One King, One Faith

The Parlement of Paris and the Religious Reformations of the Sixteenth Century

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FOREWORD

One King, One Faith has been more than twenty years in the writing and still longer in the making. To paraphrase one of the readers for the press, it represents "a lifetime of reading and thinking" about the central issues involved in France's response to the religious crisis of the sixteenth century. Sadly, the book's author did not live to see the completed work. Nancy Lyman Roelker died at her home in Rhode Island on November 27, 1993, just three months after she learned that her manuscript had been accepted for publication by the University of California Press.

Nancy Roelker's friends took comfort in the joy she experienced at having the manuscript accepted and knowing the work would appear. Still, her untimely death left many questions unanswered and many tasks undone. Everyone who has published a book knows how much work remains—and how many decisions need to be made—before the final product comes off the press, out of the bindery, and into the bookstores. In this case, the process was complicated by the fact that no one was certain just how far Nancy had gotten with her intended revisions. She had been working on the bibliography on the day that she died, and yet there were enough incomplete notes and bracketed comments in the manuscript to suggest that she intended to return to these passages to make more changes as well.

As the friend and colleague whose own research borders most closely on the subject of this book, I have assisted Nancy's sister, Helen Kessler, and the editors at the UC Press with the editorial tasks that remained. We have tried to proceed delicately, with a lighter editorial hand than might have been applied to a manuscript whose author could still be queried on intentions and shades of meaning. Nancy Roelker has a distinct and vibrant authorial voice, and we wanted that voice to speak unimpeded. I have accordingly tried to limit my own role to checking citations, filling in

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missing references, and clarifying the occasional passage where mechanical or other errors obscured what seemed to be a clearly intended meaning. I have been assisted greatly in this process by a former student, John McGrath, who recently completed a dissertation in sixteenth-century French history. We used the same New England libraries where Nancy

Roelker did the bulk of her research and also went back to earlier drafts of the manuscript, which Helen Kessler was able to supply. It has not been possible to check French archival citations or references to certain rare books; nor has it proved possible to identify conclusively several passages that appear in quotation marks in the text. I beg the readers' indulgence and hope they will agree that the book has been held up long enough.

It is important that the book be published, not only as the culmination of Nancy Roelker's distinguished career, but also as an unparalleled synthesis of recent research on sixteenth-century France. Nancy Roelker's tribute to the younger scholars whose work has contributed to her own is characteristically generous. Indeed, she has dedicated this book to some twenty-two "younger *seizièmistes* " who sent her the products of their research while it was still in manuscript form. Much of this research has since appeared in the form of articles and books, but an important part remains unpublished and hence largely inaccessible to other scholars. Several of the historians whose research has contributed most to this study have left the profession; their work in particular risked disappearing but for Nancy Roelker's recognition of its worth. Thanks to her efforts, their key findings can now be integrated into our changing picture of sixteenth-century French politics and society.

I stress the role of synthesis here; I would stress the role of interpretation as well. *One King, One Faith* does not just summarize recent scholarship, rather it mines this work thoughtfully yet critically, in order to integrate it into a broader and more penetrating vision of the past. The same is true of the primary sources on which Nancy Roelker relies. When she began her work, she clearly intended to do very extensive archival research in the unpublished and underutilized records of the Parlement of Paris. Declining health made it impossible for her to complete the original, ambitious plan for archival research, and careful readers will notice that archival references diminish in number as the book progresses, while an increasing proportion of the footnotes cite such familiar published primary sources as the *Mémoires-Journaux* of Pierre de L'Estoile, the *Histoire universelle* of Jacques-Auguste de Thou, and the correspondence of Étienne Pasquier. At first glance this focus may appear ironic, for these are the very same sources that have traditionally dominated historians' interpretations of France's

civil and religious wars, the same sources whose authors' social and political biases Robert Descimon has accused of obscuring a true understanding of this complex period.[1] And yet, this is precisely where Roelker excels, for if she narrates events in the words of—and, seemingly, through the eyes of—L'Estoile, Pasquier, or de Thou, it is not to present their views as impartial truth but rather to probe more deeply, to explain just why they saw things the way they did. She empathizes with the men who emerge as her spokesmen but never loses sight of her real quest, which is to understand their *mentalité* , to uncover the unique constellation of social, political, and intellectual values that gave shape to their views.

One King, One Faith : the phrase is a shorthand for the longer French saying, *un roi, une loi, une foi* , and encapsulates the essential values that Nancy Roelker attributes to the core of Parlement's magistrates, as it summarizes their most profound understanding of the constitutional bases of monarchical authority in France. The political, ecclesiastical, and legal unity of the monarchy were all wrapped up in this phrase, and in allegiance to a monarch who was simultaneously king, priest, and judge. As Roelker argues, the magistrates of Parlement saw themselves as essential guarantors of this constitution, and this belief indelibly shaped their attitudes toward both politics and religion. Indeed, as she further argues, at the most profound level they could not separate politics from religion. This book is the story of the complex positions they staked out in defense of *One King, One Faith* .

BARBARA B. DIEFENDORF

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exchanges as well as by their work. The thought and help of the following have been particularly influential: William J. Bouwsma, William F. Church, Ralph E. Giesey, Myron P. Gilmore, George Huppert, Donald R. Kelley, J. H. M. Salmon.

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INTRODUCTION

Traditional studies of the French Wars of Religion were usually narrative; more recent ones, applying the methods of social history, often become microanalyses of particular local episodes or situations. Little attention has been paid to the *mentalités* of educated Catholics who rejected any kind of religious change. In the hope of filling the gap, this study will analyze the attitudes toward religion of the most influential group, the magistrates of the Parlement of Paris.

The overwhelming majority held to the traditional Gallican—that is, uniquely French—form of Catholicism, which had evolved in the Middle Ages and become institutionalized by the mid-fifteenth century. This consistent loyalty conditioned their attitudes toward any and all deviations from it. The deviations lie along a spectrum of opinions from what most contemporaries deemed "heresy," the outright repudiation of any Catholic doctrine and/or practice, to an ultramontane, that is, propapal Counter-Reformation—eventually Tridentine—position. As is well known, the latter was much less open, more rigid, and tightly structured than medieval Catholicism. It can be called more conservative, in that there were fewer options, or more radical, in that it was more militant and ideological than traditional western Catholicism.

Both ends of the spectrum included degrees of deviation. Heresy, at its vaguest, could be alleged if neighborhood gossip had a housewife patronizing the butcher on a fast-day, or it could connote deliberate, reasoned departure, in words or behavior, from conventional practices of the sixteenth-century Roman church, such as sale of indulgences, veneration of saints, interpretation of the mass. At the height of the League rebellion (1588-94) when the extreme (Parisian) faction, the Sixteen, turned to

Philip II of Spain for material support, arms, and money, "ultramontane" meant beyond the Pyrenees as well as beyond the Alps.

The specific substance of the study is an analysis of the *mentalité* or mind-set of the dominant members of the court. It begins with general matters that provide the context for their religious views—notably the laws, government, and history of France and of the Parlement itself—and then analyzes parlementaires' religious attitudes as they changed and developed in relation to events during the Reformations, Protestant and Catholic. Those I call "mainstream" were centrist, conventional rather than militantly or ideologically Catholic, often outspokenly anticlerical. These characteristics did not change throughout the century despite many dramatic events affecting the court and all the French people. They were always in the majority, as far as can be determined, but it was often a silent one, especially in periods when the ultras held the leadership.

Compared to the religious views of heretics and ultras, those of the mainstream are hard to discern, and for the most part they are disappointingly general and paradoxical. Why did magistrates who never deviated from the traditional religious position yet shared the values and opinions of their equally humanist-educated peers who were converted to the reform stay within the old church? They had Huguenot friends; they stated publicly—often at considerable risk—their belief that the root cause of heresy and all its evil consequences, including civil war, was the delinquency of the clergy—in the higher echelons, pluralism of benefices, absenteeism (many bishops held their offices through simony or political considerations), and at the parish level, ignorance, even to the point of illiteracy, lack of spiritual vocation, and life-styles most conspicuous for drunkenness and greed. They repeatedly declared that the sole remedy for these abuses was reform of the contemporary church. What accounts for the adherence that representative parlementaires, guardians of the tradition, gave to an institution they regarded as "riddled with corruption" and weakened by elements such as the doctrine of Purgatory, indulgences, the cult of the Virgin? In addition, they were deeply committed to the Renaissance ideal, *ad fontes* , even more to the Christian than to the classical sources, and, like Protestants, held up what they believed to be the "primitive church" as the model. How can we explain the paradox?

My consultation with specialists explained the prior neglect of this key question: obstacles included limitations within the registers of the Parlement, many large handwritten volumes, difficult to decipher, never inventoried, with missing records for certain crucial periods such as the days before and after the Massacre of St. Bartholomew. More important, lacking

the equivalent of U.S. Supreme Court opinions, one learns only who was sitting in a particular case and what the final judgment was. From the registers alone, therefore, one could not draw conclusions about the opinions, religious or other, of individual magistrates.

Thanks to two strokes of exceptional good luck, I was able to pursue the quest. Among the manuscripts in the Bibliothèque de la société de l'histoire du protestantisme français is a three-volume handwritten work, "Extraits des Registres Criminels du Parlement de Paris en ce qui se rapporte aux Protestants, 1499-1603." It was compiled by one Nicolas Dongois (d. 1717), a nephew of Boileau, who held the office of chief clerk in the Parlement for sixty years and was much respected.[1] From internal evidence I had previously concluded that Dongois was concerned with many of the same cases and individuals as I was, although his interest lay in the Protestant victims and mine in their Catholic judges. His full, careful, and *dated* transcriptions made it possible to locate his sources in the registers to see if his work could be trusted and used as an "Ariadne thread"; to pursue the comparison, however, required a first-class *archiviste-paléographe* . The second and determining stroke of luck was the generosity of Bernard Barbiche, a leading *chartiste* who had helped me extensively in previous archival research. He was interested in the problem and willing to give hours of his time and his incomparable skills to making the test. We were unable to find every case I had selected from Dongois (the organization of the registers is not consistent and some may have been included in other series), but every one we found my mentor pronounced reliable. To the extent that my findings are valuable in the solution of the problem, they can be added to his many contributions to the field. Deficiencies, of course, are entirely attributable to myself.

In order to gain as complete an understanding of the group *mentalité* as possible, I was obliged to supplement the registers with a wide variety of sources: correspondence, memoirs, tracts (legal, political, religious), diplomatic dispatches, collections of *arrêts* , manuals of parlementaire procedure and behavior. I began with the most prominent magistrates, on whom the sources are most abundant, and gradually added lesser members as they surfaced

in my research. It soon became clear that my findings would not constitute a true prosopographical study—too much information was lacking—but rather conclusions and hypotheses concerning the range of opin-

ion on a variety of religious issues, especially relations of church and state, in a time frame of approximately seventy-five years, from the late 1520s to the promulgation of the Edict of Nantes (1598-99) and the court's final rejection of the Trent decrees (1607).

Description of Parlement as an institution, its structure and the differences among the several chambers, do not figure in this work because specialized studies are readily available. Nor are the genealogical data exhaustive. The focus is rather on the determining elements of the mind-set of the elite leadership of the *gens de robe* . The principal sources of its cohesion and persistence were the bonds of family and property; corporatist and professional bonds; heightened self-consciousness of tradition because of new threats to it; reinforcement of tradition for the sake of self-preservation. Significant variables were also operative within the mainstream: socioeconomic, ideological, and generational factors as well as patronage patterns.

The organization of the text is as follows.

In part 1, chapters 1-4 correlate and synthesize the work of scholars on particular aspects of the problem and aim to create an overview of parlementaire *mentalités* within which the religious attitudes can be located.

In part 2, chapter 5 sets forth the methodology and describes the Parlement's religious tradition. Chapters 6-10 analyze religious attitudes in chronological segments—established by events and Parlement's reactions—from the mid-1520s to the mid-1580s.

In part 3, chapters 11-14 describe and analyze Parlement's role in the rise and fall of the League and the triumph of Henri IV, 1584-94.

The epilogue treats Parlement's relation to the Edict of Nantes and its rejection of the Trent decrees, and the final chapter offers my hypotheses and conclusions.

PART 1
THE MAIN STREAM PARLEMENTAIRE MENTALITÉ

1
The Mainstream Parlementaires
Who They Were and How They Got There

The Historical Takeoff

Although the history of the Parlement of Paris as an institution goes back to the fourteenth century, the parlementaire *mentalité* with which we are concerned originated in a particular set of historical circumstances in the late fifteenth and early sixteenth centuries. In chronological sequence, the first of these was the revival of royal power and national unity in the 1460s after the long disintegration of the Hundred Years War. The task was complicated by the struggle between two noble factions, led by the houses of Orléans and Burgundy. Paris having been dominated for some time by the Burgundian rebels, Louis XI was obliged to regain the allegiance of magistrates, among others, of that party, as well as to reward the faithful. In a series of skillful negotiations, he reconstituted the court and staffed it with able men. Office in the court offered considerably more scope for their ambition than had been the

case in the medieval parlements. Notably an *ordonnance* (ordinance, or general law) of 1467 declared that royal officers could not be deprived of their offices without due process, and the old election procedures of 1446—by which three names were presented to the king to choose from—were reinstated.[1] These concessions to the Parlement

of Paris were later extended to those of Toulouse and Bordeaux as well. From this time on, in their dealings with the crown, the magistrates showed a degree of boldness and independence unheard of in earlier generations; we shall see them challenging every king from François I to Henri IV.

Already at the start of the reign of Charles VIII, in 1483, the members of Parlement asserted their right to determine its composition by presenting to the new king a roll, not of the court as constituted at the death of Louis XI, but as they wished it to be constituted; for instance, the sitting premier président was placed at the bottom of the list. Kings continued to violate the procedures in order to place men they favored for some reason (usually financial advantage to the crown), yet the court also continually strengthened its autonomy, especially through the exercise of the *resignatio in favorem* . While prominent families like the Briçonnet obtained their foothold through royal favor, as many as thirty-five out of sixty magistrates (in the middle years of the reign of Charles VIII) were admitted by resignation, that is, by co-option.[2] Moreover, the privilege was extended so that relatives of colleagues and members of the Paris bar could be favored when no immediate family member was available.[3] One result of this latter concession was the growing predominance of Paris lawyers in the Parlement at the end of the fifteenth century. Of the forty-nine conseillers listed in the reign of Charles VIII whose backgrounds are known, thirty-seven were previously practitioners of law in the capital and two others were professors of law there.[4] This influx of Parisians marked parlementaire *mentalité* in a number of ways, of which the most important was the overlap of membership in the Parlement with that in the city councils of the Hôtel de Ville, and the consequent harmony of the values of the two groups.[5]

Louis XII, who would emerge in the later sixteenth century as the parlementaire model of the good king—though not for this reason—felt that this trend toward monopoly must be checked. An ordinance of 1499 decreed that only one-third of the members of Parlement could be Parisians and that no father and son or pair of brothers could hold office at the same time.

This was never enforced, however, and "private venality" continued apace; the Hennequin and Le Coq dynasties were among those that originated in this way. But the king, the queen (Anne de Bretagne), and Louis's chief advisers, Georges, cardinal d'Amboise and Florimond Robertet, *secrétaire de finances* , also frequently intervened in appointments to the high court, a precedent for patron-client relationships between *les grands* and members of Parlement that would be fateful when the royal court and the kingdom fell prey to two rival noble factions in 1559.[6]

Of all the new tendencies, by far the most revolutionary was the practice of venality by the crown itself. In the financial squeeze that followed the loss of Milan in 1512, Louis XII sought a remedy in the creation of a number of judicial offices. Families of later prominence, such as the Tronson, the Hurault, and the Le Viste, were among the beneficiaries, as were members of the former Senate of Milan, like Jean de Selve (later premier président, 1519-29). As Denis Richet points out, the crown had been drawing on the prosperous bourgeoisie for aid ever since the "king of Bourges" began to reconquer his kingdom, in the middle third of the fifteenth century, with the result that they had obtained a dominant role in the reborn state *et se firent grassement payer ce rôle* .[7]

Compared to the explosion of offices and the regularization of venality in the reign of François I, however, all prior developments fade into insignificance and are seen as mere foreshadowings. The king ignored all the election procedures and established "royalized" venality once and for all, as a means of attracting needed cash quickly. The power of Robertet became ever greater; even Louise de Savoie and Marguerite d'Angoulême, the king's mother and sister, resorted to his intervention, as in the case of the nephew of Jean de Selve for whom the premier président sought an office.[8] Simultaneously, the chancellor, Antoine Duprat, was exploiting the situation to build a "party" or faction, loyal to himself in Parlement,

by bringing forward suitable candidates, that is, men with money, ability, and ambition. By this ladder many of his fellow Auvergnats climbed up to the Parlement,

including Pierre Lizet, who would have an important impact on the court and the kingdom, as *avocat du roi* , président, and finally, premier président, 1529-49, when he became the leader of the ultra-Catholic faction opposed to the crown's more moderate religious policy.[9]

Parlement did not easily cave in to demands by the crown or *les grands* . The court repeatedly delayed action on François I's plan in 1521 to create a new Chambre des Enquêtes, the lowest of the chambers, with twenty members. Louise de Savoie, attempting without success to act as intermediary, let it be known that she might persuade the king to drop the plan if the members of the court would come forward with 120,000 *livres tournois* , but the court rejected both alternatives.[10] After a prolonged standoff, twenty new offices were created by an edict of January 1522. Those "provided" in violation of the rules included some to individuals who will figure in our study. The inflation of Parlement in return for "loans" was only one instrument of royal policy to raise money by any means. The creation of *rentes* on the Hôtel de Ville and François's attack on the financial oligarchy, culminating in the trial of Jacques de Beaune, sieur de Semblançay, were other means to the same end.[11] In order to appease the magistrates' fury, the king promised in 1524 that he would create no more new judicial offices, and in order to flatter the magistrates' sense of importance, he "requested" the court to depute three or four of its members to investigate the professional and personal qualifications (*suffisance*) of all candidates.[12]

In these years (1520s), Parlement regularly resorted to the negative tactics of protest and delay, biding its time until circumstances should enable it to seize the initiative. The opportunity came in 1525, when François I was defeated by Charles V, taken captive, and held prisoner in Madrid for months, while his mother ruled France as regent. Details of her confrontation with the court will be included in our discussion of the Concordat of Bologna, the original bone of contention.

As tension between the crown and the court increased, the magistrates' self-confidence and professional esprit de corps also increased, and an elite nucleus emerged in the court, creating an inner hierarchy. This loosely defined group included most of the présidents, a few conseillers, and some representatives of the *gens du roi* , held together by family ties and mutual

interests, personal, professional, and intellectual. Most of its leading members recorded their ideas on major issues, sometimes orally, sometimes in writing, and as their views generally carried the day, I call them "spokesmen of the mainstream." There were, of course, exceptions who did not follow their lead, notably those who, on the one hand, were attracted to new and unorthodox religious doctrines, or who, on the other, joined the ultra-Catholic or Counter-Reformation faction.[13] In addition to family and professional ties, the elite had in common an avid interest in acquiring property, both real and movable, and active participation in municipal affairs.

In the strongly hierarchical society of sixteenth-century France, no sector was more status-conscious or elite-dominated than the milieux of the sovereign courts, and especially the Parlement of Paris, which crowned the pyramid. In general, the lesser courts aped the Parlement and the lower echelons of the legal profession aped the présidents—while simultaneously indulging in frequent and severe criticism of their superiors on some issues. The small number of defectors (on record) is striking, although there must have been more than the record reveals. Self-interest and prudence probably explain the consensus of mainstream *mentalité* now to be analyzed. This chapter presents a biographical and socioprofessional profile of selected spokesmen. The next two will outline and summarize their political-historical values (chapter 2) and their cultural and personal values (chapter 3).

Spokesmen of the Mainstream

Representative parlementaires of every "generation" in our period expressed the ongoing mainstream values—in their correspondence, in the course of their official activities and sometimes in formal speeches and in writings that ranged from literary through philosophical

to polemical. A "generation" I define as a group of parlementaires who served on the court together—regardless of age—in a chronological period of particular pressure as regards the Parlement's reaction to and handling of religious policy. The chronology and methodology are explained in detail in chapter 5 (part 2), and the distinctive characteristics of each time-segment are analyzed in chapters 6-10, rather than in the present section (part 1) devoted to the

similarity and continuity of views on basic matters such as French institutions and history held throughout the century. According to this schema the generations are, first, the *early generation* , in office from the mid-1520s to the mid-1530s, which faced the initial challenge of the reform movement; second, the *transitional generation* , in office from the early 1540s to the mid-1550s, when the crown and Parlement agreed on a repressive policy but disagreed on its content and implementation; then the *crisis generation* , from the mid-1550s to the early 1580s, when divisions in the court crystallized into factions aligned with forces outside the Palais de Justice—notably the rival noble factions—in open civil war (the Huguenot party and the ultra-Catholic, Guise party); and finally (part 3), the *later generations* of the League and post-League periods (1584-1605) starting with the death of François, duc d'Alençon, the youngest son of Henri II, leaving Henri de Navarre, head of the Huguenot party, as heir presumptive after Henri III, who had no sons.

Two spokesmen of our earliest generation, Thibault Baillet and Charles Guillart, were already established as leaders in the Parlement in the early 1520s, and they were cited as models both by their contemporaries and by succeeding generations. A third, Claude de Seyssel, was never an active practitioner and he died in 1519, but his formulation, in *La Monarchie de France* , of Parlement's views on such matters as crown, Parlement, and constitutional tradition is generally regarded as the classic statement of prevailing thought in the higher reaches of the judiciary in the sixteenth century, especially the first half. All three were actively involved in the controversy over the Concordat—the point of departure for parlementaire thought on religious matters in the period. Their views embody the traditional consensus that would be challenged by the innovating forces of the 1520s: increased royal control, venality and the proliferation of offices in the professional sphere, and the growth of reform sentiment in the religious sphere. In other respects also these men exemplify dominant and persistent characteristics of the parlementaire mainstream in their backgrounds, in their assets to be exploited, in their careers, and in the interests and activities that brought them distinction beyond the narrowly professional sphere.

Thibault Baillet's acknowledged position was based on his probity in office and on his many years of outstanding service. When he died in 1525 at the age of eighty, he had been président for forty-three years and was called *le bon président* . He was a native Parisian and honored for many activities that benefited the city, such as presiding over a commission responsible for the first codification of Parisian customary law in 1508. His grandfather and father had preceded him in the office of *maître de l'hôtel*

du roi ; François Blanchard describes the family as one of the best connected in the court. Christopher Stocker shows that it was well established by the end of the fourteenth century, having risen through the royal financial administration under Philip VI and having acquired the seigneurie of Sceaux in the reign of Louis XI. The Baillet were allied by marriage to other leading families such as the Le Viste and the Du Drac. Thibault's first wife was Jeanne Le Viste; by his second, Jeanne de Ganay, he had a son, René, later président, and a daughter whose husband became premier président of the Chambre des Comptes, just below the Parlement itself in the hierarchy of the sovereign courts.

Baillet was entrusted with two diplomatic missions by the crown, to England and to Savoy, but these were not his main contributions. In contrast to many colleagues, Seyssel or de Selve, for instance, Baillet's distinction stemmed from his role in crucial cases like that of the maréchal de Gié (Pierre de Rohan), accused of malfeasance, and from his discharge of special assignments such as supervising the boycott against the papacy in 1523. In these cases he was the spokesman of the crown. François I is said by Blanchard to have respected him so much that "he was inspired to stand in Baillet's presence." On other occasions, however, including the crisis over the Concordat, Baillet was chosen by the Parlement to voice opposition to the king. In the touchy circumstances of the defection of the constable de

Bourbon, he was charged with the task of assuring François of the court's loyalty to the crown.[14]

Typical in his background and general attitude, Baillet was outstanding in the minds of his contemporaries and immediate successors for his steadfast defense of tradition and fearless opposition to innovations that violated the rules, such as appointment of laymen to clerical seats in the court. A lawyer of the midcentury would say that of all the judges of his time he most deserved to be held in highest esteem. The inscription on his tomb, in his native parish of St-Merry, reads "homme sur tous justiciers du royaume . . . prisé et estimé lequel de son temps a pu etre nomé le plus honoré . . . de Paris . . . à l'interement duquel se trouverent tousles plus notables."

Blanchard's epitaph concludes, "suffisance de sagesse et integrité de vie . . . le bon président."[15]

Charles Guillart , another spokesman of the early generation, was also much admired, earning the description *bon citoyen* from Blanchard. While Baillet was a lay officer, Guillart was *conseiller clerc* , as early as 1482 (but the seat was laicized in 1496) and became président in 1508. From then until his resignation in 1534—as a protest against venality—he played a prominent role in national and municipal affairs, including the Concordat and the negotiations between the Parlement and the regent, Louise de Savoie, when François I was a prisoner in Madrid, 1525. He was a leader in Parlement's resistance to royal attempts to reduce its power, voicing some of the court's counterclaims, as it tried to take advantage of the regency to *increase* its own power. Guillart held office in the Bureau of the Hôtel de Ville, also, from 1534 on, and was succeeded as *conseiller de ville* by his son, André.[16]

The Guillarts had originated in Poitou. Charles's grandfather served the comte du Maine, moved to Paris in the 1480s, and laid the foundation of the family estates. The secretarial route by which they rose, carrying out special royal missions, is considered by Stocker to be the most advantageous of all the ladders. Charles was never ordained and was married twice: both wives came from prominent robe families (Tulleu and Luillier). Among his special royal assignments were the discipline of rioting students and the publication of the Concordat (to which, however, he was opposed); his standing with his colleagues is shown by the fact that he was chosen by the court to represent its opinions in the 1526 phase of the case of Louis de Berquin. Guillart's name appears frequently in the sources as a participant in processions, at entries of foreign dignitaries, and on other ceremonial occasions. He was one of the most visible members of the court, highly respected beyond the walls of the Palais and even abroad. So high was his standing that he was appointed to serve on the delegation attempting to negotiate the election of François I as Holy Roman Emperor, in 1519. All the other members were nobles and high administrative officials. Guillart's speeches on constitutional matters and high policy demonstrate what Blanchard calls his *connaissance des choses du monde* .

Claude de Seyssel also exemplifies most of the mainstream characteristics, even though his was not a robe family. On the contrary, he was an

illegitimate offspring of the ducal family of Savoy. The assets of this position easily outweighed any liabilities because he had immediate access to the highest level of patronage without having to work up to it, as was the usual case of *robins* . While in the service of the duke, he attracted the attention of Georges, cardinal d'Amboise, minister of Louis XII, and married one of the cardinal's nieces. Another advantage was a good education and access to the academic career that laid the foundation for his activity as a diplomat, first for the duke and then for the king of France.

Seyssel took degrees in law at the University of Turin and then at Pavia, where he succeeded his teacher as a member of the faculty and later became rector. He studied Greek with the great scholar John Lascaris, who began to translate the *Anabasis* for him in 1506. Seyssel subsequently continued the Xenophon himself and undertook also to translate Thucydides and the Greek fathers of the church. Louis XII made him a member of his *grand conseil* in 1498; the following year, after the conquest of Milan, Seyssel became a member of the Senate and chief administrator of the city. His diplomatic missions for Louis XII took him to most of the Italian cities and to the court of Henry VII in England. Services to Savoy were not neglected; he carried out a difficult assignment for the duke in 1508 by negotiating

successfully with the Swiss who were always fearful of falling again under the rule of Savoy. His most important diplomatic assignment was the negotiation with Pope Leo X that prepared the way for the Concordat of 1516, though Seyssel himself shared traditional Gallican views. His reputation as a pacifier, which earned him the respect of opposing factions, is based on his moderation and his diplomatic skills at that time.

Traditionally, half the members of Parlement were clerics, and Seyssel's career is typical of many Renaissance prelates. He was named bishop of Marseille in 1510 but never performed his functions there (at one point the cathedral chapter elected another bishop, believing that Seyssel had died). Yet in the last years of his life, as archbishop of Turin, he reformed many abuses in his diocese, wrote a manual for the guidance of priests, and made the church an active force in the community through the founding of welfare institutions. In these respects, and in the austerity of his life-style, he is an early example of the reforming bishops associated with the Catholic Reformation. He showed considerable independence in his religious views, combining a strong stand against heresy with approval of a vernacular Bible. This last reflects his humanist orientation, which he demonstrated by translating the Gospel of Luke. His friends and correspondents included men like Lefèvre d'Étaples, Johannes Reuchlin, and Guillaume Petit, so it is not

surprising that in Paris he spent more time in the Bibliothèque du Roi than at the Palais de Justice.[17]

The careers of these three parlementaires fall wholly in the period before *l'affaire des placards* (1534), which marks the definitive shift in the policy of François I toward the reformers, from ambivalent indulgence to consistent repression. By the 1540s, when the repressive policy was systematized, a majority of the 1520s parlementaires had passed from the scene. Pierre Lizet's succession to Jean de Selve as premier président (1529) signaled the coming change. While Lizet and his colleagues shared some basic parlementaire views, such as Gallicanism, their preoccupation with religious dissent caused them to deviate markedly from their predecessors.

Men of traditional background nevertheless continued to hold and express traditional opinions; the difference is that they were not currently also the dominant personalities on the court. This fact differentiates the court of the 1540s not only from the earlier period but also, significantly, from the Parlements of the second half-century. I have therefore called it the transitional generation. The traditionalists or moderates of this period are well represented by the sons of two of our earlier spokesmen, René Baillet and André Guillart, and by François Olivier. Some of the most prominent of the crisis generation, including Pierre (I) Séguier and Christophe de Thou, were already on the scene, but they did not assume the lead until after they achieved the office of président—in the mid-1550s.

René Baillet became a lay conseiller in 1538 and within three years he had been appointed both premier président of the Parlement of Brittany and a member of the itinerant Paris court (*grands jours*) in Poitiers. In 1550 he became *maître des requêtes* , prior to his nomination as président in Parlement in 1554. For a few months he held both presidencies, but as this was a flagrant violation of the rules, he resigned the Breton post. Baillet figured prominently in the trials of Anne du Bourg (1559) and Louis, prince de Condé (1560), and his respected position brought him other special assignments, where he represented the elite of the court in sensitive situations, sometimes by choice of the crown. His role as Catherine de Médicis's emissary to the court, explaining her decision to remove the king from the capital (1562), is an example. His colleagues on this occasion were Christophe de Harlay, Pierre (I) Séguier, and Christophe de Thou, who had recently become the most prestigious members of the court. The Parlement, in turn, also charged him with special responsibilities. Blanchard places him

in the parlementaire Pantheon for the *pureté de ses moeurs, probité, et prudence* .[18]

André Guillart , son of Charles, followed in his father's footsteps not only in his career but in his concern to build up the family property and raise its status. Arlette Jouanna's valuable article shows how his changing titles underline each upward step in the social hierarchy. In 1540 he styled himself only *noble homme* but by 1544, *noble et puissant seigneur* ; the climax came a few years later, where he refers to membership in the Parlement, the *conseil privé* , and the Bureau de Ville.[19] In the meanwhile he was marrying

his daughters to sons of the Du Drac and Baillet families. As a result of the matrimonial policy of Charles and André combined, by the end of the century the Guillart were allied to the Hacqueville, Briçonnet, and Le Viste dynasties as well, but they did not found one in their own name. Instead, in the later generations, they became important ecclesiastics and figured prominently in the politics of the wars of religion.

André was entrusted with a major diplomatic mission in 1546, when François I sent him to persuade Pope Paul III to repudiate overtures from the Emperor Charles V, and to ally the papacy with France instead. He was successful only in the first part of this task. His letters to the king from Rome provide valuable insights into his *mentalité* , which was consistently mainstream. As Jouanna remarks, his very lack of originality makes him interesting. He was extremely conscientious and thorough, examining carefully the sources of his information. He had exceptional powers of analysis. Above all he was farsighted and prudent, remarking often on the necessity to *préparer les événements* and pointing the moral in examples of those who had not done so.

Jouanna believes that André Guillart was familiar with the work of Machiavelli because of his emphasis on ulterior motives and frequent assertions that everybody dissimulates, of necessity. His analysis of the mind and policy of Paul III, by noting slips of the tongue and repetition of certain phrases, shows both intellectual sophistication and opportunism that are worthy of the Florentine. Certain episodes in his own career are interesting in this light. After his return from Rome he was alleged to be a protégé of the Guises and to owe to them his advancement to the Conseil Privé. In

1562, on the contrary, the Spanish ambassador reported that his house was a *repère des Huguenots* and that he was miraculously "converted" from having been a "favorite of the Admiral" to return to the Catholic Church. It seems at least possible that André's alleged shifting allegiances, first to the Guise and then to the Châtillon and back to the crown, may have been tactical postures, assumed to fit changing royal policy and to increase his value to Catherine, yet it is a fact that various members of his family were suspect or declared Huguenots during the later wars.

The assessment by Pierre de Bourdeille, sieur de Brantôme, is of particular interest for our purposes: he blames Guillart's failure in the Roman mission on the fact that he was a mere *homme de plume* , rather than *quelque gallant ambassadeur d'épée* . Jouanna's concluding remark sums it up: "incarnation de la prudence robine, contrastant avec l'héroïsme aventureux des nobles d'épée." If, as Montaigne was later to say, "rien de noble ne se fait sans hasard," Guillart might have replied, "rien de grand ne se fait sans ménage."[20]

François Olivier was the son of premier président Jacques Olivier (1517-19) and Madeleine Luillier, daughter of one of the great robe families of Paris. François's own training had been in the chanceries of members of the royal family rather than in the Parlement itself, but he was given a presidency in the court in 1543 and made chancellor of France in 1545. He was forced out three years later through the enmity of Diane de Poitiers but was revered and often consulted by Henri II in later years. François II recalled him to service in 1559, upon the death of his father. All historians of the Parlement pay tribute to his legal skill and experience and especially to his integrity, in contrast to the qualities of Jean Bertrand, Diane's "creature" who succeeded him. Blanchard says of Olivier, "luy ne pensait à autre chose qu'à ce qui concernait la dignité du royaume et l'utilité public." Blanchard claims that Olivier's death was hastened by his distress at the exploitation of the young king (François II) *par certains grands* , meaning the Guise faction. Olivier died within a few days of the Conspiracy of Amboise, a revolt against Guise domination. As he refused to knuckle under to either of the court factions (Diane's or Guise's), so did Olivier refuse to be pressured into either extreme position in the religious dispute, standing firm on the law and tradition in all matters. In the increasingly polarized atmosphere of the time this made him a target for attack by both sides. We

shall see him daring to challenge Pierre Lizet on the one hand and suffering accusations from the Huguenots on the other. His speech as chancellor, in the first *séance royale* of the reign of Henri II, was often quoted by later generations.[21] Édouard Maugis regards Olivier as one of the greatest representatives of parlementaire values at their best.[22]

Although the pressure of events was certainly no less in the late 1550s and 1560s— France was plunged into a civil war that would last more than thirty years—the leadership of

the crisis generation had been recaptured by the traditionalists, under the direction of Christophe de Thou, premier président, during the two fateful decades, 1562-82, flanked by other outstanding mainstream representatives. The midcentury crisis was brought about by royal moves threatening to the institutional integrity of the Parlement and to some of its most central concerns, where politics became entangled with religion.

In 1548 Henri II established a special court for heresy cases, ominously nicknamed *la chambre ardente* , and staffed it with ultra-Catholics. For the traditionalist center group its existence was the source of contradictory feelings: although they were increasingly opposed to and fearful of heresy, they resented a special jurisdiction that violated their autonomy and diminished their traditional role as guardians of the church. The Chambre Ardente itself ceased to function after 1550, and the treatment of heresy in the Tournelle (a chamber that was charged with criminal cases) was conspicuously less severe than in the Grand' Chambre. Thus divergences of opinion among parlementaires, formerly mere *tendances* that surfaced occasionally, were brought into the open and hardened into factions and eventually into civil war.[23] Henri II leaned so far in the ultra direction that he proposed the establishment of "inquisitors of the faith" similar to those in Italy and Spain, to facilitate the repression of heresy and make it more efficient.

Parlement blocked the realization of this plan, which would have violated

not only the "liberties of the Gallican church" but also the crown's own judicial powers.[24] The situation was doubly ironic for the ardently royalist parlementaires: they were obliged to oppose the crown's religious policy in order to defend the crown's judicial integrity, and to oppose the most zealous defenders of their own faith (the ultras)—and expose themselves to accusations of favoring a faith they greatly feared—in order to defend the national religious tradition, that is, Gallicanism.[25]

The opposition of the moderates to the ultra advances of the 1550s was first and most explicitly expressed by *Pierre (I) Séguier* , président in the Tournelle. He led the Parlement's resistance to the violation of lay jurisdiction in 1555 and to the Inquisition in 1557. An episode during March 1559 precipitated open schism in the court: the decision of the Tournelle in the case of three heretics that converted a death sentence of the Grand' Chambre to mere banishment. The ensuing uproar demonstrated the need for a clarification of policy, in a special type of session (called a *mercuriale* because it always occurred on Wednesday) that dealt with Parlement's internal discipline. The purpose of the *mercuriale* of June 10, 1559, the most infamous in French history, was to eliminate the conflict between the chambers.[26]

The Séguier dynasty was among the most prolific and most prestigious in the ancien régime. The six sons of Pierre I were all magistrates, and by the 1780s there had been no less than sixty-eight Séguiers in ten generations in the Parlement, not to mention innumerable cousins and in-laws with other surnames.[27] Pierre I, the son of a minor officeholder, began to practice at the Paris bar when he was very young. By the time he was appointed to a presidency, in 1554, he had been pleading before the court for thirty years, during which time he held the influential office of avocat du roi, first in the Cour des Aides and then in the Parlement itself. He was repeatedly named to special commissions and became deeply involved in the affairs of some

of the powerful families at the top of the social hierarchy, including the house of Montmorency. Richet shows that the large fortunes of leading robe families were accumulated through such client relationships and were subsequently invested in offices, lands, tax farms, and *rents* . Richet estimates, for example, that between 1550 and 1580, Pierre I monopolized the collection of taxes in ten parishes of the Paris region, at a profit of 18 to 20 percent. The family estate was built up in small lots over time, by methods similar to those of a petit bourgeois. In Richet's opinion, this *micro-conquête* has not been sufficiently recognized by historians. Nor did Séguier's near-contemporaries emphasize it: Blanchard reports that he earned his high reputation by "singular virtues, testifying to his integrity, diligence, and piety." His colleagues at the bar regretted his departure in 1554 but were proud that the king had chosen to honor him with high office. The municipal government had already expressed special confidence in him by retaining Séguier to represent the interests of the city in Parlement as early as 1532, when he was only twenty-eight years old. In humanist circles outside the court, Séguier was thought to be the leader of the liberals, opposing both the ultra

faction of the cardinal of Lorraine and the opportunist manipulators who were the protégés of Diane de Poitiers. Scévole de Sainte-Marthe pays tribute to his probity, his adherence to tradition and discipline, and his incorruptibility as a judge.[28]

In his early public stands against the ultras and the Inquisition, Séguier was seconded by *Adrien (II) Du Drac* , a well known and consistent member of the moderate-traditionalist group. The Du Drac had risen with the Burgundian party by the ladder of financial administration. Adrien I had become a conseiller in 1513. His son, Séguier's associate, Adrien II, was a *secrétaire du roi* in the chancellory and held a royal secretarial post before being named conseiller in the Parlement in 1535. Both were active in the Bureau de Ville, as were their in-laws. Du Drac was called upon by the crown, for instance, to serve on important commissions, including one responsible for maintaining law and order in the city, another to sit on the jury to judge the life-or-death fate of the prince de Condé, and, most pressing, to formulate (and criticize) the Edicts of Pacification punctuating the early civil wars.[29]

Christophe de Harlay was even more intimately associated with Séguier,

holding the other presidency in the Tournelle. He undertook to justify the moderate parlementaire attitude toward heresy in 1559 and served among the judges of the "suspect" members in the same year. He was a member of many parlementaire delegations to the crown and, like Séguier, was accused (by the ultras) of being in the pocket of Montmorency. The constable's loss of influence after the death of Henri II exposes accusations of this kind in the 1560s as propaganda tactics of the Guise faction. Harlay was admitted to the court as a lay conseiller following a special examination in 1531 and granted a presidency in 1556. Although Christophe was the first of the family to enter the robe, the Harlay were an old Parisian family and had held municipal offices for several generations. The dynasty he founded rose rapidly to the top of the pyramid. His son, Achille, in whose favor he resigned his presidency in 1572, married the daughter of Christophe de Thou and succeeded his father-in-law as premier président ten years later. He would preside over the court all through the later civil wars and the reign of Henri IV. Of Christophe de Harlay Blanchard says that he was "equitable dans ses jugemens, sage, prudent, ses discours pleins de douceur et de courtoisie." These qualities were ably displayed by his sharing the moderate views toward the Huguenots with Séguier throughout his career, and his eloquent defense of them to Catherine and the royal court at St-Germain, and to the pope in the examination of Paul de Foix's record at the 1559 *mercuriale* .[30]

The indisputable leader of the mainstream and of its elite core, and its most authoritative spokesman, was *Christophe de Thou* himself. Like many robe families from the bourgeoisie of the Orléanais, the de Thou were introduced to the milieu of Parlement through a relative by marriage, in this case, Jacques Viole. Augustin de Thou, Christophe's father, was a man of ability and became a président in 1544. His wife, Claude de Marie, belonged to prestigious robe families on both sides. Christophe's spectacular career began at the Paris bar when he was eighteen, as a protégé of Pierre Lizet, avocat du roi (shortly to become premier président), according to de Thou's biographer, though he produces no proof of the assertion. If true, it testifies impressively to Christophe's independence, since his views on key matters—like Roman law versus customary and religious policy—contrasted sharply with those of Lizet, as did his even-handed leadership of the

court contrast with Lizet's partisan stand with the ultra faction.[31] In the case of an infinitely more powerful patron, the cardinal de Lorraine, the obligation is acknowledged in de Thou's own words: "I can never adequately repay what I owe to your house," he wrote to the duc de Guise in the 1550s.[32] He probably did owe his nomination as président in 1554 to the cardinal, to whom he dedicated his first scholarly work, *La Coutume du Vermandois* . Other powerful patrons were members of the rival noble faction, even the constable himself, in whose service de Thou acquired his impressive fortune. In later years he would gain even more powerful patronage as chancellor of the dukes of Orléans and Alençon.[33]

Séguier and de Thou obtained their presidencies in the same year, 1554, and there was some rivalry between them at first, as was natural under the circumstances for the two rising stars of the court. In the crisis precipitated by the *mercuriale* of 1559, however, they closed ranks and stood together as supporters of the moderate, traditional position against the pressures of either extreme party.

Blanchard says that de Thou took over the premier présidence "à la prière de Catherine de Médicis." His moderation and steadiness made him an ideal chief for the court in the difficult years ahead, when he was fired on by both sides. Even though he could not support Catherine's policy of religious toleration, he was never intimidated, even during the early years of the League, a decade later. It was then that he earned his virtually unrivaled reputation as parlementaire model, but the same qualities were already evident in the 1560s. If he could resist pressure from the factions, he could also stand up to the crown, while working for an accommodation between Catherine and Parlement. In the encounters and disagreements between de Thou and Chancellor Michel de L'Hôpital the differences between the mainstream of magistrates and an original thinker can be measured, as can the contrasting attitudes of the Parlement and the crown.[34]

De Thou's capacity for work was legendary, and his intellectual attainments scarcely less so. His passion for history is evident in all his utterances and briefs. No run-of-the-mill humanist, he had assimilated Ciceronian thought and not merely the style; his deathbed statement of faith has been called "the charter of neo-Stoicism." These pursuits were important, but they were essentially amateur activities. De Thou's scholarly reputation stems from his unparalleled knowledge of the law. La Croix du Maine speaks of his extraordinary memory and comprehensive legal learning; while historians of law down to our own time pay tribute to his contributions. These relate chiefly to the "reform," that is, the study, codification, application, and promulgation of customary law, especially *la coutume de Paris* , as opposed to Roman law. Earlier in the century the authority of Roman law had been increasing; Lizet had used his term in the ranking office "to reduce everything to the written [Roman] law," but after de Thou took up the task of reform, the trend was in the other direction: elements of Roman law were retained only if they "accorded with reason" and did not contradict customary law. The premier président and his associates were capitalizing on a general reaction against Rome and all its works.[35] This was not merely a negative movement, however, nor was it isolated. Rather, it was one more expression of rising French national consciousness in the latter part of the sixteenth century, parallel to the glorification of the French language: Du Bellay's *Deffense et Illustration de la langue françoise* was published in 1549, the redaction of the *coutume* began in 1555. So dominant was the *ressort* of the Parlement of Paris, and so successful the labors of de Thou and his associates, that their synthesis, that is, the "reformed" custom of Paris, became the common law of France. A leading authority on French law, François Olivier-Martin, describes it as "the hyphen between Roman law and modern legislation."[36]

De Thou's commitment to Paris was more than professional. He served on the Bureau de Ville as early as 1537, and was repeatedly entrusted with major responsibilities such as the supervision of public works in time of peace and the defenses of the city when war threatened. His influence in

the city surpassed that of any other nonroyal personage, with the exception of the duc de Guise in 1588—and that was a partisan and fleeting phenomenon, as de Thou's popularity was not.[37] Henri III is supposed to have said of that dramatic period, that if de Thou had been alive, the Day of the Barricades would never have occurred. This statement is plausible (even though our source is de Thou's son, the royalist historian Jacques-Auguste de Thou) because it is quite in character for Henri III.

The premier président was the acknowledged leader of the Parlement as a whole, and not merely of the elite. Gossip, fed by the envy of the excluded and the malice of the disaffected, insinuated that many of those who appeared to follow him were merely hangers-on, flattering the premier présiclent from ulterior motives. We assume that this was so, but de Thou was a shrewd judge of men. In all his major undertakings he relied on two colleagues (who were also bound to him by marriage and friendship), *Bartholomé Faye* and *Jacques (I) Viole* .

These brothers-in-law (Faye's wife was Viole's sister) were closely associated with de Thou during the twenty-five years of the work on the *coutume* as well as in all the crucial negotiations concerning war, peace, and religion. They had become conseillers at about the same time, Faye in 1542 and Viole in 1543. Faye had a doctorate in law from the University of Padua and a reputation as an outstanding legal scholar. He was especially influential in

exposing the confusions and encrustations attached to Roman law by the commentators and glossators of several centuries, which he compared to mountains of earth and base metals that were supposed to contain gold but were often found to contain nothing when miners had wasted their efforts removing them.

Faye was the most important witness in a hearing held in 1574, at the request of Paul de Foix, as candidate for the archbishopric of Toulouse, to clear his name of the suspicion of heresy that had led to his arrest in 1559.[38] Faye was *rapporteur* of the testimony given by surviving participants of the 1559 debate over religious policy that had precipitated the crisis between the crown and the court. The report is notable for its comprehensiveness, its objectivity, and the quality of its analysis—for instance, it distinguishes between Lutheran and Calvinist positions, which was very unusual, even among the highly educated.

Bartholomé Faye died in 1581, not long before the premier président. His son Jacques played a determining role as a leading spokesman of the royalist-Gallican-parlementaire cause in the crucial decade of the 1580s, as we shall see. *Jacques (I) Viole* , member of a family distinguished in the royal service and in the sovereign courts since the reign of Charles VI, in the fourteenth century, was a member of key commissions and delegations of the crisis generation, a close associate of de Thou, Séguier, and Christophe de Harlay, the core spokesmen of the mainstream in these years.[39]

The succeeding generations of de Thou continued to hold high office and to extend their network of alliances with other great *robin* families. Christophe's sons were members of the sovereign courts (although historian Jacques-Auguste preferred his study to the courtroom); a daughter married Achille de Harlay, as noted, and their descendants figured in the robe aristocracy, as did other grandchildren of Christophe, as long as there was a Parlement of Paris.[40]

With the exception of specialists in legal history, students of sixteenth-century France are probably more familiar with *Étienne Pasquier* and through him with the magisterial *mentalité* than with any other spokesman of the mainstream. This is because he wrote many lively letters that have been edited and published in our own time, and it is not inappropriate, because he was the central figure of the group of learned jurists—friends and colleagues—that Donald R. Kelley describes as a "scholarly Pléiade."[41]

Details of Pasquier's family background are lacking. We know that there was a property in Brie, where Étienne spent some time, especially after his retirement in 1604, and that he was comfortably provided with worldy goods. "My father, who put all his hopes in me, heaped up gold, goods, money, and estates," thus does George Huppert translate one of the rare personal references in Pasquier's works, noting two significant facts: the Pasquier were probably an old Parisian family, and Étienne never dropped the name to substitute that of a fief, in contrast to the common habit of immigrant families as they rose in robe circles. We cannot know whether this was a personal statement about "living nobly," but we shall see that it

is consistent with his low opinion of certain attitudes and activities of those who did so. At age twenty-eight, he married Françoise de Belon, who had been among his clients; they had five sons, only one of whom followed in his father's footsteps, a pattern that reflects a trend in the period at the end of the civil wars.[42]

Nobody could have had a better preparation for a career in which leadership in the legal profession and in intellectual circles were blended. Pasquier's early education at the Collège de Presles in Paris and then at the university, brought him under the influence of Adrien Turnèbe and Pierre Ramus, and in his late teens he studied law under François Baudouin in Bourges, Jacques Cujas in Toulouse, and Andrea Alciato in Padua, making him one of the best-equipped twenty-year-olds to become a member of the Paris bar.

As sometimes happens, this quintessential representative of magistrate *mentalité* never held regular office in the Parlement itself, although he served three times on the circuit courts (*grands jours*) deployed to bring Parisian justice to the provinces, twice in Poitiers (1567 and 1579) and once in Troyes (1583). In spite of an illness that forced him to suspend professional activity in his late twenties, he had attained prominence both as a scholar and as a courtroom lawyer by his midthirties. The first volume of the *Recherches de la France* appeared in 1560; his first major case, in which he represented the University of Paris against

the Jesuits, took place in 1564. The verdict is usually described as a draw, because while the society retained the teaching privileges granted by Henri II in 1552, it did not obtain the incorporation into the university that it sought. This remained a burning question, entangled with the crucial issues of the later civil wars, and every major figure on the national scene was obliged to take a position on it. The case also struck the keynote of Pasquier's career—as a passionate Gallican, constitutionalist, and defender of tradition against *nouveautés* of all sorts.

For nearly forty years Pasquier successfully pursued his several related lines of activity. He was regarded as one of the great *praticiens* of the capital, a reputation he shared with his lifelong friend Antoine Loisel. His patrons included both Montmorency and the Guises. Twenty years of distinguished activity, including the *grands jours* , were rewarded by Henri III in 1585 by Pasquier's appointment as *avocat général* in the Chambre des Comptes. Throughout all these years he was also reading, studying, publishing, and becoming an important historian of medieval France.

Conversations and letters exchanged with fellow jurists, scholars, men of letters, and statesmen, which kept pace with his professional activity, made Pasquier an undisputed leader and model for contemporaries and contributed to posterity a rich source of insight into his milieu and its linkages to others. *Praticien* , bibliophile, scholar, historian, sparker of intellectual exchange, Étienne Pasquier was also an active "citizen of the republic," an ardent royalist and an early and consistent *politique* . He left the capital with Henri III when the Day of the Barricades forced the last Valois king to flee (and paid the price of his loyalty through *ligueur* reprisals on his family and damage to his property in his absence) and returned with the victorious Henri IV in 1594. Beginning in 1570, almost every major event in the turmoil of the later wars evoked a *remonstrance* , or *advis* , or speeches from Pasquier (sometimes anonymous) to add to the flood of polemical literature. In these the salient characteristics of his *mentalité* are revealed.[43]

Other members of the "scholarly Pléiade" were Claude Fauchet, Antoine Loisel, Pierre Pithou, and Louis Le Caron (Charondas). *Claude Fauchet* started with assets valuable for a career in the Paris robe, a grandmother who belonged to the de Thou family and a rich, successful father, Nicole, *procureur général* (public prosecutor) at the Châtelet, who enjoyed walks with his son through *le vieux Paris* , in the midst of which, on the Place Maubert, were located his considerable properties—three groups of substantial residences. Claude benefited from an apprenticeship in diplomacy when he traveled extensively in Italy and the Near East as an aid to Françrot, whose unorthodox associations, including some close relatives who were open Calvinists, broadened Fauchet's horizons. He acquired the office of conseiller at the Châtelet at the age of twenty-seven; it was thirteen years before he became second président of the Chambre des Monnaies and eleven more before he reached the summit—premier président. Problems concerning the supply and value of money were endemic in ancien-régime France because of the lack of uniformity among the regions. Civil war and the erratic policies of the crown in the late sixteenth century made the situation acute. Fauchet was the chief royal troubleshooter in these matters, in which he was not always successful, despite a talent for them.

Fauchet's heart lay with literature, however. He contributed to a volume of verse honoring Michel de L'Hôpital in 1564 and regularly frequented the library of Henri de Mesmes, the rendezvous of learned jurists; he exchanged letters and scholarly references with *érudits* like J.-C. Scaliger

and Bernard Du Haillan as well as his colleagues on the sovereign courts. With these he often collaborated, for instance in the field of etymology—a subject of special interest to *robin* historians whose methods were adapted from philology.[44]

As Kelley points out, the parallels of their research make comparisons with Pasquier inevitable. Pasquier's was the more original mind and the livelier style, but their values were the same, with Gallican liberties at the core. In the crisis of 1585, precipitated by the Bull of Sixtus V barring Henri de Navarre from the throne, Fauchet took a prominent part in a conference of Gallican leaders at Chartres. His *Traité des Privileges et Libertez de l'Eglise gallicane* denies the pope any authority in France, because "he is not our bishop."[45] Janet Espiner-Scott, who has made a thorough study of Fauchet's life and works, calls his career

typical of the scholar-magistrate of the sixteenth century. Certainly he lacked the individuality of mind and style found in both Pasquier and Loisel. Fauchet's wealth was not typical, however, according to an inventory of his impressive Hôtel d'Assy, now part of the Archives Nationales. In addition to abundant supplies of necessities like wine and wood were luxury furniture and objects such as tapestries, paintings, books, silver, and jewelry.[46]

Antoine Loisel was a native of Beauvais and maintained an active interest in both the past history and the current condition of the city all his life. Like others of the group, he had attended the Collège de Presles in Paris prior to five years of training in the law under Cujas, starting in Toulouse and ending in Valence. Among the important bonds uniting this nucleus of scholarly jurists was their common experience of the influence of Turnèbe and even more significantly of Ramus, in their early years. Loisel must have been especially close to the philosopher, who named him—along with another former student and Parisian lawyer, Nicolas Bergeron—as an executor of his estate. Loisel also enjoyed the favor of the Du Faur family of Toulouse and the sponsorship of Baptiste Du Mesnil, the influential avocat du roi whose niece, Marie Goulas, Loisel married in 1563.

Loisel was a practicing lawyer in Parlement for nearly twenty years (1560-79). In the 1570s he simultaneously served on the legal staff of François duc d'Alençon, in company with Simon Marion and Guillaume Du Vair, Alençon's chancellor. In 1579 he was assigned to the *grands jours*

in Poitiers along with Pasquier. They had a very agreeable sojourn there, collaborating on a mock epic, *La Puce* , and enjoying the pleasures, social and intellectual, of the salon of the dames des Roches, a lively and learned mother and daughter who made Poitiers a provincial center of humanistic activity.[47]

Loisel was not a member of the committee that undertook the reform of the Paris *coutume* under the leadership of de Thou, but he was involved in the process as lawyer for some of those affected, including Catherine de Médicis, as *dame* of certain fiefs. In 1582 he was appointed to a special Chambre de Justice in Guyenne, charged with "settling problems resulting from the troubles," that is, those caused by divisions in religion, very marked in the region. The Edict of Toleration of 1577 (Poitiers) was controversial both in substance and procedurally, as the Parlement of Bordeaux resented intrusion of the new court in its jurisdiction. A supplementary edict of 1581 (Fleix) only compounded the problem.

It took the Chambre nearly two years to complete its work, following a circuit of five to seven months each in Bordeaux, Agen, Périgueux, and Saintes. Loisel's colleagues were all members of the Paris Parlement, "*modéle et miroir* of all French courts," including Pierre (II) Séguier, Jacques-Auguste de Thou, and Michel Hurault de L'Hôpital.[48] Loisel was then forty-six years old, and through this assignment he formed associations with younger men. Loisel's ability to function as a link between the leaders of the crisis generation and their sons and successors was unique. Without it he could never have written the "Dialogue des avocats du Parlement de Paris," a unique and precious catalog-cum-appraisal of members of the Paris bar from medieval days to the turn of the seventeenth century. Posterity also benefits from the *harangues de Guyenne* , which summarize "at least two thousand pleas for the king" made by Loisel during the twenty-eight months in Guyenne, and from Pasquier's letters, which kept Loisel informed of events in the capital.

Loisel's importance as a figure in the history of French law stems from his *Institutes coutumières* (1607). In it he applies the method learned from Cujas ("the historical school of Roman law") to the several customs of France, "bringing out the common principles so as to provide a solid base for the interpretation of what on the surface appears so confused and di-

verse." According to Michel Reulos, Loisel's style combines "abundant erudition" with clarity and "the eloquence that is essentially French."[49] A more obvious characteristic is Loisel's practical sense.

After his return to Paris in 1584, Loisel faced ten difficult years. Alençon had died, so he was obliged to find replacements for his major patron, and in the years of the League's domination he endured enforced leisure, as did other prominent royalists. As for others, the reversal came with the "reduction of Paris to its obedience," in March 1594. Henri IV appointed Loisel avocat du roi and his close friend *Pierre Pithou* , procureur général. Each enjoyed ten years of professional success and intellectual companionship before dying in the

same year, 1604. Kelley credits Pithou with introducing philology to medieval studies, out of which grew the historical school of French law. Member of a prominent family in Troyes, Pierre inherited from his father, also Pierre, a magnificent library and the pattern of his career, combining classical and legal study. Pierre was three years younger than Loisel and they may have met under the tutelage of Ramus in earlier days. In any case, Loisel introduced Pithou to Cujas in 1555. Pierre's conversion to Protestantism in the late sixties prevented him from enjoying a normal career, and he spent some years in Basel. Nevertheless, he was in Paris on August 24, 1572 (the date of the Massacre of St. Bartholomew), when his life was saved by Loisel. Pithou subsequently abjured Calvinism—for reasons of particular interest to this study because Pithou's actions shed light on the adherence to the Roman church by many whose private spiritual views were quite unorthodox. The two friends then determined to work for national unity. While everyone in this group wrote on Gallican themes, Pithou's *Libertés de l'Église gallicane* is the most comprehensive and is regarded by posterity as a major statement of (parlementaire) Gallicanism, later synthesized by Guy Coquille. As one of the collaborators in the *Satyre Ménippée* , Pithou also contributed to the triumph of Henri IV over the League, on which the long-range fate of Gallican liberties depended.[50]

In the 1580s, however, the Gallican troops were most effectively mobilized by *Jacques Faye's* repeated blasts of the trumpet. In the crisis of the Day of the Barricades, he followed Henri III when the king fled Paris and subsequently served both Henri III and Henri IV as *président* in the royalist Parlement of Tours, while loyalist Parisian parlementaires, captives of the League, were obliged to keep silent. Like Moses, Jacques Faye did not live to enter the promised land, dying during the siege of 1590, in Senlis.

Louis Le Caron's father's family, Greeks who came to France in the fifteenth century, had made a successful adaptation. Louis's father was a royal herald and possessed a fief in the Paris region. His mother, née Valton, belonged to a robe family though not among the best known. Louis studied law in Bourges and was admitted to the Paris bar at the age of sixteen. Born the same year as Loisel, he shared the latter's devotion to Pasquier, characterizing him in a youthful poem as "Pasquier, qui à Platon fait honte!" His literary efforts lacked distinction, as he may have realized, for they ceased at the age of nineteen, with his appointment as *lieutenant général* of the baillage of Clermont-en-Beauvaisis, through the influence of Renaud de Beaune with Catherine de Médicis. His active career of more than thirty years was divided between the practice of law and the composition of legal treatises. Only late in life did he return to philosophy, under special tragic circumstances—mourning for a dead son.[51]

Le Caron was proud of his Greek heritage; he proclaimed it by including the name Charondas on all his works, but he was very much a Frenchman and followed his model, Pasquier, in urging scholars to mine the national past to meet present needs: "Frenchmen, you have enough . . . in your own history, without searching that of the Greeks and Romans."[52] His own most important contribution to the collective enterprise of "juridical nationalism" was the *Commentaire de la Coutume de Paris* which followed the publication of the *Coutume* itself by two years (1582) and helped to "solidify the still fluid *coutume* ." Romanists of later generations so admired his comparisons with Roman law that they called him "le divin Charondas."[53]

Le Caron lived until 1613, but his career as a practicing lawyer had begun in the mid-1550s. This gave him a quarter of a century overlap with the leaders of the crisis generation, who spanned the last years of Henri II and the early civil wars, including edicts of pacification under Charles IX and Henri III.[54] Le Caron's values were formed under those leaders, and they never changed. He attacked the prevalence of venality and was offended by the spectacular increase of legal business and the concomitant decline in

personal standards in the profession: "Où est le temps où il y avait si peu de procès en France qu'en la cour du Palais l'herbe reverdissait . . . où est le temps où les magistrats se recommandaient par leur vertu?" Like his models, Le Caron was an ardent royalist and suffered with other *politiques* under the League, when his house and library in Beauvais were looted, and was compensated by Henri IV. His respect for authority was profound and his religious opinions stood at the extreme end of the conservative mainstream; he declared himself *enemi des nouveautés et des novateurs* and would not hear of any accommodation with heresy.[55]

Pasquier's extensive correspondence enables us to trace the web of relationships that constituted his network of friends and associates. In the center circles of the scholarly Pléiade there were clusters of *légistes* like Pierre Ayrault, René Choppin, and Simon Marion, literary figures like the Marillac and the Sainte-Marthe families, scholar-diplomats like Paul de Foix and Arnauld Du Ferrier in the crisis generation and Harlay de Sancy and Pomponne de Bellièvre at the end of the century. Significantly, Protestant friends also figured, especially Christophe de Fonsomme and Claude de Kerquefinen, to whom he sent his interpretation of the whole period of the wars of religion in an important series of letters. *Robins* naturally predominated; parlementaire spokesmen like Faye, Monthelon, Loisel, the de Thou, Harlay . . . but also *praticiens* in other courts, and in the provinces. Two outstanding, *a* typical magistrates also were friends and correspondents of Pasquier's—Michel de L'Hôpital and Michel de Montaigne.[56]

Pomponne de Bellièvre's career belongs mainly to the reign of Henri IV, beginning in the last years of the League. His accomplishments as a diplomat and negotiator, for instance in the Peace of Vervins with Spain (1598), and then as royal administrator in the Lyonnais, eclipse his role as a président in Parlement by far. He acquired the office of chancellor in 1599. In the eyes of history he figures as one of the able men who helped to restore royal power and national unity. While sharing many of their values, he does not really represent the last generation of the parlementaire mainstream in this era of transition, when the attempt to reconstitute or resurrect pre-1559 France had not yet given way to the construction of the more centralized bureaucratic France of the seventeenth century. His contem-

porary Charles Loyseau looks back and often echoes Seyssel, but Bellièvre was a pioneer *intendant* .[57]

The lack of correlation between chronological age and *mentalité* in turn-of-the-century parlementaires is dramatized by the very dates. Bellièvre, exemplar of the future, had been born in 1529, the same year as Étienne Pasquier, while Charles Loyseau, the codifier of tradition, was born in 1564, the year that Pasquier made his reputation in the Jesuit case, at the age of thirty-five.[58] In a perceptive (and, unfortunately, never published) article, Mark Cummings illustrates the comparisons between sixteenth-century parlementaires and their successors. His principal interest is in discontinuities between the earlier and the later generations and in the differences (socioeconomic) within the court—unlike part 1 of the present study, which deals with the ongoing, consistent values in the seventy-five years between the 1520s and the early seventeenth century and focuses on the mainstream, and the (often silent) majority that followed it. Cummings's research covers a sixty-year span, 1590-1650; the course of change is most clearly shown in the years that overlap the present study, 1580-1605.[59]

Borrowing a favorite metaphor of early modern writers, Cummings calls the Parlement the "neck" of the royal administration.

Under it stood the main trunk of officialdom composed of high and lowly officers of limited status and importance. Above it were the eyes, ears, and mouthpiece of the king, the royal braintrust appointed by the sovereign to properly control the actions and responses of the rest of the body. In its position of a conduit, the Parlement accepted and mixed fresh blood from below and also operated as a staging area for those destined to go to the top. There existed only a few direct passages from the body to the head of the royal administration and the Parlement of Paris was the primary means of access (12).

Summarizing the effects on Parlement as an institution of the two revolutionary factors of the sixteenth century—venality and the drastic increase in numbers (from forty-three to over two hundred), Cummings notes that the court gradually changed "from a small close-knit body of serious jurists into an unwieldy institution . . . [that had] lost its intimacy and some

of its effectiveness through dilution, as the newer magistrates differed in values, social status, and attitudes toward the king and the law." Cummings's statistical tables show that in the seventeenth century the entering magistrates were younger, less experienced professionally and recruited from newer robe families than their predecessors. Even more significant, a sizable proportion of the most enterprising among them resigned after a period of five to eight years in order to assume high office in the royal administration. Justices of the sovereign courts had a virtual monopoly of access to the office of maître des requêtes and (subsequently) intendant; more than 50 percent were drawn from the Parlement of Paris itself. Among the results of this new view of Parlement as a stepping-stone were a weaker

commitment to the court and its traditions and a greater compliance toward the crown's "violations" of Parlement's sphere—kings naturally favored supporters over opponents in distributing high offices—and a widening gap between the court and the administration, especially on political issues.

These restless temporary magistrates who kept moving up the administrative ladder and attaining the highest positions Cummings calls "Group A." It included more than a third of the members. His "Group C," by contrast, was composed of "lifers" whose careers were entirely spent in Parlement, like their sixteenth-century predecessors. "They shaped the mentality of Parlement and directed its course . . . [for them] justice and politics were indistinguishable." They constituted slightly more than half of the membership and they were able to dominate through their control over the presidencies and the Grand' Chambre. The presumption was that they were men of the Parlement, rather than men of the king. Clerical conseillers and magistrates from old families were conspicuous in this group. A middle group that is less clear-cut Cummings calls "Group B," in which there were those who would have preferred to move up but did not succeed, as well as less committed "lifers." "At a time when French sovereigns were . . . reorganizing the government to suit their purposes, Group C magistrates stood out . . . by advocating a return to a time when tradition, custom and legal precedent were faithfully observed."

Antoine Arnauld , father of the leading Jansenist family in the seventeenth century, *avocat* in the Parlement, well represents this category. His unqualified partisanship and eloquent expressions of loyalty to the Parlement were matched by hostility to those whom he saw as undermining—even destroying—the old values: the Spaniards, the Jesuits, and worst of all the *commissaires* , or royal bureaucrats. These others were "sucking pure French blood," in contrast to Parlement's magistrates "who more concerned with the public good than with their own glory . . . did not hesitate to accept

(royal) decisions even when they were diminished and wounded by them." His statements come from *La Justice aux pieds du Roy* , 1608. In the early 1590s Arnauld had composed two philippics against Spain and the League yet pitied *les pauvres ligueurs* , who were deceived by the Jesuits and bribed by the Spaniards. The magistrates, officers of the crown rather than of its temporary possessor (the king), "should be men of great virtue, great probity, and long experience. In short, they should be the exact opposite of the *commissaires* ." For Arnauld, the ambitious officers of Cummings's Group A were *commissaires* who had managed to entrench themselves in royal favor and in power.

Arnauld was *animé par un sentiment national intense* , driven by the desire for a reunified France to resume a leading role in Europe. Amnesty for the crown's recent enemies, if French, and rapprochement of the old nobility and the robe were conditions required for unification. The parlements alone could serve as the link between the king and the people; indeed, they had been created for that function; they alone could reunite elements of the national community that belonged together but had been tragically divided.[60]

In the "lifers" of Group C the reader will recognize the true heirs of the sixteenth-century mainstream, but whereas the earlier generations were perceived as "defenders of the ancient constitution," the later ones, in an era increasingly dominated by the crown, appeared obstructionist, antiquarian, or reactionary—and Parlement itself a backwater missed by the tide of history. Cummings's article performs the service of clarifying the confusions and contradictions of the magistrates of the reign of Henri IV and enables us to understand how Bellièvre, despite his presidency and his inclusion among the correspondents of Pasquier, is not a true spokesman of the mainstream; on the contrary, he is a good example of Group A.

If Bellièvre represented the "king's men" for whom Parlement was only a stepping-stone, the self-conscious antiquarianism of Loyseau differentiates him equally—but for the opposite reason—from the mainstream spokesmen of our latest generation, that is from those active in the defeat of the *ligueur* -Spanish-Tridentine offensive of the 1590s. These *politique* - parlementaires were divided among themselves. Some of the divisions can be related to external circumstances, notably whether they had remained

in Paris or had openly supported the crown (before 1594) from Tours or Châlons. Other, more subtle divisions require individual fine-tuned analysis, for instance of the degree of compromise with the League by those who remained in Paris.

Among those who never left the capital without totally compromising their royalist-*politique* -Gallican-constitutionalist position, were two exceptionally articulate men, Guillaume Du Vair, a major actor in the unfolding drama, and Pierre de L'Estoile, its astute observer and most voluminous chronicler. L'Estoile was Du Vair's senior by ten years and died ten years earlier (1546-1611 as against 1556-1621). From the 1570s on, the drama of the League dominated the lives and thoughts of both men. For both, Christophe de Thou and his associates were the model "citizens of the republic" and both upheld the tradition, sometimes by prudent silence, sometimes risking their reputation, property and—in the crises of 1591-94—their lives to do so, although Du Vair's risk was much greater because he was in the public eye. While L'Estoile's opinions were well known to the opposition, he was essentially a private person and deliberately lay as low as possible. Side by side, their two testimonies constitute an effective expression of mainstream parlementaire *mentalité* in the 1590s because they complement each other. In L'Estoile's *Mémoires-Journaux* one can follow Du Vair's actions and speeches, together with reactions to them along the entire spectrum of Parisian opinion, from the bitterest foes, the faction of the Sixteen, to the staunchest *politiques* , like L'Estoile himself.

Du Vair's father was a lawyer in Clermont, who had made his reputation in a case against the Jesuits and then spent some time in the service of Catherine de Médicis before he was obliged to resign, allegedly because of unorthodox religious ideas (the available sources shed no light on this allegation). Although there is no record of Guillaume's formal education, works written in his maturity show a thorough familiarity with antiquity. He may have been educated at home by tutors because his health was delicate. As a very young man he spent two or three years in the household of Alençon but found it uncongenial and returned to Paris, where he entered the circles of Turnèbe and premier président de Thou. At the age of twenty-seven he suffered the loss of his mother and his sister in close succession and began to write in a Stoic vein. In 1584 he became a clerical conseiller in Parlement and his major works—*La Sainte Philosophie* , a Christian interpretation of Stoicism, and *La Philosophie morale des Stoïques* —were written in the years immediately preceding the League rebellion. Reacting strongly to the attacks on the king and the constitution, Du Vair turned his energies and his pen to the cause of conciliation, whose most articulate

advocate he became. Predictably, Du Vair was high on the list of magistrates to be proscribed in 1591, along with premier président Brisson, but he escaped League vengeance (owing to fortunate timing) and later played a determining role in the triumph of the traditional loyalist cause. In no other contemporary source are the influence of events and the interaction between them and theory clearer than in Du Vair's various speeches. Careful analysis enables us to perceive an evolution in the *politique* position, from the traditional constitutional equilibrium to one in which the crown weighed more heavily and the other elements faded into the background.[61]

By comparison with the writings of Du Vair, the *Mémoires-Journaux* contain L'Estoile's ideas in very diffuse form. The early volumes constitute a detailed history of the League rebellion in Paris, from the *politique* point of view; in the later ones, the style is very different, loose and full of digressions on the weather, his books, his health, his family, his financial affairs, the gossip of Paris, and much other miscellaneous trivia, priceless for purposes of social history—and, for penetrating the *mentalité* of a parlementaire so representative as to be stereotypical. In relation to public events and the traditional values of the court, Du Vair in the 1590s and L'Estoile speak with the same voice.

Pierre de L'Estoile's parlementaire credentials were impeccable. In addition to a father, grandfather, and great-grandfather who were *présidents des enquêtes* , and a mother, née Monthelon, cousin of the de Thou, who increased her prestige in the milieu of the Palais with each of three successive marriages, Pierre's godfather was the celebrated Matthieu Chattier, a revered model of Pasquier and Loisel; his godmother was the wife of Pierre (I) Séguier. He spent his late teens in Orléans, where he was educated by Matthieu Béroald (or Bérauld), member of a family of distinguished scholars, who later became a Calvinist minister in Geneva. Pierre remained in close touch with the Béroald family all his life, and it is logical to assume that his desire to see the Roman church reformed but not broken up was influenced by Béroald in Pierre's youth, because he quotes his father as having instructed Béroald: "M. Matthieu, my friend, I leave my son in your hands, one of the most precious loans God has conferred on me, I beg you, above all, to instruct [him] in piety and in the fear of God, . . .

[but] I do not wish you to remove him from this church, in fact, I forbid it. But at the same time, I do not wish you to bring him up in its abuses and supersti-

tions."[62] L'Estoile followed this injunction all his life, and his religious posture is of prime interest to us.

After legal training in Bourges, Pierre returned to Paris in 1569, at the age of twenty-three. He married Anne de Baillon, of another well known robe family, and purchased the office of *audiencier* in the Paris chancellory, which he exercised for more than thirty-five years. His first wife died in 1580, having borne him seven children, and the second, whom he married in 1582, added ten more. Only five were sons and none of them left posterity. Louis, the eldest, dealt his father a bitter blow when he joined the League. He was killed in battle. Most of the daughters died very young; two others defied him by becoming nuns. Of those who married, three espoused members of the Paris bar. The descendants of Anne and her husband, Jean de Poussemothe, inherited the greater part of Pierre's worldly goods, including the manuscripts of the *Mémoires-Journaux* . We find the Poussemothes down to the eighteenth century, but they abandoned the Parlement in favor of administrative careers, many of them ecclesiastical.

If he had known about this deviation from tradition, L'Estoile would probably have felt gloomily justified—as so often in his later years—in his pessimism and anticipation of betrayal, especially by offspring. In the years of the League rebellion, however, and until his retirement in 1601, his attention seems to have been almost entirely devoted to public affairs. Personal items are rarely to be found in the *Journal d'Henri III* , or in that of Henri IV until after the turn of the century. L'Estoile saw the League rebellion against the crown as the supreme manifestation of the sin of presumption, which was the root evil of the century; he believed its successive triumphs to be a certain sign of God's wrath. God permitted the seeming triumph of evil for twenty years, from the accession of Henri III (1574) to the "reduction of Paris to its obedience" in March 1594 and demonstrated His ultimate power when the just cause—of the Bourbon monarchy under the Salic law—prevailed in the end through the very agency of those who had conspired and fought to ruin it forever.

Achille de Harlay (1583-1616) appropriately stands as the climactic and

most authentic spokesman of the parlementaire mainstream in the entire period of this study. Not only was he its last premier président, holding the office for the longest time, twenty-eight years (1583-1611), a term that embraced the whole period of the second League (1584-98) with its threat to the entire system, including the monarchy and the independent existence of France itself, and also the reversal of this situation, the triumph of Henri IV and its aftermath, but, most important, Harlay's comportment, official and personal, exemplifies the model *parfait magistrat* , the idealized response evoked by the attacks on the court and the public's disillusionment. His activity as a *praticien* , his landmark judgments, his strict adherence to the rules and austere discipline, made him the awe-inspiring, incorruptible, indispensable chief, respected but also feared. His inflexibility was often resented, his occasional vituperative style even more so, but even his enemies admired his consistent fearlessness.[63]

Self-preservation necessitated his submission to arrest and imprisonment in the Bastille (by Bussy-le-Clerc, in January 1589 the first physical attack on the court) but he denounced the act even during the humiliation, and likewise during the many indignities and dangers of the next five years. In certain respects his unbending opposition to the newly restored, strong king—on such basic issues as the Trent decrees (1605)—was an even more striking exhibition of courage and his unwillingness to compromise his principles.

Bernard de La Roche-Flavin (1582-1621), more *légiste* than *praticien* , most of whose life was spent in Toulouse (while holding the office of conseiller in Paris also) is legitimately a spokesman of the mainstream through the historical importance of his very influential *Treize Livres des Parlements de France* (1617), the definitive codification of parlementaire values and behavior, with the greatest influence on succeeding generations of any of the many manuals.

Provenance, Avenues of Access, and Career Variations

How Parisian was the Paris robe in the sixteenth century? How Parisian was the Parlement of Paris? The answers to these two questions might differ since the former designates a loosely defined collectivity of several thousand men distributed among various branches and levels of the legal profession, while the latter is one small segment, albeit the most highly placed. Ac-

cording to medieval tradition, there were 100 members of Parlement properly speaking (not including clerks, ushers, etc.) divided equally between lay and clerical members. In fact, there were many more, and laymen increasingly predominated. François I added 2 new présidents and 12 conseillers to the Grand' Chambre, a new président and 2 conseillers to the Chambre des Requêtes, two new Chambres des Enquêes of 20 conseillers each, resulting in a net increase overall of about two-thirds. In other words, there were approximately 166 magistrates when he died in 1547. Henri II then added 22 présidents and 110 conseillers to the combined chambers. The great majority of those added were laymen.[64]

It is difficult to state with certainty the precise number of magistrates at any given moment, owing to the practices of the period. The kings would create new offices, promise to eliminate some, fail to keep the promise, and sometimes appoint more than one person to a given office. On their side, the magistrates often designated successors but failed to resign (at the time or, sometimes, never). In cases of overlap (*resignatio in favorem*) or dispute—not infrequent—it was not unusual for both parties to use the title even if only one of them was actually exercising the office. Fortunately for the purposes of our study, this is not an insuperable obstacle, only an inconvenience, since attitudes were largely set by a relatively small number, who dominated the rest, *le gratin* (the upper crust).

What is essential to our purposes is to have as clear an idea as possible of factors that might affect their ideas or values substantively. The background, socioeconomic, educational or professional, as well as geographical, of a man raised in Paris might differ considerably from that of a man who came to the capital in his maturity. In view of the fact that in all centuries many families living in Paris retain strong ties to their *pays* in the provinces yet think of themselves as Parisian, I shall adopt a pragmatic working definition: any man who lived in the capital from childhood will be counted as Parisian, while those who came when they had already begun their adult careers elsewhere will be regarded as immigrants to the Paris robe.

Richet comments on "la faible place des ancêres parislens de ceux qui accédèrent au XVIe siècle aux plus hautes charges des cours souveraines de

Paris," excepting only the Harlay family. Stocker, on the contrary, finds that about half of the conseillers (whose background is known) in the period, 1461-1526, had been practicing law in Paris prior to their election, and three-fourths belonged to the resident robe milieux. There are two distinctions to be made here: the first is chronological, since Stocker treats the late fifteenth century and early sixteenth centuries whereas Richet treats the late sixteenth and early seventeenth; the second distinction, even more significant, is that Richet is talking about the top level only (présidents), whereas conseillers are "upper-middle," some being on a plane with the présidents (if they were highly connected or unusually distinguished) and others markedly lower, socially and politically. Moreover, immigrants were generally the ones who founded the great dynasties. It had been easier for a Parisian lawyer to get elected in the earlier period, when genuine election by members of the court was more frequent, than later, when high patronage had become the rule and wealth the most salient qualification. These two historians are concerned with two distinct categories, both nevertheless included in the umbrella category of Paris robe.[65]

A more functional criterion can be derived from the overlap of personnel between the Parlement and the Bureau de l'Hôtel de Ville. Many of the articulate mainstream parlementaires held office in the Bureau and participated actively in municipal affairs. From the other side of the equation, of ninety conseillers de ville, 1535-75, studied by Barbara Diefendorf forty, or 44 percent, were conseillers or présidents in the sovereign courts, and the proportion of high officers increased as the century progressed, from four in 1535 to eight in 1575, in fact. In the pragmatic sense, members of the Bureau were "Parisian," and the forebears of 60 percent had held office in the Bureau before 1500.[66]

Analysis of the provenance of immigrants reveals that certain regions of the country and certain career patterns predominate. The necessity for Louis XI to reconcile officers established in the Burgundian period has been mentioned, but his strategy did not begin with the death of Charles the Bold, nor was it limited to the retention of Burgundian clients in the courts of the capital. Even during the military struggle he had been casting wide his net, or spinning his web—to resort to the old metaphor of Louis XI as a spider—throughout the duke's lands east and northeast of the Île de France. In addition to Burgundy itself, the key regions were Champagne, with its

capital at Troyes, and the Somme towns of Picardy, of which Amiens is the chief. By skillful negotiations with local notables he kept the lands separated and prevented the formation of a Burgundian bloc against the crown. Moreover, by ingenious use of royal patronage, he lured important officials from the duke's service into his own, with no penalty for their former allegiance. (The best known single instance of this policy is, of course, his "pirating" of Philippe de Commynes). Among the families thus brought to Paris that would achieve prominence in the Parlement were the Hennequin and Dorigny from Troyes, the Arbalaste brothers from Beaune, the Bonvalet from Dijon, and the Ganay from Autun.[67]

There is no difficulty in identifying the regions of origin of the majority of the immigrants to the Paris robe after the death of Charles the Bold—central France in general, the Orléanais, the Loire valley, and Auvergne, in particular. This geographical orientation reflects successive waves of leadership in the revival and extension of the royal domain, started under the "king of Bourges," Charles VII, continued by Louis XI and the officers who served during the regency of Anne de Beaujeu for the young Charles VIII. With the accession of Louis d'Orléans as Louis XII, in 1498, still another group from the region rose to prominence, and no real break occurred in the early years of François I, when Robertet retained his influence, although the chancellor, Antoine Duprat, was also building up the Auvergnat faction, as previously mentioned. After the loss of Milan in 1512, the Lyonnais became important, thanks to the location of Lyon and the role of its Italian bankers in royal finance.

Lyonnais families drawn into the royal service who would figure among the parlementaire elite include the Le Viste, from the Rhône city itself, later an influential dynasty in Paris. The Tavel family of Mâcon owes its rise to Louis XII personally, the king having lodged in the house of François Tavel in 1510 en route to Italy. Tavel was subsequently appointed to the Senate of Milan and after the loss of that city he was given seats both in the Parlement and on the Grand Conseil.[68] The number of Frenchmen available for royal service in the Italian conquests was limited; initially, therefore, the French kings were obliged to employ some Italians as well. Eight such officers were eventually given office in the Parlement of Paris to compensate them when the Italian holdings were lost. In contrast to the Italian families that figured importantly in the service of Catherine de Médicis, however,

such as the Gondi, the Gonzaga, and the Birague, these transplanted Italians did not make great fortunes nor take much part in national politics.[69]

It was the habit of the Valois kings between the end of the Hundred Years War and the Wars of Religion to spend less time in the capital than either the medieval monarchs or the later Bourbon kings. The region chosen for their itinerant courts was the Loire valley. Louis XI, who eventually settled at Plessis, outside Tours, favored legists there and brought into the Parlement such families as the Fumée and the Ruzé. He also gave nine seats in Parlement to notables from Bourges, in the Berry, including the Anjorrant clan. From the duchy of Orléans, Louis XII brought the Marillac, and the Rogier, for instance.[70]

The high proportion of Loire immigrants is explained by their predominance in the financial administration, specifically, that of the rapidly expanding "extraordinary" royal finances. At least one of every four magistrates admitted in the first quarter of the sixteenth century, according to Stocker, had one or more ancestors in the financial administration of either the king or one of the princes of the blood, and one in seven had a close relative, that is, father, uncle, or brother. The upper levels of administration were virtually monopolized by a group of Loire families. "As they advanced in the administration toward its center they made contact with men from other communities of the region and eventually established marriage connections with them as well. And as they advanced they helped pull one another ahead . . . notably by resigning offices in each other's favor."[71]

Among at least the core members of this group there was a working relationship that had originated in the financial empire of the great Bourges banker Jacques Coeur, and in the royal mint directed by him. The Burdelot, Guillart, and Brachet families came into the Parlement's milieu in this way, as did two of the most outstanding families of the period, leaders in the movements we call "Renaissance" and "Reformation" as well as in administration: the Briçonnet and the Beaune. In the 1460s and 1470s, the Briçonnet were already holding the offices of *généraux des finances* . Thanks to patronage of the Beaujeus, by the end of the century Guillaume Briçonnet had passed through the Cour du Trésor and become bishop of Meaux, under which title he would become the first great practicing religious-reforming prelate in France. His son Jean took over the Trésor, his brother Pierre held the ranking office in the financial administration in Languedoc, and all the

nephews were also provided with offices. Jacques de Beaune, whose family had been in the service of Charles VIII, was Guillaume Briçonnet's brother-in-law. He took over the administration of Anne de Bretagne's finances after she became queen. Members of the Poncet, Hurault, and Bohier families, allied by marriage to the Briçonnet and the Beaune, were also to be found in top administrative and ecclesiastical posts. Antoine Duprat was a cousin of the Bohier, which provided a strong linkage between the Loire and Auvergnat contingents; indeed Antoine's first patron was Nicholas Bohier.[72] As has been noted by other students of the ancien régime, men tended to move up if they could and often out as well, because the financial administration was not only very vulnerable—as the fates of great financiers from Coeur to Fouquet attest—but it also stood much lower in public esteem than the judiciary. Attitudes toward money, on which so much depended for the magistrates of Parlement but toward which they had conflicting feelings, are among the touchstones of their *mentalité* and will be discussed in chapter 4.

From these avenues of advancement several conclusions may be drawn: prior administrative experience was the most important single factor in royal appointments, and those who climbed the financial ladder were most numerous. Outstanding performance in local affairs afforded opportunities, especially in those regions most frequented by the royal court. There were also the secretarial route, followed by some very influential families, such as the Brulart, and the ecclesiastical routes. One of these was used by younger sons of noble families (middle level rather than *les grands*) who became members of Parlement and bishops or who became canons of Notre-Dame (or another cathedral) within a short period of time, like the Du Bellay. An alternate ecclesiastical route was open to the agents (with legal training) of great ecclesiastical bodies like the abbeys of St-Denis and St-Germain, who impressed the king or someone close to him by their oratory or by their success in winning important cases.

Until the middle of the century, the best chance for advancement from the ranks of run-of-the-mill Paris lawyers to a high judicial office was to be on the legal "staff" of some great noble. This judgment deserves to be taken seriously, since it comes from Antoine Loisel, a member of Parlement and one of the first and most astute students of parlementaire *mentalité* . Such families as the Le Maître and the Olivier came into the elite circles by this route, from the legal service of Louis d'Orléans when he was first prince of the blood. The fall of François Olivier as premier président and his replace-

ment by Jean Bertrand is a dramatic instance of how great was the power of *les grands* over the lives and careers even of men at the very apex of the robe hierarchy.[73]

Sometimes just plain luck, being in the right place at the right time to draw favorable attention from the king or a powerful member of the royal entourage, was enough to launch a successful career in the Parlement. This was the case of *François de Saint-André* , whose father's participation in the *cause célèbre* of the maréchal de Giè was rewarded in two steps: the father gained a presidency in the Parlement of Toulouse, the son a minor judgeship in the Midi. After the accession of François I, the son became conseiller in Paris, later président, and in the critical years of the 1560s he put his stamp on the court as a part-time presiding officer.[74]

For Stocker, the determining characteristic of all these avenues of access was their *political* nature: "greater political ability and ambition than others, a keener eye for political patronage . . . as distinct from strictly professional considerations, or even from wealth." To

be sure, the *ruée vers les offices* and downgrading of business is a cliché in discussion of the robe, and Diefendorf's evidence strengthens the argument. The number of merchants in the leadership of the Bureau de Ville fell from five to one between 1535 and 1575, even as the number of high officers doubled. Even so, the unqualified designation "political" seems too narrow to encompass the full complexity of parlementaire motivation. I would propose "sociopolitical" instead.[75]

In the reign of François I, the race for offices, and the game of parlaying each one into a stepping-stone to a better one, became the characteristic method of acquisition. The records show few instances of money changing hands in this "private" or "barter" venality. Rather, it could be described as ringing the changes on resignation. For example, the beneficiary of a resignation might leave the salary to the man from whom he had obtained it, for a certain period of time, or for life, with the understanding that it would then pass to the new officeholder, or to someone designated by him. Or, a man (a) could acquire a lesser office and resign it to another (b), in order to oblige a third man (c), who is the patron of (b), in return for which

(c) would facilitate (a)'s advancement in any one of a number of ways. Many magistrates acquired their offices through such arrangements before the king took up the practice of venality, for his own reasons, that is, as a means to obtain funds quickly. Stocker points out, significantly, that the "royalization" of the system had little geographic, social, or political effect on the composition of the Parlement: the beneficiaries were members of the same groups, not infrequently of the same families as before, and the king was dependent on those already in office to find buyers. In essence, the king was asking the buyer to enter his service. When the Parlement was reluctant, the offices remained unsold, until some further incentive was offered.[76]

It will be recalled that half the members of Parlement were supposed to be clerics, but that the number of ordained and practicing priests had greatly declined because of the royal habit, especially that of François I, of dispensing with the clerical requirement (as in the case of Charles Guillart) to appoint laymen to traditionally clerical seats. But the desirability of benefices had not declined at all, quite the contrary. Under the Concordat, magistrates in Parlement could hold any ecclesiastical office below that of bishop without resigning their judicial office and plenty of exceptions were arranged on the episcopal level.

The 1535 roll of magistrates taxed on possession of benefices contains twenty-seven names, showing that more than half of the fifty allegedly clerical seats were held by laymen (in fact a greater proportion, since the overall numbers had been increased by laymen). The incidence of pluralism in the most distinguished families was striking. Étienne Poncher held four benefices in the Loire region, Louis Du Bellay held six, two of which were at Notre-Dame in Paris—canon of the cathedral and archdeacon—Louis Jouvenal des Ursins five, in different parts of the kingdom. These are merely samples, chosen because both the families and the individuals were important in the parlementaire elite. All these men eventually held major bishoprics as well, without resigning the earlier benefices.

Although the ecclesiastical holdings of Parlement were widely spread throughout the kingdom, the greatest concentration was naturally around Paris and especially in the cathedral church of Notre-Dame. In the period of Stocker's study at least forty-two officers in Parlement held the office of canon or some other ecclesiastical dignity attached to Notre-Dame, and many others had one or more relatives in the chapter. Stocker and Diefendorf both find that these benefices were used primarily to strengthen and raise the position of established families, rather than to attract new ones.

Roughly two-thirds attained benefices *after* they became members of Parlement, and similar proportions apply in other dioceses of the region.[77]

If possession of benefices defined a career pattern for a substantial minority, there were two other smaller minorities whose careers were marked by a distinctive kind of service to the crown: in the domestic sphere, membership on special commissions, and in foreign affairs, diplomatic missions to other European states. Professionally, the most significant commissions were those in the series (from the reign of Louis XII to that of Henri III) that codified, edited, and published the various *coutumes* of the Paris *ressort*, which, it should be remembered, encompassed most of northern and central France. Thibault Baillet in our earliest group,

Pierre Lizet in the transitional group, Christophe de Thou and his associates in the third quarter of the century were among those who took an active part in the enterprise. The commissioners assigned to the *coutume* earned reputations as outstanding jurists in their own time and have retained them since. They were also among those chosen to staff *grands jours* in sizable provincial cities like Poitiers and Troyes. In addition to those already named, Antoine Le Viste from the earliest generation, Arnauld Du Ferrier and Étienne Pasquier from the later group were honored in this way.

Successive commissions were also created for the reform of the universities, two for the University of Paris, the first by François I in the 1530s, on which parlementaires Denis Poillot, Nicolas Dorigny, and Jean de La Barde served, and the second in the 1550s by Henri II, which included four parlementaires, Arnauld Du Ferrier, André Verjus, Nicolas Prévost, and René Lefebvre. A commission to reform the university at Orléans was established in 1558, with four prominent members of the judicial elite, présidents René Baillet and Christophe de Thou, avocat du roi Baptiste Du Mesnil, and a very prominent clerical conseiller, Claude Anjorrant. Other commissions of special importance were set up to review the procedures of censorship (J. de La Barde and Adam [I] Fumée served on it) and in 1568, a commission was appointed to review and advise on the thorny problem—especially at the height of civil wars "of religion"—of royal taxation of the church. Among the commissioners were familiar names de Thou, Du Drac, and Anjorrant; the latter was by then the senior conseiller in point of service on the court, and active in all aspects of judicial participation in and criticism of the religious policy of the crown.

As early as the 1520s some individual magistrates were so regularly assigned to heresy cases that they earned the reputation of specialists in

that sphere, but no commissions for heresy were set up until the 1540s. The Chambre Ardente of 1548 was an outgrowth of those temporary groups. Its central members had already worked out the procedures, as will be seen. In the civil-war period members of Parlement were increasingly employed by the crown for political assignments, such as the treason trial of Condé and negotiations of truce. They were always included in the groups charged with setting up and implementing the Edicts of Toleration.[78] One result was that routine judicial matters tended to be pushed into the background.

Understandably, the diplomatic activity of members of the court was most conspicuous in the early period and then faded out until a second wave at the end of the century. No king between Henri II and Henri IV could conduct foreign policy with a free hand, so from the 1560s to the 1590s men of the robe were less likely to be chosen as ambassadors to foreign governments involved with France in war and alliances. Early in the century two of our spokesmen, Thibault Baillet and Claude de Seyssel, performed diplomatic missions. In addition, Denis Poillot and Antoine Le Viste negotiated for François I with Henry VIII at crucial moments in Anglo-French relations, and Guillaume Budé accompanied François to the famous meeting of the Field of Cloth of Gold. Premier président Jean de Selve took an important part in the negotiations for the king's release and the Treaty of Madrid, which accompanied it (1526). Later, five of his sons would serve the crown in a diplomatic capacity, three of whom were also members of Parlement. Henri II gave fewer foreign assignments to judges, but two of the ablest, Paul de Foix and Arnauld Du Ferrier, served as ambassadors to Venice, with special assignments in Rome along the way. As spokesmen of the most reformist Catholic faction and men of considerable intellectual sophistication, they were well suited to reinforce the bonds of France with the Serenissima, and to resist the blandishments of the papal court. In later chapters we shall see the prominent part played by Henri IV's ambassadors .[79]

Nobility, Property, and Family: the Parlementaire Dynasties

In order to appreciate the extraordinary thirst for office that is the hallmark of the *robins* , one should realize that royal offices, valuable as they were in

themselves, had an even greater value as the surest means of achieving three basic goals: nobility, of a sort, property, and the security and advancement of the family in both the short and the long run. Precisely which offices conferred *annoblissement* , and how, in theory, was carefully explained by Charles Loyseau at the opening of the seventeenth

century. Historians have labored to interpret his abstractions (among others') so as to fit the facts of the ancien régime as revealed in their research. Concerning the relation of ennobled *robins* to the landed nobility of the sword, some (like George Huppert) emphasize the gap that was never closed, while others (like Franklin Ford) see the differences as mere nuances compared to their common privileges and the greater distinctions between both groups and everybody else. One (Davis Bitton) is impressed by the "crisis" in self-confidence of the nobility of the sword, which derived at least in part from the increase in ennobled officers.[80]

In my opinion, it is essential to realize what "nobility" signified to the officer class: it was a code word for status. The premise was a generally held belief, very strong in the robe, that there was a natural social order, ordained by God and by custom, and that nobility was the most honorable (secular) estate in that order. They sought for themselves (and their posterity) as honorable a place as possible. In the idiom and *mentalité* of the time, there was no other way to achieve the desired status except in terms of nobility. Theoretical and literary discussion by parlementaires, and especially their professional words and deeds, show that they were not at all confused or deceived about the differences between themselves and the *noblesse d'épée* , as has been recently, and wittily, noted by Huppert. He concludes a discussion of the contempt of magistrates for the rural nobles (whom they saw as

"ridiculously poor, ignorant, and inept . . . clinging to empty honors, really quite weak"). "The nobility in this perspective is good for one thing only; its elegant fleeces will serve to disguise the wolflife rapacity of the gentry as it takes over the land, the church, and the government."[81]

The *robins* sought three specific advantages: material rewards, privileges, and exemptions. The package that combined these conferred status, and the special mark of the highest attainable levels of status was *annoblissement* .

Money and land were the principal material rewards, obviously. Although it has been difficult to arrive at precise salary scales because of the ad hoc and ad hominem arrangements involved, and the fact that some of the most important emoluments were not part of the regular salary, we do know something about the value of offices and its sensational rise in our period, especially at the end of the civil wars, with the return of a strong monarchy with which the court was firmly associated. In 1597, the last year of the wars, one could obtain the office of conseiller for 10,000 livres; only three years later the going rate was 21,000; in 1606 it was 36,000 livres and continued to climb throughout the seventeenth century. As an investment, the financial yield was not impressive; in 1597 the annual return from the office of lay conseillers was fixed at 500 livres and represented only about 4.5 percent of the value of the office. It often cost more to maintain the necessary life-style than one could extract from the office, which, of course was heavily supplemented by income from lands, loans, and *rentes* . A successful magistrate made his money by exploiting the contacts and opportunities open to him through possession of the office, as Richet demonstrates in the case of the Séguier and others, notably in handling of legal business for *les grands* .[82]

The process was the same for officers of lesser status all the way down to the lowest rungs of the robe ladder. Simultaneously they would be acquiring land, by *micro-conquête* , in proportion to their power and their means. The operative characteristics of their *mentalité* here are emphasized by both Richet and Ralph Giesey: the habit of long-range planning, willingness to set goals that could be realized only in terms of generations, self-discipline to postpone gratification. *Quelle perséverence chez nos robins!* exclaims Richet.[83]

Robe privileges ranged from the basically professional, such as personal immunity from authority other than that of the king for actions committed and words spoken in the course of their judicial duties, to the ceremonial, such as rights of costume, ritual, and precedence for coronations, royal entries, and funerals. The most innovative and fruitful research of recent years has demonstrated that the significance of these ceremonies should not be underestimated. Sophisticated analysis has greatly enriched our understanding of ancien-regime *mentalité* . Aspects related to the political and historical values of the parlementaires will be discussed in chapter 3.

We have already seen that a privilege particularly exploited by the *robin gratin* was their access to benefices. These were claimed on the basis of an *indult* , that is, the right to

ecclesiastical office granted by the church to Parlement as a collectivity, because of the court's role as guardian of the church in France. This claim was central to the image of the court as a *corps mixte* , that is, composed of both laymen and clerics, which figures significantly in their self-image, and in some of the key disputes with the crown.[84]

Exemptions can be regarded as a subcategory of privilege, especially exemptions from taxation. Some ancien-régime historians brush aside all other categories of class and order to maintain that the only real division between the privileged and the unprivileged concerned taxation. It is possible that the favorable tax status of officers as compared with merchants accounts for the loyalty of the former to the crown and the defection of the latter, in large part, to the League in the 1580s and 1590s, as argued by some historians. Parlementaires were exempt from the *taille* , the *gabelle* , and the *aides* . They also escaped the obligation of military service to which rural landowners were subject, and the obligation of billeting soldiers and foreign dignitaries to which the urban bourgeoisie was subject.[85]

Royal offices not only provided opportunity to acquire property, they became a form of property themselves, in the category called *propres* , that belonged to the lineage and had to be kept in the family of origin. Individuals of a particular generation had a lifetime use of them but not the right to dispose of them except to the legal heirs. In the *coutume* of Paris, where it was mandatory to set aside the *propres* for equal division among the heirs, a means by which too great fragmentation could be avoided was by the

lifetime advantaging of one of the heirs. At the parent's death, such an heir was obliged to report it back to be measured against what an equal share would have been. He or she then renounced the other rights of inheritance and kept the lineage *propres* . Because such a gift was irrevocable, parents sometimes postponed it until old age. Adult children thus kept dependent on (and often dominated by) their parents sometimes resented the practice.[86]

From the point of view of long-range planning and conservation of the estate, however, it was a useful strategy, as Giesey, to whom we owe the recognition of the legal and historical significance of *propres* , points out:

Successful compounding of a family heritage required that each generation sacrifice something of its own well-being for the sake of future generations. While resembling lawful entail in some ways *propres* differs in others. Entail guarantees the integrity of the family heritage by placing it beyond the control of any one generation, whereas *propres* reckons that each generation will play an active role in the family's rise to wealth. Many generations, therefore, had to live lives of delayed gratification in order to assure the lasting felicity of descendants far in the future.

In the same article the author goes on to show that, contrary to our modern assumptions, neither venality nor heredity resulted in "corruption" in the French magistracy; rather, the combination produced a felicitous arrangement that "served the nation in terms of public law," as "heritability attenuated venality's inclination to avarice by replacing it with family honor, while venality modified heritability's potential for incompetence by allowing a kind of *capacitat* to replace the usual *majorat* ." The resulting legal structure enabled those who were most astute at manipulating the system to establish dynasties in the sovereign courts, and rare was the successful family that did not have various offices among its *propres* , to be passed along through the generations.[87]

Considerations of office have led us to property and inheritance and thus to the family, the central social institution of ancien-régime France. Witnesses to marriage contracts, wills, baptisms, and other major transactions were drawn from both sides of the family in roughly equal numbers—as were godparents. The *propres* of the wife's family were protected against dissipation or usurpation by the husband and reverted to her own relatives according to the established formulae, if the marriage lacked issue. Wives

were of capital importance in the serious business of strengthening the family, and not merely as mothers. According to Richet, wives and matrimonial relations were triply important in the upward mobility of robe families: in bringing them to the capital; in introducing them into desirable and well placed Parisian milieux; and in helping them to reach seigneuries.[88]

Mésalliance was regarded as a social evil, because of its threat to the family, so the arrangement of good marriages, for daughters and for sons, figured in long-range family planning. Parental concern for the effects of marriage on the future of lineage and patrimony is reflected in the clamor for royal legislation requiring parental consent. In 1556, Henri II responded with an edict, the first such royal action, one of whose provisions was the threat of disinheritance for clandestine marriage, as marriage without parental consent was called.

Diefendorf finds that the average age of marriage for young women in the families of the Bureau de Ville was eighteen years, whereas that for men was thirty-two years. Marriage and motherhood were the usual "career" of daughters, for which the twenties are the optimum years, while young men waited to establish themselves professionally—often attaining office in their late twenties. Demographic studies of Italian cities in the fifteenth century show similar patterns, for similar reasons, and their authors hypothesize that the restlessness or violence associated with male Italian Renaissance youth may well be a result. In Paris, these phenomena are especially to be found among the young lawyers, the *basoche* . This is interesting for the analysis of parlementaire *mentalité* in several respects; it may explain the notorious conservatism of the Parlement, in politics, in religion, and in their tendency to seek the ideal in the past (matters to be investigated in chapters 2 and 4). Yet one is less inclined to apply this to the elite—to their having already "sown their wild oats" and "gotten it out of their system"—because unlike the Italians, privileged parlementaires achieved office at a young age.[89]

Diefendorf documents the rise of the dynasties by citing many marriages that allied influential robe families, among the conseillers de ville, who were also in the Parlement. Indeed all the ranking families were allied by marriage to others in the same group. Although this is a common characteristic of elites in a given locality, and especially if there are professional bonds as well, the pool of suitable mates in this particular endogamous network, however small in absolute terms, comprised enough new blood and variety

of stock to maintain the vigor of the group. The highest level of the French nobility at the same period, for instance, is decidedly more inbred.

In both the Bureau de Ville and the Parlement, a nucleus of allied families at the center of the mainstream dominated the leadership. It was they who founded the dynasties. Diefendorf finds that sixteen (related) families provided 42 percent of the membership in the Bureau between 1535 and 1575, and with few variations, the same ones emerged in the Parlement. Nevertheless, neither body was reduced to a closed patriciate. Diefendorf has determined that 46 percent of the individuals who served were the only members of their family to hold municipal office during the period of her study. Furthermore, a majority (twenty-three out of twenty-eight) of the members of the sixteen leading families were "freely elected"—which of course does not preclude the exertion of influence in their behalf—and only fifteen obtained their office through resignation of a father, brother, or brother-in-law. The complexity of the network goes far beyond the family in the narrow sense. In the Bureau, a man like Louis Huault, who was among the eight individuals whose father, father-in-law, or grandfather did *not* come from one of the dominant families, could still have useful connections to the municipal notability: he was the stepson of a Sanguin, the brother-in-law of a Hacqueville, and the great-grandson of a Luillier; his daughter married a Bragelonge and his only son a Du Drac daughter.[90] In the Parlement, likewise, although "the court never became a wholly closed caste," and even in the eighteenth century more than two hundred individuals were the first of their families to serve, according to Shennan, it would be surprising if there were not some Ariadne thread into the parlementaire maze somewhere in the *connaissances* or *parentage* of any "new" individual or family.

Marriage strategies constituted one method to replenish and reinforce the elite nexus; another was the custom for fathers to plan the careers of their sons. Men attained their majority at twenty-five, which was also—in theory—the minimum age for an office in Parlement. The usual pattern in these families was for a son to begin practice at the Paris bar in his early twenties, before being provided with an office, usually of conseiller, about five to ten years later. The mechanics of the provision were usually handled by the father (in some cases father-in-law or uncle), and it was a generally accepted parental and family right. Occasionally there would be rival ambitions, even feuds, between branches of a dynasty, where two powerful

individuals each had his eye on the same family office for a different member of a younger generation, each looking out for the interests of his own branch. A classic case was the rivalry of Philippe Hurault de Cheverny and Christophe de Thou over the disposition of the bishopric of Chartres, succeeding Nicolas de Thou. Cheverny, the husband of a daughter of de Thou's (he was also chancellor of France), desired the bishopric for a son (a great-nephew of

the incumbent through the maternal line). The premier président had other plans for his uncle's see, however. The dénouement of this story is interesting, because neither of the young men wished to follow an ecclesiastical career. The younger Cheverny eventually left the clergy, and Jacques-Auguste de Thou preferred the scholar's life to the administrative responsibilities of an important diocese. Yet Cheverny tried in turn to impose clerical careers on some of his sons and on both of his daughters.[91]

The independence eventually shown—though not asserted in youth—of these two representatives of the robe elite accords better with humanist theories about the individual's right to self-expression and autonomy than with the convention of family control. Among the highly educated, self-consciously humanist members of the robe, the right of the individual to choose his own career is explicitly stated, for instance by Budé and Ronsard. It is probably significant that the convention should usually triumph in a family like the de Thou, however, where the weight of tradition and of family authority would be much greater than in those less highly placed.

It is possible that paternal control came to seem excessive, even counterproductive. Diefendorf speculates that repeated humanist insistence on the autonomy of children may be a form of "social criticism" of the traditional practice, but Richard Douglas inclines to attribute such attitudes to special pleading.[92] Some of the most respected representatives of the robe *mentalité* worked out a kind of reconciliation or compromise between these two approaches. Pasquier counseled parents to make an effort to discover the natural talents and aptitudes of children in the course of their education. "Above all, one should not do violence to the natural character."[93]

We will never know what proportion of sons in parlementaire families resented their lack of autonomy, since few have left records of their sentiments, but we do know that 71 percent of sons of the Bureau de Ville fathers studied by Diefendorf entered the legal and liberal professions, with 45

percent of these holding office in the courts, excluding the chancellory, which would add another 10 percent. In both their professional activities and in their commitment to the city, they continued their fathers' pattern. Stocker and others have found this to be true in robe circles of some provincial cities as well as in Paris; it is the foundation element in the continuity of the robe tradition through the ancien régime.[94]

There were nevertheless modifications in the succeeding generations. Whereas 19 percent of the Bureau de Ville fathers had styled themselves merchants, only 5 percent of the sons did so, and whereas only 1 percent of the fathers was known to have a military career, or a military phase in the career, 16 percent of the sons did so. Both of these are, of course, indications of upward mobility, away from commercial origins and toward noble activities. The increase in benefices possessed by the sons over the Bureau de Ville fathers is also significant: none of the 90 conseillers de ville in Diefendorf's study were clerics, but 14 of their 145 sons, or 10 percent, were clerics. These were members of Parlement also, and they rose in the hierarchy to the rank of bishop (some, in the regular clergy, to abbot) and were able to turn the ecclesiastical office into family property. A significant revision of an old stereotype emerges from Diefendorf's detailed tables: younger sons of the city councillors in sixteenth-century Paris were *not* at a disadvantage compared to their older brothers. On the contrary, the younger siblings often achieved higher status. She speculates that the status of the family may have improved since the time of planning the career of the elder, an improvement that could be measured in financial terms and in prestigious contacts acquired. Not unrelated is Diefendorf's discovery that in-laws played crucial roles in the career patterns of the councillors, and not merely in family alliances and the acquisition of property.[95]

From this biographical-professional-sociological survey drawn from the standard sources and enriched by recent scholarship, a synthetic overview of the sixteenth-century parlementaires emerges, showing who they were and the general patterns of their careers, municipal activities, and family strategies. A sort of balance or reciprocal accommodation between contrasting tendencies seems to have been achieved: individuals and families of the robe were very ambitious and the situation allowed them plenty of scope—more, in fact, than would ever again exist. While new individuals and families continued to enter and to rise within the parlementaire leadership, the elite could also maintain itself and even increase in numerical strength

through strategic alliances; in material wealth through venality and long-term investments; and in professional and political leadership through exploitation of patronage and positions previously gained. Much social mobility can be discerned, although those who started further up the ladder had a better chance of arriving at the highest levels than those less fortunate at the outset—a condition not confined to sixteenth-century France. Yet there was also much continuity. Ambition and innovation did not displace tradition and continuity because the values and the goals of the mainstream parlementaires formed a coherent system that was passed from one generation to the next with some internal flexibility and variations, but fundamentally unchanged.

It is usual to view the Parlement chiefly as the main obstacle to the reforms proposed by the enlightened ministers of the crown in the eighteenth century, and rarely is a constructive role attributed to the magistrates except in their rally to Henri IV in the 1590s. Giesey, however, has a different perspective. For him, this group of families, with their "family possessiveness," was "essentially a stabilizing element in the civil order of the nation," a "socially integrative force over the centuries . . . that deserves to be put alongside the vaunted state-building of the Bourbon kings."[96]