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James R. Farr, *A Tale of Two Murders: Passion and Power in Seventeenth-Century France*. Durham, NC and London: Duke University Press, 2005. xiv + 225 pp. Figures, notes, note on sources, and index. \$74.95 (hb); \$21.95 (pb). ISBN 0-8223-3459-3 (cl); ISBN 0-8223-3471-2 (pb).

Response Essay by James R. Farr, Purdue University, to the Review Essays of his book by Mack P. Holt, Stuart Carroll, Sarah Hanley, and Benoît Garnot.

I am deeply gratified by the selection of my book, *A Tale of Two Murders*, for extended review in *H-France Forum* by four so distinguished scholars, and I am grateful for the time and attention each gave to it. Mack Holt has been a historian of early modern Burgundy for nearly as many years as I (we met in 1985 and have worked elbow to elbow in the wonderfully rich holdings in Dijon's repositories many times since), and so he brings a close familiarity to his reading of my book. He places the book in the methodological tradition of "micro-history," and notes that from the "local knowledge" gained from a close scrutiny of wide varieties of evidence, I have crafted a narrative that not only tells a story, but also "illuminates a much larger subject." That subject, he observes, is the "inner workings of power," and he notes that I stress three main points about it. First, that the favor of powerful patrons (like the Prince of Condé in this affair) is "just as important to the outcome of the trial as any evidence or witness;" second, that the criminal justice system in early modern France was methodical, systematic and generally fair; and third, that social climbing and ambition of the *noblesse de robe* was central to our understanding of the operation of the first two points. I entirely agree with Professor Holt's characterization of the central points of my book, and, moreover, with his observation that the formal elements of the dispensation of justice (i.e., legal procedure) came into conflict with the informal exercise of authority by men who viewed the legal system as a tool for political and social advancement.

On first reading of the final product, Professor Holt's eyebrows undoubtedly arched when he noticed that the narrative is not encumbered with the customary scholarly apparatus—footnotes, endnotes, or a formal bibliography—that normally accompanies monographs that are based in archival research like this one. But Professor Holt also notes that I have pitched this book to a student audience. True enough, at least in part, but what he may not know is that Duke University Press wished to publish it as a "trade paperback" in the hopes that it could find buyers not only in the classroom but also in the non-academic public. Thus I was challenged with the task of writing a book for three, rather different, audiences, the third being the academic one (and represented in this forum by the four reviewers). The *Note on Sources* at the end of the book is a sort of compromise, in which students are pointed to secondary literature in which they may be introduced to the subjects at hand, and scholars are informed about the evidence I used and its precise location in the various archives and libraries. In hindsight, I agree with Professor Holt's intimation that a formal bibliography would have benefited the book. I also agree with Professor Holt's suggestion that a companion web site to the book replete with translations of cogent documents would be marvelous teaching aids used in conjunction with the monograph. I confess that the idea occurred neither to me nor to the editors at the press. Perhaps if the book is fortunate enough to justify subsequent printings, such a project may be undertaken.

Stuart Carroll brings his deep expertise in the early modern French nobility and its violent behavior to his reading of the book, and, like Mack Holt, notes that political support and the formalities of the judicial system appear in this case in dynamic tension. The collapse of the former (Condé's support of Giroux) allowed the latter to take its course, but the latter was not a foregone conclusion—indeed, it was dependent upon the former. After years of immersion in the archival evidence that surrounds this trial, it appeared to me that this tension and the high stakes of political favor were as plain to the litigants

(Giroux and Saumaise) and judges as it became to me. This conviction came as part of my effort, as Professor Carroll graciously put it, to “get into the minds of [the] protagonists.”

Professor Carroll notes that my presentation of this affair establishes a “rough truth from the competing stories that were told,” and the significance of this is that it “elucidates a structure” that lays bare the violent nature of even these nobles, these royal officers of the robe, and he notes that killing enemies was as banal among this group as among the nobility of the sword. What I have tried to demonstrate is how a legal case (well, actually several, including a trumped up false accusation of rape) could be used to accomplish just these ends. Professor Carroll is not surprised that a man like Giroux would try to kill his first cousin—such deadly animosities were commonplace, he points out—but that the way he did it (in private rather than ‘self-defense’ in public, or even in a duel) was significant. Professor Carroll sees no honor in Giroux’s behavior (and doubts contemporaries did, either), and this leads him to question my emphasis on Giroux’s protestations that honor was more important to him than life itself. It is true that Giroux would eventually lose his honor through an infamous conviction and execution, but I am not convinced that Giroux (and his family) had lost it through suspicions of his actions (alleged poisonings, the clandestine murder of his cousin, and so forth). He may have been “nasty, brutal, and egotistical,” but if Giroux were a man with no honor, and was recognized as such, would Condé have championed Giroux as one of his most important clients in Burgundy (even arranging a politically advantageous marriage for him and then standing in person as godfather to his only son)? And would he have stood behind his man for nearly two years *in the aftermath* of the murder (even when, like Professor Carroll, many contemporaries thought he was “guilty as hell”)?

Sarah Hanley has spent much of her distinguished career elucidating the world of the law in early modern France, and understandably focuses part of her review upon the “judicial backdrop” of the case and then the “procedural rules” within it. Importantly, she observes that the rules at the time could be “followed, bent, or broken,” and this was “central to the direction of the entire case.” In particular, she cogently notes that “an unusually long time was given to the investigation” and this “reaped serious consequences” by allowing political influence to intrude and push judges to bend or even breach rules of procedure (they did). Judges at the time, it should be noted, were formally granted judicial discretion informed by their conscience, and in certain circumstances this could be (and was) used to cover illegalities with a veil of legitimacy. I think she, like Stuart Carroll and Mack Holt, has pointed to that fundamental and dynamic tension at the heart of this case—informal political influence versus formal procedure—and I wholeheartedly agree that, as she succinctly puts it, “judicial discretion overwhelmed procedural rules in critical instances.”

Professor Hanley questions my use of Foucault’s insights in the “Analytical Essay” that concludes the book. I invoke Foucault’s argument that elite men of the seventeenth century recast the meaning of order in a more hierarchical mode, grounded in a new way of thinking that emphasized difference and deference within an overarching social and political system. I follow the thinking of William Bouwsma as well, for my research in the *noblesse de robe* has led me to conclude that a more authoritarian political and social ethos was emerging, and public law and royal justice meted out by king and magistrate would be “among their most important tools in building the new [authoritarian] edifice.”(p.202) But this is only part of the story of power, and only part of the story I tried to present in my book. Dispensing the king’s law and justice legitimated the robe nobility’s claim to formal power and status, but in the everyday world of, as Stuart Carroll put it, *Alltagspolitik*, other forms of power were exerted. Foucault referred to these as micro-technologies of power, and saw them everywhere in human interaction. Professor Hanley sees them in this case and in my book, and suggests that they could have been fruitfully and explicitly situated in Pierre Bourdieu’s theory of action where constant negotiation occurs and thus allows for dynamism and change and, importantly, human agency. In short, and here I must agree with Professor Hanley, the Bourdieuan action is in my narrative, but it is theoretically underdeveloped in the analytical essay. Students, she intimates, could have been better served—an

important criticism, for Sarah Hanley concludes her review by offering very useful suggestions for how this book might be employed in the classroom.

Where Mack Holt may have registered initial surprise at my book's lack of scholarly apparatus, Benoît Garnot evidently read the book in a state of exasperation. Where Professor Holt recognized that I have done this for the sake of the student audience (and, I would add, for the general reader), Benoît Garnot holds me to the traditional standard of academic monographs for specialists. He thus criticizes the book for an inadequate bibliography and a lack of historiographical positioning. He also wonders why it is not more comparative, and why it does not devote more space to "l'environnement matériel" and to "mentalités et comportements." I suppose that I could have done all of this, but this would have produced a very different book and one I did not choose to write. Towards the end of his review Benoît Garnot grants me the "right" to write the kind of book I deem appropriate, but his review says otherwise and he effectively dismisses this book because it is not the kind of book he wished I had written. I am aware of the vast literature in criminal and justice history (although Benoît Garnot alleges that I am not), but edited collections from colloquia and conferences, though of enormous importance in charting the scholarly direction of a given field, are of little benefit to students being initiated in it. Benoît Garnot wonders why his own books are not referenced in mine, perhaps he is unaware that in other publications I have cited his works, especially his monograph on a murder of a Burgundian magistrate in the mid-seventeenth century. This book would certainly have been one I would have drawn upon had it been available before I completed my own book, but what Benoît Garnot does not know is that my book began the publication process at Duke University Press precisely when his appeared (January 2004). That my book was not released until October of 2005 is a product of the vagaries (and frustrations) of the publishing industry. Perhaps, as Professor Holt suggested, a formal bibliography would have been appropriate, but I doubt that even that would have satisfied Benoît Garnot. Benoît Garnot suggests that the literature of the last dozen years or so holds information that would have been useful for several of the points that I make in my book, but he offers no specifics other than saying parenthetically that these concern "le fonctionnement réel de la justice, l'influence de l'opinion, l'infrajustice..."

Benoît Garnot is especially troubled by the fact that I have not openly compared my treatment of the Giroux Affair to that of E. de La Cuisine, included in his three volume history of the Parlement of Dijon published in the nineteenth century. Of course I am aware of La Cuisine's work (I own a copy), and of his account of the Giroux trial, but I found it unsatisfactory primarily because of its treatment of Pierre Saumaise, the arch-enemy of Giroux. Saumaise is portrayed by La Cuisine as a disinterested champion of justice, and Giroux as a nefarious villain who was simply guilty of a nasty murder. I certainly was not trying to whitewash Giroux (I agree with Stuart Carroll that he was "nasty, brutal, and egotistical"), but I was convinced by the sources that Saumaise was equally nasty, and motivated by social, and, above all, political ambition that expressed itself in vengeance directed at Giroux (and later Marie Fyot, an important part of the story ignored by La Cuisine). Essentially, what I found lacking in La Cuisine's account was a close analysis of the central dynamic tension that the evidence convinced me I needed to expose, that between formal procedure and informal political influence. Benoît Garnot may find La Cuisine's account more convincing (like La Cuisine, he claims that Giroux's "condamnation était inévitable en droit"), but I do not because an historian's over-reliance on the supposed impartial operation of legal procedure ("inevitable in law", as if some *deus ex machina* was at work) not only misleads, but also obscures a fundamental character of politics in the seventeenth century that a close scrutiny of the Giroux affair reveals (and what other reviewers see as the wider significance of this micro-history). Benoît Garnot finds my presentation of evidence simply a "paraphrase of the sources," but then asserts that I have given my imagination too free rein. I prefer to think that good history does employ the historian's imagination, but, as Natalie Davis once put it, held tightly in check by the evidence. I am confident I have done that. Let the reader judge.

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