France: the failure of repression, 1520-1563

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Conventional wisdom suggests that with this topic, we are dealing with a clear instance of failure and success. During the age of the Protestant Reformation, French royal Parlements (primarily the great court at Paris, whose ressort covered fully half of the kingdom) undertook a vigorous campaign of repression starting in the early 1520s. Within a generation, they had probably burned approximately 500 Protestants (over 425 of them can be traced in surviving sources, which are of course incomplete). Meanwhile, Italy was probably the last region of western European Catholicism to begin prosecuting Protestants: the Papacy created no effective machinery for this purpose until 1542; documented executions for heresy are virtually impossible to locate before 1550, and remained extremely rare even afterwards. Yet by 1562, France possessed an organized and disciplined Reformed church capable of supporting a major revolt, which proved only the first of a long, dismal series that shook Europe’s largest kingdom to its foundations. After 1550, organized Protestantism was snuffed out in Italy within a generation, but it could not be burned out in France, even when legal forms were later supplemented or often replaced by the vigilante justice elaborately analyzed by some famous historians as «rites of violence».

Repression by French parlements and Italian inquisitions: major differences

It must be stressed at the outset that the repression of Protestant heresy in France is difficult to compare with the Italian situation. An entirely different set of pertinent sources from each country (both archival and printed records) has generated an entirely different historiographical situation. The first thing which makes French sources entirely different from Italian sources is that in France, Protestant heresy was considered too serious a problem by the early 1520s to be entrusted to ecclesiastical courts (whose records, moreover, almost never survive). Thus heresy trials fell exclusively under ecclesiastical jurisdiction in Italy, but were
almost always under secular jurisdiction in France – a huge difference which helps explain why so many more heretics were condemned to death in France than in Italy, since secular courts generally tended to punish every kind of offence far more severely than canon-law courts.

The secular courts of sixteenth-century France left records which seem extraordinarily laconic to a modern scholar, especially one familiar with inquisitorial sources. French parlements carefully preserved records of their official rulings, or arrêts, in both civil in criminal cases. But they also took extreme care to avoid leaving behind any clues that would explain their «arbitrary» decisions; in other words, we can learn what they did, but not why they did it. Consequently, it is impossible to study any case of heresy in France with anything approaching the degree of depth provided by trials of the Roman Inquisition. Wherever they survive, inquisitorial trials offer extremely rich information about all kinds of relevant circumstances surrounding heresy prosecutions; we need look no further than such famous cases as Cardinal Morone or, for that matter, Menocchio. However, a traditional suspicion among French royal courts towards all forms of church courts made appeals from any ecclesiastical court virtually automatic by 1500 through the appel comme d'abus – a French legal peculiarity which presumed that no layman could receive a fair trial under canon law. In Valois France, heresy suspects continued to employ the appel comme d'abus to gain almost automatic release from the jurisdiction of church courts until heresy was effectively decriminalized in 1560. A more compete reversal of inquisitorial procedures for judging accused heretics would be difficult to imagine.

Deprived of inquisitorial records, scholars investigating heresy trials must rely on documents from French secular courts, which survive only at the highest level of appellate courts or parlements. Before being judged by a parlement, French prisoners charged with heresy had almost always been arrested by some other ecclesiastical or secular jurisdiction. However, because practically no lower-court records of any kind survive in France, the history of sixteenth-century French heresy trials must be reconstructed from scattered and incomplete bits of information preserved in criminal decisions from parlements. Until 1559, France had ten of them: Paris (whose ressort or district covered half the kingdom), Toulouse (the second oldest and second largest), Rouen (for Normandy), Aix (for Provence), Bordeaux (for Aquitaine), Dijon (for Burgundy), Grenoble (for Dauphiné), and after the mid-1550s, Rennes (for Brittany). Two other French parlements were created in the late 1530s from lands conquered from the Duke of Savoy, sitting at Chambéry (for Savoy) and Turin (for Piedmont); both of them were
abolished in 1559 when these territories were returned to their hereditary ruler by the treaty of Cateau-Cambrésis.

Although many French heresy cases never reached the appellate level, there are traces of approximately a thousand that did. The process of appeal was extremely simple: it required only four words, *j'appelle au parlement*, spoken after a lower-court condemnation to a major physical punishment or to interrogatory torture. Once this happened, both the prisoner himself (under armed guard) and the complete record of his trial had to be sent immediately to the appropriate parlement. They read the dossier and interrogated the prisoner directly themselves: lawyers could represent defendants in lower courts and in civil cases, but criminal defendants, regardless of their rank and wealth, never enjoyed the services of a lawyer at the parlement. Parlements did keep records of their interrogations of prisoners (whom they rarely tortured), but almost none of these *plumitifs* have survived. We possess barely a dozen interrogations of accused heretics during the 1550s, about half at Paris and half at Rouen, always recorded in a legal shorthand difficult to decipher – and never accompanied by the original trials which these panels of parlementary judges had previously read before interrogating prisoners.

Although quantity is no substitute for quality, criminal-case decisions from sixteenth-century French appellate courts survive in considerable bulk, giving scholars some compensation for their laconic brusqueness. France's two major parlements, Paris and Toulouse, have preserved about 75% of their criminal *arrêt* s for the period 1540-1560, when heresy prosecutions were most intense. Two of the smallest French parlements, Grenoble and Chambéry, appear to have preserved almost complete records of their criminal *arrêt* s in this period. The situation at three mid-size parlements (Rouen, Bordeaux, and Aix) is basically satisfactory, although their criminal *arrêt* s are less complete than at Paris or Toulouse. However, no original *arrêt* s from this period remain at either Dijon or Rennes; and only one register of criminal *arrêt* s survives from the Parlement of Turin, covering less than sixteen months between November 1550 and February 1552.

Immense problems confront anyone rash enough to work with the abundant criminal *arrêt* s of sixteenth-century French parlements. Above all, the complete absence of any form of useable index for any of them has deterred almost everyone (including French scholars) from exploring them thoroughly; the process is extremely labor-intensive. Few published tools exist to help investigators of sixteenth-century French parlementary heresy trials, apart from Raymond Mentzer's pioneering investigation of heresy trials at Toulouse, a pre-World War I calendar of rulings on heresy
cases from the Parlement of Bordeaux, and an equally ancient exploration of heresy cases in the only register of criminal arrêts surviving from the French Parlement of Turin. Locating every preserved bit of information about heresy trials conducted by the Parlement of Paris and by other French parlements required about two years of archival digging. Whereas my Italian colleague summarizes the work of many other experts besides himself, I must offer an extended exercise in self-plagiarism from a work published six years ago, which now represents the state of the question.

A second major difference between French and Italian sources is that France, unlike Italy, has a rich printed martyrological record, thanks to Jean Crespin. A considerable bibliography surrounds this source. It is incredibly rich in details from some cases, especially those in which prisoners wrote letters that Crespin printed, but it remains virtually opaque about many others. Crespin intended his ‘modern’ martyrology to be comprehensive, not merely French. Although very well-informed about happenings in Marian England in the 1550s and in his native Low Countries, Crespin apparently knew almost nothing about the numerous Italian Protestants who were executed after 1550: after all, they wrote no letters to Geneva from inquisitorial prisons. Moreover, one cannot judge Crespin’s degree of completeness with respect to his main interest, French martyrs, without exploring all available archival documents.

We know now that Crespin became far better informed about French heresy trials around the time he moved to Geneva in 1548. He mentioned only fourteen correctly-dated heresy executions between January 1540 and March 1547 (including the first one he witnessed in person, in 1541), but he misdated five other executions by more than five years and omitted 91 other heresy executions recorded in parlementary arrêts. However, from April 1547 through

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December 1554, Crespin mentioned 58 French heresy executions (almost half of which cannot be traced elsewhere) while missing 86 others; in other words, his «coverage rate» increased from 13% to 40%. After January 1555, Crespin becomes far superior to the preserved arrêts: he described 59 executions through December 1559, only twenty-one of which can be corroborated elsewhere, while omitting only eighteen – a «coverage rate» of 77%, about six times better than before April 1547.

Crespin was interested only in death sentences for heresy; of course, most appellate decisions in heresy trials did not result in death penalties. Outright acquittals were extremely rare, but scattered samples from the two major parlements, Paris and Toulouse, show that condemnations involving a formal public apology, or amende honorable, predominated. Lesser parlements seem even more lenient: for example, the Parlement of Bordeaux ordered 38 prisoners to perform such amendes during the 1550s, while sentencing ten others to death. Although amendes honorables were frequently accompanied by various levels of physical punishments, usually whippings and/or banishments, most of the time they were the only form of punishment ordered. It should also be noted that, like the Mediterranean inquisitions, French secular courts also put fugitives on trial and condemned them in absentia in order to seize their assets; after the mid-1550s, this practice became much more frequent (and achieved Gargantuan proportions in the following decade during the early French Wars of Religion).

**Targets of repression in France and Italy**

Despite very different outcomes in both places, two peculiar similarities between the history of religious repression in Gallican France and Papal Italy strike an outside observer. A kind of trahison des clercs is visible at both ends of the clerical spectrum. The phenomenon is complicated by the fact that modern borders were easily crossed in Reformation Europe. As Tallon shows, political considerations awarded significant positions within the «Gallican» church to pro-French Italians; meanwhile, French parlementary judges worked in French-occupied regions of modern Italy (primarily lands seized from the Duke of Savoy in 1536) until 1559. Both phenomena affected the history of official repression in both places.

At the start of organized repression in both France and Italy,
one finds a remarkably similar cluster of itinerant monastic preachers, usually Franciscans or Augustinians, proffering heretical opinions from pulpits. In France, the first «Lutheran» executed by the Parlement of Grenoble (1530) was an Augustinian monk; the first two executed at Rouen (1532-33) were secular priests. This pattern fits perfectly with the series of heretical preachers, predominantly monks, identified by Reid at the French university city of Bourges in the 1530s and 1540s. At mid-century, this phenomenon seems extremely similar in both Italy and France⁶. Del Col notes that in its first documented year of activity (1548-49), the Roman Inquisition investigated 29 monks and 6 secular clergy among 92 suspects. At exactly the same period, a sample of heresy prisoners from the Parisian Chambre ardente reveals an even greater clerical representation, with 55 clerics (30 monks, 25 priests) alongside 105 laymen⁷. Subsequently, on the Italian side of the Alps, two of the three men known to have been executed for heresy by the neocolonial French Parlement at Turin after 1550 were Franciscan monks (the other was a book-peddler, another representative of the classes dangereuses in Reformation Europe)⁸.

At the uppermost level of the clerical hierarchy and somewhat later along the time-line, one encounters a handful of French and Italian bishops formally charged with heresy by the papacy (it is worth recalling that bishops were specifically exempted from the jurisdiction of both the Spanish and Portuguese state inquisitions). Although we know of no Frenchmen occupying Italian dioceses in the mid-sixteenth century, Italians occupied approximately 12% of all French dioceses in 1559 and 1560⁹. In Italy, as Del Col notes, after the fugitive Pier Paolo Vergerio of Capodistria, several Italian bishops – those of Chioggia, Bergamo, Modena, Aquileia, Otranto, Chur (in the Grisons), and Cheronissos (on Crete) – were prosecuted directly by the governing Congregation of the Roman Inquisition¹⁰. Not long afterwards, eight French bishops were officially accused of heresy at Rome; one of them, Antonio Carraciolo, bishop of Troyes, was an Italian, exactly reflecting their overall proportion of the French episcopate. However, episcopal misbehavior went

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⁶ Compare the contributions of Del Col and Reid in this volume.
¹⁰ See the contributions of Del Col and Firpo.
considerably further in France than in Italy: for example, while an Italian bishop of Bergamo facilitated the marriage of a close collaborator with a nun, a bishop of Nevers (descended from an Italian family established in France since the fourteenth century) not only got married himself, but also moved to Geneva in 1559 and purchased a house literally next door to Calvin\textsuperscript{11}.

\textit{How repression failed in France}

Armed with information from Crespin and abundant parlementary arrêts, it is possible to examine some of the reasons behind the dramatic failure of Europe's finest sixteenth-century system of criminal justice to check the growth of Protestant heresy. It also seems worth exploring whether, given the possibilities at this time, this failure by the French monarchy and/or its criminal court system to limit the spread of Reformed Protestantism could possibly have been prevented. And after repression had clearly failed and a nationwide French Reformed church had been built, was there any possibility of preventing the interminable cycle of religious wars in France?

It is worth remembering that some early attempts at the forcible repression of heresy succeeded in France. With no effective ecclesiastical inquisition operating in northern France, it was the Parlement of Paris which took the primary role in repressing early forms of Protestantism – and it scored some signal successes, through the remarkably close co-operation after 1523 between the First President of the Paris Parlement and the Dean of the Sorbonne’s Theological Faculty. During the captivity of king Francis in 1525-26, a special tribunal known as the juges délégués, which combined experts in law and theology, was created to judge heresy suspects; it destroyed the career of the reforming Bishop of Meaux who had sheltered many crypto-Protestants and it almost destroyed the life of their most annoying nemesis, Louis de Berquin, a humanist (and their colleague in the Paris Parlement) who had translated some of Luther’s writings into French.

Although the juges délégués were quashed by the king at a lit de justice in 1527, the forcible repression of French religious dissent scored some other notable triumphs. The Paris Parlement executed Berquin in 1529. In 1532, authorities broke up a significant Protestant movement centered on the University of Toulouse, dealing it a blow from which it never recovered. Two years later,

thanks to a key defector, the far more dangerous underground network that had posted a series of notorious anti-Catholic placards all over Paris was brought to light. The Parlement tried most of its ringleaders and executed at least two dozen of them, crippling the underground movement: at Paris, Protestantism needed twenty years to recover from the debacle of the placards. In this period, young Calvin fled even before being formally accused of heresy; interestingly enough, he apparently felt safer at the court of Ferrara than in France.

These were by no means the only early parlementary successes. After learning in 1532 that the Inquisitor of Languedoc was himself a major obstacle to heresy prosecution (he fled, was later indicted, and resigned), the Parlement of Toulouse did something unimaginable in Mediterranean Europe: in 1539, it arrested, convicted, and burned a sitting Inquisitor, Louis de Rochette, on charges of heresy. For good measure, they also arrested, convicted, and executed his deputy a year later, this time on charges of sodomy and of sheltering heretics. Of course, such jurisdictional successes destroyed any remaining prestige from one of Europe’s earliest Inquisitions, one that had exterminated the Cathar movement in southern France three centuries earlier.

When Francis I finally stepped up royal prosecution of Protestant «sacramentarians» (i.e., opponents of transubstantiation) in 1540, heresy trials increased steadily in French parlements after the Edict of Fontainebleau removed this offence from church courts. At Paris, heresy cases rose from an average of one per month in 1540 to eight per month by 1544 and about fourteen per month by 1548, in a period when the Paris Parlement normally judged fewer than 400 criminal cases of all kinds per year. By the mid-1540s, a network of parlementary judges were acting as itinerant heresy commissioners, roving through various parts of the vast ressort of the Paris Parlement. Moreover, the forcible repression of Protestant heresy continued to score some notable successes in France. The most noteworthy was the mass arrests of France’s first organized underground Protestant congregation at Meaux in 1546 during its assembly, resulting in seventy prisoners and eventually fourteen executions. Two years later, the capture of a smaller

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12 R. Mentzer, Heresy Prosecutions in Languedoc, p. 31-33; E. W. Monter, Judging the French Reformation, cit., p. 78-79.
13 Compare tables in Monter, Judging the French Reformation, cit., p. 88, 136.
14 Ibid., p. 103-109.
15 The best account, which includes local Catholic sources, is H. Bower, The
convicple at Langres eventually resulted in eight deaths. And if another Protestant congregation was formed again at Meaux twelve years later, the Protestant movement never recovered at Langres.

Despite ferocious anti-Protestant legislation like the Edict of Chateaubriand in 1551, tell-tale signs indicate that the official repression of French Protestantism had broken down by 1550, beyond the point where the French crown could effectively repair either its criminal court system or the Gallican church. In attempting to exterminate «sacramentarianism» in France, the Parlement of Paris had overstrained its physical resources, making the problem unmanageable. When it finally succeeded in divesting itself of this responsibility in 1549, it sent seventy prisoners charged with heresy to a dozen different episcopal courts throughout its huge district – a number representing about half of the physical capacity of the court’s prison, the Conciergerie. Meanwhile, after the Langres affair in 1548, the useful informants who had enabled the Paris Parlement to break the underground network in 1534 or the secret church at Meaux twelve years later seem to have dried up.

Among the auxiliary forms of repression, censorship also became a practical problem in France. The Sorbonne had drawn up a relatively precocious Index of prohibited books in 1544, and government surveillance of French printers (at this time overwhelmingly concentrated at Paris and Lyon) was adequate to prevent openly heretical materials from being printed inside the kingdom until 1560. But in France, unlike Italy, people were rarely arrested simply for possessing heretical literature (or if they were, their cases never reached a parlement). After 1550, French officials seemed utterly unable to prevent a flood of illegal Protestant literature, usually printed not far from their borders at Geneva, from 


17 If Italian inquisitorial sources are often coy about denouncers and informants, especially among the laity, French sources are opaque. For example, we know only the nickname (le gantier) of the informant who broke the underground Parisian ring in 1534, through a Protestant source printed over forty years after the event; and a still-anonymous tipster enabled a handful of royal officials to arrest the entire congregation of the clandestine church at Meaux.

18 See Andrew Pettegree's summary of the findings of the St. Andrews French Book Project. However, we lack any study of the enforcement of French censorship on the scale of Paul Grendler's 1977 survey of Venetian practices.
circulating almost everywhere in the kingdom. In the 1550s, Geneva's printing industry rivaled that of Lyon, and its market was overwhelmingly in France. To be sure, French enforcement machinery caught a handful of the numerous peddlers who were distributing it: the catalogue of heresy executions offers examples at Rouen (1554), Toulouse (1555), Turin (1556), and Paris (1557), with two more at Paris in 1559.

However, for all practical purposes, the Gallican church of Valois France possessed no working inquisitorial machinery whatsoever. When they needed one most, no French cleric emerged with the energy and dedication of Carafa or Ghislieri at Rome; no such clerical heresy hunter could have arisen in France so long as the appel comme d'abus deprived the French church of the legal authority to punish anyone physically for heresy. Despite some preliminary negotiations between Paul IV and the Cardinal of Lorraine in the late 1550s, France would never have tolerated a serious attempt to introduce anything even remotely resembling the major Mediterranean inquisitions.

Seen from the viewpoint of the French crown and the Gallican church, the situation worsened noticeably – even dramatically – during the 1550s. As late as 1550, it might still have been possible for Henri II to contain Protestantism within manageable limits by abandoning his father's strategy of repression and attacking a primary target of Protestant criticism through vigorous reform of the Gallican Church. However, he did neither and the situation worsened rapidly, as the French Reformation came increasingly under Calvin's direction; underground churches began to be organized by the mid-1550s, while heretical literature circulated virtually unchecked. By 1554, Crespin (who, like Calvin, had formal training in law) began to reverse the effect of public judicial executions for heresy by celebrating them as martyrdoms for the true Christian faith. It had now become impossible to continue a policy of sustained repression, and most parlementary judges, particularly at Paris, realized this long before the royal court and demonstrated perceptible reluctance to condemn convicted heretics to death. While royal edicts against Protestantism proposed increasingly draconian punishments against heretics throughout the 1550s, royal judges were increasingly unwilling or unable to

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19 E. W. Monter, *Judging the French Reformation* ... cit., p. 265 (Denis le Vair), 266 (Jean Fenure, Barthelemy Hector), 227 (Nicolas Balon, who escaped but was later recaptured), 228 (Nicolas Collot, Balon's companion, and Marin Marie).
enforce this legislation. French judicial repression began to collapse while being increasingly contested, first internally and then externally.

An overwhelming majority of judges were certainly not active Protestant sympathizers; but they had begun to recognize that the post-1540 royal policy of severe repression had failed, and that bloody public executions were even becoming counter-productive. A tiny number actually became Protestants, provoking enormous embarrassment and irritation among their colleagues. The Parlement of Toulouse, the second-oldest and second-largest in France, suddenly became very severe in punishing Protestants in 1554 after a senior judge (who had been the principal judge or rapporteur on some heresy cases as recently as 1552) suddenly disappeared together with his family late in 1553 and resurfaced at Geneva a month later. Although no directly comparable scandal affected the Parlement of Paris, by 1559 another sitting judge of this august body grudgingly admitted (after being arrested) that he had joined the underground Reformed church in Paris.

By the late 1550s, the authority and effectiveness of French Parlements were also being undermined from outside in an even more direct and dramatic fashion: armed groups of vigilantes began rescuing accused heretics while they were being transported from the place they had been arrested and convicted to the parlement to which they had appealed. Such overt defiance of the royal court system was unprecedented and became extremely threatening to royal authority as successful rescues multiplied in the waning years of the 1550s. The situation even reached the point where officials feared to transport prisoners who had been convicted of heresy to their appellate courts. The extent of the danger is perhaps best revealed when the French crown first adopted a measure of religious toleration toward the Reformed church in 1560: the only categories of people specifically excluded from its benefits were Protestant ministers and vigilantes who had rescued prisoners from royal prisons (a policy which embarrassed Reformed spokesmen a generation later, when they were representing themselves as respectable subjects being victimized by ultra-Catholic thugs).

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20 Ibid., p. 136-137.
21 Ibid., p. 171-174.
22 Ibid., p. 160-164.
What could have been done differently?

Why did Europe’s largest unified monarchy utterly fail to suppress religious dissent, while a politically-fragmented Italy succeeded? Did the Valois kings and their judges miss real opportunities to control a heretical movement before it became dangerous? A few possibilities, which seem fully compatible with actual conditions prevailing in sixteenth-century France, deserve mention. Some well-designed repressive policies were actually undertaken by the French crown, but only after dangerously long delays: an otherwise clever move made at the wrong time will almost always produce a result of «too little, too late».

Two opportunities to control French heresy through a more efficient network of judicial punishments in secular courts were lost through such delays. First, Francis I should have decisively supported judicial repression by his parlements far sooner than he did. If Berquin was an isolated case in the 1520s and even Bishop Briçonnet’s Meaux experiment posed little serious danger to traditional French Catholicism, surely the shock of the 1534 Placards should have inspired the kind of changes which Francis undertook only six years later – systematic transfer of judicial prosecutions to secular courts, with newly-revised criminal procedures, supplemented by explicit orders to expedite and prioritize heresy trials. The subsequent innovation of itinerant «heresy commissioners» despatched by the Parlement of Paris by the mid-1540s would then probably have occurred five or six years sooner, before the Protestant movement mushroomed dangerously.

Second, French judicial machinery should have been expanded far sooner than it actually was. In 1552, Henri II created 62 Présidial courts; like France’s eight regional Parlements, they shared jurisdiction over heresy cases with church courts, with the right to pronounce and execute capital punishment without appeals to regional parlements. Given the size of the ressorts for Paris and Toulouse (and considering that the Roman Inquisition eventually required 34 tribunals simply for northern and central Italy), decentralizing appellate jurisdiction by multiplying the number of French courts capable of sentencing heretics ninefold seems a necessary policy. However, the network of Présidial courts was implemented at least a dozen years too late and long after an overworked Paris Parlement had unclogged its calendar by handing its imprisoned sacramentaires back to the proverbially gentle and slow-moving episcopal courts. Had this reform been imposed simultaneously with the Edict of Fontainebleau in 1540, it could have been vastly more effective in checking the spread of French Protestantism in a crucial decade.
Perhaps more importantly, one can imagine several possible ways the Valois monarchy could have mobilized the Gallican church much more effectively in their joint struggle against nascent Protestantism. Admittedly, especially after the fiasco at Toulouse in 1539-40, institutional Inquisitions had a bad aroma in France. Practically all scholars agree that Paul IV’s scheme for introducing some type of state Inquisition in France was stillborn, and moreover it was proposed at least twenty years too late. Instead, the French crown continued to pin its hopes for repressing Protestantism on royal Parlements, which loathed all forms of ecclesiastical courts. French secular judges merely required French bishops to pay the costs of prosecuting heretics, whether clerics or laymen, who had been arrested in their dioceses; in French Parlements, Gallican church interests were supposedly represented by a fixed number of conseillers-clercs in minor orders. However, repeating the previously-noted theme of trahison des clercs, this category included some of the most notorious French heretics, from Luther’s translator Berquin in the 1520s to the Huguenot martyr Anne Du Bourg a generation later.

What else might have been done? Instead of quashing the early parlementary experiment of the juges délégués, Francis I could have reinforced it and adapted it to judge and punish heretical clerics, who remained at the heart of the Protestant movement until the 1550s. A more proactive policy would have ordered the Gallican church to create a functional equivalent of inquisitorial familiars without the onus of the term, by rewarding vigilantes who captured booksellers offering heretical material and handed them immediately to the royal maréchaussée, which possessed the right to execute public criminals summarily, thus bypassing the costly, time-consuming and occasionally counter-productive parlementary proceedings.

Once legal repression had failed by 1560 and organized Reformed churches were mushrooming all over France, were the Wars of Religion inevitable? Catherine de Medici, the dowager caretaker of the French monarchy during this critical phase, acted extremely shrewdly in appointing Michel de l’Hôpital, a religious moderate and prominent judicial «dove» who was acceptable to the Guise faction, as Chancellor in May 1560. Her laudable if belated awareness that judicial repression had failed in France and that some way had to be found to accommodate the French Reformed community was offset by utter uncertainty about what to do next. In retrospect, it is hard to fault Catherine and her chancellor for deciding that the best solution was a redesigned Gallican church with greater theological and ritual flexibility. After all, they had only
to look across the English Channel: in 1560, their northern neighbors were trying to do something very similar. The most important differences between these kingdoms were first that, under Elizabeth, the English crown was overtly schismatic, and second, that French Protestantism was far stronger and far better organized than English Protestantism. Thus a potentially schismatic French crown had to accommodate an immediately threatening Protestant church that defied its authority, whereas a shaky English crown had to establish a schismatic church that could accommodate the sleeping giant of traditional Catholicism. The English crown ultimately succeeded in its enterprise, while Catherine and l'Hôpital failed in theirs – but not without making enormous efforts.

Between spring 1560 and spring 1562, they drew up at least four major edicts on religious matters, while pinning their hopes on a Gallican compromise in what Americans call a «big-tent» mode, which failed at the Colloquy of Poissy. The tumultuous French political scene during this decisive period revealed three central problems confronting the French monarchy:

1) The Reformed church had become much too large to be eliminated by force.
2) Despite numerous plots and conspiracies, French Protestants were unable to gain control of the monarch or the royal government.
3) No workable Gallican religious compromise could be found.

L'Hôpital grasped the situation and reacted by proposing truly radical legislation in January 1562. Summoning two representatives from each Parlement to the royal court, the Chancellor twisted arms and squeezed out a plurality (but not a majority) of votes for his Edict of January, better known as the Edict of Toleration, whose most significant clause permitted Protestant worship throughout the kingdom under certain restrictions. The edict was registered by the Parlement of Paris only after two bouts of royal coercion. L'Hôpital immediately despatched pairs of judges to each provincial parlement to get this edict ratified and implemented – but their arrival coincided with the outbreak of Condé’s revolt which began the first French War of Religion.

Unfortunately, the timing of this piece of legislation was the exact reverse of the establishment of the Présidial courts a decade

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earlier. Had the French monarchy created a decentralized criminal-courts system far sooner, it might have been able to limit the spread of heresy far better. But when L’Hôpital crafted legislation that could have permitted religious toleration in France, the French court system had already become unworkable and was therefore completely unable to enforce these rules. Had it been introduced a decade later, after a couple of bloody wars, with known Protestants helping to arbitrate cases of heresy and/or sedition, the Edict of January 1562 might have stood a better chance of working. But legislating an otherwise intelligent policy at an inappropriate time – either too early or too late – guarantees it will fail.

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APPENDIX

FRENCH HERESY EXECUTIONS BY PARLEMENTS
(1523-1560)

1523-32 : 7 (0.7/year) Paris, Grenoble, Toulouse.
1540-44 : 47 (9.4/yr) Paris 26, Dijon 2, Toulouse 4, Grenoble 2, Aix 6, Rouen 2, Bordeaux 5.
1550-54 : 78 (15.6/yr) Paris 23, Toulouse 33, Rouen 8, Chambéry 3, Bordeaux 7, Aix 2, Dijon, Turin.
Jan-Apr 1560 : 10 (30/yr?) (Paris 5, Rouen 4, Toulouse)