

Mercy at War: Military Violence and the Politics of Royal Pardon in Fifteenth-Century France

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Abstract: This article examines the construction of military criminality and the granting of pardons to soldiers in late medieval France. By the beginning of the fifteenth century, the offences perpetrated by men of war were a recurrent problem of public order for royal government. Criminal records as well as narrative sources used a rich terminology to qualify the military abuses suffered by the population, which distinguished criminal soldiers from ordinary offenders. Although these abuses were repeatedly denounced by political literature and were supposed to be severely punished according to legislation, the king of France frequently granted pardon letters to soldiers, allowing them to escape criminal prosecution in exchange for the continuation of their services. Far from being simply the result of a lax attitude of the king, these pardons reflected the fragile balance of royal power in the fifteenth century, which required the king to conciliate the exercise of justice and the conduct of warfare. Exploring the politics of royal pardon towards criminal soldiers and the reactions they provoked, the article demonstrates how the French Crown dealt with military offenders at the end of the Hundred Years' War and during its aftermath.

Keywords: Crime, France, Hundred Years' War, military violence, pardon letters

Miséricorde en guerre: Violence militaire et politiques du pardon royal en France au quinzième siècle

Résumé : Cet article examine la construction de la criminalité militaire et l'octroi de pardon aux soldats dans la France de la fin du Moyen Âge. Au début du quinzième siècle, les crimes perpétrés par les gens de guerre constituent un problème récurrent d'ordre public pour le pouvoir royal. Les registres criminels ainsi que les sources narratives exploitent une riche terminologie pour qualifier les abus militaires subis par la population, distinguant les soldats criminels des délinquants ordinaires. Bien que ces abus soient fréquemment dénoncés par la littérature politique et qu'ils soient sévèrement punis par la législation, le roi de France accorde fréquemment des lettres de pardon aux soldats, leur permettant d'échapper aux poursuites judiciaires en échange de leur service de guerre. Loin d'être le simple résultat d'une attitude laxiste du roi, ces pardons reflètent le fragile équilibre du pouvoir royal au quinzième siècle, qui exige du roi qu'il concilie l'exercice de la justice et la conduite de la guerre. En explorant les politiques de pardon royal à l'égard des soldats criminels et les réactions qu'elles suscitent, cet article montre comment la Couronne française fait face à la criminalité militaire à la fin et au lendemain de la guerre de Cent Ans.

Mots-clés : Crime, France, guerre de Cent Ans, lettres de pardon, violence militaire

On the 25th of September 1523, King Francis I of France promulgated a royal decree known as the “ordinance against adventurers, pillagers, and people-eaters.” This text provides a dramatic picture of the situation in the kingdom, as the troops raised by the Crown to wage war against Emperor Charles V proved to be a major source of troubles for the French population. It explains that “due to the aforesaid wars, [there] have risen up some adventurers, vagrant people,” and other “robbers, murderers, abductors and rapists of women and girls.” The ordinance accuses these felons of “eating and devouring the people,” by committing more atrocities than any other of the king’s adversaries. Despite the appointment of provost marshals (*prévôts des maréchaux*) in every bailiwick to prosecute and execute these adventurers, royal justice had failed to prevent their proliferation, and so it had become urgent to “purge this venom.” Therefore, by this royal decree, Francis declared all adventurers, plunderers, and other oppressors of the French people to be the enemies of the king and of the *chose publique*, urging his officers to apprehend and sentence them to death. More importantly, the king acknowledged that “without strong and violent antidote, such inconvenience cannot be cured,” and so he gave license to all his subjects to rob, kill, and tear apart these adventurers and their chiefs, without risking prosecution or having to apply for a royal pardon.¹

In many ways, the royal ordinance of 1523, promulgated in the context of the Habsburg-Valois conflict, is a perfect illustration of the ideology of royal power that dominated in the late medieval and early modern periods.² In the preamble of the ordinance, Francis declares that he was appointed by God to be the protector of the kingdom of France and of “the common and popular estate, which is the weakest, the humblest, and the lowest one.” This solicitude of the king towards his most vulnerable subjects contrasts with the virulence with which he designates the adventurers and plunderers as public enemies and the targets of hatred. They are “cruel, inhuman, unmerciful,” a group of “ravishing wolves created to harm everyone,” “a cursed and serpentine seed widespread in our kingdom,” and so they deserve to be killed by anyone. Considering the king’s duty to preserve his kingdom and subjects, such dramatic vocabulary shows that the enormity of the crimes committed by these felons against public order also constituted a direct offense against royal majesty itself. Yet, as Valérie Toureille remarks, the ordinance remains vague concerning the identity of the criminals targeted by royal justice and does not make a clear distinction between robbers and vagrants, former soldiers turned brigands, or those combatants in the king’s service

¹ *Ordonnances de François Ier*, 3: 298–304.

² Babeau, *Les préambules des ordonnances royales*, 38–39.

who also pillaged and plundered. They were all part of the same infestation that ruined the kingdom and persecuted its population and, as a result, they had to be eliminated.³

In late medieval and early modern France, it was not uncommon for soldiers to be perceived as a major source of disruption for society: they took food, goods, and accommodation by force, attacked and ransomed people, raped women, and caused various other damages – “they were all thieves and murderers, fire breathers, rapists of women,” wrote the anonymous author of the *Journal d'un bourgeois de Paris* about a group of soldiers approaching Paris in July 1444.⁴ In contrast to the ideal of the combatants as the loyal servants of their lord and the protectors of the community elaborated by medieval authors, the common opinion reported by chronicles was that soldiers were barely differentiable from other criminal figures that haunted the popular imagination. This negative perception of the military community, which still predominated in the sixteenth century due to the escalation of military brutalities during the Italian Wars and the Wars of Religion, was the result of a long process of criminalization of the abuses committed by soldiers since the beginning of the Hundred Years' War (1337–1453).⁵

The ordinance of 1523 was indeed the culmination of a series of royal decrees that, from the middle of the fourteenth century onward, severely punished the excesses committed by soldiers and progressively established the conditions for the legitimate exercise of armed force, in the service of the king and of the *chose publique*.⁶ The purpose of this legislation was not only to better control the violence of soldiers: it was also to impose the king as the only legitimate authority to raise armies, thus limiting the military agency of the princes who competed with royal power.⁷ The outcome of these military reforms was the creation of a standing royal army known as the *compagnies d'ordonnance* in February 1445, which was justified in the royal legislation by the necessity to stop pillaging (“*faire cesser de tous poins la pillerie*”).⁸ This transformation of the French military institutions, arguably a premise of the so-called early modern “military revolution,”⁹ was accompanied by the efforts of royal power to better enforce military discipline and coercion within the armies. The first part of the fifteenth century indeed saw a reinforcement in the administration of justice towards

³ Toureille, *Vol et brigandage*, 161.

⁴ Tuetey, *Journal d'un bourgeois de Paris*, 374–75.

⁵ Verreycken, “La criminalité militaire.” See also Bowd, *Renaissance Mass Murder*; Carroll, *Blood and Violence*; Nassiet, *La violence*; Potter, *Renaissance France at War*. On the contrary, in sixteenth-century England, soldiers were seen in a much more favorable light following their rehabilitation by Tudor propaganda: Grummitt, “Changing Perception,” 197–202.

⁶ Bessey, *Construire l'armée française*; Cazaux, “Réglementation militaire royale.”

⁷ Carbonnières, “Le pouvoir royal”; Firnhaber-Baker, *Violence and the State in Languedoc*.

⁸ Bessey, *Construire l'armée française*, 102. On Charles VII's military reform in 1445, see also Contamine, *Guerre, État et société*, 277–90; Hélar, “Effondrement et renaissance,” 174–80; Péquignot, “De la France à Barcelone.”

⁹ For a more elaborated discussion on the military revolution and the contribution of the late medieval period to it, see Ayton and Price, *The Medieval Military Revolution*; Parker, *The Military Revolution*; Rogers, *The Military Revolution Debate*.

soldiers. Royal bailiffs and seneschals were commissioned to prosecute the crimes committed by soldiers that involved non-combatants, while the Parliament of Paris, the first sovereign court of justice of France, frequently ruled on these affairs on appeal. The Parliament also judged in the first instance the military abuses that directly offended royal majesty.¹⁰ In practice, however, royal justice rarely succeeded in apprehending military offenders due to the mobility of the troops, the resistance of combatants, and the king's constant need of men to wage war against the English. Within the armies, the captain of each company was responsible for the crimes committed by the men under his command and he had the obligation to bring them to justice. Military justice itself was originally in the hand of the principal officers in charge of commanding the royal armies, the Constable and the Marshal. However, they progressively abandoned the day-to-day application of military discipline in favor of a subordinate officer, the provost marshal, who was renowned for his severe and expeditious judgments, but left us almost no record from his activities for the medieval period.¹¹

Surprisingly, despite the multiplication of royal decrees and the strengthening of judicial coercion to severely punish military abuses, the king of France never ceased to grant pardons to soldiers, allowing hundreds of them to escape criminal prosecution in exchange of the continuation of their services. One of these soldiers, for example, was Roulant Raulete, a forty-year old man-at-arms from the company of the bastard of Beaumanoir. In October 1441, he and his companions ransomed four merchants from Notre-Dame de Beauchêne in Poitou. Because of this act, he was captured by local justice and brought to royal prisons. Fearing he would be fined or sentenced to a corporal punishment, he quickly submitted a written petition for pardon to Charles VII, in which he begged for the king's mercy. Roulant Raulete was right to be scared: ransoming was indeed a serious crime that had been recently assimilated to *lèse-majesté* by a royal decree promulgated in the form of a pragmatic sanction in 1439, and so the man-at-arms was potentially risking his life. To show that he deserved to be pardoned, Roulant Raulete argued in his petition that he had ransomed these four merchants only to obtain victuals while he was travelling through the country. All the goods he took from the merchants had since been returned to them, while his own horses and possessions had been confiscated by royal justice. Finally, the man-at-arms appealed to the king's sympathy and described himself as a loyal soldier who, "*dès le temps de son enfance*," had served Charles VII during his wars against the English and especially during the recent siege of the city of Pontoise

¹⁰ Bessey, *Construire l'armée française*, 94–95; Cazaux, *Les capitaines*, 225–43 and 473–540. On the role of ordinary jurisdictions in prosecuting soldiers, see also Verreycken, *Pour nous servir en l'armée*, 196–202. For a comparison with English Normandy, see Rowe, "Discipline in the Norman Garrisons".

¹¹ Cazaux, *Les capitaines*, 243–58 and 449–70; Contamine, *Guerre, État et société*, 515–32; Le Barrois d'Orgeval, *La justice militaire*, esp. 31–63; Schnerb, "The Jurisdiction of the Constable and Marshals."

between June and September 1441. Luckily for him, Roulant Raulete's request was not in vain. The king and his councilors promptly agreed to grant him a remission letter in December 1441, putting an end to the prosecution and freeing the petitioner from prison.¹²

The case of Roulant Raulete was hardly unique. In fifteenth-century France, combatants usually represented between 2 and 15% of pardon beneficiaries, depending on the region and the period, which is an impressive figure given that, according to Philippe Contamine, royal armies barely reached 1.2% of the active masculine population at that time.¹³ This may also appear paradoxical, considering the efforts of royal power to prosecute the very same soldiers. This situation has often been severely judged by early modern historiographer Charles Pinot Duclos, who noted in his *Histoire de Louis XI* published in 1745, "one cannot read without horror the letters of remission which were given in those times; there was hardly a man of war who did not need an abolition."¹⁴ As the king of France was not the only monarch to favor combatants, the English Crown has been similarly criticized by modern historian Naomi Hurnard, who considers that due to the repeated issue of military pardons, "the king's prerogative of mercy, however worthy in conception, was certainly used to excess" and "in complete disregard of the need to maintain the deterrent force of prospective punishment."¹⁵ This idea of a decline of law and justice in favor of military interests reflects a classical historiographical vision of the late Middle Ages as a period of structural crisis of public order, characterized by the incapacity of royal government to prevent the multiplication of crimes and violence generated by the Hundred Years War. Largely dominant until the 1970s and 1980s, this impression has however been nuanced by historians of crime and criminal justice, who have shown that the fourteenth and fifteenth centuries represented a period of growth for royal government and judicial institutions, while the development of the power to pardon could ultimately serve the law enforcement.¹⁶ My purpose in this article is therefore to understand why, in the context of increasing judicial coercion against soldiers, the king of France kept pardoning combatants throughout the fifteenth century. To do so, the article starts with an examination on

¹² Paris, Archives nationales (hereafter AN), JJ 176, fol. 270r, edited in Guérin and Celier, *Recueil des documents*, 8: 130–31.

¹³ Cf. Cazaux, *Les capitaines*, 623–24; Contamine, *Guerre, État et société*, 317–18; Gauvard, "De grace especial," 533; Paresys, *Aux marges du royaume*, 29; Potter, "Rigueur de Justice," 282 and 289; Sablon du Corail, "Naissance d'une frontière?," 74.

¹⁴ Duclos, *Histoire de Louis XI*, 1: 8.

¹⁵ Hurnard, *The King's Pardon*, vii. For similar comments, see also Kaeuper, *Justice and Public Order*, 126–127. For a more recent and revisionist approach of English military pardons, see Lacey, *The Royal Pardon*, 100–106 and Villalon, "Taking the King's Shilling."

¹⁶ Gauvard, "De grace especial." See also Bove, *Le temps de la guerre de Cent Ans*, 573–626; Verreycken, "The Power to Pardon," 6–9 for a more complete historiographical survey. Similar arguments on the role of royal pardon in restoring peace in sixteenth-century France during and after the War of Religions have been made by Frisch, *Forgetting Differences*, 26–62; Mellet and Foa "Une 'politique de l'oubliance'"; Nassiet, *Guerre civile et pardon royal*; Nassiet, *Les lettres de pardon du voyage de Charles IX*.

how military criminality was gradually constructed as a political problem during the Hundred Years' War. It subsequently explores the politics of pardon toward soldiers during the reigns of Charles VII (1422–1461) and Louis XI (1461–1483), by studying who were the combatants who benefited from the king's mercy and how these pardons served the interests of the French crown. I will seek to demonstrate that, far from being the symptom of a failing and corrupted justice system that favored a culture of impunity among military offenders, the granting of pardon letters to soldiers in fact played an important role in the regulation of the military criminality.

The Hundred Years' War and the invention of military criminality

The attitude of medieval society towards violence in warfare has often been described as ambivalent.¹⁷ On the one hand, the medieval nobility saw itself as a warrior elite and praised participation in warfare as a source of personal accomplishment and glory. The strongest manifestation of this military ethos was the development of chivalric culture, which not only valorized courtly manners or feats of arms in tournaments, but also promoted the recourse to violence to defend the honor of the knight or his lord's.¹⁸ The chivalric ideology therefore saw the pursuit of warfare and the use of violence as intrinsically positive when they were justified by the circumstances, as shown in this famous passage of Jean de Beuil's *Le Jouvencel* (c. 1461-1466): "war is a joyful thing! You hear and see many wonderful things and learn a lot of good lessons. When it's war in pursuit of a good cause, then you're the instrument of justice."¹⁹ On the other hand, war and military violence were far from being unanimously accepted by medieval society. Predatory violence carried out in the context of warfare was frequently criticized by clergymen and laymen, especially when it was committed against churches, monasteries, and friendly population. By the end of the tenth century, seigneurial warfare became so endemic that it resulted in the creation by the Church of a mass peace movement known as the Peace of God, which proclaimed the immunity of peasants, clergymen, women, and children (among others) in times of war, therefore providing a first legal framework for the distinction between combatants and non-combatants that was still operating in later medieval treaties such as *L'Arbre de batailles* by Honoré Bovet (c. 1387–9).²⁰

The outbreak of the Hundred Years' War in 1337 marked a turning point in the perception of military violence. The *chevauchées* of Edward III's armies that devastated the French countryside

¹⁷ Jamieson, "Sons of Iniquity," 91–92.

¹⁸ Kaeuper, *Chivalry and Violence*; Taylor, *Chivalry and the Ideals of Knighthood*.

¹⁹ Beuil, *Le Jouvencel*, 125.

²⁰ Allmand, "The War and the Non-Combatant," 254–59; Malegam, *The Sleep of Behemoth*, 27–31; Wright, "The Tree of Battles," 18–9; Bovet, *L'Arbre des batailles*, 202 and 208. On seigneurial warfare and its regulation, see also Carbonnières, "Le pouvoir royal face aux mécanismes de la guerre privée;" Firnhaber-Baker, *Violence and the State in Languedoc*.

during the first decades of the conflict shocked most chroniclers, who denounced this brutality.²¹ Soldiers serving the king of France were considered hardly more respectable, because they regularly pillaged and ransomed allied populations. Another problem was the presence of mercenaries also known as *routiers* or *grandes compagnies* who, when they were not employed during truces, regularly plundered to survive.²² These multiple acts of predation, combined with the extended duration of the conflict between France and England, considerably deteriorated the image of combatants in public opinion. As Christopher Allmand showed, these circumstances also prompted a broader intellectual debate about the restoration of the values of chivalry and the reformation of the military institutions.²³ At the beginning of the fifteenth century, the conflict between Armagnacs and Burgundians (1407–35) only reinforced the negative reputation of soldiers, when chroniclers and propagandists reported rumors accusing combatants of the other side of committing acts of extreme – and sometimes imaginary – cruelty, to delegitimize the cause of the opponent.²⁴ A good example of this are the efforts of the Burgundian party to organize the excommunication of the Armagnac leaders and the combatants under their command, relying on Urban V's papal bull of 1365 against the great companies to justify the condemnation of the rebels.²⁵ Moreover, Luke Giraudet observed that, after the signature of the Peace of Arras in 1435, most of the negative attributes of the “Armagnac soldiers” – such as *larrons*, murderers, etc. – elaborated by the Burgundian propaganda were transferred to the *écorcheurs*, these groups of disbanded soldiers who devastated multiples regions of France and neighboring principalities. Charles VII himself was criticized by authors in favor of the duke of Burgundy, who reproached him for his inability to provide for his armies and repress the *écorcherie*.²⁶

Although the violence attributed to regular or unemployed soldiers was often exaggerated by fifteenth-century chroniclers and propagandist who accused their Burgundian or Armagnac opponents of the most terrible atrocities,²⁷ there is little doubt that the presence and circulation of combatants generated a great amount of fear for most of the population. Indeed, the negative reputation of soldiers was not solely the product of rumors and propaganda, but reflected the endemic nature of the offences perpetrated by soldiers and registered in court and chancery records

²¹ Wright, *Knights and Peasants*, 67–69. See also Rogers, “By Fire and Sword.”

²² Contamine, “Les compagnies d’aventure”; Butaud, *Les compagnies de routiers*.

²³ Allmand, “Changing Views of the Soldier.” See also Allmand, “Des origines intellectuelles”; Cazaux, “Pour un droit de la guerre”; Grummitt, “Changing Perceptions of the Soldier.”

²⁴ Fargette, “Rumeurs, propagande et opinion publique”; Gauvard, “Rumeur et gens de guerre”; Giraudet, *Public Opinion and Political Contest*, 151–65.

²⁵ *Ordonnances des roys de France*, 9: 652–3. See also Giraudet, *Public Opinion and Political Contest*, 164.

²⁶ Giraudet, *Public Opinion and Political Contest*, 165. About the *écorcheurs* and the *écorcherie* crisis, see Furon, *Les Écorcheurs*; Toureille, *Robert de Sarrebrück*, esp. 127–132; Tuetey, *Les Écorcheurs*. For contemporary critics against Charles VII's treatment of the *écorcherie*, see La Marche, *Mémoires*, 1: 243–245; Tuetey, *Journal d'un bourgeois de Paris*, 355.

²⁷ Bove, “Deconstructing the Chronicles.”

– including, as we shall see, in remission letters. This concern was also expressed in the petitions submitted to the king by local communities through state assemblies, asking the monarch to make soldiers stop plundering.²⁸ There was, in other words, an urgent need to regulate military violence.

As a legal and political process, the criminalization of the abuses committed by soldiers in the late Middle Ages was complementary to the definition of the legitimate use of armed force. While the theory of the *iustum bellum* elaborated by medieval theologians and jurists after Augustine provided a moral and legal justification of the wars between Christians, the conduct of warfare itself was primarily ruled by the customs of war and the law of arms or chivalric law, which governed the actions of combatants in and outside the battlefield. This set of rules allowed soldiers to pillage and plunder in enemy territory or “*pays de conquête*,” in order to pay and supply troops. Despite the principles of the Peace of God movement, the customs of war offered little protection to non-combatants in enemy territory, especially during a siege, when the long-standing resistance of populations exposed them to a particularly devastating seizure by force: looting, massacres, rapes, and practically all forms of violence were permitted.²⁹ However, while the perpetuation of violence in enemy territory was tolerated and sometimes even encouraged by military commanders, the same actions were strictly forbidden when they were committed against allied populations or during truces. In other words, what defined the crimes committed by soldiers was not necessarily the nature of the offenses, but rather the identity of their victims and the context of their perpetration. This is perfectly illustrated in a royal ordinance promulgated on March 3, 1357, which ordered the punishment of “any soldier from inside or outside the kingdom” who pillaged in France, but also encouraged any subject “from any status, to take, gain, and pillage on the enemies of the kingdom.”³⁰ For the monarchy, restoring public order therefore meant punishing attacks by soldiers on French subjects, rather than prohibiting any form of military violence.

From the middle of the fourteenth century onward, the kings of France repeatedly promulgated royal ordinances regulating the levy, structure, and discipline of the royal armies. As Loïc Cazaux points out, this military legislation fed into the construction of a “litany of royal discourses focusing on the repression of looting and disorders by men of war.”³¹ The offenses targeted by military legislation usually comprised pillage, ransom, rape, murder, robbery, arson, or destruction of houses and churches. This list also included some acts of indiscipline in the army that did not necessarily involve physical violence, such as desertion. In ordinance after ordinance,

²⁸ Cazaux, “Réglementation militaire royale,” 95; Furon, “Gens de guerre en hiver,” 91.

²⁹ Keen, *The Laws of War*, 103–108; 119–133. See also Russel, *The Just War*.

³⁰ *Ordonnances des rois de France*, 3: 139.

³¹ Cazaux, “Réglementation militaire royale,” 95.

the repeated prohibition of these offenses shaped the contours of military criminality and the image its perpetrators. Moreover, at the beginning of the fifteenth century, a particular vocabulary developed in the preambles of royal decrees, the pleadings at the Parliament of Paris, as well as in pardon letters, referring to the abuses committed by soldiers on population as “*dommaiges*” (damages), “*maulx*” (miseries), “*maléfices*” (curses), “*excès*” (excesses), or “*oppressions*” that required a remedy from the king and justified the reformation of the royal military institutions. This terminology echoed the complaints in contemporary literature about the calamities of war and, as Cazaux and Pierre Prétou have shown, it was inspired by the notions of *enormitas* and *excessus*, two legal concepts from the Romano-canonical procedure, which designated the most serious offences against public order.³² Interestingly, a relatively similar vocabulary was still used a century later in legislation and criminal records to describe the “*crimes exécrationnelles*” of soldiers during the Wars of Religion, such as rape, arson, and pillage.³³ By emphasizing the seriousness of these offenses committed by the combatants, these dramatic qualifications also provided a legal framework for the definition of public force and its limits, as military criminality was clearly differentiated from the crimes committed by the rest of population and identified as a major threat to the kingdom’s stability.

The sanctions delineated for each crime varied from one ordinance to another, ranging from the simple confiscation of pay and equipment to the execution of the guilty party, as well as punishments at the captain’s discretion. The disciplinary ordinance promulgated in the form of a pragmatic sanction by Charles VII on November 2, 1439 probably represented the culmination of this repressive policy.³⁴ Presented as the direct answer of the king to the complaints about the *écorcherie* crisis of the Estates General reunited in Orléans the previous month, this decree declared plundering, ransoming, and robbing the king’s subjects, confiscating their food or livestock without paying, destroying their property and houses, or committing acts of brigandage on the roads to be crimes of *lèse-majesté*. The culprits had to be imprisoned and their properties confiscated, whereas they were deprived of any office they may hold, and, ultimately, faced capital punishment. Moreover, almost a century before Francis I’s ordinance against adventurers, the pragmatic sanction of 1439 gave permission to any subject to apprehend or kill any military offender.³⁵ Finally, Charles VII promised that “he will not give any remission” to the soldiers who committed one of

³² Cazaux, *Les capitaines*, 528–32; Prétou, *Crime et justice en Gascogne*, 196–200. On the concepts of *enormitas* and *excessus* in the Middle Ages, see also Théry, “*Atrocitas/enormitas*.”

³³ Hamilton, “Adjudicating the Troubles,” esp. 13–16; Hamilton, “Un ‘cas exécrationnel’ devant le Parlement de Paris.”

³⁴ Bessey, *Construire l’armée française*, 88–101.

³⁵ A similar measure also appeared in the ordinance promulgated on 28 March 1431 for the repression of pillage in Poitou: Guérin and Celier, *Recueil des documents*, 8: 1–7.

the crimes listed in this ordinance, which made these military offences virtually irremissible. Yet, as we shall see, this last measure did not prevent the Crown from continuing to pardon soldiers in the decades that followed.

Soldiers and the medieval power to pardon

The right to remit crimes by issuing a charter of pardon was a common feature of royal and princely power in medieval Europe. In the kingdom of France, these charters took the form of a *lettre de rémission*, a letter patent issued by the royal chancery following a petition submitted by the supplicant to the king and his council, who decided whether the case was pardonable or not. There were also some variants to the remission letter, like the *lettre d'abolition*, which was generally granted to individuals but also communities for crimes that affronted the royal majesty, such as treason, rebellion, or, as we shall see, excesses in war. An abolition was also characterized by the fact that it “abolished” the crime that was pardoned, which meant that it was erased from memory as if it never existed. As an instrument of oblivion, the abolition was therefore an important tool for the pacification and reconciliation of society, especially in a postwar context.³⁶ After the supplicant received his remission or abolition letter and paid the fees of 8 *livres* and 8 *sous parisis* for its sealing, a copy of the charter was recorded in the registers of the royal chancery, called the *Trésor des chartes*. Subsequently, the supplicant had then the obligation to have his letter endorsed by a royal jurisdiction within a year and a day via a trial called *entérinement*, otherwise the royal pardon would not be considered valid. This procedure involved a new investigation by local officers to verify whether the supplicant had lied or withheld information in his petition, in which case the letter was declared *subreptice et obreptice* and the pardon cancelled.³⁷ Finally, the trial also required the supplicant to conclude an arrangement with the victim party, called a *paix à partie*, which usually involved financial compensation. The ratification of the letter made the pardon permanent, restoring the supplicant’s reputation (he was “*remis à sa bonne fame et renommée*,” according to the formula in the charters) and allowing him to return to his former life.

One of the most remarkable characteristics of the French remission letters was their narrative content: the first part of each letter, based on the original petition submitted by the future pardon beneficiary, described in detail the circumstances of the crime. As Natalie Zemon Davis warned us in her seminal study of sixteenth-century remission letters, these documents must be read cautiously because of the rhetorical and legal argumentation adopted by the supplicants and

³⁶ Gauvard, “Pardonner et oublier”; Offenstadt, *Faire la paix au Moyen Âge*, 50–55.

³⁷ Gauvard, “Le roi de France”; 393–99; Musin et Nassiet, “Les récits de rémission,” 53–57 ; Otis-Cour, “Les limites de la grâce.”

the chancery clerks who assisted them to make the case remissible.³⁸ Despite these legal and literary artifices that often make historians doubt about the veracity of some aspects of the stories, remission letters remain an extremely valuable form of documentation to study not only the discourses, but also the daily lives and the social habits of late medieval people. The conflictual episodes described in the remission letters are strong indicators of the tensions that pervaded medieval society, how individuals interacted with each other, and how violence was perpetrated. The arguments used by supplicants to justify their actions, mitigate their responsibility, or shift the blame onto their victim also allow scholars to examine how the culture of violence operated in the late Middle Ages and how the use of force was justified or excused.

In the case of the remission letters granted to soldiers, they also enable us to observe multiple aspects of the military life – not only the extremely violent abuses that were committed at war, but also the more ordinary disputes occurring in the armies or with the population. The charter granted to the archer Jehan d’Estanchereux in October 1472, for example, is a good illustration of the conflicts of hierarchy that sometimes escalated into quarrels (see figure 1).³⁹ A month earlier, the supplicant, who was part of the company of the constable Louis of Luxembourg, count of Saint-Pol, guarding the Palace of Rouen in Normandy, witnessed a dispute between his captain and another soldier named Macé Valin. The captain was blaming Macé Valin for not having performed his duty in guarding the palace’s gate, with the soldier retorting “*arrogamment*” that he was doing the best he could (“*il faisoit le mieulx qu’il pouoit*”) and should not receive such reprimands. Rankled by Valin’s conduct, Jehan d’Estanchereux told him that the captain was right to talk to him like this and asked him why he did not come to keep watch. Valin again reacted angrily, arguing that he could have been killed by some enemy while doing his watch, to which Jehan d’Estanchereux responded: “you must not say anything unpleasant to the captain or anyone else, because if you do so, in this matter it would be enough to put your head in a ditch” (“*tu ne dois point dire au cappitaine ne a aultre chose qui desplaire, car se tu le faisoies plus en telles matieres ce seroit assez pour toy envoyer la teste dedans les fosses*”). The discussion continued to escalate and Macé Valin started to threaten the supplicant, drawing his dagger and telling him that he was no man for him (“*tu n’estz pas homme pour moy!*”). Perceiving himself to be in danger, Jehan d’Estanchereux drew his own dagger and struck his opponent on the head. Subsequently, due to his “*mauvais gouvernement*” or lack of care, Macé Valin died from his wound a month later, and so the supplicant petitioned Louis XI for a remission letter, which he received in a matter of weeks.

³⁸ Davis, *Fiction in the Archives*, esp. 15–25. See also Arnade and Prevenier, *Honor, Vengeance, and Social Trouble*, 13–18; Verreycken, “En nous humblement requerant.”

³⁹ AN, JJ 195, fol. 182v.

Quite logically, the presence of combatants in the *Trésor des chartes* depended on the military activity of the Crown. In the second half of the 14th century, the number of letters of remission granted to soldiers remained relatively limited, but increased slightly in the 1360s after the Treaty of Brétigny and following Charles V's reconquest of territories previously lost to the English.⁴⁰ Comparatively, the reign of Charles VI (1380–1422) was characterized by a long period of calm in terms of military conflicts, at least until the beginning of the civil war in 1407; while the total number of remission letters granted by the king during this period increased, the proportion of pardons delivered to soldiers declined sharply and combatants only represented 1.4% of the supplicants.⁴¹ In the 1420s and 1430s, the irregularities in the records of the *Trésor des chartes* make it difficult to get an idea of the granting of pardons during the two first decades of Charles VI's reign. Nevertheless, the number of remission and abolition letters to soldiers appears to increase significantly during the 1440s, in the context of the troubles caused by the *écorcherie*. In the second part of the fifteenth century, the reign of Louis XI was marked by the Franco-Burgundian wars and several other conflicts between the king and other princes of the kingdom, and so no less than 13% of the remission letters (735 out of more than 5600) were delivered to soldiers or men who had previously served the king in the armies.⁴² The geographical distribution of the letters also reflects the concentration of combatants in border regions and highly militarized areas of France. For example, at the end of the first part of the fifteenth century, the region of Poitou had greatly suffered from the feudal revolt of the *Praguerie* in 1440 and by presence of *écorcheurs* in the countryside, and so 38.9% of the letters granted for a crime committed in the region between 1441 and 1456 were intended for soldiers.⁴³ Similarly, under Louis XI, the majority of remission letters granted to combatants concerned crimes committed in Normandy (16.5%), Picardy (14%), or Artois (11.6%), three regions marked by several military conflicts or proximity to the Burgundian power.⁴⁴

Soldiers seeking to secure a pardon usually introduced themselves at the beginning of their petition, by giving their names, status, or the company in which they served: “the humble supplication of Olivier Clisson, squire, man-at-arms of our ordinance, under the charge of the

⁴⁰ Cazaux, “Les capitaines,” 629. No extensive study has yet been conducted on pardons for combatants in the first part of the fourteenth century, but at least 56 remission letters delivered to captains between 1314 and 1363 have been identified by Telliez, “*Per potentiam officii*,” 298.

⁴¹ Gauvard, “*De grace especial*,” 532.

⁴² AN, JJ 194–226. See Verreycken, *Crimes et gens de guerre*, 50–65 and Sablon du Corail, “Naissance d’une frontière?,” 74.

⁴³ These letters have been edited in the eighth and ninth volumes of Guérin and Celier, *Recueil des documents*. See also Cazaux, Cazaux, *Les capitaines*, 622–28 and 656–62; Gauvard, “Pardoner et oublier,” 28–29.

⁴⁴ Verreycken, *Crimes et gens de guerre*, 98. Comparatively, between 13 and 15% of the letters granted in Picardy in the first part of the sixteenth century were delivered to combatants: Paresys, “Aux marges du royaume,” 29; Potter, “Rigueur de Justice,” 282 and 289.

count of Dammartin, great master of our hostel.”⁴⁵ This information allows us to learn a little more about the profiles of these combatants. A systematic study of the 735 remission letters granted by Louis XI to soldiers shows that the majority of these men of war were archers (37.7%) or members of the militia of the *franc-archers* (17.6%). There was also a significant proportion of men-at-arms (16.6%), who were professional and often noble combatants and formed the elite of the armies. On the other hand, only 1.7% of the pardoned combatants declared that they held a higher rank in the king’s armies, such as lieutenants or captains – the latter usually petitioning only to obtain an abolition for rebellion.⁴⁶ Nevertheless, the nobility was widely represented among the troops, since 15.7% of the supplicants declared that they were squires and 1.3% that they were knights. The total number of noblemen is also certainly underestimated, as more than half of the men-at-arms do not provide any information about their nobility. Among other notable information provided by the remission letters, it is worth noting that about 130 supplicants mentioned their age, of which the vast majority (67.9%) were between 20 and 30 years old, whereas 16.8% were aged between 31 and 40 years. Moreover, 10% of all the soldiers stated that they were married and 10.4% also indicated that they had a profession outside the army (predominantly as valets or servants).

Finally, it must be noted that although the majority of petitioners who introduced themselves as soldiers committed their crimes during their military service, a notable minority were not combatants when they perpetrated their offense. Indeed, during the reign of Louis XI, 2% of the remission letters were granted to supplicants who joined the armies only after they had committed a crime, in order to start a new life, escape local justice, and eventually obtain a royal pardon.⁴⁷ For example, in the early 1450s, Jacotin de Flandres, a young unmarried man, fled Picardy after beating up Mathieu de Sarniel. He joined Charles VII’s *compagnies d’ordonnance* and served the king in several military campaigns. For about seven years, he never encountered any trouble from justice, until he decided to return to Picardy to visit some friends in Amiens, which caused him to be promptly captured by local officers. Jacotin, who claimed to be a clerk, was then transferred to the prisons of the bishop of Amiens, where he remained until he obtained a remission letter from Louis XI in September 1461.⁴⁸

⁴⁵ AN, JJ 195, fol. 273v.

⁴⁶ Cazaux, *Les capitaines*, 669–75.

⁴⁷ The fact that fugitives would consciously turn to a military life to obtain a royal pardon has been particularly documented in late thirteenth- and fourteenth-century England, where the king regularly made proclamations that he would pardon any offender who would participate in his military campaigns. Similar proclamation occurred at least two times in the Low Countries under the dukes of Burgundy in the 1470s, but has never been observed in France, to my knowledge. See Gribit, *Henry of Lancaster’s Expedition*, 46–48; Lacey, *The Royal Pardon*, 100–106; Verreycken, “Discipliner par la grâce,” 25; Villalon, “Taking the King’s Shilling.”

⁴⁸ AN, JJ 198, fol. 144v–145r.

Conversely, 5.3% of these remission letters were addressed to men who had departed from military service and were endeavouring to resume their former occupations when they fell into crime. The letters in this last category consistently illustrate the financial difficulties faced by former soldiers, as they were six times more likely to be pardoned for theft than those who committed this crime during their military service (15% and 2.5% respectively). To justify their actions, the supplicants argued that they had been impoverished by several years of military service and no longer possessed anything to spare for their lives. Occasionally, they also admitted that there was a sense of continuity between their attitude at war and the crimes they committed once they had finished their service. In one such remission letter, granted in 1472, Denis le Tavernier and Pierre Bulloet explained that they had once served the king and “committed pillages, murders, and other crimes” at war. After they returned home, they realized that “they did not have enough to live on, or to pay the *taille* and other charges,” and as a result were compelled to steal sheets and money to support themselves.⁴⁹ Besides poverty, some veterans also struggled to rid themselves of the bad reputation associated with combatants and faced the hostility of population, like Person Blondel et Jehan Arnoul who, after their company was disbanded in 1472, were insulted in a village in Champagne by a man named Jehan Lalemant who, as a supporter of the duke of Burgundy in his conflict with Louis XI, called them “*villains gens de guerre*.”⁵⁰

A typical portrait of the soldier in the remission letters emerges from these figures. The pardoned combatant was usually a man in his 20s, possibly married and with a family, and occupied another profession outside military life. These soldiers rarely occupied a high position in the armies, although they may well have included members of the lower nobility attracted by the prestige and prospects of social advancement offered by the military service. Considering the humble origin of the supplicant, obtaining a remission letter was expensive: a French archer’s monthly wage in the fifteenth century was between 3 *livres* and 7 *livres* 10 *deniers tournois*, whereas a man-at-arms was paid 10 or 15 *livres tournois*.⁵¹ The purchase of a pardon, at 8 *livres* and 8 *sous parisis*, could therefore cost the supplicant several months of salary, but it was a necessity if he wanted to return home and reintegrate society after he left military service, especially when he committed his crime close to where he lived and therefore risked being arrested by local authorities when he came back. Most supplicants (56.7%) indeed confessed to having fled the region in which they committed their crime in order to escape justice, and argued that they risked falling into poverty if they did not obtain

⁴⁹ AN, JJ 197, fol. 86v.

⁵⁰ AN, JJ 197, fol. 152v–153r.

⁵¹ Contamine, *Guerre, État et société*, 632–33.

their remission: “the aforesaid Goulart and Colin have left our country and do not dare to converse or reside there anymore, unless our grace and mercy are bestowed upon them.”⁵²

This last declaration also reminds us that the role of chancery conventions should not be underestimated here. As a literary genre, the rules of the supplication required the petitioners to insist upon their vulnerability, and as a result the information provided by the remission letter was primarily elaborated to elicit the king’s pity, while those details that did not favour the supplicant’s case were ignored.⁵³ Unsurprisingly, no soldier pardoned by Louis XI described himself as a brute or a thug, but rather insisted upon the fact that he was a man of good reputation (22% of the cases) and that he never had any problem with justice before: “the aforesaid supplicant is a man of good life and honest conversation and has never perpetrated or let perpetrate anything reprehensible.”⁵⁴ Moreover, 23% of the combatants who received remission letters evoked their military service in their supplication as a justification for their pardon: “the aforesaid supplicant has always been in our service in the company of his aforesaid master and loyally fulfilled his duty during the aforesaid wars” (“*ledit suppliant a esté tousiours en notre service en la compaignie de sondit maistre et s’est acquité loyalement en notre service ou fait desdites guerres*”).⁵⁵ The granting of a royal pardon to military offenders was therefore presented as a reward for the loyalty and the fidelity of the petitioner, which paradoxically reinforced the positive image of the combatant, who despite committing a crime remained a reliable servant of the king. Claude Gauvard saw in this repetition of the military service another intervention of chancery clerks who, being well-informed about the debates on the reformation of the military institutions, “dream of an army at the service of the kingdom” and therefore encouraged the supplicants to embrace the royal ideology in their petitions.⁵⁶ This finally leads us to consider why the king of France frequently pardoned his soldiers, and how these politics of pardon reflected the relationship between military order and royal authority.

War and the politics of pardon

In the late Middle Ages, the granting of remission letters to soldiers had to balance two fundamental attributions of royal power, that is, administrating justice and waging war.⁵⁷ When he exercised mercy over combatants, the king of France acted both as the supreme judge of his kingdom and the commander-in-chief of his armies, which made these pardons not only a

⁵² AN, JJ 199, fol. 29r–31r.

⁵³ Verreycken, “En nous humblement requerant,” 5–10.

⁵⁴ AN, JJ 203, fol. 18v–19r.

⁵⁵ AN, JJ 195, fol. 159r.

⁵⁶ Gauvard, “*De grace especial*,” 859. See also Verreycken, “En nous humblement requerant,” 14–15.

⁵⁷ Deruelle and Verreycken, “Père du peuple ou roi de guerre?” See also Cornette, *Le roi de guerre*; Krynen, *L’empire du roi*.

manifestation of his judicial power, but also of his relationship with his soldiers. As such, the mention of military service by the supplicants reflected their submission to the royal authority, while at the same time making the pardon a form of reward for their efforts. But if the judicial and military attributions of the king obliged him to maintain peace and ensure public order within his kingdom, how could he justify regularly granting pardons to the combatants of his armies for attacking his subjects?

Following the dramatic descriptions of military violence in fifteenth-century chronicles and legislation, one may indeed expect remission letters granted to soldiers to be full of stories of pillaging, rape, and oppression. However, the letters preserved in the French *Trésor des chartes* reveal a more complex reality. The rise of the power to pardon in late medieval France was closely related to the development of royal justice and the criminalization of homicide during the thirteenth and fourteenth centuries. Under the principles of learned law, according to which the intent of the perpetrator takes precedence over the material consequences of his actions, the royal pardon distinguished accidental or excusable homicides (committed spontaneously, in anger or in self-defense) from those aggravated by premeditation and dissimulation (murder).⁵⁸ Consequently, most remission letters issued by the royal chancery concerned homicide cases in which the supplicants explained that they had acted in self-defense or out of anger (“*chaude coler*”) in reaction to the insults and threats of their victim.⁵⁹ The charters of pardon granted to soldiers were no exception, though the proportion of blood crimes among them changed over time. At the beginning of the fifteenth century, the homicide rate in these letters was about 60%, according to Claude Gauvard.⁶⁰ Fifty years later, during the reign of Louis XI, it reached 88.6% for the remission letters concerning a crime committed during the military service (see table 1).

TABLE 1 The pardoned crimes of soldiers under Louis XI (1461–1483)

<i>Crime^a</i>	<i>Frequency</i>
Homicide	88,6%
Assault	0,8%
Theft	2,5%
Rape and/or elopement	2,2%
Rebellion and/or treason	2,5%
Others	3,5%

^a Crimes committed by soldiers while at the armies (n=649), therefore excluding the offenses committed before or after the military service.

In comparison, Gauvard estimates that at least 10% of the letters granted to soldiers under Charles VI covered pillages and plundering, which were, just after homicide, the most frequent

⁵⁸ On the legal distinction between homicide and murder, see Skoda, *Medieval Violence*, 27–33.

⁵⁹ Verreycken, “En nous humblement requerant,” 15–21.

⁶⁰ Gauvard, “*De grace especial*,” 529.

pardoned crimes for soldiers.⁶¹ However, this number falls to almost zero during the second half of the fifteenth century. Indeed, Louis XI only granted a single abolition letter to a soldier of his armies who had “*vescu sur le pays*,”⁶² plus a few more pardons to former soldiers of the duke of Burgundy who perpetrated diverse acts of violence in France when they were in the Burgundian armies.⁶³ To understand the reasons for the disappearance of the excesses of war in the *Trésor des chartes* in the second part of the fifteenth century, we must examine more closely the kings’ politics of pardon towards their soldiers in the fifteenth century.

After a relative period of calm in terms of military activity during most of Charles VI’s reign, the rise of the civil war between the Armagnacs and the Burgundians in 1407 and the resurgence of the conflict with England in 1415 exposed the kingdom of France to the devastation caused by soldiers. During this period, the power to pardon proved to be an important instrument for the pacification and reconciliation of the kingdom, as the king occasionally granted abolition letters to declare oblivion on the crimes committed during this period. Provisions to this effect were included in the Treaty of Arras in 1435, in which Charles VII proclaimed the abolition of “all the cases that happened and all the aforesaid things accomplished and done on the occasion of the divisions and wars of this kingdom.”⁶⁴ Yet, we have seen that the end of the civil war was followed by the *écorcherie* crisis. For the Burgundian memorialist Olivier de La Marche, the person responsible for this situation was none other than Charles VII, who had not been able to maintain and pay his soldiers, which led them to pillage and cause more damages than during the civil war itself.⁶⁵ To put an end to the *écorcherie* phenomenon, the king subsequently promulgated the royal ordinance of 1439, in which he transformed excesses of war into crimes of *lèse-majesté* and rendered them irremissible.

In practice, however, the repression of military criminality was relatively limited. The analysis conducted by Loïc Cazaux of the criminal proceedings before the Parliament of Paris between 1420 and 1440 shows that soldiers who committed pillages, rapes, and other violence were rarely brought to the court, firstly because there were too many of them, and secondly because they easily evaded the authorities by moving from one region to another. It was mainly their captains, considered responsible for the misdeeds of their men, who were tried for excesses of war, but even in these cases, the sentences pronounced by the judges of the Parliament were rarely severe and usually consisted of paying financial compensations for the damages suffered the population. As

⁶¹ Gauvard, “*De grace especial*,” 529.

⁶² AN, JJ 203, fol. 27v.

⁶³ AN, JJ 195, fol. 252v, JJ 203, fol. 101v-102r and 155v-156r; JJ 207, fol. 155 v-156r.

⁶⁴ Cosneau, *Les grands traités*, 146.

⁶⁵ La Marche, *Mémoires*, 1: 243–45.

Cazaux argues, the imperative to wage war against the English made it difficult to severely punish military offenders, because it would mean losing more combatants who were indispensable for the defense of the kingdom. Consequently, instead of imposing severe sentences on soldiers, the purpose of the Parliament was rather to promote norms from legislation on the limits of public force and obedience to the king.⁶⁶

Another idea behind the pragmatic sanction of 1439 was also to establish a permanent royal army financed by a new regular tax. Yet, this unpopular measure, combined with the king's claim to be the only authority entitled to raise troops in the kingdom, resulted in an almost immediate failure of the Pragmatic Sanction and followed in February 1440 by the *Praguerie*, a revolt of some of the great feudal lords and former captains of the king.⁶⁷ Despite the severe repression of this insurrectionary episode, the king was forced to temporarily abandon his project of a standing army, whereas he continued to regularly pardon *écorcheurs* and other soldiers to keep them at his service – including the rebels of the *Praguerie*, who benefited from an abolition in July 1440.⁶⁸

It is only after the signature of the Treaty of Tours with England on 28 May 1444, that Charles VII finally seized the opportunity to implement his military reforms and contain the *écorcherie*. Following the suspension of the conflict against the English, the king hired a large number of *écorcheurs* and, to keep them away from France, sent them in a bloody military campaign commanded by the Dauphin in Switzerland and Lorraine, where several thousands of them lost their lives.⁶⁹ Then, in February 1445, he established his *compagnies d'ordonnance*, and proclaimed a general abolition to the surviving *écorcheurs*, in order to integrate them permanently in this new military structure and ensuring their obedience.⁷⁰ It was not the first time Charles VII granted such abolition specifically targeting soldiers. On April 9, 1431, twelve days after he had promulgated an ordinance prohibiting pillaging and plundering in Poitou, the king delivered a collective abolition letter to Jean de la Roche and the soldiers of his company, pardoning them the “*grant quantité de roberies et pillories*” they had committed in this region.⁷¹ Although the text of the general abolition of 1445 has been lost, it appears that more than sixty individual abolition letters were granted to *écorcheurs* from 1445 to 1451 and recorded in the *Trésor des chartes*. The one obtained in August 1445 by Jean Marsillac, for example, explicitly refers to the “general abolition granted to the aforesaid men of war.”⁷² This letter abolished all the “cases, crimes, excesses, and other offenses” committed

⁶⁶ Cazaux, *Les capitaines*, 243–58; Cazaux, “Le connétable de France,” 59–60.

⁶⁷ Lecuppre-Desjardin and Toureille. “Servir ou trahir.”

⁶⁸ Cazaux, “Les lendemains de la Praguerie,” 365–66 and 372–73.

⁶⁹ Hardy, “The 1444–5 Expedition of the Dauphin.”

⁷⁰ Toureille, *Robert de Sarrebrück*, 140–51. See also Péquignot, “De la France à Barcelone,” 794–5.

⁷¹ Guerin and Celier, *Recueil des documents*, 8: 1–20.

⁷² AN, JJ 177, fol. 124 v; Guerin and Celier, *Recueil des documents*, 8: 208–10.

by the supplicant during the war against the English, with the notable exception of “all murders made of ambush, burning of fires, rape and abduction of women and girls, and the crime of sacrilege.” Numerous other abolition letters granted during this period contain a similar clause, which excluded murder, rape, sacrilege, and arson from the abolition. As Claude Gauvard pointed out, these reserved cases corresponded to the list of crimes that had been declared irremissible by the ordinance of reformation of 1357, which Charles VII probably brought up to date in his general abolition to not seem too indulgent about the most scandalous crimes committed by the *écorcheurs*.⁷³ Well informed of this clause, some soldiers therefore insisted in their supplications on the fact that they had never been involved in any of these unpardonable crimes, like Jehan de Fresneau in 1445, who declared that although some of his companions may have raped women, he had never been present nor agreed about this (“*aucuns ont violé femmes, non pas qu’il ait esté present ne consentant à ce*”).⁷⁴ Nevertheless, the king was not always observant of this clause, like when he granted an abolition letter in March 1446 to a squire named Jehan de Blanchefort, who let the soldiers under his command to commit murders, arsons, rapes, and sacrileges.⁷⁵ For these soldiers, securing an individual abolition letter was a further guarantee that the general abolition proclaimed by Charles VII applied to them and that they would not be prosecuted for their crimes. This also means that many other combatants probably benefited from the general abolition, without trying to purchase an individual letter, and subsequently joined the newly established *compagnies d’ordonnance*. Royal pardon was therefore one of the key factors in the success of Charles VII’s military reform as well as in the decline of the *écorcherie*.⁷⁶

During the first part of the fifteenth century, the practice of pardoning the excesses of war committed by French combatants was therefore primarily dictated by the necessity to pacify the kingdom and obtain the fidelity of soldiers. The granting of abolition letters was also the result of the incapacity of royal justice to efficiently prosecute and condemn the crimes committed by soldiers, which led the king to pardon military offenders in order to re-establish public order by decreeing that such crimes never existed.⁷⁷ Yet, this indulgence of royal power could only be a short-term policy. After the taming of the last *écorcheurs*, Charles VII pursued the reconquest of the remaining French territories occupied by the English, whereas the number of abolition letters granted for excesses of war fell quickly during the relative period of peace of 1450s, as the Crown now concentrated its efforts on restoring the subjects’ confidence in the royal justice system.⁷⁸ The

⁷³ Gauvard, “Pardonner et oublier,” 47; *Ordonnances des roys de France*, 3: 129.

⁷⁴ AN, JJ 177, fol. 65v; Guérin and Celier, *Recueil des documents*, 8: 219.

⁷⁵ AN, JJ 177, fol. 118v-119r; Tuetey, *Les Écorcheurs*, 2: 435–7.

⁷⁶ Cazaux, *Les capitaines*, 649–51; Furon, “Les derniers feux de l’Écorcherie.”

⁷⁷ Prétou, *Crime et justice*, 198–202.

⁷⁸ See Schmit, *En bon trayn de justice*.

study of English-occupied Gascony by Pierre Prétou offers a well-documented demonstration of this phenomenon: during the 1440s and 1450s, the use of royal pardon intensified in order to support the reconquest of the duchy, win the loyalty of Gascon subjects, and maintain the French military presence in this territory. For a time, the soldiers present in Gascony benefited from a large number of remission and abolition letters for the crimes they committed in the duchy, and especially for excesses of war, but this pardoning policy changed at the beginning of the reign of Louis XI. The new king's tour of Gascony in 1462-1463 marked a rupture with his predecessor and reconciled the Gascon people with the Crown. During his voyage, Louis XI granted remissions and abolitions for murder and rebellion, but also for resisting and killing soldiers, whereas combatants were pardoned less and less for excesses of war.⁷⁹

The emergence, in chancery records, of soldiers being killed by non-combatants in the second part of the fifteenth-century was not limited to the duchy of Gascony. In total, Louis XI granted about 60 such pardons in his whole kingdom between 1461 and 1483. Some of the cases covered by these remission letters relate to the classical scenarios of medieval conflictual sociability, such as tavern brawls or disputes between neighbors. However, a large number of letters also describe the distrust and resistance of populations toward soldiers. For example, on October 26, 1465, a *franc-archer* named Pierre Montredont, who was living “from the substance of the poor people” (“*vivans de la substance du pobre peuple*”) in a village of Velay, entered the house of Bertholomi Bonnet to claim food. His son, François, answered that his father had already supplied other soldiers, which provoked the anger of Pierre Montredont, who confiscated a large quantity of hemp he found in the house. When François Bonnet protested, arguing that the franc-archer could not loot the house of his father because he did not reside in a *pays de conquête*, Pierre Montredont reacted by drawing his dagger. Seeing the soldier approaching him angrily, François Bonnet took a staff and hit Pierre Montredont on the head and shoulder, resulting in his death the next day.⁸⁰

There had been, in France, a long tradition of peasant's resistance against soldiers. We have seen that the 1357 ordinance authorized all subjects to defend themselves against the aggression of pillaging combatants and robbers, whereas in the Pragmatic Sanction of 1439 the king promised to grant pardon for any homicide committed against military offenders. As such, since the second half of the fourteenth century, peasants and villagers organized their defense by forming bands of armed men patrolling in the countryside, sometimes attacking on sight any soldier they found, including those who had not harmed them.⁸¹ This practice did not disappear in the second part of the

⁷⁹ Prétou, “Abolir l'excès de guerre,” 70–72; Prétou, *Crime et justice*, 307–317.

⁸⁰ AN, JJ 204, fol. 25r–v.

⁸¹ Wright, *Knights and Peasants*, 80–95. See also Prétou, “Les voisins contre la route.”

fifteenth century, but it was problematic when directed towards the king's soldiers and also potentially constituted an offence against the king, as only he could authorize the levy of troops. Yet, Louis XI still showed some flexibility on such occasions. In July 1466, he granted an abolition letter to a group of people from Normandy who offended his royal majesty ("*ayant grandement et en diverses manieres mespris et offensé contre nous en notre royal magesté*") because they armed themselves and robbed several soldiers from the duchy of Brittany, "to avenge and repel the insults, beating, pillages and pressures" ("*pour eulx reventchier et repulser les injures, bateries, pilleries et oppressions a eulx faites*") committed by these combatants while they were supposed to fight for the king in the war of the Public Good.⁸² As such, while the king no longer tolerated the excesses committed by his soldiers, he accepted to pardon those who defended themselves against military abuses.

Another factor influencing the decline of abolition letters granted for excesses of war was the protests they aroused. Since the second part of the fourteenth century, royal pardon had been regularly criticized by humanist scholars, jurists, and theologians who claimed that it contributed to the weakening of the law, as it inculcated a sense of impunity among criminals.⁸³ One of those critics was the theologian Jean Courtecuisse who, in the context of the Cabochian revolt for the reformation of royal government in 1413, declared: "we call mercy pardoning the death of a wrongdoer and thus put in danger of death one hundred or one thousand men."⁸⁴ By denouncing the dangers of an excessive use of pardons, these intellectuals sought to strengthen the judicial system at the same time as they stoked fear of crime and reminded the king of his responsibilities. As a direct consequence of these debates, from the 1440s onward, while the Crown regularly granted abolition letters, the Parliament of Paris judged some of these to be "uncivil and unreasonable" and refused to endorse them. In particular, the judges of the Parliament rejected those letters that pardoned crimes considered irremissible by the ordinance of 1357. Without questioning the king's right to grant pardons, the magistrates of the Parliament considered themselves the guardians of the legislation that governed this power. By doing so, they reaffirmed the "boundaries of irremissibility,"⁸⁵ which forced the king and his council to be more careful before pardoning crimes that may be considered irremissible, including those committed by combatants. For the Crown, responding to the demands for the restoration of public order meant establishing stricter military discipline and being less generous in granting pardons to his soldiers. "The good prince must proudly and boldly judge by rightfulness, authority, and lordship and avenge all the offenses committed by the knights; and he should not pardon to anyone his offense

⁸² AN, JJ 194, fol. 92r-v.

⁸³ Gauvard, "Les humanistes et la justice."

⁸⁴ Gauvard, "*De grace especial*," 911.

⁸⁵ Toureille, *Vol et brigandage*, 262. See also Gauvard, *Condamner à mort*, 202-9.

when it damages several others” (“*le bon prince doit prendre fierté et hardement de juger par droicture, autorité et sagesse et de venger tous les meffaiç des chevaliers et ne pardonner à nul son meffait quant il touche plusieurs*”), proclaimed Louis XI in the *Rosier des guerres* (c. 1481–1482), a political treaty he dictated for his son, reflecting the idea that the excesses of war that threatened public order were no longer pardonable.⁸⁶

This almost complete disappearance of abolitions for excesses of war during the reign of Louis XI does not mean that the new king did not care about his armies. Quite the contrary, for out of more than 5,600 remission letters delivered during his reign, he granted about 735 pardons to soldiers and former combatants. As we have seen, most of these letters covered cases of homicide committed during a brawl. Moreover, in more than a third of the cases, the victim was another fellow soldier. Clearly, the population was not the only one to suffer from the crimes committed by combatants. Some letters even show soldiers coming to the rescue of non-combatants, like the one granted in March 1470 to Jehan Belymont. On 19 February of the same year, this 28-year-old archer was staying in the village of Estrepieds in the *châtellenie* of Loudun, when a villager name Jehan Pichart came to him to complain about Estienne Maligneau, another soldier who had confiscated and held to ransom two pots belonging to Pichart. Jehan Belymont promptly mounted his horse and rode off to meet Étienne Maligneau, ordering him to return the pots, but the soldier refused and tried to flee. Jehan Belymont went after him and, in pursuit, struck him in the side with his javelin, which caused his death.⁸⁷

⁸⁶ Paris, Bibliothèque nationale de France, ms. fr. 17273, fol. 30r.

⁸⁷ AN, JJ 196, fol. 152rv.

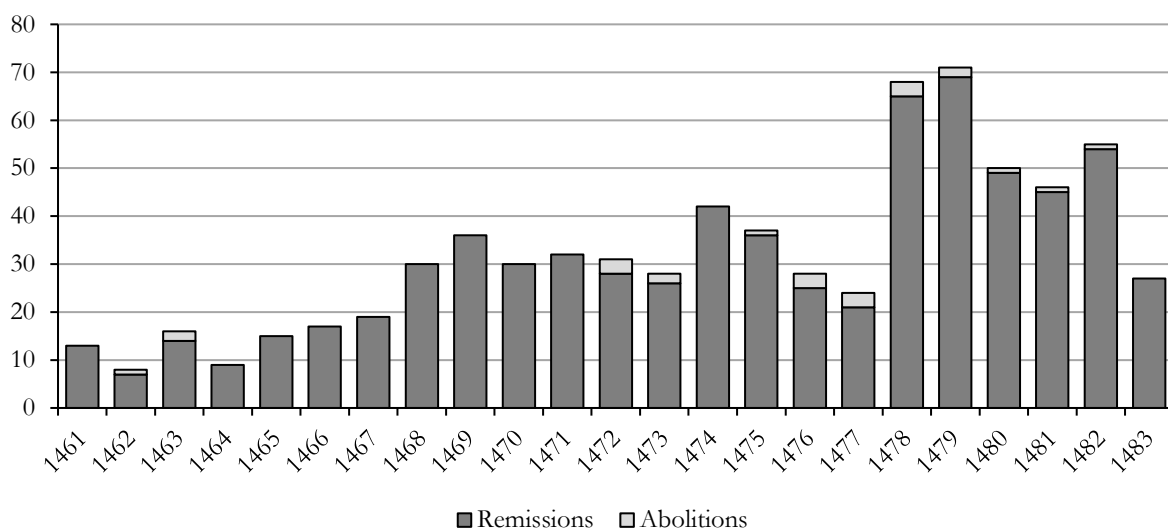


FIGURE 1 Remission and abolition letters to soldiers under Louis XI (AN, JJ 194–226)

The chronology of the remission letters granted by Louis XI (see fig. 1) also demonstrates the king's growing interest in soldiers. The outbreak of the War of the Public Good (1465) and the subsequent wars against Charles the Bold (1468–77), as well as the so-called War of the Burgundian Succession (1477–82), were all followed by an increase in the pardon activity of the king. This reflected the growing size of the royal armies: before the War of the Public Good, the *compagnies d'ordonnances* were composed of about 1706 *lances* of six combatants, which increased to 1990 *lances* in 1470 and reached 4000 *lances* in 1482.⁸⁸ The increasing military presence in the kingdom and the necessity to finance the armies only reinforced the burden of war for the French population, as soldiers passing through a region still frequently caused troubles that might require a pardon. Another indication of the king's growing interest in his soldiers was the increasing proportion of pardon letters granted to combatants annually: during the war of the Public Good and until 1470, 11% to 12% of the total number of remission letters issued by the Crown were granted to soldiers, but this rate then regularly exceeds 15% in the following decade and even reached 21% and 18% in 1478 and 1482 respectively. In this context, the large number of remission letters granted to soldiers, as well as the rapidity of the pardoning procedure itself (in 66% of cases, soldiers received their letter one to six months after their crime), shows how the king supported his troops and managed to protect them from the rigors of justice, as long as their crimes went beyond the limits of ordinary violence, that is, when they committed homicides. This resulted in a sort of “domestication” of the pardoned military criminality, which, in terms of the typology of crimes, was no longer different from that of the rest of population. This trend continued in the following decades, when the list of pardoned crimes was gradually restricted by royal legislation. As such, by

⁸⁸ Contamine, *Guerre, État et société*, 283; Lassalmonie, *La boîte à l'enchantement*, 283 and 520.

the mid-sixteenth century, it had become much rarer for soldiers and non-combatants alike to receive a pardon for anything other than homicide.⁸⁹

While, in the first part of the fifteenth century, royal legislation and abolition letters promoted the notion of “excesses of war” to describe military criminality and assert its seriousness, the records of the *Trésor des chartes* from the latter half of the fifteenth century show that this category of crime was no longer tolerated and that soldiers were only pardoned when they committed offenses that were not condemned by military legislation. As such the sudden rise and disappearance of the “excesses of war” in chancery records illustrate how the granting of pardons to soldiers ultimately supported the efforts of Crown to better control combatants. At the end of the Hundred Years’ war, when Charles VII created his standing armies, the most undisciplined soldiers were offered a chance to join the *compagnies d’ordonnance*, but after the pacification of the kingdom in the 1450s and the disappearance of the *écorcherie*, there was no longer any justification for Louis XI to be so generous and so his soldiers had now to fall in line. Moreover, as the public debate on the dangers of an abusive royal mercy met the appeals to restore military discipline, the restriction of the pardoning policy toward soldiers was also the Crown’s response to the tension between, on the one hand, the necessity to maintain the cohesion of the royal armies and, on the other hand, the king’s duty to appear as the protector of his whole kingdom and subjects and not only of his soldiers.

Conclusion

The pardon letters preserved in the French *Trésor des chartes* offer a nuanced perspective on military violence and how royal power dealt with the abuses committed by soldiers in fifteenth-century France. Although combatants were capable of extremely brutal actions such as pillaging and attacking non-combatants, only a minority of soldiers were actually pardoned for such cases, mainly during the late 1440s and early 1450s, in the context of the reform of the royal armies and the taming of the *écorcheurs*. Instead, most soldiers were pardoned for homicides committed in self-defense or in anger, like the rest of the subjects of the king of France. The circumstances of these crimes described in pardon letters provide precious information about everyday military life, the tensions that circulated in the armies and the conflicts that arose between soldiers and the civilian population. The content of chancery records also allows us to learn more about military offenders themselves, their social backgrounds, and how they constructed a positive image of themselves when petitioning for a pardon. Far from the stereotype of bloodthirsty brutes propagated by fifteenth-century chronicles, these soldiers tried to justify their actions and appear as the good

⁸⁹ Musin et Nassiet, “Les récits de rémission”; Nassiet, *La violence*, 25–27.

servants of the king, using rhetorical techniques suggested by the chancery clerks who assisted them in the drafting of their petition.

Of course, the king of France and his counsellors were not naïve about these strategies; they consciously chose to favor combatants in order to serve the interests of the royal government. For the French Crown the politics of pardon seem essentially pragmatic and guided by the political and military circumstances, but a closer examination also reveals that at the heart of the establishment of a sense of military remissibility was an ideological tension surrounding the king's authority as both the commander of his armies and the protector of his subjects. In the context of the end of the Hundred Years' War, the regular granting of remission and abolition letters to soldiers served to balance the rightful application of justice and a need to maintain an army, by offering a pardon to the soldiers in exchange for their submission to royal authority. Yet, Charles VII's short-term strategy of erasing the crimes of the *écorcheurs*, however, quickly met its limits due to the opposition it provoked. In the second half of the fifteenth century, the granting of remission letters to soldiers was still as frequent, but also much stricter, as Louis XI tried to maintain the discipline of his armies and no longer tolerated the molestation of his subjects by the soldiers.

This change in the pardoning policy did not mean that, in practice, the armies of Louis XI suddenly became well-disciplined compared to those of his predecessors. Chroniclers, literary sources, as well as the military legislation demonstrate that French soldiers continued to regularly commit pillages, ransoms, or rapes and Louis XI himself encouraged such actions in enemy territories, especially during the invasion of the Burgundian principalities after the death of Charles the Bold in 1477.⁹⁰ During this period, the provost marshal became a key figure in the prosecution of the abuses committed by soldiers against non-combatants. Another endemic disciplinary problem that preoccupied the Crown was the frequent unauthorized departures of soldiers within the royal armies. This led Louis XI to promulgate a decree in 1477 making desertion a crime of *lèse-majesté*, however he never granted any pardon letter for such crime.⁹¹ Yet, the current lack of research on the appearance of combatants before courts in the second part of the fifteenth century⁹² make it difficult to estimate the extent of judicial repression against soldiers during this period, whereas the absence of pardons for excesses of war does not mean that these crimes were more frequently condemned. Following the outbreak of the Italian wars, military violence towards

⁹⁰ Scordia, "Entre guerre traditionnelle et sidération."

⁹¹ Vaesen and Charavay, *Lettres de Louis XI*, 6: 204. See also Allmand, "Le problème de la désertion." Although no pardon letter was formerly granted by Louis XI for the crime of desertion, it must be noted that a few soldiers who were pardoned for another crime admitted having fled the royal armies: Verreycken, *Crimes et gens de guerre*, 117–18.

⁹² With the notable exception of Cazaux, *Les capitaines*, 473–540, which focuses on the trials of French captains before the Parliament of Paris. Drewitt-Wex, *The English 'Soldier'*, 159–96 also offers interesting points of comparison with the cases of English soldiers being tried before the King's Bench in 1442–1456.

non-combatants continued to increase, as illustrated by the ordinance of 1523. Throughout the sixteenth century, the king refused to grant remission letters for such crimes, but this did not prevent soldiers from occasionally attracting royal mercy, particularly during the Wars of Religion, when their exactions were covered by the proclamation of edicts of pacification and general amnesties.⁹³ More generally, in the context of the transformation of early modern European warfare, the abuses committed by soldiers and the strengthening of military discipline remained a major issue for rising absolutist monarchies.⁹⁴

In these circumstances, it is difficult to conclude that the French Crown's politics of pardon towards soldiers contributed to a decline in military violence in the fifteenth century, but was it ever their purpose? At the end and during the aftermath of the Hundred Years' War, the granting of charters of pardon to soldiers allowed the king of France to strengthen his control over his armies. In the long run, the use of remissions and abolitions to distinguish between acceptable violence and excesses of war – which could be pardoned on exceptional occasions only –, together with the promulgation of legislation and the application of justice toward soldiers, helped to better circumscribe military criminality and provided the legal tools to punish it.

Biographical statement

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⁹³ Carroll, *Blood and Violence*, 100; Nassiet, *Guerre civile et pardon royal*, XXVI, XLIV

⁹⁴ Maffi, *Tra Marte e Astrea*; Meumann, “Civilians, the French Army and Military Justice”; Wilson, “Warfare in Europe.”

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