

THE PEACE IN THE FEUD IN SIXTEENTH- AND SEVENTEENTH- CENTURY FRANCE*

All men naturally hate each other.

Pascal, *Pensées*

Hamlet is famously plagued by two conflicting obligations that plunge him into existential torment. Kinship solidarity obliges him to avenge the murder of his father. But the reformations of the sixteenth century placed great emphasis on divine providence. The Bible is clear: vengeance belongs to God alone. Hamlet's duty to pay blood with blood clashes with his Christian conscience. However, Shakespeare's Hamlet was not the only one known to contemporaries. The French version of *Hamlet*, or *Amleth*, which appears in the fifth volume of Belleforest's *Histoires tragiques*, first published in 1570, provided the raw material which Shakespeare's genius transformed into his timeless drama. Belleforest is much more traditional in his treatment of subject matter. He finds nothing disquieting about revenge. Indeed, in his hands Hamlet acquires an aura of chivalry in his pursuit of honour and glory. Vengeance was a major theme of French Renaissance literature, and Belleforest echoes the commonly held view that 'if vengeance ever seemed to have the face and form of justice, it is without doubt when the piety and affection that binds us to the memory of our fathers, unjustly murdered, obliges us to seek the means not to leave a treason, or treacherous and outrageous affront unpunished'.¹

Hamlet was first performed in an age when, we are told, the noble honour code was undergoing a transformation due to the dissemination of Renaissance concepts of virtue and the more systematic inculcation of Christian moral principles. To historians

* Research for this article was funded by the British Academy and the University of York. I would like to thank John Bossy for his generous criticisms. Robert Bartlett, Simon Ditchfield, Mary Garisson and Mark Greengrass kindly supplied references.

¹ I. Gollancz, *The Sources of Hamlet* (London, 1967), 258. See also E. Forsyth, *La Tragédie française de Jodelle à Corneille (1553–1640): Le thème de la vengeance* (Paris, 1994).

such as Lawrence Stone the rise of duelling in this period is a harbinger of individualism that canalized and ritualized violence.² This notion has a long genealogy. Montaigne criticized duelling precisely because he thought it fostered a malicious individualism.³ Romantic novelists in the nineteenth century popularized this conception of heroic autonomy.⁴ Seventeenth-century supporters of the duel were keen to differentiate their art from the traditional means of settling disputes; they were well aware of philosophical debates over the passions and represented duelling as a manifestation of the triumph of reason over anger, arguing that duels, if properly conducted, had nothing to do with vengeance and acted as a verifier of the truth in a dispute.⁵ Many duels were, of course, fought over trifling incidents of honour between two individuals, but we must also recognize that duelling cannot be understood without reference to a traditional narrative of feud. In his magisterial study of the duel François Billaçois argues, *pace* Stone, that 'the duel in France . . . did not suppress the chain of vengeance and counter-vengeance'.⁶ The duel was often an extension of collective struggles between kin groupings. Rather than marking a break with the past it reinvigorated the traditional feud.

Neglect of the feud in France is perhaps due to the continued reverence for traditional concepts of state-building, culminating in seventeenth-century 'absolutism'. While many historians have abandoned the most dated aspects of this teleology, the ideas of Elias and Foucault continue to inspire historical work on the rise of courtesy and civility, which are seen as midwives of modernity and the manner by which discourses of authority are inscribed on the individual.⁷ Only recently have historians begun to engage

² Lawrence Stone, *The Crisis of the Aristocracy, 1558–1641* (Oxford, 1965), 25–6, 242–69.

³ Robert R. Harding, *Anatomy of a Power Elite: The Provincial Governors of Early Modern France* (New Haven, 1979), 79.

⁴ On the popularity of duelling in modern France: R. Nye, *Masculinity and Male Codes of Honor in Modern France* (Berkeley and Los Angeles, 1998).

⁵ M. de La Beraudière, *Le Combat de seul a seul en camp clos* (Paris, 1608).

⁶ F. Billaçois, *Le Duel: essai de psychosociologie sociale* (Paris, 1986), 315, 397.

⁷ The genealogy of their ideas may be traced back to Freud and particularly Nietzsche, whose insights into the operation of repression and sublimation anticipate the founding father of psychoanalysis. Their ideas are popularized in the works of R. Muchembled, *Culture populaire et culture des élites dans la France moderne (XV^e–XVIII^e siècles)* (Paris, 1978), and *L'Invention de l'homme moderne: culture et sensibilités en France du XV^e au XVIII^e siècle* (Paris, 1994). See also O. Ranum, 'Courtesy, Absolutism and the Rise of the French State', *Jl Mod. Hist.*, lii (1980).

in a critical dialogue with these stimulating thinkers.⁸ The association of instincts with nature and the control of instincts with culture is highly problematic. In the modern age, the distinction between instinct and culture can be traced back to natural philosophers such as Grotius, who condemned vengeance as deriving from unreason, 'that natural principle which man has in common with animals, from which anger is born'.⁹ The problems of applying Foucault's ideas to historical analysis are exposed in the works of Robert Muchembled, who has done much to popularize the ideas of both Elias and Foucault. Employing Foucault's notion of transgression, he has argued that the duel was a manifestation of symbolic power as the nobility was emasculated by the rise of royal absolutism; it was an agent of progress as it codified, tamed and ritualized violence. Duelling is reduced to another manifestation of the domestication of the nobility in the Baroque age.¹⁰ But, as this article shows, duelling was merely part of a wider system of vindictory violence and vengeance killing that was changing over time. The correlation between the rise of the state and the rise of duelling is ambiguous, and recent anthropological work has made the same point about the relationship between the rise of the state and the decline of vengeance.¹¹

Recent scholarship has undermined the traditional assumption that sovereign law and state-directed punishment evolved to the detriment of vengeance and composition: 'the distinction between justice and reconciliation is artificial'.¹² Until the nineteenth century, and in some parts of western and southern Europe beyond, a legal pluralism operated in which vindictory and legal forms of redress coexisted. Historians of Scotland, Germany and Italy now argue for the survival of the feud into the early modern

⁸ R. Mowery Andrews, *Law, Magistracy, and Crime in Old Regime Paris, 1735–1789*, i, *The System of Criminal Justice* (Cambridge, 1994); R. Evans, *Rituals of Retribution: Capital Punishment in Germany, 1600–1987* (Oxford, 1996); J. Duindam, *Myths of Power: Norbert Elias and the Early Modern European Court* (Amsterdam, 1994).

⁹ N. Rouland, *Legal Anthropology* (London, 1994), 272.

¹⁰ Muchembled, *L'Invention de l'homme moderne*, 142–4.

¹¹ Rouland, *Legal Anthropology*, 257–8.

¹² S. Reynolds, *Kingdoms and Communities in Western Europe, 900–1300*, 2nd edn (Oxford, 1997), 27. See also S. Roberts, *Order and Dispute: An Introduction to Legal Anthropology* (Oxford, 1979); A. Soman, 'Deviance and Criminal Justice in Western Europe, 1300–1800: An Essay in Structure', *Criminal Justice Hist.*, i (1980); N. Castan, *Justice et répression en Languedoc à l'époque des lumières* (Paris, 1980).

period.¹³ As elsewhere, amity and enmity shaped all social relations among individuals and groups in *Ancien Régime* France, and feuding and peace-making were among the major preoccupations of the French nobility in the late Middle Ages and Renaissance.¹⁴ However, unlike the Empire, France had no legal tradition which upheld the right to feud. The word *faide* was largely confined to north-eastern customary law codes in the thirteenth century but faded from use from 1260 when Louis IX outlawed the judicial duel and explicitly condemned customs permitting private vengeance.¹⁵ But the absence of a contemporary explanatory term for feuding does not preclude the existence of the phenomenon. One early medievalist has pointed to the lack of any 'specific contemporary terminology. Just as the word feud has a wide range of meanings, so too did its medieval equivalents'.¹⁶ Feuding societies as diverse as Saga Iceland and modern Montenegro had no single word to describe the state of 'being in blood'.¹⁷ Empirical research has found the feud alive and well in Touraine in 1000, in fourteenth-century Aquitaine and in other areas on the periphery of the kingdom, but extensive warfare in late medieval France may conceal the feud elsewhere and, unsurprisingly, historians have paid more attention to the abundant materials for chivalry than to the economy of violence.¹⁸ In the sixteenth century frequently used terms such as *querelle*, *inimitié*, *haine mortelle* and *ennemi capital* describe not so much subjective

¹³ K. M. Brown, *Bloodfeud in Scotland, 1573–1625: Violence, Justice and Politics in an Early Modern Society* (Edinburgh, 1986); H. Zmora, *State and Nobility in Early Modern Germany: The Knightly Feud in Franconia, 1440–1567* (Cambridge, 1997); E. Muir, *Mad Blood Stirring: Vendetta and Factions in Friuli during the Renaissance* (Baltimore, 1993); A. Torre, 'Faide, fazioni e partiti, ovvero la ridefinizione della politica nei feudi imperiali delle Langhe tra Sei e Settecento', *Quaderni storici*, lxxiii (1986).

¹⁴ For the survival of elite violence: J. Meyer, *La Noblesse bretonne au XVIII^e siècle*, 2 vols. (Paris, 1966), ii, 1097–8; M. Greenshields, *An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587–1664* (University Park, Pa., 1994), 124–39; J. Ruff, 'Rural Feuds and the Control of Conflict in the Guyenne, 1696–1789', *Proc. Western Soc. for French Hist.*, xiv (1987); G. Hanlon, 'Les Rituels de l'agression en Aquitaine au XVII^e siècle', *Annales*, xl (1985).

¹⁵ Forsyth, *La Tragédie française*, 24–30.

¹⁶ P. Sawyer, 'The Bloodfeud in Fact and Fiction', *Acta Jutlandica*, lxxiii (1987), 28.

¹⁷ W. Miller, *Bloodtaking and Peacemaking: Feud, Law, and Society in Saga Iceland* (Chicago and London, 1990), 182; C. Boehm, *Blood Revenge: The Anthropology of Feuding in Montenegro and Other Tribal Societies* (Lawrence, 1984).

¹⁸ C. Petit-Dutaillis, *Documents nouveaux sur les mœurs populaires et le droit de vengeance dans les Pays-Bas* (Paris, 1908); S. White, 'Feuding and Peace-Making in the Touraine around the Year 1000', *Traditio*, xlii (1986); M. Vale, *The Origins of the Hundred Years War: The Angevin Legacy, 1250–1340* (Oxford, 1990), 112–39.

feelings as an objective, public relationship which often lasted for a considerable period of time.¹⁹ Antiquarian studies demonstrate that there were cross-generational feuds in sixteenth-century France that went beyond customary vengeance killings; lasting decades, they meet the strict criteria established by William Miller for categorizing the blood feud.²⁰

Although the spread of duelling marks the transformation of the traditional feud, violence continued to be moderated by Christian obligation, royal sanction and community and kinship pressures. Claude Gauvard has argued that the ubiquity of royal letters of pardon in the late Middle Ages ensured that 'before being totally repressed by the authorities, the dispute process had found the means to limit the feud . . . it usually stopped at the first shedding of blood and knew how to avoid counter-vengeance'.²¹ While she is right to underline the role of pardon tales in limiting vengeance, their narratives need to be used with care since they were constructed in such a way as to conceal premeditation and demonstrate that the murderer was provoked, or acting in self-defence or through temporary loss of reason.²² When pardon letters were challenged in court their tales unravelled, and their tropes were unmasked as evidence built up to reveal the long history of the dispute and the existence of a feud between the parties.²³ Letters of remission need to be studied in the context of a variety of other documentation. The answer to our initial question — why the problem of the feud has remained largely neglected in France — lies in the complexity and longevity

¹⁹ R. Bartlett, '“Mortal Enmities”: The Legal Aspect of Hostility in the Middle Ages', *The T. Jones Pierce Lecture* (Aberystwyth, 1998), 12.

²⁰ Comte Remacle, 'Une vendetta provençale au XVI^e siècle', *Revue de Paris*, vii (1900) (in 2 pts); P. de Vaissière, *Récits du 'temps des troubles', XVI^e siècle. Une famille: les d'Alègre* (Paris, 1914). Miller, *Bloodtaking and Peacemaking*, 180–1, distinguishes feuding from ad hoc revenge killing that can be an individual matter by stressing the confrontation between hostile parties involving groups recruited along kinship, vicinage, household or clientage lines. Unlike war, violence is controlled and casualties limited, but feuds involve collective liability and the target need not be the actual wrongdoer. Notions of exchange and score-keeping govern the process in which rough rules of appropriate response exist. Finally, there are culturally acceptable means for making temporary or permanent settlements of hostility.

²¹ C. Gauvard, *'De grace especial': crime, état et société en France à la fin du moyen âge*, 2 vols. (Paris, 1991), ii, 779.

²² N. Z. Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Cambridge, 1988).

²³ For the ways in which these two sources can be combined to reveal a feuding relationship: P. Guérin, 'Recueil des documents dans les registres de la chancellerie de France (1456–1464)', *Archives historiques du Poitou*, xxxv (1906), pp. xvii–xliii.

of disputes and the difficulties faced by the historian in reconstructing them from disparate and incomplete archives: 'It is rarely, if ever, possible for either historians or anthropologists to trace the full course of a feud'.²⁴ Early modernists have abundant sources, though cross-generational feuds can be reconstructed only by the painstaking collation of fragmentary evidence.

The story of the Lizet of Auvergne is indicative of a culture of vengeance whose traditional mechanisms of control were being undermined by the explosion of duelling, which was in turn fuelled by political instability and confessional animosity.²⁵ The dispute over rights in their local church between the Lizet and the Montclar was already a century old when it turned deadly in the 1580s. The earliest record of violence is in 1547 when an investigation was conducted against Guy de Montclar for affray. Unsurprisingly, they lined up on opposing sides during the civil wars. The head of the Lizet clan, Pierre, *président* of the parlement of Paris, was nicknamed 'Chambre Ardente' after the court established to try heretics, and distinguished himself 'not only by implacable severity but also by the care he took with numerous details designed to terrorize victims'.²⁶ A member of the Montclar clan was Protestant commander in the Bourbonnais in the 1560s.²⁷ In 1583 Antoine de Lizet was killed by Pierre de Montclar, second son of Guy, in a duel. His kinsman François de Lizet also perished when he attempted vengeance in a duel with the eldest of the Montclar brothers, Guy II. As a good Christian, François was reconciled with his enemy as he lay dying. But this did not stop his son challenging Guy II in 1595. He too was killed. Montclar's position was threatened by the influence wielded by his enemies in the parlement of Paris and he was condemned to be executed for the crime of assassination by the *grands jours* of the parlement in session at Lyon on 19 November 1596. But, like most such judgements, it was never carried out. The Montclar possessed their own contacts and patrons. On 9 December 1596 Guy was present in Paris for the registration of his letters of remission at

²⁴ Sawyer, 'Bloodfeud in Fact and Fiction', 28.

²⁵ For this and the following: J.-B. Bouillet, *Nobiliaire d'Auvergne*, 7 vols. (Clermont-Ferrand, 1846–53), iii, 420; iv, 242; F. Dumont (ed.), *Inventaire des arrêts du conseil privé (règnes de Henri III et de Henri IV)*, 2 vols. (Paris, 1969–78), no. 2925.

²⁶ Nancy L. Roelker, *One King, One Faith: The Parlement of Paris and the Religious Reformations of the Sixteenth Century* (Berkeley and Los Angeles, 1996), 215.

²⁷ E. Bouchard, *Les Guerres de religion et les troubles de la Fronde en Bourbonnais* (Moulins, 1867), 40.

the court of the *prévôt de l'hôtel*, whose jurisdiction covered the royal court and its commensal officers. The court would have set reparations, but in this instance the widow was not minded to accept and pressed for the sentence of the parlement to be carried out. Finally, on 9 December 1599 an accord was reached and registered with the privy council by which the widow consented to the letters of remission and the annulling of the execution order. Either she had been forced to concede and accept that her adversary's patrons were too powerful or she had doggedly and successfully fought on for higher compensation. Either way peace came too late for the Lizet; consumed by their hunger for blood vengeance they died out in the male line.

Historians of early modern France have paid much attention to the invention of modern man, while less research has been focused on the supposedly irrational behaviour that guilt and the virtues of temperance and self-restraint were mollifying. However, the anthropologist Raymond Verdier has argued that vengeance is not a savage instinct that needs taming but a 'vindicatory system', a form of communication and exchange of values regulated by norms and rules. Ritual and community pressure canalize violence, and compensation brings peace 'whereby a counter-gift equivalent to the offence takes the place of the counter-offence'.²⁸ Levels of violence depend on cultural values and so individualism, aggressiveness and competition — all values associated with a warrior caste and its honour code — are likely to increase violence. In most feuding societies mechanisms existed which ensured that vengeance rarely evolved into endless vendettas, and feuds were not interminable because of the social and cultural pressures for peace.²⁹ Feuding did not structure French society as it did some tribal societies: peace was a Christian duty and the logic of reconciliation was imposed by a combination of the judicial system, community pressure and ubiquitous royal letters of grace.

Increased access to royal justice did not eradicate traditional feuding and peace-making. Historians of crime and the law no

²⁸ R. Verdier and J.-P. Poly (eds.), *La Vengeance: études d'ethnologie, d'histoire et de philosophie*, 4 vols. (Paris, 1981–6), i, introduction.

²⁹ J. Black-Michaud, *Feuding Societies* (Oxford, 1975), the classic statement of feuds as interminable, is now largely refuted elsewhere. For feuding as a form of social control regulating violence: M. Gluckman, 'The Peace in the Feud', in his *Custom and Conflict in Africa* (Oxford, 1955); Boehm, *Blood Revenge*. For a critique of Boehm's functionalist approach: K. Otterbein, *Feuding and Warfare* (Langhorne, 1994).

longer see an antithesis between private vengeance and public law.³⁰ To disputing parties, private violence and the law were both means to the same end; they were complementary and not mutually exclusive. One of the greatest complaints against the judicial system was that local judges were *parti pris* and favoured their kinsmen. Chancellor l'Hôpital's ambitious reforms of the legal system in the 1560s undertook to combat those judges 'who are involved as enemies or friends of persons, sects or factions, judging for or against without considering the equity of the case'.³¹ As the number of royal courts had grown from the fifteenth century so the number of appellants had increased. But the proliferation of competing jurisdictions enabled parties to launch counter-suits and it was common for enemies to be fighting multiple suits, civil and criminal, in different courts, where bribery, intimidation and kinship ties procured favourable judgments. Contemporaries were well aware that litigation did not exclude violence: 'the lawsuit is a form of war which is accompanied by hatred, animosity and vengeance'.³²

However, widespread feuding does not necessarily imply a high level of social disorder, since violence was programmed by cultural rather than emotional templates. Once begun, violence was unlikely to be arbitrary and disproportionate since it had limited political objectives: the elevation of one's lineage in the social hierarchy. Feuds end in stalemate or peace because one side demonstrates conclusively that it is stronger.³³ This article shows that the feud reached a new pitch of intensity during the Wars of Religion, affecting all ranks of society as central authority atrophied, and continued to shape the fabric of rural society into the seventeenth century, most notably in those areas where royal authority was traditionally weak; it discusses the solutions proposed by contemporaries to the problem of feuding before outlining the practice of peace-making among different social groups; and it shows how compensation and reparation sealed the peace in the feud. Successful peace-making, and thus social order in

³⁰ V. Gatrell, B. Lenman and G. Parker, *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), 20–3.

³¹ Michel de l'Hôpital, *Discours pour la majorité de Charles IX et trois autres discours*, ed. R. Descimon (Paris, 1993), 108.

³² A. de La Roche, *L'Arbitre charitable pour éviter les procez et les querelles; ou du moins pour les terminer sans peine et sans frais* (Paris, 1668), 43.

³³ G. Kressel, *Ascendancy through Aggression: The Anatomy of a Blood Feud among Urbanized Bedouins* (Wiesbaden, 1996).

the localities, depended on political stability, and so the dynastic instability which characterized the period 1559–1660 has wider implications for the study of social relations than traditional approaches to political history allow. I shall conclude by highlighting the limits of royal authority in the first half of the seventeenth century and suggesting how the transformation of elite culture contributed to the restoration of order under Louis XIV.

I

THE CRISIS OF THE RELIGIOUS WARS

The assassination of the Catholic hero François, duc de Guise, in 1563 was a watershed; it shocked contemporaries and began a feud with the Protestant leader, Admiral Coligny, which dominated the political landscape for a decade. Aristocratic violence legitimized and spurred popular violence: Coligny's assassination in 1572 was the signal for the Massacre of Saint Bartholomew in Paris. 'Until then assassination was rare in France', commented the marshal de Montmorency on Guise's murder, and 'its consequences are most pernicious, for if such a road is taken there will not be a seigneur in France who is safe'.³⁴ Evidence from sixteenth-century memoirs supports his assertion that vengeance killings among magnates, at least, were rare before the religious wars. Engaged in almost continuous war from 1494, nobles had an arena in which to test their honour and display their martial prowess. Social cohesion was reinforced by reduced levels of internal violence: duelling only became a serious problem after the Italian Wars and reached a new pitch of intensity in the aftermath of the Wars of Religion. By 1587, La Noue, the great Protestant captain, was lamenting that now 'One taketh amends with advantage: an other taketh cruell revenge: one procureth the killing of his enemie in treazon with the shot of some Dagge or Harquebut: others doe make great assemblies resembling pettie warres: and many times one quarell breedeth fower, and twentie dye for one mans offence'.³⁵

³⁴ H. Germa-Romann, *Du bel mourir au bien mourir: le sentiment de la mort chez les gentilshommes français, 1515–1643* (Geneva, 2001), 222.

³⁵ *The Politicke and Militarie Discourses* (London, 1587), 161; French edn (Basle, 1587), 248.

In the localities peace-making became harder. As provincial governors built confessional parties in order to offset the collapse of their authority, so their role as arbiters and guardians of public order was compromised.³⁶ Guy de Daillon, governor of Poitou, swore 'to avenge the death of the said duc [de Guise] up to the fourth generation of those who committed the said homicide or connived at it and of those who are yet defending the culprits', at the same time as he was pacifying his province after the first civil war.³⁷ The heightened intensity of the noble feud, which was often cloaked by war, was due not so much to confessional rivalry as to the manner in which religious ideology further confused traditional cleavages already exacerbated by weak monarchy. While the Reformation may have undermined traditional mechanisms of peace-making, civil war exposed deep fissures in the Catholic community too: the Guise-Coligny feud cut across religious lines as the Catholic members of the Montmorency clan rallied in defence of their Protestant kinsman. The Catholic League, founded in 1576, was in many ways a response to dissension among Catholics; it propounded a mystical 'Holy Union' in which hostility and immorality would be replaced by piety and brotherhood. Article 10 of its founding covenant stated that 'all associates will be forbidden to enter into any quarrel or dispute against each other'.³⁸ However, the League's combination of popular millenarian zeal and militant aristocratic leadership plunged France into the darkest phase of the civil wars.

A good example of the ways in which civil war corrupted traditional mechanisms of peace-making in the regions comes from Normandy. In 1581, after Guillaume Auber had been accused of smashing the arms of his enemy in church, the mediator and governor of Upper Normandy, Jean de Moy, set reparations that were nothing less than public humiliation. Auber was ordered to hold the ladder of the workmen as they repaired the arms in front of the congregation; he accused Moy of demanding 'reparations that were due to kings and not gentlemen'.³⁹ Although each of the participants in this dispute was Catholic, they were divided politically: Auber was a moderate and royalist

³⁶ Harding, *Anatomy of a Power Elite*, 46–107.

³⁷ R. Knecht, *The French Wars of Religion, 1559–1598* (London, 1989), 107.

³⁸ J. Loutchitsky, *Documents inédits pour servir à l'histoire de la réforme et la ligue* (Kiev, 1875), 39–42.

³⁹ Bibliothèque nationale, Paris (hereafter BN), MS Fr 11926, fo. 62.

throughout the turmoil of the 1580s; Moy, on the other hand, was a founding member of the Catholic League in Normandy and heavily involved in support of the English Catholic exile cause. It was in a governor's interest to find a solution which maintained peace and thus upheld his authority, but at a time of volatility Moy was bound to protect his friends and kinsmen, on whom he depended for political power. The affront to Auber's dignity resulted in an escalation of the dispute, and one of his servants was killed. Unlike the peace-making monks of the high Middle Ages, Moy was bound by political circumstances and unable to transcend the feud as an outsider and citizen of God's city.⁴⁰

Provincial magistrates, confronted with a combustible mixture of religious zealotry and blood feud, worked hard to maintain order. In 1565 the parlement of Bordeaux sent a special commission into Périgord to help with the enforcement of the Peace of Amboise and 'to investigate the armed assaults, murders, robberies . . . a cause more of feuds [*querelles*] and private hatreds than the diversity of religion'. The commissioners went first to Périgueux, where they reported on thirteen feuds in the *sénéchaussée*, detailing the parties, the origin of the dispute and the current state of the judicial investigation, before moving on to Bergerac and Sarlat.⁴¹ Pacification was soon brought to a halt by the resumption of civil war in 1567. Intermittently from 1576, and regularly from the Edict of Nantes (1598) until their abolition in 1679, the monarchy attempted to settle confessional disputes by establishing special courts, the *chambres mi-parties*, attached to the parlements.⁴² Following the end of the Wars of Religion these courts sought to implement the broader policy underpinning the Edict of Nantes: the restoration of peace and order among the king's subjects. Diane Margolf, in her study of the Paris chamber, has shown how litigants used the criminal courts like any other, instituting criminal proceedings to undermine an enemy in a long-running feud which at heart had more to do

⁴⁰ G. Koziol, 'Monks, Feuds and the Making of Peace in Eleventh-Century Flanders', in T. Head and R. Landes (eds.), *The Peace of God: Social Violence and Religious Response in France around the Year 1000* (Ithaca, 1992), 248.

⁴¹ Comte de Saint-Saud, 'Différends entre gentilshommes périgourdiens (1565)', *Bulletin de la Société historique et archéologique du Périgord*, lxvi (1939).

⁴² See, for example, R. Mentzer, 'Bipartisan Justice and the Pacification of Late Sixteenth-Century Languedoc', in Jerome Friedman (ed.), *Regnum, Religio et Ratio: Essays Presented to Robert M. Kingdon* (Kirkville, 1987).

with property than religion. Judgements favoured compromise. In 1602, for example, the chamber ordered the Catholic Pierre Le Cornu to pay the widow of a Protestant captain 3,000 *écus* in reparation for killing her husband in 1591. The court decided that the murder was not a legitimate act of war but the result of a twenty-year feud and therefore not covered by the provisions of the Edict. However, in a typical compromise a number of other suits against Le Cornu were quashed.⁴³

Thinkers debated the problems of order and peace while France burned. For the humanist Pierre de Marcouville, writing in 1562, the degeneracy of the commonwealth was to be measured in the number of lawsuits: Normans loved them so much they were prepared to make hazardous sea voyages to Rouen; the Auvergnat was well known for endless pleas; the Poitevin launched a lawsuit on the 'foot of a fly or the point of a needle'. He exhorted his audience to good neighbourliness for 'lawsuits engender nothing but hatred and enmity'.⁴⁴ Theologians joined the debate. Christophe de Cheffontaines's fulmination against the 'feuds [*querelles*], dissensions and little wars between petty lords', the *Chrestienne confutation du poinct d'honneur sur lequel la noblesse fonde aujord'huy ses querelles & monomachies*, went through a number of editions following its publication in 1568. He lamented: 'Oh, the great difficulty which there is in finding ways and means to bring [disputes] to an end and make peace! Oh, the languor which must be suffered from the torture and racking of the mind before one can reach a good treaty of accord! It is not seemly for a gentleman to accord too soon, fearing that he will be called a chicken and a coward'. Both Marcouville and Cheffontaines were strong on pious moralizing but offered little in the way of practical advice to their readers.

Montaigne was not the only thinker to apply neo-stoic ideas to the pressing problem of aristocratic violence, but he was by far the most influential and widely read. David Quint has demonstrated recently how, horrified at the alarming spread of the feud during the civil wars, Montaigne used his *Essays* to show a way out of the cycle of violence, proposing a counter-model to the

⁴³ D. Margolf, 'The Paris Chambre de l'Edit: Protestant, Catholic and Royal Justice in Early Modern France' (Yale Univ. Ph.D. diss., 1990), 147–54.

⁴⁴ *La Maniere de bien policer la Republique Chrestienne* (Paris, 1562).

traditional ideal of heroic virtue.⁴⁵ Virtue is defined as the forbearance of revenge and true revenge is to be had in the public humiliation of an enemy, constituting an 'ethics of yielding' in which 'mercy aggrandizes the merciful and makes the recipient a sort of living trophy'. Montaigne appeals to notions of civility and *honnêteté*, a term undergoing a semantic shift in the sixteenth and seventeenth centuries, which encapsulates such values as distance, reserve, moderation and courtesy. By the exhibition of his clemency the gentleman is set apart from the cruelty of the mob; his attitude to revenge is what distinguishes him from the lower orders. However, the impact of Montaigne's ideas was not felt until long after his death.

II

PEACE-MAKERS

Peace-making was principally concerned with restoring harmony in the community and equilibrium in social relations; pursuing enemies, re-forging bonds of amity and reconciling friends, neighbours and kin were daily activities in every community in early modern France. Custom and oral tradition undoubtedly shaped the normative practice of arbitration, and consequently evidence about who the peace-makers were and how peace was made is scarce. France seems to have lacked the tradition of public reconciliation as practised in the cities of Renaissance Italy by such high-profile figures as Bernardino of Siena and Pope Julius II.⁴⁶ Italy also led the way in production of manuals in the vernacular. These were much stronger on practical advice than the French moralists of the Wars of Religion and bore the imprint of secular humanism, outlining their vision of harmonious social relations, and thus a well-ordered polity, almost exclusively with reference to antique models.⁴⁷ This type of peace-making handbook did not appear in France before the mid seventeenth century. However, conduct books, another Italian import, can tell

⁴⁵ D. Quint, *Montaigne and the Quality of Mercy: Ethical and Political Themes in the Essays* (Princeton, 1998).

⁴⁶ C. L. Polecristi, *Preaching Peace in Renaissance Italy: Bernardino of Siena and his Audience* (Washington DC, 2000); C. Shaw, *Julius II: The Warrior Pope* (Oxford, 1996), 154–7.

⁴⁷ F. Albergati, *Trattato del modo di ridurre a pace l'inimicitie private* (Rome, 1583); G. Valmarana, *Modo del far pace in via cavaleresca e christiana per sodisfattion di parole, nelle ingiurie fra privati* (Vicenza, 1619).

us much about good practice and its dissemination in France. Scipion Dupleix's *Loix militaires touchant le duel* (1611) provides more practical information than most anti-duelling treatises. In book four he draws on his experience as a judge to guide his readers in the art of dispute settlement. Was the offence done with malice or in sudden anger? If the second, the reparation should be lighter. He provided a number of pro-forma verbal satisfactions to cover every eventuality. His book seems to have had wide currency, as much of the advice was repeated in Marc de Vulson's *Le vray theatre d'honneur et de chevalerie* (1648). Both men counselled that no man of honour should beg for pardon, except when he attacked by surprise or found his enemy at a disadvantage. In these cases the aggressor was urged to speak humbly and at length, recognizing his adversary's right to take vengeance. In contrast, the victim was expected to reply curtly to the effect that he had relinquished his right to vengeance only at his kin's behest.

Prior Alexandre de La Roche's *L'Arbitre charitable*, hitherto neglected by historians, represents the definitive French treatise on peace-making. Cheaper in format than the gentleman's conduct book, it was a practical handbook aimed at a wide audience, going through at least four editions in Paris and Lyon from 1666 to 1679. La Roche boasted that it had been translated into four languages and distributed to every bishop in the kingdom, and that every parish priest in the archdiocese of Paris had a copy. His down-to-earth advice, cautioning that accommodations should not be brokered in taverns 'à la mode d'Allemagne' because arbitration is 'holy and sacred', confronted the problems faced by arbiters when the conviviality which traditionally sealed reconciliations got out of hand.⁴⁸ In the *Tiers Livre*, Rabelais invites us to laugh at the success of Perrin Dendin (Nitwit), who settled more lawsuits in Poitou than any court and titled himself 'lawsuit settler' (*appointeur*): 'For he never brought any parties to agree that he did not make them drink together, as a symbol of reconciliation, of perfect concord and of happiness renewed'. La Roche's disapproval of such practices was based on more than clerical moralism. For example, Jean Bourraige, a seigneurial official, found the perfect location for arbitrating two mutually hostile nobles when he set up a table underneath a tree at a public

⁴⁸ La Roche, *L'Arbitre charitable*, 67.

crossroads. Initially the meeting went well and the scribe was able to draw up an accord, but the mood changed as the drinking festivities got under way, and Bourraige was himself killed in the drunken argument that followed.⁴⁹

La Roche warned his readers, above all, against recourse to law, since 'French legal chicanery is the worst of all evils'. He appealed to a popular audience and in order to inspire his readership engravings of exemplary figures were included. Saint Augustine (Plate 1) had started his career as a lawyer, and as a bishop continued to judge lay cases. The figure of Augustine is more conventionally associated with the Gallican church's move in the seventeenth century towards moral rigorism, as it changed 'from providing a mechanism for reconciling disputes . . . to trying to reinforce and intensify man's personal relationship with God'.⁵⁰ La Roche was correct to remind his readers of Augustine's pastoral work as a tireless arbitrator: the crowds who flocked to obtain free, quick and uncorrupt settlement of cases were so great that he heard disputes from early in the morning, often until late in the afternoon.⁵¹ Saint Yves (Plate 2) was a more humble exemplar, but the visage of the patron saint of lawyers, whose cult in Brittany was associated with an annual pardon festival, was well known in France — images depicting him accommodating a rich man and a poor man were to be found on many altars throughout the kingdom. La Roche instructs his readers that Yves is not represented in judgement but at a 'tribunal of peace', rendering 'sanctified arbitration'. Of more immediate use were the six pro-forma documents, ranging from a joint application for mediation to an accord between social equals and a sample satisfaction between a rich man and a poor man. In La Roche's homespun advice 'the simplest is the best':

COMPROMISE

The undersigned have reached an accord on the following in order to terminate amicably the lawsuits which have occurred or will occur between them regarding the execution of the judgement of ____ & to accomplish this the sieur de ____ has nominated as arbiter M. de ____ and the sieur de ____ as arbiter M. de ____ & as a mediator they have agreed on M. de ____⁵²

Bishops, priests and great lords, he argued, should act only as

⁴⁹ Archives nationales, Paris (hereafter AN), JJ 214, fo. 66.

⁵⁰ R. Briggs, *Communities of Belief: Cultural and Social Tension in Early Modern France* (Oxford, 1989), 362.

⁵¹ P. Brown, *Augustine of Hippo: A Biography*, 2nd edn (London, 2000), 190.

⁵² La Roche, *L'Arbitre charitable*, 97.



1. 'The good bishop Saint Augustine. In his diocese he settled lawsuits and disputes, saying that he set aside everything for that; it being one of the most important functions of the episcopacy'. From A. de la Roche, *L'Arbitre charitable pour entre les procesz et les querelles; ou du moins pour les terminer sans peine et sans frais* (Paris, 1668). By permission of the British Library: shelfmark 5405.aaa.27.

mediators in disputes and never as arbiters. It seems that arbiters were commonly kinsmen identified with one of the parties: 'In the provinces and in many regions there is the bad custom of seeing the arbiter as one of the parties, and often with the same aversion, hatred and insults'. Eighty per cent of failed accords were due to the arbiters, and he warned that the person selected to take the minutes should be watched with particular care: 'he who is master of the pen, is master of all'.⁵³ Like godparents, arbiters had protective functions; they were there to negotiate but were also appointed to intimidate the opposing party and demonstrate the power of the kinship network. This aspect of lordship was condemned in a duelling treatise of 1608: 'it is a common occurrence that he who has a dispute with one greater than himself will seek the favour of a great lord to support him'.⁵⁴ Mediators, on the other hand, were ideally expected to be more neutral: to be a good mediator one needed to have 'patience, prudence, adresse et charité'. The mediator (*médiateur*, *moyenneur* or *entremetteur*) was ideally a go-between for the kinship groups. In the early seventeenth century Marc de La Beraudière proposed the creation of provincial chambers of mediators who would meet four times a year.⁵⁵

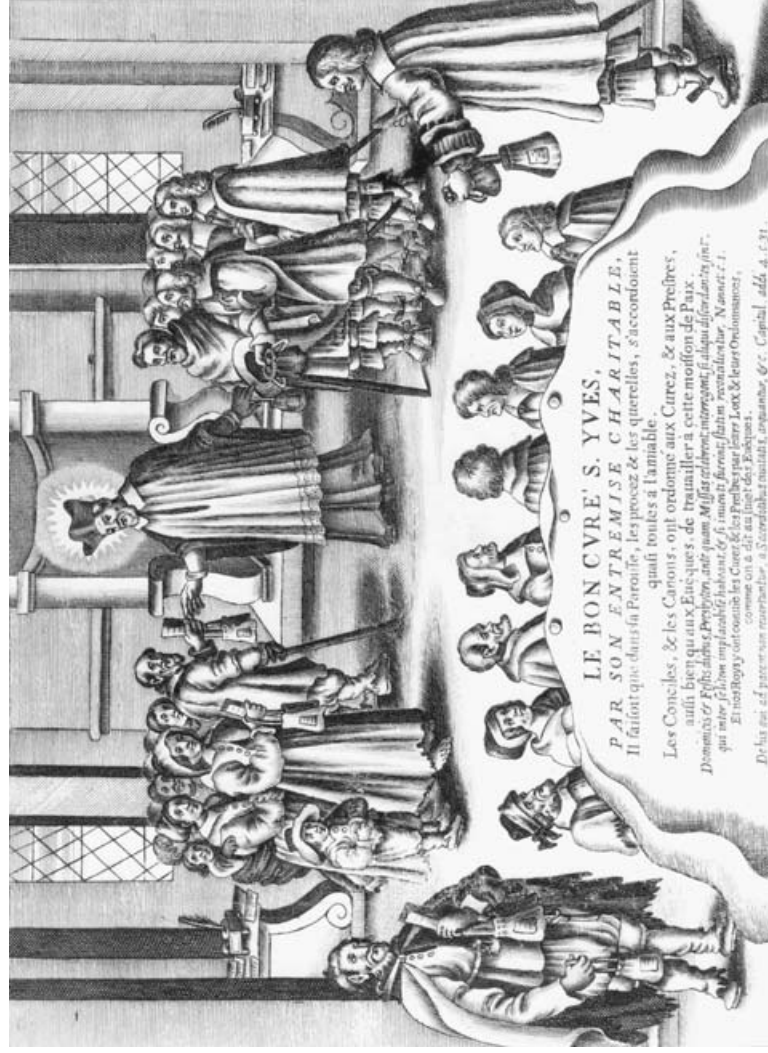
La Roche's guide hoped to encourage parish priests, who, along with village elders and the local seigneur, were the principal authority in the village, to become more actively involved in peace-making. According to John Bossy, the Pax (a ritual integral to the late medieval mass) was undermined by the move to more frequent communion during the Counter-Reformation: 'The assumption by seventeenth-century French devotional writers that the customary Pax was better represented by the cultivation of private sentiments than by an exterior ritual act testifies to their desire to promote interior feelings which might be jeopardised by actual contact with one's neighbour'.⁵⁶ *L'Arbitre charitable* should caution us against such generalizations. La Roche has left no discernible biographical traces but there is evidence that he appealed to a broad spectrum of Catholic opinion: his book recalled the peace-making work of François de Sales but was dedicated to Nicolas Colbert, bishop of Luçon, a Jansenist

⁵³ *Ibid.*, 66, 69.

⁵⁴ La Beraudière, *Le Combat de seul a seul en camp clos*, 193.

⁵⁵ *Ibid.*, 141.

⁵⁶ J. Bossy, *Christianity in the West, 1400–1700* (Oxford, 1985), 141.



2. 'The good priest Saint Yves. Through his charitable intervention almost all the lawsuits and feuds in his parish were settled amicably'. From A. de la Roche, *L'Arbitre charitable pour éviter les procez et les querelles; ou du moms pour les terminer sans peine et sans frais* (Paris, 1668). By permission of the British Library; shelfmark 5405.aaa.27.

sympathizer, and he omitted Jansenist grandees, such as the ducs de Luynes and Liancourt, from his criticism of aristocratic immorality. Particular praise was reserved for Jean-Jacques Olier, curé of Saint-Sulpice, one of the most significant disciples of Vincent de Paul and a fierce opponent of his wealthy and powerful Jansenist parishioners, such as Liancourt and Luynes. Olier established a *conseil charitable* which met twice a month to arbitrate disputes among the poor. He was an indomitable foe of the Jansenist incumbent of the neighbouring parish of Saint-Merry, and in 1652 preached against public penitence and delayed absolution. Olier made too many enemies and was forced to resign three months after this anti-Jansenist sermon. La Roche kept his memory alive and continued what Bossy calls the moral tradition of peace-making.⁵⁷

Clearly, La Roche's beliefs on the importance and efficacy of peace-making are far removed from those of Pascal which began this article. Jansenists placed little emphasis on the role of peace-making. La Roche's concerns were pastoral care and practical advice. As a good peace-maker he set out, however misguided, to reconcile a range of competing doctrinal positions: Vincent de Paul, François de Sales, Augustine and Jean-Jacques Olier were placed together in the pantheon of peace-makers. His invocation of these authorities added weight to his message and smoothed over contemporary conflicts about their inheritance. I infer then that La Roche was a skilled communicator and a pragmatist, his traditional message tailored to appeal to contemporary concerns. He demonstrated the rationality of peace-making as the basis for a well-ordered polity and, by drawing on exemplars of good practice from tradition and from contemporary rigorists, showed how the old and new pastoral duties of the parish priest could be reconciled. His approach to peace-making was practical rather than spiritual, saying nothing about frequent communion and upholding the importance of fraternities and rituals of peace. He referred to an unnamed Church Council which stated that every feast day and Sunday before saying mass the priest should enquire which of his parishioners were at law and reconcile them before administering the sacraments; should they refuse, the bishop was to be asked to excommunicate them. He enjoined priests to intervene more actively in feuds ('querelles de conséquence') by

⁵⁷ G.-M. de Fruges, *J.-J. Olier, 1608–57: curé de Saint-Sulpice et fondateur des séminaires* (Paris, 1904); C. Hamel, *Histoire de l'église Saint-Sulpice* (Paris, 1900), 95–8.

convoking the parties' kin and telling them of the peace of God and the duties of a Christian. Despite the conformity of the episcopate under Louis XIV, which was largely interested in enforcing social discipline, the moral tradition of peace-making survived in many provinces: in eighteenth-century Brittany and Burgundy priests were active in dispute settlement; and in the decades prior to the Revolution priests in rural Languedoc were still arbitrating a third of disputes.⁵⁸ La Roche's work may go some way to explaining this.

Priests were most effective when dealing with peasants; they lacked the authority to heal divisions among the rural gentry. Indeed, disputes over honours and rights of precedence in churches were a common cause of feuds among the nobility, and frequently involved bloodshed. One pro-duelling commentator lamented in 1607 that 'not a single Sunday or feast day passes during the year without armed gatherings at the houses of nobles over this subject'.⁵⁹ In 1657 Jean-Baptiste Vymont, curé of la Lande in the Vexin Français, made a deposition to the investigatory commissioners of the church court (*officialité*) of Pontoise. Louis de Rouvray, *écuyer*, who was in dispute with his brother-in-law, the sieur de Chantemerle, came to the priest and begged him to intercede,

for you know, he said, that two growling dogs don't know how to make peace. I beg you to ask him in what manner he foresees we can live together, given the long time that our quarrel has lasted. For if Chantemerle will not countenance an accommodation this will oblige me to draw my sword when I next encounter him.

The curé replied that

you cannot ignore the fact that this is not the affair of a man of my profession and I cannot and must not involve myself in an affair of this nature. There are gentlemen in this region who are more fit and who should be employed in this capacity. I therefore beg you to dispense me, recalling that I and a monk of the abbey of Saint-Gennes have already tried once and failed.

The curé's refusal to intervene was to have bloody consequences.

⁵⁸ J. Quénart, 'Recteurs et régulation sociale en Bretagne au XVIII^e siècle', and E. Wenzel, 'Le Clergé diocésain d'Ancien Régime au cœur de l'infrajustice: l'exemple de la Bourgogne aux XVII^e et XVIII^e siècles', in B. Garnot (ed.), *L'Infrajudiciaire du moyen âge à l'époque contemporaine* (Dijon, 1996); N. Castan, 'The Arbitration of Disputes under the Old Regime', in J. Bossy (ed.), *Disputes and Settlements: Law and Human Relations in the West* (Cambridge, 1983).

⁵⁹ P. Demont-Bourcher, *Traicte des ceremonies et ordonnances appartenans a gage de bataille et combats en camp-clos* (Paris, 1608), 37.

During mass one Sunday Rouvray and his men attacked Chantemerle in the cemetery; re-entering the church Rouvray advanced towards his sister, shouting 'whore, whore, I'll strangle you'. He struck her with his sword and drew blood and was only prevented from killing her when the priest rushed from the altar and placed himself between the siblings. The church was closed for six months while rituals of purification were carried out.⁶⁰

Bishops may have had more authority in such matters, but even they could not ensure lasting peace. In 1663 the count-bishop of Lisieux brokered an accommodation between the sieurs de Hellou and Maleffre. Louis de Maleffre promised not to hunt on his neighbour's lands and Hellou had to replace a hunting dog he had killed. Both clans had a history of violence: Louis was the beneficiary of letters of remission covering seventeen capital crimes and his grandfather had killed a nobleman in a dispute over hunting rights in 1610; Gilles de Hellou and his brother-in-law had both shot dead their respective elder brothers. Three years after the peace settlement the two sides fought a bloody encounter, losing a kinsman each. The conflict was continued through the courts: each clan instituted legal proceedings in competing jurisdictions and by 1668 the case was being pleaded in front of the privy council. Since each family had lost a member it was relatively simple for the crown to impose peace. In 1669 two members of the Hellou family registered letters of remission. Although two of Louis de Maleffre's sons were executed in effigy at Alençon in 1670, the sentence was overruled by royal letters of grace four years later.⁶¹

Unlike their Catholic counterparts, French Calvinists had a formal mechanism for dispute settlement and adopted a more systematic approach to peace-making.⁶² The consistory in Protestant Nîmes spent a sizeable proportion of its time settling disputes and legal suits and condemning duels. Raymond Mentzer has estimated that quarrels accounted for one-third of infractions that consistories were called upon to correct and were the leading reason for excommunication. Consistories all over France played

⁶⁰ Archives départementales de la Seine-Maritime, Rouen, G, 5008, 24 May 1660; 5010, 22 Sept. 1657; 5012, 6 Oct. 1657.

⁶¹ G. Thil, 'Chronique sur une affaire criminelle au XVII^e siècle entre les seigneurs d'Hellou et de Maleffre', *Société historique et archéologique de l'Orne*, cxiv (1995).

⁶² The pioneering work is B. Vogler and J. Estèbe, 'La Genèse d'une société protestante: étude comparée de quelques registres consistoriaux languedociens et palatins vers 1600', *Annales*, xxxi (1976).

an infra-judicial role, one that was facilitated by the unfailing presence of lawyers serving as elders. Churches were keen to prevent the bad publicity and dishonour which might result from lawsuits. The Calvinist hierarchy were active in preventing disputes from escalating. While impressionistic evidence strongly suggests that duelling was becoming increasingly popular elsewhere in early seventeenth-century France, in Nîmes the incidence of duelling decreased.⁶³ The consistory would delegate one of its elders to investigate rumours of a possible duel. Upon hearing of a dispute the consistory would appoint an elder to resolve it. Only more delicate matters were resolved in regular sessions. Reconciliation usually involved a mutual renunciation of animosity, together with a handshake or a kiss, and a reciprocal declaration to respect one another as honourable and trustworthy. Disputes were so common that excommunication was rarely used. The exceptions were those instances in which feuding parties refused to make up or where the dispute was extreme and led to bloodshed. Reintegration into the community came through a ceremony of repentance. The consistory was successful because it met the needs of its flock: 'Eliminating bitterness and anger in social relations became a well-appreciated objective'.⁶⁴ Like their Catholic neighbours, however, French Protestants were much keener on the peace-making role played by their church than on its policing of sexual conduct, which, in the Midi at least, was largely unsuccessful and provoked widespread hostility.⁶⁵

In the sixteenth century the tribunals of the marshals of France were charged with the adjudication of disputes between nobles, but the epidemic of feuding at the outbreak of the Wars of Religion prompted the monarchy — by edicts of 1561 and 1566 — to extend powers of arbitration to governors and lieutenants-general.⁶⁶ In 1609 a memoir was drawn up which urged the need 'to remedy the great feuds [*querelles*] and disorders all too common in these licentious times', and reiterated the custom that affairs

⁶³ P. Chareyre, '“The Difficulties One Must Bear To Follow Jesus Christ”: Morality at Sixteenth-Century Nîmes', and R. Mentzer, 'Marking the Taboo: Excommunication in the French Reformed Churches', in R. Mentzer (ed.), *Sin and the Calvinists: Morals, Control and the Consistory in the Reformed Tradition* (Kirkville, 1994).

⁶⁴ Mentzer, 'Marking the Taboo', 85.

⁶⁵ See also G. Hanlon, *Confession and Community in Seventeenth-Century France* (Philadelphia, 1993), ch. 3; Briggs, *Communities of Belief*, ch. 7.

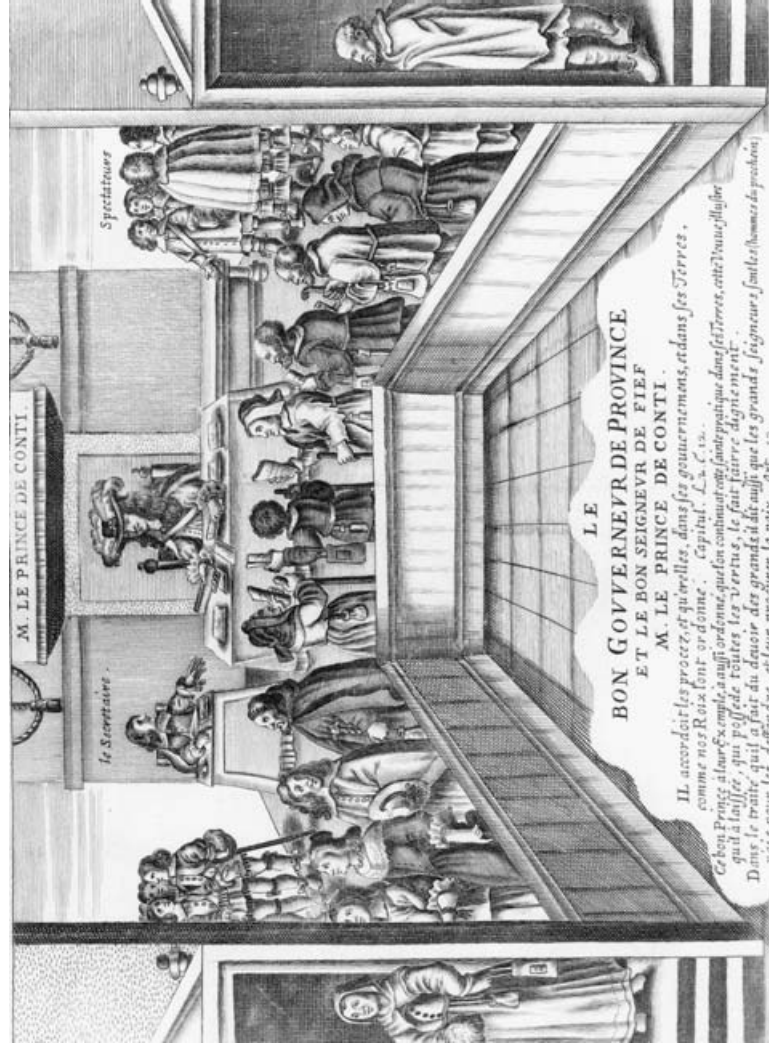
⁶⁶ Harding, *Anatomy of a Power Elite*, 79.

of honour should be put before the Constable and marshals and in their absence, governors and lieutenants, *baillis*, *sénéchaux* and men of standing, in order to 'reconcile them amicably'. Compositions and satisfactions should be performed in front of eight to ten people of quality 'not mistrusted by the parties'. One of the major problems faced by authorities was that duelling, which to its proponents was a fair fight between equals, was used as cover for ambushes, conspiracies and premeditated vengeance killings.⁶⁷ Seventeenth-century commentators on peace-making gave advice on procedure and presented exemplars of virtuous conduct. This was quite straightforward in cases of insult or blows which did not draw blood, and verbal reparations were sufficient. If the parties refused to accommodate then the marshals and other *grande*s were to make them kiss and promise to live in friendship. The difficulties came when blood had been shed or attacks made 'à l'avantage'. Ambushes were not the acts of men of honour, according to Vulson, and they should be dealt with by justice or humiliating acts of restitution.⁶⁸ La Roche praised in particular the efforts of the prince de Conti (Plate 3), known for his piety and Jansenist sympathies, to bring peace to Languedoc after the Frondes. During his governorship, Conti held twice-weekly arbitration audiences which were open to all social groups, and in his *Memoires touchant les obligations des gouverneurs de province* (1667) he published twenty-five pro-forma reconciliations covering all eventualities. But governors often abused their powers for political purposes, protecting their clients and undermining their enemies. Moreover, the jurisdictional disputes between governors and marshals also hampered dispute settlement in the localities. Judgements were not definitive.⁶⁹ It seems that the creation in 1693 of the office of lieutenants of the marshals with special responsibility for settling points of honour was in response to this.

⁶⁷ BN, MS Fr 3583, fo. 66.

⁶⁸ M. de Vulson, *Le vray theatre d'honneur et de chevalerie: ou, le miroir heroique de la noblesse*, 2 vols. (Paris, 1648), ii, 548–51.

⁶⁹ *Preuves de l'égalité du pouvoir de messieurs les maréchaux de France et de messieurs les gouverneurs de province dans l'accomodement des querelles* (Paris, 1679).



3. 'The good provincial governor and good lord of his fiefs, M. le prince de Conti. He settled lawsuits and feuds in his governorship and in his lands as our kings commanded him'. From A. de la Roche, *L'Arbitre charitable pour éviter les procès et les querelles; ou du moins pour les terminer sans peine et sans frais* (Paris, 1668). By permission of the British Library: shelfmark 5405.aaa.27.

III

THE PROCESS OF PEACE-MAKING

Law in practice is determined by social and cultural limitations and must be studied as a process.⁷⁰ Reconstructing the process of dispute and composition is, however, problematic: the long periods of peace which punctuated feuds do not tend to generate evidence. However, we do possess written and oral testimony presented by disputing parties to the Constable, Henri de Montmorency-Damville, between 1602 and 1608.⁷¹ The Constable was responsible for peace among the king's most important subjects. Accords were brokered by a council typically composed of the Constable, the marshals and other grandees, who reviewed the evidence, heard the parties and then pronounced judgements which ordered an apology from one of the parties or imposed a kiss of peace. But the council's purview was not limited to quarrels and duels at court and it intervened in a number of local disputes which threatened to undermine the tenuous religious peace. Recourse to law was seen as part of the problem and not the solution, and the council ordered parties to seek arbitration. In 1604, for example, the Constable evoked a dispute between two powerful Limousin lineages and ordered them to desist from all civil and criminal proceedings for fear that 'this suit and others which could be born in the future will renew the old feuds [*querelles*] of their fathers'.⁷² Henri IV also intervened in seemingly minor local disputes. A first accord between the seigneurs de Chazeron and Clervaux brokered by the marshals in January 1608 forbade the parties either to quarrel or to go to law and appointed three provincial nobles to judge the case, and when this failed to stop further violence they were summoned to appear before the king himself, who referred the detailed work to the Constable.⁷³

It was a requirement of good lordship that the great maintained peace among their servants and clients, and though we know little about magnate councils we have some evidence for their peace-making function. The council minutes of Henri de Noailles,

⁷⁰ S. Moore, *Law as Process: An Anthropological Approach* (London, 1978).

⁷¹ BN, MS Fr 3461.

⁷² *Ibid.*, fo. 13.

⁷³ *Ibid.*, fo. 22^v. Three gentlemen were appointed to terminate 'all their evil differences', and Clervaux was to remain under house arrest to prevent him from answering a challenge to a duel.

governor of the Auvergne, make it clear that peace-making was also an important function of gubernatorial administration, the casual nature of which is evident in September 1608 when the governor heard the parties in council, pondered the case over dinner, pronounced that he considered it best 'to let sleeping dogs lie, and ordered them to forget their quarrel and embrace'.⁷⁴ Many of the satisfactions are hurriedly written in Noailles's own hand, summarizing the oral testimonies he had heard and appending his judgement. The accord was then written up by a clerk and signed by the parties, the governor and his council. Councillors were invariably drawn from the local aristocratic elite — the only prelate recorded, the bishop of Saint Flour, was Noailles's brother — thus increasing the chances of permanent reconciliation.

One of the most salient features of the satisfactions brokered by marshals and governors is the sensitivity of nobles to the spoken word. A nobleman was constantly on show and his worth judged by the community of his peers. Courting the 'public opinion' of one's equals was a constant preoccupation; rumours of inappropriate conduct were potentially disastrous to the public stock of one's credit. Words are never said lightly, for seemingly trivial situations could become charged with the possibility of displaying and impugning honour. As Kristen Neuschel has argued, 'This continual exchange was fundamental to a nobleman's identity. It was a function of and a way of securing their identity'.⁷⁵ The symbolic courtesies and conventions in the accords were as important as their content. Peace-making among nobles was a staged event in which the antagonists recited prepared satisfactions in front of assembled kinsmen and royal officers — and in some cases the king himself — which were then signed by the parties and witnesses. The act was sealed with a kiss of peace. The public nature of the event was more important than the formula of words, which usually consisted of justificatory exchanges of honour. In 1560 Louis de Bourbon-Condé faced the death penalty for his part in the Conspiracy of Amboise, a plot to eliminate the Guise. At the reconciliation ceremony the following year Guise's lie that 'I was not the author or instigator of your imprisonment, about which, M. de Condé, I maintain those

⁷⁴ BN, MS Fr 21811, fo. 125, 18 Sept. 1608.

⁷⁵ K. Neuschel, *Word of Honor: Interpreting Noble Culture in Sixteenth-Century France* (Ithaca and London, 1989), 77, 115.

who are the cause are wicked and evil', was rendered a truth by its public pronouncement and acceptance by those assembled.⁷⁶

We have less evidence about the negotiations that preceded the drama of the ritual of pacification, but politics was structured by ties of amity and enmity and peace-making was one of the traditional virtues of Christian kingship. Much documentation survives to suggest there is substance to Henri IV's image as reconciler of quarrels.⁷⁷ In 1597, the Catholic Moy de Saint-Phalle attacked and wounded the Protestant Duplessis-Mornay, whose kinsmen swore 'vengeance of such an outrageous evil' and 'the ruin of your enemies'. After much counsel a typical dual strategy was proposed: Duplessis's kinsmen would sue for justice 'reserving by this means for M. Duplessis to follow the other route'.⁷⁸ For his part Saint-Phalle sought the protection of his brother-in-law, marshal Brissac. Henri took matters in hand and in January 1599 a ceremony was held in the Louvre in which Saint-Phalle, without his sword, begged the king on his knees to remit the offence; he then recounted a pre-arranged statement asking pardon of his victim in front of the assembled grandees, who signed the satisfaction. His sword was then handed back to him. Henri said to Duplessis 'that he had always considered that the act could not be redeemed by force of arms and that he judged and recognized Saint-Phalle's submission as sufficient to repair the injury and that he should be content . . . to see hatreds and quarrels between his servants appeased'. Henri's assassination in 1610 forestalled an ambitious scheme to copy the Venetian legal model which made extensive use of arbitration and employed publicly funded advocates to act for plaintiffs whatever their social rank.⁷⁹ According to La Roche, Aix was the only parlement to register this edict and he idealizes (Plate 4) the Provençal lawyers and procurators reconciling the poor, the infirm, the widowed and the orphaned 'almost all in friendship'.⁸⁰

Although peace-making was a mundane feature of early modern social relations we know little about peace-making at a less exalted level. Few documents survive which enable us to

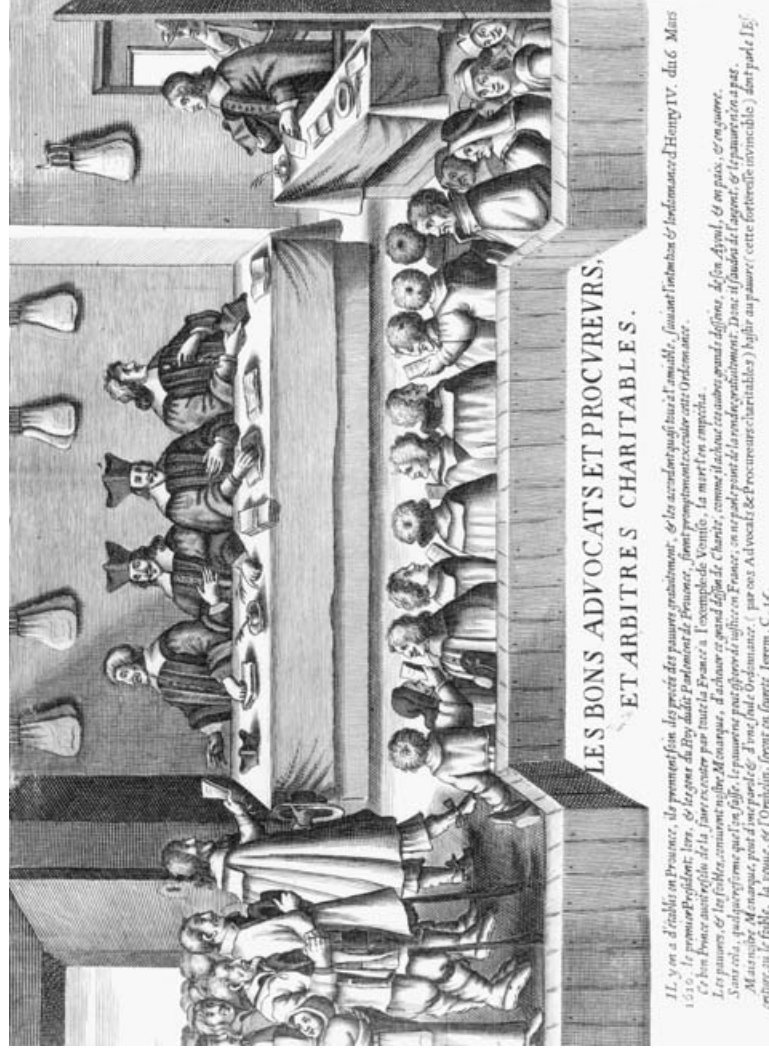
⁷⁶ BN, MS Fr 3583, fo. 10.

⁷⁷ BN, MSS Fr 3583; 4740; 21811; Bibliothèque Mazarine, Paris, MS 2887.

⁷⁸ *Mémoires et correspondance de Duplessis-Mornay*, 12 vols. (Paris, 1824–5), ix, 325.

⁷⁹ D. Chambers and B. Pullan (eds.), *Venice: A Documentary History, 1450–1630* (Oxford, 1992), 99, 104.

⁸⁰ La Roche, *L'Arbitre charitable*, epistle. A similar project flourished briefly in the duchy of Lorraine: J. Bossy, *Peace in the Post-Reformation* (Cambridge, 1998), 36.



4. 'The good lawyers and procurators and charitable arbitrators. They are established in Provence and take care of the poor's lawsuits for free and reconcile them almost all amicably, following Henri IV's ordinance of 6 March 1610'. From A. de la Roche, *L'Arbitre charitable pour eviter les procez et les querelles; ou du moins pour les terminer sans peine et sans frais* (Paris, 1668). By permission of the British Library: shelfmark 5405.aaa.27.

follow the negotiations, compromises and social pressures brought to bear on the parties. Notarial records are the most likely place to find traces of peace-making. In France it was illegal to compose a heinous crime without the permission of a magistrate, but in practice acts renouncing legal proceedings in return for a cash indemnity were common. Notaries were mostly used by artisans and the 'middling sort'. The rich could afford the costs of legal proceedings and had their own mechanisms for composition, and the poor were able to avoid the costs of the notary by resorting to a priest, lord or village notable.⁸¹ Notarial archives in France have generally been subject only to statistical analysis, and sophisticated studies, such as Niccoli's work on the Bolognese *rinunci* (renunciations of a judicial pursuit by the offended party), are rare.⁸² However, traces in the archives are suggestive of regional custom. In the towns of Artois and Flanders peace-making had long been institutionalized and the *faiseurs de paix* continued to operate under French rule, notably in Lille.⁸³ Likewise, the Catalan *perdonaments*, or pardons, which were common in Roussillon and resemble the Bolognese renunciations, continued to be notarized by the offended party for over a century after the annexation of the province in 1659. In neighbouring Languedoc such renunciations differed, lacking the formulas which expressed concord and pardoned the offender.

Mediators commonly eschewed the notary and so little is known about the process and context of peace-making. Local memoirs are richly suggestive of the narrative of dispute and its settlement. Let us take for example the diary, unique in its evocation of rural life in the first half of the sixteenth century, of Gilles de Gouberville, a petty Norman nobleman and royal official charged with the regulation of royal forests and waterways in the Cotentin. Gouberville was typical of his neighbours in his avoidance of onerous royal military service but untypical in his aversion to private violence.⁸⁴ His enmities were pursued through the law courts and he sought reparation against insult through personal contacts. It is fruitless to speculate whether Gouberville's peace-

⁸¹ A. Soman, 'L'Infra-justice à Paris d'après les archives notariales', *Histoire, économie et société*, iii (1982).

⁸² Castan, *Justice et répression*; O. Niccoli, 'Rinuncia, pace, perdono: Rituali di pacificazione della prima età moderna', *Studi storici*, xl (1999).

⁸³ For this and following, see the essays collected in Garnot (ed.), *L'Infrajudiciare*.

⁸⁴ J. B. Wood, *The Nobility of the Élection of Bayeux, 1463–1666: Continuity through Change* (Princeton, 1980), 83.

loving nature made him particularly sought-after as an arbitrator. Violence, however, was never far from this most well-ordered household: his brother, Louis, was involved in the murder of a prior in 1544 and condemned to death *in absentia* two years later; in 1545 someone tried to kill Gilles with an arquebus; in 1554 he recorded how his other brother had sworn 'that by God's death he would kill me at the first opportunity'; in 1557 his cousin was attacked during a church service; and in 1575 another cousin, Noël, was murdered.⁸⁵

As a judge and (venal) office-holder, Gouberville was part of an expanding hierarchy of royal officialdom; but although he bought his office and needed to make a return on his investment, he resembles the Genoese arbitrators, described by Osvaldo Raggio, who held their offices by commission, rather than some sort of proto-bureaucrat.⁸⁶ Gouberville was a man of significance in the countryside south of Cherbourg; his royal office thus confirmed rather than transformed his position as a man who had the authority and duty to compose disputes. Both his official position and his standing in local society ensured that accords were a mundane activity closely associated with the obligations of kinship, friendship and sociability.⁸⁷ The seigneur de Coqueville was in dispute with Jean and Thomas Le Parmentier, whom he accused of destroying his property. In August 1558, sergeant Guillaume Chandeaur was sent by Coqueville with a summons to the Le Parmentier residence, where he was met by the whole clan: Jean and Thomas, their father Roland, an aspiring bourgeois from Cherbourg, and his cousin the curé of Coqueville. Chandeaur was murdered by Jean and Roland. His widow, Anne, came to supplicate Gouberville for help, recounting how she had been forced to sleep where she found the body, since the neighbours dared not help 'for the fear they had of the said Le Parmentier and his son'.⁸⁸ A month later, on 22 September, Gouberville was present at a failed conference to accord the Le Parmentier–Coqueville dispute and to provide reparations for

⁸⁵ 'Journal de Gilles de Gouberville pour les années 1549, 1550, 1551, 1552', *Mémoires de la Société des antiquaires de Normandie*, xxxii (1895), 126, 255; *Journal du sire de Gouberville*, ed. E. Robillard de Beaurepaire, 2 vols. (Caen, 1892), i, 381, 423.

⁸⁶ O. Raggio, *Faide e parentele: Lo stato genovese visto dalla Fontanabuona* (Turin, 1990).

⁸⁷ 'Journal de Gilles de Gouberville', 145, 206; *Journal du sire de Gouberville*, i, 74, 95; ii, 450 *passim*, 788.

⁸⁸ *Journal du sire de Gouberville*, ii, 443.

Anne, and on 23 November there were further meetings at Montebourg. Gouberville's interest in the case was practical rather than emotional, since the Le Parmentier were notorious local trouble-makers. Four years previously Gouberville had been summoned to the village of Coqueville where the Le Parmentier were besieging Guillaume Le Flamenc in the presbytery. Gouberville accorded them on the spot but he was unsatisfied with his work, commenting that Le Flamenc was forced to hand over 2 *écus* compensation despite the fact that he had been attacked and wounded the previous Saturday by Thomas Le Parmentier.⁸⁹

The failure of the Le Parmentier to accept the terms offered to them, however onerous, was to prove costly. Coqueville was important enough for the case to be heard by the senior law court in the province, the parlement of Rouen, and a magistrate was sent to conduct the investigation.⁹⁰ In November 1560, Thomas and Jean Le Parmentier were beheaded at Rouen for

demolition . . . of the house of the said Coqueville and other larcenies, pillagings and robberies . . . and their father [condemned] to honourable amend at Valognes with his head and feet uncovered for having encouraged his children in the crimes, and that his son Jean and himself had killed Guillaume Chandeleur, sergeant, and [were fined] great sums to the king, and all interest and expenses to the said Coqueville and the widow and children of Chandeleur.

Roland's survival despite his implication in the murder suggests that he had received letters of remission. Murder of a lowly sergeant thus ranked much less important in the hierarchy of crimes than damage to a nobleman's property. Coqueville may have been victorious but when Roland Le Parmentier returned from his trial, harmony in the locality could not be re-established until a definitive peace had been brokered, at the heart of which lay the level of 'blood money' or civil damages Roland would pay in reparation.⁹¹ Settlement of the dispute dragged on. Gouberville acted on behalf of the widow in negotiations with him. Differences between the widow, perhaps driven by desire for punitive damages, and Gouberville's determination to make lasting peace, seem to surface at the point where the diary ends and before silence falls over our unresolved dispute. On

⁸⁹ *Ibid.*, i, 74.

⁹⁰ *Ibid.*, ii, 560–1.

⁹¹ Coqueville's victory was short-lived. A Protestant, he was murdered by a Catholic mob in Valognes in 1562.

8 December 1562 Anne passed a procuration at Gouberville's house giving her patron powers to reach an accord, but the following day she revoked the act and decided to plead against her patron's advice at the viscomital assizes at Valognes.

Christians ideally felt that love should conquer law: 'to be a Christian meant to love your neighbour, and in particular your enemy'.⁹² However, peace-making cannot be disentangled from the web of power relationships, since it was an integral part of lordship: seigneurial authority allowed lords to exercise a justice of composition, conciliation and arbitration.⁹³ In his 1529 letters of pardon, Antoine de Gaudechart, *gentilhomme*, brushed aside the catalogue of murders, assaults and rapes perpetrated against peasants in the region of Chaumont-en-Vexin over the previous decade, because he had always composed with his victims satisfactorily; they, however, were less sanguine and took advantage of the protection of his enemies to have him investigated by the parlement of Paris.⁹⁴ Claudio Povolo has shown how the nobles of the Veneto used the system of blood money reparation to reinforce the social hierarchy. Honour was an instrument of supremacy which permitted nobles to perpetrate violence against peasants who questioned their status, authority and conduct. Every act of violence committed by the cruel Paolo Origiano was followed unfailingly by the intervention of kinsmen to 'mediate' and effectively legitimize the new power relationships created by his actions. Thanks to their 'mediation' the tavern keepers, artisans and peasants gained the 'pardon' of Origiano and consequently could travel in peace in the locality.⁹⁵ We can see similar processes at work in the records of the parlement of Paris. In 1588 Edme Dugrez, *écuyer*, was prosecuted for violence and extortion against his peasants over many years. Fourteen years previously he had tortured Louis Gerin, a vigneron, and cut off his ear for allowing his cattle to graze on disputed land. Gerin recounted how he was unable to go to law and it was only through the intercession of his lord, the princesse de Condé, that he received 100 *livres tournois* compensation. Dugrez was not present

⁹² M. Clanchy, 'Law and Love in the Middle Ages', in Bossy (ed.), *Disputes and Settlements*.

⁹³ N. Gonthier, 'Faire la paix: un devoir ou un délit? Quelques réflexions sur les actions de pacification à la fin du moyen âge', in Garnot (ed.), *L'Infrajudiciaire*, 40.

⁹⁴ AN, JJ 244, fo. 74^v.

⁹⁵ C. Povolo, *L'Intrigo dell'onore: Poteri e istituzioni nella Repubblica di Venezia tra Cinque e Seicento* (Verona, 1997), 391–2.

at this accord and his reign of terror only came to light after he murdered another noble in 1587.⁹⁶ However, the appearance of Gaudechart, Dugrez and Origiano in front of judicial tribunals shows that local power relationships were complex and that peasants' agency depended on their solidarity and ability to persuade outside authorities to intervene. Peasant subjection was not unconditional; they expected the conventions of good lordship to be upheld. Gouberville could be approached without fear and his diary suggests that he was well respected. Dugrez had not only killed a nobleman but had made political enemies of his powerful Bourbon neighbours; he was thus vulnerable to aggrieved peasants who used the case to exact their own revenge. Other trials of nobles in the parlement show that peasants could exploit political divisions and feuds among their social superiors.⁹⁷

IV

REPARATION AND COMPENSATION

Reparation came in three forms, none of which was mutually exclusive: financial compensation, rituals of reconciliation and acts of penance. We have already considered the kiss of peace and ceremonies of reconciliation. As for compensation, human life at the bottom of the social hierarchy was cheap. In 1540 Étienne Perret, fruit vendor of the rue de la Harpe, was paid 12 *écus* (27 *livres tournois*), in addition to the 6 *écus* he had disbursed to the barber surgeon, by Bertrand Herbin locksmith, following the killing of his son by the Herbin brothers.⁹⁸ Letters of remission were the principal way in which the crown intervened in local society to uphold the peace in the feud. Hundreds of thousands of these were issued during the *Ancien Régime*. Accords show that, once a party had obtained letters of remission, negotiators settled claims for compensation. If the accused could reach an accommodation with his or her party then the registration of his letters of grace would go unchallenged. Otherwise the letters would be read in court and the case might be judged a nonsuit; the accused could then be subjected to the full force of the law,

⁹⁶ AN, X2b 1176, 14 Oct. 1587, 20 Aug. 1588.

⁹⁷ See, for example, AN, X2b 1177, 26 May and 2 July 1599; 1181, 2 and 20 Sept. 1611; 1184, 10 Dec. 1624; 1187, 1 Feb. 1625; 1267, 15 Oct. 1665.

⁹⁸ E. Coyecque, *Recueil d'actes notariés relatifs à l'histoire de Paris et de ses environs au XVI^e siècle*, 2 vols. (Paris, 1905–24), ii, 19.

but more commonly they would receive a lesser non-corporal punishment, usually banishment, in conjunction with swingeing fines. Although the crown had the right to remit corporal punishments, it had no such power in civil matters and, when registering the letters, courts would make a judgement stipulating the damages, which seem to have been calculated according to the injury suffered and the qualities of the parties. In 1517 Antoine d'Aigreville appealed against the interim payment awarded to Hubert Damiette, *écuyer*. His counsel complained 'that the price of a blow to his adversary's arm should be valued at 1,000 *livres tournois* while the interim provision in this case has already been set at 600–700 *livres parisis*'.⁹⁹ Those who could afford the legal fees might be awarded staggering sums by the courts. In 1626 Charles de Sedières paid 93,000 *livres tournois* to the widow of his victim in return for the registration of his letters of grace.¹⁰⁰ Even so, there was no guarantee of payment, and success for the victim's family depended on their status and their patrons.

In addition to blood money, acts of penance were attached to judgements. In 1520, the sieur de Baucher, more fortunate than most in having Henry VIII intercede on his behalf, was required to appear at the reparation ceremony dressed in mourning for having desecrated the arms of his enemy.¹⁰¹ But the most remarkable act of reparation took place in 1638 in front of the deputies of the Estates of Dauphiné. The ceremony began with the customary exchange of words and kiss of peace between the comte de Sault and the seigneur de Boissat. After Sault had withdrawn, his bodyguards were ushered in and ordered to kneel in front of Boissat, who was then asked by the assembly to judge how long these men, who had struck him, should serve in prison. He was then handed a rod to use on them 'as he saw fit'.¹⁰²

Occasionally, one of the parties might refuse to accept the accommodation. In 1508 the privy council intervened to prevent a bloody confrontation developing between the sieurs de Tournon and Moy. Tournon was banished from court for three years and ordered to kneel in the court house in Rouen bareheaded before his enemy, saying 'that foolishly, rashly, irreverently and by bad advice and counsel he had punched Moy'. The latter refused to

⁹⁹ AN, X2b 72, fo. 25^v.

¹⁰⁰ Archives départementales de la Corrèze, Tulle, E 178.

¹⁰¹ BN, MS Fr 21811, fo. 61, 22 Sept. 1520.

¹⁰² BN, MS Fr 21810, fo. 62.

take part in the ceremony and had to be dragged into the chamber and made to sit down by the captain of the royal guard. When the reparation was in progress Moy shouted that 'this was no satisfaction and that for a long time Tournon had sought to do him harm'; he demanded to speak with his kinsmen and friends. Only when he was imprisoned for two days and the king was informed of his refusal did he relent, and he was then forced to undergo a ceremony to beg the pardon of God, the king and the council for his temerity.¹⁰³

Murderers were often required to build monuments in memory of their victim. A chapel would be constructed at their expense, masses founded for the soul of their victim and a large copper tablet inscribed with the court's judgement displayed in a prominent place. Stone crosses were erected to mark the spot where the victim was killed. We may speculate that the landscape of medieval and early modern France was dotted with such monuments, in the same way that small shrines devoted to road accident victims are so common in modern rural Greece. Some commemorative monuments still stand today. A chapel dedicated to Saint-Accurse is sited prominently beside the Roman arch which marks the entrance to the cemetery of the Aliscamps in Arles. It was built in 1521 by Antoine de Quiqueran, baron of Beaujeu, a leading notable, as expiation for the murder of his fellow citizen, Accurse La Tour. Because the dead man had been involved in a duel the chapel and the sepulchre had to be built outside consecrated ground. It seems to have been controversial because the cemetery of the Aliscamps was the burial place of many early martyrs and a major site of pilgrimage. Far from playing down the odious deed, the chapel commemorated the duel (ambiguously) on a frieze which was visible to a visiting archaeologist in 1837: 'The duel is portrayed by a bas-relief sculpted on a frieze above the door. Two men are depicted advancing towards one another. One of them is depicted over a death's head, symbolizing the outcome of the combat, and shown sounding a hunting horn [*oliphant*]'.¹⁰⁴ At the beginning of the nineteenth century a stone cross not far from the chapel still marked the site of the combat.

At the beginning of the twentieth century the Quiqueran family were still patrons of a chapel founded in 1548 to commemorate

¹⁰³ British Library, Add. MS 30542, fo. 286.

¹⁰⁴ H. Clair, *Les Monuments d'Arles* (Arles, 1837), 158–9.

the assassination of Gaucher de Quiqueran. As late as 1875 the dedicatory inscription could still be made out:

This chapel has been constructed and founded to pray God for the soul of the defunct Gaucher de Quiqueran, during his lifetime *écuyer* and baron of Beaujeu, killed and murdered by Louis de Castellane, also *écuyer*, seigneur of Laval in Provence, the construction and edification of which was ordered to be done by judgement of the court of the parlement of Paris given on 4 August 1548.

Formerly, a copper plate engraved with the story of the murder had stood above the inscription. Castellane escaped the death penalty only after a ten-year battle in the parlement of Paris to have his letters of remission registered, but was nonetheless subject to punitive damages. A bloody feud continued through the 1560s, however, and was only definitively ended in 1599 when Henri IV intervened personally to order 'the abolition of the ancient feud [*querelle ancienne*] between the houses of Quiqueran and Castellane-Laval'.¹⁰⁵

V

CONCLUSION

Peace-making was tortuous and provisional in a society where the contours of kinship solidarity and the moral system of the honour code clashed with Christian imperatives. The act of peace-making was fraught with difficulties. In an arbitration meeting in Conches in 1635 the atmosphere between the parties became so ugly that one of the arbitrators, Charles de Pommereul, *chevalier*, was moved to say that 'he wished to withdraw, seeing that instead of according a quarrel he was starting a new one', at which Louis de Croisy, *président* of the *élection* of Évreux, punched him in the face. The following year Pommereul killed Croisy and his son in separate vengeance killings.¹⁰⁶

Kinship lies at the heart of peace and violence in early modern France. As one anthropologist has suggested, the 'intensity of vengeance is tempered by the proximity of the murderer's kin'.¹⁰⁷ But on the other hand there is plenty of evidence to suggest that kinship ties undermined peace. Peace-making did not always mark the closure of a feud but could be another facet of the

¹⁰⁵ Remacle, 'Une vendetta provençale', pt i, p. 793; pt ii, p. 210.

¹⁰⁶ AN, X2b 1214, 16 Apr. 1641.

¹⁰⁷ Rouland, *Legal Anthropology*, 276.

politics of vengeance; it was as much a tool of political power as an act of Christian love. Peace-makers sought to favour their kin and damage their enemies and their enemies' clients. Rituals of peace were important to early modern people, and to nobles in particular, as Pitt-Rivers tells us, because the intensely competitive social code of honour demanded legitimization through the virtues of what Weber calls grace: 'once the hierarchy is established, the competition is over, and from that moment the man who has achieved power, preeminence, the dominant position, wishes only to legitimize it in the public consensus'.¹⁰⁸ The exchange of kisses and words freely given in rituals of peace conferred grace. Amity and equilibrium are restored and publicly sealed by greetings. When peace was imposed on peasants by the nobles of the Veneto, 'The rites of greeting sanctified the end of belligerence and the advent of the new equilibrium; those offended were in effect constrained to accept the violence and the reduction of their honour, recognizing at the same time the authority and the charisma of the nobility'.¹⁰⁹ The end of peace between French nobles was symbolized by the act of turning one's back. Such public affronts were often the occasion for savage encounters.

Peace-making was integral to majesty: 'In the life of a prince is mirrored the whole commonwealth'.¹¹⁰ Letters of pardon can be understood as a free gift, a form of exchange which receives acknowledgement. From this general sense of grace as the power to operate upon the will of others Weber derived his conception of charisma.¹¹¹ Peace-making thus added to the metaphysical essence of kingship. As its great princely rivals died out, so the Valois had, by the sixteenth century, come to monopolize this source of power. But the reality behind the image of ever-growing royal authority is complex. Henri IV set an example to his magnates, and we have seen the Constable and a provincial governor diligently enforcing peace in the first decade of the seventeenth century, but levels of violence remained high in the wake of the civil wars. Impressionistic evidence suggests that deaths from duelling rose dramatically in these years, claiming the lives

¹⁰⁸ J. Pitt-Rivers, 'Postscript: The Place of Grace in Anthropology', in J. Peristiany and J. Pitt-Rivers (eds.), *Honor and Grace in Anthropology* (Cambridge, 1992), 242.

¹⁰⁹ Povoio, *L'Intrigo dell'onore*, 392.

¹¹⁰ Marcouville, *La Maniere de bien policier*, 10.

¹¹¹ Max Weber, *On Charisma and Institution Building: Selected Papers*, ed. and introd. S. N. Eisenstadt (Chicago, 1968).

of 7,000–10,000 men during Henri IV's reign. Louis XIII's sobriquet, 'the Just', reveals much about his principles, but duelling did not disappear, peaking in 1604–7, 1611–14, 1621–6 and 1631–3 before enjoying a brief revival during the Frondes.¹¹² By the 1630s the crown had once more curbed aristocratic rebellion and imposed order at court. But although war with Spain from 1635 removed thousands of nobles to the frontiers many of those who remained used the mounting social disorder in the interior to pursue disputes violently. The further one moves from Paris the more the evidence mounts for the vitality of the feud.¹¹³ And provincial disputes might still spill over into the capital: in 1659 François de Chabannes, marquis de Curton, was shot dead as he left the Grands Augustins, following decades of enmity between rival branches of the family.¹¹⁴ Even in the peaceful 1660s La Roche saw no substitute for the peace-maker:

In the provinces nearly all duels come from quarrels, hatreds and animosities caused by lawsuits brought by nobles for rights of honour, precedence and hunting etc. When there is a lawsuit between neighbours they will always be at war . . . From one quarrel one hundred are made and the wounds bleed for a long time . . . As lawsuits become eternal in France, hatred and quarrels will also become eternal; there are families where the father, grandfather and young children have fought in a duel over the same lawsuit, which is still not terminated.¹¹⁵

La Roche's pessimism was shared by many of his contemporaries, exemplified by the sentiments of Pascal which begin this essay. Contemporary belief that political instability and social unrest were a product of man's essentially base and sinful nature reflects the influence of Montaigne and his neo-stoic successors, as well as fashionable Augustinianism.¹¹⁶ But there was a new sensibility in the 1660s that promised a more peaceful and ordered polity, evidence for which we need seek no further than the wide circulation of La Roche's *L'Arbitre charitable* and the pacification of Languedoc by one of his heroes, Conti. Royal policy caught the new mood. The judges of the *grands jours* of the Auvergne in 1665, while less effective in ending aristocratic violence than some historians have claimed, made greater efforts to bring high-

¹¹² Billaçois, *Le Duel*, 115–120.

¹¹³ Greenshields, *Economy of Violence*.

¹¹⁴ H. de Chabannes, *Histoire de la maison de Chabannes*, 4 vols. (Dijon, 1892–9), iii, 148.

¹¹⁵ La Roche, *L'Arbitre charitable*, 90.

¹¹⁶ N. Keohane, *Philosophy and the State in France: The Renaissance to the Enlightenment* (Princeton, 1980).

ranking malefactors to justice than their forebears during the *grand jours* of 1546 and 1582, and in order to symbolize the new order a few were even executed.¹¹⁷ The early years of Louis XIV's personal reign mark a return to the traditional virtues of hierarchy and order after the turmoil caused by the innovations and upheavals of ministerial rule and the chaos of the Frondes. La Roche had great hopes for this new policy and adorned the first page of his book with an illustration of the young king reconciling the poor in person (Plate 5). William Beik has shown how Louis used monarchical prestige and fostered informal mechanisms of peace-making to dissipate feuds in the provinces and arbitrate divisive disputes. The despised *intendants* were now redeployed and entrusted with upholding the traditional royal role of peace-making: 'Louis XIV restored a healthy political climate by arbitrating provincial quarrels more effectively, using the intendant as an expert investigator and the royal council as an authoritative judge'.¹¹⁸ An anti-duelling edict of 1679 ordered judges to send regular reports of feuds in their jurisdictions, and bishops were to notify the king of duels in their dioceses.¹¹⁹

Like his grandfather before him, Louis was helped by the ruling elites' horror at the collapse of their authority caused by civil war. The 'contagion of loyalty' which bolstered the regime in the 1660s was accompanied by self-reflection among nobles and the realization that the maintenance of order and hierarchy and their continued dominance of society required a change in their own values and behaviour. Vengeance and feuding were inimical to a well-ordered polity. The virtues of civility and *honnêteté*, already widely disseminated by Montaigne's disciples and imitators, were now popularized by works such as La Rochefoucauld's *Maximes*. A good indication of how the Counter-Reformation transformed aristocratic culture is to be found in attitudes to death.¹²⁰ Duelling and vengeance allowed nobles to win worldly renown, defending, affirming and winning honour.

¹¹⁷ The powerful Beaufort-Canillac family was vulnerable politically and a particular target of the judges: A. Lebigre, *Les Grands Jours d'Auvergne* (Paris, 1976); E. Fléchier, *Mémoires sur les Grands-jours d'Auvergne en 1665*, ed. [P. A.] Chérueil (Paris, 1856); AN, U 749-50, 'Journal des Grands Jours tenues a Clermont en Auvergne depuis le 26 septembre 1664 jusqu'au dernier janvier 1666'. The sentences of the sixteenth-century *grands jours* are found in AN, X2a 101 and 142.

¹¹⁸ W. Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc* (Cambridge, 1985), 323.

¹¹⁹ Billaçois, *Le Duel*, 299.

¹²⁰ Germa-Romann, *Du bel mourir*, 217-312.

But the religious reformations placed greater emphasis on individual salvation, and from the 1620s the Counter-Reformation succeeded in implanting a Christian model of death, in which only repentance and faith could lead to eternal glory. In the Renaissance the knight had offered his life freely in the service of his prince, maintaining a heroic individuality. But the changing nature of warfare meant that death in the service of Louis XIV's armies was likely to be anonymous and glory attained in the name of monarch and regiment. Regiment began to rival lineage as the focus of noble loyalty. Competition among nobles if anything intensified after 1661, but as the officer corps became more professional and hierarchical so conflict increasingly revolved around favour with aristocratic patrons; it was now 'fought out within the state, and most notably at court and in the armies'.¹²¹ Duelling did not disappear altogether during the reign of Louis XIV and became part of the evolving culture of the royal officer corps. But its character had changed. Duels were still fought over points of honour between individuals but were now less likely to form part of a cycle of vengeance and involve the wider kinship network.

Louis viewed duelling and aristocratic violence as a form of rebellion; his crusade was preceded and aided by the slow transformation of elite morals. Revulsion against duelling was expressed in a growing number of treatises and the activities of the *dévots* were having an impact by mid century. The moral tradition of peace-making also continued to play a role, and it is no surprise to find the parishioners of Saint-Sulpice under the guidance of Jean-Jacques Olier taking a lead in the new religious and political sensibility. In 1651, one hundred gentlemen, including a number of *grandeues*, formed the Confraternity of the Passion in Saint-Sulpice, pledging neither to issue nor to accept calls to duel.¹²² The *conseil charitable*, which had fallen into abeyance on Olier's death, was revived in 1666, helping 3,000–4,000 poor people.¹²³ Beyond the capital there was a reaction by the provincial nobility to its past misdemeanours. In 1659 the nobles of Périgord and Limousin, notoriously unruly provinces where feuds were common, gathered to sign an association:

¹²¹ G. Rowlands, 'Louis XIV, Aristocratic Power and the Elite Units of the French Army', *French History*, xiii (1999), 304.

¹²² Fruges, *J.-J. Olier*, 400–1.

¹²³ La Roche, *L'Arbitre charitable*, 77.

Since it has pleased God to give us peace [that is the peace of the Pyrenees] we the undersigned judge it appropriate to draw up regulations to guide us as much as possible. Everyone knows the licence [*liberté*] which has been common at all times in the provinces of Périgord and Limousin. For the continuation of the [peace] we have proposed the following articles, which it seems to us should be approved by all reasonable persons.¹²⁴

The articles sought both to reform manners, exhorting deniers of God, the envious, quarrellers, sodomites and counterfeiters to repent under pain of being excluded from the community of nobles, and to regulate interpersonal relationships among nobles and their lackeys in such a way as to reduce the possibility of disputes over honour and precedence. In the event of a dispute a swift reconciliation was ordained: 'if some quarrel or dispute should occur during social gatherings disinterested parties will be able to judge the case definitively'. By intervening immediately to prevent a dispute escalating, the community hoped to forestall the possibility of violence and ensure that reconciliation was permanent. Noble culture, shaped by neo-stoic and *dévo*t models of virtue, was thus changing spontaneously before the personal rule of Louis XIV. As Montaigne had foreseen, nobles had to change their manners the better to distinguish themselves from the common herd.

Why the backwoodsmen of Périgord and Limousin underwent a thoroughgoing change of heart in such a short time is a problem requiring further research. But such a project will have to rethink Elias's top-down, court-centred approach to long-term cultural change. Osvaldo Raggio and Claudio Povolo have demonstrated how the process of state-building in Northern Italy was intimately bound up with the arbitration of disputes in the localities, maintaining political and social equilibrium and at the same time increasing control of the periphery.¹²⁵ State-building is not a top-down one-way process. Whereas they resented tax collectors and bureaucrats, peasants and nobles alike welcomed outsiders who could settle disputes and maintain the social equilibrium. Vendetta did not cease in early modern Italy but was increasingly mediated and manipulated from the centre. The same process of centralization in France was interrupted by the failure of monarchy to uphold the peace in the feud between 1559 and 1660.

University of York

Stuart Carroll

¹²⁴ 'Une association de civilité entre gentilshommes du Limousin et du Périgord, 1659', *Bulletin de la Société historique et archéologique du Périgord*, liii (1926), 286.

¹²⁵ Raggio, *Faide e parentele*; Povolo, *L'Intrigo dell'onore*.