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Review of Jack Thomas, Les Protestants du Languedoc et la justice royale de Louis XIV à la Révolution: De l'obscurité à la lumière

van der Linden, David

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Jack Thomas. *Les Protestants du Languedoc et la justice royale de Louis XIV à la Révolution. De l'obscurité à la lumière*. Paris: Honoré Champion, 2022. 504 pp. Notes, references, and index. €85.00 (pb). ISBN 9782745357229; €85.00 (eb, pdf). ISBN 9782745357229.

Review by David van der Linden, University of Groningen.

When Henri IV issued the Edict of Nantes in 1598, he not only installed toleration between Catholics and Protestants in his realm, he also underscored the importance of the courts in overcoming confessional strife. The king noted that “justice rendered and administered to our subjects without any suspicion, hatred, or favor is one of the principal means to maintain them in peace and concord.”^[1] To this end, the monarchy created bipartisan tribunals in five of the eight parlements, the so-called *Chambres de l'édit* (chambers of the edict), staffed by both Protestant and Catholic judges, to assure an even-handed resolution of disputes between the two confessions. During the reign of Louis XIV, however, these tribunals were gradually dismantled, while the revocation of the Edict of Nantes in 1685 sealed the Protestants' legal fate. France officially became a Catholic kingdom, and those who dared to profess their Calvinist faith were harshly penalized: executed at the gallows, imprisoned in convents, or sent to the galleys.

Yet despite their legal discrimination by the French crown, Protestants continued to seize the courts to both defend themselves and campaign for civil equality. This book by Jack Thomas, emeritus professor at the Université de Toulouse-Jean Jaurès, delves deeper into the legal battles waged by Protestants during the reign of Louis XIV and throughout the eighteenth century. His focus is on the Huguenot heartland of Languedoc, in particular the parlement of Toulouse, which had a long-standing tradition of issuing anti-Protestant legislation. Thomas' main point is that, paradoxically, royal discrimination encouraged Languedoc's Huguenots to wage a legal battle against the very state that sought to eradicate them. Lawyers in particular publicized trials against Protestant defendants by producing vast amounts of legal memoirs, petitions, and factums in an effort to sway both court and public opinion, a legal campaign that would eventually see their privileges restored at the Revolution.

Thomas adopts a traditional chronological perspective in his book. The first two chapters cover the reign of Louis XIV up until the Revocation. Most scholars of this period have focused on the growing body of anti-Protestant legislation issued by the *Conseil du roi*, thus viewing the Revocation as a largely top-down process orchestrated by the monarchy, but Thomas shows that local and provincial courts played an equally important role in undermining Huguenot privileges. Between 1657 and 1685, the parlement of Toulouse issued no less than 230 arrests that adversely affected Languedoc's Reformed communities, excluding them from municipal councils, hospitals,

and the guilds; banning the use of church bells and burials during the daytime; and forcing Protestants to contribute to the reconstruction of Catholic churches ruined during the Wars of Religion. In response, Protestant lawyers waged a vigorous legal battle in the courts and before the conseil. The 1659 Protestant synod of Loudun, for instance, elected Pierre Loride Desgallesnières, an *avocat* in the parlement of Paris, to defend the Reformed communities with archival evidence that proved their legal right to worship, a campaign that would result in over a hundred printed factums. Jacques de Rapin-Thoyras likewise defended the Reformed churches of Montpellier and Montauban before the parlement of Toulouse (both churches stood accused of admitting a Protestant who had recently converted to Catholicism), publicizing the trials in a range of legal documents. As Thomas admits, though, these were lost causes. Both the Conseil du roi and the parlement were adamant about curtailing Protestant worship, using a semblance of legal procedure only to justify the dismantling of the Reformed churches.

The book's four core chapters focus on three eighteenth-century trials that each became a *cause célèbre*, not least through the intervention of Voltaire: the trial against François Rochette, arrested in 1761 for organizing clandestine Protestant services (chapter four); the famous Calas affair (chapters five and six); and the trial against Pierre-Paul Sirven from Castres, who stood accused in 1762 of murdering his daughter to prevent her conversion to Catholicism (chapter seven). These cases are well-known to scholars of eighteenth-century France, and none more so than the Calas affair, which is often portrayed as a cosmic battle between religious fanaticism and the emerging voices of toleration. Thomas affirms he has little interest in recounting these well-known stories, and indeed makes little use of the many studies on these trials and the mediatization of *causes célèbres* in early modern France, which regrettably appear as mere footnote material rather than being integrated into a sustained discussion. Because Voltaire's writings have often dominated the debate, Thomas instead focuses his attention on the legal professionals tasked with defending Rochette, Calas, and Sirven, especially their legal memoranda designed to sway the magistrates. The result is a somewhat dry enumeration of legal memoirs and factums, which Thomas summarizes in painstaking detail without offering the reader much by way of structural or thematic analysis. Readers interested in following the twists and turns in each trial will surely find much of interest here, although a great deal of this rich documentation has also been exploited by previous scholars.^[2]

The focus on Protestant legal strategies and writings does bring out some interesting comparisons. We learn that Rochette's defense was mostly waged in private. He initially defended himself and was only later joined by colleagues from Switzerland, who wrote letters on his behalf to the authorities of Languedoc, in particular marshal Richelieu. When Voltaire became involved in the fall of 1761, he too relied on private correspondence to plead Rochette's case, but was soon convinced the trial was a lost cause. Only after the minister's execution, in February 1762, did the Protestant writer Antoine Court de Gébelin publicize the trial in his *Lettres toulousaines*. The Calas trial, by contrast, was a heavily mediated affair from the start, thanks to the work of local and Parisian lawyers. The Protestant *avocat* David Lavysse, whose son Gaubert had stayed with the Calas family on the fateful evening of Marc-Antoine's death, initially wrote a private memoir to court, but before long a cascade of public documents saw the light of day. Théodore Sudre, a respected Toulouse lawyer, used official trial documents to pen three memoirs that cast doubt on the witnesses and openly accused the judges who had convicted Jean Calas of religious bigotry. In 1762, three Parisian lawyers hired by Voltaire, Pierre Mariette, Élie de Beaumont, and Alexandre-Jérôme Loyseau de Mauléon (whom he affectionally called his "*batteries de canon*"), also published a series of memoirs to demonstrate the miscarriage of justice

perpetrated by the Toulouse courts. It was this sustained legal campaign, and the motions filed by the Parisian lawyers before the Conseil du roi, that eventually helped to overturn the sentence and rehabilitate the Calas family. Lawyers in the Sirven trial would rely on the same strategy to win his trial a few years later.

Comparing these *causes célèbres* also reveals the extent to which the trials were exceptional, and not just with regards to the public attention they garnered. Rochette's 1762 execution in Toulouse was also unusual for another reason. Most Huguenot ministers were condemned to death between 1680 and 1724, and met their gruesome end in Montpellier, at the orders of Languedoc's intendant rather than the parlement. The Calas affair was exceptional, too, in the sense that relatively few Protestants ended up before the parlement in the eighteenth century. Although we still lack an exhaustive survey of cases handled by the court, the ongoing inventory of trial bags held at the Archives départementales de la Haute-Garonne reveals that less than 1% of trials involved a Protestant, and that most occurred prior to 1715, when repression was most intense. As Thomas admits, moreover, few Protestants could rely on the support of Voltaire and a vast network of *avocats* to defend their cause all the way to Versailles. In fact, these chapters unwittingly underscore the point that focusing on the *causes célèbres* of eighteenth-century France merely obscures the encounter of most ordinary Protestants with the justice system. An analysis of the largely untapped trial bags, especially civil rather than criminal cases, could probably paint a more nuanced picture of Huguenot legal strategies in Languedoc than these three well-publicized cases.

In many ways, the most interesting contribution of the book lies in chapters three and eight, which, although oddly spaced apart for chronological reasons, offer useful insight into the legal battles over Protestant marriages and baptisms. Although the Revocation forced Huguenots to marry in the Catholic church, in Languedoc many turned to undercover ministers preaching *dans le désert* ("in the wilderness") to marry and baptize their offspring. Thomas also discusses some fascinating instances of Catholic priests, who in the 1740s married Protestants in the full knowledge these couples would never attend Mass. They were eventually rounded up by the authorities and put on trial by the parlement of Toulouse. Even so, most legal action was initiated by the intendant of Languedoc, Jean Le Nain: Thomas discovered that between 1750 and 1752, he prosecuted at least 130 Protestant couples for "illegal marriages," most of whom were fined, sent to prison, or to the galleys.

Chapter eight continues the story into the second half of the eighteenth century, when the number of court cases involving Protestant marriages declined (Thomas lists thirty-eight trials, though he surmises this is just the tip of the iceberg) and involved civil rather than criminal offenses. Conflicts could erupt, for example, when one of the spouses sought to separate, using the illegal marriage as a pretext to annul the union, as in the case of Jeanne Roubel from Nîmes, who left her husband Henri Roux after falling in love with a younger man. Other cases revolved around questions of inheritance. For example, because children born out of an illegal Protestant union were considered bastards, they could not legally inherit from their parents. Given the paucity of court cases it seems most children experienced little obstacles in practice, but on occasion a will could be contested in court. In 1770, for example, the Toulouse *avocat* Jean-Louis Emmanuel de Cambon successfully defended Étienne Salles, whose deceased parents had been illegally married by a Protestant minister. Cambon argued that the parents had lived as a couple and had been recognized as such by their family and community, and this constituted sufficient proof of a valid marriage. The parlement not only ruled in Étienne's favor, but would issue a

series of arrests favorable to the Huguenots in the years to come, thus building up a body of jurisprudence that helped to overturn the ban on Protestant marriages in 1787.

Based on his close reading of the Languedoc trials, some famous, others obscure, Thomas concludes it was the work of legal professionals, in particular Protestant and sympathetic Catholic *avocats*, that made Huguenot discrimination more visible and the campaign to overturn religious prejudices more effective. “If the judges [of the Toulouse parlement] were able to build up a body of jurisprudence that circumvented royal law, it was also because lawyers had provided them with an abundance of sensible arguments” (p. 425). Although we need more evidence of the actual impact these *avocats* had on provincial and royal legislation—thus moving beyond their own writings—as well as a more sustained analysis of the relationship between litigants and local communities, this book offers a useful starting point for scholars interested in the legal history of the France’s Protestant minority.

NOTES

[1] Edict of Nantes, article 30, in Bernard Barbiche (ed.), “L’édit de Nantes et ses antécédents (1562–1598),” <http://elec.enc.sorbonne.fr/editsdepacification/html/editsdepacification.html>, accessed 31 May 2023.

[2] See, for example, David D. Bien, *The Calas Affair* (Princeton: Princeton University Press, 1960), Geoffrey Adams, *The Huguenots and French Opinion, 1685–1787: The Enlightenment Debate on Toleration* (Waterloo: Wilfrid Laurier University Press, 1991), Sarah C. Maza, *Private Lives and Public Affairs: The Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993), Benoît Garnot, *Voltaire et l’affaire Calas: Les faits, les débats, les enjeux* (Paris: Hatier, 2013), and Dominique Inchauspé, *L’Intellectuel fourvoyé: Voltaire et l’affaire Sirven, 1762–1778* (Paris: Albin Michel, 2016).

David van der Linden
University of Groningen
d.c.van.der.linden@rug.nl

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