Stéphane Capot, *Justice et religion en Languedoc au temps de l'Édit de Nantes. La chambre de l'Édit de Castres (1579-1679)*

Martin Dinges
Compte rendus

Review


Stéphane Capot has produced a political and social history of one of the early modern French courts charged with those trials in which Protestants were involved. Founded during the time when France was attempting a sort of confessionnal co-existence, the courts were suppressed (by being reintegrated into the Parlements) when the country’s politics took a turn toward an intransigent form of Catholicism. The court of Castres grew out of a chamber of the Parlement de Toulouse, a court of appeal competent for the area of this high court, covering the southwestern sixth part of France, inhabited by about 500,000 Protestants, corresponding to 10 percent of the population. The chambre de l’Édit de Castres is the only court of its type from which almost complete records of the decisions survive and have recently been inventoried; unfortunately no trial papers are left. On first sight, the character of the records might seem to limit the court’s interest for the criminal historian, who asks for more than just arrêts, one fifth of which concern criminal trials.

Nevertheless, the monograph makes an important contribution to our knowledge of the possibilities and limits of a specially founded court under the specific restrictions of its political mission to pacify tensions within a bi-denominationa territory. Capot first presents this highly political history of the institution and its links to general politics during the French experience of denominationa coexistence. In the second part of his book, Capot describes the institution itself: half of its magistrates were Protestants with a long-term engagement, the other half were Catholics deputed for one year from the Parlement de Toulouse together with the representatives of the king, who also had a long-term engagement and were Catholics, too. Capot describes the places of work, the other court personnel and the competences, consisting mainly in decisions about the competence of lower courts to judge Protestants and in matters of appeal. The third part of the book is a very good methodological description of the day-to-day activities of the court and the structure of its workload, which fluctuate partially in accordance with the political situation: in the 1660s in particular, the number of cases rose because new laws severely limiting the public presence of Protestants created a great many new frictions and infractions of these laws. This could be considered as an interesting example of the criminalizing effect of legislation. During the entire exercise, 99 percent of the decisions were taken in common by the magistrates of the different confessions. Less than one percent were the politically especially interesting cases of «partition», which meant...
that the magistrates of the two denominations could not arrive at a common decision and stated their dissent. In such a situation, the case was passed to another chambre de l'Édit, and later in the seventeenth century increasingly to the privy council, which thereby exercised a more direct influence on denominational politics.

A study of political rhetoric concludes this part of the study.

Part four is a social study of those Protestant judges and the Catholic representatives of the Crown that had a longer engagement in Castres. The fine elite prosopography, based primarily on notarial records, reveals a certain but not exclusive endogamy—thereby opening the way for recruitment of some new judges. The strong internal social ties of the judicial milieu together with the tendency of certain families to create dynasties of judges holding office over three generations becomes evident. Marriage relations with other social strata are also considered.

A study of fortunes allows the author to situate the members of this court within the society of Castres and in relation to the members of the Parlement de Toulouse, where economic chances and opportunities of marriage partners were wider. A certain number of internal cleavages in this semi-open milieu are traced. The judges of Castres were intellectually active as authors of texts on law or jurisdiction and as members of a local academy that had ties with the finest Parisian salons of the time. The judicial milieu of Castres was ready to be completely integrated, but the political development was adverse. It also must be noted that the magistrates of Castres never developed a strong identity as a corporation because of the denominational divide within the court, which was exacerbated on several occasions when the court was obliged to move. The court was considered temporary by the Crown and its Catholic members. In the end, the Protestant judges were forced to abjure or to quit the country and sell their office for a very low fee.