concourse and swelling of people, cruelly animated and bloodthirsty', and 'everyone wanted to get their hands

⁸⁰ 'Supplique d'un frère et soeur décapités en Grève pour adultère et inceste', reproduced in Maurice Lever, *Canards sanglants: naissance du fait divers* (Paris, 1993), pp. 103–110. The original pamphlet was published in Paris by Philippe du Pré in 1604. Their history and legend is discussed in Tancrède Martel, *Julien et Marguerite de Ravalet (1582–1603): une drame passionnel sous Henri IV* (Paris, 1920); Muchembled, *Passions de femmes*, pp. 221–34, 276–7.

⁸¹ AN X2B 1330, 4 January 1597.

⁸² Brunet, vol. 8, p. 288.

⁸³ Common expressions of this phenomena include 'este chanté ung salve regina par le peuple' in AN X2B 1176, 12 May 1584; and 'l'on a chanté salve regina en la maniere accoustumé' as in AN X2B 1330, 2 December 1603.

⁸⁴ Cohen, 'Execution Ritual', p. 294; Michel Bee, 'Le spectacle de l'exécution dans la France d'Ancien Régime', *Annales: Économies, Sociétés, Civilisations*, 38/4 (1983): p. 849.

⁸⁵ Bastien, *L'Exécution publique*, pp. 173–6.

on him; men, women, and even little children'. Courtiers stood in the Hotel de Ville to watch the execution in the place de Grève from a distance. The English diplomat William Becher stood too far from the scaffold to hear clearly, and so verified Ravailac's words with 'some who were very neere him'. He nevertheless saw that 'the people did exceedingly applaude his torments, and there was much adoe through theyre rage to bring him alive to the execution, and after his death they did in part satisfy theyre rage on his members, dragging them in great fury about the towne'.⁸⁶

Distancing himself from the passionate crowd, L'Estoile did not indulge in re-enactments of the torments inflicted on Ravailac, leaving this to contemporary printed representations.⁸⁷ Prints supportive of the Parlement's judgment celebrated the report of the crowd's vengeful violence, which might have been tacitly permitted by the sergeants. L'Estoile reported the printing of Ravailac's judgment and suggested his torments were intended to stop people physically enacting vengeance against the condemned, so that witnessing the spectacle of violence could compensate for missing out on the act.⁸⁸ In a contemporary illustration by Jean Ziarnko (Figure 2), the gruesome image is itself pulled apart and its action quartered into scenes situated around Ravailac's limbs, repeating his punishments with every viewing. Beyond his tortured scream, Ravailac's facial features are barely discernible, and his body is a site of escalating stages of punishment.⁸⁹ This is the extraordinary image of *Ancien Régime* criminal justice that the Parlement repeated only once, in Damiens's execution in 1757, which in Michel Foucault's anachronistic reconstruction serves to 'define a certain penal

⁸⁶ William Becher to Robert Cecil, 20 May 1610, The National Archives, Kew, State Papers, 78/56, fol. 136r-v.

⁸⁷ *Arrêt de la Cour de Parlement, contre le tresmeschant parricide François Ravailac* (Lyon, 1610), pp. 4–6; *Supplice, mort, et fin ignominieuse du parricide inhumain, & desnaturé François Ravailac* (Lyon, 1610), pp. 6–7; *Discours véritable sur la mort de François Ravailac, executé à Paris le 27 May, pour le cruel & detestable parricide par luy commis en la personne de Henry III Roy de France et Navarre* (Lyon, 1610), p. 8. Ravailac's *procès verbal d'exécution* is printed in *Mémoires de Condé* (La Haye, 1743), vol. 6, pp. 236–8.

⁸⁸ Brunet, vol. 10, p. 262.

⁸⁹ The full broadsheet engraving is available via Gallica: <http://gallica.bnf.fr/ark:/12148/btv1b8401557w> (accessed 1 June 2014). Compare with Valentin Groebner, *Defaced: The Visual Culture of Violence in the Late Middle Ages*, trans. Pamela Selwyn (New York, 2004), pp. 103–104.

style'.⁹⁰ Aware of the exceptional nature of this punishment, L'Estoile recounted the scene of Ravaillac's death with magisterial distance, composing an anatomy of the crowd that legitimated the Parlement's judgment and its apparently successful defence of royal authority.⁹¹

[Insert Figure 2 here – portrait]

Figure 2 Detail of *Figure représentant le supplice & exécution de l'arrêt de mort donné contre le très-meschant, très-abominable & très détestable parricide Ravaillac le 27 May 1610*, engraving by Jan Ziarnko, published by Jean Le Clerc (Paris, 1610). Bibliothèque nationale de France.

As this chapter has shown, state-directed criminal justice failed to resolve, and even perpetuated, the conflicts that divided France towards the end of the Wars of Religion. The criminal chamber of the Parlement could not entirely contain dissent in the ritual procedure of its public executions, let alone throughout its jurisdiction. Its authority depended on the willing submission of appellants, who in these years were torn between the Parlement of the League in Paris and the royalist Parlement in Tours.⁹² Following Henri IV's conversion to Catholicism and his subsequent political success, the magistrates of the Parlement proved much more effective at restricting disturbances to their customary procedure, inscribed in the increasingly abundant records of interrogations before execution. Criminal scribes, diarists, and the authors of crime pamphlets did their best to bury conflicts over events on the scaffold and instead make them conform to the magistrates' ideals of good justice. Nevertheless, the inherent difficulty of stage-managing the ritual of public executions meant that some disturbances were inevitable. The unpredictable behaviour of the condemned and (more rarely) the scaffold crowd could undermine the spectacle of good justice that the court, its record-keepers, and publicists worked to convey for posterity. By focusing on the ideal rather than the practice of justice in early modern criminal courts, historians have exaggerated the capacity of state institutions to resolve disputes. Instead these disputes must be situated in cultures of conflict

⁹⁰ Foucault, *Discipline and Punish*, p. 7.

⁹¹ Brunet, vol. 10, pp. 255–61.

⁹² For comparable approaches to state-directed conflict resolution – 'top-down' (monopoly of violence), 'from the middle' (intervention in factional disputes) and 'bottom-up' (consumer-driven) – see the chapters by Marco Cavarzere and Gabriella Erdélyi in this volume.

resolution throughout early modern society, in this case the conflicts at the end of the Wars of Religion.

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