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Heresy Proceedings in Languedoc, 1500-1560

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# TRANSACTIONS

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## Heresy Proceedings in Languedoc, 1500–1560

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## ABBREVIATIONS

A.D.	Archives Départementales
A.D.H.G.	Archives Départementales, Haute-Garonne
A.M.	Archives Municipales
A.N.	Archives Nationales
<i>Annales: E.S.C.</i>	<i>Annales: économies, sociétés, civilisations</i>
ARG	<i>Archiv für Reformationsgeschichte</i>
BHR	<i>Bibliothèque d'Humanisme et Renaissance</i>
B.N.	Bibliothèque Nationale
BSHPF	<i>Bulletin de la Société de l'histoire du protestantisme français</i>
reg.	register
RHD	<i>Revue historique de droit français et étranger</i>

## NOTE REGARDING DATES

Unless noted specifically as old style (o.s.), all dates have been changed to reflect the modern practice of beginning the year on 1 January.

## ACKNOWLEDGMENTS

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## Introduction

In early November 1560, the count of Villars presented to the Parlement of Toulouse royal letters-patent that commissioned a *président* and two counsellors of the court to investigate the activities of religious agitators (*rebelles et esmotionnaires*) in the towns situated along the littoral plain of Languedoc. The three judges, along with the royal attorney general, left Toulouse on 22 November. They visited Castelnaudary, Carcassonne, Narbonne, Béziers, Saint-Thibéry, Montpellier, Nîmes and Beaucaire. Upon gathering sufficient evidence and testimony for formal indictments, the magistrates concluded their investigation on 30 January 1561.<sup>1</sup> Yet the commission from the crown had come too late. Official reports of armed Protestant assemblies to the east at Annonay and Nîmes, as well as to the west at Lombez, had reached Toulouse as early as April and May 1560. The Parlement, in each instance, ordered several of its members to conduct an inquiry, adding that the investigating judges should assemble an armed escort if necessary.<sup>2</sup> Despite fervent and continued efforts, the judiciary had not suppressed heresy in Languedoc. Rather, the reformed religion prospered and grew far beyond the limits of the courts' effectiveness. Catholic and Protestant plunged into open, armed conflict.

The onset of the Wars of Religion marked a temporary disruption of the judicial system, at least in those aspects pertaining to western European Christianity and its practice. Religious customs and the relevant legal statutes affirmed values no longer acceptable to the entire community causing frequent and unmistakable discord. The courts found it increasingly difficult to enforce the standards of belief and practice to which they were officially committed. The judiciary failed, too, in the discharge of another of its basic functions, the minimization of conflict within society. That the quarrel reached such violent proportions is a reflection of the fundamental place accorded religion within the lives of sixteenth-century men and women.

The experience of religious conflict, violent and non-violent, and the temporary paralysis of the judicial system were not unique to Languedoc. Devoted but unsuccessful attempts to curb the Reformation from the magistrate's bench were common throughout France. The failure to maintain unity and prevent strife cannot be ascribed to a lack of effort. By far the

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<sup>1</sup> A.D.H.G., 51 B 66, Registre de Monsieur le Procureur général du roy pour le voiage par luy fait au bas pays de Languedoc. The document is examined by Gabriel Loirette, "Catholiques et Protestants en Languedoc à la veille des guerres civiles (1560), d'après un document inédit," 503–525.

<sup>2</sup> " . . . assembler gens en armes en tel nombre que la force en demeure au roi et à justice . . ." A.D.H.G., B, Tournelle, reg. 74 (19 avril 1560) and (20 mai 1560).

most notorious of these judicial undertakings involved the creation of a special criminal chamber within the Parlement of Paris. During the early years of the reign of Henry II, the *chambre ardente* specialized in the adjudication of heresy, seeking to prosecute over five hundred suspected heretics between May 1547 and March 1550. This enthusiasm, moreover, was not totally new; examination of final judgments rendered by the Parisian Parlement in criminal cases from the mid-1530s and mid-1540s suggests that nearly one-sixth dealt with heresy.<sup>3</sup> Already in the final decade of Francis I's rule, the *parlementaires* regarded heterodoxy with utmost severity.

Judicial concern with the preservation of traditional religious order was no less obvious in the provinces. The membership of the Parlement of Bordeaux applied itself diligently to the repression of misbelief during the several decades prior to the Wars of Religion. Between 1541 and 1559, the tribunal issued more than 450 decrees touching upon matters of heresy. In addition to judgments against heretics themselves, it authorized royal commissions for the investigation of religious disturbances and policed religious activities through directives in support of fasts and abstinences, along with prohibitions against suspect books and seditious preaching. At Rouen in northern France, the *parlementaires* were willing agents of royal policy in the prosecution of Protestants. During the 1540s, they condemned nearly one-fourth of the heresy defendants to capital punishment. Like their counterparts at Toulouse, Paris, and Bordeaux, the magistrates of the Parlement of Rouen vigorously upheld the established religious beliefs and behavior.<sup>4</sup>

A salient feature in the initial French response to Protestantism was the dominant role assigned to royal, and thus secular judges. Ecclesiastical justice generally declined in the face of the accretion of royal power characteristic of Renaissance France. The crown restricted the powers of the bishop's court or *officialité*, to include severe limitations on the heresy jurisdiction which the diocesan tribunal traditionally exercised. In accordance with this policy, the French monarchy also refused to permit the introduction of any new ecclesiastical court specifically tailored to meet the Reformation challenge. It wished to avoid an Inquisition on the Roman or Spanish model. The Inquisition did exist in France and had seats in Dauphiné and Languedoc. Yet it was not the vigorous and independent judicial body which thrived in Italy and Spain. The inquisitors who sat

<sup>3</sup> Bernard Schnapper, "La justice criminelle rendue par le Parlement de Paris sous le règne de François Ier," 252–284. Nathanaël Weiss, *La chambre ardente. Etude sur la liberté de conscience en France sous François Ier et Henri II (1540–1550)*.

<sup>4</sup> Robert Boutruche et al., *Bordeaux de 1453 à 1715*, 237–238. Jonathan Dewald, "The 'Perfect Magistrate': Parlementaires and Crime in Sixteenth-Century Rouen," 297–299, and *The Formation of a Provincial Nobility: The Magistrates and the Parlement of Rouen, 1499–1610*, 318. Henri Patry, ed. *Les débuts de la réforme protestante en Guyenne, 1523–1559. Arrêts du Parlement*. For a general discussion of the religious situation at Rouen, see: Philip Benedict, *Rouen during the Wars of Religion*.

at Carcassonne and Toulouse, for example, traced their lineage to a medieval Inquisition which was now subordinate to royal power and controlled by the Parlement. The inquisitor himself was practically an officer of the crown.<sup>5</sup> Finally, with the advent of Protestantism, the royal lay judges became increasingly involved in heresy proceedings. The process was part of the gradual extension of monarchical authority which brought an end to the feudal society. It meant, in this particular instance, the state's assumption of a portion of the judicial powers formerly attributed to the Church. Thus three different court systems—episcopal, Inquisitorial and royal—possessed varying degrees of competence in matters of unorthodox belief. The resultant situation, accompanied by confusion and conflict in and among the different tribunals, has been poorly understood and largely ignored.

The classic study of criminal justice accorded Protestant heretics in France prior to the Wars of Religion is Nathanaël Weiss's examination of the *chambre ardente*.<sup>6</sup> Weiss, of course, confined his treatment to the Parlement of Paris. The six provincial parlements, Toulouse included, were also active in the prosecution of heresy, but they never possessed separate chambers for that purpose. From an organizational standpoint, the infamous Parisian *chambre* was exceptional. And when it was finally disbanded in late 1549, the new judicial procedure for the trial of heretics at Paris closely resembled that employed at Toulouse since 1543. Weiss imposed rather strict chronological perimeters too. His choice of the period 1540–1550 lends a basic cohesion in terms of the study's focal point, the *chambre ardente*, but neglects both prior and subsequent judicial developments of considerable import. The isolation of any one stage in the evolution of the legal response to heterodoxy in sixteenth-century France tends to distort the relationship between secular and ecclesiastical juridical institutions.

Early in this century, Lucien Febvre's work on the operation of the Inquisition in the Franche-Comté demonstrated the value of regional studies and the importance of provincial archival resources for a better understanding of Protestantism and the magistrate's reaction to it.<sup>7</sup> Febvre thought of this pioneering essay as "*notes et documents*" and meant it to be, in part, a preliminary discussion of the problem. The extraordinary number of documents whose publication filled one-half of the volume was ample suggestion of the research potential. The near simultaneous appearance

<sup>5</sup> The remark of Pierre Pithou, *Les libertez de l'église gallicane*, 10 is instructive: "Un inquisiteur de la foy n'a capture ou arrest en ce royaume, sinon par l'aide et autorité du bras seculier." The place of the Inquisition in early modern Dauphiné is briefly described by Jean Marx, *L'Inquisition en Dauphiné*, 237–238. The incursion of civil courts into the realm of heresy prosecution also occurred in the Low Countries. Cf. Alastair Duke, "Salvation by Coercion: the Controversy Surrounding the 'Inquisition' in the Low Countries on the Eve of the Revolt," in *Reformation Principle and Practice. Essays in Honor of A. G. Dickens*, ed. Peter N. Brooks, esp. pp. 145–147.

<sup>6</sup> To his historical study, *La chambre ardente* (1889), Weiss appended over 350 *arrêts* of the Parisian Parlement.

<sup>7</sup> Lucien Febvre, *Notes et documents sur la réforme et l'Inquisition en Franche-Comté*.

of some 450 *arrêts*, all dealing with heresy, from the Parlement of Bordeaux underlined Febvre's comments. The editor, Henri Patry, correctly viewed them as a principal source in detailing the beginnings of French Protestantism.<sup>8</sup> Yet until recently, few scholars have been willing to extend these initial explorations. The criminal archives of the Parlement of Toulouse are perhaps the richest collection of this type outside Paris, but even today remain largely uncataloged and virtually unused in any intensive or systematic manner. Louise Guiraud did utilize these records for her study of reformed activity at Montpellier. She limited herself, however, to cases involving residents of that community. Gabriel Loirette, former archivist of the *Archives départementales de la Haute-Garonne*, examined the criminal registers of the Toulousan Parlement for the period 1542–1547. His concern was the criminal procedure which the court followed in the trial of heretics. He presented the findings to the *Société archéologique du Midi de la France* in 1922, but the address was apparently never published.<sup>9</sup>

The archival collections of southern France possess a wealth of documentation pertinent to the reform movement in general and heresy proceedings in particular. The registers of the Parlement of Toulouse housed at the *Archives départementales de la Haute-Garonne* constitute the largest single deposit. The material includes several volumes of royal acts, the long series containing the decrees and appointments of the *Grand'Chambre* and, above all, the seventy-seven registers of criminal decrees which form the nucleus of the present study. Beginning in 1539, the criminal chamber (*Tournelle*) of the Parlement of Toulouse was the principal adjudicator of heresy in Languedoc. The striated areas in Figure 1 indicate by month the sessions of the Parlement for which the pertinent criminal registers are available. Between 1539 and 1560, the only appreciable lacunae occur in 1540–1541 and 1544–1545. Smaller gaps in the records exist for 1548–1549, 1553 and 1558. While documentation from the Parlement is neither perfect nor complete, it is nonetheless solid.

The holdings in various other departmental archives stretching from the Pyrénées to the Rhône contain valuable supplemental information, especially of an ecclesiastical nature. The deliberations of town councils found in the municipal archives at Albi, Anduze, Montauban, Montpellier, Nîmes, Pamiers, and Toulouse are no less critical. And relevant manuscripts are deposited in the *Archives nationales* as well as the *Bibliothèque nationale* at Paris. In short, a considerable effort has been made to locate and examine all records and documents bearing upon heresy trials during the period

<sup>8</sup> In addition to the publication of the Bordeaux arrêts in 1912, Patry analyzed some of his archival discoveries in "Les débuts de la réforme protestante à Bordeaux et dans le ressort du Parlement de Guienne," 291–321.

<sup>9</sup> Louise Guiraud, *Etudes sur la réforme à Montpellier*. Gabriel Loirette, "Le Parlement de Toulouse et la réforme en Languedoc à la fin du règne de François Ier (1542–1547)," 484–485. The best modern examination of southern French Protestantism is Janine Garrisson-Estèbe, *Protestants du Midi, 1559–1598*. Its focus, however, is clearly the period of the Wars of Religion.



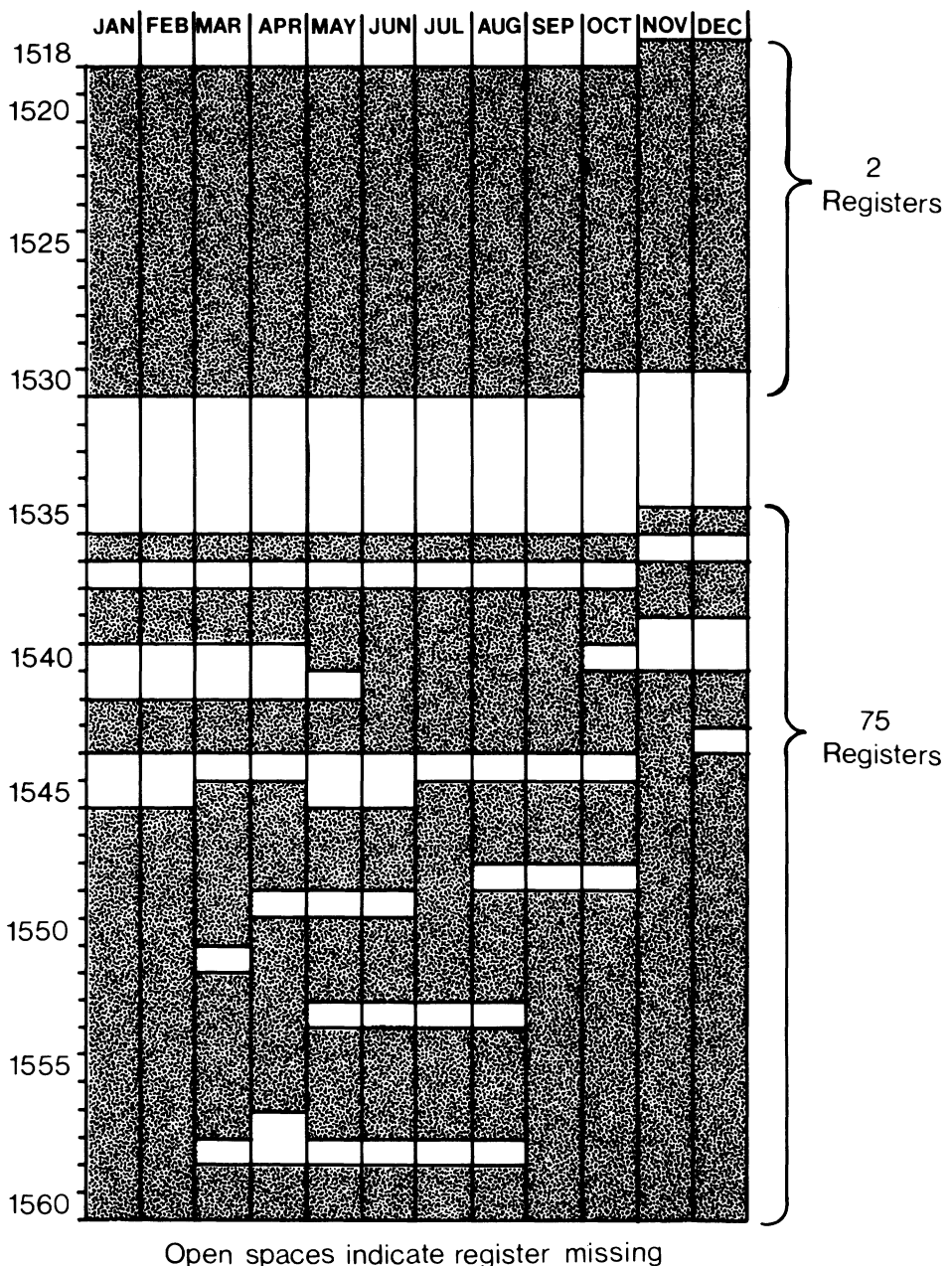


FIG. 1. Registers of the criminal chamber of the Parlement of Toulouse.

under consideration. The materials, taken together, yield a total of 1,074 heresy suspects for the sixty-odd years prior to the Wars of Religion. A brief, but necessary caution concerns the somewhat skewed nature of these cases. The Parlement of Toulouse lodged the bulk of the accusations and



did so principally during the 1540s and 1550s. These two features, the dominant role of the Parlement and the concentration of accusations in the generation immediately preceding the eruption of extensive violence, relate directly to the growth and prosecution of heresy in southern France. They do not represent a bias in the evidence, but serve as a preliminary indication of those issues upon which this study will concentrate.

Although the present analysis of the juridical response to heterodoxy confines itself to Languedoc, the geographic scope is actually a bit larger than the area commonly thought to comprise the province. The traditional boundaries have been enlarged to include all the territory administered by the Parlement of Toulouse (Figure 2). Thus, the counties of Bigorre, Comminges and Foix, along with the seneschalsies of Armagnac, Quercy and Rouergue have been included, despite the fact that they were technically not a part of Languedoc.

The province, one of the largest and richest of France during the *ancien régime*, derived its name from the language of its inhabitants—those who spoke the *langue d'oc* (*patria lingue occitane*)—*oc* being their word for “yes” instead of the northern French *oi*. The language, however, was not limited to the province and throughout southern France most people used Occitan. The northern frontier of this linguistic region was roughly the valley of the Dordogne River. Only the nobles and bourgeois spoke French, an importation and, after 1539, the official language of justice and administration. Occitan was associated with the popular classes whose members appear to have been less literate than their counterparts in northern France.

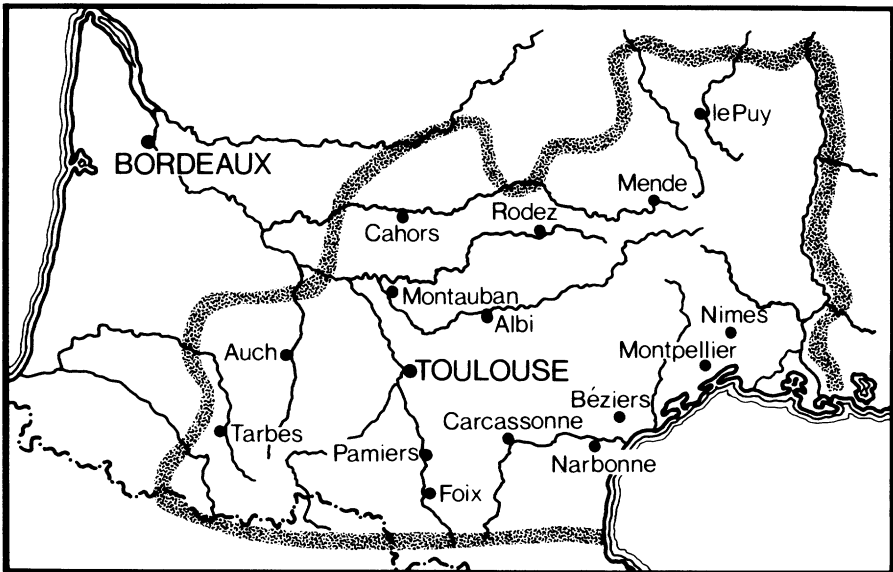


FIG. 2. Area administered by the Parlement of Toulouse.

It remained then largely a spoken tongue, with French practically the only written language. Occitan, and the culture which surrounded it, served not simply to divide the kingdom south from north, but also separated an illiterate agricultural proletariat from the more educated social elite.

Languedoc in a territorial sense dated only from the thirteenth century and the term was essentially an administrative and linguistic expression. The province offered little geographical or geological cohesion. Bounded on the east by the Rhône River which separated it from Dauphiné and Provence, it stretched westward and southward along the Gulf of Lion to Roussillon and Foix. Gascony and Guienne marked its western border, while Auvergne and Forez limited its northern reach. Within these confines, three major regions are discernible: a coastal plain with its distinctive dry Mediterranean climate, the arid but colder mountainous reaches of the Massif Central behind the coastlands and, in the west, a portion of the great basin of Aquitaine with its damper Atlantic clime.

Low limestone plateaux and alluvial plains extending from the Rhône corridor and delta to the Pyrénées constituted the area known as Lower Languedoc. The cultivation of cereal crops predominated there in a system of subsistence agriculture typical of early modern France. The mild Mediterranean weather also permitted the raising of some vines and olive trees. Inland beyond the littoral plain rose the Cévennes, the southern extremity of the crystalline uplands of the Massif Central. Though tending to desolate wasteland at the higher elevations, the lower slopes were generally forested. The southern exposures gave way to the *garrigues*, a broken countryside covered with Mediterranean oak. And, of course, there were the well-known chestnut forests. Farther north toward Auvergne lay the volcanic mountains, the "pays" and "domes," and the flows of basaltic lava that formed the extensive plateau of Velay surrounding the basin of Le Puy. Finally, on the southwestern flank, the Lot, Aveyron and Tarn rivers flowed in deep gorges, often with precipitous walls, and broke the limestone plateau of the Causses into isolated blocks. The land was poor and consequently limited to the pasturing of sheep and cultivation of rye.

The plain of Aquitaine dominated the western segment of Languedoc. The light, sandy and easily tilled, if not always rich, soils in the valley of the Garonne River and its tributaries provided meadows and parcels for market gardens. The interfluvial limestone platforms, especially the Albigeois and the Lauragais, possessed compact, clayey soils suitable for wheat and, in the sixteenth century, pastel. The latter was one of the few commercial crops of the region. It was processed at Toulouse and the blue dye exported for use in the textile industry throughout Europe.

Originally a part of the Roman province of Gallia Narbonensis, Languedoc was ruled by the Visigoths during the fifth century. Visigothic rule gave way, in turn, to the Franks. Beginning in the late ninth century, however, the kings of France were increasingly incapable of exercising much influence over Languedoc. The essential political fact was the progressive formation of a semi-independent County of Toulouse. The region

developed a prosperous individual culture. It was a precocious civilization characterized by the literature of the troubadours, magnificent Romanesque architecture, and the rapid growth of cities and commerce. Yet this creation, advanced and distinct from France of the north, suffered because of religious turmoil.

By the mid-twelfth century, the Cathari had spread their dualistic heresy to Languedoc, where their strength in the vicinity of Albi earned them the name Albigenes. Pope Innocent III responded with the proclamation of a crusade and an army from northern France overran the land in 1209. After years of warfare, Count Raymond VII of Toulouse in 1229 ceded to Louis IX of France much of his eastern territory and betrothed his daughter and heiress Jeanne to the king's brother Alphonse. When Jeanne died childless a few days after Alphonse in 1271, King Philip III annexed the County of Toulouse and the remnant of its dependencies to the French crown.

The demographic catastrophes of the fourteenth century did not spare the province and its human numbers declined by approximately one-third. Languedoc only recovered from the recurrent plagues and famines in the mid-sixteenth century when its population stood at about 1.5 million. The population of the entire French kingdom approached sixteen million. Toulouse, an administrative center, was the largest city in the south with between 40,000 and 50,000 inhabitants. While not the rival of Paris or even Rouen and Lyon, it did compare favorably with Tours and Marseille. A secondary level of towns whose sixteenth-century populations were one-fourth to one-fifth that of Toulouse included Nîmes, Montpellier and Narbonne on the littoral, along with Montauban and Albi immediately north and east of Toulouse.

There was some industry, particularly textile production, in these urban agglomerations, but the vast majority of the people were engaged in agriculture. Throughout France, between 80 and 90 percent of the population were peasants. Those of the Midi cultivated fields of irregular shape and typically allowed them to lie fallow in alternate years, unlike the classic triennial system which prevailed in the north. Pressured by a growing population in the sixteenth century, the peasant tenures suffered considerable fragmentation. There existed a proliferation of smaller and smaller landholdings at the expense of the middling peasant owners. The condition of agricultural workers was marked by a failure of economic development. In summary, Languedoc on the eve of the French Reformation at once participated closely in the life of the kingdom and retained its own unique character.

Fully aware of the difficulty in assigning a specific date to the beginnings of religious reform in France,<sup>10</sup> 1500 has been selected as the departure

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<sup>10</sup> The basic framework for discussion of this question is Lucien Febvre, "Une question malposée: les origines de la réforme française et le problème des causes de la réforme," in *Au coeur religieux du XVI<sup>e</sup> siècle*, 3–70.

point for this study. The choice is chronologically convenient and would appear sufficiently early so as to embrace possible forerunners of the movement. The terminal date of 1560 represents the approximate moment when the legal order disintegrated and religious warfare commenced. While the massacre at Vassy and the first "Religious War" did not erupt until 1562, Catholics and Protestants of southern France had resorted to arms by the autumn of 1560.

One further limitation turns on the notion of heresy itself. The analysis confines itself to causes specifically involving the crime of heresy—*cas d'excès et crime d'hérésie* according to the prevailing formula. Heretical blasphemy and sorcery entailing heresy are subsumed under this rubric. Cases of simple or ordinary blasphemy, however, have been excluded. Already during the Middle Ages, inquisitors distinguished between simple and heretical blasphemy. Later French jurists elaborated upon the distinction to the obvious benefit of royal justice. By the reign of Louis XII, blasphemy was viewed as a crime different and separate from heresy. The notion permitted the draftsmen of the ordinance of 1510 to enlarge secular jurisdiction over blasphemy. Royal encroachment upon ecclesiastical prerogatives relating to blasphemy came sooner and was more complete than for the crime of heresy. At the same time, the competent tribunals as well as certain details of judicial procedure differed from those employed in the adjudication of heresy. And unlike heresy, the penalties for blasphemy were rigorously and minutely cataloged in royal statute.<sup>11</sup> To regard heresy and blasphemy as two aspects of the same offense, varying only in their severity, would be a misunderstanding of an important and practical distinction.

What then is heresy? Building upon St. Augustine's comment that "not all error is heresy," medieval inquisitors and their successors stressed that "all heresy is error." The offender was necessarily a baptized Christian. Jews and pagans, for example, were excluded *ipso facto*. And he erred with respect to the truths revealed by God and authentically pronounced as such by the Church. Heresy was an intellectual crime (*error intellectus*) which depended upon volition and comprehension. The critical element was intent. Unintentional opposition to the Church's doctrines did not constitute heresy. The definition ruled out error arising from ignorance. A further ingredient was intractability. The individual must have persisted in his denial or doubt regarding the Faith. Pertinacity then distinguished heresy from inculpable error. The heretic adopted a willfully obdurate position.<sup>12</sup>

<sup>11</sup> Nicolas Eymeric, *Directorium Inquisitorum* . . . cum commentariis Francisci Pegñae, 332–334. Pierre Guenois, *La conférence des ordonnances royales*, 769. François A. Isambert et al., eds. *Recueil général des anciennes lois françaises depuis l'an 420 jusqu'à la révolution de 1789*, 11: 569–572. Bernard de La Roche-Flavin, *Arrests notables du Parlement de Toulouse*, 37–40.

<sup>12</sup> Augustine, *De haeresibus ad Quodvultdeum*, in *Patrologia Latina*, ed. J. P. Migne, 42: 23. The constituent elements of heresy are thoroughly treated in most Inquisitorial manuals. Representative examples are: the seventeenth-century work by an official of the Inquisition

French commentators of the Renaissance emphasized yet another aspect of the crime, that it was *lèse majesté divine*. Heretics were guilty of sedition: they threatened the public weal and disrupted the political and social order of the state. Pierre-François Muyart de Vouglans, writing in the eighteenth century, but reflecting an opinion widespread in the sixteenth, drew attention to the Church under the Roman Empire. Heresy stemmed from either ambition or debauchery and was always accompanied by scandal and illicit assemblies. The Christian prince, formerly Roman and now French, ought not delay in cleansing society of this dangerous crime.<sup>13</sup> The French monarchy naturally encouraged the view for it neatly coincided with royal policy in the extension of its own power. Heresy, as a result, came to assume a far more secular character in the course of the sixteenth century.

The consideration of heresy proceedings prior to the religious wars is chiefly a study of the laicization of the criminal offense termed heresy. Laicization may be described as the process whereby primary control and leadership within society pass from church to state. The lay government makes the essential decisions regarding social objectives. The public powers and duties of the church are noticeably reduced. Basic allegiances are secular rather than ecclesiastical.<sup>14</sup> The development is evident on several levels as justice in France answered the Reformation.

A crucial feature of the attempt to repress heresy through the instrument of law was the expanded jurisdiction attributed to royal justice. The episcopal tribunals throughout France continued to be active in the trial of heretics and, in Languedoc, the Inquisition also regularly sat in judgment. Yet the sphere of competence was dramatically reduced for these church courts and they became subject to close supervision by crown officials. At the same time, the number and proportion of heresy cases handled by the royal courts spiraled, with the bulk of this increased case-load passing to the parlements.

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at Cremona, Cesare Carena, *Tractatus de Officio Sanctissimae Inquisitionis* . . . *Hac novissima addita fuit Praxis Inquisitorum Francisci Pegnae*, 43–46; the influential manual composed by the fourteenth-century Inquisitor of Aragon, Nicolas Eymeric, and edited with extensive commentary by Francesco Pegna (d. 1612) in the sixteenth century, Eymeric, *Directorium Inquisitorum*, 236 and 319; and finally, the handbook authored by the Spanish Bishop of Zamora, Diego Simancas (d. 1583), *De Catholicis Institutionibus*, in *Tractatus Illustrum* . . . *De Iudiciis Criminalibus S. Inquisitionis*, ed. F. Pegna, in *Tractatus universi iuris, et auspice Gregorio XII*, t. XI, pt. II, 151–151v° and 156v°–161v°. A recent and helpful piece on this question is Marie-Dominique Chenue, “Orthodoxie et hérésie, le point de vue du théologien,” *Hérésies et sociétés dans l’Europe pré-industrielle, 11e–18e siècles*, ed. Jacques Le Goff, 9–17.

<sup>13</sup> The Toulousan parlementaire and official of the later fifteenth and early sixteenth centuries, Etienne Aufréri, *Decisiones capellae Tholosanae*, 60, plainly equates heresy and *lèse majesté*. Guesnois, *Conférence des ordonnances*, 98–102. Pierre-François Muyart de Vouglans, *Institutes au droit criminel, ou principes généraux sur ces matières, suivant le droit civil, canonique, et la jurisprudence du royaume* (Paris, 1768), p. 311. The political ramifications of heresy were emphasized elsewhere in Europe. For the situation at Venice, see: Nicolas Davidson, “Il Sant’Uffizio e la tutela del culto a Venezia nel ‘500,” *Studi veneziani* (forthcoming); and in the Low Countries: Duke, “Salvation by Coercion,” in *Reformation Principle*, 137–156.

<sup>14</sup> Joseph Strayer, “The Laicization of French and English Society in the Thirteenth Century,” 76–86, applies the notion of laicization to an earlier, medieval period.

A second aspect of the laical shift in the meaning of heresy touches upon the domain of judicial process. The major Continental legal systems generally adopted the Roman-canon inquisitorial model of criminal procedure by the sixteenth century. Charles V promulgated the *Constitutio Criminalis Carolina* for the Holy Roman Empire in 1532; the *ordonnance criminelle* appeared in the Spanish Netherlands during 1570; and the French monarchy issued the ordinance of Villers-Cotterets in 1539. The traditional accusatorial system, in which the mode of initiation was private complaint, fell into disuse. Rather than have the injured party pursue his rights, the state prosecuted crime. A representative of the state investigated and gathered the evidence necessary for reasoned judgment.<sup>15</sup>

The full reception of the inquisitorial process in France had a substantial impact on the trial of heresy. The adoption allowed the royal government to standardize criminal procedure and it forced upon all courts, secular and ecclesiastical, the practices and rules which had evolved in its own tribunals. The accused heretic, in whichever forum he appeared—officialité, Inquisition or parlement, found his case adjudicated according to trial procedures developed by royal magistrates in royal courts. The monarchy, in addition, imposed changes on the “purer” Inquisitorial forms as practiced, for instance, at Rome. Royal legal practice deliberately precluded the defense attorney and a defense based on a leisurely examination of the written transcript of the proceedings. Instead, the accused received nothing more than an oral reading of the charges and was required to raise his defense immediately and without benefit of counsel.<sup>16</sup>

One last area where the laicization process occurred was that of statute law and its interpretation. The edicts and ordinances issued by the crown and the actions of the magistrates who enforced them increasingly suggested a more secularized conception of heresy. The crime implied sedition and the disruption of public order as well as opposition to the established doctrines of the Church. Our purpose is to consider each of these subjects with express reference to Languedoc before 1560 and to evaluate the ability and capacity of the judicial system for the control and elimination of that which it labeled heresy.

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<sup>15</sup> John H. Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France*, 129–139, provides a general discussion of the Continental reception of Roman-canon *Inquisition*prozess.

<sup>16</sup> These differences are accurately pointed up by John Tedeschi, “Preliminary Observations on Writing a History of the Roman Inquisition,” *Continuity and Discontinuity in Church History*, eds. F. F. Church and T. George, 242–243.

## **Part 1.**

### **Judicial Institutions**



## I. The Inquisition

The Inquisition, the sole tribunal concerned exclusively with religious heresy, first appeared in Languedoc during the early thirteenth century, its seats at Toulouse and Carcassonne occurring shortly after the formation of the Order of Preachers by Saint Dominic. Both institutions arose in response to the Albigensian crisis and were supported by Pope Gregory IX from the start. His two bulls of 1233, often regarded as the initial formal constitution of the Inquisition of Languedoc, confided charge over the court to the Dominican friars.<sup>1</sup> Thus, Pierre Cella and Guillaume Arnaud, companions of the order's founder, served as the first inquisitors at Toulouse. Pierre de Létha, also a Dominican, assumed the office at Carcassonne. The successors to these men continued to be members of the Dominican Order until the final dissolution of the Inquisition of Carcassonne in 1703 and that of Toulouse at about the same time.<sup>2</sup>

The power of the inquisitor theoretically emanated from the Holy See which originally exercised considerable control over the choice of inquisitor. However, this prerogative was soon delegated to the provincial prior of the Dominicans in southern France. And by the sixteenth century, appointment to the office had become a complex matter.<sup>3</sup>

The vicar general of the Congregation of France, a superstructure uniting the recently reformed observant monasteries for the Dominican provinces of Toulouse and Provence, claimed exclusive authority to nominate the inquisitors for Languedoc. Yet the Congregation's claim did not go unchallenged. In 1530, from a slate of two or three candidates, the Dominican provincial of Toulouse selected Arnaud de Badet as inquisitor. The Dominicans were already divided over the issue of monastic reform and de Badet's appointment by the provincial led to a bitter legal battle which only subsided with the death or resignation of all the involved parties.<sup>4</sup>

On the other hand, the controversy surrounding the de Badet nomination was exceptional. The selection process was usually much smoother. The

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<sup>1</sup> 19 and 25 April 1233. B.N., Collection Doat, vol. 31, fo. 19–20 and 27–28. *Register pontificum Romanorum, inde ab anno post Christum natum 1198 ad annum 1304*, ed. Auguste Potthast, II, 783–785. The major survey of the founding of the Inquisition is Henri Maisonneuve, *Etudes sur les origines de l'Inquisition*.

<sup>2</sup> The last inquisitor at Carcassonne died on 21 October 1703. Yves Dossat, *Les crises de l'Inquisition toulousaine au XIIIe siècle (1233–1273)*, 32. The final mention of an inquisitor at Toulouse was in April 1693. A.D.H.G., 112 H 6.

<sup>3</sup> Eymeric, *Directorium Inquisitorum*, 536. Marx, *Inquisition en Dauphiné*, 53–54. Louis Tanon, *Histoire des tribunaux de l'Inquisition en France*, 184–185.

<sup>4</sup> A.D., Aude, H 418, fo. 54v°–55v°. The following chapter examines the entire affair at length.



incumbent inquisitor often succeeded in having his personal choice installed as successor. De Badet resigned in favor of Louis de Rochette<sup>5</sup> and, in 1547, Vidal de Bécenis and Esprit Rotier drafted a legal agreement transferring the office at Toulouse to the latter.<sup>6</sup> These transfers of the inquisitorial office may well have involved some type of monetary payment, although it is not specifically mentioned in the records. Yet the transaction between de Bécenis and Rotier did give rise to a charge of simony which they quickly denied.<sup>7</sup>

After the Congregation, or province, decided upon a candidate, the Parisian headquarters of the French Dominicans seconded the nomination. In 1540, Henri Gervaise, prior of the Dominicans at Paris, approved Joseph Corrigié to replace the deceased Raymond d'Abbatis as inquisitor at Carcassonne. The prior at Paris similarly issued letters of provision naming Esprit Rotier inquisitor at Toulouse seven years later.<sup>8</sup> The candidate was then presented to the crown for final approbation.

A distinctive feature of the Inquisition in sixteenth-century Languedoc was its close dependency upon the royal government. As early as 1332, the Parlement of Paris had declared the Inquisition to be a royal court for certain legal purposes.<sup>9</sup> While the fourteenth-century ruling dealt only with a specific case and did not constitute a general pronouncement, it did hint at future developments. The religious settlement effected through the Pragmatic Sanction of Bourges and the Concordat of Bologna strengthened the monarch's prerogatives, especially in the realm of appointments.<sup>10</sup> By the sixteenth century, an inquisitor-designate could not assume office without royal confirmation in the form of letters-patent. One such letter issued by Francis I on 11 March 1536 illustrates the procedure.

We make known that, for the good account which has been made to us of the person of our dear and well-beloved friar Vidal de Bécenis . . . to whom, for these reasons . . . we have, upon the nomination of our dear and well-beloved General of the said order, given and granted . . . by these present letters, the office of Inquisitor General of the Faith in our kingdom at the seat of Toulouse. . . .<sup>11</sup>

<sup>5</sup> A.N., J 966, fo. 33–38. François Génin, ed., *Lettres de Marguerite d'Angoulême, soeur de François Ier, reine de Navarre*, 1: 356. Pierre Jourda, ed., *Correspondance de Marguerite d'Angoulême, duchesse d'Alençon, reine de Navarre (1492–1549)*, 144.

<sup>6</sup> A.D.H.G., 3 E 4322, fo. 197v°.

<sup>7</sup> Ibid., B 40, fo. 572v°–573.

<sup>8</sup> Ibid., B 40, fo. 572v° and B 1902, fo. 168v°. The papacy had delegated its powers of nomination to the Dominican provincials already in the mid-thirteenth century. Carena, *Tractatus*, 15. Eymeric, *Directorium Inquisitorum*, 536.

<sup>9</sup> “. . . inquisitor fidei appellavit ad parlamentem Parisiis, et per arrestum pronunciatum 17 die maii anni 1331 omne, quod commissarius attentaverat fuit cassatum, et declaratum, quod curia inquisitionis fidei erat curia regalis, non ecclesiastica . . .” Chronique de Guillaume Bardin, in Dom Claude de Vic and Dom J. Vaissète, *Histoire générale de Languedoc*, ed. Auguste Molinier, 10: 37. Marx, *Inquisition en Dauphiné*, 78–79. Charles Molinier, *L'Inquisition dans le Midi de la France*, 316–318.

<sup>10</sup> Among the more helpful introductions to the Gallican tradition, the Pragmatic Sanction and the Concordat, in general and with special reference to the Midi, are Jean-Louis Gazzaniga, *L'église du Midi à la fin du règne de Charles VII (1444–1461)*; Victor Martin, *Les origines du gallicanisme*; Jules Thomas, *Le concordat de 1516, ses origines, son histoire au XVIe siècle*.

<sup>11</sup> B.N., ms. fr., 5124, fo. 162. Emile de Fréville, “Un index du XVIe siècle,” 358.

The events which followed the appointment of Vidal de Bécanis indicate the full extent of royal discretion.

Within six months, on 24 August 1536, Marguerite d'Angoulême, the king's sister, charged that de Bécanis's exercise of the office violated both her wishes and those of the previous inquisitor. The crown acceded to the demand and Marguerite's candidate became the inquisitor. Moreover, this was not the first instance in which the royal government removed and replaced an inquisitor. Letters-patent of 1531 exiled the inquisitor Raymond Gosin from France and directed the Seneschal of Toulouse to install Arnaud de Badet in his stead.<sup>12</sup> The two incidents, to which we shall return later, provide ample demonstration of royal power in the choice of inquisitor.

This selection process stands in contrast to that employed for the Roman and Spanish Inquisitions. These latter tribunals superseded the medieval inquisition which in France continued to function. The difference in the appointment of inquisitors involved more the role of the papacy than that of the secular magistrates. In Italy, the Roman pontiff exercised careful supervision through the Congregation of the Holy Office and the Cardinal Inquisitor General who made the selections. This was true even in areas such as Venice where the Inquisition cooperated closely with the temporal authorities. And while the Spanish monarchy had considerable control over the naming of inquisitors in its realm, they were apostolic judges. The Inquisitor General, for instance, though selected by the monarch, had to be approved by the papacy.<sup>13</sup> Papal involvement was minimal in France where the Dominicans nominated inquisitors, subject to confirmation by the crown.

Another characteristic of the Inquisition of Languedoc which reinforced the view that it was a royal, though not a secular court, was its financial dependency upon the crown. The inquisitor enjoyed a fixed salary, commonly drawn from the domainal resources of the seneschalsy. Vidal de Bécanis attested to having received "wages, revenues and emoluments" amounting to 150 *livres tournois* from the *receveur ordinaire* of the royal domain in the Seneschalsy of Toulouse. The sum was for the term which began on All Saints' Day (1 November) 1540 and ended on the feast of St. John the Baptist (24 June) 1541. The state's payment of the inquisitor's salary was not dissimilar from the arrangement in Italy and Spain.<sup>14</sup> At Toulouse, moreover, the monarchy provided housing, for the building

<sup>12</sup> A.N., J 966, fo. 33–38. Génin, *Lettres*, 1: 356. Jourda, *Correspondance*, 144. B.N., ms. fr., quittances et pièces diverses, vol. 134, no. 1754. Georges Bourgeois, "Documents inédits et originaux. Les inquisiteurs de la foi et les procès d'hérésie sous François Ier," 546–547. Ioanne Iacobo Percin, *Monumenta Conventus Tolosani ordinis FF. Praedicatorum primi et vestustissimus manuscriptis originalibus transcripta*, 110.

<sup>13</sup> Carena, *Tractatus*, 15. Eymeric, *Directorium Inquisitorum*, 536. Simancas, *De Catholicis Institutionibus*, fo. 163v<sup>o</sup>–164. For the Spanish and Italian situation, see: Geoffrey Parker, "Some Recent Work on the Inquisition in Spain and Italy," 519–532.

<sup>14</sup> A.D.H.G., B 1902, fo. 169. B.N., ms. fr., quittances et pièces diverses, vol. 136, no. 2049. Bourgeois, "Documents inédits," 108. Gustave Dupont-Ferrier, *Les officiers royaux des bailliages et sénéchaussées et les institutions monarchiques locales en France à la fin du moyen âge*, 577. Eymeric, *Directorium Inquisitorum*, 650–651.

which the Inquisition occupied was state property. And when, in the late 1520s, Raymond Gosin had portions of the structure repaired, the Parlement of Toulouse ruled that the receveur ordinaire of the Seneschalsy must pay the costs. The crown, rather than the Dominican Order, had to compensate the carpenters and masons.<sup>15</sup>

The inquisitor himself was normally a native of Languedoc and a member of the Dominican province of Toulouse prior to installation. Joseph Corrigié came from the order's house at Rodez. Raymond Gosin was born at Foix and Arnaud de Badet at either Limoux or Montauban. Gaillard de Petra was native-born and Esprit Rotier, although born at Aix-en-Provence, came to Toulouse at a very early age.<sup>16</sup> These men were presumably familiar with the region's customs and traditions, its religious problems, and most importantly, its language—Occitan.

Inquisitors were generally trained in either theology or law, canon and civil. Sometimes they studied both. The inquisitors of Languedoc, like their Italian counterparts, were primarily theologians. Corrigié studied at Paris during the 1530s and was a doctor regent of that city's Dominican house before going to Carcassonne. Gaillard de Petra also journeyed to Paris for his theological training, while de Badet and Rotier received their advanced schooling at the University of Toulouse. Raymond Gosin, who took instruction at Toulouse and Bologna, was the only inquisitor of this era known to have studied outside France.<sup>17</sup>

Several of these men were prominent within the Dominican Order in other ways. While a student in Italy, Gosin became closely associated with the reforming observant movement within the Dominicans. Upon return to Toulouse, he assumed the position of Regent of Studies for the school of the Basilica of Saint Sernin. Within six years, in 1499, he emerged as prior of the Dominicans at Toulouse. Meanwhile, the master general of the order had united the reformed houses of the provinces of Toulouse and Provence into the Congregation of France. And Gosin succeeded Raymond Sermenti as vicar general of the Congregation in 1504. Inspired by his experience in Italy, one of the first acts of the new vicar general was to obtain the renunciation of conventual properties by his fellow Dominicans of Toulouse.<sup>18</sup>

<sup>15</sup> A.D., Aude, H 418, fo. 23v°. A.D.H.G., B 22, fo. 624.

<sup>16</sup> A.D., Aude, H 418, fo. 18v° and 49v°. Gabriel Loirette, "Arnaud Badet," *Dictionnaire d'histoire et de géographie ecclésiastique*, ed. Alfred Baudrillart et al., 6: 140–141. *Monumenta ordinis fratrum Praedicatorum historica*, 9: 234–235. E. Mortier, *Histoire des maîtres généraux de l'ordre des frères Prêcheurs*, 5: 100. Jacques Quetif and Jacques Echard, *Scriptores Ordinis Praedicatorum*, 2: 32, 92, 96 and 188. Esprit Rotier, *Responsio ad Epistolam civium novae Babylonis, Gebennae scilicet*, 75.

<sup>17</sup> A.D.H.G., B 1902, fo. 168v°. Carena, *Tractatus*, 16. Eymeric, *Directorium Inquisitorum*, 535. *Monumenta ordinis fratrum Praedicatorum*, 8: 401 and IX, 144, 204, 231, 234–235 and 280. Mortier, *Histoire des maîtres généraux*, 5: 100. Quetif and Echard, *Scriptores*, 2: 32, 92 and 188. Rotier, *Responsio ad Epistolam*, 76.

<sup>18</sup> Mortier, *Histoire des maîtres généraux*, 5: 99–101. Percin, *Monumenta Conventus Tolosani*, 104–106. Quetif and Echard, *Scriptores*, 2: 92.

Esprit Rotier, an apparent protégé of Gosin, had a similar career. By 1522 he was a regent of the University of Toulouse and subsequently dean of the Faculty of Theology. He was prior at Toulouse twice, being elected in 1522 and again in 1531 and he served as vicar general of the Congregation of France for a short time beginning in 1524.<sup>19</sup> Rotier also wrote and published a fair number of treatises dealing with various errors which he, as inquisitor, believed threatened the true Church. Two early works, *De non vertenda scriptura sacra in vulgarem linguam*<sup>20</sup> and *Parergi, sive tabellae tres similitudinum, quibus suis coloribus haeretici, vera Ecclesia, vulgaresque sacrae scripturae traductiones describuntur*<sup>21</sup> expressed, as their titles suggest, opposition to the translation of Scripture into the vernacular. The first of these two publications was particularly well-known and received favorable mention from Richard Simon, the seventeenth-century exegete.<sup>22</sup> Rotier's Protestant contemporaries proved less sympathetic.

A Dominican friar who had converted to Protestantism, and wrote under the name of Paschal Murnerus challenged Rotier in 1549 with his *Ad R. P. F. Spiritum Ruterum, Aquitanicum fidei inquisitorem, epistola congratulatoria, simul et commonefactoria*.<sup>23</sup> Rotier replied to Murnerus's caustic parody in the same year with the *Responsio ad epistolam civium novae Babylonis, Gebennae scilicet*.<sup>24</sup> The inquisitor bolstered his original contentions regarding Scriptural translations and opened a new attack on the Calvinist doctrine of the Eucharist. He continued and expanded this latter focus in an appendix to a 1552 defense of the observance of Lent and in a more extended tract published in 1562.<sup>25</sup> Rotier's only other specific assault on

<sup>19</sup> Mortier, *Histoire des maîtres généraux*, 5: 550. Percin, *Monumenta Conventus Tolosani*, 107–109. Quetif and Echard, *Scriptores*, 2: 188.

<sup>20</sup> Printed at Toulouse in 1548 by Jean Dembat and Jean Chasot. Listed by Antoine du Verdier and François Grudé, sieur de La Croix du Maine, *Les bibliothèques françoises de La Croix du Maine et du Verdier, sieur de Vauprivas*, ed. Rigoley de Juvigny, 4: 491 and by Quetif and Echard, *Scriptores*, 2: 189. Copy at Bibliothèque municipale, Toulouse. Jacques Mégret, "Guyon Boudeville, imprimeur toulousain (1541–1562)," 254–255.

<sup>21</sup> Printed at Toulouse in 1549 by Guyon de Boudeville. Copy at Bibliothèque nationale, Paris. Boudeville, who printed three of Rotier's works, was executed for Protestantism in 1562. Tibulle Desbarreaux-Bernard, "Guyon de Boudeville, imprimeur à Toulouse, 1541–1562," 147 and 156–161. Du Verdier, *Bibliothèques*, 4: 491. Mégret, "Boudeville," 217–218 and 257–258. Quetif and Echard, *Scriptores*, 2: 189.

<sup>22</sup> Richard Simon, *Nouvelles observations sur le texte et les versions du Nouveau Testament*, 491–492.

<sup>23</sup> The treatise lists neither publisher nor place of publication. *Catalogue of Books Printed on the Continent of Europe, 1501–1600 in Cambridge Libraries*, ed. H. M. Adams, 1: 764.

<sup>24</sup> Printed at Toulouse in 1549 by Boudeville. Copy at Bibliothèque municipale, Toulouse. Desbarreaux-Bernard, "Boudeville," 159. Du Verdier, *Bibliothèques*, 4: 491. Mégret, "Boudeville," 258. Quetif and Echard, *Scriptores*, 2: 189.

<sup>25</sup> *Praeconium ac defensio Quadragesimae, cui pluribus requirentibus adjunctus est Sermo de ratione institutionis divinisissimi Eucharistiae Sacramenti* (Toulouse, 1552). Copy in Bibliothèque municipale, Toulouse. *Responce aux blasphemateurs de la Sainte Messe, avec la confutation de la vaine et ridicule Cene des Calvinistes . . . L'histoire de Berengarius, son erreur et penitence* (Toulouse, 1562). Copy at Bibliothèque nationale, Paris. Desbarreaux-Bernard, "Boudeville," 159. Du Verdier, *Bibliothèques*, 4: 491. Quetif and Echard, *Scriptores*, 2: 189.

Calvinist practices was a treatise on iconoclasm with reference to the crucifix as an important and appropriate commemoration of man's redemption.<sup>26</sup>

Throughout these works, Rotier wrote as a theologian rather than as a jurist. Unlike his famous medieval predecessor Bernard Gui who drew from years of service on the bench when composing a manual for inquisitors, Rotier rarely used examples from his experience as a guardian of religious orthodoxy. He turned instead to Scripture and the Church Fathers for support in developing his arguments. A work on the dangers of astrology and divination issued in 1555 discussed the views of Basil, John Chrysostom, Ambrose, Jerome, Augustine and Gregory in addition to those of the scholastics and such ancients as Ptolemy, Aristotle and Cicero.<sup>27</sup> Finally, he demonstrated a working knowledge of Church History. In a lengthy tract, he answers the Calvinist denial of transubstantiation by way of analogy to the eucharistic heresy attributed to Berengar of Tours.<sup>28</sup>

No other inquisitor of the period matched the prolific output of Esprit Rotier. Raymond Gosin is thought to have authored several pieces, including a treatise against the magical arts and a poem honoring Foix, his birthplace.<sup>29</sup> However, none appears to have been printed and if they circulated, it was in manuscript form. Arnaud de Badet, on the other hand, did publish a few works, but they were of an entirely different genre. The humanist tract entitled *Margarita virorum illustrium de futura temporis dispositione praeoscenda* appeared in 1529. The treatise aroused considerable controversy and even some of de Badet's fellow Dominicans alleged that it contained anti-trinitarian errors. The *Margarita sacrae scripturae*, a discussion of the Pauline Epistles, followed shortly thereafter.<sup>30</sup> Both works suggest

<sup>26</sup> *Adversus crucimastiges. De magna gloria quam Christus ex cruce sibi comparavit, ad solidandam fidem opus accommodatissimum* (Toulouse, 1560). Copy at Bibliothèque nationale, Paris. Du Verdier, *Bibliothèques*, 4: 491. Quetif and Echard, *Scriptores*, 2: 189. Pages 1 through 210 were printed in 1560 by the secret Protestant de Boudeville. The introduction and pages 211 through 286 were done at a later date by the Catholic printer Jacques Colomiès who purchased the de Boudeville presses after the latter's condemnation for heresy. A.M., Toulouse, CC 766, fo. 34. Mégret, "Boudeville," 217–218 and 295. For the career of Colomiès, see: Maurice Caillet, "L'oeuvre des imprimeurs toulousains aux XVIe et XVIIe siècles," 32–48, and Raymond Corraze, *Jacques Colomiès, maître imprimeur toulousain (1490–1570)*.

<sup>27</sup> *In praefatores prognostiquosque futurorum eventuum divinatricemque astrologiam libri duo* (Toulouse, 1555). Copy at Bibliothèque nationale, Paris. Quetif and Echard, *Scriptores*, 2: 189. Du Verdier, *Bibliothèques*, 4: 491, lists the work as *Contra Astrologos et divinatricem Astrologiam*. On Bernard Gui, see his *Manuel de l'inquisiteur*, ed. and trans. Guy Mollat, especially the introductory remarks, 1: v–lxvii.

<sup>28</sup> Rotier, *Responce aux blasphemateurs*, 66–127. Additional works attributed to Rotier by Du Verdier, *Bibliothèques*, 4: 491 and Quetif and Echard, *Scriptores*, 2: 189 are *Confutatio erroris asserentium Christum esse advocatum nostrum in coelo per intercessionem, et nihil ab eo sed per ipsum petendum more scholastico agitata* (Toulouse, n.d.) and *Antidote ou contrepoison, et régime contre la peste d'hérésie et erreurs portant infection à la sainte et entière foi catholique* (Toulouse, 1557). Neither work appears to be extant.

<sup>29</sup> Quetif and Echard, *Scriptores*, 2: 92.

<sup>30</sup> A.D., Aude, H 418, fo. 18 and 59–61. Du Verdier, *Bibliothèques*, 6: 27. Loirette, "Badet," *Dictionnaire d'histoire et de géographie ecclésiastique*, 6: 140–141. Quetif and Echard, *Scriptores*,

de Badet's connections with Marguerite d'Angoulême (to be discussed shortly) and indicate humanist interests very different from those of Gosin and Rotier.

The inquisitor was the chief judge of the court of the Inquisition and he presided at its principal working sessions which took place twice a week, on Wednesday and Saturday afternoons. He also directed the bulk of the preparatory activity, especially the preliminary inquiries or informations, which was conducted outside the full convocation. The inquisitor or the *juge des encours*, a secular jurist who sat on the court, could also convene special sessions if necessary.<sup>31</sup>

Besides the inquisitor, the personnel associated with the court included a lieutenant inquisitor, a *juge des encours*, a *procureur des encours*, a notary and clerk, and a sergeant. An episcopal representative and several secular magistrates usually assisted these permanent members of the court in final sentencing and the various interlocutory decrees of an actual trial. The vicar general of the diocese in which the accused was arrested, or a suitable episcopal delegate, had to concur in decisions to imprison, torture, and sentence. The Inquisition in Languedoc was attended by secular judges as well. Two members of the Parlement normally performed this function at Toulouse, while at Carcassonne the task fell to the judicial officers of the seneschal.

The lieutenant or vicar to the inquisitor was, as the title suggests, his principal assistant. Invariably a Dominican and a doctor of theology, he was selected by the inquisitor and presided in his absence. He could order inquiries, issue citations, imprison suspects, undertake trials, and generally act as would the inquisitor. The lieutenant Jehan de Landes, for example, conducted a number of trials in 1532. Anthoine Richardi continued to take depositions at Agen during April 1538 after the inquisitor de Rochette was obliged to return to Toulouse. De Landes served as the inquisitor's representative in a hearing before the municipal councillors, the *capitouls*, of Toulouse in 1535. And on several different occasions, the lieutenants Jehan de Frapino, Jehan Effredi and Jehan Gerlandy argued cases in the Parlement on behalf of the Inquisition.<sup>32</sup>

The *juge des encours*, on the other hand, was essentially a secular magistrate. The office at Toulouse customarily went to the *juge d'appaux*, a superior judge of the Seneschalsy of Toulouse. In 1547, for instance,

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2: 96. Pierre Pansier, *Histoire du livre et de l'imprimerie à Avignon du XIVe au XVIe siècle*, 1: 193 ascribes two additional tracts to Arnaud de Badet. They are *Breviarium de mirabilibus mundi ejusque compositione secundum triplicem viam theologorum, astrologorum et philosophorum* (Avignon, 1499) and *Destructorium haeresum a R. P. inquisitore Tolosano F. Arnaldo de Badeto S.T.P. novissime constructum* (Paris, 1532). Neither appears to be extant.

<sup>31</sup> B.N., Collection Doat, vol. 31, fo. 13–13v°.

<sup>32</sup> A.D., Aude, H 418, fo. 70–78. A.D.H.G., B 92 1, fo. 190; B 2025, fo. 197; B, Tournelle, reg. 8 (10 avril 1540); 3 E 4320, fo. 128. A.D., Lot-et-Garonne, G 29. A.M., Toulouse, BB 76, fo. 223. M. O. Fallières and Chanoine Durengues, "Enquête sur les commencements du protestantisme en Agenois," 215–216.



Francis I appointed Germain de Cassanea to succeed the deceased Raymond de Morilhon in both capacities.<sup>33</sup> Because the Inquisition, as an ecclesiastical tribunal, did not possess the authority to impose the death penalty, this dual secular official served as an obvious complement. Thus the Inquisition released Pierre Serre into the custody of the secular officials following his condemnation for heresy in March 1553. Serre then appeared before the juge d'appaux who sentenced him to burn at the stake. Within the court of the Inquisition, the power of the juge des encours was in many ways equal to that of the inquisitor. He could convene special sessions, swear in witnesses, commission investigations and release prisoners in the absence of the inquisitor or his lieutenant. Last and of no less significance was his complete access to the records of the Inquisition. These documents included the registers of fines and confiscations which held great interest for the crown.<sup>34</sup> The juge des encours served then as a permanent secular and royal magistrate on the Inquisition and possessed power and authority nearly identical to that of the inquisitor.

A second and closely related royal official was the *procureur du roi pour la foi au tribunal de l'Inquisition* or simply the *procureur des encours*. The position required a knowledgeable jurisconsult such as Pierre Godefroy, long the *procureur des encours* for the Inquisition at Carcassonne. Godefroy graduated from the university law faculty and authored several scholarly works including *Annotamenta in tractatus primi libri Justiniani Codicis*.<sup>35</sup> Though his function, in the broadest sense, was to safeguard the rights of the crown and assure proper administration of justice, the specific duties of the *procureur* were financial. He supervised the collection and disbursement of revenues resulting from fines and property confiscations. The court sequestered and enumerated a suspect's goods and property upon arrest. They could be used to support the suspect during imprisonment or to defray the court costs. If a suspect was found guilty and fined, the amount could be assessed against his goods and in the most serious cases they could be confiscated *in toto*. The *procureur des encours* was responsible

<sup>33</sup> "... ses prédécesseurs n'avoient jamais joy dud. office de juge des encours sinon comme juges d'appaux et n'en avoient en ce obtenu lettres de don séparément . . ." A.D.H.G., B 1902, fo. 95.

<sup>34</sup> A.D.H.G., B, Tournelle, reg. 45 (21 mars 1553). B.N., Collection Doat, vol. 31, fo. 13v<sup>o</sup>–17v<sup>o</sup>. Jean Crespin, *Histoire des martyrs persecutéz et mis à mort pour la verité de l'Evangile, depuis le temps des Apostres jusques à present* (1619), ed. Daniel Benoit, 2: 30–31. The prohibition against the invocation of blood sanctions (death or maiming) by ecclesiastical tribunals predated the Inquisition. The state's involvement in the Inquisition's financial affairs existed from the court's inception. Eymeric, *Directorium Inquisitorum*, 510–514, 654 and 663–664. Simancas, *De Catholicis Institutionibus*, fo. 127v<sup>o</sup>. Roger Grand, "La prison et la notion d'emprisonnement dans l'ancien droit," 63. Frédéric Godefroy, *Dictionnaire de l'ancienne langue française*, 3: 120 defines *encours* as *revenues des biens confisqués pour crime d'hérésie*.

<sup>35</sup> Printed at Paris in 1555. Additional publications by Godefroy include *Dialogus de Amoribus, tribus libris distinctus* (Lyon, 1552) and *Proverbiorum Liber* (Paris, 1553). M. Mahul, *Cartulaire et archives des communes de l'ancien diocèse et de l'arrondissement administratif de Carcassonne*, 6, pt. 2, 187.

for the proper management of these matters. Thus the Parlement of Toulouse addressed itself to the procureur Godefroy when it ordered the return of property confiscated from Raymond Forcade by the Inquisition at Carcassonne. The procureur controlled expenditures as well. It was Godefroy once again whom the inquisitor of Carcassonne addressed in requesting the payment of costs for the execution of a relapsed heretic in 1538. The procureur kept a record of all financial matters—confiscations, impositions, and expenses—and submitted an annual report, countersigned by the inquisitor, to the Chambre des comptes at Paris. An indication that the Inquisition recognized the procureur's fundamental role in its operation is the fact that both he and the notary were subject to a fine of one livre tournois if absent without a substitute from the tribunal's regular sessions.<sup>36</sup>

Another functional necessity for the Inquisition was the combined office of clerk and notary. The clerk (*greffier*) registered the various acts and decisions and maintained the court's own particular archives. As its chief notary, he recorded the pleadings and deliberations in the *Livre des conseils*. A second, identical book contained a list of the fines and confiscations. Both were kept in a locked chest for which there were three keys. The inquisitor and juge des encours shared one. The other two keys belonged to the procureur des encours and notary respectively. The court paid the notary according to the amount and nature of the work he performed. For a simple letter he received twenty *deniers tournois*; five *sols tournois* for decrees involving final sentences, acquittals or arrests; and two *sols*, six *deniers* for each deposition, plus expenses if he traveled outside Toulouse or Carcassonne.<sup>37</sup>

Gerauld Pagesi was the clerk and notary for the Inquisition at Toulouse from the late 1520s well into the 1550s, though not without incident. On 24 June 1542, the Parlement of Toulouse ordered that Pagesi be questioned in connection with a false accusation of heresy against Michel Pascal. By August he was imprisoned in the Tour des Hauts-Murats<sup>38</sup> and charged with corruption (*malversation*). The Parlement then yielded jurisdiction over the case to the inquisitor. The affair dragged on for nearly two years before returning to the Parlement on appeal. The high court eventually directed the reinstatement of Pagesi as notary and clerk of the Inquisition. This was in May 1544. Though he regained possession of his office, a subsequent protest by the inquisitor prompted the Parlement to fine Pagesi one hundred *sols tournois*. The matter very likely ended at this point, despite Pagesi's unexplained and temporary absence from office in 1550.

<sup>36</sup> A.D.H.G., B, Tournelle, reg. 51 (19 janvier 1555). B.N., Collection Doat, vol. 31, fo. 14 and 17v<sup>o</sup>; ms. fr., quittances et pièces diverses, vol. 134, no. 1754, vol. 135, no. 1914, and vol. 140, no. 38. Bourgeois, "Documents inédits," 24 (1875): 546–547 and 25 (1876): 20–21 and 106–107. Carena, *Tractatus*, 31–34. Eymeric, *Directorium Inquisitorium*, 649–661. Simancas, *De Catholicis Institutionibus*, fo. 127v<sup>o</sup>.

<sup>37</sup> B.N., Collection Doat, vol. 31, fo. 15v<sup>o</sup>–17. Eymeric, *Directorium Inquisitorium*, 550.

<sup>38</sup> The Tour des Hauts-Murats, the episcopal prison of Toulouse, was used by the Inquisition as early as the fourteenth century. Jules Chalande, *Histoire des rues de Toulouse*, 1: 159–160.



Guillaume de Labarde acted as an interim replacement.<sup>39</sup> The case suggests a mixture of criminal fault on the part of Pagesi and a zealous prosecutor. There is unfortunately no sure measure of their respective weight. At the same time, it is indicative of the problems which plagued the Inquisition during the sixteenth century and the extent to which the Parlement policed the operation.

A final officer of the court was the sergeant. He performed minor yet necessary tasks such as guarding the door to insure that the deliberations remained secret and closed to outsiders. He also maintained order within the chamber and executed the various decisions handed down by the court.<sup>40</sup>

In addition to the permanent members of the Inquisition, a number of legal and theological experts occasionally participated in its operation. The Inquisition stipulated that they had to be university graduates, for they were far more than expert witnesses. The court solicited their opinions, advice, and assistance in the deliberation of critical issues such as the invocation of torture. At other times, these individuals acted as emissaries. In 1545, for example, the court designated Pierre Bertrandi and Jacques Alberti, both Dominicans and doctors of theology, as *procureurs généraux et spéciaux* for the purpose of presenting certain requests to the royal government at Paris.<sup>41</sup>

The structure of the Inquisition in Languedoc constituted a pragmatic blend of ecclesiastical and secular elements. The court functioned as an active religious tribunal. The inquisitor was essentially a clerical figure. In theory he was a delegate of the Holy See and derived his authority from the Church. At the same time the Inquisition was heavily dependent upon the secular authority. The monarchy had a decisive voice in the appointment of its principal jurist, regulated its finances, and named its own creatures to supervise certain crucial aspects of its operation. The religious and temporal forces surrounding the court were not necessarily in opposition. Although the royal government, as we shall see, would modify the Inquisition's jurisdiction and oblige it to follow royal trial procedures, it never sought to eliminate the court completely. The crown effectively controlled the tribunal and as such appeared content with its continued existence.

<sup>39</sup> A.D.H.G., B 38, fo. 635; B 39, fo. 167; B, Tournelle, reg. 11 (24 juin 1542), reg. 12 (26 août 1542): 3 E 4325, fo. 115.

<sup>40</sup> B.N., Collection Doat, vol. 31, fo. 14–14v°.

<sup>41</sup> Ibid., fo. 14v°–15. A.D.H.G., 3 E 4320, fo. 128.

## II. The Crisis of the Inquisition

The Inquisition at Toulouse experienced a major internal crisis at the very moment when the Reformation emerged in southern France. The affair centered on the office of inquisitor and the manner of appointment to that office. It dramatically weakened the court and prompted the royal government to use its own secular tribunals for the adjudication of heresy. The events spanned nearly a decade and can roughly be divided into two phases, corresponding to the terms of office of two inquisitors, Arnaud de Badet and Louis de Rochette. Both men were associated with the humanist community and thereby generated strong opposition from more conservative quarters, especially the observant wing within their own Dominican Order. In the end, each was accused of heresy and served only briefly as inquisitor.

The episode began when Raymond Gosin, an observant Dominican and the presiding inquisitor, journeyed to Rome, probably in 1529. His purpose was to enlist papal assistance against secret neo-Christian Judaizers whose monetary power, according to Gosin, insured their immunity from prosecution. Clement VII received him warmly but was in no position to intervene. Disappointed, Gosin hinted that several Roman cardinals were equally subject to the influences of Jewish money.<sup>1</sup>

Raymond Gosin did not in all probability have a particular incident in mind when he complained of pseudo-Christian activity. He claimed to recognize a pervasive, enduring problem which would require considerable commitment for its solution. The available sources confirm Gosin's assessment to the extent that they indicate a tense religious atmosphere in southern France during the first several decades of the sixteenth century. The conflict originally existed independent of the Protestant movement and derived in part from the strong cultural and economic ties between Languedoc and the Iberian peninsula. The university at Toulouse had a large contingent of Spanish students and numerous merchant families, particularly those engaged in the pastel trade, were of Spanish, even Marrano origin. These bonds assumed new significance with the expulsion of the Jews from Spain in 1492. Languedoc served as a natural refuge for the immigrants who were usually obliged to pose as New Christians. Their plight was not given official recognition until royal letters-patent of 1550 allowed them to settle at Bordeaux.<sup>2</sup>

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<sup>1</sup> Mortier, *Histoire des maîtres généraux*, 5: 417. Quetif and Echard, *Scriptores*, 2: 92. Rotier, *Responsio ad Epistolam*, 83–85.

<sup>2</sup> Bartolomé Bennassar and Bruno Tollon, "Le siècle d'or (1463–1560)," *Histoire de Toulouse*, ed. Philippe Wolff, 223–270. John C. Dawson, *Toulouse in the Renaissance*, 89–106. François

Evidence of what Gosin termed clandestine Judaism is abundant. Germain de Lafaille, a Toulousan chronicler of the seventeenth-century, notes the arrest of a group of Marranos on 20 December 1519. The incident would appear to coincide with a report to the Parlement on 30 April 1520 regarding the apprehension of several Catalan students. Though suspected of wrongdoings concerning the Faith, the students had been released through the intervention of certain well-placed merchants. A second and equally revealing set of circumstances centers on the heresy trials staged at Toulouse during the early 1530s. The suspects were primarily Christian humanist reformers. Yet there were accusations against persons of Spanish and Marrano background. They included Jehan Berard, a fugitive merchant from Valencia; a resident of Limoux called the *Moron Blanc*; and several Spanish students, among them Michael Servetus. These individuals were accused of heresy in 1532, but many had been under suspicion for some time. The allegations against Jehan de Sancto Amano, the procureur des encours for the Inquisition at Toulouse, amply illustrate the problem from Gosin's perspective. The lieutenant inquisitor Jehan de Landes claimed that de Sancto Amano was an ally of the Marranos through marriage. The procureur's wife was the granddaughter of Gondysalvi de Molina, a medical doctor of Catalonian origin who had been posthumously burned in 1511 for defiling a consecrated host.<sup>3</sup>

The situation was grave, but the Roman curia refused to act. On the other hand, Gosin's failure at Rome was minor in comparison to the difficulties which arose at Toulouse during his absence. In brief, he found himself replaced as inquisitor. The royal government banished Gosin who, already in his eighties, never returned to Toulouse. He died at Rome in 1534 or 1535.<sup>4</sup>

The selection of a new inquisitor touched off a prolonged power struggle among the Dominicans of the Toulousan province. Almost two years after Gosin's departure for Rome, Vidal de Bécenis, provincial of Toulouse and himself a future inquisitor, assembled the prominent members of the province at the monastery of Prouille. They nominated a new inquisitor from a slate of three candidates. The selection of Arnaud de Badet aroused immediate and vehement opposition. The observant Dominicans, united around the Congregation of France, supported Gosin's continuance in

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Secret, "Juifs et marranes au miroir de trois médecins de la Renaissance," 130 (1971): 183–190. Zosa Szajkowski, "Population Problems of Marranos and Sephardim in France from the 16th to the 20th Centuries," 83–87. General studies of the role of Jews in sixteenth-century France include Salo W. Baron, *A Social and Religious History of the Jews*, vol. 10, *On the Empire's Periphery* and Bernhard Blumenkranz, *Histoire des Juifs en France*. The best examination of the families involved in the pastel trade is Gilles Caster, *Le commerce du pastel et de l'épicerie à Toulouse, 1450–1561*.

<sup>3</sup> A.D., Aude, H 418, fo. 8v<sup>o</sup>, 52–52v<sup>o</sup>, 61 and 78v<sup>o</sup>–79. A.D.H.G., B 18, fo. 184–184v<sup>o</sup> and 234. A.M., Toulouse, BB 76, fo. 227. Germain de Lafaille, *Annales de la ville de Toulouse depuis la réunion de la comté de Toulouse à la couronne*, 2: 23.

<sup>4</sup> A.M., Toulouse, BB 76, fo. 197. Mortier, *Histoire des maîtres généraux*, 5: 417–418. Quetif and Echard, *Scriptores*, 2: 92.

office or at least a successor chosen by him. They protested the nomination of de Badet and even accused him of being a "Lutheran."<sup>5</sup>

The Congregation of France at once transmitted the news of the event to Gosin who again sought redress from the Holy See. He contended that the provincial de Bécenis did not possess the authority to nominate the inquisitor. Such power resided exclusively with the Congregation according to Gosin. Rome responded with a rescript authorizing the Archbishop of Toulouse to investigate. The archbishop in turn delegated Jean de Basilhac, abbot of Chaise-Dieu and a counsellor of the Parlement, to conduct the inquiry. The investigation was cut short, however, when de Badet produced letters-patent from the king establishing his legal claim to the office. The seneschal of Toulouse formally installed Arnaud de Badet as inquisitor on 12 April 1531.<sup>6</sup>

The syndic of the Congregation of France objected to the seneschal's action. A mixed "ecclesiastical" commission, composed of two members of the Parlement, Etienne Sacaley and Jean Barthélemy, and two archiepiscopal officials, Jean d'Illiers and Vincent Maignan, heard the appeal. The nature of the commission and the course of subsequent events indicate that the syndic brought two principal charges against de Badet: he had illegally obtained the office of inquisitor; and he was a heretic. The four-man commission appears to have reached no firm decision regarding the latter imputation, but it did annul the seneschal's installation of de Badet. It then ordered the reinstatement of Gosin or his legitimate successor.<sup>7</sup>

De Badet's opportunity to lodge an appeal now came. He petitioned the *Grand Conseil*,<sup>8</sup> sitting in the Louvre, to affirm his rightful claim to the office of inquisitor. He had been duly nominated by the Dominicans of Toulouse, approved by the crown, and installed by the seneschal of Toulouse, a royal agent. The Congregation of France countered that this procedure violated established practice. It based the contention on two documents: a brief from Pope Alexander VI which declared that the inquisitor could not be deposed by either the general or any other member of the Dominican Order, including the provincial of Toulouse, without the consent of the Congregation; and a letter of the former Dominican General Vincent Bandelli which established the jurisdiction of the vicar general of the Congregation of France over the Dominicans of the Inquisition at Toulouse.

<sup>5</sup> Testimony of friar Jehan de Severino. A.D., Aude, H 418, fo. 54v<sup>o</sup>-55v<sup>o</sup>.

<sup>6</sup> Ibid., fo. 3-3v<sup>o</sup>. Percin, *Monumenta Conventus Tolosani*, 110.

<sup>7</sup> A.D., Aude, H 418, fo. 1-4.

<sup>8</sup> During this time, the *Grand Conseil* could claim competence in causes of interest to the monarchy. It was active in ecclesiastical affairs, especially those relating to benefices, and occasionally extended its concern to venal offices. Emile Chénon, *Histoire générale du droit français public et privé des origines à 1815* 2: 531-532. Paul Dognon, *Les institutions politiques et administratives du pays de Languedoc du XIIIe siècle aux guerres de religion*, 429-431. Roger Doucet, *Les institutions de la France au XVIe siècle* 1: 203-204. Jean-Paul Laurent, "Grand Conseil," in Michel Antoine et al., *Guide des recherches dans les fonds judiciaires de l'ancien régime*, 29-60.

The Congregation further pointed out that King Charles VIII had agreed to these privileges.<sup>9</sup>

Before the case could be decided, Arnaud de Badet disappeared. His absence from Toulouse coincided with the repression of 1532 in which more than fifty persons, mostly humanists, were charged with heresy. Ominously, Jean de Caturce, a lifelong friend of de Badet, died at the stake on 23 June 1532. When de Badet finally reappeared in late 1533, he was armed with a rescript from the apostolic legate to France. The papal letter absolved him of all suspicion of heresy. He presented it to the four members of the "ecclesiastical" commission who in early December agreed to reexamine the matter. On 5 February 1534, the commissioners gave de Badet permission to produce some twenty witnesses to attest to his orthodoxy. Not unexpectedly, the syndic of the Congregation of France, joined by the royal attorney general (*procureur général du roi*) for the Parlement, challenged the commission's decision. They maintained that the action constituted an abuse of judicial procedure and requested the Parlement of Toulouse to entertain their appeal. The high court consented and on 24 April 1534 the formal pleadings commenced.<sup>10</sup>

Attorneys for the Congregation of France outlined the two charges against de Badet. The first was a simple restatement of the previous accusation that he had illegally obtained the office of inquisitor. Second, they presented a detailed heresy indictment. The primary evidence was his friendship with Jean de Caturce, a convicted and unrepentant heretic. They endeavored to substantiate the alleged criminal relationship with correspondence between de Caturce and de Badet and excerpts of testimony from de Caturce's trial. In a letter addressed to de Badet and dated 2 August 1531, de Caturce wrote, "Exopto te ad hanc dignitatem (of inquisitor) preferi, ut per te fides deffendi possit." The word *fides* supposedly referred to de Caturce's heretical sect. De Badet was familiar with this sect and several witnesses testified to having seen him meet with de Caturce and attend the sect's gatherings. And had not de Badet himself admitted to the "ecclesiastical" commission that he knew de Caturce was in error?

The next stage in the Congregation's attack was a thorough examination of the defendant's published works. These tracts and treatises ostensibly contained statements contrary to established doctrine. De Badet denied free will and praised the opinions of Cicero, Plato, Ptolemy and other pagans, while neglecting the Doctors of the Church. The spokesmen for the Congregation concluded their pleading by asking the court to note the abuse of justice upon the part of the "ecclesiastical" commission. The commission, they argued, had been lax in investigation of the heresy

<sup>9</sup> A.D., Aude, H 418, fo. 1-3 and 29-30. A.D.H.G., 112 H 6, Inventaire des pièces que envoie le scindic de la congreagation pour deffendre son droyt qu'il a en la mayson de l'inquisition de Tholoze.

<sup>10</sup> A.D., Aude, H 418, fo. 1, 19v<sup>o</sup>-21v<sup>o</sup> and 67v<sup>o</sup>-70. Richard C. Christie, *Etienne Dolet, the Martyr of the Renaissance*, 75, n. 1.

charge against de Badet. It had refused the Congregation's request that the defendant's writings be examined by the Faculty of Theology at the University of Toulouse. And even when the commission agreed to look into the assertion that de Badet had preached heresy at Limoux, it permitted him to control the inquiry. De Badet accompanied the single assigned judge everywhere. He dined with him and even slept in the same room as the notary. This clear abuse of judicial procedure required that the entire case be returned to the first apostolic judge, Jean de Basilhac, or to the apostolic legate.<sup>11</sup>

Jean d'Olive, assistant to the royal attorney general, spoke next. He divided his argument into three principal considerations. The first touched upon the quality (*qualitas*) of a defendant who not only tolerated heresy, but was himself a heretic. He too stressed the association with de Caturce, adding that the condemned heretic had refused final confession unless the confessor were to be Arnaud de Badet. D'Olive expressed willingness to accept de Badet's statement that he had earnestly asked de Caturce to repent upon learning of his misbelief. However, de Badet had not promptly reported the discovery to the proper authorities as required by law and thereby incurred automatic excommunication.<sup>12</sup> Seeking to broaden the heresy indictment, d'Olive asserted that two of de Badet's works, *Margarita virorum illustrium de futura temporis dispositione praeoscenda* and *Considerationes super Paulum*, not only dealt favorably with astrology, but contained anti-trinitarian errors. De Badet supposedly announced the Divine Son as the cause of the Holy Spirit. The accused was also said to have resurrected certain sexual excesses popularly ascribed to the Beguine and Beghard movement.<sup>13</sup> Primary evidence was the fact that he kept a mistress at Carcassonne in the convent of La Mercy. He had, in addition, encouraged other women of Carcassonne to commit fornication when in an Easter sermon there he said, "Do the things of the earth in this world, because in the other one cannot do them."<sup>14</sup>

The public scandal which resulted from an inquisitor acting in this manner was d'Olive's second point. And if this were not enough, de Badet was the illegitimate son of an ecclesiastic of Montauban. He had deliberately concealed this fact when he obtained royal letters-patent finalizing his

<sup>11</sup> A.D., Aude, H 418, fo. 1v<sup>o</sup>-11v<sup>o</sup> and 49-58v<sup>o</sup>.

<sup>12</sup> Anyone guilty of aiding or concealing heretics was himself subject to prosecution as a heretic. Carena, *Tractatus*, 80 and 139-146. Eymeric, *Directorium Inquisitorium*, 371-373. The universal obligation to reveal and denounce all known or suspected heretics was strengthened by the French crown in the sixteenth century. Guenois, *Conférence des ordonnances*, 99. Isambert, *Recueil général*, 12: 680 and 13: 200-201. *Ordonnances des rois de France, règne de François Ier*, 4: 182.

<sup>13</sup> The Beghards and Beguines were religious brotherhoods and sisterhoods organized in the late twelfth and early thirteenth centuries. Some members of the movement were eventually accused of heresy and sexual immorality. The terms Beghard and Beguine became popular labels for such activity. In general, see Ernest W. McDonnell, *The Beguines and Beghards in Medieval Culture*.

<sup>14</sup> "Faictes aquo del sol donas en aquesto monde car en l'autre ne s'en faict point." A.D., Aude, H 418, fo. 17-18v<sup>o</sup>.



appointment as inquisitor. Third and finally, the "ecclesiastical" commission had proceeded contrary to normal judicial procedure. D'Olive repeated the abuses cited by advocates for the Congregation and appended the commission's failure to summon the royal attorney general whose presence was required by law. He consequently demanded de Badet's immediate imprisonment and retrial by a new panel of judges.<sup>15</sup>

Counsel for de Badet presented a defense which was balanced, straightforward and relatively brief. The attorney declined to treat the issue concerning the office of inquisitor because of its pending adjudication before the Grand Conseil at Paris. The heresy charge, he explained, was merely the result of hatred and malice upon the part of the Congregation of France. The Parlement of Toulouse as well as several universities had examined and approved the writings of de Badet and respected people (*gens de bien*) knew him to be of good repute. As for the alleged abuse of justice by the "ecclesiastical" commission, the charge had simply not been sustained. There had to have been an encroachment on temporal justice, a contravention of the holy decrees and concordats, or a conspicuous absence (*faute de présence*). None of these conditions had been shown to apply in the present affair. The defense concluded in dramatic fashion by summoning de Badet himself to appear before the bar and protest his innocence.<sup>16</sup>

Upon completion of the pleadings the Parlement deliberated and declared that an abuse of justice had occurred in the procedure of the "ecclesiastical" commission. It ordered the commission to subdelegate four ecclesiastics of Toulouse who, together with the royal attorney general and the parties involved, would examine the matter anew. Meanwhile, Arnaud de Badet remained at liberty, but was not to leave Toulouse. The precise final disposition of the case is not altogether clear. De Badet evidently refuted the heresy charge or, at most, incurred a minor penalty for he continued his ministerial activity after leaving the office of inquisitor. He preached, for example, the Lenten sermons of 1539 for the Church of Notre-Dame des Tables at Montpellier.<sup>17</sup> The further question of whether or not de Badet was the rightful inquisitor does not appear to have been settled to the complete satisfaction of either side.

Jehan de Sancto Amano, the procureur des encours for the Inquisition, informed the municipal magistrates of Toulouse in January 1535 that neither Raymond Gosin nor his lieutenant Jehan de Landes possessed jurisdiction over the crime of heresy. De Landes argued the opposite position before the same group a week later. He claimed exercise of the office of inquisitor in Gosin's absence by authority of the Parlement. The manifest moment

<sup>15</sup> Ibid., fo. 14–29.

<sup>16</sup> Ibid., fo. 29–35v°.

<sup>17</sup> Ibid., fo. 36–36v°. A.M., Montpellier, CC, commandement de 1539, fo. 3. Guiraud, *Réforme à Montpellier*, 1: 82.

to resolve the uncertainty surrounding the Inquisition did not arise for more than a year. News of Raymond Gosin's death in Rome does not seem to have reached France until early 1536. The crown noted the fact in March. At the same time, Arnaud de Badet had already resigned from office.<sup>18</sup> Whether he acted of his own accord or was forced out, the way now appeared open for the selection of an inquisitor acceptable to all parties. Yet the opportunity was wasted and the underlying conflict did not end.

The circumstances of the new appointment are ambiguous. Letters-patent of Francis I dated 11 March 1536 note the vacancy created by the death of Gosin and confirm Vidal de Bécenis, the very provincial who has supervised the de Badet nomination, as inquisitor. If the choice represented an attempt at compromise, it was shortlived. Marguerite d'Angoulême, the king's sister, complained in late August. She made no mention of Raymond Gosin and referred to the prior inquisitor as Arnaud de Badet. She further insisted that he had resigned in favor of a certain Louis de Rochette, not Vidal de Bécenis, "Bécenis gave me to understand . . . that it was he in whose name Badet resigned; nevertheless, I know well to the contrary, because he in whose name Badet resigned and whom I desire to be installed is named Rochette. . . ." <sup>19</sup> The strength of Marguerite's position derived from the king's apparent delegation to her of the exercise of the royal prerogatives in the selection of the Toulousan inquisitor.<sup>20</sup> Her protest was effective and by December 1536 friar Louis de Rochette was the inquisitor.<sup>21</sup>

The new appointee, like his predecessor, had a short tenure in office. On 27 August 1538, the Parlement of Toulouse heard the report of a commission delegated to investigate de Rochette. The court subsequently ordered his imprisonment in the conciergerie<sup>22</sup> and named three of its counsellors to assist the vicar of the archbishop of Toulouse in the proceedings against de Rochette. The Parlement also instructed three other counsellors to examine the books and papers found in the inquisitor's possession. The trial moved swiftly to its conclusion and by the second week of September de Rochette was declared guilty of heresy. By 6 September, the Parlement had already removed him from office and on 10

<sup>18</sup> A.M., Toulouse, BB-76, fo. 197 and 223. B.N., ms. fr., 5124, fo. 162. Fréville, "Un index," 1 (1852): 358. *Catalogue des actes de François Ier*, 3: 185.

<sup>19</sup> Letter of 24 August 1536. A.N., J 966, fo. 33-38. Génin, *Lettres*, 1: 356. Jourda, *Correspondance*, 144.

<sup>20</sup> " . . . veuillez faire le vouloir du Roy, qu'est que ledict Rocheto, au nom duquel il m'a octroyé ledict office, en soit pourveu . . ." Ibid.

<sup>21</sup> Ibid. B.N., ms. fr., 5124, fo. 162; quittances et pièces diverses, vol. 134, no. 1745. Bourgeois, "Documents inédits," 14 (1875): 546-547. *Catalogue des actes*, 3: 185. Fréville, "Un index," 1 (1852): 358.

<sup>22</sup> The prison of the conciergerie was attached to and controlled by the Parlement of Toulouse. Chalande, *Rues de Toulouse*, 1: 173-174. André Viala, *Le Parlement de Toulouse et l'administration royale laïque, 1420-1525 environ*, 1: 382.



September it condemned him to death carrying out the sentence the same day. The Parlement also arrested Antoine Richardi, the lieutenant inquisitor, and on 10 May 1539 issued a similar sentence against him.<sup>23</sup>

The sixteenth-century Genevan refugee Jean Crespin reports in his *Histoire des martyrs* that de Rochette and his lieutenant were found guilty of sodomy. He makes no mention of a heresy charge. Germain de Lafaille, a Toulousan Catholic writing almost two centuries later and with access to the municipal archives, disputes the claim. He expresses dismay that the Protestant author would have defamed an important martyr like de Rochette; the surviving records of the Parlement mention only an accusation of heresy against him. Yet the court did condemn his lieutenant for both heresy and sodomy. Heresy was sometimes joined to an accusation of sodomy and the Inquisition did have jurisdiction over the latter offense. This traditional linkage may explain Crespin's confusion. There is no firm evidence, however, that de Rochette was condemned for homosexual activity.<sup>24</sup>

Following the de Rochette execution, Vidal de Bécanis was again named inquisitor at Toulouse. The Grand Conseil removed all impediments to his possession of the office on 25 September 1538. As a precautionary measure in its desire to see the affair definitively concluded, the royal government summoned de Bécanis to Fontainebleau for a personal interview shortly thereafter. He served the cause of orthodoxy until 1547 when by mutual agreement Esprit Rotier, an understudy of Raymond Gosin, succeeded him.<sup>25</sup> Stability thus returned to the Inquisition of Toulouse.

Arnaud de Badet and Louis de Rochette were clearly the focal points of the prolonged crisis and it must be asked whether they were in fact heretics or merely the victims of factional rivalries. The division among the Dominicans of southern France was at least a partial factor in their ruin. An internal struggle existed from the very beginning of the movement to reform the order through the instrument of the Congregation of France.<sup>26</sup> Once established, the Congregation was anxious to consolidate and extend its influence. The strong defense of its rights and authority over the office of inquisitor was in conformity with this policy. The observant movement took root at Toulouse under the aggressive leadership of Raymond Gosin.

<sup>23</sup> A.D.H.G., B 31, fo. 485v<sup>o</sup>, 510 and 521; B, Tournelle, reg. 5 (10 septembre 1538) and reg. 7, fo. 40. A.M., Toulouse, BB 269, fo. 61v<sup>o</sup>; CC 2397, fo. 16v<sup>o</sup> and no. 16.

<sup>24</sup> A.D.H.G., B, Tournelle, reg. 7, fo. 40. Carena, *Tractatus*, 116. Crespin, *Histoire des martyrs*, 1: 342. Cf. *Histoire ecclésiastique des églises réformées au royaume de France*, ed. G. Baum and Ed. Cunitz, 1: 40. Lafaille, *Annales de Toulouse*, 2: 109. For a case of heresy and sodomy at Carcassonne, A.D.H.G., B, Tournelle, reg. 27 (5 décembre 1547) and (3 mars 1548). Arno Karlen, "The Homosexual Heresy," 44–63 argues the two crimes were "used interchangeably; sodomites were heretics, heretics were sodomites." See also: E. William Monter, "La sodomie à l'époque moderne en Suisse romande," 1023–1026.

<sup>25</sup> A.D.H.G., B 40, fo. 572v<sup>o</sup>; 3 E 4322, fo. 197v<sup>o</sup>. A.N., J 962<sup>14</sup>, no. 17. B.N., ms. fr., quittances et pièces diverses, vol. 135, no. 1894. Bourgeois, "Documents inédits," 548.

<sup>26</sup> Mortier, *Histoire des maîtres généraux*, 5: 11–12 and 84–105 provides a brief description of the early difficulties.

When he became inquisitor, Gosin proved an equally zealous champion of orthodoxy. He reacted vigorously when the archbishop of Toulouse appeared to trespass upon the Inquisition's jurisdiction<sup>27</sup> and personally petitioned the papacy when he thought the court to be obstructed in its pursuit of heretics. Gosin and his followers were not inclined to submit calmly to his replacement as inquisitor, especially by a man of humanist bent.

In a decade when the humanist community of Toulouse was subject to great suspicion of heresy, de Badet and de Rochette were themselves vulnerable. Neither man seems to have made a formal commitment to the reformed doctrines of individuals such as Luther and Zwingli. The Protestant disclaimer of de Rochette lends weight to this view. Yet they were associated, if only distantly, with the deeply religious humanist circle of Marguerite d'Angoulême. Marguerite, whose estates at Nérac lay close to Languedoc, appears to have known de Badet. She plainly supported de Rochette's candidacy for inquisitor and at least one commentator has suggested that he served as the inspiration for her morality play entitled *Inquisiteur*.<sup>28</sup>

The testimony entered in the case against de Badet, in particular, denotes a keen interest in the *studia humanitatis*. The prosecution was anxious to demonstrate his attraction to astrology and offered his *Margarita virorum illustrium de futura temporis dispositione praenoscenda* as primary evidence. With questionable logic, one witness testified that de Badet was a "Lutheran" because he was an astrologer.<sup>29</sup> A bookseller, himself accused of heresy, attested to having seen several works on astrology in de Badet's room. The same man claimed to have sold him two "Lutheran" books, *Brencius in Iohannem* and *Collectanea troporum*.<sup>30</sup> A student of Scripture and author of a treatise on the Epistles of Saint Paul, de Badet may well have bought the books. Perhaps the clearest indication that de Badet's heresy involved his humanist pursuits was the charge that he frequently cited classical pagan authors such as Plato and Ptolemy and neglected the holy Doctors of the Church. The attitude was typical of the anti-humanist feelings which ran high at Toulouse during the 1530s. The Latinists Pierre Bunel and Etienne Dolet as well as the jurists Mathieu Pac and Jean de Boyssoné were among those humanists who left Languedoc pursued by accusations of heresy. And though other inquisitors of the sixteenth century

<sup>27</sup> A.D.H.G., 112 H 6. The controversy is discussed at length in the following chapter.

<sup>28</sup> Raymond Lebègue, *La tragédie religieuse en France, les débuts (1514–1573)*, 92. A more critical view is that of Pierre Jourda, *Marguerite d'Angoulême, duchesse d'Alençon, reine de Navarre (1492–1549)* 1: 485.

<sup>29</sup> "... estoit lutherien à cause de sa science, car estoit grant astrologien." Deposition of friar Jehan de Severino. A.D., Aude, H 418, fo. 54v°.

<sup>30</sup> *Brencius super Iohannem* and *Tropi insigniores* according to another witness. Ibid., fo. 53 and 57. They appear to be editions of Johannes Brenz, *In D. Iohannis Evangelion* (Hagenau, 1527) and *Troporum theologicorum liber* (Basel, n.d.).

delighted in demonstration of their command of the classics, the opponents of Arnaud de Badet thought it "unbecoming a clergyman and theologian."<sup>31</sup>

Aside from questions concerning the nature and accuracy of the heresy charges, the effect of the prolonged crisis and especially the execution of de Rochette was to discredit the Inquisition as an effective institution for the control of heresy. Reaction by the royal government was immediate and far-reaching. Addressing the Parlement of Toulouse on 16 December 1538, Francis I urged greater diligence by the episcopal and secular judiciaries in the apprehension and trial of heretics. Elaborate and detailed royal edicts followed in June 1539 and June 1540. They limited the competence of the Inquisition to the judgment of clergymen in instances of heresy merely involving a *délit commun* or common misdemeanor, where public order remained undisturbed. The trial of laymen and the adjudication of all heresy offenses accompanied by open scandal or popular unrest, a *cas privilégié*, came under the jurisdiction of the royal courts.<sup>32</sup> The Inquisition would regain some portion of its former jurisdiction in the following decades, though it was never again the sole tribunal for the judgment of heresy. After 1539, it shared this power with the secular judiciary of the French crown.

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<sup>31</sup> A.D., Aude, H 418, fo. 7v°. A good introduction to the humanists' plight at Toulouse is Bennassar and Tollon, "Siècle d'or," *Histoire de Toulouse*, 264–269; and Christie, *Etienne Dolet*, 47–139. There were, of course, perfectly orthodox inquisitors who were steeped in the classics. The Spaniard Diego Simancas relied heavily on such ancient authors as Plato and Cicero. Cf. his *De Catholicis Institutionibus*.

<sup>32</sup> A.D.H.G., B 1902, fo. 135–136v° and 139v°–140v°. Isambert, *Recueil général*, 12: 676–681. Weiss, *La chambre ardente*, xiv. Nathanaël Weiss, "Documents inédits pour servir à l'histoire de la réforme sous François Ier; lettres d'abolition de François Ier, du 31 mars 1536," 73–74 and 240–243.

### III. The Episcopacy

The Inquisition was not the sole ecclesiastical institution actively concerned with the prevention and eradication of heresy. Equally vital and necessary was the episcopate, the traditional guardian of religious orthodoxy. Prior to the creation of the Inquisition, the bishops acted as ordinary judges in heresy cases; they could take cognizance in their own right. The appearance of the inquisitor, a delegated judge of the Holy See, did not mean abolition of episcopal jurisdiction. It theoretically remained intact, though inferior to that of the inquisitor. The bishops assisted and supported the inquisitor who, for his part, could not act without their concurrence. In the absence of the Inquisition, the bishops operated independently in the detection, apprehension and prosecution of heretics. Thus the prelates of the three archdioceses and thirty dioceses within the geographic jurisdiction of the Parlement of Toulouse not only cooperated with the Inquisition, but functioned on their own initiative as well. The sheer size of Languedoc limited the direct effectiveness of the courts of the Inquisition at Toulouse and Carcassonne.<sup>1</sup> The sole operative and competent ecclesiastical tribunal in some regions was that of the episcopacy.

The officiality, an ecclesiastical court to which the bishop committed the charge of his spiritual jurisdiction, appeared in its modern outlines toward the end of the twelfth century. The *official* (*officialis*), who presided over the diocesan tribunal, exercised an episcopal mandate for the administration of justice. Criminal competence extended to a number of offenses including usury, adultery, rape, abortion, homicide, blasphemy and, of course, heresy.<sup>2</sup> The officialities of Languedoc were active in the pursuit of this last crime throughout the period under consideration. Individuals occasionally found it convenient to denounce suspected heretics to the official as did the woman from the diocese of Couserans who reported Pierre Serre in 1553. When deemed appropriate, the official initiated the criminal trial process and undertook secret inquiries. The closed investi-

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<sup>1</sup> The territory administered by the Parlement of Toulouse encompassed the archdioceses of Auch, Narbonne and Toulouse and the dioceses of Agde, Albi, Alet, Béziers, Cahors, Carcassonne, Castres, Comminges, Condom, Couserans, Lavaur, Lectoure, Le Puy, Lodève, Lombez, Maguelonne (transferred to Montpellier in 1536), Mende, Mirepoix, Montauban, Nîmes, Pamiers, Rieux, Rodez, Saint-Papoul, Saint-Pons, Tarbes, Uzès, Vabres and Viviers as well as parts of the diocese of Arles. Viala, *Parlement de Toulouse*, 2: 279–304. Carena, *Tractatus*, 11. Eymeric, *Directorium Inquisitorum*, 537–539. Marx, *Inquisition en Dauphiné*, 69.

<sup>2</sup> Doucet, *Institutions*, 2: 725–728 and 780. Paul Fournier, *Les officialités au moyen âge*, 1–24. Anne Lefebvre-Teillard, *Les officialités à la veille du Concile de Trente*, 25–33 and 44–46. Cf. the remarks of the eighteenth-century jurist of Aix, Pierre T. Durand de Maillane, *Dictionnaire de droit canonique et de pratique bénéficiale*, 5: 36–71.

gations were normally directed against a particular suspect or group of suspects. Bernard Pellicier, official of the archbishop of Auch, recorded testimony during May 1532 regarding the possible heresy of Jean de Verdusan and his servant. On other occasions, these inquiries were more general in their scope and assumed the character of a "fishing expedition." The examination of a curate at Mende in 1557 was little more than an attempt to uncover any and all clandestine adherents to reformed religious ideas. The official appears to have had no particular suspects in mind. The role of the episcopacy extended to the arrest and judgment of heretics as well. Officers of the bishop of Nîmes incarcerated and tried several "Lutherans" in 1537. The officiality of Cahors dispensed justice in an analogous case during the early 1540s. A few years later, the official for the diocese of Lectoure condemned a certain Dominique Gerier for the crime of heresy. And in 1556, agents of the bishop of Albi charged Guillaume de Lafaurie with heterodoxy.<sup>3</sup>

If an accused heretic appeared before the Inquisition, the bishops still possessed a strong measure of participation. Already in the thirteenth century, the papacy had affirmed the necessity of concurrence and co-operation between the Inquisition and episcopacy. The two jurisdictions, inquisitorial and episcopal, could independently summon, arrest and imprison suspects. They could even proceed to investigate separately and individually. On the other hand, the inquisitor and bishop necessarily acted jointly in the transfer of a defendant from simple custody to harsh imprisonment, the application of torture, and definitive judgment. The Inquisition needed the concurrence of the bishop in whose diocese the accused had allegedly committed his crime in these three situations.<sup>4</sup>

By the sixteenth century, the bishop did not usually participate personally in the judicial proceedings. He delegated this task to the vicar general, his principal auxiliary for the administration of the diocese and substitute in his absence. Thus the inquisitor and the vicar for the bishop of Béziers proceeded jointly against Anthoine Saliceti in 1543. Pierre Fardeau, vicar general for the diocese of Mende, assisted at the trial of Georges Sapientis in 1547. The vicar of the archbishop of Toulouse and the inquisitor joined in the condemnation of Guillaume de Combis a decade later.<sup>5</sup> Often it was not the vicar general who took part. An assistant or substitute was frequently assigned the task. Unless the proceedings were divided between the diocesan seat and Toulouse or Carcassonne, or the competent vicar

<sup>3</sup> A.D.H.G., B, Tournelle, reg. 4 (7 décembre 1537), reg. 16 (17 avril 1545), reg. 60 (12 octobre 1556); 1 G 642. A.D., Lot, F 136, Chronique de l'abbé de Foulhiac, fo. 670. A.D., Lozère, G 3085. Crespin, *Histoire des martyrs*, 2: 30.

<sup>4</sup> Carena, *Tractatus*, 11–12. Célestin Douais, *Documents pour servir à l'histoire de l'Inquisition*, xxvi, xl, xlvii and lviii. Eymeric, *Directorium Inquisitorum*, 577–578. Marx, *Inquisition en Dauphiné*, 69–70. Simancas, *De Catholicis Institutionibus*, fo. 150–151.

<sup>5</sup> A.D.H.G., B 31, fo. 36v°; B 40, fo. 230v°; B, Tournelle, reg. 14 (29 octobre 1543). Carena, *Tractatus*, 23. Doucet, *Institutions*, 2: 727–728. Durand de Maillane, *Dictionnaire de droit canonique*, 6: 627–635. Simancas, *De Catholicis Institutionibus*, fo. 150v°.

general resided near the appropriate seat, he did not himself appear on the Inquisition's bench. Administrative duties, the difficulty and expense of travel, and the royal government's desire to have greater control over the proceedings led to the appointment of substitute representatives. Several interlocutory decrees issued by the Parlement of Toulouse attest to the practice. The high court ordered the bishop of Mende to create a special vicar for the trial of several heresy defendants in 1546. It directed the archbishop of Auch to do likewise in 1550.<sup>6</sup> The Parlement typically specified that the appointee be a personage of required quality, neither suspect nor favorable.<sup>7</sup> The court gave more detailed instructions at other times. It commanded the bishop of Maguelonne-Montpellier to name the official for the archdiocese of Toulouse as his vicar in the trial of three accused heretics around 1528. Preliminary to the proceedings against Anthoine de Montejudeo in 1547, the Parlement ruled that the bishop of Castres select a substitute vicar from among the clerical counsellors of the high court itself.<sup>8</sup> The selection of provisional vicars general certainly weakened the voice of the episcopate within the Inquisition. At the same time, the manner of their appointment strengthened the position of the royal judiciary and most particularly the Parlement of Toulouse.

The relationship between the bishops and the Inquisition was by no means totally smooth and ordered. A variety of issues caused friction and irritation—respective criminal jurisdiction figuring prominently among them. A squabble of this very nature developed during the early 1520s. Josse de Lagarde, vicar for Archbishop Jean d'Orléans at Toulouse, and the inquisitor Raymond Gosin clashed in the trial of Nicolas de Beaumont, a medical doctor charged with necromancy and sorcery. The officiality of Toulouse and the Inquisition had reached an impasse for each claimed exclusive authority to dispense justice in the case. Disaccord between bishop and inquisitor would in Italy have been referred to the Holy See and in Spain to the *Consejo de la Suprema y General Inquisición*. In France, problems of this type were settled by the royal courts. The Concordat of 1516 severely limited appeals to Rome and there was no equivalent to the Spanish *Suprema*.<sup>9</sup> The controversy at Toulouse accordingly received a hearing before the Parlement in January 1523.

While admitting that the bishop and inquisitor must proceed together in instances of heresy, counsel for the archbishop of Toulouse argued in

<sup>6</sup> A.D.H.G., B, Tournelle, reg. 20 (26 mars 1546), reg. 34 (21 septembre 1550). Doucet, *Institutions*, 2: 786.

<sup>7</sup> "... personnage de qualité requise non suspect ne favorable . . ." Directive to bishop of Agde, A.D.H.G., B, Tournelle, reg. 38 (21 octobre 1551); to bishops of Lectoure and Castres, reg. 39 (7 décembre 1551).

<sup>8</sup> Ibid., B 22, fo. 239v<sup>o</sup>; B, Tournelle, reg. 26 (23 juillet 1547).

<sup>9</sup> Carena, *Tractatus*, 12. Eymeric, *Directorium Inquisitorium*, 580–581. Simancas, *De Catholicis Institutionibus*, fo. 150v<sup>o</sup>. Thomas, *Concordat de 1516*, 3: 226. Cf. the comments of the Toulousan jurists Gabriel de Vedel, *Observations sur les arrêts du Parlement de Toulouse, recueillis par Messire Jean de Catellan*, 81 and Jean de Catellan, *Arrests remarquables du Parlement de Toulouse*, 117–118.



favor of a distinction between heresy and sortilege. The former as defined by canon law involved a transgression against the articles of the Faith or the sacraments of the Church. The purported offense of sortilege was not of this nature<sup>10</sup> and therefore jurisdiction over the de Beaumont case rested solely with the archdiocese of Toulouse. The attorney even expressed some doubt that a crime had been committed. The spokesman for the Inquisition replied that *ars magica* ultimately effects heresy. The inquisitor's investigations thus far demonstrated that it was not simply a matter of magic. The defendant de Beaumont was under "vehement suspicion"<sup>11</sup> of having concluded a pact with the devil. An act of this sort was manifestly heretical. The Inquisition requested the archbishop's vicar to join and assist it in the proper adjudication of de Beaumont's heresy and further suggested that the vicar's motivation in the present conflict derived, at least partially, from his friendship with de Beaumont.<sup>12</sup>

An assistant to the royal attorney general (*procureur général du roi*), who represented the public interest in criminal prosecution, advanced support for the Inquisition's position.<sup>13</sup> He outlined the basic evidence against de Beaumont and reasoned that it pointed towards heresy. The authorities had discovered books on magic and diabolical invocation, small statues of human figures and pieces of mandrake root among the defendant's possessions. And like the attorney for the Inquisition, the assistant *procureur* questioned the familiarity between the archiepiscopal vicar and the accused. The archbishop's lawyer attempted to minimize these objections by differentiating between adoration of the devil and simple invocation. De Beaumont could only be accused of the latter and it was not a crime justiciable by the Inquisition. Furthermore, he sought to controvert the alleged collusion between de Beaumont and the vicar general of Toulouse. Their prior association was described as limited to the context of the defendant's expertise as a medical practitioner.<sup>14</sup> Though the Parlement's final ruling is unknown, the affair does illustrate an area of continuing conflict between the Inquisition and the episcopacy. The jurisdictional problem would resurface at various times and in different forms.

Odet de Coligny, Cardinal de Châtillon, was archbishop of Toulouse from 1533 to 1550 and during this time his assistants drafted a series of articles outlining the Inquisition's encroachment upon archiepiscopal au-

<sup>10</sup> The citations from canon law used in support of the argument were C.XXIV, q.3 and C.XXVI, q.5. *Corpus Iuris Canonici*, ed. Aemilius Friedberg 1: 987–1006 and 1027–1036.

<sup>11</sup> The three degrees of suspicion of heresy were light (*levis*), vehement (*vehemens*) and violent (*violenta* or *maxima*). Eymeric, *Directorium Inquisitorum*, 376–380. Guenois, *Conférence des ordonnances*, 102. Simancas, *De Catholicis Institutionibus*, fo. 190–190v°.

<sup>12</sup> A.D.H.G., 112 H 6, Extrait des registres du Parlement due samedi dix<sup>me</sup> jour de janvier l'an mil cinq cens et vingt deux (o.s.), fo. 1–10.

<sup>13</sup> In criminal proceedings before the parlement, the royal attorney general acted as public prosecutor and could assume the role of *partie jointe*. Doucet, *Institutions*, 1: 173. Langbein, *Prosecuting Crime*, 217.

<sup>14</sup> A.D.H.G., 112 H 6, Extrait des registres, fo. 10v°–24v°.



thority. The inquisitor responded as expected with his own counter-articles. Then Antoine Sanguin, Cardinal de Meudon, after succeeding to the See of Toulouse in 1550,<sup>15</sup> directed his officers to restate their position. Among the issues which divided the archbishop and inquisitor was that of eating meat on and during the days and times prohibited by the Church. The inquisitor inferred that the offense constituted heresy. If this logic prevailed, the archiepiscopal memorandum countered, then failure to assist at mass when under obligation, adultery, and fornication were equally heretical acts.<sup>16</sup> The debate touched upon a difficult problem. Disciplinary abuses of this nature were rarely in themselves acts of heresy. Yet they could well be preliminary evidence for exactly that accusation. Newly reformed Christians sometimes scorned, publicly or otherwise, the traditional Lenten fast. A reformed group at Privas took exactly this tack around 1534. When parliamentary counsellors interrogated Jehan Orlhac in 1554, two recurrent questions were whether he had abstained from meat during Lent and had confessed and received the Eucharist during the Easter season. Episcopal officials at Mende even requested a local curate to disclose the names of those parish members who had not performed their Easter duty.<sup>17</sup> The negligent were presumably suspected of Protestant leanings. And while the Inquisition had long valued these exterior signs and presumptions, the practice was not without inherent dangers.<sup>18</sup>

Equally irritating to the diocesan authorities at Toulouse was the Inquisition's procedure with respect to the publication of monitories. The device was a letter to the faithful read at the principal mass and affixed to the church doors and in the public squares. It was an admonition requiring all Christians to reveal under pain of excommunication that which they knew regarding certain facts contained in the monitory. The issuance of these letters was a principal and traditional feature of Inquisitorial practice.<sup>19</sup> Protest and cries of abuse by the bishops appears to have been equally longstanding. The vicar general of the archdiocese of Toulouse questioned several priests of the church of the Dalbade in April 1530. The principal subject of the investigation was the Inquisition's claim to com-

<sup>15</sup> Odet de Coligny permutated the archdiocese of Toulouse for the abby of Fleurs with Antoine Sanguin in 1550. The agreement stipulated that Coligny could repossess the see in the event of Sanguin's death. This actually occurred in 1559. Vic and Vaissète, *Histoire de Languedoc*, 4: 361.

<sup>16</sup> A.D.H.G., 112 H 6, Pour répondre aux additiona baillées par monseigneur l'inquisiteur de la foy contre les articles de monseigneur le reverendissime cardinal de Châtillon, fo. 1-1v<sup>o</sup>.

<sup>17</sup> A.D., Ardèche, C 1451, pièce no. 59, fo. 4. A.D.H.G., B, Tournelle, reg. 49 (12 juin 1554). A.D., Lozère, G 3085.

<sup>18</sup> Various examples of this type of "evidence" are listed by the Aragonese inquisitor Eymeric, *Directorium Inquisitorum*, 365; the Italian Carena, *Tractatus*, 219-234; and the Spaniard Simancas, *De Catholicis Institutionibus*, fo. 189-190.

<sup>19</sup> Carena, *Tractatus*, 235. Durand de Maillane, *Dictionnaire de droit canonique*, 4: 626-630. Eymeric, *Directorium Inquisitorum*, 407-409. Guy du Rousseaud de La Combe, *Recueil de jurisprudence canonique et beneficiale*, 2<sup>e</sup> partie, 74.

petency in instances of usury, sortilege and divination.<sup>20</sup> At the same time the inquisitor made detailed inquiries about a monitory published in the parish and signed by the inquisitor. It related to the aforementioned offenses and seemed beyond the confines of Inquisitorial jurisdiction.<sup>21</sup> The prelates of Languedoc complained to the provincial Estates throughout the 1550s of vague all-inclusive monitories originating with the Inquisition.<sup>22</sup> And the memorandum issued in the name of the Cardinal de Meudon noted the requirement that all general monitories be obtained from the bishop or his officers. The Council of Vienne (1311–1312) had admittedly relaxed the obligation for episcopal countersignature on items such as imprisonment citations. The promulgation of general monitories, however, remained a prerogative of the bishop. According to the archbishop of Toulouse, the inquisitor was obliged to obtain his endorsement on all documents of this nature.<sup>23</sup>

The articles of the archbishop of Toulouse concluded in lament of the animosity which had arisen between his jurisdiction and the Inquisition. Cooperation was vital, but often elusive. A case in point was the recent Inquisitorial judgment against a priest of the church of Le Taur. The inquisitor had condemned the priest to pay a fine in the amount of one hundred *sols*. Yet he failed to elicit archiepiscopal concurrence in the sentence. The irony was inescapable. While the inquisitor complained of archdiocesan obstructions to the performance of his task, it was he and not the archbishop who clearly abused established legal procedure.<sup>24</sup>

The zeal with which the prelates guarded their rights and authority was not always consistent with the discharge of their ecclesiastical duties. The bishoprics of Languedoc were sometimes little more than lucrative benefices distributed by the monarchy and papacy to high aristocratic families. Members of the Briçonnet family headed the dioceses of Lodève from 1489 to 1520, Narbonne from 1507 to 1514 and Nîmes from 1496 to 1560. François-Guillaume de Castelnau Clermont-Lodève held successively the sees of Narbonne, Auch, Agde and Saint-Pons. Governmental officers and royal diplomats like Antoine Duprat, Gabriel de Grammont, Jean de Pins and François de Tournon received meridional bishoprics as favors bestowed for service to their king. Julius II, Clement VII and Paul III were respectively the bishop of Mende, archbishop and bishop of Saint-Pons prior to their election to the papacy. And nephews of Leo X, Julius III and Paul IV

<sup>20</sup> "Interrogates si el que parla sap que led. inquisidor de la fe se entremeta ny prenga cognossensas de usuras, sortilegges, doivinations ny de autres cas que non se expectent à sa juridiction." A.D.H.G., 1 G 410, Inquisitio facta ex officio, fo. 1.

<sup>21</sup> Ibid., fo. 1v<sup>o</sup>–2v<sup>o</sup>.

<sup>22</sup> The delegates expressed concern in 1550, 1554 and 1557. Ibid., C 2279, fo. 203v<sup>o</sup> and 433v<sup>o</sup>; C 2280, fo. 199.

<sup>23</sup> Ibid., 112 H 6, Pour respondre aux additions, fo. 1v<sup>o</sup>–2v<sup>o</sup>. Durand de Maillane, *Dictionnaire de droit canonique*, 4: 631–649.

<sup>24</sup> A.D.H.G., 112 H 6, Pour respondre aux additions, fo. 2v<sup>o</sup>–3.

received title to the dioceses of Saint-Papoul, Mirepoix and Comminges.<sup>25</sup> The appointés were typically nonresident for their obligations to king and Church occupied them elsewhere. Several among them never visited their dioceses. The patronage system, moreover, placed scant emphasis upon religious qualification or administrative ability. Jean d'Orléans became archbishop of Toulouse at the age of eleven. Odet de Coligny was seventeen when he succeeded to the same position. Georges de Selve was bishop of Lavaur at the age of eighteen. And though never consecrated in holy orders, Guillaume de Joyeuse held the see of Alet.<sup>26</sup>

Five Languedocien prelates either embraced Protestantism or were formally charged with heresy as the Wars of Religion approached. Jean de Lettes-Montpezat secretly married Armande de Durfort in May 1556 and several months later the couple retired to the Swiss canton of Berne. The Parlement of Paris challenged the orthodoxy of Guillaume Pellicier, bishop of Montpellier, during the following year. Paul IV forced the resignation of Odet de Coligny as archbishop of Toulouse after public disclosure in 1561 of his conversion to Protestantism. Finally, in 1563 the Roman Inquisition issued summons for Jean de Barbançon, former bishop of Pamiers, and Jean de Saint-Gelis, bishop of Uzès. The Roman authorities suspected Saint-Gelis in particular of erroneous notions concerning the real presence of Christ in the Eucharist and of improper administration of that sacrament.<sup>27</sup>

Owing to the widespread absenteeism which resulted from the selection process, the bishops usually entrusted diocesan administration to their vicars general. These men came from a variety of backgrounds. A few were jurisconsults, such as Jacques du Faur, vicar general at Toulouse from 1533 to 1537. He was a counsellor of the Parlement of Toulouse and later served on the Parlement of Paris. Another magistrate of the Toulousan Parlement, Pierre de Saint-Martin, became vicar general of the diocese of Rieux in 1538. Gérard de Corneillan, who administered the see of Saint-Pons for the Cardinal de Clermont at approximately the same time, was also trained in the law.<sup>28</sup> Prelates named members of their own family or

<sup>25</sup> Chanoine Cantaloube, *La réforme en France vue d'un village cévenol*, 32–35. Abbé G. Cayre, *Histoire des évêques et archevêques de Toulouse*, 312. Abbé A. Clergeac, *Chronologie des archevêques, évêques et abbés dans l'ancienne province ecclésiastique d'Auch et les diocèses de Condom et de Lombez, 1300–1801*, 4 and 54. Fleury Vindry, *Les parlementaires français au XVI<sup>e</sup> siècle*, 2, pt. 2: 186–187. Vic and Vaissète, *Histoire de Languedoc*, 4: 256–257, 310, 360–361, 389, 395, 421, 437, 442 and 445.

<sup>26</sup> Cayre, *Archevêques de Toulouse*, 294 and 316. Vic and Vaissète, *Histoire de Languedoc*, 4: 360–361, 413–414 and 439.

<sup>27</sup> B.N., ms. latin, 8994, fo. 216–221. Cayre, *Archevêques de Toulouse*, 318. Abbé Camille Daux, *Histoire de l'église de Montauban*, 1, pt. 9: 51–52. Antoine Degert, *Procès de huit évêques français suspects de calvinisme*, 2. Louise Guiraud, *Le procès de Guillaume Pellicier, évêque de Maguelonne-Montpellier de 1527 à 1567*, 3. Gaston Serr, *Une église protestante au XVI<sup>e</sup> siècle: Montauban*, 5–6. Vic and Vaissète, *Histoire de Languedoc*, 4: 361 and 431–432.

<sup>28</sup> A.D.H.G., B 1902, fo. 79v° and 113v°. Vic and Vaissète, *Histoire de Languedoc*, 4: 421. Vindry, *Parlementaires français*, 2, pt. 2, 181 and 199.

personal retinue to the position of vicar as well. Michel Briçonnet served his uncle in this capacity at Nîmes until he himself succeeded to the see. And Jean d'Illiers, a native of the Orléanais, became vicar general at Toulouse after his patron Jean d'Orléans received the archbishopric.<sup>29</sup> Local canons, priors and abbots were common choices too, though the order of nomination to the two offices may have been reversed in some instances. Jacques Secondat, vicar of the Cardinal de Meudon at Toulouse, was a canon at the cathedral of Saint-Etienne and prior of the monastery of Notre-Dame of Madiran. Pierre Fardeau, a cathedral canon of Mende, served as that diocese's vicar general throughout the 1530s.<sup>30</sup>

The French monarchy recognized the weaknesses within the episcopacy of Languedoc and, at the same time, understood its critical role in combatting the reform movement. The crown specifically addressed these bishops in a number of directives. Exhortations for increased diligence in the pursuit of heretics were relatively common.<sup>31</sup> Letters-patent of Henry II dated 20 May 1557 went to the archbishops, bishops and curates within the jurisdiction of the Parlement of Toulouse. The proclamation enjoined them to reside personally in their dioceses or benefices, to organize preaching therein and to search out and bring to justice all heretics.<sup>32</sup> Other royal letters went to individual prelates. Officers of the crown requested the bishop of Rodez in 1553 to organize public prayers and processions for the extirpation of heresy in his diocese.<sup>33</sup> The faithful had to be made to appreciate the seriousness of the problem and their role in its solution. Two years earlier, Henry II had ordered Bishop Jean de Lettes-Montpezat to undertake a pastoral visit throughout his diocese of Montauban. Its purpose was to detect and rectify error, abuse and scandal among the local clergy. The effectiveness, however, of this particular visit is questionable. The bishop was ill and he entrusted the task to François Ponisson, a Benedictine monk from Notre-Dame de la Daurade at Toulouse. Inside of a year after the visit's completion Ponisson was accused of heresy. He finally left southern France in 1554 and registered as an inhabitant of Geneva the next spring. The bishop of Montauban himself fled to Switzerland in 1557.<sup>34</sup>

The officiality, a spiritual court charged with the exercise of the bishop's contentious jurisdiction, functioned actively during the sixteenth century.

<sup>29</sup> Jules Doinel et al., *Inventaire-sommaire des archives départementales antérieures à 1790. Aude. Archives ecclésiastiques. Séries G et H*, 370, n. 1. Vic and Vaissète, *Histoire de Languedoc*, 4: 283.

<sup>30</sup> A.D.H.G., B 31, fo. 35v<sup>o</sup>; 1 G 410, Lettre de Jacques Secondat. Cayre, *Archevêques de Toulouse*, 323.

<sup>31</sup> See, for example: Edict of Fontainebleau, 1 June 1540, Isambert, *Recueil général*, 12: 676–681; or Edict of Amboise, 14 April 1541, A.D.H.G., B 1902, fo. 206–208.

<sup>32</sup> A.D.H.G., B 1905, fo. 145v<sup>o</sup>–146v<sup>o</sup>. A.D., Hérault, G 3938.

<sup>33</sup> A.D., Aveyron, G 189, fo. 160–161v<sup>o</sup>.

<sup>34</sup> Ponisson registered at Geneva on 8 April 1555. A.D.H.G., B 45, fo. 88. A.D., Tarn-et-Garonne, G 209, fo. 1–4. Daux, *Eglise de Montauban*, 1, pt. 9, 51–52. Paul-François Geisendorf, *Livre des habitants de Genève*, 1: 48. Serr, *Montauban*, 3.

Episcopal justice existed and it was competent in criminal matters such as heresy. The various prelates and their officers also jealously guarded their judicial power and authority. They voiced strong opposition, for instance, when these prerogatives seemed threatened by the Inquisition. Yet few among them resembled the great inquisitor-bishops of the immediate post-Albigensian era, men like Bernard de Castenet, bishop of Albi, or Jacques Fournier, bishop of Pamiers. Most observers recognized the deep-seated problems and abuses associated with the Languedocien episcopacy and the ensuing limitations on its ability to maintain religious unity. The circumstances encouraged the royal government to effect tighter control over the Gallican Church in the area of heresy proceedings. The episcopal tribunals like the Inquisition continued to operate, but their competence in this area was restricted and cooperation with secular judges was mandatorily expanded.

#### IV. The Royal Tribunals

With the advance of the French Reformation the royal judiciary sought an increasingly larger voice in matters relating to heresy. The secular authorities had always assisted the Inquisition and the officiality of each diocese in the execution of certain sentences. This participation expanded during the fifteenth century within the general context of the extension of royal power over the Gallican Church. France witnessed a progressive reduction of ecclesiastical competence to the advantage of secular justice.<sup>1</sup> This process accelerated rapidly after 1500, especially in the area of heresy proceedings. The growth of heterodoxy, the shortcomings of religious institutions and the special interests of the monarchy led to continual modification and adjustment of the respective jurisdictions of the secular and ecclesiastical courts.

A bull issued by Clement VII in 1525 at the request of the French regent Louise de Savoy entrusted competence in heresy cases to four deputy judges (*juges délégués*), two clerical and two secular. The papal pronouncement merely confirmed an arrangement already in existence for Languedoc. As early as 1511 Jean d'Auriol and Deode Izarn, counsellors of the Parlement, assisted the inquisitor and the vicar general of the archbishop of Toulouse in the posthumous trial of Gondysalvi de Molina. The Parlement continued to appoint its counsellors to serve on these "ecclesiastical commissions" throughout the 1520s and 1530s. The composition of the heresy "commissions" at Carcassonne, on the other hand, usually included the city's inquisitor, an episcopal representative and two secular jurists from the court of the Seneschal of Carcassonne.<sup>2</sup>

Beginning in 1539, Francis I modified this organization considerably. The modifications appeared shortly after the execution of the inquisitor Louis de Rochette for heresy. The affair provided the occasion and at least partial motivation for the edict of 24 June which conferred competence over cases of unorthodox belief upon the secular judiciary: "the persons of our sovereign courts, bailiffs, seneschals or their lieutenants general may impartially and concurrently have competence over the said matters

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<sup>1</sup> Paul Ourliac and Henri Gilles, *La période post-classique (1378-1500); la problématique de l'époque; les sources*, vol. 13 in *Histoire du droit et des institutions de l'église en occident*, dir. Gabriel Le Bras, 129-130. Rousseaud de La Combe, *Jurisprudence canonique*, 1ère partie, 183. Thomas, *Concordat de 1516*, 3: 229 and 395.

<sup>2</sup> A.D.H.G., B 14, fo. 795v<sup>o</sup>; B 19, fo. 95 and 179; B 22 fo. 200; B 25, fo. 98, 172, 233 and 298; B 31, fo. 35 and 514; B, Tournelle, reg. 6 (12 décembre 1538), reg. 37 (15 juillet 1551). Doucet, *Institutions*, 2: 785. Isambert, *Recueil général*, 12: 231-237.

(heresy) against all persons of all qualities and ranks. . . .<sup>3</sup> The monarchy thus empowered its courts to act as tribunals of first instance for the crime of heresy. The Edict of Fontainebleau restated and qualified the procedure on 1 June 1540. The Inquisition and the appropriate officialities were granted jurisdiction over clergy whose heresy involved a *délit commun* or common misdemeanor, where public order remained undisturbed. Heresy offenses accompanied by open scandal or popular unrest, a *cas privilégié*, came under the jurisdiction of the royal courts.<sup>4</sup> However, there is no surviving record of the registration of this edict by the Parlement of Toulouse. The court published and registered instead a royal proclamation issued at Amboise on 14 April 1541. This second directive elaborated the new judicial format with detailed precision.

Lay persons and clerics not constituted in sacred orders were to be tried by the courts of the seneschalsy or bailiwick. The criminal chamber of the parlement pronounced final sentence and it alone could grant permission for the application of torture. The *Grand'Chambre* of the parlement heard heresy charges lodged against members of the nobility and individuals possessing certain legal immunities. Ordained clerics whose punishment would entail degradation remained under the jurisdiction of the ecclesiastical judge, but only insofar as their crime was a *délit commun*. When a clergyman was accused not merely of having professed heterodox religious opinions, but of having preached them openly, for example, and thus having disturbed public tranquillity, it became a *cas privilégié*. These latter cases went to the parlement's criminal chamber with the provision that one or two clerical counsellors (*conseillers-clercs*), who were normally excluded from criminal cases, assist in the judgment.<sup>5</sup>

Further modifications appeared in September 1543. The crown restored to the bishops and inquisitors competence to sit in judgment for members of both the clergy and laity for the *délit commun*. If the proceedings against any layman or cleric revealed a *cas privilégié*, jurisdiction reverted to the royal courts. There were effectively two trials then, one before the religious tribunal for a determination on the *délit commun* and a second by the secular judiciary for the adjudication of the *cas privilégié*. The monarchy had addressed a similar declaration to the Parlement of Paris in July 1543, but it was neither published nor observed there. Consequently Henry II's edict of November 1549 abolishing the *chambre ardente* at Paris was not registered at Toulouse where the newly instituted Parisian procedure had

<sup>3</sup> A.D.H.G., B 1902, fo. 139. Guenois, *Conference des ordonnances*, 99. Weiss, "Documents inédits," BSHPF, 28: (1889): 241.

<sup>4</sup> Doucet, *Institutions*, 2: 784–785. Isambert, *Recueil général*, 12: 680. Rousseaud de La Combe, *Jurisprudence canonique*, 1ère partie, 183. Thomas, *Concordat de 1516*, 3: 259. Weiss, *La chambre ardente*, xiv.

<sup>5</sup> A.D.H.G., B 1902, fo. 206v<sup>o</sup>–207v<sup>o</sup>. Despite the label, secular lawyers increasingly occupied the positions of *conseillers-clercs* in the sixteenth century. The older sense of a balance between judges trained in canon and civil law was lost as the crown asserted its dominance over the Church. J.H.M. Salmon, *Society in Crisis: France in the Sixteenth Century*, 71.



been observed for nearly six years. A case before the Parlement of Toulouse in 1546 confirms this early compliance. The court reprimanded the inquisitor on this occasion for his failure to observe prescribed judicial procedure and it made specific reference to the royal edict of 20 September 1543.<sup>6</sup>

The Edict of Châteaubriand further repaired the former competence of the ecclesiastical judges in 1551. According to its terms, they possessed sole jurisdiction over members of the clergy accused of heresy. The royal and ecclesiastical tribunals then divided the prosecution of lay persons on the basis of the distinction between the *délit commun* and the *cas privilégié*. This procedure remained virtually unchanged until publication of the edicts of pacification during the 1560s.<sup>7</sup>

The respective jurisdictions of the religious and secular courts not only changed and evolved throughout the period, but their determination at any one time was clearly a royal prerogative. Whether motivated by religious convictions or political considerations, the crown could and did establish and adjust legal procedures for the enforcement of religious unity. As the problem of religious division assumed greater magnitude, the royal government was understandably anxious to have a larger and more direct role in its attempted control. The reduction, both in theory and practice, of the competence of ecclesiastical courts reflected this desire. Even the distinction between *délit commun* and *cas privilégié* was imprecise, with all difference of interpretation settled in favor of royal justice.<sup>8</sup> Heresy, at least in the context of the *cas privilégié*, became a secular crime.

A second means by which the royal courts could intervene in ecclesiastical justice was the *appel comme d'abus*. The procedure developed in the latter half of the fifteenth century without specific reference to the heresy question. Rather, its origins are found in the general elaboration of the liberties and privileges of the Gallican Church. The extraordinary remedy normally alleged that a judge of the Church had exceeded his power and trespassed upon the temporal jurisdiction. He had presumably ruled contrary to the prescriptions of canon law or the royal ordinances. Recourse to the appeal was theoretically reciprocal and it could be invoked when the ecclesiastical jurisdiction intruded on the secular, or the secular on the ecclesiastical. However, motions of the latter sort were extremely rare. Finally, the appeal was lodged with the parlement which could reverse or amend the decision of the religious tribunal.<sup>9</sup>

<sup>6</sup> A.D.H.G., B 1903, fo. 63–63v°; B, Tournelle, reg. 21 (30 avril 1546). Antoine Fontanon, *Les édits et ordonnances des roys de France depuis S. Loys jusques à present*, 4: 1014–1015. Weiss, *La chambre ardente*, cxxix–cxxv.

<sup>7</sup> A.D.H.G., B. 1904, fo. 87–87v°. Doucet, *Institutions*, 2: 786. Isambert, *Recueil général*, 13: 192.

<sup>8</sup> Doucet, *Institutions*, 2: 785.

<sup>9</sup> Ibid., 2: 786. Durand de Maillane, *Dictionnaire de droit canonique*, 1: 99–121. Gazzaniga, *Eglise du Midi*, 237–249. Jean Imbert, *La pratique judiciaire, tant civile que criminelle, receue et observée par tout le royaume de France, enrichie . . . par M. Pierre Guenois . . . et B. Automne*, 469–470. Rousseaud de La Combe, *Jurisprudence canonique*, 3ème partie, 15–17.

Persons tried for heresy by the Inquisition or officiality occasionally resorted to the *appel comme d'abus* before the Parlement of Toulouse.<sup>10</sup> The purported abuses were usually procedural rather than substantive. The Parlement ruled in 1547 that the inquisitor and vicar of the bishop of Lodève had proceeded incorrectly in the degradation of a Carmelite friar, Pierre Sapientis. They were ordered to perform the ceremony anew. The court reacted to an appeal in 1560 by declaring that the inquisitor and vicar for the diocese of Tarbes had illegally sequestered the possessions of a prebendary of the cathedral at Tarbes. The *appel comme d'abus* also commonly contended that the Inquisition had ignored letters of relief obtained by the accused. The royal attorney general invoked it more than once against the inquisitor and vicar general or official when protesting their contravention of royal or papal proclamations. The syndic of the Dominican Congregation of France even sought relief on these grounds during the controversy surrounding the inquisitor Arnaud de Badet in 1534.<sup>11</sup>

The body which heard these appeals, the Parlement of Toulouse, was the most powerful royal institution in Languedoc. It dispensed justice and performed a variety of administrative duties over an area of some seventy thousand square kilometers.<sup>12</sup> Though first established in 1420, the court did not begin to assume its distinctive form until mid-century. The Grand'Chambre and the *Chambre des Enquêtes* only emerged as separate entities in 1451. Charles VII added a criminal chamber, the *Tournelle*,<sup>13</sup> in 1491, but it did not formally distinguish itself from the Grand'Chambre for another eighteen years. The creation of a second *Chambre des Enquêtes* and a *Chambre des Requêtes* in 1543 completed the basic structure.<sup>14</sup>

The Grand'Chambre was, as its title suggests, the central focus of the Parlement. It adjudicated the most important causes, those involving the king, the royal officers and the highest aristocrats in first instance, and on appeal all civil and criminal cases from inferior royal jurisdictions. It reg-

<sup>10</sup> A.D.H.G., B, *Tournelle*, reg. 8 (10 avril 1540), reg. 9 (30 juin 1541), reg. 21 (15 avril 1546), reg. 25 (3 juin 1547), reg. 30 (29 mars 1549), reg. 39 (17 décembre 1551), reg. 40 (9 février 1552), reg. 48 (15 mars 1554), reg. 49 (10 mai 1554) and (30 mai 1554), reg. 51 (15 janvier 1555), reg. 60 (24 octobre 1556), reg. 62 (18 février 1557), reg. 71 (23 septembre 1559) and reg. 73 (1 mars 1560).

<sup>11</sup> *Ibid.*, B, *Tournelle*, reg. 25 (3 juin 1547), reg. 56 (11 décembre 1555), reg. 59 (17 juin 1556) and (29 juillet 1556), reg. 62 (18 février 1557), reg. 64 (27 août 1557), reg. 71 (23 septembre 1559) and reg. 73 (1 mars 1560). A.D., Aude, H 418, fo. 1.

<sup>12</sup> The territory included the present *départements* of Ardèche, Ariège, Aude, Aveyron, Gard, Gers, Haute-Garonne, Haute-Loire, Hautes-Pyrénées, Hérault, Lot, Lozère, Tarn and Tarn-et-Garonne. Eugène Lapière, *Le Parlement de Toulouse*, 67. Léon Mirot, *Manuel de géographie historique de la France*, 222. A. Molinier, "Sur la géographie de la province de Languedoc au moyen âge," in Vic and Vaissète, *Histoire de Languedoc*, 12: 319–320. Viala, *Parlement de Toulouse*, 2: 279–280.

<sup>13</sup> The criminal chamber of the Parlement of Paris was called the *Tournelle* because it sat in the Petit Tour Saint-Louis. The usage was simply transferred to the provincial parlements. Doucet, *Institutions*, 1: 169, n. 2.

<sup>14</sup> *Ibid.*, 1: 211. Dognon, *Institutions de Languedoc*, 378 bis–379. Lapière, *Parlement de Toulouse*, 16–17.

istered the royal edicts, administered the oath of office to the king's officials including the inquisitor, and promulgated the decisions of the *Chambre des Enquêtes* which, unlike its Parisian counterpart, had only a preparatory role to that of the *Grand'Chambre*. For examination of the most important affairs, especially those of a political character, and for matters of internal organization and discipline, the *Grand'Chambre* united around itself all the chambers in the general assembly.<sup>15</sup> Both bodies exercised responsibilities with respect to the crime of heresy. The general assembly of chambers convened for the nomination of the counsellors who served on the mixed heresy tribunals which existed prior to 1539.<sup>16</sup> The selections appear to have come from each of the chambers with some attempt at equal distribution. Thus the general assembly chose three counsellors, one from each chamber, to assist in the heresy trials of 1532 at Toulouse.<sup>17</sup> During this same period, the *Grand'Chambre* was responsible for the condemnation of heretics convicted by the ecclesiastical courts and entrusted to secular justice for capital punishment.<sup>18</sup>

Following the procedural reorganizations of 1539–1543, the greatest portion of the workload in heresy cases passed to the criminal chamber, the *Tournelle*. The *Grand'Chambre* continued to act as arbiter in jurisdictional disputes as evidenced by its frequent injunctions permitting the inquisitor or official to try an individual.<sup>19</sup> However, heresy was a criminal offense and, accordingly, the judgment of actual cases, mostly on appeal, and the rendering of final sentence belonged to the *Tournelle*. This criminal chamber was composed exclusively of lay counsellors (*conseillers-laïcs*). The sole adjustment was the addition of one or two clerical counsellors (*conseillers-clercs*) for the trial of clergymen.

For reasons not wholly explained, the *Parlement* of Toulouse transferred heresy proceedings to the *Grand'Chambre* beginning in November 1551. The judgments and decrees continued to be deposited in the secret archives of the *Tournelle* along with other criminal decisions, but bore the heading *en la Grand'Chambre* as opposed to *en la chambre criminelle*. The change corresponds to the registration of the Edict of Châteaubriand at Toulouse in October 1551 and appears to have been a matter for local discretion. Jean Crespin noted the modification when describing the martyrdom of

<sup>15</sup> Chénou, *Histoire du droit français*, 2: 509–511 and 514. Doucet, *Institutions*, 1: 174. Bernard de La Roche-Flavin, *Treize livres des parlements de France*, 56–58. Viala, *Parlement de Toulouse*, 1:85 and 404–405.

<sup>16</sup> A.D.H.G., B 14, fo. 774v° and 795v°; B 19, fo. 179; B 22, fo. 239v°; B 25, fo. 233, 298v° and 311v°; B 26, fo. 42; B 31, fo. 134, 485v° and 514v°.

<sup>17</sup> "La court, les chambres assemblées . . . a ordonné et ordonne que troys des conseillers d'icelle, ung de chacune chambre, que seront choysiz et adviséz par tous presidents, assisteront à faire des proces . . ." Ibid., B 26, fo. 2v°.

<sup>18</sup> Condemnations of Gondysalve de Molina and Louis de Rochette. Ibid., ms. 132, fo. 239–241 and B 31, fo. 521.

<sup>19</sup> Ibid., B 34, fo. 55; B 35, fo. 436; B 37, fo. 458, 739 and 757v°; B 38, fo. 458; B 39, fo. 231; B 40, fo. 232; B45, fo. 146v°.

Pierre Serre in 1553. Appealing the decision of an inferior court, Serre first appeared before the Tournelle.

Nevertheless, because of a commission given to the first président for judgment of trials concerning the Faith in whichever chamber of the Parlement that he would consider, and that as early as the preceeding year he had chosen the Grand'Chambre, he pretended that the judgment had not been given in the criminal chamber.<sup>20</sup>

The Grand'Chambre then reheard Serre's appeal.<sup>21</sup> At a minimum, the procedural change reflected the royal government's desire that the parlements assign a high priority and give wider hearing to matters of religious conflict.<sup>22</sup>

The sessions of the Parlement of Toulouse began each year on 12 November, the day after the feast of Saint-Martin, and concluded by the first or second week of September in the following year. The volume of cases and the need for immediate action in certain instances during the interim led to the creation of a *Chambre des Vacations* beginning in 1519. It sat only between the normal sessions and the counsellors who participated did so voluntarily.<sup>23</sup> The chamber's competence extended to the crime of heresy which, as in the Tournelle and Grand'Chambre, was judged in closed hearing. Its records relating to criminal causes including heresy were placed in the registers of the Tournelle.

Yet another parliamentary body employed in the pursuit of heretics was the *Grands Jours*. Originally conceived of as a device to strengthen royal justice in the provinces (they resembled an irregular assize court), they soon served to disencumber the parlements through their simplified procedure. The legal process was nearly identical to that observed by the parlement except that it was accelerated due to a reduction of the normal delays for appearances, production of witnesses and presentation of arguments. Criminal competence was generally unlimited, both in first instance and on appeal. Authority even extended to the investigation of the conduct of local judges.<sup>24</sup>

Royal letters-patent of convocation specified the site, date and competence of the Grands Jours. The crown ordered that they meet at Nîmes beginning on 15 September 1541. Geographic jurisdiction covered the Seneschalsy of Nîmes-Beucaire, the Government of Montpellier and the Bailiwicks of Gevaudan, Velay and Vivarais. The Parlement of Toulouse, in turn, named a président and twelve counsellors for the task. The Grands

<sup>20</sup> Crespin, *Histoire des martyrs*, 2: 31.

<sup>21</sup> The registers of the Parlement indicate that the rehearing took place on 21 March 1553. A.D.H.G., B, Tournelle, reg. 45 (21 mars 1553).

<sup>22</sup> "... traicter et mettre en avant les matières et affaires concernans nostre sainte foy et religion ..." Edit de Châteaubriand, art. 25. Ibid., B 1904, fo. 89. Isambert, *Recueil général*, 13: 198–199.

<sup>23</sup> A.D.H.G., B 1901, fo. 73. Viala, *Parlement de Toulouse*, 1: 86 and 395–396.

<sup>24</sup> Chénou, *Histoire du droit français*, 2: 514–515. Doucet, *Institutions*, 2: 219.

Jours at Le Puy in 1548 were similar in format. They began on 1 September and the geographic jurisdiction included the Seneschalsy of Rouergue while excluding the Government of Montpellier. The only other Grands Jours for Languedoc during this period convened at Béziers on 1 September 1550 and heard cases from the Government of Montpellier and the Seneschalsies of Nîmes-Beaucaire and Carcassonne. In each instance the session lasted until the end of October.<sup>25</sup> The monarchy explicitly commanded the Grands Jours of Languedoc to proceed against "Lutherans" and other members of heretical sects.<sup>26</sup> The directives are noteworthy when considered in relation to the geographic competence of the Grands Jours. The Rhone valley, lower Languedoc, Rouergue and Cévennes mountains were not only relatively isolated from Toulouse, but the reform had a strong and early impact in these regions.<sup>27</sup> The Grands Jours at Le Puy in 1548 tried six heretics and at Béziers two years later they instituted proceedings against sixteen accused heretics and ordered the arrest of another fifteen suspects.<sup>28</sup>

The Parlement of Toulouse was itself rigidly orthodox in the years prior to the Wars of Religion. A representative from the town of Albi indicated during the summer of 1539 that he was unable to pursue the city's affairs before the court because it was preoccupied with "Lutherans."<sup>29</sup> Only two counsellors were even suspected of sympathizing with the reform movement.<sup>30</sup> The humanist scholar Jean de Pins was the object of an erroneous accusation of unorthodoxy in 1532. The incident arose from his correspondence with Erasmus regarding a Greek manuscript of the Jewish historian Josephus and occurred at a time when many leading humanists at Toulouse found themselves under suspicion. The Parlement examined the letter from Erasmus and found that it contained no basis for formal charges against de Pins. He remained on the bench of the Parlement until his death in 1537.<sup>31</sup> Another counsellor, Antoine de Lautrec, sire de Saint-Germier, did join the Protestant camp. He secretly converted to Calvinism and successfully avoided detection until after his flight to Geneva. He registered as an "inhabitant" there on 25 November 1553. The Parlement subsequently ordered his arrest in mid-December and condemned him *in*

<sup>25</sup> A.D.H.G., B 34, fo. 362 and 544; B 41, fo. 447v<sup>o</sup>; B, Tournelle, reg. 34 (28 juillet 1550). Lapiere, *Parlement de Toulouse*, 59–60.

<sup>26</sup> A.D.H.G., B 34, fo. 544; B 41, fo. 448; B, Tournelle, reg. 38 (28 juillet 1550).

<sup>27</sup> Emmanuel Le Roy Ladurie, *Les paysans de Languedoc*, 1: 334.

<sup>28</sup> A.D.H.G., B 92 j, fo. 10, 11, 64, 68, 90 and 203; B 92 1, fo. 23, 58, 87, 154–155, 161, 187, 190 and 195.

<sup>29</sup> "... la cause et raison que je ne puy estre despeché si est que la court est grandement occupée aux affaires et matières contre les luthériens . . ." A.M., Albi, BB 132.

<sup>30</sup> The situation changed somewhat after 1560. A general discussion is available in Emile Connac, "Troubles de mai 1562 à Toulouse," 310–339, and Raymond A. Mentzer, Jr., "Calvinist Propaganda and the Parlement of Toulouse," 268–283.

<sup>31</sup> Christie, *Etienne Dolet*, 67–68. Etienne Dolet, *Stephani Doleti Orationes duae in Tholosam*, 60. Desiderius Erasmus, *Opus Epistolarum Des. Erasmi Roterodami*, ed. Percy S. Allen, 9: 469–470 and 10, 40–41. Louis de Santi, "Rabelais à Toulouse," 53–56. Preserved Smith, *Erasmus*, 412–413. Vindry, *Parlementaires français*, 2, pt. 2: 186–187.

*absentia* on 6 February 1554. De Lautrec was burned in effigy the next day, Shrove Tuesday.<sup>32</sup>

Aside from the counsellors, the most active member of the parlement in the repression of heresy was the royal attorney general (*procureur général du roi*). Entrusted with the defense and maintenance of the rights of the crown, he watched over the proceedings of the parlement and intervened in matters touching upon royal prerogatives and jurisdiction. He had since the fourteenth century assumed the role of public prosecutor for criminal litigation in France. He could initiate judicial action even if there was no formal private complaint and his subsequent motions paced the criminal trial procedure.<sup>33</sup> Consequently, as the monarchy came to perceive a positive correlation between the enforcement of religious unity and the preservation of public order, the royal attorney general was vigorously active in heresy cases as chief prosecutor before the parlement.<sup>34</sup> Two barristers or *avocats du roi*, one for civil and another for criminal affairs, assisted the attorney general and usually pleaded the actual cases. Jean d'Eygua, for example, presented the attorney general's position to the Parlement in the conflict between the archbishop of Toulouse and the inquisitor in 1532. These prosecutorial assistants generally acted as substitutes, both in actual litigation and in secondary functions such as the registration of royal decrees.<sup>35</sup>

Appeals beyond the parlement were unusual in heresy proceedings. Unsuccessful litigants sometimes solicited assistance from the Chancery of Toulouse whose principal function was the issuance of letters of justice. André and Jehan Justin obtained letters of relief from the chancery in their attempt to secure release from prison in 1542. Guillaume Mercier, seigneur of Lapalme, presented the Parlement of Toulouse with letters seeking to reverse the decree of banishment passed against him in 1554. François Dampton and Guillaume Ferrand elicited similar letters of relief in 1557 and 1559 for their respective causes.<sup>36</sup> The defendant who wished more than reconsideration of certain aspects of the case, often by the very tribunal which had originally tried him, found the procedure extremely lengthy and elaborate.

<sup>32</sup> A.D.H.G., B, Tournelle, reg. 47 (19 décembre 1553). A.M., Toulouse, layette 47 (6 février 1554). Geisendorf, *Livre des habitants*, 1: 28. Paul Romane-Musculus, "Généalogie des Toulouse Lautrec branche protestante de Saint-Germier (XVI<sup>e</sup> et XVII<sup>e</sup> siècles)," 99–107. Emile Szapiro, "L'entourage d'Antoine de Lautrec et les débuts de la réforme à Toulouse," 341–344. A detailed examination of de Lautrec's place in the Toulousan Reformation is Mentzer, "Calvinist Propaganda," 268–283.

<sup>33</sup> Ordonnance de Villers-Cotterets, art. 147. Doucet, *Institutions*, 1: 172–173. Isambert, *Recueil général*, 12: 630. Langbein, *Prosecuting Crime*, 217 and 249–250.

<sup>34</sup> The common formula reads: "... le procureur général du roy, demandeur en cas d'excès et crime d'hérésie ..."

<sup>35</sup> A.D.H.G., B 44, fo. 675; B, Tournelle, reg. 40 (5 février 1552), reg. 42 (28 mai 1552); B 2025, fo. 615; 112 H 6, *Extrait des registres*, fo. 10v°. Doucet, *Institutions*, 1: 173.

<sup>36</sup> A.D.H.G., B, Tournelle, reg. 11 (4 avril 1542) and (27 avril 1542), reg. 51 (22 décembre 1554), reg. 62 (18 février 1557), reg. 71 (23 septembre 1559). Regarding the Chancery of Toulouse, consult Viala, *Parlement de Toulouse*, 1: 352–385.



An especially well-documented incident is the appeal of Guillaume Carvel. He possessed clerical status, enjoyed an affiliation with the University of Montpellier and was a procureur du roi for the Chambre des Comptes at Montpellier.<sup>37</sup> The lieutenant of the governor of Montpellier, acting with the authority of the Parlement, arrested Carvel and two other residents of Montpellier in May 1528. The three men were imprisoned at Toulouse and accused of the "Lutheran" heresy. The Parlement ordered them to be tried by the inquisitor, a substitute vicar for the bishop of Maguelonne, and two counsellors of the high court.<sup>38</sup> Carvel's simultaneous status as cleric and royal officer complicated the case and worked to his advantage. He managed to obtain royal letters transferring his case to the Grand Conseil, presumably by virtue of its claim to competence in causes of general interest to the monarchy.<sup>39</sup> On the strength of the royal briefs, Carvel secured his release from the episcopal prison of Hauts-Murats at Toulouse. The Parlement immediately challenged his discharge and ordered the arrest of the responsible prison official, but it was too late. Carvel was at liberty and sought redress. On 12 April 1529, the Grand Conseil declared that the charges against Carvel and the two individuals arrested with him were related and should be adjudicated accordingly by judges appointed by the bishop of Maguelonne. The new trial did not progress far before Carvel returned to the Grand Conseil. He requested that it quash a judgment of excommunication which lawyers for the bishop of Maguelonne had obtained from the apostolic chamber at Avignon. The Conseil ruled the procedure in violation of the Gallican privileges and on 7 September 1529 it lifted Carvel's excommunication. He was presumably acquitted of all charges for his career at Montpellier continued without further interruption.<sup>40</sup>

The expanded competence of royal justice over heresy was not of course limited to the parlement. The changes initiated in 1539 applied to the lesser courts of the crown as well. The parlement entertained appeals from these inferior tribunals and often pronounced final sentence. The officers of the seneschalsies and bailiwicks were, on the other hand, the chief agents of the king for the apprehension and trial of heretics. The jurisdictions dependent upon the Parlement of Toulouse included the Government of Montpellier, the Seneschalsies of Armagnac, Carcassonne-Béziers, Nîmes-Beucaire, Quercy, Rouergue and Toulouse, and the Bailiwicks of Geva-

<sup>37</sup> The *Chambre des Comptes* was a royal court which possessed extensive control of the king's finances. Chénon, *Histoire du droit français*, 2: 533–534. Doucet, *Institutions*, 1: 189–196.

<sup>38</sup> A.D.H.G., B 19, fo. 358; B 22, fo. 239v°. Archives de la Faculté de Médecine de Montpellier, S 19, fo. 82v°. *Cartulaire de l'Université de Montpellier*, 2: 29–30. Guiraud, *Réforme à Montpellier*, 1: 41–43.

<sup>39</sup> Chénon, *Histoire du droit français*, 2: 531–533. Dognon, *Institutions de Languedoc*, 429–431. Doucet, *Institutions*, 1: 203–204.

<sup>40</sup> A.D.H.G., B 22, fo. 292v°, 304–304v°. A.N., V<sup>5</sup>, 1047. Archives de la Faculté de Médecine de Montpellier, S 2, fo. 95v° and 101; S 5, fo. 8 and 11. *Cartulaire de l'Université de Montpellier*, 2: 33. Guiraud, *Réforme à Montpellier*, 1: 45.



dan, Velay and Vivarais. The governor and each seneschal and bailiff or, more accurately, their lieutenants possessed original competence in criminal actions. The *lieutenant général* or *juge-mage* as he was called in the Seneschalsy of Nîmes-Beaucaire heard both civil and criminal causes until Francis I altered the arrangement in 1523 when he created a special *lieutenant criminel* for each district. Inspired by the model already in existence for the Provostship of Paris, the new magistrate was to "judge and decide all cases, crimes, misdemeanors and offenses. . . ." <sup>41</sup>

The judicial archives amply attest to the importance of these subordinate jurisdictions and the role of the lieutenants criminels in the prosecution of heresy. The lieutenant criminel for the Government of Montpellier presided over the trial of André Bourgoing, Guillaume Dalençon, Arnaud Aynnier and Pierre Borgas in 1553. The corresponding magistrate in the Seneschalsy of Rouergue condemned Jehan Bardou in 1554. And after denying the appeal of Barthélemy André during the same year, the Parlement of Toulouse remanded him specifically to the lieutenant criminel of the Seneschalsy of Carcassonne for execution of sentence. <sup>42</sup>

Several *lieutenants particuliers* also assisted in the administration of justice. They commonly resided at secondary towns where special seats had been established. The Seneschalsy of Quercy, for instance, had secondary seats at Montauban, Lauzerte, Gourdon, Martel and Figeac, in addition to the principal one at Cahors. <sup>43</sup> These subordinate lieutenants possessed competence in criminal affairs and often maintained a good deal of independence vis-à-vis the chief seat of the seneschalsy or bailiwick. The Seneschalsy of Carcassonne-Béziers, as an example, was double and the lieutenant at Béziers, though secondary in importance, was as active in heresy prosecution as the principal lieutenant at Carcassonne. <sup>44</sup>

The lieutenants did not sit in judgment alone, but were aided in their task by counsellors. Beginning in the 1520s, Francis I gradually transformed that which had been an irregular attendant into a defined and proprietary office. The counsellors had a deliberative voice. They were required to offer their considered opinions and judgments were then rendered by the majority. <sup>45</sup> The whole system accorded well with the requirement contained in the Edict of Châteaubriand (June 1551) that at least ten judges be present for the definitive judgment of accused heretics on the level of the seneschalsy or bailiwick. When the court of the Seneschal of Nîmes-Beaucaire convened for the sentencing of Estienne Geynet in October 1553, ten

<sup>41</sup> " . . . juger et decider de tous cas, crimes, delictz et offenses . . . " Isambert, *Recueil général*, 12: 197. Doucet, *Institutions*, 1: 254. Dupont-Ferrier, *Officiers royaux*, 379–380.

<sup>42</sup> A.D.H.G., B, Tournelle, reg. 47 (11 décembre 1553 ?), reg. 50 (27 octobre 1554) and (29 octobre 1554).

<sup>43</sup> Viala, *Parlement de Toulouse*, 1: 469.

<sup>44</sup> *Ibid.*, 1: 463–465. A.D.H.G., B 1901, fo. 215; B 92 1, fo. 190; B, Tournelle, reg. 24 (16 novembre 1546), reg. 31 (30 juillet 1549), reg. 37 (27 août 1551), reg. 38 (5 novembre 1551), reg. 44 (7 janvier 1553), reg. 46 (4 août 1553), reg. 49 (26 mai 1554), reg. 50 (24 octobre 1554).

<sup>45</sup> Chénou, *Histoire du droit français*, 2: 517–518. Doucet, *Institutions*, 1: 256–257.

jurists were present. They were the official of the archbishop of Arles, the lieutenants criminel, particulier and principal of the seneschalsy and six counsellors.<sup>46</sup>

A few of the seneschalsies had, in addition, a special juge d'appaux, a seigneurial magistrate roughly equal to the seneschal within the judicial hierarchy. Though his power had declined in the sixteenth century, the juge d'appaux at Toulouse continued to hear causes on appeal. And he merits added attention because he was the juge des encours for the Inquisition as well. The fate of several persons tried by the Inquisition at Toulouse illustrates the particular role of this dual official. Convicted and unrepentant heretics were typically delivered to secular justice for capital condemnation. The procedure required at least a pro forma appearance in the secular tribunal. The requisite cooperation was assured because the magistrate before whom the offender appeared was the juge d'appaux. This judge would be intimately familiar with the case for he had participated in the inquisitorial trial by virtue of his role as juge des encours.<sup>47</sup>

The only major change in the organization of the seneschalsies and bailiwicks during the period under consideration came in January 1552 when Henry II created the presidial courts (*présidiaux*). While the term "presidial" had been used for some time, it did not have official meaning until Henry's action. The creation of the presidials at once enriched the royal treasury through the sale of new offices and realized an important judicial modification. The presidials became an intermediate level of justice between the seneschalsies and the parlements. The initial presidial seats for Languedoc were at Toulouse, Béziers, Carcassonne, Nîmes, Villefranche and Cahors. Their personnel included lieutenants général and particulier, civil and criminel and the customary number of counsellors.<sup>48</sup>

A variety of inferior judicial agents known as *viguers*, *bailes* or simply *juges ordinaires* existed below the seneschal and his lieutenants. While these lesser magistrates almost never tried accused heretics, they were often competent for the crime of blasphemy. The adjudication of simple blasphemy by a juge ordinaire would occasionally reveal the more serious offense of heretical blasphemy.<sup>49</sup> This infrequent involvement with heresy

<sup>46</sup> A.D.H.G., B 1904, fo. 87–88. Isambert, *Recueil général*, 13: 192–193. Albert Puech, *La Renaissance et la réforme à Nîmes*, 62–70.

<sup>47</sup> A.D.H.G., B 1902, fo. 95; B, Tournelle, reg. 8 (21 avril 1540), reg. 16 (1 avril 1545), reg. 45 (21 mars 1553) and (14 avril 1553). Crespin, *Histoire des martyrs*, 2: 31. Dupont-Ferrier, *Officiers royaux*, 400–401. Viala, *Parlement de Toulouse*, 1: 477–478.

<sup>48</sup> A.D.H.G., B 1904, fo. 147–157. Chénon, *Histoire du droit français*, 2: 520–526. Doucet, *Institutions*, 1: 264–265.

<sup>49</sup> Heretical blasphemy contains error against the Faith, as when one denies one or more established doctrines. Simple blasphemy is when, without repudiation of any established doctrine, one denies certain attributes of God or ascribes to Him qualities which He does not possess as, for example, God is cruel or unjust. Carena, *Tractatus*, 121–122. Durand de Maillane, *Dictionnaire de droit canonique*, 1: 542–544. Eymeric, *Directorium Inquisitorum*, 333–334.

took place, for example, in the trial of Arnauld de Lane by the juge ordinaire of Estampes during the late-1550s.<sup>50</sup>

The extent to which the officers of the seneschalsies and their subordinates were conscientious in the pursuit of heretics is difficult to determine. These officials were sometimes accused of heresy or leniency towards heretics. Yet the common tendency was to exonerate them of such charges. The Parlement investigated the conduct of Jean de Golard, seneschal of Armagnac, and his juge mage Blaise Guinard in 1551–1552. Negligence in the execution of their judicial duties led to the suspicion that both men had assisted known heretics and themselves entertained heresy. The Parlement eventually absolved them of the charges, but it did admonish them to be more diligent in the prosecution of heresy and to inform the court of such cases. A similar scandal occurred a few months later when Jehan de Lafont, *enquêteur* for the Bailiwick of Velay at Montfaucon, accused Claude Ales, *lieutenant principal* for the bailiff at the same seat, of heresy. The Parlement of Toulouse once again conducted an investigation. It ruled the accusation erroneous and released Ales from custody. The court then punished de Lafont and several others associated with the false indictment.<sup>51</sup>

The presidial of Nîmes tried the baille of Saint-Jean-du-Gard, a certain Jean Fraissinet, in 1553. Portrayed as a rustic, ignorant and illiterate peasant, Fraissinet was originally apprehended for having created an uproar in the Nîmes cathedral on the occasion of a gathering of the clergy. The trial proceedings prompted the lieutenant criminel to investigate further. He discovered serious disorder in Fraissinet's administration at Saint-Jean-du-Gard. Unlicensed preachers and schoolmasters caused particular distress. The result was Fraissinet's dismissal from the office of baille, along with the imposition of a fine and the mandatory performance of public penance. Evidently the court did not realize the full extent of Fraissinet's commitment to Protestantism. He subsequently immigrated to Geneva and on 9 October 1559 registered there as an "inhabitant."<sup>52</sup> Imputations of heresy and misconduct were similarly directed against Pons Sicard, lieutenant of the judge of Lauragais at Beaumont, in 1554 and against Pierre de Molinier, lieutenant of the judge of Verdun at Revel, in 1559. Both men managed to establish their innocence. Sicard benefited from royal intervention. De Molinier demonstrated the ill-intent of his accuser and the resultant questionableness of the charges.<sup>53</sup>

<sup>50</sup> A.D.H.G., B 1900, fo. 248–249; B, Tournelle, reg. 67 (23 novembre 1558). Guenois, *Conference des ordonnances*, 769.

<sup>51</sup> A.D.H.G., B, Tournelle, reg. 39 (17 décembre 1551), reg. 40 (21 janvier 1552), (17 février 1552) and (20 février 1552), reg. 41 (8 mars 1552) and (11 mars 1552), reg. 42 (1 juin 1552), reg. 43 (9 août 1552).

<sup>52</sup> Charles Bost, "Les pasteurs d'un église des Cévennes au XVI<sup>e</sup> siècle (1561–1605), Lasalle (Gard)," 564–565. Jean Boisset et al., "Les premières traces de la réforme à Saint-Jean-du-Gard, Anduze, et Le Vigan," 639–640. Geisendorf, *Livre des habitants*, 1: 210. Puech, *La Renaissance à Nîmes*, 60–61.

<sup>53</sup> A.D.H.G., B, Tournelle, reg. 48 (30 mars 1554), reg. 69 (9 mai 1559).

Nearly every facet of royal justice became involved in the prosecution of heresy. The effort was not merely supplemental to the work of the ecclesiastical tribunals. The crown would not tolerate the disruption of the public weal by this religious quarrel and thus its magistrates had complete control over those aspects of heresy which threatened societal order. If certain of these royal officers were lax in the performance of their judicial duties, the same could be said for certain ecclesiastical judges. Accordingly, the jurisdictional situation remained fluid throughout the first half of the sixteenth century. The monarchy altered the relationship between secular and ecclesiastical justice more than once in the attempt to combat the Reformation. It even enlisted the municipal governments in the effort.

## V. Municipal Justice

The French crown shared a portion of its secular responsibility for the maintenance of religious unity with the towns of Languedoc. Despite extensive increases in the size and power of royal administration, the southern municipalities retained many of their traditional privileges and liberties. Some city governments were self-elected, though the "franchise" could be quite limited. In addition, the towns usually enjoyed considerable rights of appointment. The religious orthodoxy of these civic officers and appointees became a vital question in the sixteenth-century. A few towns also possessed semi-autonomous judicial powers, and this exercise of justice occasionally extended to the criminal sphere and the adjudication of heresy.

One area in which city officials became involved in heresy proceedings was with Lenten and Advent preachers as well as local schoolmasters. These positions tended to be under municipal control; the town council usually selected and paid the appointees. Imputations of heresy against a preacher or schoolmaster consequently reflected upon the councilmen. The drama which unfolded at Nîmes in 1532 is typical. During the evening of Holy Saturday, 30 March, two process-servers (*huissiers*) for the Parlement of Toulouse arrested and imprisoned an Augustinian friar who had preached the Lenten sermons at Nîmes. The following day, Easter Sunday, the city council met in special session to discuss the matter. A total of twenty-four persons spoke in favor of assisting the monk; no one opposed the idea. All agreed that he had "nourished the town's citizens in the sustenance of love and good evangelical doctrine."<sup>1</sup> The council then decided to augment the friar's normal salary of twelve livres to aid him in the impending litigation. The sole debate concerned the amount of the subsidy. A majority, nineteen, of those in attendance favored the sum of thirty livres tournois including the friar's regular salary. Several individuals also advocated that the council provide the monk with the services of a canon lawyer. However, no official decision was reached on this suggestion.

The councilmen of Nîmes were no doubt convinced that the Augustinian friar had been arrested unjustly. At the same time, they took precautions to demonstrate their own desire to extirpate heresy. Already at the Easter meeting some councillors proposed that they request the bishop of Nîmes, Michel Briçonnet, to cease his practice of non-residence and to appoint a qualified cleric to preach every Sunday. The council formalized its petition

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<sup>1</sup> " . . . a nory les habitants de la ville pabulo caritatis et bonne doctrine evangélique . . . " A.M., Nîmes, LL 5, fo. 244.

at the next session on 7 April and asked as well that the diocesan official issue a monitory for the purpose of eliminating all possible heresy among the city's residents.<sup>2</sup>

A similar incident occurred at Anduze in 1547, but with different effect. The Franciscan Nicolas Ramondy had scandalized the local clergy in the course of his Lenten sermons. The prior of the local church, friar Aldabert Dragon de Pompeyron, requested and received permission from the town council to examine Ramondy. The hearing took place on 26 March in the parish church and was attended by the greater part of the town's clergy. The meeting quickly deteriorated. The prior maligned Ramondy and struck him, hard enough to make his mouth bleed. The municipal councillors reacted promptly and forcefully, summoning a general council of the citizens of Anduze on 27 March and recounting the previous day's events. The councilmen characterized Dragon's behavior as an insult to the dignity of their mandate and a desecration of the church of Saint Etienne. They charged the prior with the task of purifying the "polluted church." Meanwhile, Ramondy continued preaching in the church of the Franciscan monastery.

Rather than submit to the reprimands, Dragon de Pompeyron communicated his version of the affair to the inquisitor at Toulouse. By mid-September he obtained a summons for Ramondy's arrest and transfer to the prison of the Inquisition. On 18 September, Dragon presented the council of Anduze with letters from the inquisitor which ordered cooperation in the seizure of Ramondy. Refusal or negligence would be punished with a fine of five hundred livres. Faced with this ultimatum, the council agreed to pursue the matter diligently.<sup>3</sup> Whether, in fact, Ramondy's former protectors applied themselves to the task is open to question. There was no further mention of the affair and Ramondy apparently disappeared.

Not long afterwards, in 1550, the town of Pamiers experienced trouble over a preacher. By this time, the French monarchy required that clergymen engaged in preaching or religious instruction obtain prior permission from the local bishop. The requirement presumed diligence and orthodoxy on the part of the individual prelate and his administrators. The assumption was not always justified. Jean de Barbançon, bishop of Pamiers, was himself accused of Calvinist beliefs in 1563.<sup>4</sup>

The town council of Pamiers had engaged Vidal Paris, prior of the Carmelites at Condom, to deliver the sermons for the Advent of 1549 and

<sup>2</sup> Ibid., LL 5, fo. 244–246v°. Léon Ménard, *Histoire civile, ecclésiastique et littéraire de la ville de Nîmes*, 4: 117. Charles Dardier, "Origines de la réforme à Nîmes jusqu'à l'établissement d'un consistoire (1532–1561)," 482–484. Abraham Borrel, *Histoire de l'église réformée de Nîmes*, 2.

<sup>3</sup> A.M., Anduze, BB 1, fo. 259v°–260v° and 271. Boisset, "Premières traces," 640. Jean-Pierre Hugues, *Histoire de l'église réformée d'Anduze*, 41–46.

<sup>4</sup> Letters-patent of Henry II, Moulin, 20 October 1548. Isambert, *Recueil général*, 13: 60. B.N., ms. latin, 8994, fo. 216–221. Degert, *Procès de huit évêques*, 2. Jules de Lahondès, *Annales de Pamiers*, 1: 461–462.

Lent of 1550. When Paris reproached the official and diocesan clergy from his pulpit, the Parlement of Toulouse decided to investigate. The court sought Paris's apprehension, but he had already fled. It then cited the city councillors for negligence and complicity. They seem to have narrowly escaped punishment due to a technicality—their term of office expired prior to the Parlement's issuance of the summons.<sup>5</sup>

City officials had to be just as cautious in the employment of schoolmasters. The councillors of Nîmes, for example, claimed the right to choose the schoolmaster and, on 15 April 1537, selected Imbert Pécolet for the position. Pécolet had been previously associated with the schools of Nîmes, but had only recently returned to the town after an absence of two years. The *précenteur* or *capiscoll*<sup>6</sup> of the cathedral, however, refused to invest the nominee. He suspected Pécolet of heresy and forbade him to teach under pain of excommunication. Jean du Cayla, lieutenant of the vicar general for the diocese of Nîmes, represented the *précenteur* before the town council on 7 October 1537. He reiterated the suspicions against Pécolet and warned the councilmen neither to favor nor aid the accused until he was purged. The councillors protested and declared the lieutenant in error. On Sunday 11 October, Pécolet went to the Cathedral of Notre-Dame to hear Mass, but was barred from entry. The afternoon of the same day he learned that he had been excommunicated for violating the prohibitions placed on him by the officiality. Officers of the diocese arrested Pécolet, but then allowed him to remain at semi-liberty.

The councillors, anxious to assert their rights of presentation, elected to pursue the dispute. They offered Pécolet anew to the *précenteur* on 15 October. As expected, he again declined to accept the candidate. The councilmen then appealed the decision to the Seneschal of Nîmes-Beaucaire. A hearing took place before the *juge-mage* ten days later. Jehan Lansardi, representing the city council, argued that the *précenteur*'s action was an infringement upon municipal liberties and prerogatives. Furthermore, the Pragmatic Sanction, the Concordat and various ecclesiastical regulations obliged each diocese to provide the people with a program of popular religious instruction in the form of sermons and lessons. The implication was clear enough. The diocese's obstruction of Pécolet's appointment hindered efforts to curtail misbelief. Robert de La Croix, vicar general and official of the diocese of Nîmes, largely ignored the debate over rights of presentation in his response. He insisted that Pécolet first clear himself of

<sup>5</sup> A.M., Pamiers, BB 104. A.D.H.G., B, Tournelle, reg. 34 (23 août 1550). Lahondès, *Annales de Pamiers*, 1: 460–461. Marie-Thérèse Porte, *Les débuts de la réforme à Pamiers* (1562–1565), 4.

<sup>6</sup> The *capiscoll* or *précenteur* is a dignity or office in the cathedral chapter. It is not easily distinguished from the *chantré* or *écolâtre*. Some scholars contend that the name derives from the title given to the head of a school (*caput scholae*), while others argue that it comes from the two words *caput chori* which refer more to the *chantré*. Louis Amiet, *Essai sur l'organisation du chapitre cathédral de Chartres (du XIe au XVIIIe siècle)*, 130–132. Durand de Maillane, *Dictionnaire de droit canonique*, 1: 636.



the imputation of unorthodox belief. The schools, meanwhile, could not await the outcome of the undoubtedly lengthy procedure. The municipal council conceded this final point and presented a second candidate, Gaspard Caiart, for diocesan approbation.<sup>7</sup>

Caiart proved no more acceptable than the original nominee. He was a friend and companion of Pécolet and, presumably, tainted also by religious error. Moreover, he had publicly associated with a certain Batlier, an accused heretic who had fled Nîmes in disgrace. De La Croix then declared his intention to inform the Parlement of the disobedience and contempt which several councilmen of Nîmes had demonstrated towards the ecclesiastical officers. Yet nothing came of this threat and, in the end, the religious officers lost the fight. Imbert Pécolet seems to have escaped custody. He fled to Geneva and remained there until mid-September 1538 when he accepted a position as Professor of Hebrew at the Academy of Lausanne. And the councillors of Nîmes successfully pressed their rights. Gaspard Caiart, despite earlier objections, was authorized to instruct in the schools at Nîmes for 1538.<sup>8</sup>

Another educational controversy was taking place concurrently at Montauban. The post of principal master for the regency of the schools there fell vacant during June 1537. The municipal council had rights of presentation and, accordingly, it nominated Michel de Affinibus, a doctor of theology and member of the Order of Our Lady of Mount Carmel. The candidate's credentials were respectable and he had demonstrated his teaching ability through several lectures to the masters, regents and students of Montauban. Approval by the bishop of Montauban or, in this case, his vicar general Guy de Vinhale seemed certain. Nonetheless, the vicar would not consent to the nomination.

De Vinhale based his refusal on the opinion of Aumaise Albonita, the man whom de Affinibus was to succeed. Albonita contended that the candidate, in reading an epistle of Saint Paul, had proposed a number of heretical ideas. De Affinibus issued a written reply to the vicar general and firmly denied the alleged errors. But Albonita was adamant. On 16 June 1537, de Vinhale explained to the councillors of Montauban that because it would be necessary for de Affinibus to read the Holy Scriptures to his students, he could not permit him to assume the duties of principal master until the questions raised by Albonita had been settled. In the interim, de Affinibus would be permitted to lecture for beginning students and to administer minor punishments.<sup>9</sup>

<sup>7</sup> A.N., U 20, fo. 6. Mathieu-Jules Gaufrès, "Imbert Pécolet," 51–57. Henri Hauser, *Études sur la réforme française*, 193. Ménard, *Histoire de Nîmes*, 4: 133–135. Puech, *La Renaissance à Nîmes*, 18–24.

<sup>8</sup> A.M., Nîmes, CC 2, fo. 220. Gaufrès, "Pécolet," 58–64, Hauser, *Réforme française*, 96. Aimé-Louis Herminjard, ed. *Correspondance des réformateurs dans les pays de langue française* 9: 459 and 463. Ménard, *Histoire de Nîmes*, 4: 135–137.

<sup>9</sup> A.M., Montauban, 1 BB 6, fo. 47–48. Devais Ainé, "Les écoles publiques à Montauban du Xe et XVIe siècle," 105. Mathieu Méras, "Michel de Affinibus et les origines de la réforme à Montauban," 324–326. Serr, *Montauban*, 2.

The Parlement of Toulouse responded to these early incidents at Nîmes, Montauban and other towns<sup>10</sup> by adopting more stringent regulations for religious instruction. On 21 April 1539, it prohibited schoolmasters from reading and interpreting publicly the Epistles of Saint Paul without express permission from the bishop or his delegate. Warnings against those who sought to foster the reform movement under the guise of teaching Scripture were repeated in December 1539 when the Parlement registered the royal letters-patent creating a collège at Nîmes. Even the Inquisition affirmed the value of municipal vigilance by instituting in the late 1540s an oath for the councillors of Languedocien towns. The formula was brief, but obvious in its intent. The councillors promised to assist the inquisitor in the pursuit, arrest and detention of suspected heretics, to observe and respect the privileges of the Holy Office and to insure the election or appointment of irreproachable persons to the town councils.<sup>11</sup> These various efforts, however, were far from successful.

Problems of unorthodoxy did not cease to plague the municipal governments. The Parlement of Toulouse, on 15 March 1559, upheld the conviction of several residents of Bram. They had been implicated in the election to the city council of two individuals charged with heresy.<sup>12</sup> Later in the year, the Parlement dispatched two of its counsellors and the attorney general to Montauban to look into a heresy scandal which seemingly involved several municipal magistrates. Three of the city's councillors, Coffinhal, Saint-Just and de Moncade, had met on 12 June 1559 and named Jehan de La Rogeraye to the position of orator for the municipal schools. The following day, two other councillors, Formosi and Samenat, protested de La Rogeraye's appointment and refused to concur in the decision. They claimed the choice was contrary to the wishes of the majority of the town's residents and that many of the school's students would leave Montauban and study elsewhere. The vigorous protest prompted the councillor de Moncade to admit that, while he was present when Coffinhal administered the oath to de La Rogeraye, he had since learned of the new orator's lack of ability and scandalous behavior. If he had known this originally he would never have consented to the appointment. He consequently agreed with the objections advanced by Formosi and Samenat. Coffinhal and Saint-Just, for their part, stood by the appointment and maintained its legality. They heard nothing to contradict their belief that de La Rogeraye was a respectable man of sound doctrine and erudition. They refused to consider the protest and for the moment de La Rogeraye retained his post.<sup>13</sup>

<sup>10</sup> A maître d'école at Rodez, for example, was arrested for "Lutheranism" in 1538. A.D.H.G., B 32, fo. 34.

<sup>11</sup> Ibid., B 32, fo. 313v<sup>o</sup>-314; B 33, fo. 36v<sup>o</sup>. B.N., Collection Doat, vol. 35, fo. 214-214v<sup>o</sup>. "Documents inédits et originaux. L'hérésie luthérienne à Toulouse en 1540," 202. Fréville, "Un index," 1 (1852): 354-355 and 361, n. 5.

<sup>12</sup> A.D.H.G., B, Tournelle, reg. 68 (15 mars 1559).

<sup>13</sup> A.M., Montauban, 1 BB 22 (12 et 13 juin 1559). *Histoire ecclésiastique*, Baum and Cunitz, 1: 347.

By early October, the city council learned that the new orator had publicly read certain lessons on Sacred Scripture, contrary to the prohibitions of the Parlement. The council examined de La Rogeraye on 9 October. The members specifically asked whether he had read from Scripture in the schools without permission from the bishop or his vicar. De La Rogeraye denied any such action, except for one or two lessons he had given on the feast days from the poet Helius Eobanus Hessus who had translated the Psalms of David. The work had been printed at Paris with royal permission and, according to de La Rogeraye, contained nothing relating to the writings of the Church Fathers, the Gospels or the Epistles.<sup>14</sup> Despite the protest, the municipal officials barred further readings from the book. Evidently the orator did not comply with the restrictions for on 28 October he was arrested. The following night he escaped from prison with the assistance of several anonymous friends. And when the parliamentary commission arrived at Montauban it was unable to obtain any information of value despite an official promise of five hundred *écus* to those who would reveal de La Rogeraye's activities or whereabouts.<sup>15</sup>

Beyond the general responsibility for the election and appointment of competent and religiously correct persons, city governments sometimes became directly involved in heresy proceedings by virtue of their judicial authority. Many southern towns had long possessed judicial competence, even in criminal matters, and it was a source of continuing friction between them and the royal magistrates. Both the municipalities and the ordinary royal jurisdictions claimed exclusive authority to try criminals. Two basic solutions to the conflict emerged in Languedoc by the early sixteenth century. In the towns of Graulhet, Revel, Solomac, Palaminy, Réalville and Montpezat-du-Quercy, the city councillors and juge ordinaire or baile jointly exercised justice. A second and more common system, practiced at Toulouse, Montauban, Rabastens and Castelnaudary, among others, was more or less that of *prévention*. The theory of *prévention* was based on arguments drawn from Roman law and the principle that the king possessed a right of supreme justice. It asserted the right of a certain judge to take cognizance of an action over which he had concurrent jurisdiction with another judge. The argument worked in favor of the royal judge and to the detriment of municipal and seigneurial justice. The practice was further complicated in Languedocian towns by the fact that it was neither fully nor uniformly implemented.<sup>16</sup>

<sup>14</sup> Probably the *Psalterium Davidis carmine redditum per Eobanum Hessum, cum annotationibus Viti Theodori* . . . Cui accessit Ecclesiastes Salomonis eodem genere carminis redditus (Paris, 1547). Another edition was printed at Paris in 1549. The authors of the *Histoire ecclésiastique des églises réformées au royaume de France* report that the Psalms were read in French. *Histoire ecclésiastique*, Baum and Cunitz, 1: 373–374.

<sup>15</sup> A.M., Montauban, 1 BB 22 (29 octobre 1559). Devals, "Ecoles publiques," 106–108. *Histoire ecclésiastique*, Baum and Cunitz, 1: 373–374.

<sup>16</sup> Chénon, *Histoire du droit français*, 2: 491. Doucet, *Institutions*, 2: 525. A comprehensive survey of the situation at Toulouse and elsewhere in Languedoc can be found in Viala, *Parlement de Toulouse*, 1: 541–551.

At Toulouse, the *viguier*, a royal ordinary magistrate, repeatedly asserted his superiority over the capitouls. The Parlement, however, seeing its own importance increased by a rivalry between the two jurisdictions, tended to ignore the notion of *prévention* and defended the prerogatives of the capitouls in the field of criminal justice. As a result, the capitouls still effectively executed their own criminal condemnations in the early sixteenth century.

Francis I, reacting against the alleged incompetence of consular justice in Languedoc, attempted a reorganization in the late 1530s. He initially ordered the municipalities to name the *juges ordinaires* as their *assesseurs* or judicial assistants,<sup>17</sup> but the Parlement of Toulouse objected and refused to implement the royal plan. The monarchy then tried to restrict municipal authority to police matters and the maintenance of public order. Again the Parlement, along with the capitouls of Toulouse, frustrated the effort. Finally, a royal edict of October 1545 declared that the royal judges would benefit from the doctrine of *prévention* in the exercise of criminal justice. In the event of negligence by the municipal councillors of Languedoc, either in the implementation of the edict or in the trial of criminals, competence to adjudicate criminal cases would pass to the *juge ordinaire*. An interesting exclusion to the 1545 edict stated that the crown did not intend a limitation on the jurisdiction of the capitouls of Toulouse. They were to retain their rights in the exercise of justice so long as they were not prejudicial to royal prerogatives and authority. The clause left the issue clouded and prompted the capitouls to request further assurances of their rights. And no clear statement emerged until Henry II's edict of December 1554. It confirmed the capitouls' authority to judge in first instance divine and human *lese majesty*, heresy, counterfeiting and several other capital offenses. Appeals against their judgments would revert immediately and directly to the Parlement. Intermediary hearings in the court of the *seneschal* would be eliminated. Finally, convicted criminals whose appeals were denied by the Parlement would be returned to the capitouls for execution of sentence.<sup>18</sup>

The resultant role of municipal courts in heresy proceedings varied considerably from one location to another. The majority of towns in Languedoc had little or no involvement. Heresy litigation went immediately to the court of the *seneschal*. At other places, royal and municipal officers joined in the adjudication of unorthodox belief. The *viguier* and the judge of the communal court of Le Puy, for instance, tried Pierre Barbat and Jehan Feuvre in 1555 and Claude Aliraud in 1557. Cooperation was less evident elsewhere. The municipal councillors and *assesseur* of Martes-

<sup>17</sup> The *assesseurs* were the primary judicial assistants for the municipal councillors. Léon Clos, *Etude historique sur le capitoulat toulousain*, 61.

<sup>18</sup> A.D.H.G., B 1903, fo. 196–196v°; B 1905, fo. 61–62; B 20..., fo. 427, *réquisitoire* du 10 décembre 1538. Clos, *Capitoulat toulousain*, p. 41. Antonin Deloume, *Vue de Toulouse au XVI<sup>e</sup> siècle. Les capitouls*, 46. Jean Ramière de Fortanier, *Chartes de franchises du Lauragais*, 108–109. Vic and Vaissète, *Histoire de Languedoc*, 11: 279.

Tholosanes tried Ramond Boun for heresy in 1546. Boun subsequently appealed his conviction and on 28 June the Parlement ordered a retrial by the seneschal of Toulouse or his lieutenant. The seneschal was further instructed to disregard completely the sentence and procedure of the councillors of Martes-Tholosanes.<sup>19</sup> Toulouse was the only city in the region which possessed a substantial measure of judicial independence in the pursuit of heretics. The capitouls were vigorous in the application of their authority; they tried no less than fifteen persons for heresy between 1545 and 1555.<sup>20</sup> In addition, they arrested a number of persons who were ultimately prosecuted before the Parlement.<sup>21</sup> Their zeal was such that in October 1554, the capitouls expressed concern that they lacked sufficient wood to burn the multitude of "Lutherans."<sup>22</sup>

The changing and often confusing nature of municipal justice reflects, as do the other ecclesiastical and secular court systems, the dual phenomenon occurring in France between 1500 and 1560. The monarchy was in the process of implementing legal reform and expanding the role and scope of its own judicial agents. At the same time, it faced the difficult task of deciding which legal institutions were best able to control the spread of heresy in a fashion suitable to the crown. The two objectives of royal policy did not always coincide and the result was an apparent congeries of overlapping jurisdictions among the various courts. There was, however, a certain logic to the system. The monarchy never allowed the power to try heretics to become the monopoly of any one of the courts and both religious and secular tribunals were active in their prosecution. Yet those cases which threatened the political and social order, *cas privilégiés*, were reserved for royal justice. Finally, the crown through its Parlement was the ultimate arbitrator of all jurisdictional disputes. The royal government endeavored to treat the judicial aspects of the heresy question in a manner that would be effective and responsive to its own policy aims. It employed a variety of tribunals and repeatedly adjusted their respective competence and jurisdiction in the attempt to achieve these goals.

<sup>19</sup> A.D.H.G., B, Tournelle, reg. 22 (28 juin 1546), reg. 54 (5 juillet 1555), reg. 64 (31 août 1557) and (13 septembre 1557).

<sup>20</sup> Ibid., B, Tournelle, reg. 18 (7 septembre 1545), reg. 20 (14 avril 1546), reg. 42 (24 mars 1552), reg. 45 (28 février 1553), reg. 50 (23 août 1554), (29 août 1554) and (1 septembre 1554), reg. 59 (9 février 1555), reg. 53 (31 mai 1555), reg. 54 (12 juillet 1555). A.M., Toulouse, BB 269, fo. 72; BB 274, fo. 162; layette 48 (11 avril 1558); layette 90 (15 février 1555).

<sup>21</sup> A.D.H.G., B, Tournelle, reg. 46 (23 octobre 1553), reg. 50 (6 septembre 1554), (12 septembre 1554), (23 octobre 1554). A.M., Toulouse, BB 175, fo. 134v°-135; BB 269, fo. 72v°-73v°; BB 274, fo. 149-150 and 163; layette 90 (1 septembre 1554). Lafaille, *Annales de Toulouse*, 2: 170-171.

<sup>22</sup> A.M., Toulouse, BB 175, fo. 134v°.

## **Part 2.**

### **Criminal Procedure**

## VI. Preliminaries of the Trial

The first half of the sixteenth century was a formative period in the evolution of French criminal procedure. Although the process had few of the fluctuations evident in the jurisdictional sphere, the emerging system did represent the ascendancy of royal legal practice. The crown, through its legislative power, affirmed and embodied in statute law rules developed, admitted and recognized by its courts. The famous ordinances of Blois (1498) and Villers-Cotterets (1539) mark the full reception of the Roman-canon inquisitorial procedure. The older accusatorial process, characterized by the private complaint, the detention of accused and accuser pending trial, and the judicial duel, had disappeared. The inquisitorial system with the enhanced role of the state as prosecutor dominated. An officer of the state, the magistrate, investigated and established the facts, principally through the examination of witnesses and the accused. He assembled the evidence in a written dossier which provided the basis for the court's judgment and final sentencing.

The royal legislation of the early sixteenth century represents the culmination of a long process whose origins are to be found in the thirteenth century. As the French monarchy gradually assumed the institutional forms which would bring an end to the feudal period, it progressively adopted and refined the Roman-canon model of criminal procedure which originated with the Church and the northern Italian city-states. The ordinances of Blois and Villers-Cotterets therefore came late and were more regulatory than innovative. The statutes assumed the existence of the inquisitorial procedure in criminal prosecution and sought to refine it. They were neither comprehensive nor systematic in their elaboration of procedure. Being remedial and interstitial, they confirmed established usages and particularized points on which practice was inexact or inconsistent. At the same time, their promulgation signaled the definitive establishment of the royal legal system.<sup>1</sup>

The effect was particularly pronounced in the area of heresy proceedings. Though the Church had occupied a key position in the initial development

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<sup>1</sup> The adoption of Roman-canon inquisitorial procedure is described in R. Howard Bloch, *Medieval French Literature and Law*; Adhemar Esmein, *Histoire de la procédure criminelle en France et spécialement de la procédure inquisitoire depuis le XIII<sup>e</sup> siècle jusqu'à nos jours*, which is also available in English translation, *A History of Continental Criminal Procedure*, trans. John Simpson; Langbein, *Prosecuting Crime*, whose examination extends to England and Germany as well as France, but limits itself chronologically to the sixteenth century; Bruce Lenman and Geoffrey Parker, "The State, the Community and the Criminal Law in Early Modern Europe," in *Crime and the Law: The Social History of Crime in Western Europe since 1500*, eds. V. A. C. Gatrell, B. Lenman and G. Parker, 11-48.



of the inquisitorial process, the French adaptation slowly diverged in accordance with the monarchy's requirements and objectives. Coupled to this was the sixteenth-century shift of primary responsibility for prosecution of heresy from ecclesiastical to royal tribunals. Finally, the ecclesiastical and secular courts were generally obliged to observe the procedural rules imposed by the royal ordinances.<sup>2</sup> An accused heretic, in whichever tribunal he appeared, found his case adjudicated according to the procedures developed by the courts of the king.

The French modifications of the classic inquisitorial procedure were, in their own way, significant. The laicization of the crime of heresy involved more than just a reduction in the sphere of competence of the Languedocien Inquisition. The process meant changes from the "purer" practices followed by the Roman and Spanish Inquisitions. The character and impact of these differences can be more readily appreciated through a preliminary description of the original forms.

Upon receipt of a denunciation or other evidence suggestive of heresy, the inquisitor questioned the relevant witnesses and recorded their testimony.<sup>3</sup> Each deponent was asked how long he had known the suspect; the circumstances of their acquaintance; community opinion of the suspect, especially in those aspects pertaining to the Faith; and so forth. The inquisitor had to maintain particular guard against rancorous testimony and enjoined each person to keep his deposition secret. If the gathered testimony showed sufficient grounds, the inquisitor would take the matter to trial. The suspect, who had not participated in the deposition process and who had probably not known of its existence, was either summoned or arrested depending upon the gravity of the charges.

The inquisitor began a diligent and deliberate interrogation of the accused. He did so in the presence of a notary who recorded the proceedings and two assistants who acted as witnesses. The questions were initially general: who were his parents, where was he born, where had he lived. The inquisitor rarely revealed the full extent or the exact nature of the evidence in his possession. The accused normally had little more than a vague idea of the specific charges against him. Only slowly and without causing alarm did the inquisitor direct his questions towards those areas where he possessed detailed information. The prudent interrogator avoided provoking

<sup>2</sup> Doucet, *Institutions*, 2: 786. Jean Papon, *Recueil d'arrests notables des cours souveraines de France*, 56.

<sup>3</sup> This summary of Inquisitorial procedure is drawn from three manuals. The first is the *Directorium Inquisitorum* composed by the Dominican Inquisitor of Aragon, Nicolas Eymeric (1320–1399). His work was reedited and published in the sixteenth century with extensive commentary by the Spanish canonist, Francesco Pegna (d. 1612). The indefatigable Pegna also edited another manual, *De Catholicis Institutionibus* authored by the Spanish Bishop of Zamora, Diego Simancas (d. 1583). Finally, there is the *Tractatus de Officio Sanctissimae Inquisitionis* put together by a seventeenth-century Italian jurist associated with the Inquisition at Cremona, Cesare Carena (fl. 1645). The numerous misconceptions and pitfalls which confront students of the Inquisition are described by Tedeschi, "Preliminary Observations," *Continuity and Discontinuity in Church History*, 232–249.

the accused and left no issue unresolved. The sessions were frequent and lengthy, often extending over several weeks. An astute and patient interrogation was critical to the Inquisition. Until the degree and character of the defendant's error were fully known, the suitable correctives could not be applied.

If the defendant confessed to the crime, any defense on his part was said to be superfluous. The more common reaction was a denial of guilt and in this event the Inquisition permitted a juridical defense directed by an attorney. The principal method of rebuttal available to the accused was the challenge to a witness and it was narrowly restricted. The sole grounds for exception to testimony was mortal enmity (*inimicitia capitalis*). Anything less did not void testimony, but only weakened it. Furthermore, the Inquisition in Italy and Spain zealously guarded the identity of denouncers and witnesses. The confrontation of defendant and witnesses, a standard practice in French courts, was an extremely rare occurrence. The accused and his counsel were not allowed to view the original of the depositions, but they did receive a copy from which the names of witnesses and other identifying details had been deleted. The protection and secrecy guaranteed to accusers and denouncers presumably increased the likelihood that they would report future heretical activity to the Inquisition. Classic Inquisitorial procedure then withheld the names of those who had testified for the prosecution. Yet it did admit a defense based on a leisurely perusal of the written trial records in consultation with legal counsel. The contrast with criminal procedure in France is striking. A key feature prescribed in royal law was the confrontation of witnesses with the accused. Moreover, the defendant benefited from no more than an oral reading of the depositions and he was required to make immediate response without the assistance of an attorney. While the individual knew his accusers, the reservation of a trial transcript and absence of expert advice hampered his defense.

The Inquisition could and did administer torture and the practice has been long regarded as an essential element of its operation. The circumstances of its application, however, were well-defined. The defendant's responses to the inquisitor's questions had to be inconsistent and vacillating, suggesting that he was concealing the truth. Second, there had to be sufficient and strong circumstantial evidence (*indicia*). The decision to torture required episcopal concurrence and the actual process ideally began with nothing more than brandishing the instruments in the hope of frightening psychologically. The conscientious inquisitor at first tortured moderately and without bloodshed. He constantly reminded the victim that a full confession would immediately end his torment. Only when this approach failed did the inquisitor resort to harsher methods. The court staff in attendance was minimal in order to insure secrecy and the torture itself was inflicted for a limited period of time. The individual who remained steadfast and admitted nothing went free. If he broke down under torture, the confession was not valid until he voluntarily ratified it the following day. Once completed, torture could not be capriciously reapplied. Specific rules

governed its repetition. The accused had to have confessed under torture and then retracted; the torture had to have been moderate the first time; and the court had to possess new evidence.

At the conclusion of the trial, the inquisitor had at his disposal a hierarchy of final sentences and accompanying punishments. The many and varied verdicts and penalties are bewildering unless the Inquisition's intent is recognized. The tribunal desired punishments which corrected and emended the individual's delinquency, provided reparation for his sins, and served to deter others from similar error. Though Inquisitorial justice was exacting at times, it was not retaliatory. The emphasis was upon correction and the return of the errant believer to the fold of the Church.

The inquisitor ordinarily took care to avoid a sentence of absolution. Rather than issue a statement of innocence, he preferred to declare that the accused had not been proven guilty. The practice cleared the way for retrial in the event that new evidence turned up. The person who was scandalously defamed (*diffamatus*) as a heretic underwent a ceremony of canonical purgation lest he give credence to the slander. In what was usually, though not necessarily a private exercise in the Inquisitorial chambers or episcopal palace, the individual renounced the rumors which caused his dishonor (*infamia*). The Inquisition required the more solemn and generally public ritual of abjuration for one suspected (*suspectus*) of heresy. The tribunal had discovered nothing concrete in the testimony of witnesses or the examination of facts and the subject had not confessed. Yet circumstantial evidence (*indicia*) did exist. The strength of the evidence determined whether the suspicion was light, vehement, or violent. In all three instances, the suspect affirmed the articles of the Faith and abjured the specific heresy of which he was suspected. The court also affixed a penance or punishment which varied according to the degree of suspicion. Light suspicion merited salutary penances such as fasts, pilgrimages, and frequent reception of the sacraments. Persons vehemently suspected could be imprisoned for a limited period of time. And the Inquisition sometimes punished those violently suspected with perpetual incarceration and the requirement to wear penitential vestments, the *san benito*. The inquisitor actually had a wide range of other punishments available to him: fines, detention in a monastery, exile, fustigation and service in the galleys among others. A discriminating judge imposed penalties appropriate and proportional to the offense. He was clement and compassionate, rather than cruel and severe.

The convicted, confessed and penitent heretic was condemned to a life in prison. He emerged only on Sundays and major feasts and appeared in penitential robes before the principal entrance to the town church. Though the inquisitor and bishop occasionally commuted a sentence of permanent imprisonment, they were considerably less sympathetic towards the convicted heretic who manifested anything less than full confession and steadfast repentance. The relapsed heretic, he who had originally abjured but then reverted to his error, was handed over to the secular

authorities for execution. The Inquisition hoped that he would repent anew and receive the Church's salvific sacraments. However, penitent or impenitent, the relapsed heretic had proven himself incorrigible and ecclesiastical justice demanded his condemnation. The court also surrendered the convicted but impenitent and the convicted but unconfessed heretic to secular justice for burning. The inquisitor did not proceed lightly or hastily to this extreme action. The unrepentant or unconfessed heretic was often placed in a harsh prison to consider his faults. The inquisitor frequently visited him to explain the Faith and seek conversion. He might later be moved to a milder cell and shown the benefits of mercy. The use of severe and lenient confinement and the constant attempt at persuasion could continue for months. The Inquisition understood that dedicated heretics often desired death and the aura of martyrdom. Isolated and long imprisonment sometimes cooled their ardor. From the Inquisition's point of view, the return of a heretic to the Church was more desirable than his destruction at the stake.

No one can doubt that the Inquisition applied itself seriously to the task. The tribunal had been created and its judicial procedure developed and refined specifically to deal with offenses against the Faith. The adoption and adaptation of the inquisitorial system by French courts during the fifteenth and sixteenth centuries was by no means perfect. Indeed, it was not intended to be. The problems, needs and traditions of the two legal systems were too dissimilar. Justice in France, for example, saw no overriding value in protecting the identity of witnesses and actually preferred their confrontation with the defendant to avoid erroneous accusation. French magistrates, even in the adjudication of heresy, were not nearly so concerned with bringing the offender to a recognition of his error. The Inquisition made patient use of the prison; the royal courts often opted for more immediate and expeditious punishment.

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The initial step for a heresy trial in Languedoc required that the competent magistrate possess knowledge that a crime may have been committed. Numerous commentators, some with greater success than others, have attempted a systematic explanation of the ways in which the judge might take cognizance. The modes may be summarized in the following three: accusation, inquisition (public renown) and denunciation.<sup>4</sup> The first of these had practically ceased to function by the sixteenth century. Accusation by a private party had fallen into disuse with the rise of the inquisitorial

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<sup>4</sup> Jean Bouteiller, *Somme rurale, ou le grand coustumier general de pratique civil et canon*, 221. Carena, *Tractatus*, 240–243. Joost Damhouder, *Practique iudiciaire ès causes criminelles*, fo. 4–7v°. Damhouder's principal strength is Flemish law. He is weaker on French procedure, but remains a useful cross-reference. Eymeric, *Directorium Inquisitorium*, 413–417. Annik Porteau-Bitker, "L'emprisonnement dans le droit laïque du moyen-âge," 225–226. Flagrant delict, while not included here, is discussed in Doucet, *Institutions*, 2: 536 and Esmein, *La procédure criminelle*, 108–112.

procedure. The public prosecutor, the procureur du roi, assumed the role of accuser in criminal litigation. Indeed, the Church had specifically fostered the official inquisition because private accusation had proven cumbersome and unwieldy in dealing with heresy.

Public renown or *fama* sometimes prompted the magistrate to embark upon an investigation or inquisition. The issue presents certain problems because heresy tended to be clandestine and covert until it gathered sufficient strength. During the beginnings of religious reform, individuals normally sought to avoid notoriety among the general community. Yet there were occasional rumors that an individual or group of individuals held unorthodox beliefs. Such hearsay, important but not well understood, could rarely be traced to any single source. On the other hand, the courts found it sufficient to warrant inquiry. The reports of Protestant assemblies in various towns of Languedoc received by the Parlement of Toulouse during the first months of 1560 appear to fit this description.<sup>5</sup>

The most common method by which the alleged criminal was brought to the attention of the authorities was the denunciation. The denouncer was not, in the strict legal sense, an accuser. He merely reported what seemed to him to be a crime. The decision to investigate and prosecute rested with the judge. The informing party would probably be called upon to give testimony and name other witnesses, but aside from that he remained in the background.<sup>6</sup> This technique, an essential element in the attempt of the medieval Church to combat heresy, became a permanent feature of the inquisitorial process. The ecclesiastical and secular judiciaries of sixteenth-century France granted it especial favor in their efforts to stem Protestantism. A royal edict of January 1535 commanded all subjects of the crown to reveal known or suspected heretics lest they themselves face prosecution as accessories to and participants in heresy. Similar directives appear in the royal edicts of June 1540, April 1541, and June 1551.<sup>7</sup> The Church was equally vigorous in upholding this particular obligation. An ordinance published by authority of the archbishop of Toulouse in 1550 listed a lengthy series of religious errors. Persons acquainted with individuals tainted by these errors were enjoined to inform the officers of the archdiocese within four days under pain of excommunication and punishment as harborers of heretics. A 1557 text of the synodal statutes for the diocese of Mende contained an analogous clause ordering clerics to report known or suspected heretics.<sup>8</sup> While the specific effects of such admonitions remain open to question, the courts did not want for instances.

<sup>5</sup> A.D.H.G., B, Tournelle, reg. 74 (19 avril 1560) and (20 mai 1560). Bouteiller, *Somme rurale*, 221–223. Damhouder, *Practique*, fo. 6v<sup>o</sup>–7. Eymeric, *Directorium Inquisitorium*, 416–417. Tanon, *Histoire de l'Inquisition*, 266–271.

<sup>6</sup> Bouteiller, *Somme rurale*, 221–223. Damhouder, *Practique*, fo. 5–5v<sup>o</sup>. Esmein, *La procédure criminelle*, 109–111. Eymeric, *Directorium Inquisitorium*, 415–417.

<sup>7</sup> A.D.H.G., B 1902, fo. 207v<sup>o</sup>; B 1904, fo. 91–92. Guenois, *Conférence des ordonnances*, 99. *Ordonnances des rois*, 4: 182. Isambert, *Recueil général*, 12: 680 and 13: 200–201.

<sup>8</sup> A.D.H.G., 1 G 642, Ordonnance imprimé du Cardinal de Meudon, 1550. A.D., Lozère, G 703.



Clergymen were a frequent source of denunciations. The syndic of the Franciscan house at Rabastans informed the inquisitor of Toulouse in 1536 of the possible unorthodoxy of the town's rector, Durand Dardene. Friar Aldabert de Pompeyron took similar action against a preacher at Anduze in 1547. Five years later, a Franciscan monk from Pézenas denounced a certain Jehan Affre as a heretic.<sup>9</sup> These denouncements originated with the secular elements of society too. Pierre Serre, who had been a priest at Lézat in the diocese of Couserans before emigrating to Geneva, decided to return to southern France and visit his brother during the winter of 1552–1553. Serre's sister-in-law unfortunately had little regard for his reformed religious ideas. She spoke of her dislike to a neighboring woman who, in turn, denounced Serre to the official of the Bishop of Couserans. A few years later, four university students of Toulouse found themselves denounced as heretics by their servant.<sup>10</sup> Finally, convicted heretics occasionally became the unwilling denouncers of their fellow believers. Magistrates would sometimes, upon completion of a trial, command the torture of the condemned in the hope that he would reveal his associates. Jehan de La Cassaigne came under investigation by the Inquisition of Carcassonne after a condemned heretic, under torture, named him as an accomplice.<sup>11</sup>

The very nature of the denunciatory process poses serious questions concerning possible motivation and intention. The denouncer did not assume the costs of litigation; he was not obliged to sustain the heresy charge beyond his initial deposition and testimony during the trial; and the accused was under a strong presumption of guilt until such time as he could demonstrate his innocence. Although sincere religious conviction cannot be discounted as a major inducement to denunciation, abuses did exist.

When the Franciscan syndic of Rabastans denounced the rector Dardene, it came as the high point in a long legal battle over the revenues derived from the burial of laymen in the order's monastery. The rector claimed a portion of the profits from this pious practice. The monks naturally opposed him and in the ensuing quarrel apparently felt that he had violated religious orthodoxy.<sup>12</sup> Guillaume Bigot's denunciation of Claude Baduel to the Grands Jours held at Le Puy in 1548 had much the same personal tenor. Both men had been professors at the municipal college of Nîmes and had originally quarreled over educational policy and administrative arrangements for the school. The debate escalated with charges and countercharges, came to involve the municipal council, and led to several court suits.

<sup>9</sup> A.D., Tarn, H 275. Charles Portal, "La réforme en Albigeois, enquête de 1536," 195–196. A.M., Anduze, BB 1, fo. 259v<sup>o</sup>–260v<sup>o</sup> and 271–271v<sup>o</sup>. Boisset, "Premières traces," 640. Hugues, *Eglise réformée d'Anduze*, 44. A.D.H.G., B, Tournelle, reg. 50 (4 août 1554).

<sup>10</sup> A. M., Toulouse, layette 48 (11 avril 1558). Crespin, *Histoire des martyrs*, 2: 30.

<sup>11</sup> A.D.H.G., B, Tournelle, reg. 26 (9 août 1547), (23 septembre 1547) and (9 novembre 1547). The torture of convicted heretics to learn the names of accomplices was a noted French development. Cf. sixteenth-century Inquisitorial practice in Italy and Spain. Carena, *Tractatus*, 55–56. Simancas, *De Catholicis Institutionibus*, fo. 176.

<sup>12</sup> A.D., Tarn, H 275 contains full documentation of the controversy.

Baduel's reaction to the heresy charge of 1548 was predictable. He protested his innocence and argued that Bigot was the heretic. In truth, Baduel had sympathized with Calvin's ideas as early as 1545. The pressure at Nîmes ultimately became too great and in 1550 he fled to Lyon. He finally settled in Geneva during the following year.<sup>13</sup> While Baduel's subsequent actions confirmed the earlier denunciation for heresy, considerable doubt remains whether Bigot's principal concern had been the preservation of the Faith.

A further complication in the problem of motivation is the financial reward which often resulted from denouncement. One of the numerous punishments which could be imposed upon an individual convicted of heresy was the confiscation of his goods and property. The person who had originally exposed the convicted heretic received a portion of the confiscation. Under Francis I, the amount was set at one-quarter of the total value of the goods and property. Henry II later raised this share to one-third and, at the same time, demanded strict punishment for anyone who might be tempted to seek financial enrichment through false accusation. Denouncing parties seem to have been aware of these benefits. Following Jehan Affre's conviction and execution in 1552, the Parlement neglected to award the customary third of the condemned's confiscated goods to the Franciscan house at Pézenas, a member of which had denounced Affre. The syndic of the monastery petitioned the court and obtained full satisfaction.<sup>14</sup>

The single appreciable safeguard against possible abuse was the threat of countersuit. The suspected criminal would have the opportunity in the course of his trial to confront the witnesses against him and offer his personal objections to them. Such objections normally related to the capacity or motivation of the witness. The defendant might claim, for example, that the witness (and in this instance denouncer) was moved to action through malice or envy unrelated to heresy. If the objections were sustained and the defendant declared innocent, he could bring suit against his denouncer for false accusation and slander. Although such actions were rare, they did occur. The Parlement decided in 1557 that Jehan Martin, the prior of Saint-Auban at Rodez, had calumniously named as heretic Anthoine Bernard, an apothecary of the same town. The prior had to pay a fine of fifty livres tournois to the king and one hundred livres tournois to Bernard. Three years later, the court fined Salveur Raufel in the amount of three hundred livres tournois payable to the widow of Jehan Robert for having produced false testimony in a heresy denunciation against Robert.<sup>15</sup>

<sup>13</sup> John Calvin, *Ioannis Calvini Opera quae supersunt omnia*, ed. Baum, Cunitz and Reuss 13: 587–590 and 20: 374. Dardier, "Réforme à Nîmes," *BSHPF*, 29 (1880): 490–491. Eugénie Droz, "Claude Baduel, traducteur de Bucer," 348. Matthieu-Jules Gaufres, *Claude Baduel et la réforme des études au XVI<sup>e</sup> siècle*, 235–288. Geisendorf, *Livre des habitants*, 2: 12.

<sup>14</sup> A.D.H.G., B 1904, fo. 92–93; B, Tournelle, reg. 50 (4 août 1554). *Ordonnances des rois*, 9: 182–183. Isambert, *Recueil général*, 12: 403 and 13: 201.

<sup>15</sup> A.D.H.G., B, Tournelle, reg. 49 (27 juillet 1554), reg. 64 (29 octobre 1557), reg. 68 (6 mars 1559) and reg. 74 (8 avril 1560). False witness was a problem which sometimes plagued



When one is suspected of heresy, the actual trial process begins with the information or inquisition, from which this type of criminal procedure takes its name. The ordinances of Blois and Villers-Cotterets stipulated that the judge, after notification of the crime, should investigate or order preliminary inquiries himself.<sup>16</sup> Magistrates of all tribunals competent to try heresy could order the information. The inquisitor of Toulouse directed that informations be undertaken against Durand Dardene at Rabastans in 1536, several suspected heretics at Agen in 1538, a certain Prior of Vasus at Toulouse in 1546, and four inhabitants of Borniquel in 1550. The official of the archdiocese of Auch prescribed similar action with respect to Jehan de Verdusan and Raymond de Orto in 1532. The official of the diocese of Mirepoix authorized an inquiry into the activity of Pascal Gormont in 1549 and, eight years later, the ecclesiastical court of Mende initiated an information against several persons in that diocese. The juge-mage for the Seneschalsy of Nîmes-Beaucaire sanctioned a preliminary inquiry into certain religious demonstrations at Bagnols in 1549. The bailiff of Vivarais instructed his lieutenant to conduct an inquisition against three suspected heretics at Annonay a few years later. The judge of Verdun in the Seneschalsy of Toulouse performed the same task concerning several residents of Gimont in 1553. Within six years, the crown itself, in a rare case of public renown, commissioned the judge of Villeneuve-de-Berg to inquire into the validity of rumors of heresy at Privas and Aubenas.<sup>17</sup>

The information consisted of the depositions of witnesses against the party in question. It occurred prior to the suspect's appearance in court and he remained at large during its conduct. Inquiries into heresy were usually undertaken in secrecy to avoid alarm and flight. The object of the investigation often had no knowledge of it, played no active role in its preparation, and was rarely apprised of its contents. Each witness in the information was heard privately and separately by the judge, special officers of the court called examiners (*enquêteurs*), or an officer of the court assisted by a notary.<sup>18</sup> Gerauld Pagesi, the chief notary and clerk of the Inquisition at Toulouse, supervised the inquisition at Rabastans in 1536. The inquisitor de Rochette and his lieutenant Richardi personally went to Agen to record the various testimonies in 1538. The inquisitor commissioned Raymond de Clauvet, a *licencié* in law, and Sebastien Floreusse, a *bachelier* in law, as examiners in the case against the Prior of Vasus. Bernard Pellicier, official for the archdiocese of Auch, heard witnesses in the information

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the Inquisition in Italy and Spain, too. Carena, *Tractatus*, 263. Eymeric, *Directorium Inquisitorum*, 522–527.

<sup>16</sup> Esmein, *La procédure criminelle*, 136–141. Isambert, *Recueil général*, 11: 362 and 367, and 12: 630. Langbein, *Prosecuting Crime*, 224–228.

<sup>17</sup> A.D., Ardèche, C 1451, no. 59, fo. 1–4. A.D.H.G., B, Tournelle, reg. 31 (4 and 5 juillet 1549), reg. 39 (17 décembre 1551), reg. 42 (28 juin 1552), and reg. 45 (25 février 1553); 1 G 642, Inquisition de 1532; 112 H 6, Inquisition de 1546. A.D., Lot-et-Garonne, G 29, fo. 1. B.N., Collection Doat, vol. 35, fo. 202v<sup>o</sup>–204. Eugène Arnaud, *Histoire des Protestants du Vivarais et du Velay* 1: 10–11.

<sup>18</sup> Esmein, *La procédure criminelle*, 141. Imbert, *La pratique judiciaire*, 574–576. Langbein, *Prosecuting Crime*, 224–227.

regarding Jehan de Verdusan and Raymond de Orto. Louis de Lamothe de Chalender, lieutenant of the Bailiwick of Vivarais at the site of Ville-neuve-de-Berg, conducted the inquiry at Privas and Annonay in 1559.<sup>19</sup>

The deposition of each witness was recorded in its entirety and then read to the witness who was required to sign it or make his mark upon it.<sup>20</sup> The process could last several days or several weeks depending upon the number and length of depositions. In order to elicit adequate and pertinent testimonial evidence, the examiners sometimes issued monitories enjoining the faithful to reveal what they knew about the alleged crime. Upon his arrival at Agen, the inquisitor de Rochette affixed monitories to the doors of the cathedral and other churches as well as to the town hall. The practice was in one sense successful for between 6 March and 29 April 1538 de Rochette and his lieutenant examined a total of sixty-nine persons. The judge of Verdun also posted monitories when he inquired into heretical pasquinades and placards which had been published at Gimont. And Pagesi carefully read the general monitory against "Lutherans" to each person whom he interviewed at Rabastans.<sup>21</sup>

If the examiners were unaware of specific criminal acts or particular suspects, they tended to record testimony from a large number of people and, in particular, the socially and religiously prominent members of the community. When de Lamothe de Chalender went to Aubenas and Privas he did not have prior knowledge of particular heretical acts or persons believed guilty of such crimes. He benefited only from public rumor of heresy and recorded twelve depositions during the course of two days. They were as follows:

	Age	Profession
15 July 1559, at Aubenas		
Jehan Chabrollin	50	Professor of law, vicar of Ailhon and Mercuer
Mathieu du Sollier	45	Vicar of Saint-Etienne of Fontbellon and Saint-Laurens of Aubenas
Estienne Pansier	60	Vicar of Saint-Laurens of Aubenas
Jehan Valetton	56	<i>licencié</i> in law, lieutenant general of the <i>cour ordinaire</i> of Aubenas
18 July 1559, at Privas		
André Chambon	68	Priest
Symon Crespin	60	?

<sup>19</sup> A.D., Ardèche, C 1451, no. 59, fo. 1–4. A.D.H.G., 1 G 642, Inquisition de 1532; 112 H 6, Inquisition de 1546, fo. 1–7. A.D., Lot-et-Garonne, G 29. A.D., Tarn, H 275. Arnaud, *Protestants du Vivrais et du Velay*, 1: 10–11.

<sup>20</sup> Esmein, *La procédure criminelle*, 141–142. Imbert, *La pratique judiciaire*, 646–647.

<sup>21</sup> A.D.H.G., B, Tournelle, reg. 45 (25 février 1553). A.D., Lot-et-Garonne, G 29. Fallières, "Enquête," 213–220. A.D., Tarn, H 275.

	Age	Profession
Symon Chamynas	50	Priest
Jehan de Sibleyras	45	Bailiff of Privas for the Duchess of Valentinois
Antoine Arnaud	45	Royal notary
Jehan Garnier	25	Clerk of the <i>cour ordinaire</i> of Privas
Pierre de Conches	55	Chief municipal councilman of Privas
Jehan Compte	50	Merchant and municipal councilman of Privas

The criterion for the selection of witnesses seems to have been their relatively important status. They were presumably familiar with all facets of municipal life. Yet when questioned, they knew of no one who had spoken against the Church or its doctrines, refused the sacraments, or committed any other suspicious act, save a group which had been prosecuted by the Parlement of Toulouse some twenty years earlier. The value of the technique and the reliability of the witnesses are subject to doubt, at least in this instance. The inquiry failed to uncover heretical activity, yet within two years, by 1561, a reformed church organized at Privas.<sup>22</sup>

Pagesi's information at Rabastans was considerably more defined. He gathered testimony concerning a specific person, the rector Durand Dardene, and over a total of six days he took twenty-five depositions.

	Age	Profession
5 November 1536		
Pierre de Borde	43	Franciscan friar
6 November 1536		
Anthoine du Blet	62	Bachelier in law
Pierre de Figaco	46	Notary
Bertrand Giscard	45	Sabot maker ( <i>sabatier</i> )
Anthoine Vayssi�re	49	Notary
Pierre du Puy	53	Substitute for the procureur du roi at the site of the judge of Aubiges
7 November 1536		
Guillaume du Solier	50	Bachelier in law
Jehan Frespech	40	Merchant

<sup>22</sup> A.D., Ard che, C 1451, no. 59. Arnaud, *Protestants du Vivarais et du Velay*, 1: 11.

	Age	Profession
21 November 1536		
Paul Romanhac	35	Priest
Jehan Olyvieri	30	Priest
Vidal Calvet	34	Priest
Jehan Robert	40	Butcher ( <i>maselier</i> )
Jehan Nycolau	45	Priest
Guillaume de Fijac	40	Priest
Jehan Badene	45	Priest and rector of Saint-Amans
22 November 1536		
Jehan Rosolières	40	Priest and bachelier in law
Bérenguier Gayrault	50	Priest
Pierre Surbayrolles	42	Priest
Françoys Lacombe	33	Sculptor ( <i>imagineur</i> )
Bertrand Bayssac	45	?
23 November 1536		
Arnauld Burnet	45	Priest
Domenge Olyvié	33	Priest
Jehanne de Lerm	18	Wife of Hughes de Cumenge, an apothecary
Françoysse de Camps	25	Widow ( <i>relayssée</i> ) of Françoys Cueilhe, a merchant
Catherine del Cayre	28	Wife of Jehan Albert, a notary

All deponents were residents of Rabastans and nearly half, twelve, were clergymen. Of the laymen, there were two *bacheliers* in law, one magistrate, two notaries, four artisans, three women, and one man of unspecified occupation. They represent a mixture of respectable members of the community and witnesses to allegedly criminal acts committed by Dardene. Although many of them merely repeated previous testimony, only five claimed to be uninformed in the matter.

The information revealed several areas where Dardene could have been faulted. Fourteen deponents recounted a quarrel between Dardene and friar Symon de Quercu, a Franciscan who had preached the Advent sermons in 1535. The monk had urged the faithful to seek interment in the Franciscan monastery and thereby obtain partial remission for their sins. Dardene, the rector of Rabastans, countered that burial in the habit of Saint Francis would not abrogate one's sufferings in purgatory. He even resorted to

prolonging his sermon one Sunday so that de Quercu had little time remaining when finally permitted to ascend the pulpit. Moreover, in order to lengthen his sermon Dardene employed the "unusual" liturgical practice of reciting the *Pater noster*, the *Ave Maria* and the *Credo* in Latin, French and Occitan, the local language.

Other testimony suggested faults which bore less resemblance to Protestant ideas. Dardene was said to have incurred excommunication on two different occasions: once when he performed a clandestine marriage and again when he failed to pay the tithe (*décime*) on his Priory of Mordagne. Six witnesses including the three women attested to his practice of reading palms and another told of the rumor that he could make money by magical means. Beyond the imputations associated with popular superstition, it even developed that Dardene kept a mistress named Françoise Carière. Some of the testimony was obviously hearsay. One priest testified that he heard from a ploughman (*laboureur*) who heard from another priest who said that a certain Jehan de Lérin had a "Lutheran" book which belonged to Dardene. Even the incidents which could be substantiated do not appear to have been sufficient for prosecution. The documents suggest that the authorities did not proceed beyond their initial investigation. Litigation continued between the rector Dardene and the Franciscan prior over burial rights. Further mention of the heresy charge, however, is conspicuously absent.<sup>23</sup>

The information was not always and necessarily lengthy and broad in scope. If the alleged unorthodoxy centered on a particular event involving one or two suspects, it could be quite brief and precise. Pellicier, official of the archdiocese of Auch, interviewed only five persons at the archiepiscopal palace on 11 and 15 May 1532. All had been present when Jehan de Verdusan and Raymond de Orto denied several teachings of the Church in the public square of Montestruc. The testimonies supported one another and were limited to recall of the direct statements made by the suspects. A relatively clear understanding of the purported errors emerged. De Verdusan and de Orto maintained that the Church's power to forgive sins ended with the death of Saint Peter, and they denied the utility of both the Lenten fast and the veneration of the saints.<sup>24</sup>

The information directed against the Prior of Vasus at Toulouse in 1546 was of an analogous character. While visiting the home of Jehan Desplasan, a master couturier of Toulouse, the prior declared that there was only one invisible church which existed in the heavens and in the hearts of men. Despite the objections and arguments of those in attendance, the Prior persisted in his contention. His opponents attempted to bolster their claims by producing a copy of the Articles of the Faculty of Theology of the University of Paris which had been published as part of a royal ordinance

<sup>23</sup> A.D., Tarn, H 275. Portal, "Réforme en Albigeois," 193–207.

<sup>24</sup> A.D.H.G., 1 G 642, Inquisition de 1532.

in 1543.<sup>25</sup> The prior, however, refused to believe that the king had approved such nonsense. The inquisition consisted of an examination of the five persons present at the time the prior made his statements. Yet even in this case the deponents could not refrain from describing the prior's attempts to seduce the wife of their host Desplasan. Though it had little relevance to the heresy accusation, several witnesses noted that he had slapped her buttocks and repeatedly suggested that she accompany him to hear the Lenten preacher at the church of La Daurade.<sup>26</sup>

The examiner assembled the completed testimony and submitted the dossier to the judge who had authorized it. The judge, in turn, presented it to the prosecutor, the procureur du roi, for his conclusions or recommendations. The prosecutor made his recommendations to the judge in writing and, at the same time, returned the information. According to the advice contained in the conclusions, the judge either allowed the matter to rest or he issued the decree for the suspect's arrest.<sup>27</sup>

The testimony gathered in the information became the basic document of the heresy trial. It provided the evidence for arrest, formed the framework for the interrogation of the accused, and contained the statements which he was obliged to refute in order to prove his innocence. Yet the accused did not participate in the preparation of the dossier nor would its contents be communicated to him at any point in the trial. He had to rely upon the court's impartiality in gathering accurate and true evidence contained in a document to which only members of the court had access.

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<sup>25</sup> Ibid., B 1903, fo. 60v<sup>o</sup>–62. Isambert, *Recueil général*, 12: 820–827.

<sup>26</sup> A.D.H.G., 112 H 6, Inquisition de 1546.

<sup>27</sup> Esmein, *La procédure criminelle*, pp. 141–142. Isambert, *Recueil général*, 11: 362 and 12: 630. Langbein, *Prosecuting Crime*, 227–228.

## VII. The Interrogation and Confrontation

The completed information went first to the procureur du roi who, after prompt but thorough consideration, attached his conclusions and returned it to the court. Depending upon the prosecutor's recommendations, the judge either abandoned the affair or called for the appearance of the suspect. If the procureur indicated a willingness to prosecute, the magistrate had at his disposal two types of decrees, personal summons (*citatio verbalis*) and bodily arrest (*citatio realis*). The personal summons could be served directly to the suspect at his home or by public proclamation in the town square. The court expected swift compliance from the individual who, though not imprisoned, was subject to provisional liberty pending trial. He could not leave the town in which the tribunal sat. The judge invoked the decree of bodily arrest for grave offenses where the suspect might be tempted to flee rather than present himself to the court. Here the accused remained in preventive detention during trial. If the suspect failed to respond to a personal summons or eluded his captors in the case of bodily arrest, the court declared him contumacious. It ordered the annotation and seizure of his goods and property and granted him a delay of three days (*trois briefs jours*) to submit to justice. Failure to heed this final summons led eventually to condemnation in absentia.<sup>1</sup>

The tribunals of Languedoc employed the decree of bodily arrest on those occasions when the suspicion of heresy was great. The official for the archdiocese of Auch ordered the bodily arrest of Jehan de Verdusan and Raymond de Orto in 1532. The Inquisition at Toulouse, following the recommendation of the procureur des encours, acted similarly in the apprehension of the prior of Vasus. The courts used the decree of personal summons less frequently in heresy cases. The Parlement of Toulouse issued a personal summons for thirteen persons linked to questionable religious activity at Montauban in 1551.<sup>2</sup> The determining factor in the choice of decree appears to have been the gravity of the evidence contained in the information. The aforementioned inhabitants of Montauban were only secondarily mentioned in the information, whereas in the other two examples the suspects had been the object of the information.

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<sup>1</sup> Carena, *Tractatus*, 244–245. Damhouder, *Practique*, fo. 10v<sup>o</sup>–13. Doucet, *Institutions*, 2: 536. Esmein, *La procédure criminelle*, 140–142 and 155–156. Eymeric, *Directorium Inquisitorium*, 421. Imbert, *La pratique judiciaire*, 574–581 and 594. Isambert, *Recueil général*, 11: 362 and 12: 605 and 630. Langbein, *Prosecuting Crime*, 228.

<sup>2</sup> A.D.H.G., 1 G 642, Inquisition de 1532; 112 H 6, Inquisition de 1546; B, Tournelle, reg. 38 (1 octobre 1551).



The summons to appear within three days, which ensued from the suspect's default on the original summons, was often an implicit admission that he had permanently evaded justice. Few individuals named in these decrees were ever captured and tried. During June 1532, for instance, the lieutenant inquisitor and the vicar general of the archbishop of Toulouse summoned forty-one persons to submit within three days on charge of heresy. The majority had already fled or were in hiding. Among the list of suspects, as a case in point, was Michael Servetus. Yet he had departed Toulouse as early as 1529. Only one of the forty-one, François Guilhomon, is known to have stood trial. The Parlement of Toulouse demanded the appearance in March 1546 of eight residents of Marvejols under the provision of the delay of three days. Although nothing indicates that they complied, one of them, Jehan Orlhac, was apprehended eight years later at Desmarques in the diocese of Nîmes. The Parlement issued an identical summons for eighteen persons in early October 1551. One man, Arnould de Montserrat, either submitted voluntarily or was captured shortly thereafter. Another, Jehan Massip dit David, eluded justice until his arrest and trial in 1560. The remaining suspects simply disappeared.<sup>3</sup>

Between 1500 and 1560, no fewer than three hundred persons became the object of summons to appear within three days. Remarkably few of these suspected heretics ever came to trial, though most were condemned in absentia.<sup>4</sup> Even when apprehended, the individual condemned in absentia received benefit of a full trial before the court. At least the Parlement followed this procedure with respect to Jehan Orlhac and Jehan Massip dit David.<sup>5</sup> Thus, the summons to appear within three days and the subsequent condemnation by default served as little more than an outstanding warrant for the suspect's immediate arrest and a legal justification for the seizure of his property.

A less prevalent problem in bringing accused heretics to trial was their escape from preventive detention. George Sapientis, a Franciscan monk, escaped from the prisons of the bishop of Mende in 1539. Four years later, six prisoners escaped at Beaucaire while awaiting trial for heresy.

<sup>3</sup> Ibid., B 28, fo. 180; B, Tournelle, reg. 20 (26 mars 1546), reg. 38 (1 octobre 1551), reg. 40 (5 février 1552), reg. 41 (18 mars 1552), reg. 43 (1 juillet 1552), reg. 49 (12 juin 1554), (14 juillet 1554) and (31 juillet 1554), reg. 74 (10 avril 1560). A.D., Aude, H 418, fo. 78v<sup>o</sup>–80. Calvin, *Calvini Opera*, 8: 846.

<sup>4</sup> A.D.H.G., B 32, fo. 352v<sup>o</sup>–353; B 92 j, fo. 10; B 92, fo. 154 and 195; B, Tournelle, reg. 13 (10 avril 1543), reg. 14 (18 juillet 1543), reg. 20 (15 mars 1546) and (26 mars 1546), reg. 27 (27 janvier 1548), reg. 38 (1 octobre 1551), reg. 39 (22 décembre 1551) and (23 décembre 1551), reg. 40 (5 février 1552), reg. 41 (31 mars 1552), reg. 42 (3 juin 1552) and (13 juin 1552), reg. 45 (17 février 1553), reg. 47 (19 décembre 1553), reg. 49 (16 juin 1554) and (14 juillet 1554), reg. 50 (29 août 1554), (3 septembre 1554), (12 octobre 1554), (13 octobre 1554) and (27 octobre 1554), reg. 52 (13 mars 1555), reg. 56 (20 novembre 1555), reg. 58 (15 mars 1556), reg. 63 (8 mai 1557), (3 juin 1557) and (4 juin 1557), reg. 68 (12 avril 1559), reg. 69 (9 mai 1559) and (10 mai 1559), reg. 72 (18 décembre 1559), reg. 76 (22 octobre 1560); 112 H 6, Inquisition de 1546. A.D., Aude, H 418, fo. 78v<sup>o</sup>–80.

<sup>5</sup> A.D.H.G., B, Tournelle, reg. 49 (12 juin 1554), (14 juillet 1554) and (31 juillet 1554), reg. 74 (10 avril 1560). Procedure was similar in the case of Pierre Chabot and Jacques Cocombis. A.D.H.G., B, Tournelle, reg. 45 (27 mars 1553), reg. 51 (22 décembre 1554).

The court subsequently tried the jailers for negligence in the performance of their duty. When Claude Leauton escaped in 1550, his jailer was also held responsible. While inattentive guards and poorly constructed prisons may have facilitated escape, other factors did come into play. Jehan de La Rogeraye allegedly received assistance from Protestant sympathizers when he made good his flight from the prisons of Montauban in 1559.<sup>6</sup>

Assuming the suspect heeded the personal summons or was arrested after issuance of the decree of bodily arrest, the magistrate immediately proceeded with his careful interrogation. The judge examined him on the charges and the evidence assembled during the inquisitorial phase. The law denied the accused benefit of counsel and required him to answer without knowledge of that which was contained in the information, the depositions recorded by the court. The clerk of the court kept an abbreviated version of the questions and answers. The suspect formally swore to speak the truth and, upon completion of the interrogation, affixed his signature or mark to the clerk's transcription.<sup>7</sup>

The judge based most of his questions on incidents described in the information. He also asked several standard questions designed to ascertain whether the accused attended Mass, received the sacraments and generally lived according to the precepts of the Church. As one purpose of the interrogation was the elicitation of further evidence, this time from the accused himself, the judge's queries often seem leading or suggestive. Many of the questions put to Jehan Orlhac were of this nature. Antoine de Paulo and Gabriel du Bourg, counsellors of the Parlement, interrogated him on 9 June 1554 in the chamber of deliberations of the Château Narbonnais, the building which housed the high court at Toulouse.

Jehan Orlhac, native of La Fage, five leagues distant from Marvejols, presently living at Desmarques in the diocese of Nîmes, a butcher, fifty years old or thereabout, after having taken the oath upon the Holy Gospels, has promised to tell the truth.

Asked if he knows why he is a prisoner.

Answered that he knows nothing about it.

Asked if he has ever been accused of the crime of heresy (and) pursued by summons of three brief days, for reason of which he left Marvejols and became a fugitive.

Answered that he does not know that he had ever been accused and that in addition he was never notified of the summons of three brief days.

Asked why it is that he, a native of La Fage, came to Desmarques.

Answered that he changed residence ten years ago because he could not make a living at La Fage, an infertile and sterile place.

<sup>6</sup> Ibid., B 32, fo. 353v<sup>o</sup>; B 92 1, fo. 190; B, Tournelle, reg. 13 (10 avril 1543) and (19 avril 1543), reg. 14 (18 juillet 1543). Devals, "Ecoles publiques," 108. *Histoire ecclésiastique*, Baum and Cunitz, 1: 914. Ménard, *Histoire de Nîmes*, 4: 168–169.

<sup>7</sup> Esmein, *La procédure criminelle*, 142–143. Imbert, *La pratique judiciaire*, 627–628. Isambert, *Recueil général*, 11: 364 and 12: 630 and 633. Langbein, *Prosecuting Crime*, 228–230.

Asked if he ever lived at Marvejols and when.

Answered that after leaving La Fage and before going to Desmarques he lived at Marvejols for two or three years.

Asked if during Lent in 1545 which was the year before he was accused, he and his entire family had eaten meat, although no one was ill in his house; and if he had roasted meat on Good Friday and his son Anthoine ate it indifferently to the great scandal of the people.

Answered no; and that his son Anthoine was then only two years old, for he is not yet twelve.

Asked if he knew Jacques Grimaillh, a butcher of Marvejols, and if they ever trafficked together in livestock.

Answered that he knew many butchers from Marvejols, but he does not remember their names and cannot say if he knew Grimaillh or trafficked with him.

Asked if while purchasing some livestock with Grimaillh in the countryside, he had said to Grimaillh that there was no purgatory and that he would not pray for the soul of his father, because his prayers would not aid the dead man and would not relieve the punishment in which his father's soul may be constituted.

Answered that he never spoke in this manner, nor is it proper for men of his profession to become involved in such affairs.

Asked if he said that adoration of the Holy Host when it was elevated was useless, because the Host was mere bread or dough which did not contain the body of our Creator.

Answered no.

Asked if he said that it was as useful to pray to God outside the church as within; that a pilgrimage to Notre-Dame-de-Quesac was worthless because the Lady cannot aid those who seek her intercession; and that one must not adore images because they were simply wood or stone.

Answered no.

Asked if when making trips and trafficking with Grimaillh, the latter questioned him why he had not bared his head and made the sign of the cross when he passed a crucifix along the road; and he responded by these or similar words: The sign of the cross is not worth a damn.

Answered no.

Asked if since 1545 he has gone to confession and received the Lord's Body and who was his confessor and minister.

Answered that he has been to confession and received the Holy Sacrament since that time; and at Desmarques it was at the hands of the *curés* who were successively there, Barthelemy Carriere, Jehan Cortail, and the chief priest of Desmarques; and this current year he confessed to the curé of the town and received the Holy Host from the Carmelite who preached the Lenten sermons.

Asked why he has not always received, and especially this past year, his Creator from the curé at Desmarques.

Answered that it was due to business, especially this year, because it happened that on Holy Saturday before Easter the aforementioned curé went to say Mass and he would have had to wait until Sunday, the next day; now he is obliged by his butcher's trade to serve manual workers on Sunday, and also he is a tax farmer

for the *équivalent*<sup>8</sup> and must tend the accounts and the value of his companions' business.

Asked if he said that all the great errors proceed from the Church in which there is more wickedness than in all other living things.

Answered no.

Asked if he said that money given to priests did not profit a deceased soul and that it would be better to keep it to enrich a legacy or similar disposition.

Answered that he never said this.

Asked if one day in the public square of Marvejols accompanied by several residents of the town, he said that it was as valuable to give bread to a dog as to bring offerings to the Church and more so, because the ministers of the Church were merely vilely living devils.

Answered no.

Asked if he said that Masses and veneration of the saints profited little because the priests were not worthy to administer or consecrate the Lord's Body; all the more so because they were lechers and keepers of concubines; and one must adore a sole God who resided in heaven.

Answered that he has never held these notions, although he confesses having said that there is only one sole God; and as for the rest he believes that which Holy Mother Church commands.

Asked if when he made these statements, being in the company of someone who pointed out that they were heretical and contrary to the determination of Holy Mother Church, he nonetheless persisted in his opinion and threatened to strike the person who made the remonstrances.

Answered no.

Asked if he ever prohibited his wife from confessing to the priest and receiving the Lord's Body on Easter, saying to her that if she did so, she could never again eat in his presence.

Answered that as much as he must use prohibitions with respect to his wife, he has always exhorted her to perform the duties of a good Christian, although she has no need of exhortation, because she has never avoided that which a good and faithful Christian must do.

Asked if when told that a daughter of Pierre Cabanes who was crippled began to walk immediately after she had venerated at Saint-Jean-de-Tantillac, which was reputed to be a great miracle, he responded that the girl could walk just as well without praying to Saint Jean and that Saint Jean could not aid her.

Answered that he never said this.

Asked (if he said) that offerings of candles simply serve to maintain the ribaldry of the curé or vicar.

Answered no.

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<sup>8</sup> The *équivalent* of Languedoc, like the *aides* elsewhere in France, was a tax on the sale of merchandise. The Estates of Languedoc negotiated a fixed contribution with the crown and then farmed the tax throughout the province. Martin Wolfe, *The Fiscal System of Renaissance France*, 27–32 and 317–329. Specific information is available in Jacques Vidal, *L'équivalent des aides en Languedoc*.

Asked if he ever said that if one strikes the statue of Saint Jean or any other saint with a knife, it will not bleed and if one puts a lighted candle to it, it will burn.

Answered that he never said this.

Asked if when someone pointed out that these statements and propositions were heretical, he responded that in putting him to death they could not kill his soul.

Answered no.

Asked if on the feast of the Conception of Our Lady in 1554, he worked publicly at Desmarques, making sabots; and when someone chided him he withdrew and went to work in his shop.

Answered no.<sup>9</sup>

Orlhac's answers are remarkable for a man whose illiteracy precluded his signature on the transcript of the interrogation. He could not even affix his initials and settled instead for a simple mark consisting of a half-square surmounted by a cross. The astuteness of this enterprising butcher is particularly striking considering the tremendous pressure placed upon him. His failure, perhaps innocent, to respond to the heresy summons issued eight years earlier could not have weighed favorably.

Orlhac simply denied the alleged statement or action whenever possible. If the response required explanation, he carefully avoided incriminating himself and other members of his family. He protected both his wife and son, stressing the faithful Christian character of the former and the youth of the latter. Orlhac cautiously affirmed the one orthodox statement attributed to him, that there was one sole God. He probably realized that it would be unwise to deny the possibility of contact with Grimaillh, the fellow butcher who had evidently offered testimony in the case. He merely said that he did not remember the name nor the circumstances of the alleged incidents. Above all, he unequivocally denied saying anything which even hinted at heresy.

Adrian Panatier, the son of a spurmaker from Pamiers, pursued a slightly different tack when interrogated by the counsellors Guerin d'Alzon and Louis de Lauselergie on 27 January 1560. He had presented himself to the Parlement following the issuance of a personal summons. The questions once again dealt with the incidents described in the information and the suspect's fulfillment of certain religious obligations. Panatier, on the other hand, responded with more openness and detail than Orlhac. Perhaps the less serious nature of his summons permitted greater confidence.

Asked what is the cause of his summons and why he is being heard and examined.

Answered that he does not know.

Asked if he knows Ramond La Paire, *maître* Lestaigner, the son of Le Petit, *maître* Le Ardonner and the son of *maître* Martin, a locksmith, the servants of

<sup>9</sup> A.D.H.G., B, Tournelle, reg. 49 (12 juin 1554). The transcripts of interrogations, if they survive, are normally quite informative. Cf. Brian Pullan, "'A Ship with Two Rudders': 'Righetto Marrano' and the Inquisition in Venice," 25-58.

Martin, the son of Olholie called Bellan and one called Bedoret, *sousviguier*; and if, in their company, in their homes (and) shops as well as in the streets, at night as well as during the day, they would go outside the town into the fields and assemble in large groups, singing the Psalms of David even though it was prohibited.

Answered that it is true that, without thinking, he has sung the Psalms of David several times while working in his father's shop, until the prohibitions against it were published in the squares of Pamiers by Monsieur d'Alzon and he understood that it was forbidden; and he took special care not to violate the published prohibitions; but he has never attended the aforementioned assemblies nor sung in the company of others either within or outside the town.

Asked what is the reason that he recently ceased attending church as a good Christian is bound, especially on Sunday and other feasts when it is commanded to hear the parish Mass and divine office.

Answered that he does not believe that he has ceased to attend church on Sunday and other feasts to hear Mass and fulfill the other obligations.

Asked if he has confessed and received the Holy Sacrament the preceding feasts of Easter and from whom.

Answered under oath that during the preceding feasts of Easter he confessed at the Dominican monastery of Pamiers to friar Alexandre, a member of the house, and received the holy Sacrament from Jehan de Negratz at the collegial church of Le Camp; both will testify that not only this past year, but also the preceding ones, he confessed and received as a good Christian; and he would not have done otherwise because he wishes to live and die as a good Christian according to the constitutions and commandments of Our Holy Mother Church.<sup>10</sup>

The single piece of serious evidence against Panatier seems to have been that he had sung certain Psalms. Rather than deny the act, he chose to explain the mitigating circumstances.

Although in the two preceding examples the accused protested their innocence, the courts were occasionally successful in obtaining admissions of guilt during the interrogation. These confessions were normally of two types. An individual whose error was minimal might be tempted to confess and at the same time repent. The penitent in such instances might expect a lesser punishment. Anthoine Amasi, a schoolmaster of Albi, confessed to the official of that diocese in 1547. He publicly renounced his error in the ceremony of the *amende honorable* and was banished from Languedoc for one year. Eleven other persons known to have confessed and repented were treated similarly. They received sentences calling for public abjuration of their crime along with fines or banishment.<sup>11</sup> The second type of confession occurred when the accused admitted to beliefs which the court labeled heretical, yet refused to retract them. Jean de Caturce, for example, adamantly maintained beliefs which the vicar of the archbishop of Toulouse and the lieutenant of the Inquisition declared heretical. The martyrologist

<sup>10</sup> A.D.H.G., reg. 79 (1 février 1560).

<sup>11</sup> Ibid., reg. 26 (16 septembre 1547) and (9 novembre 1547), reg. 40 (5 janvier 1552), reg. 42 (25 mai 1552), reg. 45 (27 mars 1553) and (14 avril 1553), reg. 46 (26 septembre 1553), reg. 49 (28 mai 1554) and (3 juillet 1554), reg. 50 (26 octobre 1554), reg. 51 (8 décembre 1554).



Jean Crespin reports that both Jean Joery and Pierre Serre made ample confession of their reformed faith and the Parlement of Toulouse noted in 1554 that François Linhac obstinately persisted in statements contrary to the Christian religion.<sup>12</sup> Such admissions of guilt without recantation insured the most severe punishment. All of the aforementioned burned at the stake.

If the accused confessed in the course of the interrogation, the procureur du roi reviewed the dossier and considered whether to move for final judgment in his conclusions. Voluntary confession precluded the accused's formal defense, save whatever mitigating factors he might wish to raise. Assuming an affirmative decision, only pronouncement and execution of sentence remained. The procureur however did not always desire to conclude the trial, especially if the accused's confession was inconclusive. Although Anthoine Saliceti, for instance, admitted during interrogation to certain religious crimes, his trial continued.<sup>13</sup> Saliceti's confession was apparently less than satisfactory.

When the trial continued, the procureur moved for an interlocutory decree to employ either the ordinary or extraordinary procedure and the court normally followed his recommendation. The ordinary procedure was by inquests (*enquêtes*) and pleadings (*plaidoiries*) and permitted the accused to be released on bail. The prosecutor's call for the ordinary procedure meant the criminal case was not worth pursuing. Any further litigation would take the form of a civil action between the disputing parties and was, as such, a rarity in instances of heresy. The judiciary invoked the extraordinary procedure for grave crimes which demanded rigorous adjudication. These serious offenses included heresy and, already in 1541, Francis I instructed the courts to proceed against heretics according to the extraordinary procedure. Its distinguishing feature was the confrontation of the accused with the witnesses (*accarations et confrontations des témoins*). The procedure, moreover, was conducted in secret and permitted the application of torture.<sup>14</sup>

The ruling for the extraordinary action once made, the court fixed a day to proceed with the confirmations and confrontations of witnesses. The number of witnesses summoned and the length of the delay within which they were to appear naturally varied from case to case. The usual stated delay was one or two weeks. On 20 May 1547, the Parlement ordered the royal prosecutor to produce in person within fifteen days the seven witnesses named in the proceedings against Anthoine de Montejudeo.

<sup>12</sup> Ibid., reg. 50 (16 octobre 1554). A.D., Aude, H 418, fo. 67v<sup>o</sup>–69. Crespin, *Histoire des martyrs*, 2: 30–31 and 160.

<sup>13</sup> A.D.H.G., B, Tournelle, reg. 14 (29 octobre 1543). Doucet, *Institutions*, 2: 536–537. Esmein, *La procédure criminelle*, 143. Imbert, *La pratique judiciaire*, 630–631. Isambert, *Recueil général*, 11: 364–365 and 12: 630–631.

<sup>14</sup> A.D.H.G., B 1902, fo. 206v<sup>o</sup>. Doucet, *Institutions*, 2: 537. Esmein, *La procédure criminelle*, 136–138 and 143–145. Guenois, *Conférence des ordonnances*, 100. Isambert, *Recueil général*, 11: 364–367 and 12: 630–633. Langbein, *Prosecuting Crime*, 231.



The eight witnesses called to appear in the trial of Jacques Frine, a carpenter of Lectoure, in 1551 were granted a delay of eight days. And the delays could be longer in actual practice due to repeated postponements and renewals.<sup>15</sup>

The judge, whose knowledge in the case thus far derived from his familiarity with the dossier of the information and his examination of the accused, first heard the witnesses individually and separately. Each was sworn and, without acquainting him with the contents of his original deposition contained in the information, the judge questioned him regarding the accusation and asked him to summarize his testimony. The purpose was to ascertain that his statements were substantially the same as those contained in the deposition. Afterwards, the original deposition was read to the witness and he was asked in what ways he would confirm, alter or correct it.<sup>16</sup> The actual confrontation of the witness with the accused followed.

The confrontation had several purposes. It obviated the problem of mistaken identity. The witness had to affirm solemnly that the accused was the person of whom he spoke in the deposition. At the same time, it permitted the accused, again without benefit of counsel, to state his objections to the witness. This was his first and only opportunity to do so. The ordinance of Villers-Cotterets stated that the accused must offer his objections prior to the reading of the deposition. After the reading, he would no longer be permitted to state or allege any objections (*reproches de témoins*). The requirement seems unfair, but it did force the accused to disassociate his objections to the person of the witness from his objections to the substance of the testimony. Once the objections had been put forth, the court proceeded with the reading of the deposition. The judge requested the witness to confirm it and permitted the accused to contest it. This confrontation procedure and subsequent reading of the deposition was repeated for each witness.<sup>17</sup> Only upon completion of this stage of the trial would the court consider the question of release on bail and entertain whatever defense the accused might offer.

Release on bail is a complex question whose solution is to be found more in the realm of judicial practice than theory. The records of the Parlement of Toulouse reveal that between 1500 and 1560 some 168 persons charged with heresy, nearly 16 per cent of the total 1074 suspects, were freed on bail. Yet the circumstances surrounding their release varied widely.

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<sup>15</sup> A.D.H.G., B, Tournelle, reg. 25 (20 mai 1547); reg. 38 (6 octobre 1551). Esmein, *La procédure criminelle*, 144–145. Imbert, *La pratique judiciaire*, 638–641. Langbein, *Prosecuting Crime*, 231–232.

<sup>16</sup> Esmein, *La procédure criminelle*, 145–146. Imbert, *La pratique judiciaire*, 643–645. Langbein, *Prosecuting Crime*, 233.

<sup>17</sup> Damhouder, *Pratique*, fo. 24v<sup>o</sup>–25. Esmein, *La procédure criminelle*, 146–147. Imbert, *La pratique judiciaire*, 648. Isambert, *Recueil général*, 12: 632. Langbein, *Prosecuting Crime*, 233–234.

Prevailing statutes and theory provided that in cases of heinous crimes, justiciable according to the extraordinary procedure, bail was refused until completion of the confrontations and verifications of testimony. Not only did the courts desire a firmer notion of the gravity of the affair before granting or refusing bail, but they sought to avoid falsification of the modes of evidence and in particular the subornation of witnesses.<sup>18</sup> An obvious exception which permitted earlier release was an instance of critical illness or infirmity. The Parlement granted bail to twelve ailing or aged heresy defendants, though it did place half of them under house arrest.<sup>19</sup>

Normal release on bail, upon conclusion of the confrontations and verifications of witnesses, resulted from a variety of reasons. The court allowed two men to post sureties of 200 and 1000 livres respectively that they might be at liberty for the celebration of Christmas 1551. Several individuals were granted bail pending their transfer to another jurisdiction for execution of sentence. The Parlement freed at least seven persons on bail as they awaited the disposition of their appeals from lower tribunals.<sup>20</sup> And another twenty-seven accused heretics secured provisional liberty while the court examined the witnesses summoned on their behalf and investigated *ex officio* whatever defenses they had raised.<sup>21</sup> Taken together, the various instances of bail heretofore described account for 56 persons, one-third of the 168 defendants who so benefited. The remaining 112 individuals constitute a distinctly different group. The Parlement released them on their own recognizance (*cautions d'eux-mêmes*) and without geographic restriction (*partout*). It merely instructed that there be further inquiry (*il sera plus amplement informé*) into the charges against them.

This practice of indefinite release on simple recognizance pending further investigation, the *plus amplement informé*, demands closer examination.<sup>22</sup>

<sup>18</sup> Damhouder, *Practique*, fo. 21–22v°. Esmein, *La procédure criminelle*, 152–153. Imbert, *La pratique judiciaire*, 658–660. Isambert, *Recueil général*, 12: 631. Papon, *Recueil d'arrests*, 1314. Annik Porteau-Bitker, "Le système de l'élargissement sous caution en droit criminel français aux XIIIe et XIVe siècles," 79–80. The Inquisition was equally strict regarding release on bail. Eymeric, *Directorium Inquisitorum*, 638–640.

<sup>19</sup> A.D.H.G., B, Tournelle, reg. 38 (3 novembre 1551), reg. 40 (10 février 1552), reg. 42 (4 juin 1552) and (10 juin 1552), reg. 43 (1 juillet 1552) and (17 septembre 1552), reg. 44 (7 janvier 1553), reg. 46 (14 août 1553), reg. 49 (6 juin 1554) and (31 juillet 1554), reg. 53 (15 juin 1555), reg. 63 (19 juin 1557).

<sup>20</sup> Ibid., reg. 12 (23 septembre 1542), reg. 24 (14 décembre 1546), reg. 37 (30 juillet 1551), reg. 38 (3 novembre 1551), reg. 39 (17 décembre 1551) and (24 décembre 1551), reg. 40 (5 février 1552), reg. 41 (3 mars 1552) and (23 mars 1552), reg. 49 (6 juin 1554), reg. 50 (12 septembre 1554); B 24, fo. 193.

<sup>21</sup> Ibid., B 32, fo. 352v°; B, Tournelle, reg. 20 (15 février 1546), reg. 22 (8 juin 1546), reg. 38 (14 octobre 1551) and (5 novembre 1551), reg. 40 (5 février 1552) and (6 février 1552), reg. 43 (8 novembre 1552), reg. 44 (31 décembre 1552), reg. 46 (23 août 1553), reg. 49 (25 mai 1554) and (1 juin 1554), reg. 50 (2 août 1554), (1 septembre 1554) and (12 septembre 1554), reg. 51 (27 novembre 1554) and (6 décembre 1554), reg. 64 (27 août 1557) and (9 novembre 1557), reg. 74 (13 mai 1560).

<sup>22</sup> Only the *plus amplement informé indéfini* is considered here. A *plus amplement informé à temps* also existed and was invoked under different circumstances, for other jurisdictions,

The ordinance of Blois (1498) provided that if nothing had been learned through the extraordinary procedure, the court could hear the parties and admit them to the ordinary action. Yet this would not appear to be the Parlement's intention as civil litigation under the ordinary procedure was practically nonexistent for heresy. The more likely explanation is that the tribunal followed a modified version of the rules set forth in royal legislation.

Where criminal fault appeared minimal or virtually unprovable, the Parlement probably preferred to release the defendant subject to recall should future investigation warrant it. In 1554, for example, the official of the diocese of Castres conducted an information which led to the arrest of six persons on the charge of heresy. They were imprisoned at Toulouse and their trial transferred to the Parlement. Following the interrogation, the high court decided to proceed against two of them according to the extraordinary action. As for the other four, it simply ordered further investigation into the charges and, meanwhile, released them on their own recognizance.<sup>23</sup> It is doubtful that the court meant to pursue the latter suspects actively. Yet it was unwilling to exonerate them completely. The court left the charges outstanding in the event that it should obtain new evidence at a future date.

This interpretation gains support when several other factors are considered. A number of persons released on bail pending further inquiry had already received minor punishments. The court fined one woman fifteen livres tournois before releasing her under the provision of *plus amplement informé*. On two other occasions, the court decreed that books found in the possession of the accused be burned prior to implementation of bail. And in several instances, bail pending further investigation came only after appeal to the Parlement from the decision of an inferior jurisdiction. The appeal was denied in each case.<sup>24</sup> Finally, the Parlement does not seem to have undertaken new investigations. None of the persons granted bail in this manner reappear in the court records. Bail with the *plus amplement informé* was itself a final action.

The sixteenth-century jurist Jean Papon observed that the release of the accused on bail after the extraordinary action was equivalent to discharge.<sup>25</sup> Yet it was considerably less than acquittal. The Parlement of Toulouse

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and at different times. Esmein, *La procédure criminelle*, 244–245. John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime*, 52–55. Bernard Schnapper, "La répression pénale au XVI<sup>e</sup> siècle; l'exemple du Parlement de Bordeaux (1510–1565)," 16–20 and 53. Schnapper, "Parlement de Paris," 260–262.

<sup>23</sup> A.D.H.G., B, Tournelle, reg. 49 (28 juin 1554).

<sup>24</sup> *Ibid.*, reg. 38 (3 novembre 1551), reg. 43 (30 octobre 1552), reg. 45 (28 février 1553), reg. 49 (21 juillet 1554), reg. 51 (19 janvier 1555), reg. 73 (1 mars 1560).

<sup>25</sup> "Elargissement d'un accusé partout apres le procès extraordinaire fait, encor qu'il soit chargé de bailler caution, vaut absolution. . . ." Papon, *Recueil d'arrests*, 1314. Other sixteenth-century juriconsults, such as Jean Imbert, *La pratique judiciaire*, 660, made similar observations. Schnapper, "Parlement de Paris," 261–262.

demonstrated a remarkable aversion to absolution pure and simple for heresy,<sup>26</sup> especially if strong suspicion of guilt remained. Complete exoneration would have provided the defendant a ready defense in the event that new and incriminating evidence was discovered. Rather than declare them innocent, the Parlement chose to release on indefinite bail 112 persons, more than 10 percent of the 1074 heresy suspects. Bail, in this sense, was quite different from provisional liberty awaiting or during trial.

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<sup>26</sup> Both the medieval inquisitor Nicolas Eymeric and his early modern commentator Francesco Pegna cautioned against absolving and declaring innocent a heresy defendant. Eymeric, *Directorium Inquisitorum*, 475.

## VIII. Defense and Torture

The defense permitted the accused heretic was restricted and indirect. Though his responses to the judge during the initial interrogation were basically aimed at exculpation, the formal defense did not begin until the confrontation. He then had the privilege of replying more fully to the evidence and a limited opportunity to examine the witnesses produced by the prosecution. However, he did not receive a written transcript of the testimony against him; the court only provided him an oral reading. The rules of royal criminal procedure further denied the accused assistance from legal counsel in the organization and conduct of his defense. He could not even summon witnesses on his own behalf unless the prosecuting attorney, the procureur du roi, allowed. In this sense, the prosecution controlled the defensive proceedings. Prevailing theory approved these limitations as expeditious. The grant of counsel, it was said, would merely prolong and retard the proceedings.<sup>1</sup> A negative fact such as nonculpability, moreover, required no proof. In the event that the accused's guilt was not legally proven by the witnesses for the prosecution, any proof on the part of the defendant was regarded as useless. If, on the other hand, the evidence sufficiently established that a crime had been committed and that the accused was the perpetrator of it, he could only rebut the testimony by means of the objections to witnesses which he had alleged at the confrontation; or prove that the witnesses had been suborned; or finally, offer certain affirmative facts which formed his justification. Finally, proof offered in the accused's defense always had to be in support of some fact distinct from that proven by the prosecution and the defendant could not produce this proof until the prosecutor completed presentation of his case.<sup>2</sup>

Accused heretics did at times defend themselves adequately. Acceptable challenges to the persons of the witnesses, typically based on mortal enmity, were not unknown. A priest and two notaries from the diocese of Cahors sustained their objections to the witnesses who testified against them in 1546. The objections alleged by Blaise Goubert, a resident of Minerve, were equally successful. They enabled him to secure acquittal in 1560. Another useful defense tactic designed to discredit witnesses for the pros-

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<sup>1</sup> Commentators on the ecclesiastical Inquisition, though more willing to permit defense counsel, questioned its value for the same reasons. Eymeric, *Directorium Inquisitorium*, 445–449.

<sup>2</sup> Esmein, *La procédure criminelle*, 142–148. Imbert, *La pratique judiciaire*, 647–649. Langbein, *Prosecuting Crime*, 234–239.

ecution was to argue that they had been suborned. Claude Ales made exactly this claim during his trial in 1552.<sup>3</sup>

A somewhat different and less negative defense was the advance of justificative facts (*faits justificatifs*). These precise affirmative facts had to be quite distinct from the proofs offered by the prosecution and were of two kinds. Some proved the innocence of the accused indirectly, but beyond dispute. In 1547, for example, the Parlement of Toulouse charged Barthélemy Augier with heresy. He secured his release by producing a sentence of absolution rendered by the Inquisition of Toulouse for the crime in question. Arnauld Helye made a similar contention when on trial before the Parlement ten years later. Other justificative facts, without rebutting the facts established by the prosecution, deprived them of all criminality. Paul de Venetan, a baker from Castres, did not deny that certain forbidden songbooks penned in longhand had been found in his home. He merely argued that since he could neither read nor write, he could not have copied them or known of their contents.<sup>4</sup> The court usually required that justificative facts be raised during the initial interrogation, much as personal challenges to witnesses had to be lodged at the moment of the confrontation. And while they were the only formal modes of exculpation afforded the accused, it still remained that he be allowed to prove them.

All of the documents amassed during the trial, the information, interrogation, confrontations and confirmations, were communicated to the royal prosecutor. If he found that the defendant had pleaded any lawful and admissible facts concerning objections or any peremptory facts favoring his acquittal, he moved that the accused promptly name the witnesses by whom he intended to establish these facts. The alternatives to the examination of defense witnesses were two: the use of judicial torture or final judgment. Assuming the procureur du roi favored the presentation of the accused's defense, he so indicated in written conclusions addressed to the judge or judges. The court, which could always disallow a defense hearing, then ruled on the motion.

Estienne Geynet, on trial for heresy before the presidial court of Nîmes in 1553, objected that several men who offered testimony against him were motivated by malice. He further indicated one or two persons of good standing who would attest to his observance of the precepts of the Church. On 9 October, the court assembled and discussed whether to proceed with final judgment or examine the personal challenges to witnesses and peremptory facts alleged by Geynet. Four members, including the lieutenant principal, favored the admission of Geynet's defense. The six

<sup>3</sup> A.D.H.G., B, Tournelle, reg. 22 (5 juillet 1546), reg. 43 (9 août 1552), reg. 73 (8 mars 1560). The problem of challenges to witnesses is treated by Bernard Schnapper, "Testes inhabiles: les témoins reprochables dans l'ancien droit pénal," 575–616.

<sup>4</sup> A.D.H.G., B, Tournelle, reg. 26 (3 novembre 1547), reg. 49 (16 juin 1554), reg. 64 (17 septembre 1557). On the subject of *faits justificatifs*, see André Laingui, *La responsabilité pénale dans l'ancien droit (XVIe–XVIIIe siècle)*, 254–350.

others in attendance, including the lieutenants criminel and particular and the official for the archdiocese of Arles, voted for immediate and final judgment. Sentencing was thus fixed for 12 October.

When the tribunal decided in the affirmative and wished to admit proof of the objections and justificative facts, it required the defendant to indicate at once, usually within three days, all the witnesses by whom he intended to sustain his defense. The witnesses were, in turn, heard and examined *ex officio* by the court or its commissioners, at the expense of the accused and without his presence. The suspected heretic could not even participate directly in his own defense.<sup>5</sup>

The scope of the inquest *ex officio* naturally depended upon the objections and facts alleged by the defendant. The court issued precise instructions to its deputies regarding that which they were to determine. A frequent subject for verification was the accused's practice of confessing and receiving the Eucharist during the Easter season.<sup>6</sup> Equally common was the directive for inquiry into the life and general reputation of the defendant.<sup>7</sup> On 27 June 1554, the Parlement of Toulouse decided upon an inquest *ex officio* in the trial of Anthoinete Huyllète plainly delineating the matters to be investigated:

First there will be inquiries concerning the life, reputation and devotion of the said Huyllète and if she frequently attends church.

If she has had reverence for the ministers of the Church.

If she received often the Holy Sacrament of the Altar.

The Prior of Clarensac will be heard whether he administered the Holy Sacrament of the Altar to the said Huyllète this past Easter and on other occasions.

Anthoinete Givaudant, Catherine La Fouemère and a certain Le Vis, all residents of Nîmes, will also be heard whether they saw the said Huyllète receive the Holy Sacrament of the Altar this past Easter.<sup>8</sup>

The particulars requiring confirmation in the defense of Marie Durante, a native of Pezenas, were much the same:

First, if the said Durante, presently imprisoned, lived and lives Catholically, frequently attending church, hearing Mass (and) confessing; and if she annually performs her Easter duty and other acts of a good Christian.

<sup>5</sup> Esmein, *La procédure criminelle*, 146–149. Imbert, *La pratique judiciaire*, 647. Isambert, *Recueil général*, 12: 632–633. Puech, *La Renaissance à Nîmes*, 62–65.

<sup>6</sup> A.D.H.G., B, Tournelle, reg. 14 (29 octobre 1543), reg. 40 (10 février 1552) and (19 février 1552), reg. 42 (24 mai 1552), reg. 49 (27 juin 1554), reg. 50 (2 août 1554), (18 août 1554), (24 août 1554) and (12 septembre 1554).

<sup>7</sup> Ibid., reg. 14 (29 octobre 1543), reg. 20 (15 mars 1546), reg. 36 (14 mai 1551), reg. 40 (6 février 1552), (10 février 1552) and (19 février 1552), reg. 42 (24 mai 1552), reg. 44 (31 décembre 1552) reg. 49 (16 juin 1554), (27 juin 1554) and (24 juillet 1554), reg. 50 (2 août 1554), (29 août 1554), (1 septembre 1554) and (12 septembre 1554), reg. 53 (1 avril 1555), reg. 54 (26 août 1555), reg. 63 (3 juin 1557).

<sup>8</sup> Ibid., reg. 49 (27 juin 1554).



If this present year she confessed and performed her Easter duty and where.

With respect to this, the vicars of the parishes for the past six years, the principal religious of the monasteries, and also the guardians, prelates, sacristans, vicars, preachers and councilmen (*consuls*) of the town of Pezenas will be heard.

If she often requested Masses to be said, thus making offerings to the Church.<sup>9</sup>

The defenses offered by these two women were simple and straightforward. They were good, practicing members of the faithful and proper investigation by the court would establish the proof of this fact.

Another recurrent purpose of the inquest *ex officio* was a determination of the accuracy of the defendant's objections to the persons of witnesses. The locksmith Jehan Grand du Rie named four reputable residents of Montpellier who would attest to the fact that the testimony against him was hateful and malevolent. The Parlement instructed its commissioners to question the notary and three monks concerning the

. . . dispute and debate which the said prisoner claims to have had with Pierre Fignière, his father-in-law, the wife and brother-in-law of the said Fignière, and M. Pierre du Mas, a priest, all witnesses against him, (and) of the beating committed on the person of the prisoner . . .<sup>10</sup>

The high court initiated a similar investigation in 1552 when Claude Besonnet contended that the witnesses against him were motivated by "enmity and malice." Several years later Anthoine Malecare, a notary of Castres, defended himself with the argument that "his mortal enemy" had denounced him as a heretic for the express purpose of vengeance. The Parlement looked into the matter.<sup>11</sup>

Other investigations *ex officio* were unique in that they dealt with the exact circumstances of the criminal acts allegedly committed by the defendants. Pierre Peloux, a licencié of Gimont, did not dispute the claim that he had spoken with Barthélemy Romanes, a Franciscan monk who had spent time in Geneva. He further admitted that he had accepted from Romanes a book which he burned shortly thereafter because of the religious errors contained in it. He named three witnesses to the innocent nature of his conversation with Romanes and to the fact that he had burned the book upon learning of its contents. Accordingly, the Parlement assigned deputies to examine these individuals.<sup>12</sup>

The court added the official report of the inquest *ex officio* to the other trial records and again transmitted the dossier to the procureur du roi. His recommendations or conclusions could be definitive and demand final judgment; or he could issue provisional conclusions, calling for continuation

<sup>9</sup> Ibid., reg. 50 (18 août 1554).

<sup>10</sup> Ibid., reg. 40 (10 février 1552).

<sup>11</sup> Ibid., reg. 42 (24 mai 1552), reg. 54 (26 août 1555).

<sup>12</sup> Ibid., reg. 46 (30 octobre 1553).

of process and application of torture. The examination of the accused under torture was possible in the adjudication of serious crimes—heresy, witchcraft, treason, homicide, theft, forgery and the like—whose punishment involved “blood sanctions,” death or maiming. The Roman-canon standard of proof sufficient for conviction of heinous crimes required either two wholly unimpeachable eyewitnesses or the defendant’s voluntary confession before the judge. Anything less did not constitute full proof. Circumstantial evidence (*indicia*) was inadequate for conviction and condemnation to capital punishment, but under certain circumstances it did suffice for authorization to torture. Coercion, in this sense, secured the vital confession. The chief safeguard against irresponsible use of torture was the requirement of half proof. A suspect could not be tortured unless there was either one eyewitness, or grave incriminating evidence. Though there was considerable discussion among jurists regarding the exact constitution of the half proof, it did set limits for invocation of judicial torture.<sup>13</sup>

Royal ordinances and internal regulations of the Parlement provided a framework for the administration of torture at Toulouse. The decision was to be carried out promptly, the same day or the next, unless there was an appeal which required prior adjudication. The judge himself presided over the session while a notary kept a written record and two honorable men, usually lawyers, assisted. The procureur du roi probably attended and, of course, those skilled in the use of the instruments were there. Torture could never kill or mutilate the defendant. The imprudent magistrate who failed to observe this principle was liable to strict punishment. The Parlement proscribed certain barbarous procedures such as the strappado, hanging the victim by his arms from a pulley on the ceiling. Heavy weights were attached to his feet; he was slowly raised and suddenly allowed to fall with a jerk. The effect was to distend and perhaps dislocate the arms and legs. The Parlement could not, however, prevent subalternate jurisdictions, the seneschalsies, from employing the strappado and the actual methods of torture varied from one locality to another. The most common appear to have been forms of the boot, the rack, or water torture. And once completed, torture could not be reapplied without substantial new evidence or a more profound understanding of the affair.<sup>14</sup>

Whatever the methods and restrictions placed upon them, the tribunals

<sup>13</sup> Damhouder, *Practique*, fo. 35–36 and 49–49v°. Piero Fiorelli, *La tortura giudiziaria nel diritto comune*, 1: 243–248 and 2: 1–39. Langbein, *Torture*, 3–4 and 13–16. Schnapper, “Parlement de Bordeaux,” 20–27. Schnapper, “Parlement de Paris,” 260–266. Schnapper, “Testes inhabiles,” 577 and 589–606. Viala, *Parlement de Toulouse*, 1: 413–414. Mirjan Damaska, “The Death of Legal Torture,” 860–884 ought to be read in conjunction with John H. Langbein’s study, *Torture and the Law of Proof*.

<sup>14</sup> Damhouder, *Practique*, fo. 42–44v°. Dupont-Ferrier, *Officiers-royaux*, 395–397. Esmein, *La procédure criminelle*, 148–149. Fiorelli, *La tortura*, 2: 143–154. Imbert, *La pratique judiciaire*, 651–652 and 684–685. Isambert, *Recueil général*, 11: 365–366 and 12: 633–634. Langbein, *Prosecuting Crime*, 239–241. Langbein, *Torture*, 13–16. Viala, *Parlement de Toulouse*, 1: 414–415.

of Languedoc could and did use torture in instances of heresy. The records of the criminal chamber of the Parlement indicate that at least twenty-eight heresy suspects were tortured prior to 1560, seventeen of them during the course of their trial, the other eleven after they had been condemned. The ordinary use of torture prior to final sentencing was known as *question préparatoire*; torture before the execution of capital sentence was called *question préalable*. The court tortured these convicted heretics to learn the names of their accomplices<sup>15</sup> and, in one case, to ascertain whether the condemned had been sent from Geneva to spread religious error. Claude Dimenche's revelation of a single accomplice is the sole verified success attributable to the technique.<sup>16</sup>

The questions put to defendants who were tortured as an ordinary part of their trial were not meant to differ greatly from those posed in the original interrogation. Suggestive questioning served no good purpose. The thorough judge desired detailed responses which only the perpetrator of the crime could know. He sought to elicit additional reliable evidence. And if the accused offered a confession, the precise information which he provided confirmed it. The uninformed confession possessed little value.<sup>17</sup> The Parlement thus directed its questions at the particulars of the offense when it drew up a list for the examination under torture of Arnould Esculier and Pierre d'Alemans:

First, they will be interrogated as to where they originally came from; where they have lived for the past five years; whom they have known during that time; and what occupation (*métier et office*) they pursue.

If during that time they resided at Montech (and) how long; and with whom did they associate?

How long have d'Alemans and Esculier, prisoners, known each other and where did their acquaintance originate?

If they know M. Pierre Borrelle, M. Jehan del Bose, a priest, and Anthoine de Puy; for how long; and where did their acquaintance originate?

How long have they associated and where?

Where were they this past Christmas, especially Christmas day?

<sup>15</sup> The practice of torturing convicted heretics to discover their accomplices seems to have developed gradually during the first half of the sixteenth century in France. Fiorelli, *La tortura*, 1: 111–113. Langbein, *Torture*, 16.

<sup>16</sup> A.D.H.G., B 92 1 fo. 87; B, Tournelle, reg. 13 (10 avril 1543), reg. 18 (7 septembre 1545), reg. 21 (14 avril 1546), reg. 24 (16 novembre 1546) and (5 février 1547), reg. 26 (9 août 1547), (23 septembre 1547) and (9 novembre 1547), reg. 27 (16 janvier 1548), (27 janvier 1548) and (3 mars 1548), reg. 28 (18 juillet 1548), reg. 31 (4 juillet 1549) and (5 juillet 1549), reg. 37 (14 août 1551) and (17 août 1551), reg. 38 (25 septembre 1551), reg. 40 (8 février 1552), reg. 50 (23 août 1554), (29 août 1554), (6 septembre 1554), (12 octobre 1554), (13 octobre 1554), (16 octobre 1554) and (26 octobre 1554), reg. 63 (29 mai 1557), (3 juin 1557) and (5 juin 1557). Langbein, *Torture*, 16–17. Schnapper, "Parlement de Paris," 262–264.

<sup>17</sup> Fiorelli, *La tortura*, 2: 66–67. Langbein, *Torture*, 5 and 15.

If, on the morning of Christmas day around seven o'clock, d'Alemans, Esculier, Borelle and a boy from Pomarez named Anthoine would have been in the outskirts (*faubourgs*) of the town; and is this where they lived?

If, being near the cross of Saint-Jacques by the ravine at Montech and looking at the cross, they saw Jehan Fontrie coming from town; and if they made him pass behind so that he could not hear the conversation between them?

Where did they sup the evening of Christmas?

If they assembled after supper; who called them together; and where did they go?

If they met Borrelle, del Bose and de Puy; and if they went through the town singing, "*Reveillez vous, reveillez;*" and did d'Alemans and Esulier bring their swords?

If, going through the town of Montech, they rolled two small barrels which were in the town square?

If they rolled one of the barrels as far as the town *hôpital* where there is a statue of Mary Magdalene?

If, while they sang "*Reveillez vous, reveillez*" in front of the house belonging to the tinker Pierre Giraud, Esculier struck the statue several times with his sword, especially on the nose; and if they cut the arm which held the mite box?

If that night they went to the outskirts of Montech to the cross and oratory of Saint-Roch; and if they took the saint's statue and threw it into a well?

If, afterwards, they also went to the cross and oratory of Saint-Jacques near the ravine; and if they took the cross and threw it into the ravine?

If, the same night about two hours after midnight, they went to the church of Notre-Dame de La Falhade and circled it three times; and for what purpose?

And which of them carried a baton in his hands?

If, upon leaving the church of Notre-Dame de La Falhade, they went to the square which is on the road coming from the church of Saint-Blaise and where there is a memorial to the deceased M. Anthoine Perignon; on it there is a statue of the "*Ecce Homo*" and another of Our Lady and Saint Joseph fleeing into Egypt; and if they threw stones at these statues and broke them?

If that night they knocked down the statue of Our Lady which was on the corner of the house belonging to Jehan Flonchard near the Porte de la Galle? If they struck the statue with the baton, causing it to fall?

If that night they went down the rue Torte, passing before the homes of Anthoine Sorbi and M. Bernard Chabbre?<sup>18</sup>

The court had a detailed account of the various iconoclastic incidents and sought additional explanation and confirmation from d'Alemans and Es-

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<sup>18</sup> A.D.H.G., B, Tournelle, reg. 27 (16 janvier 1548).

culier. The pair evidently broke under torture, for less than two weeks later they were condemned to death.<sup>19</sup>

A theoretical precaution favoring the accused was the stipulation that he freely ratify his confession a day or so after the ordeal. No one could be condemned because of a confession made under torture if he did not persist in that confession for a sufficient period of time thereafter. Voluntary repetition validated it. If the accused refused to adhere to his confession and actually retracted it, the court could not simply torture him anew. The ordinance of Blois (1498) specified that torture could not be reapplied without substantial new evidence. The extent to which the tribunals complied with these limitations is debatable. The definitions of new evidence and a single session of torture were apparently stretched upon occasion. Even the requirement for voluntary ratification of confession was altered. The jurist Jean Imbert reports that because many persons would totally deny whatever they confessed under torture, it became customary to condemn upon the confession made under torture if it conformed generally to the contents of the information.<sup>20</sup>

Despite the preceding remarks, the severity and frequency of torture in heresy trials should not be overestimated. The Parlement distinguished degrees of torture which were less than full application. The court was sometimes content to brandish the instruments and thereby intimidate the accused. The Grands Jours held at Béziers in 1550 instructed that Barthélemy Philibert be tortured "moderately" in order to learn the truth about the heresy attributed to him.<sup>21</sup> Furthermore, magistrates do not appear to have utilized torture as a means to secure a conviction more serious than would have been otherwise possible. Bernard Manuel and Anthoine Perrin successfully maintained their innocence when examined under torture and were subsequently freed on their own recognizance. The final sentence is known for thirteen individuals subjected to torture during the course of their trial. Only six perished at the stake; the other seven were fined, banished or imprisoned. Torture did not always produce full proof of heresy and here the court invoked milder punishment.<sup>22</sup>

<sup>19</sup> Ibid., reg. 27 (27 janvier 1548).

<sup>20</sup> Damhouder, *Practique*, fo. 44–44. Dupont-Ferrier, *Officiers royaux*, 398. Esmein, *La procédure criminelle*, 99–100 and 150. Esmein, *Continental Criminal Procedure*, 113–114. Fiorelli, *La tortura*, 2: 117–124. Imbert, *La pratique judiciaire*, 654–657. Isambert, *Recueil général*, 11: 366. Langbein, *Prosecuting Crime*, 241. Langbein, *Torture*, 15–16.

<sup>21</sup> A.D.H.G., B 92 1, fo. 87; B, Tournelle, reg. 31 (4 juillet 1549) and (5 juillet 1549), reg. 50 (23 août 1554) and (29 août 1554). Schnapper, "Parlement de Paris," 262–264.

<sup>22</sup> Pertinent to the matter of not using torture as a means to obtain a conviction more serious than otherwise possible are the remarks of Damaska, "The Death of Legal Torture," 865–869. A.D.H.G., B, Tournelle, reg. 21 (14 avril 1546), reg. 24 (5 février 1547), reg. 27 (27 juin 1548), reg. 38 (25 septembre 1551), reg. 40 (8 février 1552), reg. 50 (6 septembre 1554), (12 octobre 1554) and (26 octobre 1554), reg. 63 (3 juin 1557) and (5 juin 1557). Alfred Soman, "Les procès de sorcellerie au Parlement de Paris (1565–1640)," 804–805 and "The Parlement of Paris and the Great Witch Hunt (1565–1640)," 40–42 touches upon the moderate and scrupulous application of torture by the Parlement of Paris.

The twenty-eight accused heretics who suffered torture represent approximately 3 percent of the 951 individuals charged with heresy in Languedoc between 1540 (when the Parlement became directly responsible for prosecution) and 1560. The rate may be slightly undervalued, but not abnormally so. Even with allowances for missing documentation, it compares favorably with estimates for parlements elsewhere in France. The Parlement of Bordeaux, which administered a smaller geographic area than its sister institution at Toulouse and whose archives are far less complete, tortured eleven (2 percent) of 477 suspected heretics between 1541 and 1559.<sup>23</sup> The proportion was somewhat higher for the Parlement of Paris. Between 1540 and 1546, it examined 6.5 percent of the accused heretics (24 of 370 persons) under torture.<sup>24</sup> The infamous *chambre ardente* cited 557 heresy suspects at Paris between May 1547 and March 1550. Fifty-five of them (10 percent) suffered torture.<sup>25</sup> Though the rates for the application of torture in heresy cases vary a good deal, running as low as 2 percent and as high as 10 percent, they are uniformly lower than the proportions for other serious crimes.

A study by Bernard Schnapper of criminal justice rendered by the Parlement of Paris concentrates on two annual sessions, 1535–1536 and 1545–1546. His findings on the application of torture for major criminal offenses confirm the low incidence in heresy cases, especially when compared to other crimes.

Offense	Number Accused	Number Tortured	Percent Tortured <sup>26</sup>
Homicide	227	48	21%
Theft	176	40	23%
Forgery	84	25	30%
Heresy	184	12	7%
All Crimes	903	152	17%

The frequency of torture for heresy is strikingly lower than for other serious crimes as well as all crimes taken together.

Schnapper's explanation for the relative rarity of torture in heresy proceedings addresses itself to the confession which torture was designed to elicit. A good number of accused heretics, he argues, voluntarily confessed their reformed faith, thus obviating the need to coerce it. While the theory cannot be discounted in its entirety, the abundant evidence of confession required for its support is absent. Open and free declarations of faith by reformed Christians are insufficient to account for the lesser frequency of

<sup>23</sup> The *arrêts* are published in Patry, *Débuts de la réforme*.

<sup>24</sup> Pierre Imbart de La Tour, *Les origines de la réforme* 4, Calvin et l'institution chrétienne, ed. Jacques Chevalier, 370.

<sup>25</sup> The *arrêts* are published in Weiss, *La chambre ardente*.

<sup>26</sup> Schnapper, "Parlement de Paris," 258–265.



torture in the trial of heresy as opposed to other heinous crimes. Additional factors deserve consideration.

The crime of heresy tended to be more communal and less specific than homicide, theft and forgery. The latter offenses were typically committed by one individual or at most a small, closed and tight-knit group of conspirators. The perpetrator acted surreptitiously and avoided recognition. The solitary and furtive character of homicide, theft and forgery left few eyewitnesses and increased the likelihood that the court would resort to torture in the absence of full proof. Heresy was a more social activity. Believers frequently assembled for religious purposes—prayer, Bible study and preaching—and proselytizing efforts, even when guarded, entailed contact with persons outside the group and incriminating explanations of belief. Greater opportunity existed for personal testimony against heresy suspects and thereby diminished the necessity for judicial torture. A second and related consideration is that the criminal acts associated with homicide, theft and forgery limited and circumscribed the choice and number of suspects. The courts sought to identify persons who might be held responsible for singular and precise deeds. Accusations were thus restricted to a small group which met specific requirements. Once arrested and charged, however, the defendant could expect his trial to move through all procedural phases to a definitive conclusion, usually conviction.<sup>27</sup> Heresy depended less on the commission of a particular act. It was intellectual error<sup>28</sup> and the courts tended to investigate, summon and interrogate suspects on the basis of evidence less compelling and rigorous than that required for the prosecution of other serious crimes. As a result, the trials of many accused heretics never reached the point of torture, having failed to go beyond the initial stages of judicial process. Either the evidence was insufficient to sustain the charge or the offense proved minor and deserved but mild punishment.

Following the administration of torture, or if the conclusions of the royal prosecutor had been definitive at the outset, the judge or judges examined in private the trial documents. Usually, though not always, the clerk of the court recorded the opinions of the participants in the deliberation. The court occasionally questioned the accused one final time before passing judgment. As in the preceding phases of the trial, the defendant was denied benefit of counsel. The deliberation upon final judgment could occur in several ways. When a single magistrate presided, an advisory council of impartial practitioners assisted. The judge noted the various opinions but did not consider them binding upon his decision. Tribunals such as the Inquisition, Parlement and presidials possessed a panel of

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<sup>27</sup> Examination and comparison of the statistics presented by Schnapper regarding conviction and punishment for homicide, theft and heresy lend support to this argument, *Ibid.*, 273–277 and 282.

<sup>28</sup> Carena, *Tractatus*, 43–46. Rousseaud de La Combe, *Jurisprudence canonique*, 2<sup>ème</sup> partie, 26–27.



judges and normally decided by vote of the majority. The magistrates could give their opinions orally or by written ballot.<sup>29</sup>

The recorded deliberation of the presidial court of Nîmes in the final sentencing of Estienne Geynet on 12 October 1553 illustrates the process. Jehan Robert, the lieutenant criminel, declared the defendant guilty of heresy and called for strangulation followed by burning. In addition, Geynet's goods and property would be confiscated in the name of the king. Jehan du Port, official of the diocese of Arles, agreed with the verdict but strongly protested the invocation of the death sentence. Jehan Albenas, the lieutenant principal, objected to final sentencing at this time. He wished to entertain Geynet's defense and urged an inquest ex officio into the personal objections to witnesses and justificative facts raised by Geynet. Jehan Rochemaure, the lieutenant particulier, also protested final sentencing. He demanded the application of torture for discovery of Geynet's accomplices. A certain M. Richier called for the amende honorable, fustigation, piercing of the tongue, perpetual banishment from the Seneschalsy of Nîmes-Beaucaire, and confiscation of Geynet's goods and property with the exception of one-third of the assets which would be reserved for the defendant's children. M. Brueis asked for the amende honorable and a fine of twenty-five livres. The remaining six opinions echoed or only slightly modified those already expressed. Those who urged torture or an inquest ex officio were in the minority. Most favored final judgment and pronounced Geynet guilty. Yet there was no consensus regarding sentence. The lieutenant criminel invited a second round of opinions and the majority rallied to the view originally expressed by M. Richier, except for the piercing of the tongue. Thus Geynet was sentenced to the amende honorable, fustigation, perpetual banishment from the Seneschalsy of Nîmes-Beaucaire, and confiscation of his goods and property with the exemption of one-third for his children.<sup>30</sup>

The judge theoretically communicated the final sentence to the prisoner in the council session or alone in the court room. Yet Imbert reports that this ceremony was not uniformly followed. The court sometimes omitted the formality and informed the prisoner of its decision through the clerk of the court. Sentence was executed the same day, unless the defendant appealed.<sup>31</sup> The appellate process was an accessible recourse, especially in heresy cases which could involve both ecclesiastical and secular jurisdictions.

<sup>29</sup> Dupont-Ferrier, *Officiers royaux*, 400. Esmein, *La procédure criminelle*, 150–151. Imbert, *La pratique judiciaire*, 685–686. Isambert, *Recueil général*, 11: 366 and 12: 633. Langbein, *Prosecuting Crime*, 242.

<sup>30</sup> Puech, *La Renaissance à Nîmes*, 66–70.

<sup>31</sup> Esmein, *La procédure criminelle*, 151–152. Imbert, *La pratique judiciaire*, 685. Isambert, *Recueil général*, 11: 366–367.

## IX. Appeals

Appeals against judgments rendered in heresy prosecutions differed slightly from the normal criminal appellate process of sixteenth-century France. The participation of both secular and ecclesiastical courts in the crime's adjudication partially accounts for the variation. The roles assigned to each jurisdiction were not always well-defined and precise; and the crown actually encouraged appeals from ecclesiastical justice. Appellate review by royal tribunals of decisions made in religious courts was yet another way by which the monarchy asserted control over a Gallican Church. A second distinctive feature of heresy appeals was a consequence of the grave concern which the offense elicited. It was equivalent to lese majesty and thus justiciable in first instance by the higher courts. The procedure left only the parlement as a superior tribunal with which the defendant could lodge an appeal. When the parlement itself participated in the case or pronounced final judgment recourse was effectively closed.

The appeal in criminal causes, whether directed against an interlocutory decision to torture or final judgment, had to be made immediately (*illico*). The only exception occurred when *lettres de relief*, obtained from the royal chancellery, prolonged the interval and permitted an appeal to be lodged three or even six months later. Aid of counsel does not appear to have been prohibited completely in actions on appeal, though it was specifically disallowed in appeals of sentences involving afflictive punishment or torture. Furthermore, the absence of defense counsel in the original trial hampered the defendant's ability to identify and propose those matters which would form the basis of his appeal. The accused directed the appellate motion to the court immediately superior in the judicial hierarchy, the chain of appeals ending with the parlement. It was possible upon occasion to pass over the intermediate jurisdictions and appeal directly, *omissio medio*, to a superior tribunal.<sup>1</sup>

The Edict of Crémieu in 1536, conforming to a usage already established, permitted the appeal *omissio medio* for certain criminal causes. Appellants from sentences of corporal punishment were authorized to proceed directly to the parlement. The ordinance of Villers-Cotterets (1539) went further by providing that all appeals in criminal causes be taken "immediately and without intermediary step" to the parlement.<sup>2</sup> The procedure was

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<sup>1</sup> Doucet, *Institutions*, 2: 532–533. Esmein, *La procédure criminelle*, 245–247. Imbert, *La pratique judiciaire*, 456–459, 467–468 and 476–477. Langbein, *Prosecuting Crime*, 242–243.

<sup>2</sup> Doucet, *Institutions*, 2: 538. Esmein, *La procédure criminelle*, 153–154. Isambert, *Recueil général*, 12: 508–508 and 633–634.

soon deemed beyond the limits of fairness. A royal declaration of 20 November 1541, addressed to the Parlement of Paris, restricted the *omissio medio* provision to appeals from

. . . sentences and judgments of torture or other corporal punishments such as civil or natural death, fustigation, mutilation of members, perpetual or temporary banishment, condemnation to public works or services, amende honorable, and no others.<sup>3</sup>

Because judgments entailing these penalties were commonly handed down in instances of heresy, those persons accused and convicted continued to enjoy the privilege of appeal *omissio medio*.

Even without the *omissio medio* provision, appeals in heresy proceedings were normally reviewed before the parlement. A royal edict of November 1549 stipulated that the parlement adjudicate appeals from sentences rendered by both royal and ecclesiastical judges against accused heretics. The arrangement principally affected those individuals who appealed the rulings of ecclesiastical justice. It regulated the appellate process for heresy defendants whose offense involved no more than a common misdemeanor (*délit commun*). Appeals of decisions handed down by the courts of the seneschal or bailiff, empowered to try in first instance serious cases (*cas privilégiés*), would have gone to the parlement in any event. The parlement was the next higher jurisdiction in the judicial hierarchy. Finally, it is difficult to envisage a heresy appeal to the parlement from a subaltern secular jurisdiction prior to the edict of 1549. Under the terms of the Edict of Amboise, April 1541, the parlement pronounced final sentence for persons convicted of heresy in the courts of the seneschal or bailiff and the high court presumably reviewed the principal elements of the case at that time. Indeed, the only heresy appeals which came before the Parlement of Toulouse prior to 1549 originated with defendants who had been tried by the Inquisition or officialities.<sup>4</sup>

Persons tried for heresy under municipal justice could also appeal directly to the parlement. An edict of 1554 confirmed the power of the capitouls of Toulouse to judge certain criminal matters including heresy and specified that appeals of their decisions would revert immediately and directly to the Parlement of Toulouse. The edict apparently affirmed an existent practice for already in May 1552 Claude Bessonnet appealed his conviction for heresy by the capitouls to the Parlement of Toulouse. Four university students took similar action after the capitouls judged them guilty of heresy in 1555. And during the same year, Jehan and Saux Azemar and Barthélemy

<sup>3</sup> Isambert, *Recueil général*, 12: 760.

<sup>4</sup> A.D.H.G., B 31, fo. 36v°; B 32, fo. 20v°; B 92 j, fo. 203; B 1902, fo. 206v°–207v°; B, Tournelle, reg. 6 (12 décembre 1538), reg. 8 (10 avril 1540) and (21 avril 1540), reg. 9 (30 juin 1541), reg. 10 (7 janvier 1542), reg. 14 (19 juin 1543), reg. 16 (1 avril 1545), reg. 21 (30 avril 1546), reg. 25 (10 mars 1547) and (6 mai 1547), reg. 26 (9 août 1547), reg. 27 (3 mars 1548), reg. 30 (29 mars 1549). Guenois, *Conférence des ordonnances*, 99. Isambert, *Recueil général*, 13: 137.

Vignies appealed their condemnation for heresy by the Toulousan councillors to the Parlement.<sup>5</sup>

The Parlement of Toulouse frequently entertained appeals from persons tried for heresy before ecclesiastical tribunals. Appellants sought relief from the decisions of the Inquisition as well as the various officialities of Languedoc. They could avail themselves of the traditional *appel comme d'abus*. The motion, which was always addressed to the parlement, alleged that the ecclesiastical magistrate had trespassed upon the secular jurisdiction or had acted contrary to canon law or royal statutes. Moreover, royal decrees such as that of November 1549 specifically directed that appeals from the Inquisition or officiality in heresy cases be heard by the parlement rather than a superior ecclesiastical court.<sup>6</sup> A merchant of Montauban named Mabrun appealed to the Parlement of Toulouse in June 1541. He claimed an abuse of justice in his condemnation by the Inquisition. Ramond Pelissier, a resident of Fonsorbes, also appealed *comme d'abus* when seeking relief from a judgment rendered against him by the inquisitor eight years later. A certain Rossan appealed to the Parlement after the inquisitor and official of the diocese of Carcassonne declared him guilty of heresy in 1552. Three years afterwards, the priest Anthoine Durand petitioned the Parlement to review his trial by the official of the diocese of Cahors. And in 1560, Laurens de Lodis, a prebendary of the cathedral at Tarbes, lodged an appeal *comme d'abus* against the inquisitor and vicar of the bishop of Tarbes. He argued that they had illegally sequestered his goods and property.<sup>7</sup>

Defendants sometimes found it necessary to secure *lettres d'appel* from the royal chancellery attached to the parlement or from the Holy See. Approximately one-half of the letters issued by the chancellery of Toulouse dealt with matters of appeal. Prolongation of the time-limit for appeal (relief d'appel) was a common subject. An appeal normally had to be raised immediately (*illico*) after pronouncement of the ruling in question. Lettres de relief from the chancellery, however, could authorize a delay, usually up to three months for the parlement. The reasons included illness, absence of pertinent materials, and difficulty of communications. The notary François Dampton secured lettres de relief in the matter of his appeal *comme d'abus* against the inquisitor of Carcassonne in 1551. During the next year, Benoist Pascal resorted to similar action when appealing a judgment of the consular court (*cour commune*) of Le Puy. Guillaume Ferrand, a priest, obtained lettres de relief in 1559 permitting a delayed appeal

<sup>5</sup> A.D.H.G., B 1905, fo. 62; B, Tournelle, reg. 42 (24 mai 1552), reg. 52 (9 février 1555), reg. 54 (12 juillet 1555).

<sup>6</sup> Doucet, *Institutions*, 2: 786. Guenois, *Conference des ordonnances*, 99. Isambert, *Recueil général*, 13: 137. Pithou, *Libertez de l'église*, 19. Chapter IV, The Royal Tribunals, offers a more detailed treatment of the *appel comme d'abus*.

<sup>7</sup> A.D.H.G., B 92 j, fo. 203; B, Tournelle, reg. 9 (30 juin 1541), reg. 30 (29 mars 1549), reg. 43 (31 octobre 1552), reg. 56 (20 novembre 1555), reg. 73 (1 mars 1560).

comme d'abus against the inquisitor of Toulouse and the vicar of the bishop of Mirepoix.<sup>8</sup>

Under certain circumstances, lettres de relief allowing a delay of appeal in instances of heresy could originate with Apostolic officials. The inquisitor Esprit Rotier arrested and charged with heresy Anthoine Beauvoysin, a priest of the archdiocese of Toulouse. In an apparent jurisdictional dispute, Beauvoysin and Jacques Secondat, vicar general for the archdiocese, appealed the inquisitor's action to the Parlement. This occurred in January 1554. The court instructed that Beauvoysin be tried by a panel of judges—the inquisitor, the vicar general of the archdiocese, and two of its own clerical counsellors (conseillers-clerics), Raymond Sarnyn and Raymond Bonail. The Parlement empowered the two counsellors to assist in all interlocutory decisions as well as final judgment. Evidently the case did not reach a conclusion satisfactory to Beauvoysin for in 1556 he returned to the Parlement with a rescript obtained from papal representatives. The document sought a continuance of the time-limit for appeal (relief d'appel). The court received the request favorably and permitted a group of delegated ecclesiastical judges to hear the appeal.<sup>9</sup>

It should be noted that appellate issues were not limited to final judgment. Various interlocutory matters such as application of torture and imprisonment for those awaiting or on trial were also susceptible to challenge. Barthélemy André, a scribe (*escripvvan*) from Espaly near Le Puy, appealed to the Parlement of Toulouse in 1554. He objected to a ruling for the use of torture handed down by the inquisitor of Carcassonne. Appeals of interlocutory decisions had a suspensive effect upon the trial until the specific issue raised in the appellate motion could be resolved.<sup>10</sup>

The appellate procedure was, in general, lengthy, difficult and very often a failure. The appeal of Ramond de Tirevieille provides some indication of the various elements which could work against the success of the motion. The defendant, a licencié from Castres, had originally been arrested and tried for heresy by Georges du Gabre, the official and vicar general for the diocese of Castres. After four and one-half months in detention, de Tirevieille was dismissed and released by direction of du Gabre. Yet Pierre Michaelis, procureur fiscal for the bishop of Castres, decided to pursue the matter further. He reopened litigation, ordered the conduct of a new information and evidently petitioned the metropolitan court at Bourges which agreed to review the case.<sup>11</sup> De Tirevieille, in turn, appealed Mi-

<sup>8</sup> Ibid., B, Tournelle, reg. 62 (18 février 1557), reg. 66 (20 septembre 1558), reg. 71 (23 septembre 1559). Viala, *Parlement de Toulouse*, 1: 369 and 440–442.

<sup>9</sup> A.D.H.G., B, Tournelle, reg. 59 (29 juillet 1556); 1 G 410, Extrait des registres du Parlement, le 26 et le 31 janvier 1553 (o.s.), Lettre de Jacques Secondat, le 27 janvier 1553 (o.s.). Regarding the delay of appeal, cf. Imbert, *La pratique judiciaire*, 471–472.

<sup>10</sup> A.D.H.G., B, Tournelle, reg. 50 (29 octobre 1554). Esmein, *La procédure criminelle*, 153–154. Viala, *Parlement de Toulouse*, 1: 432–443.

<sup>11</sup> For additional information concerning the metropolitan of Bourges, consult: Louis de Lacger, "La primatie et le pouvoir métropolitain de l'archevêque de Bourges au XIII<sup>e</sup> siècle,"

chaelis's continued prosecution to a mixed ecclesiastical commission. This was in 1533. Estienne Sacaley and Jehan Barthélemy, both clerics and members of the Parlement, sat on the commission. Jehan de Landes, the lieutenant-inquisitor at Toulouse, may also have been a member.

De Tirevieille's first objective was obtainment of the records from his initial trial by du Gabre, the official of Castres who had seen fit to discontinue process. Michaelis, the procureur fiscal, resisted the attempt, but de Tirevieille finally procured a court order for the transfer of the documents to Toulouse. Michaelis brought the trial transcript from Castres to Toulouse in January 1535 and then submitted a declaration of expenses which he had incurred. The expenditures amounted to sixty-five livres, fifteen sols tournois. The total included thirty livres paid to have a duplicate copy made of the 267 folio pages of trial documents. Another thirty-five livres went to Michaelis and Jehan Nouvelli, a substitute secretary of the bishop of Castres, for transporting the documents personally to Toulouse. They were paid for ten days: two days journey on horseback from Castres to Toulouse, six days at Toulouse, and a two day return trip to Castres. The procurations empowering Michaelis and Nouvelli to represent the official and vicar general for the diocese of Castres accounted for an additional ten sols and, finally, five sols tournois were paid to the clerk of Jehan Barthélemy, a counsellor of the Parlement, for receipt of the documents.

De Tirevieille was legally liable for these expenses and he protested vigorously to the counsellors Barthélemy and Sacaley. He claimed that Michaelis and Nouvelli had failed to execute their charge properly. The documents which they brought to Toulouse did not constitute the complete trial record. Indeed, those which best demonstrated his innocence were conspicuously absent. De Tirevieille thought the error deliberate and attributed it to personal enmity and malice on the part of Michaelis, Nouvelli, Jehan de Paillards, chancellor of the bishop of Castres, and Jehan Balarandi, *procureur des causes pies* at Castres. They resented, in particular, the fact that de Tirevieille had revealed certain financial abuses in their administration of the diocese.

The defendant also challenged the expenditures listed by Michaelis and Nouvelli. The ten days which they claimed were necessary to bring the trial records to Toulouse and return to Castres were wholly unjustified. The distance between the two towns was only some ten leagues (about 72 kilometers on the present modern road) and hardly required two full days to traverse. The six days spent at Toulouse were equally unnecessary and unwarranted. Furthermore, it was outrageous that Michaelis should demand two livres tournois per diem as if he were a doctor and Nouvelli thirty sols tournois as if he were a licencié. Michaelis was in truth only a bachelier and Nouvelli a mere notary. Finally, the money spent for a copy

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43–65 and 269–330; and "La primatie d'Aquitaine du VIII<sup>e</sup> au XIV<sup>e</sup> siècles," 29–50; Alfred Leroux, "La primatie de Bourges," 141–154; G. Pariset, "L'établissement de la primatie de Bourges," 145–148 and 289–328.



of the trial documents was squandered; they should have brought the originals.

Michaelis issued a formal written response to these contentions. It was brief and succinct. He and Nouvelli had traveled to Toulouse to insure the proper and safe delivery of the records. The council of the bishop of Castres had specifically entrusted the task to them. The remuneration which he received for transport of the transcript was entirely in keeping with the dignity and importance of his office. And if the documents received at Toulouse were incomplete, the blame did not rest with him. Anthoine Portalis, the notary and clerk at the original trial, was now deceased. Estienne Vinquevieuille, the substitute and successor to Portalis, was notoriously favorable to de Tirevieille. Vinquevieuille was responsible for the transcript and if there were discrepancies, de Tirevieille should address his queries to this latter notary. Michaelis concluded with a refusal to tolerate further invective from the defendant against himself and other members of the diocesan administration. They were respectable men (*gens de bien*) and had been neither accused nor charged with any crime.

De Tirevieille answered Michaelis in a second memorandum which he sent to Sacaley and Barthélemy. He rejected Michaelis's argument that the council of the bishop of Castres had charged him and Nouvelli with the duty of bringing the trial transcript to Toulouse. And even if the council had done so, it had clearly erred. De Tirevieille also persisted in his allegations that certain portions of the documentation were missing and that personal enmity for the defendant motivated Michaelis in this obstruction of justice. What tortuous route de Tirevieille's appeal may have subsequently taken is not known, though to all appearances it was protracted. Brief reference to his conviction for "Lutheranism" and execution of sentence does not occur until February 1540.<sup>12</sup>

The affair evidences many of the difficulties inherent in an appellate motion. In the first place, it could be expensive. Although he was a licencié, de Tirevieille found the sixty-five livres, fifteen sols tournois for transfer of the trial records exorbitant and probably had difficulty paying the sum. Second, the process was prolonged. De Tirevieille's appeal consumed at least five years. Furthermore, the tribunal from which the defendant appealed could be expected to defend its decision with some vehemence, as did Michaelis. Associated with this is the normal expectation that the magistrates and officers of the lower court would command more respect than the appellant. Michaelis's reference to himself and his associates as honorable men (*gens de bien*) was not an idle gesture. Lastly and as the outcome of de Tirevieille's appeal so aptly illustrates, the chances of success were not markedly high. The reversal of opinion on appeal tends to be the exception in any judicial system and there is little reason to suggest that the situation was otherwise in sixteenth-century Languedoc.

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<sup>12</sup> A.D.H.G., B 32, fo. 363v<sup>o</sup>; 1 G 642. A.M., Toulouse, CC 2400, fo. 141av<sup>o</sup>.



The criminal archives of the Parlement of Toulouse contain appeals from more than seventy persons accused or convicted of heresy by both secular and ecclesiastical tribunals prior to 1560. In the case of five appellants, the Parlement affirmed that they had been equitably judged (*bien jugé*) by the subordinate court and that they had wrongly appealed (*mal appelé*). All were returned to the inferior jurisdiction for immediate execution of sentence.<sup>13</sup> The Toulousan high court dismissed the appeal (*mis l'appel au néant*) of another twenty-four persons.<sup>14</sup> Yet this action did not always and necessarily mean that the appellant was barred from further hearing in the court.<sup>15</sup> The Parlement also stated that it retained jurisdiction over seven of these twenty-four causes and then pronounced final sentence based upon the proceedings held in the subaltern tribunal.<sup>16</sup> For another nine of the twenty-four individuals whose appeal was dismissed, the Parlement ordered further inquiries concerning their cases (*il sera plus amplement informé*) and, in the meantime, freed the accused on bail.<sup>17</sup> This action, as previously noted,<sup>18</sup> was tantamount to acquittal. The other options exercised by the Parlement of Toulouse in treating appeals were little more than variations of those already described. Twelve appellants found that the court disregarded the sentence of the lower tribunal (*sans avoir regard à la sentence de . . .*) and then itself pronounced sentence<sup>19</sup> or, in the trial of two persons, ordered further inquiries.<sup>20</sup> The Parlement specifically disregarded the appeal (*sans avoir regard à l'appel*) on at least three occasions and either sentenced the defendant or returned him to the inferior jurisdiction.<sup>21</sup>

Even when the Parlement of Toulouse agreed to a preliminary examination of an appeal, there was no assurance that it would actually hear the case again. On 6 May 1547, for example, the court agreed to reexamine several witnesses who had offered testimony against the appellant Pierre

<sup>13</sup> A.D.H.G., B, Tournelle, reg. 6 (12 décembre 1538), reg. 14 (19 juin 1543), reg. 21 (30 avril 1546), reg. 37 (15 juillet 1551), reg. 45 (21 mars 1553).

<sup>14</sup> Ibid., reg. 8 (10 avril 1540) and (21 août 1540), reg. 9 (30 juin 1541), reg. 10 (7 janvier 1542), reg. 16 (1 avril 1545), reg. 25 (10 mars 1547), reg. 26 (9 août 1547), reg. 27 (3 mars 1548), reg. 30 (29 mars 1549), reg. 38 (1 septembre 1551) and (16 octobre 1551), reg. 39 (17 décembre 1551), reg. 42 (24 mai 1552), reg. 43 (31 octobre 1552), reg. 44 (23 décembre 1552), reg. 45 (28 février 1553) and (14 avril 1553), reg. 51 (19 janvier 1555), reg. 55 (5 octobre 1555), reg. 56 (11 décembre 1555), reg. 64 (27 août 1557), reg. 73 (1 mars 1560); B 31, fo. 36v<sup>o</sup>.

<sup>15</sup> Viala, *Parlement de Toulouse*, 1: 450–451.

<sup>16</sup> A.D.H.G., B, Tournelle, reg. 10 (7 janvier 1542), reg. 25 (10 mars 1547), reg. 26 (9 août 1547), reg. 27 (3 mars 1548), reg. 30 (29 mars 1549), reg. 51 (19 janvier 1555), reg. 55 (5 octobre 1555), reg. 56 (11 décembre 1555).

<sup>17</sup> Ibid., reg. 39 (17 décembre 1551), reg. 43 (31 octobre 1552), reg. 45 (28 février 1553), reg. 51 (19 janvier 1555), reg. 64 (27 août 1557), reg. 73 (1 mars 1560).

<sup>18</sup> See chapter VII, The Interrogation and Confrontation.

<sup>19</sup> A.D.H.G., B, Tournelle, reg. 50 (29 octobre 1554), reg. 52 (5 juillet 1555), reg. 54 (9 février 1555) and (12 juillet 1555).

<sup>20</sup> Ibid., reg. 53 (5 avril 1555), reg. 73 (22 mars 1560).

<sup>21</sup> Ibid., reg. 59 (17 juin 1556), reg. 60 (24 octobre 1556), reg. 60 (20 septembre 1558); B 92 j, fo. 203.

Sapientis. Yet upon completion of the inquiry on 3 June, it declined to entertain the appeal and four days later sentenced Sapientis to burn. Other appeals seem to have been more successful, but even then the results were nuanced. The Parlement of Toulouse agreed, on 15 March 1554, that there had been an abuse of justice in friar Estienne Martin's trial before the inquisitor of Carcassonne. The inquisitor had neglected to secure the concurrence of the vicar for the bishop of Castres. Martin was tried anew by the inquisitor of Toulouse assisted by the vicar for the bishop of Castres. The retrial was hardly more beneficial for the inquisitor and vicar declared Martin guilty of heresy and remanded him to the Parlement which, on 21 April, sentenced the convicted heretic to burn at the stake. During the same year, the capitouls condemned four university students to burn for heresy at Toulouse. The young men successfully appealed to the Parlement. It reduced their sentence to performance of the *amende honorable*, a fine, and imprisonment for six months. Afterwards, they were to be placed in their parents' custody. The youthfulness of the offenders evidently moved the Parlement in the direction of leniency.<sup>22</sup>

Upon adjudication of the appeal or immediately following final judgment if there had not been an appeal, it only remained that the sentence imposed by the court be executed. The judiciary had at its disposal a wide variety of penalties and punishments which it applied in accordance with the gravity of the offense. They ranged from a simple abjuration of one's error to execution at the stake and could be invoked either singly or in various combinations. Dispatch of sentence followed prescribed format and was replete with ritual.

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<sup>22</sup> Ibid., B, Tournelle, reg. 25 (6 mai 1547), (3 juin 1547) and (7 juin 1547), reg. 48 (15 mars 1554) and (21 avril 1554), reg. 52 (9 février 1555), reg. 53 (31 mars 1555). A.M., Toulouse, layette 48 (11 avril 1558), layette 90 (15 février 1555).

## X. Punishment

French courts of the sixteenth century admitted an assortment of punishments prescribed for heresy by royal ordinance, canon law, and judicial practice. The milder forms were the *amende honorable* and monetary fines. More serious punishments ranged from confiscation of goods and property, fustigation and banishment to imprisonment, service in the king's galleys and death. The courts often combined two or more kinds in the sentence of a convicted heretic. The choice varied according to the severity of the particular crime and the degree to which the offender was remorseful.

Absolution pure and simple was rare and infrequent for sixteenth-century justice. The judgment of heresy provided no exception. Secular and ecclesiastical magistrates declined to acquit. Only ten individuals are known to have been "absolved and relaxed" from charges of heresy.<sup>1</sup> A second and equally popular manner for treating the defendant who was not guilty was his placement "out of court" (*hors de cour et procès*). Less than full acquittal, it amounted to a verdict of culpability not proven. The court did not declare the defendant innocent and probably harbored unverifiable suspicions of guilt.<sup>2</sup> Lastly and most commonly, heresy tribunals could release the suspect pending "further inquiry," the *plus amplement informé* discussed earlier. It was at best provisional acquittal. The judge did not exonerate the defendant, but left the charges outstanding in the event that new evidence should arise. The suspect remained in an uncertain and doubtful status for his case was unresolved. He was neither innocent nor guilty and the royal prosecutor could, upon receipt of new evidence, reopen the matter. The magistrate pronounced the *plus amplement informé* only for grave cases and where the presumptions were strong. It was, in this sense, close to punishment, not for a crime proven, but for presumptions

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<sup>1</sup> A.D.H.G., B, Tournelle, reg. 22 (5 juillet 1546), reg. 34 (14 août 1550), reg. 41 (8 mars 1552), reg. 43 (1 juillet 1552) and (11 juillet 1552), reg. 64 (29 août 1557), reg. 74 (8 avril 1560). Practice was similar at the Parlements of Bordeaux and Paris. Schnapper, "Parlement de Bordeaux," 13–20; and "Parlement de Paris," 260–262. Esmein, *La procédure criminelle*, 244–245. The inquisitors of Italy and Spain were also reluctant to grant absolution or acquittal. Carena, *Tractatus*, 304–305. Eymeric, *Directorium Inquisitorum*, 474–475.

<sup>2</sup> A.D.H.G., B, Tournelle, reg. 42 (1 juin 1552), reg. 49 (30 mai 1554) and (20 juillet 1554), reg. 53 (21 mai 1555), reg. 62 (18 février 1557), reg. 65 (22 janvier 1558), reg. 68 (4 février 1559), reg. 73 (8 mars 1560), reg. 76 (1 octobre 1560), reg. 77 (19 décembre 1560). Esmein, *La procédure criminelle*, 244–245. Schnapper, "Parlement de Bordeaux," 14–16.

not purged.<sup>3</sup> Thus the placement "out of court" was nearly acquittal, and release pending "further inquiry" nearly punishment.

The most lenient sentence in heresy actions was the *amende honorable*, a ceremony of public censure. The courts imposed it as the sole punishment for minor faults: indiscreet utterances, singing of scandalous songs, unknowing possession of censured books, or unwitting attendance at an assembly where heresy had been preached.<sup>4</sup> The *amende honorable* could be prescribed in conjunction with the sterner penalties of a monetary fine, banishment, and imprisonment for more serious offenses. This open adjuration of one's error normally took place before the primary church or in the main square of the town where the convicted person had resided or had been apprehended. The customary time was on Sunday prior to the principal mass, although the courts permitted an occasional exception. Gregoire Nassia and Jacques Panyer submitted to the *amende honorable* on a market day rather than Sunday. Another modification of the ritual concerned its public nature. Ramond Allemand performed the *amende honorable* within the chambers of the *juge ordinaire* of Saint-Genies in 1548. The Parlement of Toulouse agreed to the private ceremony lest Allemand, a bachelier of the Faculty of Medicine, incur public disgrace (*note d'infamie*). Similar exceptions were made for Jacques Fornyer, seigneur of Beauregard, and Jehan Roques, a licencié in medicine.<sup>5</sup> They abjured in private. The Parlement did not wish the conviction to reflect upon their honor and dignity or in any way reduce their legal status, evidently out of respect for their social position.<sup>6</sup>

The *amende honorable* began with the appearance of the wrongdoer in penitential gown with feet bare and head uncovered. He held a lighted candle while he knelt and confessed the foolish, rash and indiscreet offense which he had committed against the Christian religion. He begged the mercy of God, the king and justice. The ceremony sometimes took place on a raised platform so that spectators not be obstructed in their view. If the penitent had been found to possess censured books, they were burned in his presence. He might also be made to carry a bundle of wood on his back, symbolizing the burning to which unrepentant heretics were subject. Another variation in this ritual purgation was to have the transgressor publicly whipped (*fustiger jusqu'à effusion de sang*) either immediately pre-

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<sup>3</sup> See chapter VII, The Interrogation and Confrontation, for a more detailed examination of the *plus amplement informé*. An analogous system of less than full acquittal and release pending further investigation existed for the trial of witches in Germany. H. C. Erik Midelfort, *Witch Hunting in Southwestern Germany, 1562-1684*, 74.

<sup>4</sup> A.D.H.G., B, Tournelle, reg. 40 (5 janvier 1552), reg. 49 (2 juin 1554) and (3 juillet 1555), reg. 50 (13 septembre 1554).

<sup>5</sup> Ibid., reg. 26 (7 octobre 1547), reg. 28 (6 avril 1548), reg. 34 (8 novembre 1550), reg. 46 (26 septembre 1553).

<sup>6</sup> Persons publicly disgraced and rendered *infames* could be barred from political office and the reception of inheritances. Cf. the comments of Carena, *Tractatus*, 58 and 310.

ceding or following his abjuration of error. A procession winding through the town's chief streets often accompanied the public fustigation. A final and admittedly rare ingredient was the piercing of the tongue with a red-hot iron.<sup>7</sup>

Another frequent penalty associated with the crime of heresy was the monetary fine. The magistrates sometimes assessed a fine in conjunction with the penance of the *amende honorable*, the civil death of banishment, or the hard labor of the galleys.<sup>8</sup> The amount of these fines ranged from as little as ten sols tournois to the extraordinary sum of two thousand livres. Though theoretically earmarked for the royal fisc, the fines were employed for a variety of purposes. The Parlement required Jehan Fanjaulx to pay one hundred livres to the king and an equal sum to be used according to the court's own directives. When Bertrand Bordes and Jehan Bonheure paid fines of two thousand and one hundred livres respectively, one-half of the combined sum went to the royal coffers and the remainder was utilized *in pios usus*. The court instructed its clerk to distribute the money among a number of religious institutions.

Poor of the hospitals	400 livres
Convent of Sainte-Claire	200 livres
Friars of the Grande Observance	40 livres
Friars of the Petite Observance	60 livres
Dominicans	40 livres
Carmelites	30 livres
Augustinians	30 livres
Sisters of Lespinasse	200 livres
Sisters of Saint-Pantaléon	30 livres
Beguins	20 livres <sup>9</sup>

Religious orders, especially those which depended upon public charity as did the Sisters of Sainte-Claire, were frequent recipients of money collected through fines.<sup>10</sup>

<sup>7</sup> A.D.H.G., B, Tournelle, reg. 11 (12 juin 1542) and (16 juin 1542), reg. 28 (24 juillet 1548), reg. 33 (18 juin 1550), reg. 39 (10 décembre 1551), reg. 40 (5 janvier 1552) and (6 février 1552), reg. 50 (29 août 1554), reg. 52 (13 mars 1555), reg. 54 (12 juillet 1555). Schnapper, "Parlement de Bordeaux," 29–30. Cf. the ceremony of canonical purgation and abjuration described in Carena, *Tractatus*, 308–312; Eymeric, *Directorium Inquisitorum*, 475–480 and 486ff.; and Simancas, *De Catholicis Institutionibus*, fo. 193–194.

<sup>8</sup> A.D.H.G., B 92 1, fo. 154; B, Tournelle, reg. 24 (5 février 1547), reg. 31 (24 septembre 1549), reg. 42 (25 mai 1552), reg. 45 (27 mars 1553), reg. 46 (26 septembre 1553), reg. 49 (9 mai 1554), reg. 50 (24 octobre 1554) and (26 octobre 1554), reg. 64 (27 août 1554); 1 G 642, Sentence de l'inquisiteur contre Ramond de Tirevieille. A.D., Aude, H 418, fo. 72v<sup>o</sup>–76. Lafaille, *Annales de Toulouse*, 2: 75–77. Puech, *La Renaissance à Nîmes*, 61.

<sup>9</sup> A.D.H.G., B, Tournelle, reg. 24 (5 février 1547), reg. 50 (26 octobre 1554).

<sup>10</sup> Ibid., reg. 40 (12 février 1552), reg. 41 (29 mars 1552), reg. 42 (25 mai 1552), reg. 45 (27 mars 1553), reg. 46 (26 septembre 1553), reg. 49 (9 mai 1554) and (26 mai 1554), reg. 50 (12 septembre 1554), reg. 51 (8 décembre 1554), reg. 59 (29 juillet 1556), reg. 64 (27 août 1557), reg. 68 (12 avril 1559), reg. 77 (19 décembre 1560); B 92 1, fo. 81.

Other religious purposes and pious works to which the judges applied the fines included the purchase of sacred accoutrements and the repair of churches. A part of the Parlement's sentence against Pierre de Montrozie in 1549 stipulated a fine of ten livres tournois for the purchase of two candles. They were to be placed before the tabernacles in the Church of Saint-Amans and the Cathedral of Notre-Dame at Rodez. The court penalized Louis Montin in like manner shortly thereafter. In 1557, the Parlement fined André Guyralh twenty-five livres for the fisc, fifty livres for distribution among charitable religious orders, and twenty-five livres for the purchase of vestments for the church at Lux. And several years earlier, three residents of Bagnols had been fined twenty-five livres tournois payable to the king's treasury and another twenty-five for the repair of their town church.<sup>11</sup>

Secular projects, particularly royal construction, also benefited from the imposition of fines. One such undertaking began in 1549 when Henry II ordered the demolition of the Château Narbonnais, which housed the Parlement of Toulouse, and the erection of a new building. The Parlement applied some of the money collected in fines from heresy causes to help defray the costs of the project. It fined both Jehan Garrigues and François Charles, for instance, fifty livres tournois to be distributed among several religious institutions and an additional one hundred livres in the king's interest to be applied to the new construction.<sup>12</sup> Similar use of the royal share from fines was common throughout the period.<sup>13</sup>

The actual payment of the fines, especially the larger ones, was a serious problem for the individuals against whom they were assessed. The imposition could be under certain circumstances tantamount to a prison sentence. The ordinance of Blois (1498) stipulated that a person condemned to payment of a fine would be held in prison until he had made satisfaction. And the records of the Parlement suggest the application of the rule. The tribunal assessed a fine of two thousand livres against Bertrand Bordes in 1547 and then ordered him held in custody until the sizable sum had been paid in its entirety. The court decreed that three persons convicted of heresy a few years later remain imprisoned until they made complete satisfaction of the fines imposed upon them. An analogous provision appeared in the condemnation of Pierre Bonet in 1554.<sup>14</sup>

<sup>11</sup> Ibid., B, Tournelle, reg. 31 (24 septembre 1549), reg. 64 (27 août 1557); B 92 1, fo. 81 and 154–155.

<sup>12</sup> Ibid., B 1904, fo. 42–44; B, Tournelle, reg. 49 (9 mai 1554). Henri Ramet, *Le Capitole et le Parlement de Toulouse*, 130–137.

<sup>13</sup> A.D.H.G., B, Tournelle, reg. 46 (26 septembre 1553), reg. 49 (26 mai 1554), reg. 50 (12 septembre 1554), reg. 51 (8 décembre 1554).

<sup>14</sup> Ibid., reg. 24 (5 février 1547), reg. 40 (12 février 1552), reg. 49 (26 mai 1554). Isambert, *Recueil général*, 11: 368. The Parlement of Bordeaux also imprisoned convicted criminals until the fine or costs of justice had been satisfied. Schnapper, "Parlement de Bordeaux," 33.

Banishment, in perpetuity or for a limited term, constituted a third major punishment in heresy prosecution. The convicted party always performed the *amende honorable* as a demonstration of remorse,<sup>15</sup> and was sometimes fined,<sup>16</sup> whipped,<sup>17</sup> or had his tongue pierced.<sup>18</sup> In one instance the court imposed a prison sentence of three years to be served prior to the effectuation of banishment.<sup>19</sup> The duration and compass of banishment varied considerably. It ranged from one year to perpetuity and the area to which it applied could be the entire kingdom of France, the territory administered by the Parlement of Toulouse, or a particular seneschalsy, bailiwick, viguerie or municipality. The most severe form, perpetual banishment from the realm with confiscation of property, was equivalent to civil death in a society where civil rights and relations depended upon the ability to have and hold property.<sup>20</sup> Civil death appears to have been the Parlement's intent when it permanently banished Pierre Malefosse from the kingdom and confiscated his goods and property. There were, of course, less exacting sentences such as Sebastien Villeteau's banishment from the territory administered by the Parlement for a period of three years. The tribunal sentenced Guillaume Lafaurie to three years exile from the diocese of Albi. It banished Jehan Puget from the seneschalsy of Quercy for ten years and barred Guillaume Bonauld from living in the city and viguerie of Toulouse for three years.<sup>21</sup>

Heresy of a more serious nature demanded sterner punishment and justice had at its disposal both imprisonment and forced labor, notably service in the king's galleys. Prison sentences presumed the condemned's repentance and thus were preceded by the ceremony of the *amende hon-*

<sup>15</sup> A.D.H.G., B, Tournelle, reg. 10 (7 janvier 1542), reg. 16 (1 avril 1545), reg. 21 (14 avril 1546) and (17 avril 1546), reg. 24 (16 novembre 1546) and (5 février 1547), reg. 26 (16 septembre 1547), (7 octobre 1547) and (8 octobre 1547), reg. 28 (19 juillet 1548) and (24 juillet 1548), reg. 31 (24 septembre 1549), reg. 33 (31 mars 1550), reg. 38 (22 septembre 1551) and (16 octobre 1551), reg. 40 (6 février 1552) and (8 février 1552), reg. 41 (24 mars 1552) and (27 avril 1552), reg. 42 (25 mai 1552), reg. 44 (23 décembre 1552), reg. 45 (17 février 1553) and (14 avril 1553), reg. 46 (1 août 1553), reg. 49 (28 mai 1554), reg. 50 (27 octobre 1554), reg. 52 (13 mars 1555), reg. 57 (27 mars 1556), reg. 59 (18 juin 1556), reg. 60 (12 octobre 1556), reg. 61 (24 décembre 1556), reg. 63 (2 juin 1557) and (3 juin 1557), reg. 64 (21 août 1557), (27 août 1557) and (31 août 1557), reg. 67 (23 décembre 1558), reg. 68 (22 février 1559), reg. 74 (31 mai 1560); B 92 1, fo. 58. A.M., Toulouse, BB 269, fo. 67v<sup>o</sup>; BB 274, fo. 100–101.

<sup>16</sup> A.D.H.G., B, Tournelle, reg. 31 (24 septembre 1549), reg. 42 (25 mai 1552), reg. 64 (27 août 1557); B 92 1, fo. 154–155.

<sup>17</sup> Ibid., B, Tournelle, reg. 26 (8 octobre 1547), reg. 40 (6 février 1552), reg. 44 (23 décembre 1552), reg. 49 (28 mai 1554), reg. 54 (6 juillet 1555), reg. 56 (11 décembre 1555), reg. 57 (20 février 1556) and (27 mars 1556), reg. 59 (18 juin 1556), reg. 61 (24 décembre 1556), reg. 63 (2 juin 1557) and (3 juin 1557), reg. 64 (21 août 1557), reg. 67 (23 décembre 1558).

<sup>18</sup> Ibid., reg. 49 (28 mai 1554), reg. 74 (31 mars 1560).

<sup>19</sup> Ibid., reg. 68 (22 février 1559).

<sup>20</sup> Damhouder, *Practique*, fo. 56v<sup>o</sup>–57.

<sup>21</sup> A.D.H.G., B, Tournelle, reg. 10 (7 janvier 1542), reg. 21 (17 avril 1546), reg. 60 (12 octobre 1556), reg. 63 (3 juin 1557), reg. 74 (31 mai 1560).



orable<sup>22</sup> and accompanied at times by public or private fustigation.<sup>23</sup> Secular justice generally regarded prison as a place for confinement as distinguished from punishment and utilized it for preventive detention during trial and bodily restraint pending the payment of fines and court costs. The medieval Church developed and applied the concept of penal imprisonment. Ecclesiastical judges could not impose blood sanctions, death or mutilation, and thus incarceration was the gravest penalty available to them. Nearly every diocese had its own prison. Church courts viewed imprisonment as corrective and emendatory as well as punitive; the Inquisition and officialities frequently applied it in heresy causes as penance and punishment.<sup>24</sup> When the royal French judges came to adjudicate heresy, they too prescribed prison and typically made use of the episcopal complexes.

Imprisonment, whether by decree of the ecclesiastical or secular judge, could be extremely harsh. It sometimes meant a life of solitude within a confining cell. The prisoner's only contact with the outside world was a tiny opening (*pertuis* or *petit guichet*) through which he received a ration of bread and water.<sup>25</sup> Internment was less severe for others. Nicolas de Pierre, sentenced to three years in the prison of the bishop of Béziers, was required to fast on bread and water only two days each week. The Parlement committed Anthoine Clary to the episcopal prison at Nîmes with the provision that his diet be restricted to bread and water on Wednesday, Friday and Saturday.<sup>26</sup> While other prison sentences issued by the Parlement of Toulouse for heresy do not specifically mention fasts of this sort,<sup>27</sup> there may have been some understanding to include them.

The rigors of prison, particularly solitary confinement on a regime of bread and water, could and did evoke violent reactions. The particulars leading to the execution of Simon de Marcis are illustrative. De Marcis, a Franciscan monk, was declared guilty of heresy by the inquisitor and vicar for the bishop of Castres. They remanded him into the custody of the

<sup>22</sup> Ibid., reg. 24 (5 février 1546), reg. 31 (30 juillet 1549), reg. 46 (17 octobre 1553), reg. 49 (9 juin 1554), reg. 52 (1 février 1555), reg. 68 (22 février 1559); 112 H 6, Sentence de l'inquisiteur contre Bertrand de Manso (23 juin 1518). A.D., Aude, H 418, fo. 70v°-72v°.

<sup>23</sup> A.D.H.G., B, Tournelle, reg. 31 (30 juillet 1549), reg. 46 (17 octobre 1553), reg. 49 (9 juin 1554), reg. 52 (1 février 1555).

<sup>24</sup> Damhouder, *Practique*, fo. 16-17. Grand, "La prison," 58-63. Schnapper, "Parlement de Bordeaux," 31-33. Simancas, *De Catholicis Institutionibus*, fo. 179. The origins of the modern prison system were recently traced by Michel Foucault, *Surveiller et punir: naissance de la prison*.

<sup>25</sup> A.D., Aude, H 418, fo. 70v°-72v°. A.D.H.G., B, Tournelle, reg. 8 (21 août 1540), reg. 46 (23 octobre 1553); 112 H 6, Sentence de l'inquisiteur contre Bertrand de Manso (23 juin 1516). Inquisitorial practice may have been more lenient, Cf. Eymeric, *Directorium Inquisitorium*, 506-507.

<sup>26</sup> A.D.H.G., B, Tournelle, reg. 31 (30 juillet 1549), reg. 49 (9 juin 1554).

<sup>27</sup> Ibid., reg. 21 (14 avril 1546), reg. 24 (5 février 1546), reg. 46 (17 octobre 1553), reg. 52 (1 février 1555), reg. 55 (5 septembre 1555), reg. 68 (22 février 1559).

Parlement of Toulouse which, on 14 April 1546, decreed a sentence of life internment in the episcopal prison at Toulouse. The monk evidently found prison intolerable, for on 6 December of the same year the Parlement ordered that he burn at the stake for reason of the blasphemy and heresy which he had committed since incarceration.<sup>28</sup>

The fate of a convicted heretic who styled himself Jehan l'Evangeliste is perhaps more dramatic. The earliest reports of his public preaching come from Bordeaux where he was arrested during the early summer 1553. The Parlement had his great beard clipped and long hair shorn and then expelled him from the region. The itinerant preacher wandered up the Garonne to Toulouse and by autumn his activities led to confinement in the Dominican monastery. He was unfortunately given to "rash, execrable and scandalous" utterances and on 23 October the Parlement decided to imprison him in the harsh environment of a small cell which had only a minimal opening for passage of bread and wine. The parliamentary counsellor Jean Cognard supervised l'Evangeliste's incarceration in an upper room of the Tour Romaine in the Conciergerie, the royal prison at Toulouse. After nearly a year in prison, on 22 October 1554, l'Evangeliste set fire to the tower in which he was interned. The blaze blocked access to his cell and prison officials were forced to use a ladder and gain entry from the roof of the adjoining building, the Maison de la Garde du Palais. They knocked a hole in the wall of the prison tower and thereby extracted l'Evangeliste from his cell. This act, along with l'Evangeliste's continued scandalous outcries and refusal to accept confession, led the Parlement on the following day to command that his tongue be cut off and he burn at the stake.<sup>29</sup>

An alternative punishment for contrite heretics whose crime had been grave was assignment to the royal convict ships. Once again, the amende honorable<sup>30</sup> always and fustigation<sup>31</sup> occasionally accompanied the condemnation. The length of service in the galleys prescribed by the courts varied, though the most common sentences were for five years, ten years, and perpetuity.<sup>32</sup> The life of convict labor, a relatively recent fifteenth-century creation, was according to all accounts most unpleasant. The Parlement of Toulouse indirectly acknowledged the distress of the oarsmen

<sup>28</sup> Ibid., reg. 21 (14 avril 1546), reg. 24 (6 décembre 1546).

<sup>29</sup> Ibid., reg. 46 (23 octobre 1553), reg. 50 (23 octobre 1554). A.M., Toulouse, BB 175, fo. 135; BB 269, fo. 73v; BB 274, fo. 149–150. Patry, *Débuts de la réforme*, 143, n. 1 and 147.

<sup>30</sup> A.D.H.G., B, Tournelle, reg. 13 (10 avril 1543), reg. 19 (28 janvier 1546), reg. 21 (17 avril 1546), reg. 60 (7 octobre 1556), reg. 66 (20 septembre 1558), reg. 77 (1 décembre 1560); B 92 1, fo. 154–155. Etienne Médicis, *Le livre de Podio ou chroniques d'Etienne Médicis bourgeois du Puy*, 487. Ménard, *Histoire de Nîmes*, 4: 168.

<sup>31</sup> A.D.H.G., B, Tournelle, reg. 13 (10 avril 1543), reg. 60 (7 octobre 1556), reg. 66 (20 septembre 1558); B 92 1, fo. 154–155.

<sup>32</sup> Ibid., B, Tournelle, reg. 13 (10 avril 1543), reg. 19 (28 janvier 1546), reg. 21 (17 avril 1546), reg. 60 (7 octobre 1556), reg. 66 (20 septembre 1558), reg. 77 (14 décembre 1560); B 92 1, fo. 154–155. A.M., Toulouse, BB 175, fo. 135; BB 269, fo. 72; BB 274, fo. 163.

when it prohibited the condemned, upon pain of hanging and strangulation, from leaving the galleys until completion of their term.<sup>33</sup>

If the convicted heretic's crime was serious and he obstinately and adamantly persisted in the false belief or had repented but then relapsed into error (as did Simon de Marcis and Jehan l'Evangeliste), justice deemed him incorrigible and thus fit only for removal from society through execution. Ecclesiastical tribunals did not theoretically possess the power and authority to impose capital punishment. When the Inquisition or an officiality judged a person guilty of heresy and he declined to recant or initially repented and then returned to his heresy, the religious magistrate released him into the custody of a secular court which pronounced the death sentence.<sup>34</sup> If the condemned was a cleric, the ecclesiastical officers first stripped him publicly of his religious status. The vicar of the archbishop of Toulouse and the lieutenant of the inquisitor, for example, declared Jehan de Caturce, a licencié in law, guilty of heresy in 1532. When he refused to retract, they further ordered that he be delivered over to the secular arm. Due to his association with the university, de Caturce was technically a cleric and had first to be deprived of this status. Following a ceremony of public degradation in the Place Saint-Etienne at Toulouse, the archiepiscopal vicar and lieutenant inquisitor released de Caturce to the Parlement of Toulouse which on 2 May sentenced him to burn.<sup>35</sup> Felix Platter, a medical student from Basle, witnessed a degradation at Montpellier on 16 October 1553 and has left a good account. Guillaume Dalençon, a priest who converted to Calvinism, appeared in sacerdotal robes and ascended a platform where the bishop as well as other ecclesiastical and secular authorities waited. Dalençon's vestments were removed and replaced by secular garb while the ordination text was recited in reverse: his priesthood was undone. Religious officials shaved his head to remove all signs of tonsure and cut the flesh from the bone of his thumb and index finger, symbolizing the removal of his power to celebrate the Eucharist.<sup>36</sup> Dalençon was delivered to secular justice, condemned and burned shortly thereafter.<sup>37</sup>

<sup>33</sup> A.D.H.G., B, Tournelle, reg. 77 (14 décembre 1560). On the subject of convict labor and the French galleys, see: Paul W. Bamford, *Fighting Ships and Prisons: the Mediterranean Galleys of France in the Age of Louis XIV*, and Paul Masson, *Les galères de France (1481–1781): Marseille, porte de guerre*, esp. 17–100.

<sup>34</sup> Carena, *Tractatus*, 63–70 and 306–307. Eymeric, *Directorium Inquisitorum*, 510–528. Simancas, *De Catholicis Institutionibus*, fo. 186v<sup>o</sup>–188.

<sup>35</sup> A.D., Aude, H 418, fo. 67v<sup>o</sup>–68. Christie, *Etienne Dolet*, 75–78. Crespin, *Histoire des martyrs*, 1: 284. *Histoire ecclésiastique*, Baum and Cunitz, 1: 21–22.

<sup>36</sup> As the Church could not maim, the fingers were not cut off. Rather, the flesh was scraped from the bone. For the *Ordo degradationis*: Gulielmus Durandus, *Le Pontifical de Guillaume Durand*, ed. M. Andrieu, vol. III of *Le Pontifical romain au moyen-âge*, 607–608; Ioannes Monachus Picardus, *Glosa aurea* (Paris, 1535), fo. CCCXCiv<sup>o</sup>–CCCXCII; Imbert, *La pratique judiciaire*, 623. I am indebted to Professor K. Schimmelpfennig of the Freie Universität, Berlin for this reference.

<sup>37</sup> Félix Platter, *Mémoires de Félix Platter*, trans. Edouard Fick, 57.

Execution was an open ceremony which purified the community<sup>38</sup> and exemplified the danger of heresy. A procession through the town preceded the event. The victim rode in a cart with a noose attached to his neck (*portant la hart au cou*). The site of execution was a town square. The Place du Salin, which both the Parlement and Inquisition overlooked, and the Place Saint-Georges were favorite spots at Toulouse. Alternate locations were the square which opened before the Cathedral of Saint-Etienne and the market place near the church of La Daurade. Sites for execution elsewhere in Languedoc were the Place du Martoret at Le Puy and the Place du Salamandre at Nîmes.<sup>39</sup> A group of civil magistrates attended the death of the heretic. The seneschal, juge d'appaux, viguier and capitouls of Toulouse assisted at the burning of Jean de Caturce in 1532. A like body assembled for the executions of Louis de Rochette, Anthoine Richardi and Estienne Margoti a few years later. At Le Puy in the following decade, the bailiff and judge of Velay, the baile and judge of the communal court, and the municipal consuls witnessed Vidal Badoc's death at the stake.<sup>40</sup>

Death could be immediately preceded by cutting off the tongue, especially if the victim's heresy had involved passionate oratory or inflammatory preaching. If reprobate books had been discovered in the condemned's possession, they were added to the consuming fires.<sup>41</sup> In a more humane vein, thirty-seven of the sixty-two extant death sentences issued by the Parlement of Toulouse before 1560 stipulate that the victim be strangled prior to burning.<sup>42</sup> Of the remaining twenty-five persons, one was burned posthumously and the other two were strangled after the fires had been ignited.<sup>43</sup> There is no mention of strangulation with regard to the remaining

<sup>38</sup> Natalie Z. Davis, "The Rites of Violence," *Society and Culture in Early Modern Europe*, 152–187 examines heresy as "pollution" and the necessity of communal purification. Cf. the remarks of Robert Muchembled, "Sorcières du Cambrésis," in *Prophètes et sorciers dans les Pays-Bas, XVIe–XVIIIe siècle*, eds. M.-S. Dupont-Bouchet, W. Frijhoff and R. Muchembled, esp. 244–246.

<sup>39</sup> A.D.H.G., B, Tournelle, reg. 5 (10 septembre 1538), reg. 14 (29 août 1543), reg. 27 (27 janvier 1548), reg. 54 (5 juillet 1556). Médecis, *Le livre de Podio*, 2: 304 and 463.

<sup>40</sup> A.D.H.G., B, Tournelle, reg. 5 (10 septembre 1538), reg. 7 (10 mai 1539) and (1 juillet 1539); B 31, fo. 521; B 92 j, fo. 64. A.D., Aude, H 418, fo. 70.

<sup>41</sup> A.D.H.G., reg. 23 (14 octobre 1546), reg. 45 (21 mars 1553), reg. 50 (12 octobre 1554), (16 octobre 1554) and (23 octobre 1554), reg. 54 (5 juillet 1555), reg. 74 (10 avril 1560). Francesco Pegna, familiar with Italian Inquisitorial practice, thought the condemned's tongue might be cut off if necessary to avoid blasphemous offense to those in attendance. Eymeric, *Directorium Inquisitorum*, 331.

<sup>42</sup> A.D.H.G., B, Tournelle, reg. 5 (10 septembre 1538), reg. 6 (12 septembre 1538), reg. 7 (10 mai 1539) and (1 juillet 1539), reg. 8 (27 juin 1540), reg. 21 (31 avril 1546), reg. 23 (14 octobre 1546), reg. 24 (16 novembre 1546) and (6 décembre 1546), reg. 25 (3 juin 1547) and (7 juin 1547), reg. 26 (9 août 1547), reg. 27 (3 mars 1548), reg. 32 (23 janvier 1550), reg. 33 (13 mars 1550) and (8 mai 1550), reg. 37 (14 août 1551), (17 août 1551) and (27 août 1551), reg. 38 (2 septembre 1551), reg. 39 (23 décembre 1551), reg. 41 (22 mars 1552), reg. 43 (30 juillet 1552), reg. 48 (18 avril 1554) and (21 avril 1554), reg. 49 (9 juin 1554) and (6 juillet 1554), reg. 50 (1 août 1554), (6 septembre 1554) and (13 octobre 1554), reg. 51 (16 novembre 1554), reg. 54 (5 juillet 1555), reg. 57 (22 février 1556), reg. 67 (22 décembre 1558), reg. 74 (10 avril 1560); B 31, fo. 521; B 92 j, fo. 11 and 64; B 92 1, fo. 147.

<sup>43</sup> Ibid., B, Tournelle, reg. 54 (5 juillet 1555); ms. 132, fo. 239.

twenty-two condemned heretics. Were they denied a more compassionate death? Standard practice is not obvious. The Italian Inquisition, for instance, reserved strangulation for relapsed and penitent heretics.<sup>44</sup> Remorse engendered controlled mercy. French justice may well have made a similar sort of distinction.

The custom, howsoever limited, does raise questions concerning the courageous sufferings publicized by the sixteenth-century martyrologies. Jean Crespin's *Histoire des martyrs* reports that in 1545 the Parlement of Toulouse sentenced François d'Augi to burn for heresy. At the moment of execution, d'Augi, . . . "was heard crying in a loud voice from the midst of the flames: 'Courage, my brothers; I see the opened heavens and the Son of God who prepares to receive me.'"<sup>45</sup> The archives of the Parlement suggest distinctly different circumstances for d'Augi's death. The decree ordering his execution is dated 31 July 1552, some seven years after the date assigned by Crespin. A notation at the conclusion of the decree clearly states that d'Augi was to be strangled prior to burning,<sup>46</sup> rendering impossible his heroic words. Did the Parlement subsequently change its mind about strangulation? Was the executioner lax in observing the court's command? Perhaps the martyrologist Crespin embellished a good story? Or was he simply misinformed?

The latter explanation assumes greater plausibility upon consideration of other accounts in the *Histoire des martyrs*. The story of a Protestant group arrested in 1543 at Beaucaire is probably a later addition by Simon Goulart. It mentions seven individuals, all of whom were allegedly burned at Toulouse. The judicial records, on the other hand, indicate that the Parlement brought only four persons to trial. Another five escaped detention pending adjudication of the matter. More importantly, of the four whose cases went to court, only two were condemned to the stake and one of the two burned at Beaucaire.<sup>47</sup> Although these examples do not negate the validity of other tales contained in the *Histoire des martyrs*, they do suggest occasional inaccuracies in the martyrologies. They were not, in all fairness, designed to be descriptions of legal practice and their use for this purpose requires considerable caution.<sup>48</sup>

<sup>44</sup> "Haereticus relapsus . . . si poeniteat, prius stranguletur, et postea comburatur . . . ." Carena, *Tractatus*, 68.

<sup>45</sup> Crespin, *Histoire des martyrs*, 1: 517. The authors of the *Histoire ecclésiastique*, Baum and Cunitz, 1: 70, repeat the account.

<sup>46</sup> A.D.H.G., B, Tournelle, reg. 43 (30 juillet 1552).

<sup>47</sup> Ibid., reg. 13 (10 avril 1543). Crespin, *Histoire des martyrs*, 3: 840–841. Cf. the events as reported in Ménard, *Histoire de Nîmes*, 4: 168–169.

<sup>48</sup> The literature surrounding a critical approach to the early Protestant martyrologies is large. Among others, see: Robert Foncke, *Duitse Vlugschriften van de Tijd over het Proces en de Terechtstelling van de Protestanten*, especially, 54–59; Léon-E. Halkin, "Les martyrologes et la critique. Contribution à l'étude du Martyrologe protestant des Pays-Bas," *Mélanges historiques offerts à Monsieur Jean Meyhoffer*, 52–72; Leonard C. Jones, *Simon Goulart, 1543–1628; étude biographique et bibliographique*, and F. Pijper, *Martelaarsboeken*, especially 5–33.

The courts, for their part, had little desire to confer the martyr's crown<sup>49</sup> and though it is difficult to gauge, they do not appear to have been overzealous and extreme in the execution of heretics. The Parlement of Toulouse and affiliated tribunals in Languedoc sought a total of 1074 persons for suspicion of heresy between 1500 and 1560. Sixty-two, slightly less than 6 percent, died at the stake. All were condemned by the Parlement. Similar, but less complete documentation exists for the Parlements of Paris and Bordeaux. It permits a limited comparison and places the problem in better perspective. At Paris, the *chambre ardente* named 557 heresy suspects between May 1547 and March 1550. Of that number, thirty-nine persons (7 percent) burned. The Parlement of Bordeaux, which had a smaller geographic jurisdiction than either Paris or Toulouse and whose archives are far less complete, sought 477 suspected heretics between 1541 and 1559. Eighteen individuals, less than 4 percent, eventually perished in the executioner's fires. Justice in heresy causes at Toulouse was not more exacting than at Paris; punishment at Bordeaux was marginally less severe.<sup>50</sup> Furthermore, studies of sixteenth-century criminal justice at the Parlements of Paris and Rouen suggest that execution for heresy was no more (and often less) frequent than for perjury, theft and sorcery. The incidence of capital punishment was considerably higher for brigandage, homicide and infanticide.<sup>51</sup> The use of the death sentence for heresy was neither singular nor extreme when compared to its application for other felonies.

Absent from this inventory of penalties and punishments are the penances traditionally associated with religious error. The medieval Inquisition had initiated, and the sixteenth-century Italian and Spanish tribunals continued, the practice of prescribing the *sanbenito*, a type of scapular with crosses sewn on it. The penitent wore the garment publicly and was often assigned a special humble role in religious ceremonies. The Inquisition favored salutary penances too. Fasts, prayers, pilgrimages, and frequent reception of the sacraments of Penance and the Eucharist were the most common.<sup>52</sup> The abandonment of these penances by the French courts, civil and religious, is but an additional indication of the dominance of secular justice in the trial and punishment of heresy.

The punishment as well as the prosecution of heresy were not without their costs. The ceremony of the *amende honorable*, the degradation of a cleric, and the execution of a recalcitrant or relapsed heretic required elaborate and expensive preparations. The Inquisition at Carcassonne paid the merchant Jehan La Font thirty sols tournois for wood used in the construction of a platform upon which Gabriel Amalins was degraded. The carpenter who built the structure received two livres. The Parlement of

<sup>49</sup> The extensive cautions of Eymeric, *Directorium Inquisitorum*, 514ff., against creating martyrs may be taken as representative.

<sup>50</sup> The arrêts which have been examined are published in Patry, *Débuts de la réforme* and Weiss, *La chambre ardente*. Close examination of the bloody reputation accorded the Parlement of Toulouse is contained in Mentzer, "Calvinist Propaganda," 268–283.

<sup>51</sup> Dewald, "Rouen," 294–299. Schnapper, "Parlement de Paris," 252–284.

<sup>52</sup> Carena, *Tractatus*, 319. Eymeric, *Directorium Inquisitorum*, 506.



Toulouse disbursed two livres for the escort which assisted at the burning of Pierre de La Serre. It included the captains of the watch, the sous-viguier and several sergeants. Olivier Galy, a master carpenter, received five livres, seven sols, and seven deniers tournois for furnishing powder, sulphur, resin, wood and an iron chain.<sup>53</sup>

The expenditures in execution of sentence and the costs of the criminal action were theoretically borne by the crown. It was the accused, however, upon whom these financial matters were actually settled. The court sequestered an accused heretic's real and personal property at the time of his arrest. From these assets, the magistrates deducted the expenses for the accused's subsistence and maintenance in prison during the trial. Bertrand Freignien, awaiting the disposition of an appeal in 1558, petitioned the Parlement to sell a portion of his possessions for nourishment and upkeep. He requested permission to dispose of goods valued at sixty livres, but the tribunal, which controlled the sequestered assets, would not authorize sale in excess of twenty-five livres.<sup>54</sup>

If the case against the accused was not proven, the court returned his goods and property.<sup>55</sup> Culpability, on the other hand, generated additional deductions to offset the outlays for execution of sentence and court costs. The condemned heretic was responsible for the costs of the trial (*frais de justice*) and royal statutes provided that they be drawn from his assets.<sup>56</sup> Indeed, the decrees of final sentence occasionally mention the requirement that the convicted person satisfy these expenses.<sup>57</sup> Yet the requirement did not preclude leniency upon the part of the court. The Parlement of Toulouse held Bertrand Bordes, a licencié accused of heretical speech, liable for the costs of the action, but only up to fifty livres. It decreed that the expenses in the trial of three men sentenced to the amende honorable in 1552 be met from whatever goods and property they possessed. But the three were not to be imprisoned if satisfaction was less than complete.<sup>58</sup>

The complete confiscation of a convicted heretic's property was closely

<sup>53</sup> B.N., ms. fr., quittances et pièces diverses, vol. 135, no. 1913 and 1914; vol. 138, no. 2339 and 2341. Bourgeois, "Documents inédits," 24 549–551 and 25 (1876), 106–108. For other examples: A.M., Toulouse, CC 2397, fo. 1bv°, 1cv° and no. 24, 27, 36; CC 2398, no. 191 and 217; CC 2400, fo. 141av°, 141bv° and 141f.

<sup>54</sup> A.D.H.G., B, Tournelle, reg. 67 (31 décembre 1558). Eymeric, *Directorium Inquisitorum*, 649–651. Imbert, *La pratique judiciaire*, 668–671.

<sup>55</sup> A.D.H.G., B, Tournelle, reg. 26 (9 novembre 1547), reg. 41 (27 janvier 1552), reg. 43 (30 juillet 1552), reg. 51 (19 janvier 1555); B 92 1, fo. 23.

<sup>56</sup> Ibid., B 1904, fo. 92–92v°; C 2279, fo. 422v°. Esmein, *La procédure criminelle*, 244. Imbert, *La pratique judiciaire*, 334–338 and 569–570. Isambert, *Recueil général*, 13: 201.

<sup>57</sup> For convicted heretics made to pay the costs of justice, a) when sentenced to prison: A.D.H.G., B, Tournelle, reg. 55 (5 septembre 1555), reg. 68 (22 février 1559); b) when banished: reg. 26 (7 octobre 1547), reg. 28 (24 juillet 1548), reg. 31 (24 septembre 1549), reg. 38 (22 septembre 1551) and (16 octobre 1551), reg. 40 (8 février 1552), reg. 41 (24 mars 1552), reg. 50 (27 octobre 1554), reg. 54 (6 juillet 1555), reg. 57 (27 mars 1556), reg. 60 (12 octobre 1556), reg. 61 (24 décembre 1556), reg. 63 (2 juin 1557), reg. 64 (21 août 1557), (27 août 1557) and (31 août 1557), reg. 67 (23 décembre 1558), reg. 68 (22 février 1559); B 92 1, fo. 58; c) when sentenced to amende honorable: reg. 39 (9 décembre 1551), (10 décembre 1551) and (23 décembre 1551), reg. 40 (5 février 1552).

<sup>58</sup> Ibid., reg. 24 (5 février 1547), reg. 39 (9 décembre 1551) and (10 décembre 1551).



related to these concerns. Confiscation by the crown was frequently admitted as a collateral penalty for grave offenses—arson, brigandage, forgery, homicide, theft—and especially for lese majesty. Roman law permitted confiscation of goods for treason and thus the punishment applied to heresy which the commentators equated with lese majesty against the Divinity. The exact degree of criminality which warranted confiscation in instances of heresy is difficult to determine. The tribunals of Languedoc attached a confiscatory clause for sentences of capital punishment and service in the galleys. It also accompanied perpetual imprisonment and perpetual banishment.<sup>59</sup> Its application in cases of lesser punishment was far more irregular.<sup>60</sup>

The common method for disposal of confiscated goods was a simple auction.<sup>61</sup> The civil, rather than ecclesiastical, authorities handled the matter. During the medieval period, the proceeds were divided into three equal allotments for the temporal lord, the Inquisition and the Roman Church. The goods of condemned heretics became the exclusive property of the royal fisc by the sixteenth century. The development occurred in Spain where the Catholic monarchs controlled and supported the Inquisition as well as in France where royal justice dominated heresy prosecution. Receipts from confiscation of heretics' property in Languedoc went to the *receveur ordinaire* of the royal domaines. After the basic court expenses had been met, the remaining funds collected through confiscation were allocated for a variety of projects, including royal construction and the pursuit of other heretics. And, as previously noted, a portion went to the person who had originally denounced the condemned heretic.<sup>62</sup>

Confiscation was an especially onerous punishment because its effect was not limited to the convicted criminal—the practice disinherited the convicted heretic's relatives. The Parlement executed Jehan Jeurn, a priest of Bellegarde, for heresy in the early 1550s. According to Jeurn's will of 17 October 1540 and a codicil dated 29 April 1551, a part of his possessions were left to the father, Jaques Jeurn. When the court confiscated the condemned heretic's property, the elder Jeurn sued for a quarter share. The

<sup>59</sup> For convicted heretics subject to confiscation, a) when imprisoned: *Ibid.*, reg. 8 (21 août 1540), reg. 46 (17 octobre 1553), reg. 55 (5 septembre 1555), reg. 68 (22 février 1559); b) when banished: reg. 16 (1 avril 1545), reg. 21 (14 avril 1546), reg. 61 (24 décembre 1556), reg. 64 (21 août 1557), reg. 68 (22 décembre 1559).

<sup>60</sup> Aufrère, *Decisiones capellae Tholosanae*, 60 and 168. Damhouder, *Practique*, fo. 66v–67. Eymeric, *Directorium Inquisitorium*, 654–655. Imbert, *La pratique judiciaire*, 668–669. Papon, *Recueil d'arrests*, 1344. Pierre Timbal, "La confiscation dans le droit français des XIII<sup>e</sup> et XIV<sup>e</sup> siècles," 54–61.

<sup>61</sup> A.D.H.G., B, Tournelle, reg. 39 (23 décembre 1551), reg. 50 (4 août 1554), reg. 69 (10 mai 1559), reg. 72 (6 décembre 1559).

<sup>62</sup> *Ibid.*, reg. 39 (22 décembre 1551) and (23 décembre 1551), reg. 40 (5 février 1552), reg. 49 (5 mai 1554) and (16 juin 1554), reg. 50 (1 août 1554) and (4 août 1554), reg. 63 (3 juin 1557) and (4 juin 1557), reg. 69 (15 mai 1559); B 92 1, fo. 195. Eymeric, *Directorium Inquisitorium*, pp. 656–661. Imbert, *La pratique judiciaire*, 671–672. Simancas, *De Catholicis Institutionibus*, pp. 123–133. For further treatment of the denouncer's share, see chapter VI, The Preliminaries of the Trial.

Parlement denied the claim and sold the goods at auction. The loss of inheritance also weighed heavily upon the heretic's children. The moral problem of inflicting a life of poverty upon innocent children was widely recognized and the courts occasionally softened the blow. The Parlement reserved one-third of the goods and property confiscated from Claude Dimenche in 1547 for his wife and children. It granted similar consideration to the family of François Guynibauld several years later.<sup>63</sup>

Justice did not demand confiscation of the dowry originally provided by the heretic's wife, unless she knew of his heresy prior to the marriage. Thus the magistracy exempted the spouse's dowry when it seized the possessions of Estienne Angelin in 1551. A striking affirmation of the dowry's immunity arose when Michel Souchet, a notary of Privas, was summoned to appear before the bench on suspicion of heresy. Rather than comply, he fled. Souchet was subsequently declared contumacious and tried in absentia. The tribunal found him guilty and handed down a sentence of perpetual banishment along with confiscation of goods. Although Souchet's wife was deceased, he did have two small children whom he left behind at Privas. Catherine Ladrecte, the maternal grandmother, acted on behalf of the minors. She secured royal letters permitting a civil petition in order to regain a share of the confiscated property. Ladrecte presented the court with a copy of the marriage pact between her daughter and Souchet. It listed the dowry which Ladrecte and her husband, since deceased, had donated. The Parlement of Toulouse ruled that those items enumerated in the contract as having been given by the bride's parents would not be seized, but reserved for the two children.<sup>64</sup>

As the Michel Souchet case suggests, confiscation also affected persons who fled to avoid prosecution for heresy. The ordinance of Villers-Cotterets (1539) specified that criminal parties in default, after having been properly summoned, would have their possessions seized. Heresy tribunals had long proceeded in absentia against persons who took flight in the face of accusation. Whereas the medieval Inquisition, as well as its Roman and Spanish successors of the sixteenth century, allowed suspects a full year to submit to justice, the courts of Languedoc moved to condemnation within a few weeks. Fugitives were banished from the realm and often burned in effigy. The offender's name and crime were affixed to the likeness lest the reality of the ceremony escape the communal observers. Conviction by default also visited its effect upon the family of the delinquent, for the court usually seized his goods and property. The Parlement condemned in absentia five former residents of Villefranche-de-Rouergue on 27 October

<sup>63</sup> A.D.H.G., B, Tournelle, reg. 26 (9 août 1547), reg. 40 (16 janvier 1552), reg. 45 (21 mars 1553), reg. 61 (24 décembre 1556). A recent exploration of the thorny ethical question of disinheriting innocent children is Kenneth Pennington, "'Pro Peccatis Patrum Puniri': A Moral and Legal Problem of the Inquisition," 137–154.

<sup>64</sup> A.D.H.G., B, Tournelle, reg. 39 (23 décembre 1551), reg. 41 (31 mars 1552). Eymeric, *Directorium Inquisitorum*, 662–663. Simancas, *De Catholicis Institutionibus*, fo. 125.

1554. It decreed the confiscation of their assets, their perpetual banishment from France, and the burning of "effigies made in appearance and dress" to resemble the five criminals.<sup>65</sup>

Success in obtaining a pardon or reprieve from sentences rendered in heresy causes was rare and the circumstances limited. Powerful local influence and superior social position appear to have been vital prerequisites. When the parlementaire Antoine de Lautrec and his wife Antoinette de Vabres fled Toulouse for Geneva in 1553, the Parlement convicted them of heresy in absentia and ordered their property confiscated. Marguerite du Mayne, the mother of Antoinette, and Bernard de Vabres, her brother and the Seneschal of Toulouse, immediately petitioned the court. They argued that de Vabres had been taken to Geneva against her wishes and, on 6 February 1554, the Parlement granted them three months within which to present Antoinette. Her failure to appear in the prescribed time limit would mean execution of sentence and hence the loss of a valued portion of the family's wealth.<sup>66</sup>

Remission was not a royal pardon; it was a point of procedure. Pierre Chabot, a doctor of laws, obtained royal letters which remitted the sentence of banishment and confiscation rendered against him by default. The rescript led to a full trial before the Parlement. The tribunal finally obliged Chabot to perform the amende honorable and pay a fine of fifty livres. Lettres de grâce et rémission had a similar tempering effect in the cause of Jacques Cocombris, a licencié in law. They secured his release from prison and the restoration of his property. Yet the court did deduct four hundred livres for the costs of justice and another hundred applicable to charitable works.<sup>67</sup> The Parlement of Toulouse did not exonerate, but simply mitigated the punishment.

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Judicial procedure for the prosecution of heresy in sixteenth-century Languedoc did not differ from that employed in other criminal actions. Although both secular and ecclesiastical magistrates participated in the judgment of heresy, all observed the procedural rules set forth in royal ordinance. Royal legal practice in France adopted and, at the same time, modified the Roman-canon inquisitorial system. Changes particularly obvious to the student of the Roman and Spanish Inquisitions were the confrontation of witnesses with the accused and the denial of a defense

<sup>65</sup> A.D.H.G., B, Tournelle, reg. 50 (27 octobre 1554). Pegna, in his commentary upon Eymeric, *Directorium Inquisitorium*, 528–534, suggests that "burning in effigy" was a fifteenth-century development. Isambert, *Recueil général*, 12: 605. Simancas, *De Catholicis Institutionibus*, fo. 136–136v°.

<sup>66</sup> A.D.H.G., B, Tournelle, reg. 47 (19 décembre 1553). A.M., Toulouse, layette (6 février 1554). Szapiro, "Lautrec," 341–342.

<sup>67</sup> A.D.H.G., B, Tournelle, reg. 45 (27 mars 1553), reg. 50 (3 septembre 1554) and (12 octobre 1554), reg. 59 (29 juillet 1556). Schnapper, "Parlement de Bordeaux," 44–46.

attorney. The French "extraordinary" procedure, characterized by the information, interrogation, confrontation, limited defense and torture, was the common experience of all criminal defendants. The courts did not judge heresy under a special or more rigorous process. Restraint in the application of torture and the invocation of the death sentence, compared to their use in the prosecution of other serious crimes, tends to confirm this view. Criminal procedural for the adjudication of heresy was neither peculiar nor singular. In the context of the sixteenth century, it was legal justice; and moral objections might more fruitfully concentrate on the definition of heresy rather than the manner of its judgment. Thus the focus of this study now shifts to a consideration of royal laws and judicial practice which defined as criminal religious belief different from that of the established Church. What were the statutes and how were they interpreted? By whom were they promulgated? To whom were they applied? And, finally, what was their effect?

## **Part 3.**

# **The Law and Its Application**

## XI. Heresy Statutes

Secular laws governing the crime of heresy were not unknown prior to the Reformation. As early as the sixth century, Justinian's Code incorporated several provisions touching upon religious error. During the medieval period, however, the greatest portion of heresy statutes was contained in canon law. French criminal law did not embrace a sizable corpus relating to religious offenses until the sixteenth century. The enactment of these measures by the royal government corresponded approximately to the rise of French Protestantism and the increased activity of secular courts in the adjudication of heresy. The laws were simple in their construction and, for the most part, were directed against overt acts which might disrupt public tranquillity and threaten political and social accord. Few secular jurists were adequately schooled in the complexities of doctrinal dispute and subtleties of heretical intent. And, for political as well as religious reasons, the crown desired statutes which its magistrates might readily interpret and thereby maintain ordered unity within the kingdom.

Prior to 1539, mixed "ecclesiastical" tribunals composed of two clerical and two secular judges tried accused heretics in Languedoc.<sup>1</sup> These and other religious courts empowered to hear heresy causes had little difficulty in basing their decisions on the prescriptions of canon law. The legal maneuvers surrounding the trial of Nicolas de Beaumont alias Arnoult in 1523 involved an elaborate discussion of certain points in ecclesiastical law. Both the Inquisition and the archiepiscopal court of Toulouse claimed exclusive authority to prosecute de Beaumont, an accused sorcerer. The essential debate between the two jurisdictions was whether heresy, as defined by the canons of the Church, included sorcery and necromancy.<sup>2</sup>

Ecclesiastical magistrates, and especially the Dominican inquisitors, were well-versed in theology and fully capable of detecting and identifying religious error. The inquisitor, official and two counsellors of the Parlement posthumously condemned Gondisalvy de Molina at Toulouse in 1511 for having "irreverently" placed in a napkin a consecrated host administered to him on his deathbed.<sup>3</sup> The diocesan judge of Auch issued a warrant

<sup>1</sup> The composition of these tribunals at Toulouse included the inquisitor, the episcopal vicar general (or a suitable substitute) and two counsellors of the Parlement. See chapter IV, The Royal Tribunals.

<sup>2</sup> A.D.H.G., 112 H 6, *Extrait des registres du Parlement*, janvier 1522 (o.s.).

<sup>3</sup> *Ibid.*, B 14, fo. 774v° and 795v°; ms. 132, 239–241. Lafaille, *Annales de Toulouse*, 1: 313–314. Desecration of the host was a charge commonly leveled against persons of Jewish and Marrano background (such as de Molina). P. Browe, "Die Hostienschändungen der Juden im Mittelalter," 167–197.



for the arrest of Jehan de Verdusan and Raymond de Orto in 1532. The two men allegedly claimed that Christ had conferred the power to forgive sins solely upon Saint Peter and that this faculty had not passed to his successors. They also questioned the utility of fast and abstinence during Lent and denied the value of prayer for souls in purgatory.<sup>4</sup> During the same year, Jean de Boyssoné, a law professor at the University of Toulouse, fell under suspicion of heresy. In order that he might dispel all doubt, de Boyssoné abjured publicly a series of erroneous propositions. The listing, drafted by officers of the Inquisition and officiality, was very nearly a compendium of ideas proper to early reformers.

1. One must maintain as a point of Faith only that which is contained in Holy Scripture.
2. The Articles of Faith added by the Roman Church must be rejected.
3. One must accept only the first four councils.
4. The See of Rome has been vacant for five hundred years.
5. Purgatory cannot be proven from any passage of Holy Scripture.
6. The pope does not have the power to excommunicate nor to forbid anything under pain of mortal sin, with the exception of that which is expressly prohibited by Scripture.
7. Indulgences are only an abuse.
8. Prayers addressed to the saints are superfluous.
9. There is no free will.
10. We are not justified by good works, but by the sole Faith of Jesus Christ.<sup>5</sup>

Although there is no assurance that de Boyssoné actually advocated the positions of which he purged himself, they do indicate the extent to which religious authorities were concerned with what might be described as ideological dissent.

By comparison, many of the secular laws pertaining to religious offenses dealt more with the concrete public manifestations of reformed religious ideas than with the ideas themselves. One of the earliest statutes appeared in 1539, the year which marked the full involvement of royal justice in the trial of heretics. It forbade schoolmasters (*maîtres d'écoles*) from reading and interpreting publicly the Scriptures and, in particular, the Epistles of Saint Paul without express permission from diocesan authorities. The crown subsequently extended the requirement for prior episcopal approval to include all preaching and religious instruction. Violations were referred to the royal courts for appropriate legal action.<sup>6</sup> Already in 1537, the vicar general for the diocese of Montauban had blocked the appointment of Michel de Affinibus as a regent of the schools at Montauban because he allegedly interpreted one of the Pauline Epistles incorrectly. Nearly a decade later, magistrates of the diocese of Albi arrested Anthoine Amasi, a local

<sup>4</sup> A.D.H.G., 1 G 642, Inquisition de 1532.

<sup>5</sup> Lafaille, *Annales de Toulouse*, 2: 77–78.

<sup>6</sup> A.D.H.G., B 32, fo. 313v°; B 33, fo. 36v°; B, Tournelle, reg. 50 (27 octobre 1554). "Documents inédits et originaux," 202. Isambert, *Recueil général*, 13: 60.

schoolmaster, for having lectured to his students on Sacred Writ without the bishop's approbation. The Parlement then tried Amasi and banished him from the province for one year. And, in 1559, Jehan de La Rogeraye was apprehended at Montauban and charged with reciting the Psalms in the schools without permission from the episcopal officers. Fortunately for de La Rogeraye, he escaped detention before his case could be transferred to Toulouse for judgment.<sup>7</sup>

Another problem for the civil authorities was the secret meetings and assemblies of adherents to reformed Christianity. Numerous laws prohibited these gatherings and the edict of Châteaubriand (1551) even promised immunity from prosecution to persons who would reveal their existence. Yet the difficulty persisted. The municipal consuls of Pamiers found themselves charged with negligence in 1550 because they failed to prevent these conventicles. The Parlement fined Pierre Chabot when he neglected to report a religious assembly which he had witnessed. And it imposed a minor penalty on two persons for their seemingly inadvertent attendance at an evening gathering where an accused and subsequently convicted heretic had spoken. Several parlementaires interrogated Adrian Panatier, a resident of Pamiers, in February 1560. They discussed, among other things, his alleged participation in private religious meetings where the Psalms were sung in French. Shortly thereafter, the juge-mage for the Seneschalsy of Nîmes-Beaucaire, the juge ordinaire of Nîmes and the criminal judge for the Bailiwick of Vivarais reported armed religious gatherings at Nîmes and Annonay. Fearful of civil strife as well as religious unrest, the Parlement of Toulouse immediately commissioned a président and two counsellors to probe the matter. It also alerted Guillaume de Joyeuse, the lieutenant of the Governor of Languedoc, and commanded the Seneschal of Nîmes-Beaucaire and Bailiff of Vivarais to act promptly for the prevention of future assemblies. Simultaneous accounts of armed reformed gatherings around Lombez to the west of Toulouse evoked a similar response. The Parlement dispatched two of its members, Guérin d'Alzon and Etienne de Bonald, to investigate and bring the responsible parties to justice.<sup>8</sup>

Secular as well as ecclesiastical judges entertained a presumption of heresy which arose *ex patria*. Persons affiliated with states or cities where the reform had successfully taken root caused deep concern. Volrat Vratzoff, described as a German, was arrested at Lectoure in late 1551. Appearing before the Parlement, the royal attorney general argued that the many letters found among the accused's belongings contained proof of widespread

<sup>7</sup> A.D.H.G., B, Tournelle, reg. 26 (16 septembre 1547). A.M., Montauban, 1 BB 6, fo. 47-48; 1 BB 22 (12 juin 1559), (13 juin 1559) and (9 octobre 1559). Devals, "Ecoles publiques," 105-108. *Histoire ecclésiastique*, Baum and Cunitz, 1: 373-374. Méras, "Michel de Affinibus," 324-326.

<sup>8</sup> A.D.H.G., B, Tournelle, reg. 34 (23 août 1550), reg. 45 (7 mars 1553), reg. 50 (13 septembre 1554), reg. 73 (1 février 1560), reg. 74 (19 avril 1560) and (20 mai 1560); B 1904, fo. 92. Isambert, *Recueil général*, 13: 202.

conspiracy (*plusieurs intelligences*) on the part of reprobate religious sects. The charge was undoubtedly difficult to substantiate for within a few months the court released Vratzoff on simple recognizance bond. Hector de Volnerot, another German, apprehended in 1554, fared considerably worse. Convicted of transporting heretical books within the kingdom of France, de Volnerot was banished from France in perpetuity and the volumes found in his possession were burned.<sup>9</sup>

Individuals associated with Geneva were subject to similar, if not greater scrutiny. The Parlement sentenced Michel de Chaseaumolin, a native of Pontoise, to burn for reason of heresy in 1551. It further stipulated that prior to execution the condemned would be questioned whether he had been sent from Geneva to disseminate religious error. The high court sentenced Anthoin Savinhac to public fustigation not long afterwards. At the same time, it prohibited him from going to Geneva, thus suggesting that previous travel to the city was at least partially responsible for his arrest. François d'Augi, a tanner from the Bourbonnais region who had lived in Geneva for nearly ten years, and Pierre Septsoubz, a native Genevan, were apprehended and charged with heresy at Annonay in 1552. Though the court released Septsoubz on recognizance bond, it sent d'Augi to the stake. The municipal magistrates of Toulouse convicted the native Genevan Claude Bessonnet during the following year. Bessonnet's crime was perhaps more the fact that he was from Geneva than adherence to heretical belief because he was soon free on bail pending the disposition of an appeal lodged with the Parlement. The Toulousan capitouls again demonstrated their zeal in 1555 when they sought the execution of four students who had become imbued with Calvin's views while in Geneva. The students appealed to the Parlement and their willingness to recant, coupled with their obvious youth, resulted in a substantial lessening of the sentence. The court did no more than place them in parental custody.<sup>10</sup>

The crown expressly drafted a number of statutes to prevent the spread of Calvinism from its Genevan base. The edict of Châteaubriand, published in 1551, contained detailed provisions. It forbade royal subjects from corresponding with, sending money to, or otherwise favoring persons who had left the kingdom to reside in Geneva. The movable and fixed goods of Frenchmen who took refuge there were subject to sequestration. Bearers of letters and books from Geneva were to be prosecuted as "heretics and disturbers of public peace and tranquillity." Proscriptions contained in subsequent laws were equally strict. The edict of Compiègne confirmed

<sup>9</sup> A.D.H.G., B, Tournelle, reg. 39 (24 décembre 1551), reg. 40 (27 janvier 1552), reg. 45 (14 avril 1553). Sixteenth-century Italian and Spanish inquisitors recognized similar sorts of "presumptions." Carena, *Tractatus*, p. 249. Simancas, *De Catholicis Institutionibus*, fo. 189–190.

<sup>10</sup> A.D.H.G., B, Tournelle, reg. 37 (14 août 1551), reg. 39 (10 décembre 1551), reg. 42 (24 mai 1552) and (28 juin 1552), reg. 43 (30 juillet 1552), reg. 45 (28 février 1553), reg. 52 (9 février 1555), reg. 53 (31 mai 1555). A.M., Toulouse, BB 274, fo. 175; layette 48 (11 avril 1558); layette 90 (15 février 1555).

existing practice when it made the very act of going to Geneva punishable by death.<sup>11</sup>

The Parlement of Toulouse applied these statutes with mixed success. On 19 December 1553, it instituted proceedings against Antoine de Lautrec, one of its own counsellors, de Lautrec's wife, his niece, and Pierre d'Airebaudouze, an archdeacon of Nîmes and Uzès. They had fled to Geneva and therefore were indicted for heresy. The court again cited them as heretics and fugitives from justice in a judgment dated 6 February 1554. This second decree also listed eight new Genevan exiles, five from Nîmes and three from Toulouse. Referring to the "notorious scandal" that their action had created among "simple people" and their defiance of the Christian religion, the Parlement sentenced these refugees to burn in effigy. It further ordered the confiscation of their property and actual execution should they be apprehended. This threat, however, did not prevent either de Lautrec or d'Airebaudouze from returning to southern France in the early 1560s. De Lautrec served briefly as an adviser at the court of Navarre, while d'Airebaudouze became a pastor at Lyons and later Nîmes.<sup>12</sup>

A less prevalent aspect of the civil magistrature's desire to maintain religious unity and thereby avoid popular turmoil was the occasional identification of heresy with the indigent and criminal elements in society. A "brazen man" (*affronteur*) with long hair and a beard, dressed in Biblical costume and carrying a staff, attracted great attention among the common people (*peuple simple et ydiot*) at Toulouse in 1553. Municipal officials, fearful of religious and social discontent, had his beard and hair cut and then expelled him from the city. Jean Burel reports in his *Mémoires* that about the same time two strangers were caught attempting to steal a chalice from a church at Le Puy. They were tried, condemned and executed. One was hanged, the other decapitated. Though the mode of execution suggests condemnation for thievery, they were nonetheless characterized as "Lutherans and heretics."<sup>13</sup>

Despite slightly different objectives, secular and religious officials usually found it in their best interests to cooperate for the extirpation of heresy. On 23 March 1543, the Faculty of Theology at the University of Paris issued a series of Articles of Faith which reaffirmed numerous tenets challenged by the reformers. Francis I gave the articles added force when, four months later, he published them along with royal letters requiring their observance. The Parlement of Toulouse registered both the letters and articles on 19 November. An indication of the seriousness of the issue

<sup>11</sup> A.D.H.G., B 1904, fo. 92v<sup>o</sup>-93. Isambert, *Recueil général*, 13: 203-204 and 494-497.

<sup>12</sup> A.D.H.G., B, Tournelle, reg. 47 (19 décembre 1553). A.M., Toulouse, layette 47 (6 février 1554). Geisendorf, *Livre des habitants*, 1: 12, 26, 28, 29 and 79. Robert M. Kingdon, *Geneva and the Coming of the Wars of Religion in France 1555-1563*, 32-33, 45-48, 60 and 72; and *Geneva and the Consolidation of the French Protestant Movement 1564-1572*, 44. Ménard, *Histoire de Nîmes*, 4: 355-356. Mentzer, "Calvinist Propaganda," 276-277.

<sup>13</sup> A.M., Toulouse, BB 269, fo. 71; BB 274, fo. 150. Jean Burel, *Mémoires de Jean Burel, bourgeois du Puy*, 8.

is provided by an incident which occurred within three years. The inquisitor of Toulouse demanded the apprehension of a certain Prior of Vasus after investigation revealed that he had ridiculed the Articles of Paris and refused to believe that the crown had approved them.<sup>14</sup>

Though there is little indication that the royal courts based their decisions specifically on the Parisian Articles, many trials did center on offenses expressly mentioned in the document. Articles eleven through sixteen, for instance, reaffirmed various pious practices relating to the Virgin Mary and the saints. They are man's intercessors towards God and are capable of performing miracles. One should honor them, pray to them, and perform good works such as visiting their shrines and kneeling before their statues as well as the crucifix. Opposition to these religious observances did not go unpunished in the secular tribunals. The Parlement of Toulouse arrested Flori Martin in 1546 because he allegedly made a crucifix on which a fox held the head of Christ between his teeth. The imagery, whether Manichaean or folkloric in inspiration, was deemed inappropriate. The tribunal issued a warrant shortly thereafter for Ramond Chaussoyn when it learned that he had scorned the practice of honoring the crucifix. The judge of the Lauragais imprisoned Gregoire de Nassia and Jaques Panyer because they spoke "rashly and indiscreetly" of the veneration of the saints. The Parlement sentenced the pair to perform the amende honorable and banished Panyer for a period of three years. The municipal consuls of Réalville arrested Ramond Danyel on a similar charge and the punishment imposed by the Parlement was identical to that suffered by Panyer. The execution of Pierre d'Alemans and Arnould Esculier resulted, at least partially, from their iconoclastic rampage at Montech. They defaced and destroyed numerous crucifixes and sacred statues. The seneschal and capitouls of Toulouse tried several persons in 1560 for having mutilated religious artwork. And magistrates in the seneschalsy of Nîmes-Beaucaire proceeded against Baptiste Pelissier after he told a woman of Montfrin: "Since you believe in the Virgin Mary, you believe in my ass."<sup>15</sup>

Another of the Articles of Paris reaffirmed the existence of purgatory and again the civil authorities lent support. The lieutenant general of the seneschalsy of Rouergue tried Bernard Palis after he expressed doubt concerning purgatory. Secular justice also upheld clerical celibacy. The Parlement condemned to the stake Estienne Margoti, a priest who had married; and it punished, though less severely, two priests of Réalville for their "dissoluteness and concubinage."<sup>16</sup>

<sup>14</sup> A.D.H.G., B 1903, fo. 60v<sup>o</sup>-62; 112 H 6, Inquisition de 1546. Isambert, *Recueil général*, 12: 820-821.

<sup>15</sup> A.D.H.G., B, Tournelle, reg. 20 (15 mars 1546) and (26 mars 1546), reg. 26 (7 octobre 1547) and (8 octobre 1547), reg. 27 (16 janvier 1548), reg. 74 (27 avril 1560). Puech, *La Renaissance à Nîmes*, 53.

<sup>16</sup> A.D.H.G., B, Tournelle, reg. 7 (1 juillet 1539), reg. 26 (6 octobre 1547). A.M., Toulouse, CC 2397, fo. lcv<sup>o</sup> and no. 27. Etienne Cabrol, *Annales de Villefranche de Rouergue* 1: 643-644. The Inquisition "vehemently" suspected of heresy priests and monks who married.

The Parlement of Toulouse more than once maintained the obligation to fast and abstain from meat during Lent and on other specified days. It accused several residents of Marvejols due to their ridicule of abstinence from meat on Fridays and during the Lenten season. Ramond Danyel's arrest by the consuls of Réalville followed his rash statements concerning the veneration of the saints and the practice of fasting. The governor of Montpellier instituted proceedings against Guillaume de Sault and Guillaume Pay for eating meat during Lent. And one aspect of the Parlement's preliminary investigation against Jehan Robert concerned the allegation that he had violated the Lenten prohibition against meat. Secular diligence may have reached its zenith when the Parlement, upon discovering that Pierre Guyrauld could recite neither the *Pater Noster* nor *Ave Maria*, enjoined the bishop of Uzès to instruct Guyrauld and "other simple and ignorant persons of his diocese" in the prayers and symbols of the Faith.<sup>17</sup>

The most dogged combined effort of the temporal and spiritual authorities was directed against printed materials in the form of books, pamphlets, songsheets and placards. Printed matter provided concise concrete evidence and, as such, constituted the single most commonly stated reason for heresy indictment. Forty persons apprehended prior to 1560 found the charges against them to include possession of condemned literature. The statutes and laws governing these offenses originated with both the Church and the civil government. The Sorbonne had censured certain printed works from the very beginning of the French Reformation and, in 1543, issued a general catalog of reprobate books. Following the Parisian initiative and based largely on the earlier listing compiled by the Sorbonne, the Toulousan inquisitor Vidal de Bécenis published an index of proscribed books and songs around 1548. The French monarchy supplemented the attempt to regulate the book trade with its own legislation. The edict of Fontainebleau (1547) barred the printing and sale of any work dealing with Sacred Scripture and the sale of any book imported from Geneva, unless it had been examined and approved by the Sorbonne. The edict of Châteaubriand (1551) bolstered these measures considerably. It banned the sale, importation and printing of unapproved books under pain of corporal punishment and confiscation of property. Licensing arrangements obliged printers to indicate clearly their names and addresses, the date of publication and the author. Biblical translations and scriptural scholarship were subject to additional, more stringent controls.<sup>18</sup>

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Concubinage and sexual excesses by clerics were, on the other hand, usually regarded as disciplinary abuses. Carena, *Tractatus*, 221–222. Eymeric, *Directorium Inquisitorum*, 365. Simancas, *De Catholicis Institutionibus*, fo. 170.

<sup>17</sup> A.D.H.G., B, Tournelle, reg. 20 (26 mars 1546), reg. 26 (8 octobre 1547), reg. 28 (19 juillet 1548), reg. 49 (16 juin 1554), reg. 68 (6 mars 1559).

<sup>18</sup> A.D.H.G., B 1904, fo. 85v<sup>o</sup>–94. B.N., Collection Doat, vol. XXV, fo. 206v<sup>o</sup>–212v<sup>o</sup>. Fréville, "Un index," 1 (1852): 355–363, 437–448 and 2 (1853): 15–24. Lucien Febvre and Henri Martin, *L'apparition du livre*, 423–424. Isambert, *Recueil général*, 13: 37–38 and 189–208. Heinrich Reuss, *Der Index der verbotenen Bücher*, 1: 167–168. The place of printing in the



The Parlement of Toulouse made a genuine effort to enforce censorship throughout Languedoc. It ordered Jean de Lancefoc to submit the original copies of his morality plays for scrutiny by the inquisitor, archiepiscopal vicar general and several doctors of Theology in 1542. Toward the end of the decade, the tribunal instructed all civil and religious authorities within its jurisdiction to visit all bookshops. Their collective task was the elimination of censured works, especially vernacular editions of Scripture, from the sellers' shelves. Violations uncovered in this devout, but doubtlessly ineffective, mobilization were to be referred to the Parlement for appropriate legal action. Similar warnings concerning the printing and sale of heretical materials were issued to the members of the book trade at Toulouse in 1556.<sup>19</sup>

The available evidence suggests that a major difficulty was the illicit transport of books from outside France. Some came from Germany, as did those volumes which led to the arrest of Hector de Volnerot in 1551, but the bulk of reprobate literature in southern France, especially after 1550, originated in Geneva. The conviction of Pierre Laborie, a bookseller of Villefranche-de-Rouergue, resulted from the sale of "suspect and reprobate" works printed at Geneva. And Guillaume d'Alençon's activity as a distributor (*colporteur*) of Genevan publications ended with his condemnation and execution at Montpellier.<sup>20</sup>

The discovery at Toulouse in 1554 of a series of distribution networks for Protestant books illustrates the magnitude of the problem. While patrolling the city one evening, two municipal officers encountered near the Place Arnaud Bernard a young boy with about a dozen books authored by Calvin, Luther, and other reformers. Upon questioning, the boy revealed that his employer, Pierre Tournier, a master bookseller of Toulouse, had sent him to deliver them to certain unnamed students at a prearranged place. The bookdealer evidently learned of the mishap quickly, for although his possessions were seized, he escaped detention. Coincidental to these events, Pierre Navarre, a merchant from Morlaas, met Peyronelle Massanelle, a brother-in-law to the bookseller Tournier. In the course of their conversation Navarre realized that Massanelle was a disciple of Protestantism and soon denounced him to the Toulousan capitouls. The merchant also informed the authorities that Massanelle had advised him to call on François Ponisson, a priest at the church of La Daurade who subsequently fled to Geneva. Another proposed contact was Anthoine Perrin who lived on the rue des Filatiers. Perrin, it was said, could introduce Navarre to

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Reformation is explored in Elizabeth L. Eisenstein, *The Printing Press as an Agent of Change*, 1: 303–450. For a recent discussion of the book trade and censorship in France, see: Alfred Soman, "Press, Pulpit and Censorship in France before Richelieu," 439–463.

<sup>19</sup> A.D.H.G., B 35, fo. 346; B 49, fo. 612v°; B, Tournelle, reg. 25 (6 mai 1547).

<sup>20</sup> Ibid., B, Tournelle, reg. 39 (10 décembre 1551), reg. 47 (11 décembre 1553), reg. 50 (27 octobre 1554). Philippe Corbière, *Histoire de l'église réformée de Montpellier*, 11–12. Guiraud, *Réforme à Montpellier*, 1: 120. Platter, *Mémoires*, 57–60. Kingdon, *Geneva and the Coming*, 93–105, examines the export book trade at Geneva.



the bookdealer Tournier and thereby secure literature for his spiritual enrichment. Both Massanelle and Perrin were arrested, tried and condemned for heresy.

Not long afterwards, a student notified the Toulousan magistrates of additional suspect books stored in a house belonging to Odet de Savonnère, a master couturier who lived on the rue de Peyras. A thorough search uncovered in a garret one small and two large bales of books imported from Geneva. François Linhac, originally from the town of Fraisse in the Condomois, lived in the house too and admitted that the tomes belonged to him. He had gathered the Latin and French works while in Geneva and planned to distribute them among the people of the Condomois. Tried and condemned by the Parlement, Linhac burned along with his books. For his part in the affair, Odet de Savonnère was assigned to life service in the king's galleys. He died, however, prior to implementation of sentence.<sup>21</sup>

Only rarely do the judicial registers note the particular title which had incriminated the defendant. Among the possessions of Pierre d'Alemans and Arnould Esculier was what the court termed *La somme de l'Escripture*. Probably an edition of the *Somme de l'Escriture sainte* first published at Antwerp in 1523 by Martin Lempereur, the work was forbidden by de Bécanis's *Index Librorum Prohibitorum* for Toulouse.<sup>22</sup> Three separate indictments during the early 1550s focused upon a publication entitled *Le catéchisme*. Authorship was attributed to Calvin in only one instance, yet all seem to have been editions of his *Instruction et confession de Foy, dont on use en l'église de Genève* which initially appeared in 1537. De Bécanis's *Index* once again censured the volume.<sup>23</sup> The other recorded title was the *Anatomie de la messe*, discovered in the cache belonging to François Linhac. It was a French translation of an *Anatomia della messa* by Agostino Mainardo, an apostate Augustinian who became a minister at Chiavenna in the Valtellina.<sup>24</sup>

Printed songs, some solemn yet heretical, others openly derisive, as well as the singing of such verses frequently gave rise to prosecution. De Bécanis's *Index* cited fifteen prohibited songs, all in the vernacular and most with biblical themes. A defamatory libel in the form of a song was, in part, the evidence against nine residents of Beaucaire imprisoned in 1543. The Parlement sternly admonished Ramond Gros and Alrais Donnedilhe for their association with persons who sang "scandalous songs" and sen-

<sup>21</sup> A.D.H.G., B, Tournelle, reg. 50 (23 août 1554), (29 août 1554), (1 septembre 1554) and (16 octobre 1554). A.M., Toulouse, BB 175, fo. 134v<sup>o</sup>; BB 269, fo. 72–72v<sup>o</sup>; BB 274, fo. 162–163. Geinsendorf, *Livre des habitants*, 1: 48. Lafaille, *Annales de Toulouse*, 2: 170–171.

<sup>22</sup> A.D.H.G., B, Tournelle, reg. 27 (27 janvier 1548). B.N., Collection Doat, vol. XXXV, fo. 210. Febvre, *L'apparition du livre*, 416. Fréville, "Un index," 442–443. Reusch, *Der Index*, 1: 168.

<sup>23</sup> A.D.H.G., B 92 1, fo. 58; B, Tournelle, reg. 40 (10 février 1552), reg. 52 (13 mars 1555). B.N., Collection Doat, vol. XXXV, fo. 210v<sup>o</sup>. Fréville, "Un index," 444–445.

<sup>24</sup> A.M., Toulouse, BB 175, fo. 134v<sup>o</sup>–135. Jacques-Charles Brunet, *Manuel du libraire et de l'amateur de livres*, 1: 47 and 258–259. Reusch, *Der Index*, 1: 374.

tenced Guillaume Mutet, a couturier of Nizas, to perform amende honorable for having uttered such verses. The consuls of Gaillac punished the scissor sharpener Jehan Drilhen in a like manner for the same offense. The interrogation of Paul Venetan, a baker from Castres, concentrated on some songsheets discovered in his house; and a certain Blondel went to the stake after he disrupted a religious procession at Toulouse by shouting a "profane canticle" of Clément Marot in 1556. Four years later, the principal allegation against Adrian Panatier was that he had chanted the Psalms in French, a practice explicitly outlawed by parliamentary edict.<sup>25</sup>

Printed and handwritten placards, pasquinades and rondeaux posed another vexing problem. Anthoine Souchon posted inflammatory placards and rondeaux on the buildings around the main square at Marvejols and was arrested for his diligence. The judge of Verdun inquired into the sudden appearance of religiously invective pasquinades at Gimont in 1553 and soon fixed the blame on Pierre Pelouz, a licencié in law. The Parlement, in 1557, fined and banished André Guyralh for a period of three years because he penned placards contrary to the established Faith.<sup>26</sup>

Beyond the offenses heretofore described, other transgressions, not readily associated with heresy by the modern observer, were treated as such in the sixteenth century. Striking among these crimes on the periphery of heresy was homosexuality, or sodomy in the language of the early modern jurist who viewed it as a crime against nature and the violation of a fundamental relationship. Roman law punished the *crimen innotinatum* with death by fire and the Inquisition, which often assumed jurisdiction over the offense, proved equally severe. The inquisitors of Aragon sent major offenders to the stake, while lesser infractions typically merited flagellation and banishment or commission to the galleys. Justice in southern France was stern, too. The vicar general for the archdiocese of Toulouse and several judges from the Parlement convicted Anthoine Richardi, the Dominican lieutenant inquisitor, in 1539 and it cost him his life. The Inquisition of Carcassonne pronounced Bernard Prat guilty of sodomy in 1547. Prat appealed to the Parlement which granted a retrial in the court of the seneschal of Carcassonne, but again, the verdict was guilty. Prat lodged a second appeal with the Parlement, but it was denied and, on 3 March 1548, the high court ruled that the convicted sodomite had incurred the "legal penalty for heresy," burning.<sup>27</sup>

<sup>25</sup> A.D.H.G., B, Tournelle, reg. 13 (10 avril 1543), reg. 39 (7 décembre 1551) and (9 décembre 1551), reg. 49 (16 juin 1554) and (3 juillet 1554), reg. 73 (1 février 1560). "Documents inédits et originaux. Arrêt *ab irato* du Parlement de Toulouse contre un hérétique, 1556," 13–14. B.N., Collection Doat, vol. 35, fo. 211v°–212v°. Fréville, "Un index," 16–19.

<sup>26</sup> A.D.H.G., B, Tournelle, reg. 20 (15 février 1546), reg. 45 (25 février 1553), reg. 46 (12 août 1553), reg. 64 (27 août 1557).

<sup>27</sup> The Richardi affair is discussed in Chapter II, The Crisis of the Inquisition. Ibid., reg. 7 (10 mai 1539), reg. 27 (5 décembre 1547) and (3 mars 1548). Carena, *Tractatus*, 116. Note that only Aragonese inquisitors handled sodomy. In Castile it was a civil crime. Bartolomé Bennassar, "Le modèle sexual: L'Inquisition d'Aragon et la répression des péchés 'abominables,'" in *L'Inquisition Espagnole, XVe–XIXe siècle*, 339–369. Karlen, "Homosexual Heresy," 44–63. Monter, "La sodomie," 1023–1033.

Necromancy, sorcery and witchcraft were also loosely, and often disputably, classed under the rubric of heresy. The Spanish jurist Diego Simancas cautioned that the Inquisition did not possess jurisdiction over sortilege unless it involved heresy. Raymond Gosin, inquisitor at Toulouse during the 1520s, went farther and argued that canon law defined magic and sortilege as heresy. He accordingly claimed power to prosecute the alleged magician Nicholas de Beaumont in 1523, to the exclusion of the Toulousan Officiality. Nearly ten years later, when Arnaud de Badet faced trial for heresy, his accusers reasoned that he was guilty because, among other things, he had engaged in astrology.<sup>28</sup>

There naturally remain a good number of cases for which the court records do not specify the particular act of heresy. Many persons were merely accused of heretical blasphemy and indiscreet statements (*blasphèmes et parolles scandaleuses et indiscrètes*).<sup>29</sup> Even more were charged with making statements contrary to the Holy Catholic Faith and the Christian Religion (*parolles contraires à la sainte foy catholique et religion chrestienne*).<sup>30</sup> The phrases unfortunately represent little more than general legal formulae and provide scant indication of the nature and gravity of the defendant's offense. Yet they are further testimony of the royal magistrates' anxious concern over public statements and acts in opposition to traditional religious beliefs and practices.

Statute law dealing with heresy in Languedoc prior to the religious wars was largely a creation of the royal government, subject to the interpretations of its courts. Neither the precepts of canon law nor the doctrinal and disciplinary interests of the Church were forgotten. Rather, they were selectively reinforced and buttressed by a growing body of secular criminal legislation. The monarchy that promulgated these new laws and the judiciary that enforced them understood the preservation of religious unity to be a basic ingredient in the political and social well-being of the state. As was so amply demonstrated during the second half of the sixteenth century, religious differences could easily spill over into other areas. The maintenance of order and prevention of conflict would seem, however, to depend upon effective and uniform enforcement of the law. Were the courts and, in particular, the Parlement of Toulouse capable of this task? And, if so, were they successful?

<sup>28</sup> A.D.H.G., 112 H 6, Extrait des registres du Parlement, le 17 janvier 1552 (o.s.). A.D., Aude, H 418. Simancas, *De Catholicis Institutionibus*, fo. 197v<sup>o</sup>–198. The important exploratory studies by Alfred Soman, "Procès de sorcellerie," 790–814 and "The Parlement of Paris," 31–44 discuss methodology and sources for the examination of criminal justice and witchcraft in France. On the prosecution of witchcraft, E. William Monter, *Witchcraft in France and Switzerland: The Borderlands during the Reformation*.

<sup>29</sup> A.D.H.G., B, Tournelle, reg. 11 (12 juin 1542), reg. 34 (8 novembre 1550), reg. 51 (22 décembre 1554), to cite but several examples.

<sup>30</sup> *Ibid.*, reg. 28 (18 juillet 1548), reg. 39 (9 décembre 1551), reg. 52 (9 février 1555), for instance.

## XII. THE GEOGRAPHY OF THE ACCUSED

The success or failure of the civil and religious magistrates in the eradication of heresy, a highly associational crime, depended in large measure upon sustained and uniform enforcement. There is no intent here to deny the effectiveness of selective prosecution based on a predetermined and coherent policy. The action could be extremely potent if directed, for example, against the leadership within heterodox factions. On the other hand, the intermittent application of heresy statutes or an unconscious bias with respect to certain geographic areas and social groups could have quite the opposite effect. The unequal administration of justice would not only permit some heretical populations to flourish unmolested, but could easily create an aura of martyrdom around the victims of this prejudicial treatment.

A preliminary gauge of judicial capacity to control religious opposition is an examination of the geographic distribution of persons accused of heresy. What was their place of residence at the moment of accusation or arrest? If the enforcement of anti-heresy legislation was homogeneous throughout Languedoc, the incidence of accusations should roughly resemble the pattern of the reform movement as known from other independent sources.

Several prefatory comments regarding the available documentation are appropriate. Though the records of the episcopal tribunals and Inquisition, as well as those from the courts of the seneschalsies and municipalities, are uneven and fragmentary, the registers of the Parlement of Toulouse are fairly complete, especially for the period 1540–1560. The value of the latter documentation is greater than may appear at first glance. As previously indicated, jurisdictional and procedural rules for the adjudication of heresy would have required nearly all suspects to stand before the Parlement at one stage or another in their trial. The records of the Parlement thus compensate for the paucity of information from other tribunals and, as such, provide the basis for this analysis.

The archives of the various courts of Languedoc reveal that between 1500 and 1560 at least 1074 persons were accused of heresy. Not all were found guilty, nor were all of them even brought to trial. Some suspects, for instance, fled to safety upon learning of the issuance of a warrant for their arrest. Yet the list does provide a group associated with religious reform, if only in the eyes of the magistrates. It is unfortunately impossible to determine for all suspects the jurisdiction or town in which they resided at the time of summons or apprehension. Adequate information exists for

922 persons, approximately 86 percent of the total.<sup>1</sup> The observations advanced with respect to the geographic distribution of accused heretics must then be understood as general trends and indications which are, in addition, largely limited in their applicability to the Parlement of Toulouse.

Similar caution must be voiced concerning the standards of comparison, the independent and non-judicial sources which suggest the pattern of the reform movement. The *Livre des habitants de Genève* for the years 1549–1560 gives a partial listing of Protestant refugees to that city. The motives and causes behind this emigration are, to be sure, not fully understood and may vary widely. The list of habitants, moreover, is by no means a complete register of refugees to Geneva. Some persons chose not to become habitants and women were almost totally excluded. Yet those who did inscribe in the *Livre des habitants* normally gave their town of origin. And it is possible, within the confines of the cautions outlined above, to compare the pattern of emigration from Languedoc to Geneva with the geographic distribution of heresy accusations.

A second standard for comparison is the distribution of reformed churches in Languedoc during the sixteenth century. The establishment of a church should reflect the existence of a Protestant population sufficient for its support. Yet the relative size and strength of the various congregations are difficult to determine. And the extent to which southern French Protestants redistributed their numbers after 1560, when religious warfare forced them to seek safety within and without Languedoc, is not fully known. The geographic pattern of the reformed churches does, on the other hand, provide a general indication of the relative proportions of the Protestant populace distributed among the various sections of the province. An examination of the geographic distribution of accused heretics is thus possible and useful, but only with complete awareness of the limitations of the attempt.

The clustering of accused heretics according to the modern départements in which their residences were located broadly suggests the distribution. The totals for each département wholly or partially within the jurisdiction of the Parlement of Toulouse are as follows:

Département	Accused Heretics <sup>2</sup>
Ardèche	21
Ariège	47
Aveyron	29
Aude	64
Bouches-du-Rhône	2

<sup>1</sup> In his analysis of criminal justice before the Parlement of Bordeaux, Bernard Schnapper similarly notes that the "place of infraction" is not uniformly mentioned in the records. Schnapper, "Parlement de Bordeaux," 4.

<sup>2</sup> This and subsequent tables are based upon close examination of the surviving documents from the criminal chamber of the Parlement of Toulouse.

<u>Département</u>	<u>Accused Heretics<sup>2</sup></u>
Corrèze	1
Gard	164
Haute-Garonne	168
Gers	38
Hérault	77
Haute-Loire	26
Lot	6
Lot-et-Garonne	1
Lozère	37
Pyrénées-Atlantiques	1
Hautes-Pyrénées	4
Tarn	103
Tarn-et-Garonne	133

Figure 3 graphically indicates the relationship of these numbers.

Three general concentrations of accused heretics are discernible—the largest around Toulouse, site of both the Parlement and the principal branch of the Inquisition. The zone includes the Haute-Garonne in which Toulouse is located; the Tarn wherein lie Albi and the future Huguenot bastion of Castres; and the Tarn-et-Garonne, dominated by the celebrated Protestant town of Montauban. On the periphery of this initial conglomeration are the Aude whose largest urban centers are Carcassonne and Narbonne; the Ariège with its principal seat at Pamiers; and the Gers where Auch and Lectoure are situated. A second broad band of pre-1560 Protestant activity extends eastward along the littoral from Montpellier to the Rhône Valley. The Hérault in which Montpellier is placed and the Gard with its Protestant municipalities at Bagnols, Beaucaire, Nîmes and Uzès form the region. A final concentration of accused heretics reaches inland into the rugged and rural valleys of the Cévennes. The Ardèche, the Aveyron, the Haute-Loire and the Lozère today circumscribe this mountainous area. The remaining départements had only a few residents charged with heresy—the case with the Lot and the Hautes-Pyrénées; or no more than a fraction of their territory was within the jurisdictional boundaries of the Parlement of Toulouse. The Bouches-du-Rhône, the Corrèze, the Lot-et-Garonne, and the Pyrénées-Atlantiques compose the latter division.

An analogous pattern is evident in the towns of Languedoc. They are ranked according to the number of persons summoned on heresy charges between 1500 and 1560.

<u>Town</u>	<u>Accused Heretics</u>
Toulouse	149
Nîmes	70
Montauban	57
Pamiers	38
Uzès	29

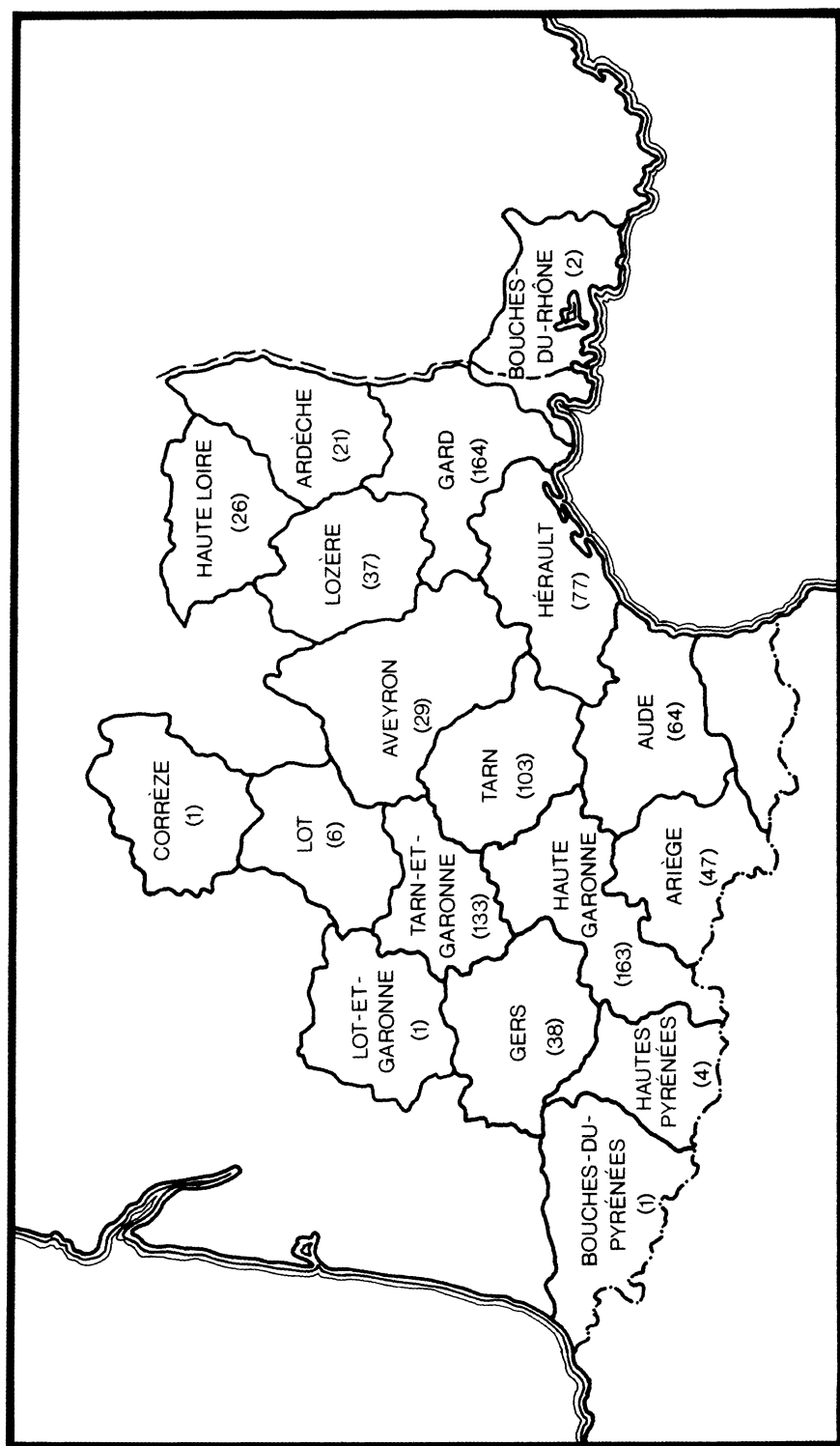


FIG. 3. Distribution of Accused Heretics by Département.



Town	Accused Heretics
Puylaroque	29
Castres	28
Marvejols	25
Bagnols	24
Rabastens	20
Villefranche-de-Lauragais	16
Narbonne	15
Montpellier	14
Moissac	12
Beaucaire	12
Lectoure	11
Roquecourbe	11
Privas	10
Villefranche-de-Rouergue	10
Annonay	9
Montech	9

When the locations are plotted on the map (Figure 4), the emerging image resembles that viewed in Figure 3. A primary concentration of accused heretics occurs in the region surrounding Toulouse. It extends principally north and east, in the directions of Montauban and Castres, and to a lesser degree south toward the Pyrénées. A secondary grouping in Lower Languedoc centers on Nîmes and a tertiary follows the upland line of the Cévennes from Marvejols to Privas to Annonay.<sup>3</sup>

Certain features of the geographic arrangement of heresy suspects may be explained with reference to over-all population distribution. Toulouse, with a total population between 40,000 and 50,000 by mid-century, was the largest urban area in Languedoc.<sup>4</sup> That there was a preponderance of accusations in and around Toulouse should not be a surprise. But an explanation based solely upon general demographic characteristics of the province quickly cease to be useful. The next biggest towns were from one-fourth to one-fifth the size of Toulouse. Montpellier had a total population of between 10,000 and 12,000; Nîmes may have been slightly larger.<sup>5</sup> Yet the incidence of heresy accusations varied enormously among

<sup>3</sup> The latter two "zones" resemble those outlined by Le Roy Ladurie in his description of the Reformation in Lower and eastern Languedoc. Le Roy Ladurie, *Paysans de Languedoc*, 1: 333–336.

<sup>4</sup> Estimates of the Toulousan population in the sixteenth century vary. Tertius Chandler and Gerald Fox, *3000 Years of Urban Growth*, 122. Pierre Chaunu and Richard Gascon, *Histoire économique et sociale de la France*, 1, i: 397. Jean Coppolani, *Toulouse, étude de géographie urbaine*, p. 97. Roger Mols, *Introduction à la démographie des villes d'Europe du XIVe au XVIIIe siècle* 2: 516–517.

<sup>5</sup> Chandler, *Urban Growth*, 116–117. Le Roy Ladurie, *Paysans de Languedoc*, 1: 189–196 and 328. Ferdinand Lot, *Recherches sur la population et la superficie des cités remontant à la période gallo-romaine*, 1: 374–375. Mols, *Démographie des villes*, 2: 41 and 516–517 and 3: 118. Josiah C. Russell, "L'évolution démographique de Montpellier au moyen âge," 345–360. Line Teisseyre-Sallman, "Urbanisme et société: l'exemple de Nîmes aux XVIIe et XVIIIe siècles," 967 estimates that Nîmes had a population of 13,000 during the reign of Henry IV.

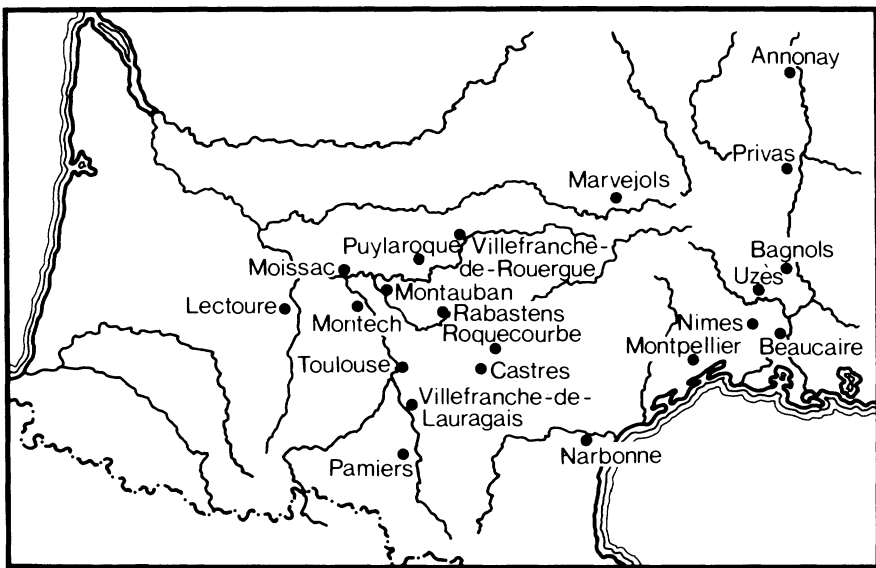


FIG. 4. Principal Towns at which Heretics Were Sought.

these secondary towns. Nîmes accounted for seventy suspects; Montpellier had only fourteen. Montauban and Narbonne, whose populations also fell within this second echelon, respectively contributed fifty-seven and fifteen suspects. Faced with these disparities, examination must turn to the demography of southern French Protestantism.

The lists of Protestant emigrés from Languedoc to Geneva are a convenient beginning. Robert Mandrou has traced the origins of those individuals who registered in the Genevan *Livre des habitants* between 1549 and 1560.<sup>6</sup> The differences between his geographic analysis and the distribution of heresy suspects are striking. The flow of refugees from Languedoc was substantial; it was among the strongest of all the French provinces and attests to the vitality of the region's Protestant reform. Yet there was an internal unevenness to the emigration. The habitants from the western towns—Albi, Castres, Montauban, Pamiers and Toulouse—were proportionally less numerous than the émigrés from the urban centers of eastern Languedoc—Alès, Anduze, Montpellier, Nîmes and Uzès. The Cévenol towns of Annonay, Aubenas, Le Puy, Mende, Millau and Saint-Chély also contributed a relatively significant number of refugees to Geneva. The Rhône—Cévennes—Lower-Languedoc triangle of early Protestantism described by Emmanuel Le Roy Ladurie<sup>7</sup> dominated the religious migration to Geneva, but not the geographic pattern of heresy accusations.

The proximity of a possible westerly sanctuary, Béarn and Navarre,

<sup>6</sup> Robert Mandrou, "Les français hors de France aux XVIe et XVIIe siècles," 662–675.

<sup>7</sup> Le Roy Ladurie, *Paysans de Languedoc*, 1: 333–336.

may partially account for the weaker representation of Protestants from Toulouse and the adjacent area among the Genevan habitants. Were they more apt to flee the short distance to the Atlantic Pyrénées than make the arduous trek across the entirety of France to the Calvinist capital? Yet even this hypothesis is not in itself sufficient account of the differences in the geographic origins of the refugees to Geneva and the suspected heretics of Languedoc.

The geographic pattern of heresy accusations reflects the effective reach of the courts (and most notably the Parlement of Toulouse) as well as the general population distribution and demographic contours of the French Reformation. Montpellier, for instance, was a fairly large town (10,000–12,000 people) considerably distant from Toulouse and its judicial institutions. During the years before the Wars of Religion, it provided twenty-nine habitants of Geneva, yet only fourteen of its residents were accused of heresy.<sup>8</sup> Conversely, only five individuals from Pamiers, a smaller town in the Toulousan region, registered at Geneva, while thirty-eight residents were indicted as heretics. And fifty-seven persons were accused at Montauban (also near Toulouse), but only seventeen fled to Geneva. The data from five other towns at which there were numerous indictments point toward the same interpretation.

<u>Town</u>	<u>Accused Heretics</u>	<u>Genevan Habitants</u>
Toulouse	149	22
Puylaroque	29	0
Castres	28	7
Nîmes	70	54
Uzès	29	19

Heresy accusations were considerable at Toulouse and nearby Puylaroque and Castres. The eastern towns, such as Nîmes and Uzès, provided far more Genevan refugees, but do not appear to have had a proportional number of heresy suspects.

Analysis of the strength of early Protestantism based on the number and location of reformed churches yields a pattern analogous to that suggested by the emigration to Geneva. Adherence to the Reformation again seems to have been proportionally more substantial in the eastern reaches of Languedoc (Figure 5).<sup>9</sup> The churches of the Rhône—Cévennes—Lower-Languedoc area outnumbered those in the western section of the province. That heresy accusations did not wholly reflect this development is evident in a comparison between the area surrounding Toulouse and the regions of Montpellier—Nîmes and the Cévennes.

<sup>8</sup> Figures based on Geisendorf, *Livre des habitants*, 1.

<sup>9</sup> Samuel Mours, *Les églises réformées en France*, 51. Cf. a similar map in Janine Estèbe, “Une société de refus,” in Philippe Wolff et al. *Documents de l’histoire du Languedoc*, 215.

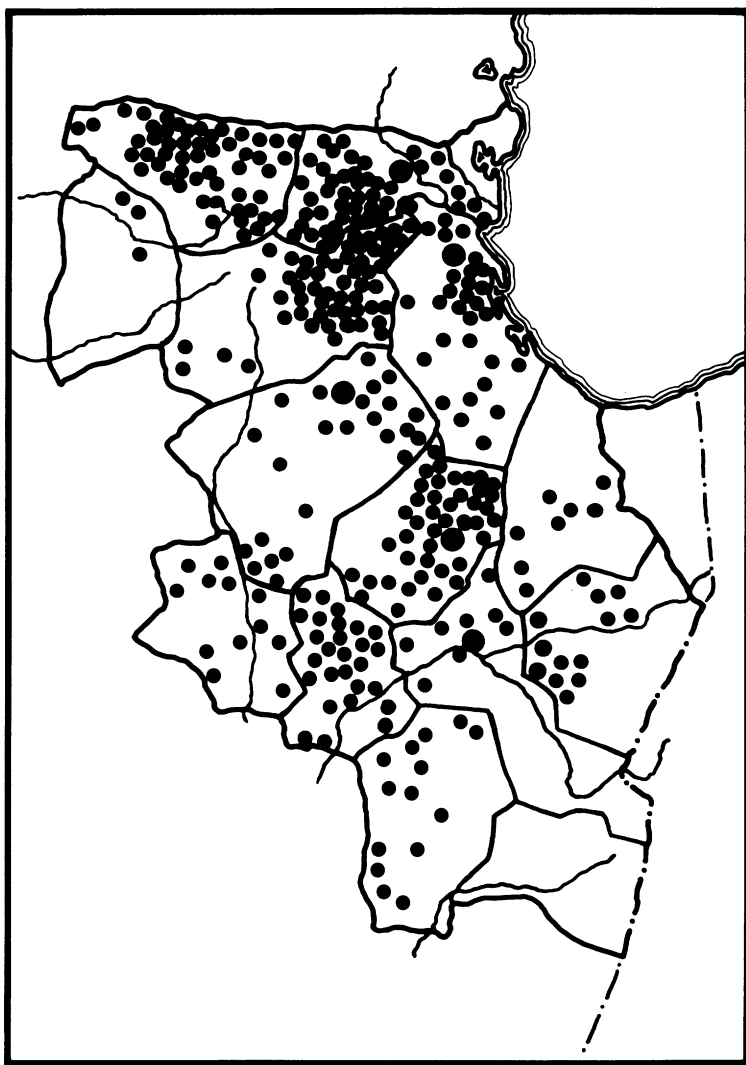


FIG. 5. Reformed Churches in southern France (16th century).

	Accused Heretics	Reformed Churches before 1560	Reformed Churches in the 16th century
Toulouse Region <sup>10</sup>	553	10	140
Montpellier— Nîmes— Cévennes Region <sup>11</sup>	354	35	368

Though the number of reformed churches is greater, heresy suspects are noticeably fewer in the Montpellier—Nîmes and Cévennes regions. The preponderance of accusations in the area around Toulouse may be inflated by its gross population. But this consideration does not outweigh the evidence that the most intense centers of reformed belief were in the eastern sectors of Languedoc. While the conclusion is by no means definitive, the Protestants of Montpellier, Nîmes, and Uzès, as well as those in the Cévenol towns, appear to have been less liable to prosecution than their co-religionists who lived in proximity to Toulouse.

Toulouse as the focus of legal opposition to the Reformation resulted, in part, from the many courts which sat there. It was the site of both the Parlement and the principal court of the Inquisition. A seneschal court met within its walls and even the municipal magistrates, the capitouls, repeatedly exercised their judicial charge in opposition to Protestantism. Most of these tribunals had limited territorial jurisdiction. The major exception was the Parlement whose power extended throughout the province. Yet even this sovereign court appears to have had greatest effect in the area immediately adjacent to its Toulousan seat; its royal justice diminished and weakened in the more distant and remote zones. Were the magistrates, by and large living and working in Toulouse, unable to provide adequate supervision for the farther reaches of their jurisdiction? Were local officials too often sympathetic to the reform or, perhaps more accurately, lax in their opposition to it? Did the mountainous terrain which separates Upper and Lower Languedoc, and both from the Cévennes, afford the early Protestants a protection best exemplified by the *Désert cévenol* which followed the revocation of the Edict of Nantes?

The discussion of these questions must await the concluding chapter. It is sufficient at this point to say that, for whatever reasons, the geographic distribution of heresy suspects suggests an unequal enforcement of the laws against heresy. This geographic imbalance, in turn, points to the further problem of the position of the accused heretics within the community. What were their occupations and social backgrounds?

<sup>10</sup> The Toulouse region includes the *départements* of Ariège, Aude, Haute-Garonne, Gers, Tarn and Tarn-et-Garonne. Mours, *Eglises réformées*, 62–63, 78, 101–103 and 107.

<sup>11</sup> The Montpellier—Nîmes—Cévennes region includes the *départements* of Ardèche, Aveyron, Gard, Hérault, Haute-Loire and Lozère. Mours, *Eglises réformées*, 59–61, 63, 73–77, 79–80, 86–87 and 197.

### XIII. SOCIAL AND OCCUPATIONAL STATUS OF THE ACCUSED

Examination of the social status and occupations of suspected heretics differs from the study of their geographic distribution in one vital respect: judicial records note the status or function of the accused within the community far less than they record his residence. Available documentation indicates that between 1500 and 1560 the tribunals of Languedoc accused 1,074 persons. There is reliable social and occupational information for 424 individuals, slightly less than two-fifths of the total (approximately 40 percent). Pertinent data are available, yet they are far from complete.<sup>1</sup> A further problem, discussed in the previous chapter, is the effectiveness of and execution of heresy laws by the judiciary. The courts could engage in selective prosecution and still ably combat heresy. A program aimed at the discovery and indictment of the principals in the reform movement, for instance, would hardly yield a list of persons representative of the general social and occupational pattern of French Protestantism. Though there is no firm evidence that the courts pursued this sort of policy, those individuals in the forefront of the Reformation could be expected to be more visible and articulate and thus more liable to accusation. Both of these problems pose intriguing questions and, after examination of the data, deserve further consideration.

Despite the limited documentation, analysis of the background of the accused heretics can be approached in two basic ways: by studying their proportional representation among various professional groupings and by comparing the emerging pattern with the social and occupational distribution of adherents to the reformed religion which is to be had from other independent sources. Differences and similarities can be duly noted and analyzed.

When classed according to similar social and occupational status, the 424 accused heretics divide into the following categories:

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<sup>1</sup> The lack of information may be typical. Lucien Febvre, *Inquisition en Franche-Comté*, 152–154, found occupation data for only 33 percent of the 304 accused heretics whose trials he examined in the Franche-Comté. Bernard Schnapper's more general study of sixteenth-century criminal justice at Bordeaux also noted incomplete information regarding the *état-civil* of defendants. Schnapper, "Parlement de Bordeaux," 4. Examination of the social and occupational status of Toulousan Protestants during the Wars of Religion (after 1562) was undertaken in a recent article by Joan Davies, "Persecution and Protestantism: Toulouse, 1562–1575," 31–51. J. M. H. Salmon, *Society in Crisis*, 87–89, analyzed the occupational background of persons indicted for heresy by the Parisian *chambre ardente*, 1547–1550.

Occupation	Number	Percentage
Liberal professions	152	35.5%
Religious	140	33%
Artisans	72	17%
Merchants	34	8%
Nobles of unknown occupation	24	6%
Agricultural workers	2	.5%
Accused heretics for whom occupation is known	424	100%
Total number of suspects	1074	

Prior to comment upon the distribution pattern of these suspected heretics, it would be useful to consider similar types of analyses based on non-judicial sources.

Employing a tax census of Huguenots at Montpellier in November 1560, Emmanuel Le Roy Ladurie found reliable social and occupational data for 561 of the 817 Calvinists listed (approximately 70 percent).<sup>2</sup> Their distribution is as follows:

Occupation	Number	Percentage
Artisans	387	69%
Liberal professions	87	15.5%
Merchants	24	4%
Bourgeois	23	4%
Nobles	13	2.5%
Agricultural workers	27	5%
Huguenots of known profession	561	100%
General total	817	

Le Roy Ladurie observed a like distribution at Béziers in 1568. Among 141 heads of Huguenot families, the profession is known for 114 (approximately 81 percent):<sup>3</sup>

Occupation	Number	Percentage
Artisans	57	50%
Merchants	26	23%
Liberal professions	19	16.5%
Agricultural workers	9	8%
Notables (bourgeois and noble)	3	2.5%
Huguenots of known profession	114	100%
General total	141	

<sup>2</sup> Le Roy Ladurie, *Paysans de Languedoc*, 1: 343.

<sup>3</sup> *Ibid.*, 1: 343 and 2: 777. Note that the figures presented by Le Roy Ladurie for Béziers on p. 343 differ slightly from those on p. 777. We have used the latter. Also be aware that we have made a minor change in the classification of libraires. Le Roy Ladurie has classed them as merchants, while we have included them among the liberal professions.



Finally, in an effort to move beyond the towns of Languedoc, Robert Mandrou's analysis of persons who fled to Geneva and registered in the *Livre des habitants* between 1549 and 1560 permits insight into the general social and occupational background of Huguenots throughout France. Two thousand two hundred and forty seven of the 4776 refugees (approximately 47 percent) who enrolled at Geneva indicated their profession.<sup>4</sup> They can be arranged into the following groupings:

Occupation	Number	Percentage
Artisans	1536	68.5%
Liberal professions	275	12%
Merchants	180	8%
Agricultural workers	77	3.5%
Nobles	70	3%
Divers	109	5%
Refugees of known occupation	2247	100%
General total	4776	

There are number of obvious differences when the professional pattern of the accused heretics of Languedoc is compared to the Protestant groups examined by Le Roy Ladurie and Mandrou. Most obvious is the fact that neither Le Roy Ladurie nor Mandrou needed to include "religious" as a category. Variances in the proportional strength of artisans and members of the liberal professions are only slightly less striking. Finally, the numbers and types of merchants, nobles and agricultural workers pose minor differences worthy of note.

One hundred and forty suspects can be properly classified as religious or clerics.<sup>5</sup> The imposing figure is not unexpected. Clerics were generally in the vanguard of religious reform and their constant involvement with theological matters made them likely suspects for heresy tribunals. Of the one hundred and forty individuals accused, fifty-eight were diocesan priests and sixty-six were members of a monastic order. The remaining sixteen persons held various ecclesiastical titles such as archdeacon, chaplain, prebendary and subdeacon. It is not possible to categorize them as either diocesan priests or members of an order. Mendicants and regular canons share on a fairly equal basis those suspected heretics belonging to monastic orders. There were, for instance, twelve Dominicans, eleven Franciscans, five Carmelites, two Trinitarians and one sister of Sainte-Claire. Regular

<sup>4</sup> Mandrou, "Les français hors de France," 665. On the French Protestant emigration to Geneva see also: Robert Mandrou, "Les protestants français réfugiés à Genève après la Saint-Barthélémy," 243-249; and Madeleine Wagner, "Les émigrés du Bas-Languedoc à Genève de 1549 à 1560," 179-186.

<sup>5</sup> These figures, as well as those which follow, are based on close examination of the criminal archives of the Parlement of Toulouse. The specific references are cited in Raymond A. Mentzer, Jr., "Heresy Suspects in Languedoc Prior to 1560: Observations on their Social and Occupational Status," 561-568.

canons included twenty Augustinians and six Benedictines (three men and three women). For nine of the monks there is no mention of a particular order. The prominence of the Augustinians, Dominicans and Franciscans should not be surprising. All three orders, and in particular the Dominicans, had large and important houses in southern France. Furthermore, sixteenth-century Languedoc was not the only time and place when Augustinians and Franciscans became embroiled in the issue of religious heterodoxy.

The artisans present a more perplexing problem. They are by far the largest group in the sample populations examined by Le Roy Ladurie and Mandrou. Yet those individuals of artisan status rank a poor third among the groupings of accused heretics in Languedoc. A possible explanation for this variance may be found in the 650 suspects for whom specific evidence of social and occupational status is wanting. This absence of information suggests that they were socially less significant and less prominent. Few among them could be expected to rank among the nobility or clergy, or even to hold membership in the liberal professions. It seems more likely that many of the accused heretics whose occupation the courts fail to mention were artisans and to a lesser extent agricultural workers.

Close scrutiny of the artisans with respect to their particular craft or trade lends support to this hypothesis. The seventy-two accused artisans can be subdivided into seven major industries:

Craft	Number
Leather workers	16
Textile workers	14
Metal workers	13
Construction workers	12
Servants	11
Ceramic workers	3
Food workers	3
Total	72

The relative strengths of the various crafts bear some resemblance to the patterns observed by Le Roy Ladurie and Mandrou in their studies. The most prominent trades among the Huguenot artisans of Montpellier were the textile industry (135 persons), the leather industry (58 persons), and the metal crafts (45 persons). Textile workers constituted the single largest grouping among the sixty-one Huguenot artisans at Béziers, and 51 per cent of the refugees from the Cévennes region to Geneva between 1549 and 1560 belonged to the leather crafts.<sup>6</sup> Mandrou's analysis of French artisans who sought asylum at Geneva provides a distribution close to that observed at Montpellier. Textile workers were by far the most numerous; members of the leather, construction and metal trades were far behind.<sup>7</sup>

<sup>6</sup> Le Roy Ladurie, *Paysans de Languedoc*, 1: 341–343 and 348–349.

<sup>7</sup> Mandrou, "Les français hors de France," 665–666.

Craft	Number
Textile workers	672
Leather workers	264
Construction workers	249
Metal workers	228
Food workers	83
Ceramic workers	37

In short, the textile, leather, construction and metal craftsmen were prominent throughout the French Reformation. Their observed strength among the accused heretics of Languedoc is not accidental and they would probably represent the greater portion of those suspects for whom occupational information does not exist. Given the limits of available documentation, however, it is difficult to judge whether these numbers represent a special commitment to Protestantism. Or do they simply reflect artisan strength within the general population (excluding the peasantry)? The few studies of the social composition of southern French towns which have been undertaken are inconclusive on this point.<sup>8</sup>

A second problem and one related to the apparent under-representation of artisans among the suspected heretics is the over-representation of members of the liberal professions. The 152 accused heretics who comprise this latter group are more prominent than their fellow professionals in the samplings of Le Roy Ladurie and Mandrou and probably exhibit the limits of their strength among the heresy suspects of Languedoc. The 152 accused members of the liberal professions represent 14 percent of the gross total (1074 persons). This percentage approximates that found elsewhere in Languedoc. The 87 Huguenot professionals at Montpellier constitute 11 percent of the 817 persons listed in the tax census. And at Béziers in 1568, the 19 persons of liberal profession are slightly more than 13 percent of the general total (141 heads of Huguenot families). At the same time, the 72 accused heretics identified as artisans represent only 7 percent of the total (1074 persons). The figure varies enormously from that found in the non-judicial sources. The 387 Huguenot artisans at Montpellier are 47 percent of the gross total (817 persons) and the 57 artisans at Béziers are more than 40 percent of the total (141 persons). This pattern suggests that heresy courts in Languedoc were fairly accurate in recording and identifying an individual's "profession," but they tended to ignore "inferior occupations" such as the crafts and trades. It also lends support to the hypothesis that most of the 650 suspects for whom there is no social or occupational data belong to the lower classes.

<sup>8</sup> Studies of industry and the artisan community at Toulouse, for instance, include: Janine Estèbe, "Le marché toulousain des étoffes entre 1519 et 1560," 183-194 and "La bourgeoisie marchande et la terre à Toulouse au XVI<sup>e</sup> siècle (1519-1560)," 457-467; Gilles Caster, "Les cuirs bruts à Toulouse au XVI<sup>e</sup> siècle," 353-376; Raymond Corraze, "L'industrie de la soie à Toulouse au seizième siècle," 73-97, and "La corporation des brodeurs toulousains au seizième siècle," 131-159.

The subdivisions within the accused members of the liberal professions provide additional clues regarding their substantial representation. They can be divided into five principal categories:

Profession	Number
Legal profession	53
Education	49
Government officials	23
Medical profession	16
Book trade	11

The legal profession and education are the most conspicuous categories. Both subgroups demonstrated a high incidence of adherence to the reform throughout France. The tendency may well have been exaggerated among the heresy suspects of Languedoc, however, because of the peculiar situation at Toulouse. The largest educational and legal center in southern France, it was the site of an important university with numerous collèges, a Parlement, a seneschalsy court, an Inquisition, an archiepiscopal court, and several lesser tribunals. Moreover, analysis of the geographic distribution of accused heretics suggests that the Toulousan authorities were especially ardent in the pursuit of suspects in their area. Many of those sought and arrested were involved in the legal professions and education. A warrant issued at Toulouse on 17 June 1532, for example, called for the arrest of forty-one persons on suspicion of heresy.<sup>9</sup> Eleven were students, especially students of law, at the university. Three were procureurs (attorneys) in the Parlement. One was a maître de collège; one a schoolmaster (maître d'école); another a licencié. There was even a doctor-regent at the university among those cited.

This distribution of professionals is nearly the reverse of that described by Mandrou for the Genevan refugees. Booksellers and printers headed the list, while jurists lagged far behind.<sup>10</sup>

Profession	Number
Book trade	113
Medical profession	74
Students	50
Jurists	14

Were printing and the book trade particularly weak in Languedoc? Or were they unusually strong among persons fleeing to Geneva? Certainly printing was not a major industry in any of the meridional towns. The

<sup>9</sup> A.D., Aude, H 418, fo. 78v<sup>o</sup>–80. Doinel, *Inventaire-sommaire, Aude*, 375–376.

<sup>10</sup> Mandrou, "Les français hors de France," 665.

literature which circulated in the province typically came off the presses at Lyon, Paris and Geneva.

The difference in Mandrou's findings might best be explained in simple economic terms. Frenchmen in the book trade may well have had previous association with Geneva because of its importance as a center of book production. And it would be easier for them to secure employment there because of the city's growing printing industry. On the other hand, persons in the legal professions would have had relatively little reason for prior contact with Geneva and comparatively little chance of finding a position there in the legal field. Thus the differences in the distribution of professionals might be ascribed to certain regional biases in their specialized activities. Languedoc and Toulouse offered considerable opportunity in the legal professions and education, whereas Geneva held attraction for those in printing and the book trade.

The thirty-five merchants, twenty-four nobles of unknown profession, and two agricultural workers who were accused of heresy do not permit extensive comment because of insufficient information and their small numbers. As noted by other historians, the participation of agricultural workers in the Reformation in Languedoc was extremely low.<sup>11</sup> It was, in this sense, an urban movement. Yet the single yeoman (*laboureur*) and sole shepherd (*bourreguie*) found among the suspected heretics are far fewer than expected. Again, a few more are probably among those suspects for whom there exists no occupational information. Conversely, the thirty-five merchants, twenty-four nobles of unknown profession, and four additional nobles whose vocation is indicated (two government officials and two ecclesiastics) probably represent close to their maximum numbers among all accused heretics of Languedoc between 1500 and 1560. They stand as further testimony to the proclivity of the judicial magistrates for identification of the social and occupational elite.

The place of women among the accused heretics, an appropriate consideration prior to the conclusion of the present discussion, was negligible. Though women are generally thought to have occupied an important position in the French Reformation,<sup>12</sup> the fifty-nine female suspects in Languedoc constitute only 5.5 percent of the total (1,074 persons). One explanation of this under-representation lies in the traditional notion, found in both ancient Roman and Germanic law, that women were naturally weak and had to be "protected." The theory seemed to justify women's juridical incapacity (never total, but certainly debilitating) and the ever-

<sup>11</sup> Le Roy Ladurie, *Paysans de Languedoc*, 1: 341-348. Peasants do not appear among the heresy suspects indicted by the *chambre ardente* at Paris. Salmon, *Society in Crisis*, 87-88.

<sup>12</sup> Recent studies of the place of women in the French Reformation include: Natalie Z. Davis, "City Women and Religious Change," 65-95; Nancy L. Roelker, "The Appeal of Calvinism to French Noblewomen in the Sixteenth Century," 391-418, and "The Role of Noblewomen in the French Reformation," 168-195. Lucien Febvre identified even fewer women (less than 4 percent of the accused) in his study of heresy proceedings in the Franche-Comté. Febvre, *Inquisition en Franche-Comté*, 154.

present tutelage of father, husband, brother, and even king.<sup>13</sup> Criminal justice then tended to disregard women, except for the prosecution of notoriously feminine offenses such as infanticide and witchcraft. When a woman's name did appear in the criminal records, it was often in conjunction with her husband or some other "protector." Thirty-five of the fifty-nine female heresy suspects (almost 60 percent) are mentioned together with some male "protector:" the court identifies them as wives, widows, daughters, sisters and nieces. The practice may well mean that the women were suspected more as accomplices in the beliefs and activities of their husbands, fathers and uncles, rather than as heretics in their own right. Furthermore, the court seems to have recognized social prominence within this group of accused women, for more than 15 percent were either noble or members of a religious community.<sup>14</sup> Thus the heresy tribunals show some inclination to ignore women, aside from the socially important and those identified in association with a male of the family.

The formulation of any general conclusions regarding the social and occupational status of the accused heretics must necessarily be a cautious exercise since the status of 60 percent remains unidentified. Yet the absence of information is itself suggestive of the heresy courts' attitude. Those persons whose position the courts did note were more prominent within society. Clerics and members of the liberal professions are conspicuous in the judicial records. Merchants and nobles are highly visible, too. Artisans, known from other sources to have been greatly attracted to the reform, are identified to a far lesser extent in the criminal proceedings.<sup>15</sup> Were the courts more concerned with the adherence to Protestantism by members of the higher social groups? Or were they simply showing the customary respect accorded their position within society? Suffice it to say that the heresy suspects whom the courts of Languedoc sought were essentially urban residents, their ranks nearly devoid of agricultural workers. And within this urban group, the judiciary tended to recognize social and occupational prominence.

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<sup>13</sup> A helpful survey of the question is provided in Paul Ourliac and J. de Malafosse, *Histoire du droit privé*, 3, *Le droit familial*, 126–159.

<sup>14</sup> There were six noblewomen and four religious, of which one was noble.

<sup>15</sup> Febvre, *Inquisition en Franche-Comté*, 154, remarks upon the problem of non-identification of artisans among the accused heretics in the Franche-Comté.

## CONCLUSION

The combined effort of the secular and religious tribunals did not eliminate opposition to the established church in Languedoc. The magistrates could not even claim to exercise minimal control over the movement's spread. Rather, the province proved extremely fertile for the growth and prosperity of Protestantism. Much of this success must doubtlessly be attributed to the reform movement itself and in particular to the highly organized nature of Calvinism. At the same time, some final observations concerning the failure of the judiciary to suppress beliefs contrary to the "true faith" are in order.

The first of these reflections bears on the question of laicization, the state's assumption of powers formerly reserved to the religious sphere. The French monarchy significantly altered the nature of the juridical reaction to heresy in the course of the half-century leading up to the Wars of Religion. The king and his magistrates correctly perceived an intimate relationship between religious division and political turmoil. Accordingly, they desired a more direct role in heresy proceedings. Officers of the crown at first limited their participation to assisting ecclesiastical judges. Then, beginning in 1539, the royal courts became the principal forums for the judgment of heresy causes. While subsequent edicts readjusted the respective jurisdiction of secular and ecclesiastical tribunals, royal justice essentially retained competence for cases entailing public scandal or popular disturbance, a *cas privilégié*.

A second element of laicization is the enhanced position of the state in the criminal process. The French government, like other Continental regimes, fully introduced Roman-canon inquisitorial procedure during the sixteenth century. The emphasis upon the state as prosecutor permitted the *procureur du roi* to exercise the prosecutorial function in France. The *procureur*, a royal and public official, assumed the role of accuser in heresy litigation. The reception of the inquisitorial system also meant the standardization of criminal trial process throughout the realm, for all courts were obliged to follow royal practice. Monarchical ascendancy was such that the accused heretic, whether he stood before a lay or religious judge, was tried according to procedural rules established and adopted by the king's judiciary.

The various edicts and ordinances promulgated by the crown ought finally to be noted for their effect was a modification in the meaning of heresy. The statutes proscribed in lengthy detail criminal offenses which had political and social as well as religious connotations. Singled out for repeated mention were the sale and transport of prohibited books, asso-



ciation with the Protestant cities of Germany and Switzerland, participation in secret religious assemblies, and attendance at unauthorized preaching or religious instruction. Thus, the monarchy decided which courts should try heresy, fixed the trial procedure, and even defined the crime itself.

The consequences of the process of laicization might have been predictable. Esprit Rotier, inquisitor at Toulouse, dedicated to the young king Charles IX an anti-Calvinist tract published in 1562. He addresses the monarch as "your natural subject" and "one of your humble officers who has sworn an oath of fidelity." He argues in the introductory paragraphs that the rulers of France have been specially blessed and favored by God. The miraculous healing powers which they have long possessed are ample proof of divine beneficence. Unfortunately, the kingdom has recently been "invaded, disfigured and troubled" by heresy. "All good Catholics" recognize that this calamity is not the fault of Charles IX. Yet it is their hope that the boy monarch, like the young Josias who ascended the throne at the age of eight, will cleanse the realm of these abominations. Royal assistance is vital to the task, because without the king's "forceful justice, this hydra, with its many heads, cannot be dismembered and exterminated."<sup>1</sup>

Rotier tacitly acknowledged the inability of the judiciary, ecclesiastical or secular, to proceed against heresy without royal approbation. The situation worked to the advantage of the Church early in the struggle when Francis I and Henry II enacted strict legislation against the reformed religion. By the early 1560s, however, the effect was quite different. When the monarchy moved toward a program of greater leniency, the magistrates also moderated their treatment of Protestants. The edict of January 1562 which granted partial toleration to the Huguenots was quickly registered by the Parlement of Toulouse on 6 February, less than a month after its publication.<sup>2</sup> Because the definition and prosecution of heresy was tied so closely to the political and religious policies of the crown, changes in these policies could and did alter the legal response to heresy.

Laicization does not in itself, however, account totally for the failure of the meridional judiciary to suppress heterodoxy. Prior to 1560, the government at Paris lent strong support for the elimination of religious opposition. The parlementaires of Toulouse were equally stern and unswerving in resisting the Reformation.<sup>3</sup> Only one member of the Toulousan court, the counsellor Antoine de Lautrec, was openly sympathetic to Protestantism during the period under consideration. Several others did convert secretly during the late-1550s, but they were few in number and without significant influence over the court. On the other hand, the Parlement's

<sup>1</sup> Rotier, *Response aux blasphemateurs*, i-xiv.

<sup>2</sup> A.D.H.G., B 1906, fo. 44v<sup>o</sup>-47. The shifts were even more pronounced during the 1580s. Cf. the situation at the Parlement of Rouen. Dewald, "Rouen," 298-299.

<sup>3</sup> Mentzer, "Calvinist Propaganda," 268-283.

rigorous loyalty to orthodox Catholicism did not always extend to the subordinate tribunals throughout Languedoc.

The judicial officers who hampered the endeavor to crush heresy can be divided into two general categories. Some few espoused Protestantism or were highly sympathetic to its ideas. The inquisitor Louis de Rochette and his lieutenant Antoine de Richardi, both burned as heretics, fall into this group. And the court of the seneschal of Nîmes indicted Jean Fraissinet, a minor judicial official from Saint-Jean-du-Gard, and sentenced him to minimal punishment in 1553 for having created a scandal in the cathedral of Nîmes. The tribunal apparently misjudged the true nature of Fraissinet's religious loyalties, as he would establish residency at Geneva by 1559.<sup>4</sup>

A second and more common pattern involved magistrates who themselves remained faithful to the Church, but who, for a variety of reasons, were reluctant to pursue accused heretics actively. Arnaud de Badet, Dominican inquisitor at Toulouse, was charged with heresy in the early 1530s because of his unwillingness to prosecute an errant sect led by Jean de Caturce. De Badet does not seem to have been a member of the group, but he was a lifelong friend of de Caturce. Several decades later, the Parlement of Toulouse heard heresy charges against a handful of high-ranking judicial officers. The defendants included Jehan de Golard, Seneschal of Armagnac, his juge-mage Blaise Guinard, Pons Sicard, lieutenant of the Judge of the Lauragais at Revel, and Jehan Leynadier, baillie of Montagnac.<sup>5</sup> Though the accused in each instance was declared innocent or at most subjected to a light penalty, the suggestion of laxity in the prosecution of heresy remained.

Town councilmen, too, became embroiled in incidents of this sort. When in 1532 the Parlement indicted an Augustinian friar who had served as the Lenten preacher at Nîmes, the city's municipal council augmented his normal salary so that he might better defend himself. The council was no doubt convinced of the friar's orthodoxy. A similar incident occurred at Anduze in 1547. The man chosen to deliver the Lenten sermons was denounced for heresy by the prior of the local church. The action enraged the town council which had made the selection and it protected the preacher until presented with an arrest warrant signed by the inquisitor. Were the council members flirting with Protestantism? Probably not. The more likely explanation is that they resented the local prior's infringement upon their right to choose the Lenten preacher. The matter could take a more serious turn and jeopardize the councilmen upon occasion. The municipal council at Pamiers engaged a Carmelite monk in 1549 to give the Advent and Lenten sermons. The Parlement of Toulouse soon became suspicious of

<sup>4</sup> A.D.H.G., B 31, fo. 36v°, 485v°, 510, 514 and 521; B, Tournelle, reg. 5 (10 septembre 1538), reg. 7 (10 mai 1539). Bost, "Les pasteurs," 564–565. Geisendorf, *Livre des habitants*, 1: 210. Puech, *La Renaissance à Nîmes*, 60–61.

<sup>5</sup> A.D., Aude, H 418. A.D.H.G., B, Tournelle, reg. 39 (17 décembre 1551) and (24 décembre 1551), reg. 40 (21 janvier 1552), (17 février 1552) and (20 février 1552), reg. 41 (8 mars 1552) and (11 mars 1552), reg. 42 (1 juin 1552), reg. 48 (30 mars 1554).

the preacher's orthodoxy, and he fled to avoid arrest. The court then cited the councilmen for negligence and complicity in the affair.<sup>6</sup>

The problems associated with detention were perhaps the most common of those which might be ascribed to bureaucratic ineptitude and laxity. Henri de Lafont, lieutenant of the viguier of Albi, authorized the release of Guillaume Carvel from the episcopal prison at Toulouse in 1528. He did so on the basis of letters-patent which Carvel, an accused "Lutheran," had obtained from the royal chancellery. To de Lafont's apparent dismay, the Parlement subsequently found nothing in the letters-patent which warranted the accused's release. De Lafont thus found himself under indictment for aiding a suspected heretic. Several years later, nine persons were arrested on suspicion of heresy at Beaucaire. Pending transfer to Toulouse for trial, four of them were interned in a local prison called the *tour carrée*; the remaining five were placed under guard in the château of Beaucaire. This latter group soon escaped detention and fled Languedoc. The Parlement immediately enjoined Jehan Porcellet, lord (*chastellain*) of the château, to recapture the fugitives within two months lest he incur a fine of 4,000 livres tournois. Porcellet was evidently unable to redeem himself, for the five escapees never came to trial. Finally, there is the case of Jehan de La Rogeraye who was accused of Protestantism at Montauban in 1559. He mysteriously escaped from prison within forty-eight hours of his arrest. The Parlement supposed that he had assistance from sympathizers within the municipal government, but could not establish the fact.<sup>7</sup>

Beyond the negligence and complicity, often unwitting, of some judicial officers, there is the matter of arrest warrants issued by the courts. Were these writs not, in one sense, counterproductive? Decrees of personal summons and bodily arrest often came too late. Many suspects had long since emigrated, anticipating detection. Or upon learning of a warrant for their arrest, they wisely elected to go underground. A heresy summons issued at Toulouse in 1532 listed forty-one suspects. Only one of the persons cited is known to have subsequently stood trial. The Parlement published a warrant for the arrest of eighteen suspected heretics in 1551. One was apprehended and tried within a short time. Another evaded justice for nearly a decade, until his capture and prosecution in 1560. The remaining sixteen fugitives simply disappeared from the court's sight. In all, more than three hundred persons sought on warrants for reason of heresy between 1500 and 1560 failed to appear in court. They had either fled prior to the issuance of the warrant or hastened to safety shortly thereafter.<sup>8</sup>

<sup>6</sup> A.D.H.G., B, Tournelle, reg. 34 (23 août 1550). A.M., Nîmes, LL 5, fo. 244–246v°. A.M., Pamiers, BB 104. Hugues, *Eglise réformée d'Anduze*, 41–46. Lahondès, *Annales de Pamiers*, 1: 460–461. Ménard, *Histoire de Nîmes*, 4: 117.

<sup>7</sup> A.D.H.G., B 22, fo. 292v°, 304–304v°; B, Tournelle, reg. 13 (10 avril 1543). A.M., Montauban, 1 BB 22. Crespin, *Histoire des martyrs*, 3: 840–841. Devals, "Ecoles publiques," 106–108. *Histoire ecclésiastique*, Baum and Cunitz, 1: 373–374. Ménard, *Histoire de Nîmes*, 4: 168–169.

<sup>8</sup> A.D., Aude, fo. 78v°–80. A.D.H.G., B 28, fo. 180; B, Tournelle, reg. 38 (1 octobre 1551), reg. 40 (5 février 1552), reg. 41 (18 mars 1552), reg. 43 (1 juillet 1552), reg. 74 (10 avril 1560).

Another consideration is the pattern of geographic distribution for the accused heretics. The Parlement of Toulouse, the principal institution for the adjudication of heresy, appears to have been more sensitive to the crime in the regions closest to its seat. The court's ability to detect and prosecute heretics in the farther reaches of its jurisdiction was somewhat reduced, even though the distant areas were often heavily Protestant. The laicization of the crime of heresy meant, in part, that the focus of prosecution became the Parlement. The arrangement worked well in those places where the high court could maintain tight control. It functioned less smoothly beyond the zone where the Parlement exercised firm supervision. Local judicial officials in remote districts risked less chance of detection if they were lax in the discharge of their duties or if they sympathized with the reform movement.

Without depreciating the value of the various explanations which have been discussed, it must be admitted that they do not fully account for the spectacular failure of the judiciary to check and quash heresy. Let us concentrate instead on the total number of heresy accusations brought by the courts of Languedoc. When analyzed according to the total for each decade, the figures display a smooth and fastly accelerating rate of accusations with a take-off point somewhere in the 1530s (Figure 6).

1500–1510 — 0	1531–1540 — 121
1511–1520 — 4	1541–1550 — 257
1521–1530 — 8	1551–1560 — 684

The rapidly increasing number of heresy accusations would seem to be but a reflection of the growth of Protestantism. Did the judicial proceedings simply mirror the developing religious issue?

When the same figures are plotted on an annual basis, a somewhat different pattern emerges (Figure 7).<sup>9</sup> Heresy accusations do not increase in a uniform manner, but vary considerably from one year to the next. The dominant contours are readily discernible. The greatest annual number of accusations, 208, came in 1554. Additional but far smaller peaks occurred in 1532 (59 accusations), 1546 (63 accusations), 1551 (102 accusations), and 1559 (77 accusations). Interspaced between these years in which the heresy accusations were high are multi-year periods in which the numbers were noticeably reduced.

The reasons behind the greater numbers of accusations which mark the years 1532, 1546, 1551, 1554 and 1559 are not altogether obvious. The prominence of 1532 has much to do with the repression of Jean de Caturece's sect and the general attack on the humanist community at Toulouse. The 1551 peak may be related to the Edict of Châteaubriand which bolstered opposition to Protestantism. Yet the timing is not quite correct, because the edict was only promulgated on 27 June, midway into the year. During this same year, the Parlement of Toulouse transferred heresy causes from

<sup>9</sup> Appendix II enumerates the heresy accusations on an annual basis.

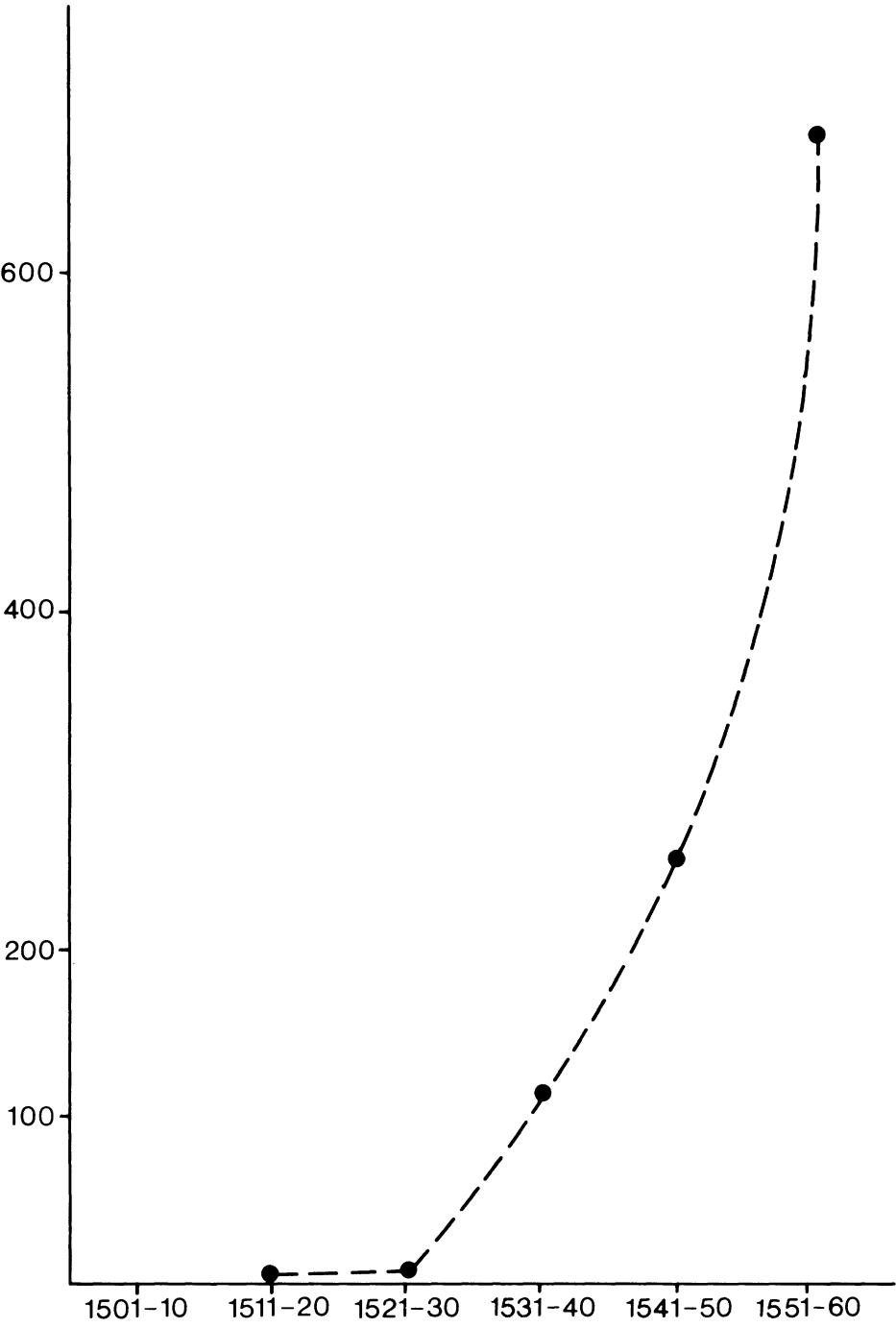


FIG. 6. Number of accused heretics calculated by decade.

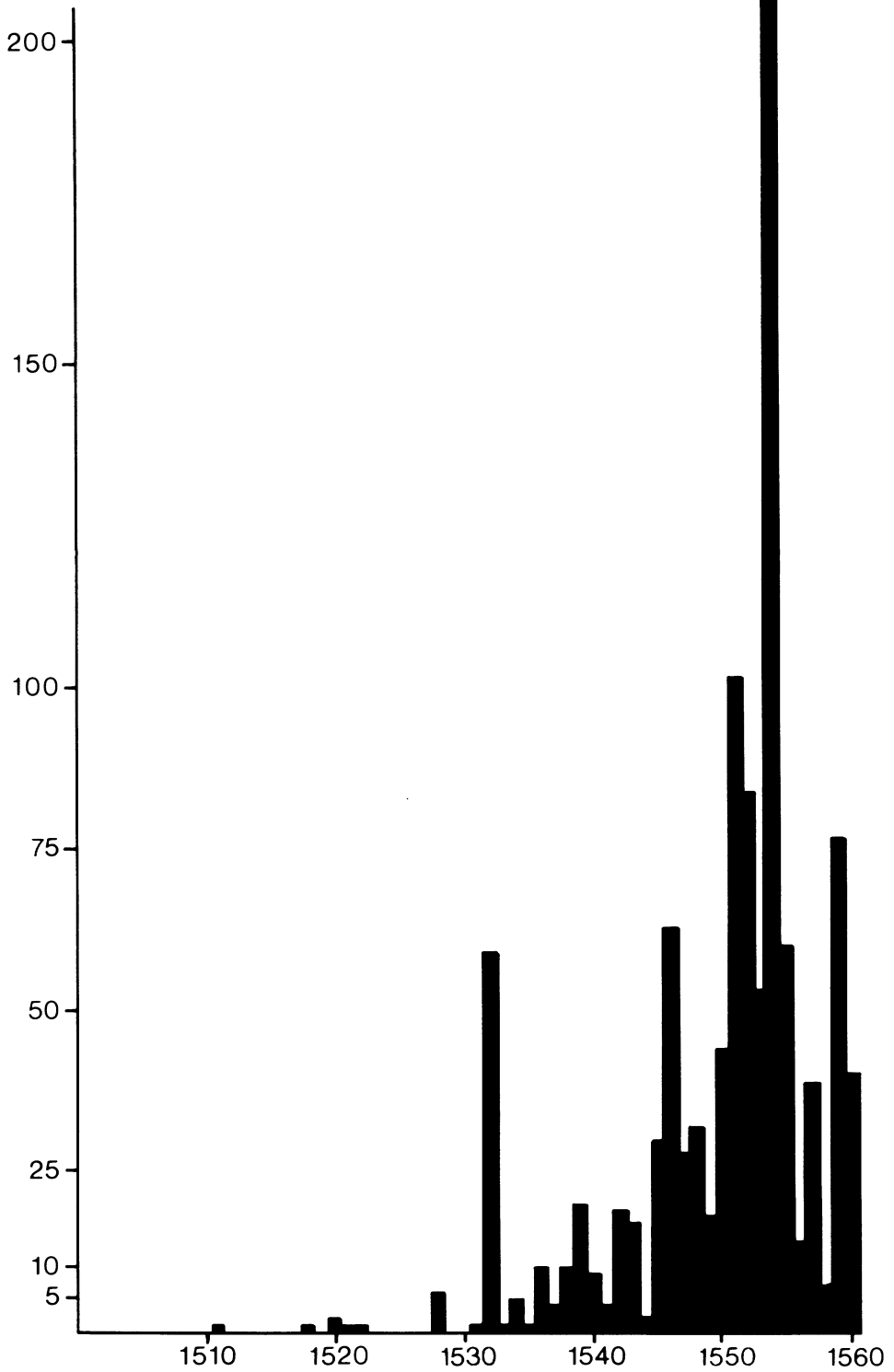


FIG. 7. Number of accused heretics calculated by year.

the criminal chamber to the Grand'Chambre, evidence of the parlementaires' concern. Again, the decision came a bit late in the year, during November 1551. Might it have been more the result than the cause of the high number of accusations? In 1554, the open espousal of Calvinism by Antoine de Lautrec, a counsellor on the Parlement, during the waning months of 1553 may have shocked the court into an all-out campaign against the Protestants. But can this event alone explain the spectacular 208 heresy accusations, more than double the number of any previous or subsequent year?

Could it be that the peaks depicted in Figure 7 are not exceedingly high, but the troughs abnormally low due to incomplete documentation? It appears unlikely. The Parlement was the principal forum for the trial of heresy after 1539. Surviving criminal records from the court are, in the main, complete and continuous. Missing records are a problem only for 1540–1541 and 1544–1545 and, to a lesser extent, for 1548–1549, 1553 and 1558.<sup>10</sup> Even in those instances where gaps do occur, the trend in the number of heresy accusations seems relatively well-established by the data from the years preceding and following the lacunae.

The pattern of repeated peaks and troughs suggests that the court's reaction to heresy was cyclical in nature.<sup>11</sup> Severe repression accompanied by the intensification of arrests and accusations took place in 1532, 1546, 1551, 1554 and 1559. In each case, accusations declined perceptibly over the following few years. Either the suspects had been apprehended or had fled to safety elsewhere. Potential, but undiscovered suspects veiled their religious sentiments and beliefs in greater secrecy. A combination of all three factors probably contributed to a reduction in accusations following a term of intense activity upon the part of the judiciary. Slowly, over the course of the next several years, the Protestants would begin to reappear, to advocate their beliefs more publicly and to practice their religion more openly. Once again, the courts would react vigorously and the cycle would begin anew.

The cycle of suppression, concealment, gradual reappearance and suppression indicates that the success of the courts in controlling heresy was, at best, temporary. The reform movement could be repressed for a few years, only to reappear again. Furthermore, the problem never diminished. Protestantism continually attracted an ever larger body of adherents. The judicial system was neither designed nor equipped to deal with so pervasive a criminal offense. So many persons stood in violation of the law that effective enforcement became impossible. A significant portion of the community rejected the religious values which the courts sought to enforce. And the sanctions imposed upon these "criminals" had only temporary effect. The judiciary could do little to restrain heresy after it became acceptable behavior for a sizable segment of society.

<sup>10</sup> See the Introduction and especially Figure 1 for more precise information concerning documentation from the Parlement of Toulouse.

<sup>11</sup> A similar cyclical pattern for the prosecution of heresy in the province of Flanders between 1521 and 1566 is described by J. Decavele, *De dageraad van de Reformatie in Vlaanderen*, 2: appendices I and II. Graph reproduced in Geoffrey Parker, *The Dutch Revolt*, 63.



## APPENDIX I

### Social and Occupational Background of the Accused Heretics

AGRICULTURAL WORKERS	2	
Shepherd .....		1
Yeoman .....		1
ARTISANS	72	
Ceramic Industry	3	
Potter .....		3
Construction Industry	12	
Carpenter .....		3
Joiner .....		7
Mason .....		1
Painter .....		1
Food Industry	3	
Baker ( <i>boulangier</i> ) .....		1
Butcher .....		1
Pancossier .....		1
Leather Industry	16	
Currier .....		4
Packmaker .....		1
Saddler .....		1
Shoemaker .....		7
Tanner .....		2
Tawer .....		1
Metal Industry	13	
Armourer .....		2
Cutler .....		1
Goldsmith .....		2
Locksmith .....		6
Scissors Sharpener .....		1
Swordmaker .....		1
Servants	11	
Maid ( <i>chambrière</i> ) .....		1
Servant ( <i>serviteur</i> ) .....		10
Textile Industry	14	
Carder .....		2
Chaussetier .....		6
Couturier .....		3
Hatmaker .....		1

<i>Taffetatif</i> .....	1
Weaver .....	1
LIBERAL PROFESSIONS	151
Book Trade	11
Booksellers ( <i>libraires</i> ) .....	11
Education	49
<i>Licencié</i> .....	3
<i>Maître d'école</i> .....	6
<i>Maître de collègue</i> .....	1
<i>Maître des enfants</i> .....	2
Organist .....	1
Pedagogue .....	2
Professor .....	1
<i>Régent d'école</i> .....	5
Student .....	28
Government Officials	23
<i>Baille</i> .....	2
<i>Capitaine</i> .....	2
<i>Conseiller au Parlement</i> .....	1 (noble)
<i>Garde des sceaux</i> .....	1
<i>Général à la Cour des Aides</i> .....	1
<i>Grainetier à sel</i> .....	2
<i>Greffier des états</i> .....	1
<i>Juge-mage</i> .....	1
<i>Lieutenant du juge</i> .....	3
<i>Maître des monnaies</i> .....	1
<i>Procureur au Parlement</i> .....	4
<i>Procureur à la Chambre des Comptes</i> .....	1
Seneschal .....	1 (noble)
Sergeant .....	2
Legal Profession	53
Bachelor of Laws .....	4
<i>Basochien</i> .....	3
Doctor of Laws .....	4
Scribe .....	1
<i>Licencié en droit</i> .....	15
Notary .....	23
Professor of Law .....	2
<i>Solliciteur</i> .....	1
Medical Profession	16
Bachelor of Medicine .....	1
Barber .....	3
Doctor of Medicine .....	1
Doctor ( <i>médecin</i> ) .....	9
<i>Licencié en médecine</i> .....	1
Surgeon .....	1

MERCHANTS	34	
Apothecary .....	6	
Banker .....	1	
Haberdasher .....	1	
Innkeeper .....	2	
Landlord ( <i>hôte</i> ) .....	3	
Retailer .....	1	
Wool merchant .....	1	
Other merchants .....	19	
NOBILITY	28	
Archdeacon .....	1	
Benedictine, woman .....	1	
<i>Conseiller au Parlement</i> .....	1	
Seneschal .....	1	
Noble of unspecified profession .....	24	
RELIGIOUS	140	
Members of Orders	66	
Augustinians .....	20	
Benedictines, men .....	3	
women .....	3	(one is noble)
Carmelites .....	5	
Dominicans .....	12	
Franciscans .....	11	
Sisters of Sainte-Claire .....	1	
Trinitarians .....	2	
Other monks .....	9	
Priests .....	58	
Other Ecclesiastics .....	16	(one is noble)

## APPENDIX II

## Number of Accused Heretics Per Annum

1511—	1	
1512—		
1513—		
1514—		
1515—		
1516—		1511–1520— 4
1517—		
1518—	1	
1519—		
1520—	2	

1521—	1	
1522—	1	
1523—		
1524—		
1525—		
1526—		1521-1530— 8
1527—		
1528—	6	
1529—		
1530—		
1531—	1	
1532—	59	
1533—	1	
1534—	5	
1535—	1	
1536—	10	1531-1540—121
1537—	4	
1538—	10	
1539—	20	
1540—	10	
1541—	4	
1542—	19	
1543—	17	
1544—	2	
1545—	30	
1546—	63	1541-1550—257
1547—	28	
1548—	32	
1549—	18	
1550—	44	
1551—	102	
1552—	84	
1553—	53	
1554—	208	
1555—	60	
1556—	14	1551-1560—684
1557—	39	
1558—	7	
1559—	77	
1560—	40	

## Glossary of Terms

- Accaration*: confrontation; in criminal law, the act of setting a witness face to face with the prisoner, in order that the latter may offer any objection he has to the witness, and that the witness may identify the accused.
- Baile* (*baille, bayle*): a local judicial magistrate who possessed limited competence.
- Basochien*: a member of the corporation of registrars, clerks, ushers and sergeants of the courts (*basoche*).
- Capitoul*: the title borne by each of the eight municipal consuls of Toulouse.
- Confrontation*: see *accaration*.
- Conseiller*: an associate judge (counsellor) of the parlement.
- Encours*: The revenues derived from goods and property confiscated for reason of heresy.
- Enquête* (*enqueste*): an examination of witnesses, taken down in writing, by or before a judge or his appointed assistants (*enquêteurs*), for the purpose of gathering testimony to be used in a criminal trial.
- Greffier*: the registrar or clerk of a court. He kept the minutes and wrote out the judgments, orders and other decisions issued by the tribunal.
- Information*: the act or instrument which contained the depositions of witnesses against the accused.
- Inquisition*: see *enquête*.
- Instruction*: the first process of a criminal prosecution. It included the examination of the accused, the preliminary interrogation of witnesses, collateral investigations, the gathered evidence, the reduction of the whole to order, and the preparation of a document containing a detailed statement of the case, to serve as a brief for the prosecuting officers and to furnish material for the indictment.
- Juge-mage*: the title given to the principal lieutenant (*lieutenant général*) of the Seneschalsy of Nîmes-Beaucaire.
- Monitoire*: a public announcement or proclamation by an ecclesiastical judge to the faithful, compelling them under pain of excommunication to reveal whatever they may know regarding a particular crime or event as stated in the document.
- Official*: the person to whom the bishop commits the exercise of the contentious jurisdiction within his see; the principal ecclesiastical judge of a diocese.
- Officialité*: Officiality; the bishop's court, presided over by the *official*.
- Président*: the presiding judge in the parlement. The chief justice was the *premier président* and his deputies were *présidents à mortier*.
- Procureur*: a solicitor; an attorney qualified to argue before the bar.
- Procureur général du roi*: the royal attorney general in the parlement. He or his deputy served as chief criminal prosecutor.
- Tournelle*: the chamber of criminal justice in the parlement.
- Viguiier*: a judicial magistrate subordinate to the seneschal.

## BIBLIOGRAPHY

### A. ARCHIVAL SOURCES

#### AGEN

- Archives Départementales de Lot-et-Garonne
- G 29, Enquête de 1538

#### ALBI

- Archives Départementales du Tarn
- H 275, Procès contre le prieur de Rabastens
- H 473, Extrait des registres de Parlement, 30 avril 1535
- Archives Municipales d'Albi
- AA 4, Procès-verbal d'un procession
- BB 132, Lettre d'un député à Toulouse, 6 juillet 1539

#### CAHORS

- Archives Départementales du Lot
- F 136, Chronique de l'abbé de Foulhiac

#### CARCASSONNE

- Archives Départementales de l'Aude
- H 418, Extrait des registres de Parlement, 24 avril 1534

#### MENDE

- Archives Départementales de la Lozère
- G 703, Statuts synodaux pour la ville de Mende, 1557
- G 3085, Inquisition secrète, 9 mai 1557

#### MONTAUBAN

- Archives Départementales de Tarn-et-Garonne
- G 209, Visite au diocèse de Montauban, 1551
- Archives Municipales de Montauban
- 1 BB 6, Délibérations du conseil
- 1 BB 22, Délibérations du conseil

#### MONTPELLIER

- Archives Départementales de l'Hérault
- 38 H 19, Inventaire des archives de l'Inquisition de Carcassonne
- Archives Municipales de Montpellier
- CC, Commandement de 1539

#### NIMES

- Archives Municipales d'Anduze
- BB 1, Délibérations, 1536–1550
- Archives Municipales de Nîmes
- LL 5, Délibérations du conseil
- LL 8, Délibérations du conseil
- II 5, Lettre de Marguerite de Navarre, 8 octobre 1543

#### PAMIER

- Archives Municipales de Pamiers
- BB 104, Délibérations du conseil, 1549–1550

#### PARIS

- Archives Nationales
- J 962<sup>14</sup>, J 966 and U 20
- Bibliothèque Nationale
- Collection Doat, vol. 31 and 35
- Ms. français, 5124
- Quittances et pièces diverses, vol. 134 through vol. 140
- Ms. latin, 8994

## PRIVAS

- Archives Départementales de l'Ardèche
- C 330, Procès-verbaux des Etats de Vivarais
- C 1451, no. 59, Inquisition secrète

## RODEZ

- Archives Départementales de l'Aveyron
- G 189, Lettre du roy pour fere prières et processions

## TOULOUSE

- Archives Départementales de la Haute-Garonne
- Parlement de Toulouse
  - Registres d'arrêts et d'appointements (Grand'Chambre)
  - B 11 (1498–1502) through B 54 (1560–1561)
  - Registres d'arrêts des Grands Jours
  - B 92 j (Le Puy, septembre–octobre 1548)
  - B 92 l (Béziers, septembre–octobre 1550)
  - Enregistrement des actes du pouvoir royal
  - B 1900 (1481–1515) through B 1906 (1560–1565)
  - Registres d'audience
  - B 2025 (avril–mai 1539)
  - B 20.. (février–mars 1538)
  - Registres d'arrêts criminels (Tournelle)
  - reg. 1 (novembre 1518–octobre 1525)
  - through
  - reg. 77 (décembre 1560–janvier 1561)
  - 51 B 66, Registre de Monsieur le Procureur
- Etats de Languedoc, procès-verbaux
- C 2276 (janvier 1496–août 1513)
- through
- C 2280 (septembre 1555–mars 1560)
- Notaires
- Jean Giraudat, près le crucifix du Salin
- 3 E 4320 (1545)
- 3 E 4322 (1547)
- 3 E 4325 (1550)
- Archives ecclésiastiques
- Archevêché de Toulouse
- 1 G 410 and 1 G 642
- Fonds dominicain
- 112 H 6
- Archives Municipales de Toulouse
- BB 76, Registre du consistoire de la maison commune de Toulouse, 1534–1535
- BB 175, Correspondance
- BB 269, Annales de Toulouse par Pierre Louvet, 1295–1675
- BB 274, Annales manuscrites, 1532–1568
- Pièces pour l'appui des comptes
- CC 2397 (1538–1539) through CC 2400 (1539–1540)
- Cotisations
- FF 90 (1528–1537)
- Layettes 47, 48 and 90

## B. PUBLISHED SOURCES

- Aufréri, Etienne. *Decisiones capellae Tholosanae per Ioannem Corserium archiepiscopalis ibidem sedis quondam Officialem primum collectae, postea vero per Stephanum Auffrerium*. Frankfurt am Main, 1575.
- . *Stilus supremæ Parlementi parisiensis atque tholosani*. Rouen, 1513.
- Augustinus, Aurelius. *De haeresibus ad Quodvultdeum*. Vol. XLII, 21–50 of *Patrologia Latina*. Ed. J. P. Migne. 221 vols. Paris, 1844–1880.
- Beza, Theodore. *Correspondance*. Ed. Fernand Aubert, Henri Meylan, Alain Dufour, Arnaud Tripet. Geneva, 1960–.



- Bourgeois, Georges (ed.). "Documents inédits et originaux. Les inquisiteurs de la foi et les procès d'hérésie sous François Ier," BSHPF, 24 (1875): 543–551; 25 (1876): 15–21, 106–109.
- Bouteiller, Jean. *Somme rurale, ou le grand coutumier general de pratique civil et canon*. Paris, 1603.
- Burel, Jean. *Mémoires de Jean Burel, bourgeois du Puy*. Ed. Chassaing. Le Puy-en-Velay, 1875.
- Calvin, John. *Ioannis Calvini Opera quae supersunt omnia*. Ed. Baum, Cunitz, and Reuss. 59 vols. Brunswick, 1863–1900.
- Carena, Cesare. *Tractatus de Officio Sanctissimae Inquisitionis . . . Hac novissima addita fuit Praxis Inquisitorum Francisci Pegnae*. Bologna, 1668.
- Catellan, Jean de. *Arrests remarquables du Parlement de Toulouse*. Toulouse, 1756.
- Corpus iuris canonici*. Ed. Aemilius Friedberg. 2 vols. Gratz, 1959. Reprint of 1879–1881 edition.
- Crespin, Jean, and Goulart, Simon. *Histoire des martyrs persecutez et mis à mort pour la verite de l'Evangile; depuis le temps des Apostres iusques à present* (1619). Ed. Daniel Benoît. 3 vols. Toulouse, 1885–1889.
- Damhouder, Joost. *Practique iudiciaire ès causes criminelles*. Antwerp, 1564.
- "Documents inédits et originaux. Arrêt ab irato du Parlement de Toulouse contre un hérétique, 1556," BSHPF, 7 (1858): 13–14.
- "Documents inédits et originaux. L'hérésie luthérienne à Toulouse en 1540," BSHPF, 13 (1864): 202.
- Dolet, Etienne. *Stephani Doleti Orationes duae in Tholosam*. Lyon, 1534.
- Douais, Célestin (ed.). *Documents pour servir à l'histoire de l'Inquisition*. Paris, 1900.
- Durandis, Gulielmus. *Le Pontifical de Guillaume Durand*. Ed. Michel Andrieu. Vol. III of *Le Pontifical romain au moyen-âge*. Vatican City, 1940.
- Erasmus, Desiderius. *Opus Epistolarum Des. Erasmi Roterdami*. Ed. P. S. Allen. 12 vols. Oxford, 1906–1958.
- Eymeric, Nicolas. *Directorium Inquisitorum . . . cum commentariis Francisci Pegnae*. Rome, 1587.
- Fallières, M. O., and Durengues, Chanoine (eds.). "Enquête sur les commencements du protestantisme en Agenais," *Recueil des travaux de la Société d'Agriculture, Sciences et Arts*, 16 (1913): 213–386.
- Faurin, Jean. *Journal sur les guerres de Castres*. Ed. Charles Pradel. Vol. III of *Pièces fugitives pour servir à l'histoire de France*. Ed. Ménard and d'Aubais. Montpellier, 1878.
- Fontanon, Antoine (ed.). *Les édicts et ordonnances des roys de France depuis S. Loys jusques à present*. 4 vols. Paris, 1585.
- Francis I. *Catalogue des actes de François Ier*. 10 vols. Paris, 1887–1908.
- Fréville, Emile de (ed.). "Un index du XVIe siècle," BSHPF, 1 (1852): 355–363, 437–448; 2 (1853): 15–24.
- Gaches, Jacques. *Mémoires sur les guerres de religion à Castres et dans le Languedoc*. Ed. Charles Pradel. Paris, 1879.
- Geisendorf, Paul-F. (ed.). *Livre des habitants de Genève*. 2 vols. Geneva, 1957–1963.
- Génin, François (ed.). *Lettres de Marguerite d'Angoulême, sœur de François Ier, reine de Navarre*. 2 vols. Paris, 1841–1842.
- Guenois, Pierre (ed.). *La conference des ordonnances royaux*. Paris, 1620.
- Gui, Bernard. *Manuel de l'inquisiteur*. Ed. and trans. Guy Mollat. 2 vols. Paris, 1964.
- Herminjard, Aimé-Louis (ed.). *Correspondance des réformateurs dans les pays de langue française*. 9 vols. Nieuwkoop, 1965. Reprint of 1872 edition.
- Histoire ecclésiastique des églises réformées au royaume de France*. Ed. G. Baum and Ed. Cunitz. 3 vols. Paris, 1883–1889.
- Imbert, Jean. *La pratique judiciaire, tant civile que criminelle, receue et observée par tout le royaume de France, enrichie . . . par M. Pierre Guenois . . . et B. Automne*. Cologne, 1615.
- Ioannis Monachus Picardus. *Glosa aurea. Nobis priori loco super sexto Decretalium libro addita*. Paris, 1535.
- Isambert, François, et al. (ed.). *Recueil général des anciennes lois françaises depuis l'an 420 jusqu'à la révolution de 1789*. 29 vols. Paris, 1821–1833.
- Jourda, Pierre (ed.). *Correspondance de Marguerite d'Angoulême, duchesse d'Alençon, reine de Navarre* (1492–1549). Paris, 1930.
- Lafaille, Germain de. *Annales de la ville de Toulouse depuis la réunion de la comté de Toulouse à la couronne*. 2 vols. Toulouse, 1687–1701.

- La Roche-Flavin, Bernard de. *Arrests notables du Parlement de Toulouse*. Toulouse, 1682.
- . *Treize livres des parlemens de France*. Geneva, 1621.
- Médicis, Etienne. *Le livre de Podio ou chroniques d'Etienne Médicis, bourgeois du Puy*. Ed. A. Chassaing. 2 vols. Le Puy-en-Velay, 1874.
- Milles de Souvigny, Jean. *Praxis criminis persequendi*. Paris, 1541.
- Montpellier, University of. *Cartulaire de l'Université de Montpellier*. 2 vols. Montpellier, 1890–1912.
- Monumenta ordinis fratrum Praedicatorum historica*. Louvain, Paris, Rome, 1896–.
- Murnerus, Paschal, pseud. *Ad R. P. F. Spiritum Ruterum, Aquitanicum fidei inquisitorem, epistola congratulatoria*. 1549.
- Muyart de Vouglans, Pierre-François. *Institutes au droit criminel, ou principes généraux sur ces matières, suivant le droit civil, canonique, et la jurisprudence du royaume*. Paris, 1768.
- Ordonnances des rois de France, règne de François Ier*. Paris, 1902–.
- Papon, Jean. *Recueil d'arrests notables des cours souveraines de France*. Pont-à-Mousson, 1608.
- Percin, F. Joanne Jacobo. *Monumenta Conventus Tolosani ordinis FF. Praedicatorum primi et vestustissimus manuscriptis originalibus transcripta*. Toulouse, 1693.
- Pithou, Pierre. *Les libertez de l'église gallicane*. Lyon, 1594.
- [Platter, Félix] *Mémoires de Félix Platter*. Trans. Edouard Fick. Geneva, 1866.
- Quetif, Jacques, and Echard, Jacques. *Scriptores ordinis Praedicatorum*. 2 vols. Torino, 1961. Reprint of Paris edition, 1719–1721.
- Register pontificum Romanorum, inde ab anno post Christum natum 1198 ad annum 1304*. Ed. A. Potthast. 2 vols. Berlin, 1874–1875.
- Rotier, Esprit. *Adversus crucimastiges. De magna gloria quam Christus ex cruce sibi comparavit, ad solidandam fidem exictandamque charitatem hac presertim tempestate opus accommodatissimum*. Toulouse, 1560.
- . *De non vertenda scriptura sacra in vulgarem linguam, deque occidente litera, et vivificante Spiritu dissertatio*. Toulouse, 1548.
- . *In praefatores prognostiquosque futurorum eventuum, divinatricemque Astrologiam Libri duo*. Toulouse, 1555.
- . *Parergi sive Tabellae tres similitudinum: quibus suis coloribus Haeretici, vera Ecclesia, vulgaresque sacrae Scripturae traductiones describuntur*. Toulouse, 1549.
- . *Responce aux blasphemateurs de la Sainste Messe. Avec la confutation de la vaine et ridicule Cene des Calvinistes reveüe et augmentée par le mesmes aucteur R.P.F.S. Rotier. L'histoire de Berengarius, son erreur et penitence*. Toulouse, 1562.
- . *Responsio ad Epistolam civium novae Babylonis, Gebennae scilicet*. Toulouse, 1549.
- Rousseaud de La Combe, Guy du. *Recueil de jurisprudence canonique et beneficiale*. 3 pts. Paris, 1755.
- Simancas, Diego. *De Catholicis Institutionibus, in Tractatus Illustrium . . . De Iudiciis Criminalibus S. Inquisitionis*. Ed. F. Pegna. T. XI, p. II, fo. 119–208v° of *Tractatus universi iuris, et auspice Gregorio XII*. 20 vols. in 27. Venice, 1584.
- Vedel, Gabriel de. *Observations sur les arrêts du Parlement de Toulouse, recueillis par Messire Jean de Catellan*. Toulouse, 1732.
- Weiss, Nathanaël. "Documents inédits pour servir à l'histoire de la réforme sous François Ier; lettres d'abolition de François Ier, du 31 mars 1536," *BSHPF*, 34 (1885): 164–169; 38 (1889): 70–74, 238–243.

### C. SECONDARY STUDIES

- Allard, Albéric. *Histoire de la justice criminelle au seizième siècle*. Gand, 1868.
- Amiet, Louis. *Essai sur l'organisation du chapitre cathédrale de Chartres (du XIe au XVIIIe siècle)*. Chartres, 1922.
- Arnaud, Eugène. *Histoire des protestants du Vivarais et du Velay*. 2 vols. Paris, 1888.
- Bamford, Paul. *Fighting Ships and Prisons: The Mediterranean Galleys of France in the Age of Louis XIV*. Minneapolis, 1973.
- Baron, Salo W. *A Social and Religious History of the Jews*. Vol. 10, *On the Empire's Periphery*. 2nd ed. New York, 1965.
- Benedict, Philip. *Rouen during the Wars of Religion*. Cambridge, 1981.
- Bennessar, Bartolomé, et al. *L'Inquisition Espagnole, XVe–XIXe Siècle*. Paris, 1979.
- Bloch, R. Howard. *Medieval French Literature and Law*. Berkeley and Los Angeles, 1977.
- Blumenkranz, Bernhard. *Histoire des Juifs en France*. Toulouse, 1972.

- Boisset, Jean, et al. "Les premières traces de la réforme à Saint-Jean-du-Gard, Anduze, et Le Vigan," *BSHPF*, 117 (1971): 637–642.
- Borrel, Abraham. *Histoire de l'église réformée de Nîmes*. Toulouse, 1856.
- Bost, Charles. "Les pasteurs d'une église des Cévennes au XVI<sup>e</sup> siècle (1561–1605), Lasalle (Gard)," *BSHPF*, 49 (1900): 561–581, 617–635.
- Bouttruche, Robert, et al. *Bordeaux de 1453 à 1715*. Bordeaux, 1966.
- Browe, P. "Die Hostienschändungen der Juden im Mittelalter," *Römische Quartalschrift für christliche Altertumskunde und für Kirchengeschichte*, 34 (1926): 167–197.
- Brunet, Jacques-Charles. *Manuel du libraire et de l'amateur de livre*. 8 vols. Paris, 1860–1878.
- Cabrol, Etienne. *Annales de Villefranche de Rouergue*. 2 vols. Villefranche, 1860.
- Caillet, Maurice. "L'oeuvre des imprimeurs toulousains aux XVI<sup>e</sup> et XVII<sup>e</sup> siècles," *Annales de l'Institut d'Etudes Occitanes*, 1960: 32–48.
- Camus, Armand G. *Lettres sur la profession d'avocat*. 2 vols. Paris, 1818.
- Cantaloube, Chanoine. *La réforme en France vue d'un village cévenol*. Paris, 1951.
- Castan, Nicole. "La justice expéditive," *Annales: E.S.C.*, 31 (1976): 331–361.
- . *Justice et répression en Languedoc à l'époque des Lumières*. Paris, 1980.
- Castan, Yves. *Honnêteté et relations sociales en Languedoc (1715–1780)*. Paris, 1974.
- Caster, Gilles. *Le commerce du pastel et de l'épicerie à Toulouse de 1450 environ à 1561*. Toulouse, 1962.
- . "Les cuirs bruts à Toulouse au XVI<sup>e</sup> siècle," *Annales du Midi*, 90 (1978): 353–375.
- Catalogue of Books Printed on the Continent of Europe, 1501–1600 in Cambridge Libraries*. Ed. H. M. Adams. 2 vols. Cambridge, 1967.
- Cayla, Paul. *Dictionnaire des institutions, des coutumes et de la langue en usage dans quelques pays de Languedoc de 1535 à 1648*. Montpellier, 1964.
- Cayre, Abbé G. *Histoire des évêques et archevêques de Toulouse*. Toulouse, 1873.
- Chalande, Jules. *Histoire des rues de Toulouse*. 3 vols. Toulouse, 1913–1929.
- Chandler, Tertius, and Fox, Gerald. *3000 Years of Urban Growth*. New York, 1974.
- Chénon, Emile. *Histoire générale du droit français public et privé des origines à 1815*. 2 vols. Paris, 1926–1929.
- Chaunu, Pierre, and Gascon, Richard. *Histoire économique et sociale de la France*. Paris, 1977.
- Christie, Richard C. *Etienne Dolet, the Martyr of the Renaissance*. London, 1899.
- Clergeac, Abbé A. *Chronologie des archevêques, évêques et abbés dans l'ancienne province ecclésiastique d'Auch et les diocèses de Condom et de Lombez, 1300–1801*. Paris, 1912.
- Clos, Léon. *Etude historique sur le capitoulat toulousain*. Toulouse, 1887.
- Connac, Emile. "Troubles de mai 1562 à Toulouse," *Annales du Midi*, 3 (1891): 310–339.
- Coppolani, Jean. *Toulouse, étude de géographie urbaine*. Toulouse, 1954.
- Corbière, Philippe. *Histoire de l'église réformée de Montpellier*. Montpellier, 1861.
- Corraze, Raymond. "Les armuriers toulousains au seizième siècle," *Mémoires de l'Académie des Sciences, Inscriptions et Belles-Lettres de Toulouse*, série 13, 7 (1945–1948): 39–82.
- . "La corporation des brodeurs toulousains au seizième siècle," *Mémoires de l'Académie des Sciences, Inscriptions et Belles-Lettres de Toulouse*, série 13, 6 (1944): 131–159.
- . "L'industrie de la soie à Toulouse au seizième siècle," *Mémoires de l'Académie des Sciences, Inscriptions et Belles-Lettres de Toulouse*, série 13, 4 (1942): 73–97.
- . *Jacques Colomiès, maître imprimeur toulousain (1490–1570)*. Paris, 1940.
- Damaska, Mirjan. "The Death of Legal Torture," *The Yale Law Review*, 87 (1978): 860–884.
- Dardier, Charles. "Origines de la réforme à Nîmes jusqu'à l'établissement d'un consistoire (1532–1561)," *BSHPF*, 29 (1880): 181–199.
- Daux, Abbé Camille. *Histoire de l'église de Montauban*. 2 vols. Paris, 1881–1882.
- Davidson, Nicolas. "Il Sant'Uffizio e la tutela del culto a Venezia nel '500," *Studi veneziani* (forthcoming).
- Davies, Joan. "Persecution and Protestantism: Toulouse, 1562–1575," *The Historical Journal*, 22 (1979): 31–51.
- Davis, Natalie. *Society and Culture in Early Modern France*. Stanford, 1975.
- Dawson, John C. *Toulouse in the Renaissance*. New York, 1923.
- Decavele, J. *De dageraad van de Reformatie in Vlaanderen*. 2 vols. Brussels, 1975.
- Degert, Antoine. *Procès de huit évêques français suspects de calvinisme*. Paris, 1904.
- Deloume, Antonin. *Vue de Toulouse au XVI<sup>e</sup> siècle. Les capitouls*. Toulouse, 1899.
- Delormeau, Charles. "Le protestantisme à Narbonne au XVI<sup>e</sup> siècle," *Carcassonne et sa région. Actes du XL<sup>e</sup> congrès de la Fédération historique du Languedoc méditerranéen et du Roussillon*. 257–262. Montpellier, 1970.
- Delteil, Frank. "L'enquête sur les documents concernant les débuts de la réforme," *BSHPF*, 105 (1959): 122–135.

- Desbarreaux-Bernard, Tibulle. "Guyon de Boudeville, imprimeur à Toulouse, 1541–1562," *Mémoires de l'Académie des Sciences, Inscriptions et Belles-Lettres de Toulouse*, 8ème série, 1 (1879): 147–165.
- Devals Aîné. "Les écoles publiques à Montauban du Xe au XVIe siècle," *Bulletin archéologique de Tarn-et-Garonne*, 3 (1873): 81–119.
- Dewald, Jonathan. "The 'Perfect Magistrate': Parlementaires and Crime in Sixteenth-Century Rouen," *ARG*, 67 (1976): 284–300.
- . *The Formation of a Provincial Nobility*. Princeton, 1980.
- Dictionnaire d'histoire et de géographie ecclésiastique*. Ed. Alfred Baudrillart, et al. Paris, 1912–.
- Dognon, Paul. *Les institutions politiques et administratives du pays de Languedoc du XIIIe siècle aux guerres de religion*. Toulouse, 1895.
- Doinel, Jules, et al. *Inventaire-sommaire des archives départementales antérieures à 1790*. Aude. *Archives ecclésiastiques*. Séries G et H. Carcassonne, 1900.
- Dossat, Yves. *Les crises de l'Inquisition toulousaine au XIIIe siècle (1233–1273)*. Bordeaux, 1959.
- Doucet, Roger. *Les institutions de la France au XVIe siècle*. 2 vols. Paris, 1948.
- Droz, Eugénie. "Claude Baduel, traducteur de Bucer," *BHR*, 17 (1955): 347–350.
- Duke, Alastair. "Salvation by Coercion: the Controversy surrounding the 'Inquisition' in the Low Countries on the Eve of the Revolt," in *Reformation Principle and Practice. Essays in Honor of A. G. Dickens*. Ed. Peter N. Brooks, 137–156. London, 1980.
- Dupont-Bouchat, Marie-Sylvie, Willem Frijhoff and Robert Muchembled. *Prophètes et sorciers dans les Pays-Bas, XVIe–XVIIIe siècle*. Paris, 1978.
- Dupont-Ferrier, Gustave. *Les officiers royaux des bailliages et sénéchaussées et les institutions monarchiques locales en France à la fin du moyen-âge*. Paris, 1902.
- Durand de Maillane, Pierre T. *Dictionnaire de droit canonique et de pratique bénéficiale*. 6 vols. Lyon, 1787.
- Du Verdier, Antoine, and François Grudé, sieur de La Croix du Maine. *Les bibliothèques françoises de La Croix du Maine et de Du Verdier, sieur de Vauprivas*. Ed. Rigoley de Juvigny. 6 vols. Paris, 1772–1773.
- Eisenstein, Elizabeth L. *The Printing Press as an Agent of Change*. 2 vols. Cambridge, 1979.
- Esmein, Adhemar. *Histoire de la procédure criminelle en France et spécialement de la procédure inquisitoire depuis le XIIIe siècle jusqu'à nos jours*. Paris, 1882.
- . *A History of Continental Criminal Procedure*. Trans. John Simpson. Boston, 1913.
- Estèbe, Janine. "La bourgeoisie marchande et la terre à Toulouse au XVIe siècle (1519–1560)," *Annales du Midi*, 76 (1964): 457–467.
- . "Le marché toulousain des étoffes entre 1519 et 1560," *Annales du Midi*, 75 (1963): 183–194.
- . *Protestants du Midi, 1559–1598*. Toulouse, 1980.
- Febvre, Lucien. *Au coeur religieux du XVIe siècle*. Paris, 1968.
- . *Notes et documents sur la réforme et l'Inquisition en Franche-Comté*. Paris, 1912.
- . *Philippe II et la Franche-Comté*. Paris, 1911.
- , and Henri-Jean Martin. *L'apparition du livre*. Paris, 1958.
- Fiorelli, Piero. *La tortura giudiziaria nel diritto comune*. 2 vols. Milan, 1953–1954.
- Fleury, Claude. *Institution au droit ecclésiastique*. Ed. Boucher d'Argis. 2 vols. Paris, 1767.
- Foncke, Robert. *Duitse Vlugschriften van de Tijd over het Proces en de Terechtstelling van de Protestanten*. Antwerp, 1937.
- Foucault, Michel. *Surveiller et punir: naissance de la prison*. Paris, 1975.
- Fournier, Paul. *Les officialités au moyen âge*. Paris, 1880.
- Gatrell, V. A. C., Bruce Lenman and Geoffrey Parker (eds.). *Crime and the Law*. London, 1980.
- Gaufres, Mathieu-Jules. *Claude Baduel et la réforme des études au XVIe siècle*. Paris, 1880.
- . "Imbert Pecolet," *BSHPF*, 33 (1884): 49–67.
- Gazzaniga, Jean-Louis. *L'église du Midi à la fin du règne de Charles VII (1444–1461)*. Paris, 1976.
- Germain, Alexandre C. "Inventaire inédit concernant les archives de l'Inquisition de Carcassonne," *Publications de la Société archéologique de Montpellier*, 4 (1857): 287–308.
- Godefroy, Frédéric. *Dictionnaire de l'ancienne langue française*. 10 vols. Paris, 1881–1902.
- Grand, Roger. "La prison et la notion d'emprisonnement dans l'ancien droit," *RHD*, 19 (1940–1941): 58–87.
- Grendler, Paul F. *The Roman Inquisition and the Venetian Press*. Princeton, 1977.
- Guggenheim, Ann H. "The Calvinist Notables of Nîmes during the Era of the Religious Wars," *The Sixteenth Century Journal*, 3 (1972): 80–96.

- Guiraud, Louise. *Etudes sur la réforme à Montpellier*. 2 vols. Montpellier, 1918.
- . *Le procès de Guillaume Pellicier, évêque de Maguelonne-Montpellier de 1527 à 1567*. Paris, 1907.
- Haag, Eugène and Emile. *La France Protestante ou vie des protestants français*. 10 vols. Paris, 1846–1858.
- . 2d ed. Revised by Henri Bordier. 6 vols. Paris, 1877–1888. Stops with “Gasparin.”
- Halkin, Léon-E. “Les martyrologes et la critique. Contribution à l’étude du Martyrologe protestant des Pays-Bas,” *Mélanges historiques offerts à Monsieur Jean Meyhoffer*. pp. 52–72. Lausanne, 1952.
- Hauser, Henri. *Etudes sur la réforme française*. Paris, 1909.
- . *Les sources de l’histoire de France, le XVI<sup>e</sup> siècle*. 4 vols. Paris, 1906–1915.
- Hugues, Jean-Pierre. *Histoire de l’église réformée d’Anduze*. Montpellier, 1864.
- Imbart de La Tour, Pierre. *Les origines de la réforme*. 4 vols. Paris, 1905–1935.
- Jones, Leonard Chester. *Simon Goulart, 1543–1628; étude biographique et bibliographique*. Paris and Geneva, 1917.
- Jourda, Pierre. *Marguerite d’Angoulême, duchesse d’Alençon, reine de Navarre (1492–1549)*. 2 vols. Paris, 1930.
- Karlen, Arno. “The Homosexual Heresy,” *Chaucer Review*, 6 (1971): 44–63.
- Kingdon, Robert M. *Geneva and the Coming of the Wars of Religion in France 1555–1563*. Geneva, 1956.
- . *Geneva and the Consolidation of the French Protestant Movement 1564–1572*. Geneva and Madison, 1967.
- Lacger, Louis de. “La primatie et le pouvoir métropolitain de l’archevêque de Bourges au XIII<sup>e</sup> siècle,” *Revue d’histoire ecclésiastique*, 26 (1930): 43–65, 269–330.
- . “La primatie d’Aquitaine du VIII<sup>e</sup> au XIV<sup>e</sup> siècles,” *Revue d’histoire de l’Eglise de France*, 23 (1937): 29–50.
- Lacoste, Guillaume. *Histoire générale de la province de Quercy*. 4 vols. Cahors, 1883.
- Lahondès, Jules de. *Annales de Pamiers*, 2 vols. Toulouse, 1882–1884.
- Laingui, André. *La responsabilité pénale dans l’ancien droit (XVI<sup>e</sup>–XVIII<sup>e</sup> siècle)*. Paris, 1970.
- Langbein, John H. *Prosecuting Crime in the Renaissance: England, Germany, France*. Cambridge, Mass., 1974.
- . *Torture and the Law of Proof: Europe and England in the Ancien Régime*. Chicago and London, 1977.
- Lapierre, Eugène. *Le Parlement de Toulouse*. Paris, 1875.
- Laurent, Jean-Paul. “Grand Conseil,” in Michel Antoine et al. *Guide des recherches dans les fonds judiciaires de l’ancien régime*, 29–60. Paris, 1958.
- Lea, Henry C. *A History of the Inquisition of the Middle Ages*. 3 vols. New York, 1955. Reprint of the 1888 edition.
- Legègue, Raymond. *La tragédie religieuse en France, les débuts (1514–1573)*. Paris, 1929.
- Lefebvre-Teillard, Anne. *Les officialités à la veille du Concile de Trente*. Paris, 1973.
- Le Goff, Jacques (ed.). *Hérésies et sociétés dans l’Europe pre-industrielle, 11<sup>e</sup>–18<sup>e</sup> siècle*. Paris and The Hague, 1968.
- Leroux, Alfred. “La primatie de Bourges,” *Annales du Midi*, 7 (1895): 141–154.
- Le Roy Ladurie, Emmanuel. *Les paysans de Languedoc*. 2 vols. Paris, 1966.
- Limouzin-Lamothe, R. *Bibliographie critique de l’histoire municipale de Toulouse des origines à 1789*. Toulouse, 1932.
- Loirette, Gabriel. “Catholiques et protestants en Languedoc à la veille des guerres civiles (1560), d’après un document inédit,” *Revue d’histoire de l’Eglise de France*, 23 (1937): 503–525.
- . “Le Parlement de Toulouse et la réforme en Languedoc à la fin du règne de François I<sup>er</sup> (1542–1547),” *Bulletin de la Société archéologique du Midi de la France*, 2<sup>e</sup>me série, 46–47 (1917–1925): 484–485.
- London, *British Museum: General Catalogue of Printed Books . . . to 1955*. 263 vols. to date. London, 1959–.
- Lot, Ferdinand. *Recherches sur la population et la superficie des cités remontant à la période gallo-romaine*. 3 vols. Paris, 1945–1953.
- McDonnell, Ernest W. *The Beguines and Beghards in Medieval Culture*. New York, 1969. Reprint of 1954 edition.
- Mahul, M. *Cartulaire et archives des communes de l’ancien diocèse et de l’arrondissement administratif de Carcassonne*. 7 vols. Paris, 1867.
- Maisonneuve, Henri. *Etudes sur les origines de l’Inquisition*. 2d ed. Paris, 1960.



- Mandrou, Robert. "Les français hors de France aux XVI<sup>e</sup> et XVII<sup>e</sup> siècles," *Annales: E.S.C.*, 14 (1959): 662–675.
- . *Introduction à la France moderne; essai de psychologie historique, 1500–1640*. Paris, 1961.
- . *Magistrats et sorciers en France au XVII<sup>e</sup> siècle*. Paris, 1968.
- . "Les protestants français réfugiés à Genève après la St.-Barthélemy," *Schweizerische Zeitschrift für Geschichte*, 16 (1966): 243–249.
- Martin, Victor. *Les origines du gallicanisme*. 2 vols. Paris, 1939.
- Marx, Jean. *L'Inquisition en Dauphiné*. Paris, 1914.
- Masson, Paul. *Les galères de France (1481–1781); Marseille, port de guerre*. Aix-en-Provence, 1937.
- Mazon, Albin (le Docteur Francus). *Notes et documents historiques sur les Huguenots du Vivarais*. 4 vols. Privas, 1901–1904.
- Mégret, Jacques. "Guyon Boudeville. Imprimeur toulousain (1541–1562)," *BHR*, 6 (1945): 210–301.
- Ménard, Léon. *Histoire civile, ecclésiastique et littéraire de la ville de Nîmes*. 7 vols. Nîmes, 1874.
- Mentzer, Raymond A., Jr. "Calvinist Propaganda and the Parlement of Toulouse," *ARG*, 68 (1977): 268–283.
- . "Heresy Suspects in Languedoc Prior to 1560: Observations on their Social and Occupational Status," *BHR*, 39 (1977): 561–568.
- . "The Inquisitor as Heretic: the Pre-Reformation at Toulouse," *Wascana Review*, 9 (1974): 156–165.
- . "The Legal Response to Heresy in Languedoc, 1500–1560," *The Sixteenth Century Journal*, 4 (1973): 19–30.
- Méras, Mathieu. "Michel de Affinibus et les origines de la réforme à Montauban," *Annales du Midi*, 74 (1962): 324–327.
- Midelfort, H. C. Erik. *Witch Hunting in Southwestern Germany, 1562–1684*. Stanford, 1972.
- Mirot, Léon. *Manuel de géographie historique de la France*. Paris, 1929.
- Molinier, Charles. *L'Inquisition dans le Midi de la France*. Paris, 1880.
- Mols, Roger. *Introduction à la démographie des villes d'Europe du XIV<sup>e</sup> au XVIII<sup>e</sup> siècle*. 3 vols. Louvain, 1954–1956.
- Monter, E. William. *Witchcraft in France and Switzerland: the Borderlands during the Reformation*. Ithaca and London, 1976.
- . "La sodomie à l'époque moderne en Suisse romande," *Annales: E.S.C.*, 29 (1974): 1023–1033.
- Mortier, E. *Histoire des maîtres généraux de l'ordre des frères Prêcheurs*. 8 vols. Paris, 1903–1920.
- Mours, Samuel. *Les églises réformées en France*. Paris, 1958.
- . *Le protestantisme en Vivarais et en Velay des origines à nos jours*. Valence, 1949.
- Ourliac, Paul, and Gilles, Henri. *La période post-classique (1378–1500); la problématique de l'époque; les sources*. Vol. 13 of *Histoire du droit et des institutions de l'église en occident*. Dir. Gabriel Le Bras. Paris, 1971.
- Ourliac, Paul, and Malafosse, J. de. *Histoire du droit privé*. 3 vols. Paris, 1957–1968.
- Pansier, Pierre. *Histoire du livre et de l'imprimerie à Avignon du XIV<sup>e</sup> au XVI<sup>e</sup> siècle*. 2 vols. Avignon, 1922.
- Paris, Bibliothèque Nationale. *Catalogue général des livres imprimés de la Bibliothèque Nationale, auteurs*. Paris, 1897–.
- Pariset, G. "L'établissement de la primatie de Bourges," *Annales du Midi*, 14 (1920): 145–184, 289–328.
- Parker, Geoffrey. *The Dutch Revolt*. Ithaca, 1977.
- . "Some Recent Work on the Inquisition in Spain and Italy," *The Journal of Modern History*, 54 (1982): 519–532.
- Patry, H. (ed.). *Les débuts de la réforme protestante en Guyenne, 1523–1559. Arrêts du Parlement*. Bordeaux, 1912.
- . "Les débuts de la réforme protestante à Bordeaux et dans le ressort du Parlement de Guienne," *Revue historique*, 110 (1912): 291–321.
- . "Les débuts de la réforme protestante en Guienne," *BSHPF*, 95 (1946): 164–168.
- Pennington, Kenneth. "'Pro Peccatis Patrum Puniri': A Moral and Legal Problem of the Inquisition," *Church History*, 47 (1978): 137–154.
- Pijper, F. *Martelaarsboeken*. 's-Gravenhag, 1924.
- Portal, Charles. "La réforme en Albigeois, enquête de 1536," *Revue du Tarn*, 1904: p. 193–207.

- Porte, Marie-Thérèse. *Les débuts de la réforme à Pamiers (1562-1565)*. Foix, 1930.
- Porteau-Bitker, Anne. "L'emprisonnement dans le droit laïque du moyen-âge," *RHD*, 46 (1968): 211-245, 389-428.
- . "Le système de l'élargissement sous caution en droit criminel français aux XIIIe et XIVe siècles," *Recueil de la Société Jean Bodin*, 29 (1971): 57-81.
- Puech, Albert. *La Renaissance et la réforme à Nîmes*. Nîmes, 1893.
- Pullan, Brian. "'A Ship with Two Rudders': 'Righetto Marrano' and the Inquisition in Venice," *The Historical Journal*, 20 (1977): 25-58.
- Rabaud, Camille. *Histoire du protestantisme dans l'Albigeois et le Lauragais*. Paris, 1873.
- Ramet, Henri. *Le Capitole et le Parlement de Toulouse*. Toulouse, 1926.
- Ramière de Fortanier, Jean. *Chartes de franchises du Lauragais*. Paris, 1939.
- Reusch, F. Heinrich. *Der Index der verbotenen Bücher*. 2 vols. in 3. Bonn, 1883-1885.
- Roelker, Nancy L. "The Appeal of Calvinism to French Noblewomen in the Sixteenth Century," *Journal of Interdisciplinary History*, 2 (1972): 391-418.
- . "The Role of Noblewomen in the French Reformation," *ARG*, 63 (1972): 168-195.
- Romane-Musculus, Paul. "Généalogie des Toulouse-Lautrec branche protestante de Saint-Germier (XVIe et XVIIe siècles)," *Annales du Midi*, 77 (1965): 99-107.
- Romier, Lucien. *Les origines politiques des guerres de religion*. 2 vols. Paris, 1913-1914.
- . *Le royaume de Catherine de Médicis. La France à la veille des guerres de religion*. 2 vols. Paris, 1922.
- Russell, Josiah C. *Late Ancient and Medieval Population*. Philadelphia, 1958.
- . "L'évolution démographique de Montpellier au moyen âge," *Annales du Midi*, 74 (1962): 345-360.
- Salmon, J. M. H. *Society in Crisis: France in the Sixteenth Century*. New York, 1975.
- Santi, Louis de. "Rabelais à Toulouse," *Revue du seizième siècle*, 8 (1921): 42-62.
- Schnapper, Bernard. "La justice criminelle rendue par le Parlement de Paris sous le règne de François Ier," *RHD*, 52 (1974): 252-284.
- . "Les peines arbitraires du XIIIe au XVIIIe siècle (doctrines savantes et usages français)," *Tijdschrift voor Rechtsgeschiedenis*, 41 (1973): 237-277; 42 (1974): 81-112.
- . "La répression pénale au XVIe siècle: l'exemple du Parlement de Bordeaux (1510-1565)," *Recueil de mémoires et travaux publié par la société d'histoire du droit et des institutions des anciens pays de droit écrit*, 8 (1971): 1-54.
- . "Testes inhabiles: les témoins reprochables dans l'ancien droit pénal," *Tijdschrift voor Rechtsgeschiedenis*, 33 (1965): 575-616.
- Secret, François. "Juifs et marranes au miroir de trois médecins de la Renaissance," *Revue des études juives*, 130 (1971): 183-194.
- Serr, Gaston. *Une église protestante au XVIe siècle: Montauban*. Aix-en-Provence, 1958.
- Simon, Richard. *Nouvelles observations sur le texte et les versions du Nouveau Testament*. Paris, 1695.
- Smith, Preserved. *Erasmus*. New York, 1923.
- Soman, Alfred. "Press, Pulpit and Censorship in France before Richelieu," *Proceedings of the American Philosophical Society*, 120 (1976): 439-463.
- . "Les procès de sorcellerie au Parlement de Paris (1565-1640)," *Annales: E.S.C.*, 32 (1977): 790-814.
- . "The Parlement of Paris and the Great Witch Hunt (1565-1640)," *Sixteenth Century Journal*, 9 (1978): 31-44.
- . "Deviance and Criminal Justice in Western Europe, 1300-1800: An Essay in Structure," *Criminal Justice History: An International Annual*, 1 (1980): 1-28.
- Strayer, Joseph R. "The Laicization of French and English Society in the Thirteenth Century," *Speculum*, 15 (1940): 76-86.
- Szajkowski, Zosa. "Population Problems of Marranos and Sephardim in France, from the 16th to the 20th Centuries," *Proceedings of the American Academy of Jewish Research*, 27 (1958): 83-105.
- Szapiro, Emile. "L'entourage d'Antoine de Lautrec et les débuts de la réforme à Toulouse," *Annales du Midi*, 77 (1965): 341-344.
- Tanon, Louis. *Histoire des tribunaux de l'Inquisition en France*. Paris, 1893.
- Tedeschi, John. "Preliminary Observations on Writing a History of the Roman Inquisition," in F. F. Church and T. George (eds.). *Continuity and Discontinuity in Church History*, 232-249. Leiden, 1979.
- Teisseyre-Sallman, Line. "Urbanisme et société: l'exemple de Nîmes aux XVIIe et XVIIIe siècles," *Annales: E.S.C.*, 25 (1980): 965-987.



- Thomas, Jules. *Le concordat de 1516, ses origines, son histoire au XVI<sup>e</sup> siècle*. 3 vols. Paris, 1910.
- Timbal, Pierre. "La confiscation dans le droit français des XIII<sup>e</sup> et XIV<sup>e</sup> siècles," *RHD*, 22 (1943): 44-79; 23 (1944): 35-60.
- Verheyden, A. L. E. *Le martyrologe protestant des Pays-Bas du Sud au XVI<sup>e</sup> siècle*. Brussels, 1960.
- Viala, André. *Le Parlement de Toulouse et l'administration royale laïque, 1420-1525 environ*. 2 vols. Albi, 1953.
- Vic, Dom Claude de, and Vaissète, Dom J. *Histoire générale de Languedoc*. Ed. A. Molinier. 16 vols. Toulouse, 1872-1904.
- Vidal, Jacques. *L'équivalent des aides en Languedoc*. Montpellier, 1963.
- Vindry, Fleury. *Les parlementaires français au XVI<sup>e</sup> siècle*. 2 vols. Paris, 1909-1912.
- Wagner, Madeleine. "Les émigrés du Bas-Languedoc à Genève de 1549 à 1560," *Actes des XXXVII<sup>e</sup> et XXXVIII<sup>e</sup> congrès (Limoux—Nîmes) (1964-1965) de la Fédération historique du Languedoc méditerranéen et du Roussillon*. 179-186. Montpellier, 1965.
- Weiss, Nathanaël. *La Chambre ardente. Etude sur la liberté de conscience en France sous François I<sup>er</sup> et Henri II (1540-1550)*. Paris, 1889.
- Wolfe, Martin. *The Fiscal System of Renaissance France*. New Haven and London, 1972.
- Wolff, Philippe. *Commerces et marchands de Toulouse (vers 1350-vers 1450)*. Paris, 1954.
- . *Les "estimes" toulousaines des XIV<sup>e</sup> et XV<sup>e</sup> siècles*. Toulouse, 1965.
- , et al. *Documents de l'histoire du Languedoc*. Toulouse, 1969.
- , et al. *Histoire de Languedoc*. Toulouse, 1967.
- , et al. *Histoire de Toulouse*. 3d ed. Toulouse, 1974.
- Zeller, Gaston. *Les institutions de la France au XVI<sup>e</sup> siècle*. Paris, 1948.

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