

H-France Review Vol. 16 (May 2016), No. 67

Tyler Lange, *The First French Reformation: Church Reform and the Origins of the Old Regime*. Cambridge and New York: Cambridge University Press, 2014. xiv + 300 pp. Bibliography and index. \$110.00 U.S. ISBN 978-1-107-04936-9 (hardback).

Review by James K. Farge, Pontifical Institute of Mediaeval Studies.

Readers expecting a book that bears the title *The First French Reformation* to deal with early Protestantism in France will be quickly disabused. Instead, the title of the book refers not to the appearance of heresy in sixteenth-century France but, rather, to the emergence of absolutism under the French kings from canonical disputations about reform in the church, starting in the late fifteenth century, coming to full bloom under Francis I (1515–1547), and extending into the seventeenth century under the Bourbon monarchs. In this reviewer's opinion, the book's sub-title—*Church Reform and the Origins of the Old Regime*—would have better prepared the reader for the complex interweaving of ecclesiology and politics that dominates it from start to finish. Heresy, or unorthodoxy in the train of Luther and Calvin, does play a role here, but it is centered not on its religious implications but on its role in ending constitutionalism as a brake on the rise of absolute monarchy that, as Lange repeatedly asserts, precluded the success of the actual Protestant Reformation in France.

The book is based on Tyler Lange's doctoral dissertation at Berkeley.[1] Its "Introduction" comprises a rather complicated treatment of how the arguments of canon lawyers about papal authority—ordinary powers vs. extraordinary powers—were used to bolster the authority of the monarchy in France. Chapter one, "Law and Political Culture in Late Medieval France," highlights the role of the Parlement of Paris—the supreme court of appeals in France—and the Faculty of Canon Law in the University of Paris. In both the court and the Faculty, conciliarist, or constitutionalist, theories about authority in both church and state held sway. Lange deftly provides several examples of how those ecclesiastical cases were argued before the Parlement and how they were gradually applied to the French monarchy. He further argues that the king's clerical status, the result of his anointing during his coronation ceremony, would help the king and the Parlement to assume jurisdiction over heresy in place of episcopal courts.

Chapter two, "The True Church Is in the Kingdom of France," delves more deeply into the constitutional change in the secular order that resulted from perennial attempts to reform the church prior to the appearance of Protestantism. While the popes largely triumphed over conciliarists for theoretical control in ecclesiastical matters, they were forced to concede to kings control over national churches to an extent that was unparalleled since the eleventh century. In fifteenth-century France, Gallicanism, understood as "the agreement of the king and the clergy to govern the church in France so as to control and to limit papal interference on the basis of supposed ancient rights" (p. 80), became sacred to both king and the Parlement. The Parlement's view of the limited role of the king in ecclesiastical matters derived from and rested on the royal ordinance known as the Pragmatic Sanction of Bourges (1438). By the 1520s, however, a new generation of lawyers whose views on royal power were quite different from those taught by the canonists began to fill the ranks of the Parlement. Through the influence of these lawyers the *gens du roi* (the two *avocats du roi* and the *procureur général du*

roi in the Parlement) eventually recognized that the sovereign's duty to legislate was inseparable from his duty to defend the traditional Catholic faith. Lange argues that the success of this "First French Reformation" caused the failure of the "second, Protestant Reformation in France."

In a two-year struggle with the Parlement, King Francis forced the court to register the Concordat of Bologna (1516) and to accept the abrogation of the Pragmatic Sanction. For several years thereafter the court continued to act as if the Sanction were still in force. However, the legal strategy of an *appel comme d'abus* against *ultra vires* decisions imposed by bishops or their vicars in ecclesiastical courts opened the way for the Parlement's intervention. In the 1520s, the king gradually took control of the French church and of ecclesiastical justice, all with the consent of the pope. Central responsibility for reforming the church was thus transferred from the Parlement to the king.

Among the court cases cited by Lange that served to hasten this process were the 1522 civil dispute over who should inherit the territories of Anne de France, the daughter of Louis XI. The king's *avocat du roi* Pierre Lizet won the case, arguing that what had come originally as a gift from a king must necessarily revert to the king. Lange believes Lizet's arguments in this case generated the constitutional synthesis of the Old Regime. Among other cases cited by Lange are those of the trial of the hermit Jean Guibert and the appeal of the Franciscans of Meaux against their bishop Guillaume Briçonnet. In publishing thirteen documents about the *cas Briçonnet* in a recent book, I recognized how unusual it was for the Parlement to deny the bishop's spiritual jurisdiction and take cognizance of the case.[2] Lange presses the point that removing spiritual jurisdiction from a bishop to the king's justice in his Parlement contributed to the development of monarchical absolutism.

In chapter three, "Absolute Monarchy and Ministerial Monarchy, 1515-1526," Lange asserts that the Parlement acquiesced in the exorbitant taxes required by Francis for his increasingly large armies. Nevertheless, the Parlement's registers are replete with objections to confiscation of church properties and the selling of offices. True, the court's eventual approval of an enormous tax to ransom the king's sons set a precedent for still further taxation for military purposes. Still, the court—at least to the end of the decade—manifested its claim as the supreme court in France by protesting royal evocations of cases from the Parlement to the king's personal Grand Conseil.

In April 1525, while the king was waging war in Italy, the Parlement composed a ten-page list of remonstrances to the queen regent Louise of Savoy implying that the bad advice of her principal advisors, Chancellor Antoine Duprat and other members of the Council, was putting the kingdom in danger. The court also took its first step to legitimate its on-going case against Briçonnet by asking Louise to instruct bishops to appoint vicars to judge heretics, effectively asking that bishops cede their authority to the Parlement (p. 147). It further called on Louise to replace her advisory Council with twelve men of substance, honor, knowledge, and experience (six of whom would be councillors of the Parlement). In effect, the court was attempting a coup d'état with the purpose of maintaining a constitutionalist monarchy. Lange asserts that this was the last time that reformist, conciliarist principles were coherently applied to the monarchy of France, a judgment I believe would be more appropriate to the situation that existed a few years later.

Louise responded angrily to the magistrates. Moreover, she appointed Duprat to two of the most lucrative and influential benefices in France, the archbishopric of Sens and the abbacy of Saint-Benoît-sur-Loire. The Parlement's opposition to this act led to violent exchanges, arrests, and imprisonments. Lizet argued that such actions risked offending God and raised the possibility of popular revolt. He asserted several times that the Grand Conseil was not a real court and that its members were mere private persons. He hinted at a future in which the court would claim autonomous power because it represented not the king but the nation. Lange argues, however, that, despite these statements, Lizet actually held that law and justice emanated from the king, not from the community.

At the end of 1526, with the king now liberated and on his way back to Paris, the Parlement's power to resist began to diminish. The registers of the Grand Conseil record its strong reaction to Lizet and its determination to punish members of the Parlement.^[3] By late 1527 the king had taken several steps to make the Parlement compliant. Faced with the growing number of cases of heresy, however, Francis I, acting as "Most Christian King," ceased to protect certain religious innovators he had been sheltering from persecution, most notably Louis de Berquin.

Turning in chapter four to the traditional understanding of the term "French Reformation," Lange restates his thesis: "The canonical roots of absolute monarchy provided the hinge between conciliarist constitutionalism and absolute monarchy, for they conditioned the king and the Parlement of Paris to act against heresy" (p. 161). The conservative conciliarist Pierre Lizet and the more liberal Guillaume Poyet would abandon certain positions such as episcopal jurisdiction over heresy that was formerly a cornerstone of parliamentary reform. They realized that theological heresy was a greater danger than the "ecclesiastical heresy" of royal appointment of bishops. By creatively interpreting canonical texts, Lizet came to the revolutionary belief that secular officials could pursue and prosecute heresy on their own initiative. The Parlement thus demanded that several bishops accept as vicars against heresy two of its councillors and two doctors of theology. Not long afterwards, Louise of Savoy acceded to a request of the Parlement to ask Pope Clement VII to name these four vicars as "papal judges-delegate" who would exercise papal, not episcopal, authority in cases of heresy. With this act, another important piece of the Parlement's conciliarist constitutionalism crumbled.

Lange's review of the charges of heresy that the Parlement made against Lefèvre d'Étaples, Gérard Roussel, Pierre Caroli, Erasmus, Louis de Berquin, and others for the most part are similar to my own report of them in previous books.^[4] Lange dwells particularly on Pierre Lizet's reaction to the desecration of a statue of the Virgin Mary and child Jesus. It afforded him the opportunity to justify the role of the Parlement in prosecuting such manifestations of heresy. The appointment in 1529 of Lizet as First President of the Parlement and of Poyet as king's counsel put the direction of the Parlement into the hands of the two men who, willingly or not, brought the prosecution of heresy into the control of the king and the Parlement. Lizet wasted no time in working towards the treatment of heresy as a crime against both the church and the state. Lange argues that Lizet was motivated not only by his zeal for orthodoxy but also by the role that Justinian's *Code* assigned to rulers in suppressing heresy (p. 205). In issuing the Edict of Coucy (1535), Francis attempted to apply a tenet of humanistic jurisprudence by employing clemency in the maintenance of orthodoxy as the goal of "royal sovereignty," but his efforts were short-lived. Lange assigns the end of this attempt to the Edict of Fontainebleau (1540), but as early as 1538 both king and court were once again using all means possible to ferret out and prosecute heresy. The number of executions by strangling or by fire continued to rise. The king declared heresy to be a "seditious crime ... whose pursuit pertains to us to the exclusion of all others" (p. 209).

In chapter five, "The Practice of Sovereignty," Lange explores in greater detail some of the most important issues that divided the king and the Parlement: the court's opposition to Louise of Savoy and Antoine Duprat during the king's captivity; the obliteration of large sections of the court's registers that dealt with the benefices given to Duprat; and the speech in the *lit de justice* of July 1527 in which the court's President Charles Guillart sought to justify the Parlement's actions during the king's absence. In my view, Guillart's speech contains too many passages that seriously challenged the king to permit its being viewed, as Lange asserts, as something possibly pre-arranged between the court and the king. Lange himself, however, later described the radical tone of the king's rejection of everything that Guillart had said in the Parlement's defense. As for the extensive obliteration of long passages in the court's registers, Lange seems at first to ascribe them to the Parlement, but he later concludes (without explaining why) that it was the king who ordered the passages critical of Duprat to be effaced. I myself have always thought Duprat responsible, driven by a desire to destroy all criticism of him.

Lange does not deny that the Parlement's constitutionalist views continued to be held and sometimes to be expressed, even in the king's presence, but he thinks that they were sometimes made to work in the king's favor, for example, to show how his forced cession of Burgundy in the Treaty of Madrid should not and could not take place. These and other matters laid out in the registers of the Parlement illustrate that the court would continue to play an important role in the administration of the kingdom. Lange insists, however, that, the Parlement's recognition of the king's right to resort to his Grand Conseil forced the magistrates to concede that the king's will, not that of the Parlement, was now the basis of justice.

With the statement that "The triumph of the doctrine of juridically absolute monarchy was consolidated through broader trends in legal thought than the triumph of papalism in canon law alone" (p. 236), Lange retreats somewhat from his original insistence on the primal importance of canonical disputations about church reform. Such disputations should, I think, be seen as launching a trend toward absolutism but not necessarily as completing it, for Lange himself points out that it took fifty years for Jean Bodin to develop a comprehensive justification for royal legislative power. Only with the work of Pierre Pithou and the Dupuy brothers, however, was royal sovereignty finally freed from all ties, practical and theoretical, to papal sovereignty.

The final chapter, or "Conclusion," investigates the effects of sixteenth-century developments on later ideas and practices, and it also deals with theorists who continued to question absolute monarchy in the next century, subjects with which I am less conversant than with the history of the earlier period. I have learned much, however, from this book about the political motivations and the repercussions of the actions taken by the Parlement of Paris as it confronted the problem of defending orthodoxy and attacking heresy. Lange's impressive research in the manuscript registers of the Parlement has produced an important book that widens our understanding of early modern France.

NOTES

[1] Tyler Lange, "Heresy and Absolute Power: Constitutional Politics in Early Reformation France" (Ph.D. dissertation, University of California, Berkeley, 2009).

[2] James K. Farge, *Religion, Reformation, and Repression in the Reign of Francis I: Documents from the Parlement of Paris, 1515–1547*, 2 vols. (Toronto: Pontifical Institute of Mediaeval Studies, 2015). This edition of 1200 documents was in press before I learned about Tyler Lange's volume.

[3] Archives nationales AN V1047.

[4] James K. Farge, *Orthodoxy and Reform in Early Reformation France: The Faculty of Theology of Paris, 1500–1543* (Leiden: Brill, 1985) and in the 2015 collection of documents mentioned in note 2 above.

James K. Farge
Pontifical Institute of Mediaeval Studies
james.farge@utoronto.ca

Copyright © 2016 by the Society for French Historical Studies, all rights reserved. The Society for French Historical Studies permits the electronic distribution of individual reviews for nonprofit educational purposes, provided that full and accurate credit is given to the author, the date of publication, and the location of the review on the H-France website. The Society for French Historical Studies reserves the right to withdraw the license for edistribution/republication of individual reviews at any time and for any specific case. Neither bulk redistribution/ republication in electronic form of more than five percent of the contents of H-France Review nor re-publication of any amount in print

form will be permitted without permission. For any other proposed uses, contact the Editor-in-Chief of H-France. The views posted on H-France Review are not necessarily the views of the Society for French Historical Studies.

ISSN 1553-9172